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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

SENATE—Tuesday, July 21, 2009

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and glory, in the darkness of our limited knowledge, we turn to You whose dwelling place is light.

Today, send our lawmakers forth with Your light to do the right as You give them the ability to see it. Lord, help them to keep their minds on You so that Your peace will provide the foundation for their confidence. In their dealings with each other, keep them from unkind words and unkind silences. Kindle on the altar of their hearts a devotion to freedom's cause in all the world, as You bring their thoughts and actions into conformity to Your will. Lord, lift their hearts in gratitude to You for our heritage in this land of rich resources, high privilege, and durable freedom.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 21, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a

Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will resume consideration of the Defense authorization bill. There will be 2 hours of debate prior to a vote on the Levin-McCain amendment regarding F-22 funding. Senators should expect the first vote to begin shortly after 12 today. The Senate will recess from 12:30 to 2:15 for our weekly caucus luncheons. After that time, the bill will be open for further amendment. I hope Members who have amendments they wish to offer will do so at the earliest possible date.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1390, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Thune amendment No. 1618, to amend chapter 44 of title 18, United States Code, to

allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

AMENDMENT NO. 1469

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I call up amendment No. 1469.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. MCCAIN, proposes amendment No. 1469.

The amendment is as follows:

(Purpose: To strike \$1,750,000,000 in Procurement, Air Force funding for F-22A aircraft procurement, and to restore operation and maintenance, military personnel, and other funding in divisions A and B that was reduced in order to authorize such appropriation)

At the end of subtitle A of title I, add the following:

SEC. 106. ELIMINATION OF F-22A AIRCRAFT PROCUREMENT FUNDING.

(a) ELIMINATION OF FUNDING.—The amount authorized to be appropriated by section 103(1) for procurement for the Air Force for aircraft procurement is hereby decreased by \$1,750,000,000, with the amount of the decrease to be derived from amounts available for F-22A aircraft procurement.

(b) RESTORED FUNDING.—

(1) OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by \$350,000,000.

(2) OPERATION AND MAINTENANCE, NAVY.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby increased by \$100,000,000.

(3) OPERATION AND MAINTENANCE, AIR FORCE.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby increased by \$250,000,000.

(4) OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by \$150,000,000.

(5) MILITARY PERSONNEL.—The amount authorized to be appropriated by section 421(a)(1) for military personnel is hereby increased by \$400,000,000.

(6) DIVISION A AND DIVISION B GENERALLY.—In addition to the amounts specified in paragraphs (1) through (5), the total amount authorized to be appropriated for the Department of Defense by divisions A and B is hereby increased by \$500,000,000.

The ACTING PRESIDENT pro tempore. Under the previous order, there is 2 hours of debate on the amendment.

Mr. LEVIN. Mr. President, this amendment will strike \$1.75 billion in additional funding for F-22 aircraft that was in the committee-reported bill. It will also restore serious cuts that were made in readiness and military personnel accounts and across-the-board cuts. These cuts were made in order to shift funds to support F-22 production. It is appropriate that the F-22 issue receive the full consideration by the Senate that it has received. The F-22 debate is among the most important debates we will have on the DOD authorization bill this year.

Stating what may be one of the worst kept secrets in Washington today, the Department of Defense budget request called for ending production of several programs, including the F-22 program. I suspect the Department of Defense will seldom shut down any major acquisition program without a fair amount of controversy, and I agree with the Senator from Georgia that Congress should never be a rubberstamp for the executive branch. But neither should we object to terminating production of a weapons system because of parochial reasons.

Terminating production, such as closing a base, can involve some economic loss for communities involved. I know that very personally. But we must do so from time to time and make these difficult decisions based on what is best for the Nation and what is best for the men and women of the Armed Forces.

As President Obama said the other day, in strong support of ending the F-22 production:

To continue to procure additional F-22s would be to waste valuable resources that should be more usefully employed to provide our troops with the weapons that they actually do need.

The Senate has heard from the senior leadership of the Defense Department, both civilian and military, that we should end F-22 production. The recommendation is strong and clear, as strong and clear as I have ever heard when it comes to ending the production of a weapons system.

The Secretary of the Air Force and the Chief of Staff of the Air Force sent me and Senator McCain a letter on this matter. This letter is already part of the RECORD. It reads, in part, as follows:

This review concluded with . . . a balanced set of recommendations for our fighter forces: 1) focus procurement on modern 5th generation aircraft rather than less capable F-15s and F-16s; 2) given that the F-35 will

constitute the majority of the future fighter force, transition as quickly as is prudent to F-35 production; 3) complete F-22 procurement at 187 aircraft, while continuing plans for future F-22 upgrades; and 4) accelerate the retirements of the old 4th generation aircraft and modify the remaining aircraft with necessary upgrades in capability.

In summary, we assessed the F-22 decision from all angles, taking into account competing strategic priorities and complementary programs and alternatives, all balanced within the context of available resources. We did not and do not recommend F-22s be included in the FY10 defense budget. This is a difficult decision but one with which we are comfortable. Most importantly, in this and other budget decisions, we believe it is important for Air Force leaders to make clear choices, balancing requirements across a range of Air Force contributions to joint capabilities.

The Senate has also heard from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. In their letter to me and Senator McCain on July 13, Secretary Gates and Admiral Mullen wrote the following:

There is no doubt that the F-22 is an important capability for our Nation's defense. To meet future scenarios, however, the Department of Defense has determined that 187 aircraft are sufficient, especially considering the future roles of Unmanned Aerial Systems and the significant number of 5th generation stealth F-35s coming on-line in our combat air portfolio.

It is important to note that the F-35 is a half generation newer aircraft than the F-22, and more capable in a number of areas such as electronic warfare and combating enemy air defenses. To sustain U.S. overall air dominance, the Department's plan is to buy roughly 500 F-35s over the next five years and more than 2,400 over the life of the program.

Furthermore, under this plan, the U.S. by 2020 is projected to have some 2,500 manned fighter aircraft, almost 1,000 of them will be 5th generation F-35s and F-22s. China, by contrast, is expected to have only slightly more than half as many manned fighter aircraft by 2020, none of them 5th generation.

The F-22 program proposed in the President's budget reflects the judgment of two different Presidents, two different Secretaries of Defense, three chairmen of the Joint Chiefs of Staff, and the current secretary and chief of staff of the Air Force. If the Air Force is forced to buy additional F-22s beyond what has been requested, it will come at the expense of other Air Force and Department of Defense priorities—and require deferring capabilities in areas we believe are much more critical for our Nation's defense.

For all these reasons, the Secretary of Defense and the Chairman of the Joint Chiefs concluded:

[W]e strongly believe that the time has come to close the F-22 production line. If the Congress sends legislation to the President that requires the acquisition of additional F-22 aircraft beyond Fiscal Year 2009, the Secretary of Defense will strongly recommend he veto it.

You do not get much stronger statements than that from a Secretary of Defense and a Chairman of the Joint Chiefs.

The Secretary of Defense, just last Thursday, expanded on those thoughts

at the Economic Club in Chicago, when he said the following:

. . . supporters of the F-22 lately have promoted its use for an ever expanding list of potential missions. These range from protecting the homeland from seaborne cruise missiles to, as one retired general recommended on TV, using F-22s to go after Somali pirates who in many cases are teenagers with AK-47s—a job we already know is better done at much less cost by three Navy SEALs.

The Secretary, in Chicago, said:

These are examples of how far-fetched some of the arguments have become for a program that has cost \$65 billion—and counting—to produce 187 aircraft, not to mention the thousands of uniformed Air Force positions that were sacrificed to help pay for it.

The Senate has also heard, of course, from President Obama, as follows—this is what he wrote us:

In December 2004, the Department of Defense determined that 183 F-22s would be sufficient to meet its military needs. This determination was not made casually. The Department conducted several analyses which support this position based on the length and type of wars that the Department thinks it might have to fight in the future, and an estimate of the future capabilities of likely adversaries. To continue to procure additional F-22s would be to waste valuable resources that should be more usefully employed to provide our troops with the weapons that they actually do need.

So the President, based on his uniformed and civilian advisers' recommendations, has now said he will veto this bill if we keep the additional \$1.75 billion in the bill to buy the additional seven F-22s those military leaders—uniformed and civilian—strongly say we do not need.

I know my friend from Georgia has quoted some private sector individuals and one senior military official in particular, GEN John Corley, the Commander of the Air Force's Air Combat Command.

I do not take lightly the recommendations and advice of someone with a distinguished career such as General Corley. However, General Corley's assessment of a high military risk if we end the buy of F-22s at 187 is not shared by the most senior leadership of the Department that is responsible for viewing the F-22 program, and all other Department of Defense programs, from a broader perspective. These same leaders from the previous administration—the previous Secretary of Defense, the previous Chairman of the Joint Chiefs of Staff—recommended termination to President Bush, and President Bush also urged the termination of this program.

General Cartwright said at his confirmation hearing—or reconfirmation hearing—2 weeks ago the following:

. . . I was probably one of the more vocal and ardent supporters for the termination of the F-22 production. The reason's twofold. First . . . there is a study in the Joint Staff that we just completed and partnered with the Air Force on that, number one, said that proliferating within the United States military fifth-generation fighters to all three

services was going to be more significant than having them based solidly in just one service, because of the way we deploy and because of the diversity of our deployments.

General Cartwright went on to say the following:

Point number two is, in the production of the F-35 Joint Strike Fighter, the first aircraft variant will support the Air Force replacement of their F-16s and F-15s. It is a very capable aircraft. It is 10 years newer—

“It” being the F-35 Joint Strike Fighter—

It is 10 years newer in advancement in avionics and capabilities in comparison to the F-22. It is a better, more rounded, capable fighter.

Well, that F-35 is in production now. In fact, there are 30 being paid for and bought and produced in the very budget for the Department of Defense which is before this body now.

President Eisenhower noted, from time to time, the military industrial complex will push for more and more, more than is needed. In this case, however—in this case—the senior military leadership is not pushing for more.

Finally, to quote again from Secretary Gates's speech last week—this was in Chicago at the Economic Club—

The grim reality is that with regard to the budget we have entered a zero-sum game. Every defense dollar diverted to fund excess or unneeded capacity—whether for more F-22s or anything else—is a dollar that will be unavailable to take care of our people, to win the wars we are in, to deter potential adversaries, and to improve capabilities in areas where America is underinvested and potentially vulnerable.

Secretary Gates said:

That is a risk I cannot accept and I will not take.

So, Mr. President, the time has come to end F-22 production at 187 F-22As. That is all we need to buy, that is all we can afford to buy, and that is all we should buy.

Mr. President, I yield the floor and reserve the remainder of our time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I am going to proceed on my leader time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE WEEK VII, DAY I

Mr. McCONNELL. Mr. President, Americans are eager for health care reforms that lower costs and increase access. This is why many of us are proposing reforms that should be easy for everyone to agree on, such as reforming our medical liability laws, strengthening wellness and prevention programs that would encourage people to make healthy choices, such as quitting smoking and losing weight and addressing the needs of small businesses without imposing new taxes that kill jobs.

The administration is taking a different approach to health care reform, and the more Americans learn about it, the more concerned they become. So it is good the President plans to spend a lot of his time in the days ahead discussing the administration's plan for reform because people need to know what the administration's plan is.

Specifically, Americans have concerns about losing the care they have and spending trillions of dollars for a so-called reform that could leave them with worse care than they have now, especially if it is paid for by seniors and small business owners.

One prospect Americans are extremely concerned about is that they will be forced off of their current plans as part of a government takeover of health care. Despite repeated assurances from the administration to the contrary, the independent Congressional Budget Office says that just one section of one of the Democratic proposals we have seen would force 10 million people off their current health plans.

Americans do not want a government takeover, and they certainly do not want the government to spend trillions of their tax dollars to pay for it, especially if the care they end up with is worse than the care they already receive, and especially if the money that is spent on these so-called reforms only adds to the national debt.

The President has repeatedly promised that his reform would not add to the debt. Yet both the House and Senate reform bills we have seen would do just that. This is why even Democrats have started to backpedal from the administration's plans.

One reason Democrats are having second thoughts is because the Director of the Congressional Budget Office has sounded the alarm over the administration's claims that its reforms would cut long-term overall health care costs. On the contrary, he said the administration's reforms would actually lead to an increase in overall costs. Concerns like these about costs and debt have been building slowly for weeks.

Another growing concern even among Democrats is the impact these higher costs would have on States in the form of higher Medicaid costs. At a time of tight budgets, this is something that Governors from both political parties are not very happy about.

For example, New Mexico Governor Bill Richardson has said, and I am quoting him directly:

I'm personally very concerned about the cost issue, particularly the \$1 trillion figures being batted around.

Expanding Medicaid might look like an easy way to expand access, but it will actually mean massive spending increases for both Federal and State taxpayers. This could be a devastating blow to States such as Kentucky and

many others which are already struggling to pay the Medicaid costs they currently owe.

The administration's efforts to pay for its plans are not the least bit reassuring. The two main groups they are targeting are the last two that should be expected to pay for it: seniors, through Medicare cuts, and small business owners, through higher taxes.

To me, it is just common sense that in the middle of a recession the last thing—the last thing—we should be doing is raising taxes on small businesses. Yet both bills we have seen would do just that. Indeed, under the House bill, taxes on some small businesses would rise as high as roughly 45 percent. This means in order to pay for health care reform, Democrats would increase the tax rate on some small businesses to about 30 percent higher than the rate for big corporations. Taxes would go up so much, in fact, under the House proposal that the average combined Federal and State top tax rate for individuals would be about 52 percent—52 percent, Mr. President.

Let's consider that figure for a moment. To repeat: In order to pay for a health care proposal that would not even address all the concerns Americans have about access and cost—and which might even increase overall health care costs—Democrats in the House would raise the average top tax rate in the United States to about 52 percent.

The chart behind me was created by the Heritage Foundation and appeared last week in the Wall Street Journal. It shows that the House bill would raise the top U.S. rate above even France. Of the 30 countries the OECD measures, only Belgium, Sweden, and Denmark have higher rates, and five U.S. States would have tax rates even higher than both Belgium and Sweden.

The United States is in the middle of a recession. We have lost more than 2.5 million jobs since this January. Families are losing homes. The last thing they need is a government takeover that kills even more jobs, adds to the ballooning national debt, increases Americans' long-term health care costs, and leaves Americans paying more for worse care than they now receive. The proposals we have seen are not just incomplete, they are indefensible, particularly at a time of spiraling debt and ever-increasing job losses.

Maybe this is why the administration has started to insist on an artificial deadline for getting its reform proposals through. We certainly do not need to rush and spend \$1 trillion to enact this flawed proposal by the August recess. The American people and members of both parties in Congress are calling on us to slow down and take the time to get it right.

Health care reform is too important to rush through and get it wrong. We

saw what happened when some rushed and spent \$1 trillion on an artificial deadline with the stimulus. The American people do not want the same mistake to be made. Instead of setting a 3-week deadline on legislation that would end up affecting one-sixth of our economy, the administration should focus on meeting existing deadlines.

The Mid-Session Review of the administration's earlier predictions about unemployment, economic growth, government spending, and the outlook for the Federal deficit has traditionally been released in mid-July. Yet now we are hearing the administration may not release its midsession review until August, after Congress has adjourned and after the administration's artificial deadline for a Senate bill on health care.

The administration is also struggling to meet its decision to close Guantanamo by January 2010. The administration's task force on detainee policy has said it will miss its deadline for making recommendations. It seems premature to announce a closing date for Guantanamo without knowing where these detainees may be sent. The most recent delay is even more reason for the administration to show flexibility and reconsider its artificial deadline for closing Guantanamo.

Americans want Republicans and Democrats to enact real health care reform that reduces costs and makes health care more accessible. They don't want a government takeover of the health care system that costs trillions of dollars, is paid for by seniors and job-killing taxes on small businesses and that leaves them paying more for worse care than they currently have. Before the administration rushes to spend another trillion dollars, it needs to slow down and focus on fixing our economy and addressing the issues it is already falling behind on.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in opposition to the Levin-McCain amendment on the F-22. I was listening with interest to the chairman speak a little bit earlier when he raised several points that I am going to address specifically as I get into the guts of the argument. I think it is kind of interesting when he gives a list of those individuals in the Pentagon and in the White House who are now in opposition to continued production of the F-22. Interestingly enough, everybody he talked about—from the President to the Secretary of Defense, to the Secretary of the Air Force, the Chief of Staff of the Air Force, the Chairman of the Joint Chiefs—every single one of those individuals is political. They are appointed. They are appointed by the President.

I am going to talk about some individuals who are in support of the F-22

who are not appointed. No. 1, they are the men and women who fly the F-22. Secondly, it is men who have had the courage to wear the uniform of the United States of America in an unparalleled way that I have seen since I have been here, who have been willing to stand up to that political leadership and say: You guys are wrong. They have been willing to stand and say that if you cut off production of the F-22 at 187, you are going to put this country at a high risk from a national security standpoint.

As we go through the debate, it is going to be interesting to contrast the statements and the letters that every Member has received a flurry of over the last several days. I have never seen the White House lobby such as they have lobbied on this issue. For a White House that was not supposed to be a lobbying White House or in support of lobbyists, it has been unparalleled in my now going on 15 years as a Member of the Congress.

Senator LEVIN spoke earlier about the F-35: We are going to ramp up production. We are going to buy 30 airplanes, 30, in this budget. Well, guess what we are paying for those airplanes. We are paying \$200 million a copy. Guess what we are buying an F-22 for today—an airplane that has been through the test phase; an airplane that has proved itself. We are under a multiyear contract that calls for payment by the Air Force to the contractor of \$140 million a copy. There is going to be a lot of conversation on this floor about the cost of the F-22, and it is expensive: \$140 million a copy is very expensive. But to come in here with a straight face and say we are going to save taxpayers' money by moving to the F-35 and then turn around and say we are going to pay \$200 million a copy in this bill for F-35s, something about that doesn't add up.

Well, let me just say we are in a debate with the Pentagon with respect to budgetary issues submitted by the Pentagon to Congress. There are a lot of people who think we ought to step in line, salute the Pentagon and move ahead and do exactly what the Pentagon says with respect to the purchase of weapons systems. Well, that is not the way the Framers of the Constitution intended the Senate and the House to work. Article I, section 8 of the Constitution provides Congress with the power to levy and collect taxes, provide for the common defense of the United States, to raise and support armies and to make rules for the government and regulation of the land and naval forces.

Clearly, we in Congress have a role in overseeing the Department of Defense, reviewing budgets, and questioning budget and policy recommendations. Our interest and involvement in these issues are appropriate and not just based on parochial issues. We are

charged with the responsibility of reviewing DOD policies, whether fiscal policies or otherwise. That is simply a part of our job.

I think it is important to note that on several occasions in recent years, Congress has authorized policy or funding initiatives that DOD has strongly opposed and, in retrospect, Congress was right and DOD was wrong. Perhaps the most similar example to the F-22 is the battle over the F-117 that occurred many years ago when the Air Force wanted to stop buying F-117s. Thank goodness my predecessor, Senator Sam Nunn, who was then chairman of the Senate Armed Services Committee, forced the Air Force to buy more F-117s. Ironically, part of the Air Force's argument was that they wanted to shift funding and focus to buying more F-22s. The F-117 was critical to establishing air dominance over Iraq in Desert Storm, and we can thank Congress for recognizing the need for more F-117s years ago.

There are several other examples, such as the Goldwater-Nichols Reorganization Act of 1986 and the establishment of Special Operations Command in 1987, both of which were strongly opposed by the Pentagon. Other examples are continuation of the V-22 program and prohibition against retiring U-2s and B-52s, all of which are paying dividends beyond what the military expected, including in Iraq and Afghanistan today.

I wish to address a comment Senator LEVIN and others have made regarding previous Secretaries of Defense and Chairmen of the Joint Chiefs supporting only 183—or 187 now, with the addition of four F-22s we are buying in the supplemental. First, that number of 183 originally was established not on the basis of any study or analysis—never a study that came out and said we need 183 and we are going to be basing our decision on that—but it was based on PBD 753, which is inside Washington baseball, which was an OSD budget drill 2 days before Christmas in 2004, in which the Air Force had absolutely no input. Neither the Chief of Staff nor the Secretary was involved. A number of “183” or “187” has always been budget driven and not strategically driven.

There have been at least 10 studies done on F-22 numbers over the past 10 years. Of those, only one, the Joint Air Dominance Study done by DOD in 2005, recommended 183 F-22s. However, that study was based on only needing F-22s in a single-threat scenario and which also used a fixed budget.

Senator LEVIN mentioned the comments General Cartwright made in the Senate Armed Services Committee hearing 2 weeks ago. And he relies heavily on the statement General Cartwright made. General Cartwright responded to a question I asked, and my question to General Cartwright was:

General, you say you support terminating the F-22 program at 187. Has there been any one single study, in the Air Force or outside the Air Force, any analysis done that recommends we terminate the program at 187? General Cartwright's statement to me was: Yes; there is a study going on in the Air Force right now that says we should terminate the program at 187.

Well, unfortunately for General Cartwright, we now know no study was done. It is our understanding that the comment of General Cartwright is being corrected for the record and that we are receiving a corrected statement coming to the committee shortly.

I wish to quote from a statement by Pentagon spokesman Geoff Morrell that was made last Tuesday with respect to the comments of General Cartwright. This comment is quoted in the Daily Report. It now turns out that a recent study touted by Pentagon leadership as the justification for terminating the F-22 fighter isn't a study at all but a series of briefings by DOD's program analysis and evaluation shop in the Air Force. That word comes from the Pentagon's top spokesman, Geoff Morrell, who told the Daily Report late Tuesday that the study, or whatever it is, is: Not so much a study as work products.

Asked to describe the nature and timing of this study, Morrell told the Daily Report:

What I think General Cartwright was referring to . . . is two different work products—

One by the PA&E shop and one by the Air Force—
and not so much a study.

Since PDB 753, only 183 F-22s have been programmed in the budget, with fiscal year 2009 being the last year of funding. To say previous Secretaries of Defense and Chairmen of the Joint Chiefs supported this is misleading since, until the fiscal year 2010 budget bill process, a decision on whether to buy more F-22s would be deferred to future decisionmakers. It is perhaps with this in mind that Secretary Gates himself decided last year to request additional F-22s in the fiscal year 2009 supplemental, and he did, in order to keep the line open and preserve the next administration's option for procurement of the F-22.

I know the former President, President Bush, did not want to see the program terminated. They can say what they want to on the other side, but having had personal conversations, I know what his feeling was about this great aircraft. He could have terminated the program, but he did not terminate the program. It is this administration that is seeking to terminate this program.

There have been five previous Secretaries of the Air Force, six previous Chiefs of Staff of the Air Force, seven previous Secretaries of Defense before

this one, and eight previous commanders of Air Combat Command who have said we need more F-22s. We have supported this program from day one. We have continued to reduce the number from the original 781, now down to 187. The current Chief of Staff of the Air Force, whose letters have been quoted and inserted in the RECORD where he says we should cap it at 187, has testified time and time and time again in recent days and in recent weeks and who has written me letters stating that the military requirement for F-22s is not 187, it is 243, but he says we can't afford it. Therefore, he has to salute his boss. His boss is a political appointee—Secretary Gates—and the political appointee says we are going to cap it at 187; therefore, that is the direction in which we are going to go and the direction in which you have to salute the flag and move on.

I am going to close my comments at this time and turn to my colleague from Connecticut. Before I do so, I will quote somebody who is not political, somebody who is not an appointee, somebody who is a former Chief of Staff of the Air Force. That is GEN Merrill McPeak, who, last week, in an unsolicited statement, came out and said, when he talked about terminating the F-22 production rate at 187:

I think it's a real mistake. . . . The airplane is a game-changer and people seem to forget that we haven't had any of our soldiers or Marines killed by enemy air since 1951. . . . It's been half a century or more since any enemy aircraft has killed one of our guys.

The F-22 is at the top end. We have to procure enough of them for our ability to put a lid on, to dictate the ceiling of any conflict. We certainly need some figure well above 200. That worries me because I think it is pennywise and pound foolish to expose us in a way this much smaller number does. . . . That's taking too much high-end risk.

General McPeak is a supporter of this administration and, as far as we can tell, he is not a consultant for any major defense contractor. For this reason, I think his comments deserve significant attention and credibility.

I will stop at this point, but I will say more later. I now turn to my colleague, Senator DODD, who I will say has been a great champion on this issue, a great partner in support of not just the men and women of the Air Force and our other branches that depend on this weapon system to protect America and our soldiers in the field but also a great protector from an economic standpoint.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, how much time remains for those of us in opposition?

The ACTING PRESIDENT pro tempore. There is 44½ minutes remaining.

Mr. DODD. I ask to be recognized for 10 minutes, and if I need a little more, I will ask for it.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. Mr. President, I commend Senator CHAMBLISS for his eloquent and persuasive argument about why this amendment is a dangerous one, and I say that respectfully. I have great admiration for CARL LEVIN and JOHN MCCAIN, but there are serious problems with this approach, from a national security standpoint as well as a manufacturing and industrial base standpoint.

To put this into context for our colleagues, we are being asked to authorize \$1.75 billion, or two-tenths of 1 percent of the budget before us of \$680 billion. We are told there are at least 25,000 direct jobs and 95,000 direct and indirect jobs at stake for that \$1.75 billion—again, two-tenths of 1 percent of the budget—which Senator CHAMBLISS has offset, by the way. It is not an expenditure that is not going to be accounted for.

We are going to put those jobs at risk—not because this industry is in trouble, unlike the automobile industry, which we bailed out to the tune of \$63 billion, by the way—understanding the reason many of us supported that was to maintain an industrial manufacturing base.

In this case, we lead the world in aerospace. Nobody comes even close to the ability of the United States to produce the most sophisticated aircraft in the world. Yet with an industry doing relatively well—although commercial orders are way down, which is causing serious problems but that is as a result of the economic conditions. We are unwilling to come up with \$1.75 billion or two-tenths of 1 percent to put those many jobs at risk, not to mention retreating on our air superiority.

One of the critical components of national security is maintaining superiority both at sea and in the air. The F-22, by any estimation, is the most superior aircraft in the world. It is not even close in terms of competitors. Yet with the numbers we have and that we are relying on, we leave ourselves way short of the earlier projected numbers.

As Senator CHAMBLISS pointed out, the testimony over the years of those who advocated this program has been significant. In fact, in the letter most recently received from General Corley, head of the Air Combat Command Office, headquartered at Langley, VA, June 9, it points out how serious this would be in terms of exposing our Nation to national security risks. The head of the Air National Guard Bureau, Lieutenant General Wyatt, makes the same claim. Chief of Staff Schwartz, before he changed his mind a week earlier, advocated the F-22 as well, and its importance.

From both a manufacturing perspective and job loss, at a time when unemployment rates are skyrocketing, this

body is about to lay off anywhere from 25,000 to 90,000 people—at a time when unemployment rates are going up, because we decided that \$1.75 billion is too expensive at this juncture, even though we have offset it, and we have put that many jobs at risk, not because the industry is failing or because it is a bad aircraft but because the Secretary of Defense and the administration have decided this program isn't worthy of our support.

So explain to those 90,000 people—somewhere in that range—once they lose their jobs and get laid off, and they will—why it was we decided today, because of two-tenths of 1 percent of the budget, to move in a different direction. Put aside, if you will, the \$63 billion we spent to develop this aircraft.

I raised these concerns expressed by our military commanders—again, most notably, GEN John Corley of the Air Combat Command, LTG Harry Wyatt of the Air National Guard—I have mentioned them. In my State, there are 2,000 to 3,000 jobs at risk, and 1,000 of the jobs are down because commercial orders are down. So it is really 2,000 to 4,000 people in my State who will lose their jobs.

No matter how much I care about the people in my State, I could not oppose this exclusively on that basis. You ought to look nationwide. It is not just my State; it is all across the country.

I raised concerns about what this amendment would do to our global competitiveness and discussed the potential harm to our economy posed by terminating the world's most advanced fighter jet.

I raised concerns over the industry's ability to build the less sophisticated F-35—which has only one engine not two, and the word “stealthy” applied to the F-35 is a myth; it is not as stealthy, even remotely, as the F-22—that the United States and its allies are counting on buying over the next decade.

Mr. President, before I revisit these critically important arguments, let's be clear on the context in which we are having this debate. The proponents of this amendment suggest they are saving taxpayers valuable resources in terminating the F-22. They claim such cost savings are well worth the risk Generals Corley and Wyatt have warned us about.

But out of a total of \$680 billion in the Defense authorization bill, this amendment is valued at \$1.75 billion. That is two-tenths of 1 percent of the total authorization. Since the planes are fully offset, there are no real savings in this amendment.

Instead, this amendment will come at enormous cost to our security and our economy. We are in the midst of a national manufacturing crisis. Everybody has talked about it. It is why we voted for so much support for the auto-

mobile industry only a few weeks ago right here in this body.

According to the Federal Reserve's July 15, 2009, Industrial Production and Capacity Utilization Report, manufacturing production has declined 15.5 percent nationwide, between June 2008 and June 2009. I will repeat that: There has been an over 15 percent decline in our manufacturing sector. This quarter's manufacturing production is the lowest in 27 years, which was the previous low point in production since 1967, when the Fed started to keep track of the data.

We in Congress tried to respond to this crisis. We passed the Emergency Economy Stabilization Act, designed to relieve credit markets and get banks lending again.

We passed the \$787 billion American Reinvestment and Recovery Act to stimulate the economy and boost demand in various sectors and put people back to work.

We have provided \$63 billion to Chrysler and General Motors to keep their production lines running—companies that were brought to their knees, in part, due to dismal business planning and severe mismanagement of their companies over the years.

Additionally, the government has acquired unprecedented equity stakes in these companies—8 percent in Chrysler and a whopping 60 percent in General Motors.

I have not opposed these efforts. As chairman of the Banking Committee, I worked with my colleagues who represent those States to provide Federal assistance through the legislative process. But we took this step because we were responding to a national manufacturing crisis. We did it because we are responding to the dire and credible warnings about the potential impact of the auto industry's collapse—particularly in Midwestern States, which greatly depend on the auto business.

I will discuss briefly another critically important manufacturing base and its economic impact: the aerospace industry.

While my home State of Connecticut ranks 29th in total population, according to the Bureau of Labor Statistics, it ranks sixth in total aerospace employment.

In 2008, according to the Connecticut Department of Labor, aerospace employed over 36,000 residents of my State. So any discussion of terminating the fighter jet production has an outsize effect on the people I represent.

I would not be arguing this case for the F-22 if it were strictly a parochial matter. We don't have a right to ask 99 other people exclusively because of something happening in our own States. The truth is, halting this production will have consequences for our industry's ability to continue to build aircraft for our military. I will lay out the argument for you.

The expertise of these people cannot be duplicated overnight. These trained engineers, scientists, manufacturers, and machinists are highly skilled and trained. I am concerned their skill sets and experience are being taken for granted, without consideration for the peculiarities of jet engine construction. That doesn't just hurt the workers and their families; it hurts all of us. Let me explain how.

According to the Defense Contract Management Agency, there is a 20- to 24-month lag between payment for and production of jet engines. So the number of planes ordered in any 1 given year doesn't correspond with the delivery time of those engines.

Under Secretary of Defense Gates's plan in calendar year 2010, Pratt & Whitney is expected to make 48 F-22 engines and 19 F-35 engines, for a total of 67 fighter jet engines. The following year, the number will drop precipitously to a total of 43 engines, since the F-35 is not scheduled to begin what is called “full-rate production” until 2014.

Thus, in calendar year 2011, Pratt & Whitney will be producing 11 F-22 engines and 32 F-35 engines, for a total of 43 fighter engines. In 2012, since there will be no F-22 production, there will only be 41 F-35 engines built.

The problem is even more acute when you compare overall military engines being built in 2010 versus 2011 and 2012. Under current plans, Pratt & Whitney is expected to go from building 194 military engines to 130 in 2011. That is an average drop of 33 percent in work volume.

What will happen? It is the same thing occurring in manufacturing States all across the country: layoffs. Thousands and thousands of people—not just in my State but across the country.

In the absence of military aircraft work orders for 3 years, companies will be forced to tell the legions of highly skilled engineers, technicians, and machinists—workers such as the Pratt & Whitney mechanics I introduced and mentioned last week—that they are not needed now. They need to retrain. They need to find another vocation.

Then, 3 years later, after these workers have settled in a new job, or have retired, the Department of Defense and our allies will try to ramp up production of the F-35. But they will not be able to. They will be left scratching their heads, wondering: Why can't industry meet our production needs right now? No doubt, we will ask the same question on the Senate floor.

To assume that the thousands of workers across the Nation who work on the F-22 will stand idly by until 2014 when we begin to build the F-35 Joint Strike Fighter is naive at best. This argument I make is not new at all. The Defense Department recognized this point in the 2006 Quadrennial Defense

Review, published by the military to identify the needs and strategy of our Armed Forces.

The report stated that F-22 production should be extended “through fiscal year 2010 with a multiyear acquisition contract to ensure the Department does not have a gap in fifth generation stealth capabilities.”

At the same time, the F-35 was scheduled to begin construction in 2010. Since then, of course, it has been pushed back 4 years to 2014. There are some rumors that this date may be pushed back even further.

This means the military identified only 3 years ago—36 months ago—the most recent published report of this type, that our Nation would suffer a loss in aerospace manufacturing capability if fighter production doesn’t have a seamless transition.

Their response was to ensure that we keep building F-22s until the F-35 reached full-rate production. Yet when the F-35 production schedule was pushed back 4 years, we did not extend the F-22 production to stabilize our industrial base. That is why you have the job losses I have mentioned.

Now we find ourselves in the very situation the Department of Defense was trying to avoid 36 months ago, as we face looming job losses across our Nation, commercial orders down—losing these people on that basis and now because of the vote we may take on this issue—and thus a degradation of our ability to meet the aerospace production capability our national security requires. So I believe it is our duty and responsibility to protect these workers from losing their employment and make sure our country retains a viable and competitive capacity in the years ahead.

Let me also point out—and I did the other day on a national security basis—that, again, superiority is critical. Right now, there are some 40 nations that have the SU-27, which is a sophisticated aircraft, and the MiG-29, which competes with the F-15 and the F-16. Forty nations have that capability. I had a larger chart earlier—I don’t have it with me today—but there are little red and yellow dots all over this map that indicate advanced surface-to-air missile capability where there have been orders made or they have already been acquired. Our F-15s and F-16s are vulnerable to those surface-to-air missiles. All over the globe they exist.

The F-22 literally could avoid the kind of detection these surface-to-air missiles provide. So we now have a capacity to be able to respond. Now we may not—and as long as we are dealing with Afghanistan and Iraq, that is one issue. But, frankly, we have to prepare for situations that could get a lot more dangerous for our Nation. The Chinese and the Russians are aggressively pursuing a fifth generation aircraft to

compete with the F-22. And to say that the F-22 and the F-35 are virtually alike I think is a mistake. That is not the case at all. There is a difference.

From a national security standpoint as well, there was a reason why General Corley and General Wyatt and others have made a case on these aircraft. There is a reason why we invested some \$65 billion to develop this aircraft. There is a reason why the quadrennial report 36 months ago warned about these gaps and what it would do to our industrial base and manufacturing.

I hope our colleagues, in the midst of all of this, would understand what is at stake. Again, here we are, on an economic basis, where many jobs could be lost in our country with critical technology that hangs in the balance. It would be one thing if we were arguing here this plane was no longer needed, it was not going to do the job we thought it would do, it wasn’t as sophisticated as we hoped it would be. Then you might decide dropping this, giving up some jobs, may make some sense. But to give up an aircraft of this sophistication and this capability, and simultaneously, in an economic situation such as we are in, to lose as we are predicting somewhere between 25,000 and 90,000 jobs with this decision, for \$1.75 billion in this budget—two-tenths of 1 percent out of a \$680 billion authorization bill, I think is terribly shortsighted.

I hope my colleagues would listen to these arguments, would debate and understand there is an ability, to reach a compromise where we can go forward with production, reduce some of the cost that the proponents argue for in this amendment, and then move toward together. But to make the decision that we may make in the next hour and a half or so would be a great danger for our Nation.

I appreciate my colleague Senator CHAMBLISS giving me the opportunity to respond on this issue, and I thank him for his work as well in making the case to our colleagues, Democrats and Republicans. This ought not to be an issue that divides along those lines at all. We need to understand what is at stake for our Nation, both in terms of our manufacturing base as well as the national security needs that have been identified.

Mr. President, I ask unanimous consent to have printed in the RECORD the two letters, one from General Corley and one from General Wyatt.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR COMBAT COMMAND,
Langley Air Force Base, VA, June 9, 2009.

HON. SAXBY CHAMBLISS,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAMBLISS: Thank you for your letter and the opportunity to comment

on the critical issue of F-22 fleet size. At Air Combat Command we have held the need for 381 F-22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed, asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F-22s puts execution of our current national military strategy at high risk in the near to mid-term.

To my knowledge, there are no studies that demonstrate 187 F-22s are adequate to support our national military strategy. Air Combat Command analysis, done in concert with Headquarters Air Force, shows a moderate risk force can be obtained with an F-22 fleet of approximately 250 aircraft.

While OSD did not solicit direct input from Air Combat Command, we worked closely with our Headquarters in ensuring our views were available. We realize the tough choices our national leadership must make in balancing current warfighting needs against the fiscal realities our Nation faces.

The F-22, a critical enabler of air dominance, plays a vital role and indispensable role in ensuring joint freedom of action for all forces and underpins our ability to dissuade and deter. Thank you for your continued support of the U.S. Air Force and Air Combat Command.

Sincerely,

JOHN D.W. CORLEY,
General, USAF,
Commander.

HON. SAXBY CHAMBLISS,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAMBLISS: Thank you for your inquiry and the opportunity for me to discuss what I believe to be a serious threat to the Air National Guard’s ability to fulfill our Nation’s highest strategic priority; defending the Homeland. The ANG has proudly performed the bulk of this mission, while simultaneously participating in overseas contingency operations, with aircraft that are rapidly nearing the end of their service life. While I believe our Nation has the capacity to recapitalize the ANG, I am not aware of any plan that commits to doing so. As such, we are in need of an immediate solution in order to ensure that America’s most cost effective force can continue to perform its most important mission.

While a variety of solutions abound, I believe the nature of the current and future asymmetric threats to our Nation, particularly from seaborne cruise missiles, requires a fighter platform with the requisite speed and detection to address them. The F-22’s unique capability in this arena enables it to handle a full spectrum of threats that the ANG’s current legacy systems are not capable of addressing. I am fond of saying that “America’s most important job should be handled by America’s best fighter.”

Indeed, I am keenly aware of the severe strain that our current economic situation has placed on the Department of Defense as it attempts to modernize for an ever evolving threat environment. Given this reality, finding more efficient ways to protect our Nation’s interests at home and abroad is the new imperative. Many say this will mean making tough choices, but I believe we can maintain our vitality by making smart choices; leveraging the cost effective and dual use nature of the ANG is the answer. Basing F-22s (and eventually F-35s) at strategic ANG locations throughout the United States while simultaneously making them available to rotationally support worldwide

contingency operations is the most responsible approach to satisfying all of our Nation's needs.

Again, thank you for your inquiry and your continued support of the Air National Guard.

Sincerely,

HARRY M. WYATT III,
Lieutenant General, USAF,
Director, Air National Guard.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Michigan.

Mr. LEVIN. Madam President, I yield myself 1 minute to give the figures relative to the F-35 production, which are the Pentagon figures. I am not sure where my good friend from Connecticut got his figures on future F-35 production. But the figures from the Pentagon are that there are 30 in this year's budget; in next year's budget, fiscal year 2011, they plan 70 F-35s; in fiscal year 2012, 109 F-35s; in fiscal year 2013, 119 F-35s. Those are far different than the numbers which my friend from Connecticut just gave.

I am not sure the source of his numbers. Perhaps he can give us those numbers at a later time.

At this point, I yield 5 minutes to the Senator from Delaware.

Mr. DODD. Madam President, if I may respond.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I wanted to state where the numbers came from. They are from the Defense Contracting Management Agency. That is where the numbers came from.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Madam President, today, I would like to speak in strong support of the Levin-McCain amendment which strips \$1.75 billion in spending for additional F-22s. These are fighter jets the military does not want and does not need. This is a Cold War system, in a post-9/11 world, that is underperforming and overpriced. To force this purchase, against the best judgment of our military leadership and Commander in Chief, weakens our ability to keep our Nation safe.

The White House and Pentagon agree that continuing the F-22 production line decreases our military readiness by wasting resources that could be much more usefully employed. And it is not a partisan issue. Presidents Obama and Bush; Defense Secretaries Gates and Rumsfeld; Chairman of the Joint Chiefs of Staff, Admiral Mullen, and his two predecessors; and the Secretary and Chief of Staff of the Air Force all agree that the F-22 is not the most efficient or effective warplane to meet our current and future defense needs.

The F-22 has not flown one mission over Afghanistan or Iraq, because it is not the best weapon to meet the challenges we are currently facing.

This system was designed to counter Soviet fighters at the end of the Cold

War. And its continued purchase deprives the military of \$1.75 billion it requested for other critical priorities, such as building the capability to protect our troops and defeat insurgencies.

With ongoing wars in Afghanistan and Iraq, we cannot afford to disregard the views of our military. And in these tough economic times, we cannot afford to adopt an irresponsible approach to defense spending. These facts speak for themselves, and the stakes are simply too high. What more evidence do we need?

The F-22 prepares us for the wars of the past; the wars we have already won. Today, we must look forward and make tough decisions for the future. We must heed the advice of our military leaders, such as Secretary Gates, to rebalance our defense budget and enhance our capabilities to succeed against current and future threats. This includes preparing for a wide spectrum of conflict and continuing to engage in counterinsurgency.

Madam President, this debate is not just about the future of F-22s. It is about changing the way we do business. It is about accepting this rebalancing and ending unnecessary waste. And it is about matching vital national security interests with commensurate levels of funding.

The F-22 is the first test of our willingness to make the tough choices necessary to truly prioritize defense spending.

As Secretary Gates said last week:

The grim reality is that with regard to the budget, we have entered into a zero-sum game. Every defense dollar diverted to fund excess or unneeded capacity—whether for more F-22s or anything else—is a dollar that will be unavailable to take care of our people, to win the wars we are in, to deter potential adversaries, and to improve capabilities in areas where America is underinvested and potentially vulnerable. That is a risk I cannot accept and I will not take.

Madam President, I want to align myself with the remarks of Secretary Gates, and reiterate to my colleagues that this is a risk none of us should be willing to take.

Many of my colleagues have spoken of the sacrifice and cost such a decision incurs in terms of jobs. They are right, and I share their concern about jobs; especially in these tough times. I know this makes our decision today hard, and no one wants to do anything that will hinder job creation and growth. But it is with these economic constraints in mind that we must also consider the implications of spending nearly \$2 billion on a defense program that our military leadership says it simply does not need.

Building more F-22s does not allow for smart or efficient growth of our workforce. Moreover, the number of jobs lost on the F-22 will likely be matched by increased production of the F-35, which is a newer and more capable warplane. American workers are

needed to meet this and other defense priorities, which strengthen our national security. Jobs should follow, as opposed to dictate, our defense needs.

For those concerned about cuts, I point out that the budget proposed by the President and Secretary Gates represents an increase, not a decrease, in defense spending. But this is not just an increase for the sake of spending.

Rather, it is a budget that recognizes that over the last two decades, the nature of conflict and war has fundamentally changed. It recognizes that we must continue to build the capacity to confront a wide spectrum of challenges—conventional and unconventional; regular and irregular—and better prepare for a future in which we will continue to engage in counterinsurgency.

Today, we must do what is in America's best interest. Today, we must focus on weapons systems that offer the maximum versatility and effectiveness, and prepare the military against the widest range of threats. And today, we must plan for our current and future counterinsurgency needs, as shaped by our experiences in Afghanistan and Iraq.

It is in this regard that I urge my colleagues to join me in supporting the Levin-McCain amendment, and adopt a better approach to defense spending.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the time during the quorum call be charged equally on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Madam President, I yield 5 minutes to the Senator from Washington, Mrs. MURRAY.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank the Senator for yielding time on this important debate.

As we consider the future of the F-22 program, it is important for us to remember the most fundamental goal we have for our defense industry and the

way we have met that goal for many decades. That goal is to give our men and women in uniform technology and equipment that is far superior to that of our enemy so they can protect themselves and defend our Nation. It has been our mission from the time of the Wright brothers to the days of Rosie the Riveter, to the era of stealthy technology.

But maintaining that technology has depended on an important partnership and that is a partnership between the Pentagon, which determines the needs of our war fighters, and industry, which does the research and design and builds the next generation of military equipment that meets those needs. It is a partnership that is vital to our military strength, to our economy, and to the health of our domestic industrial base.

Unfortunately, it is also a partnership that is being weakened by amendments such as the one we are considering today. Instead of treating military procurement such as the partnership that it is, this amendment envisions it as a one-way street. This amendment cancels a vital military program without adequate thought of the men and women we rely on to design and build the equipment our war fighters depend on without any consideration of the fact that if we end the F-22 program, we are cutting a link in technology that we will not be able to repair overnight.

As many of you know, this is not the first time I have come to the floor to talk about the erosion of our Nation's industrial base. It likely will not be the last. That is because protecting our domestic base is not about just one company or one program or one State or one industry. This is about our Nation's economic stability, it is about our future military capability, and it is about the ability to retain skilled family-wage jobs in communities throughout the country.

Just last week, the Aerospace Industries Association issued a major report that finds the Pentagon failed to consider industrial effects when choosing strategies. That report urged the Pentagon to take into account the impact decisions such as the one to stop production of the F-22 make on our manufacturing base. That report also noted that our manufacturing base was not taken into account in past Quadrennial Defense Reviews, and when Secretary Gates unveiled his program cuts in April, he specifically said defense industry jobs were not a factor in his decisions.

As our country faces two difficult but not unrelated challenges—safeguarding our country in a dangerous world and rebuilding a faltering economy—ignoring the needs of our industrial base should not be an option. Whether it is the scientists who are designing the next generation of military satellites

or whether it is the engineers who are improving our radar systems or the machinists assembling our war planes, these industries and their workers are one of our greatest strategic assets. What if they, all of a sudden, were not available? What if we made budgetary and policy decisions that did not take into account the need of making sure we have a strong domestic workforce in our country?

Actually, that is not impossible or even unthinkable. It is actually happening today. We need to be clear about the ramifications of amendments such as the ones we are considering today because once we give up on producing this technology, once we say that certain research and development is no longer needed, we lose that. We lose it and we cannot rebuild it overnight.

Today, as we consider a critical tool for the future of our military across the globe, we have to also remember the partnership we have built with our industrial base because, unless we consider the needs of that partnership, we are not only going to continue to lose some of our best-paying American jobs, we are going to lose the backbone of our military might.

Supporting continued F-22 production will help defend against potential threats, it will protect family-wage jobs, and, most importantly, it will preserve our domestic base. That is important because we do not know what conflict will come in the future. We don't know what our challenges will be 10 or 15 or 20 or 30 years from now. If we lose our engineering or our production base and we face a challenge in the future and go back to rebuild that, it will never happen. We will be at a disadvantage in whatever future conflict we might face.

I urge our colleagues to think about the long-term interests of this decision. I oppose the amendment and I look forward to further debate.

I yield the floor.

Mr. LEVIN. Madam President, how much time remains on our side?

The PRESIDING OFFICER. The proponents have 35½ minutes, the opponents have 18½ minutes.

Mr. LEVIN. I yield to the Senator from Arizona as much of that time as he requires.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I thank the chair. I, again, thank my friend, the distinguished chairman, for proposing this amendment. I thank the distinguished chairman for being the sponsor of this amendment. It is a privilege to work with him on this as well as many other issues.

This amendment is probably the most impactful amendment I have seen in this body on almost any issue, much less the issue of defense. It boils down to whether we are going to continue

the business as usual of once a weapons system gets into full production it never dies or whether we are going to take the necessary steps to reform the acquisition process in this country.

The F-22, in itself, is \$1.75 billion. That is an impressive number anyplace outside the beltway. But more important than that, it is a signal that we are not going to continue to build weapons systems that are plagued with cost overruns, which outlive their requirements for defending this Nation and, very frankly, starts to gain control of the acquisition process which is completely out of control.

The Government Accountability Office recently concluded that there were over \$295 billion in cost overruns in the last several years—\$295 billion in cost overruns. Recently, a close friend of mine and great leader and former Secretary of the Navy wrote an article in the Wall Street Journal. He stated:

When John McCain was shot down over Hanoi in 1967, he was flying an A-4 sky hawk. That jet cost \$860,000.

By the way, I didn't know that cost to the taxpayers I had caused. But the jet cost \$860,000.

Inflation has risen by 700 percent since then. So Mr. McCain's A-4 cost \$6.1 million in 2008 dollars. Applying a generous factor of three for technological improvements, the price for a 2008 Navy F-18 fighter should be \$18 million. Instead, we are paying about \$90 million for each new fighter. As a result, the Navy cannot buy sufficient numbers. This is disarmament without a treaty.

The situation is worse in the Air Force.

Then Secretary Lehman says:

In 1983, I was in the Pentagon meeting that launched the F-22 Raptor. The plan was to buy 648 jets beginning in 1996 for \$60 million each. . . .

That was in 1983 dollars.

Now they cost \$350 million apiece and the Obama budget caps the program at 187 jets.

Then he adds:

At least they are safe from cyberattack since no one in China knows how to program the '83 vintage IBM software that runs them.

He then goes on to cite other problems, including Navy shipbuilding fiascoes, et cetera.

. . . the Army's Future Combat System that was meant to re-equip the entire Army, the 400 percent cost overrun of the new Air Force weather satellite . . .

And similar cost overruns.

It is out of control, I say to my colleagues. I will match my commitment to equipping the men and women in the military with that of anyone in this body, but it has to stop, and this vote on the F-22 will determine whether it is business as usual with the earmarking and pork-barreling of billions of dollars which has bred corruption—we have former Members of the Congress residing in Federal prison—or whether we are going to finally get it under control.

Who better to be a spokesperson, in my view, than our Secretary of Defense? I have known and admired many

Secretaries of Defense. I know of no one whom I admire more than Secretary Gates. He gave a very important speech, on July 16, at the Economic Club of Chicago—a remarkable speech. I hope all my colleagues would have the chance to read it. In part of it he says, about the problems we are having in defense spending:

First, there is the Congress, which is understandably concerned, especially in these tough economic times, about protecting jobs in certain states and congressional districts. There is the defense and aerospace industry, which has an obvious financial stake in the survival and growth of these programs.

And there is the institutional military itself—within the Pentagon, and as expressed through an influential network of retired generals and admirals, some of whom are paid consultants to the defense industry, and some who often are quoted as experts in the news media.

Secretary Gates goes on to say:

As a result, many past attempts by my predecessors to end failing or unnecessary programs went by the wayside. Nonetheless, I determined in a triumph of hope over experience, and the President agreed—

I wish to emphasize my strong support and appreciation for the President's stand on this issue.

—and the President agreed, that given the urgency of the wars we are in, the daunting global security environment we will inhabit for decades to come, and our country's economic problems, we simply cannot afford to move ahead with business as usual.

Then, later on, he talks about the F-22.

Air superiority and missile defense—two areas where the budget has attracted the most criticism—provide case studies. Let me start with the controversy over the F-22 fighter jet. We had to consider, when preparing for a future conventional state-on-state conflict, what is the right mix of the most advanced fighter aircraft and other weapons to deal with the known and projected threats to U.S. air supremacy. For example, we now have unmanned aerial vehicles that can simultaneously perform intelligence, reconnaissance—

Et cetera.

The President's budget would buy 48 of the most advanced UAVs. We also took into consideration the capabilities of the newest manned combat aircraft program, the stealth F-35 Joint Strike Fighter. The F-35 is 10 to 15 years newer than the F-22.

He goes on to say how important the F-35 is, and then he says:

The F-22 is clearly a capability we do need—a niche, silver-bullet solution for one or two potential scenarios—specifically the defeat of a highly advanced enemy fighter fleet. The F-22, to be blunt, does not make much sense anywhere else in the spectrum of conflict.

I ask my colleagues, would you ask yourselves why the F-22 has never flown over Iraq or Afghanistan. It has been in production for nearly 5 years. It has never flown over Iraq or Afghanistan. And I want to emphasize that I think it is an important fighter. We are building 187 of them. The question before this body is why we continue to

build more, whether we continue to build more, or the F-35, the Joint Strike Fighter, which goes to the Marine Corps and the Navy and the Air Force. Is this the weapons system we need to balance our entire capability of manned aircraft?

I would ask my colleagues, since the F-22 was on the drawing boards and moved into production, look at the advancement in unmanned aerial vehicles. I say that as an old pilot. The unmanned aerial vehicles have been performing a magnificent job both in Iraq and Afghanistan. They have been a critical element sometimes on the battlefields. And this President's budget understands that and gives extreme priority to that.

So as we go on, in light of these factors, Secretary Gates goes on to say:

With the support of Air Force leadership, I concluded that 183—the program of record since 2005, plus four more added in the FY 09 supplemental—was a sufficient number of F-22s and recommended as such to the President.

The reaction from parts of Washington has been predictable for many of the reasons I described before. The most substantive criticism is that completing the F-22 program means we are risking the future of U.S. air supremacy. To assess this risk, it is worth looking at real-world potential threat and assessing the capabilities that other countries have now or in the pipeline.

The fact is, in the view of the President of the United States, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Air Force, and most any objective observer of the military scene, they believe the F-22 is important, we need to have what we have, but it is now time to move on to the F-35, the Joint Strike Fighter.

So this amendment really means, are we going to look at the real and compelling needs we have to have in order to win the war in Afghanistan, continue our success in Iraq, and put our funds into that kind of equipment and weapons systems or are we going to continue?

Finally, I have great sympathy for the Senator from Georgia and other Senators who have come to the floor. I understand the sincerity of their views. I respect them. I would also point out, though, that to argue we should build weapons systems in the name of jobs is not what we should be about. What we should be about is procuring and building the best weapons systems to ensure our national security and how we can best equip the men and women who are in harm's way all around the world today.

So I understand the economic impact, particularly in these hard times. My sympathy goes out to the communities that are dependent on the contracts for the F-22 aircraft. All I can say to them is we will do everything we can to help you and your families and make the adjustments, and there will

be—we continue to increase spending on defense. We hope that we will be able to provide you with the necessary jobs and manufacturing that would be devoted to what we have ascertained as our national defense weapons systems procurement priorities, I say with sympathy to my colleagues who are deeply concerned about the loss of jobs in these difficult economic times. But this is not the way to provide jobs. Our obligation is to defend this Nation.

So I think this amendment is overdue. I think it will be a significant, a very significant amendment, as I said before, as to whether we will get our priorities straight and listen to our esteemed Secretary of Defense, our President, our Chairman of the Joint Chiefs of Staff, and other military leaders in whose hands we entrust to make the tough decisions. I understand the final decision is here in Congress, but I also don't think we should dismiss the arguments that have been made by I think one of the finest men to ever serve this country, and that is Secretary of Defense Gates.

I yield the floor.

THE PRESIDING OFFICER. Who yields time to the Senator from Utah?

Mr. CHAMBLISS. I will be happy to yield 7 minutes to the Senator from Utah.

THE PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, during his July 16 address, the Secretary of Defense, Robert Gates, said the military needed maximum versatility to bring to bear in a wide range of armed conflicts. Last January, he argued that "our military must be prepared for a full spectrum of operations, including the [insurgent] type of combat we are facing in Iraq and Afghanistan as well as large-scale threats that we face from places like North Korea and Iran."

I could not agree more with Secretary Gates. However, just as our Nation unwisely disregarded the hard-learned lessons of how to fight counter-insurgency operations after Vietnam, the Defense Department seems poised to make similar errors by limiting our capability to defeat the air threat of today and tomorrow: the integrated air defense system.

This advanced system is composed of extended-range Russian surface-to-air missiles such as the S-300 and advanced fighters such as the Su-30, which have already been sold in large numbers to China and India. Together, these systems make penetrating hostile airspace extremely difficult, if not deadly, for aircraft lacking the F-22's advanced stealth technology and capability for sustained supersonic speeds. It is these capabilities that enable the Raptor to have the unique capability to conduct stealth operations at any time of day or night.

Secretary Gates argues for ceasing production of the F-22 after only 187

are built because we will not face what the Pentagon refers to as a "near-peer adversary" for the foreseeable future.

For the sake of our Nation, I hope he is right. However, I believe this statement misses a critical point: advanced integrated air defense systems are comparably inexpensive and readily affordable by nations such as Iran, with its insistence on developing nuclear weapons.

History provides ample examples of the effective use of integrated air defense systems by nations that lack the resources to be considered a near-peer adversary of the U.S. As retired LTG Michael Dunn recently noted, North Vietnam defended its territory during the Vietnam war with what, at the time, was an advanced air defense system. This system, comprised of surface-to-air missiles and fewer than 200 fighters, was able to shoot down 2,448 American aircraft.

The 1973 War between Israel and Egypt is another example. The Egyptians learning from their recent defeats built an integrated air defense umbrella under which its forces were able to initially make significant territorial gains, while the Israeli Air Force faced serious losses. Only when the Egyptians advanced beyond the range of their surface-to-air missiles' umbrella was the Israeli Air Force able to inflict a significant blow.

A more contemporary example is the loss in the 1990s of an F-117 Nighthawk to the Serbians, who were not equipped with the latest air defense system.

Despite such examples, some argue additional F-22s are not necessary since stealthy jet-powered unmanned aerial vehicles or UAVs, which are still under development, will play an increasingly vital role in destroying critical ground targets. This is true for threats on the ground, but I am unaware of any plans to operationally deploy a UAV that can dogfight existing or next-generation Russian and Chinese jet fighters, which will be hunting these UAVs.

Our forces could be confronted with the next generation Russian and Chinese fighters soon. There have been numerous media reports the Russian Government is developing a new stealthy aircraft, presumably to counter the F-22. This aircraft called PAK-FA, is being developed jointly with the Indian Government. Additional media sources cite China's development of a similar twin engine, stealth aircraft known as the J-12.

Some argue that the F-35 Joint Strike Fighter can tackle those threats and defeat this new generation of advanced aircraft. While the F-35 is a very capable stealth aircraft, it was designed to complement the F-22, not replace it. The fact is the F-35 is neither as capable a fighter nor as stealthy as the F-22. For example, the F-35 does not have, nor can be upgraded to use,

the supercruise engines increasingly needed in today's stealth operations.

Remember the F-22 is the NASCAR racer of this air-dominance team. Fast and unseen, the Raptor will punch a hole in an enemy's defenses, quickly dispatching any challenger in the air and striking at the most important ground targets. The Joint Strike Fighter is the rugged SUV of the team. Impressive, but not as maneuverable or capable of sustained supersonic speeds, the F-35 will exploit the hole opened by the F-22 and attack additional targets and directly support our ground forces. This is not to say the F-35 is not a highly capable stealthy aircraft. But the F-35's role is to supplement the F-22, not substitute for it. Only by utilizing the strengths of both aircraft do we ensure air dominance for the next 40 years.

Furthermore, if the F-22 is such a boondoggle, why do our allies such as Japan and Australia want to spend billions to purchase the aircraft? Why does Australia, for instance, plan to purchase up to 100 F-35s and large numbers of UAVs, and yet remains interested in the F-22? Perhaps it is because Australia understands the Russians and the Chinese are developing even more sophisticated surface-to-air missile systems and stealth fighters, threats the F-22 is uniquely designed and equipped to destroy.

Others point out the F-22 has not been deployed in support of our operations in Iraq and Afghanistan. This is true. However, there were recent plans to deploy the F-22 to the Persian Gulf. But according to the July 9, 2008, edition of the widely respected Defense News, the Pentagon overruled those plans, citing concerns about "strategic dislocation." This means the F-22 is hardly a dinosaur. It is a weapon that can change the balance of power in a region and deter our adversaries.

In conclusion, I am reminded of a point author Michael Korda made in his book about the Battle of Britain. He observed that even though the two British prime ministers before Winston Churchill pursued a policy of appeasement, they also committed their government to develop and procure the three pieces of equipment: the Spitfire fighter, Hurricane fighter and radar, which were to ensure that nation's survival during the Battle of Britain.

I hope the Senate will profit from these lessons of history and vote against the McCain-Levin amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. How much time remains for the proponents?

The PRESIDING OFFICER. There is 21 minutes remaining.

Mr. LEVIN. I ask Senator WYDEN, how much time does he need?

Mr. WYDEN. I believe 10 minutes would be plenty.

Mr. LEVIN. I yield 10 minutes to Senator WYDEN.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I rise this morning to support the Levin-McCain amendment. It seems to me that buying more F-22s at this point would meet the very definition of government waste.

What you have is a situation where the Pentagon, which, suffice it to say, has not exactly been shy over the years in terms of calling for additional weapons, is on record as saying this is unnecessary. Further, I have been out talking with members of the Guard at home and trying to get their sense of what is needed in this dangerous time, and they have never once mentioned something like this.

They talk, for example, about body armor. They talk about boots. They don't talk about more F-22s. Suffice it to say, when the Congress is now having a debate about trying to find additional money for health care, for example, to go out and spend close to \$2 billion to buy seven more F-22 fighters the Air Force says it doesn't want defies common sense.

My home State, for example, would love to hire back police and other essential workers who have been laid off. Instead of building seven planes, we could be restoring infrastructure and developing renewable energy. Again, in my home State, we have had budget shortfalls. We have seen reductions in essential services, law enforcement being one. The debate is not about necessary steps to ensuring a strong national defense. The question is about whether the U.S. Congress wants to spend close to \$2 billion to pay for more fighter jets the Air Force does not want.

It is also important to remember that the F-22 is not being purchased for wars the United States is currently fighting. Certainly, the Taliban and Iraqi insurgents do not have an Air Force. The F-22 is being purchased to fight in possible future conflicts with other countries that may have an air force. While I strongly believe the Pentagon ought to be able to prepare for such possibilities, it is the Pentagon that is telling us we don't need these additional F-22s.

It is also important to note that the Pentagon has purchased 187 F-22s. There is not a debate about whether the United States ought to have fighters in our arsenal. The question is whether the Air Force needs 194 of them instead of 187. We have a very good Secretary of Defense, Robert Gates. The Secretary has said that 187 is sufficient to combat current and future threats. He is the one who said that more are not needed. He is the one who said:

We must break the old habit of adding layer upon layer of cost, complexity, and

delay to systems that are so expensive and so elaborate that only a small number can be built, and that are then usable only in a narrow range of low probability scenarios.

Secretary Gates has hit the nail about as perfectly on the head as one can. He and our country want the strongest defense possible. But there are ways to make better use of that \$1.75 billion than on seven more F-22s.

I serve on the Senate Select Committee on Intelligence. I know there are threats to our forces every single day. I see the Senator from Georgia who serves on the Intelligence Committee. He believes strongly about this as well. We need to make sure we are protecting our troops in harm's way, but we have a variety of choices in order to secure the protection our troops have been in need of. I intend to work with Chairman LEVIN, Secretary Gates, the distinguished Senator from Arizona, and the President to ensure we replace the current F-15 with more capable and safer fighters.

Last month, I visited with some of the 3,000 members of the Oregon National Guard's 41st brigade combat team, as they trained for their current deployment to Iraq. Not a one of the soldiers told me that their big concern was whether the Air Force would have 194 F-22s instead of 187. They talked to me instead about the best vehicles, the best medical care if they are injured, about the best body armor. Not one of them mentioned the F-22.

I am not voting against the F-22. I am voting for the soldier, the taxpayer. They both deserve our government's greatest protection at this critical time in our history.

I urge colleagues to support the Levin-McCain amendment.

I yield the floor.

Mr. INOUE. Mr. President, I rise today to address the F-22 program. For the past week as the debate has swirled around on this program I have not spoken on the subject. My colleagues know that I have strongly supported the F-22 program over the past two decades. Why? Because it is without question the world's most advanced fighter aircraft. It's capabilities far outstrip anything else in the world. There simply is no match.

When the Advanced Tactical Fighter Program began more than 20 years ago, no one could foresee what the world would look like in 2009. We planned to build 750 F-22s in order to match the Soviet Union's assumed far greater number of advanced fighters. The F-22 was designed with a goal of defeating 10 Soviet fighters apiece. The strategy was that using a combination of stealth and an advanced radar the F-22 would be able to attack Soviet fighters long before the adversary knew they were there.

I am pleased to note that 20 years later as we train with the F-22 our Air Force pilots report that is exactly

what it can do. Time after time as we exercise with the F-22, the results are nearly the same. The F-22 defeats all adversaries nearly with the same predictions as the designers hoped it would do.

What has changed, however, is that the Soviet Union no longer poses the threat that was assumed by the Defense Department in the 1980s. So then, critics say, why do we need to continue to buy more? We will soon have 187 aircraft that should be sufficient.

They note that the F-22 hasn't been used in Afghanistan. While that is considered a clear argument that it isn't needed, it is laughable. As far as I know al-Qaida and the Taliban don't have an air force. The F-22 is designed to defeat conventional military forces. It is designed, for example, to counter a conventional attack by an adversary against one of its neighbors. Were the Chinese to attack Taiwan, the F-22 would provide an incredible counter to the Chinese. The same would be true if a resurgent Russia were to try to reclaim countries in the Baltics. Unless we truly believe that we will never face another nation state in a conventional conflict then the F-22 is indeed necessary.

At 187 aircraft, the F-22 provides a very credible deterrent to those nations. Is it sufficient? Perhaps. Will the Joint Strike Fighter replace it, not a chance. The Joint Strike Fighter, we expect, will be a terrific aircraft, but it is designed primarily to attack ground targets. In a battle against the F-22, it would likely lose each engagement. With better trained pilots and tactics, the Joint Strike Fighter could probably give the F-22 a run for its money, but it was never designed to replace the F-22 and should not be viewed as such.

To me what is maddening about this debate is the sense that the decision is so clear cut that the F-22 program should be killed that it is only parochial politics that could keep it alive. That is pure hogwash.

The Nation has invested more than \$65 billion to develop and buy 187 aircraft. If we choose to buy more F-22s we will do so at a very reasonable price—about \$150 million. While that is not cheap by any stretch of the imagination, it is far cheaper than what we paid to initiate the program. And, if we kill the program and decide that we need to restart it in a few years, it is far cheaper than we would have to pay to resuscitate production.

This is not a boondoggle. We don't have critics saying the program is flawed and should be killed. Everyone agrees it is a great aircraft. While some of my colleagues obviously support the program because it means jobs in their States, others like myself who have no F-22 jobs in their States support the program because of its capabilities and their concern for the future. Why then

has it become an issue over which to veto a bill? Why are the stakes so high with this program?

I have the greatest respect for the President and the current Secretary of Defense. I have supported both in almost every initiative they have advocated. But I see in this case a pattern that I have witnessed over and over again.

Time after time our new leaders, both civilian and military, look at a program and see all the reasons why it isn't the right one. For example, in the early days of the Clinton administration the C-17 program was nearly terminated because the production of the aircraft wasn't performing up to expectations. I recall 2 years prior to that the Appropriations Committee recommended a pause in funding for the C-17, not because we had lost confidence in the program. We still believed in the requirement for the aircraft, but the program wasn't performing. Up to that point, we had appropriated funds for 16 C-17s in total, but not a single one had been delivered, and there were very few coming together on the factory floor in Long Beach. We weren't recommending cancellation, but it served notice that attention was needed. However, the attention that the program received was mostly from critics who sought its termination.

When the Clinton administration came into office many of the new officials were convinced that the C-17 should be terminated. In that instance the Pentagon mandated a study to determine whether the C-17 was still required. Luckily the conclusion was that yes the plane was still needed and those who were calling for its cancellation, including some in Congress, would not get their way.

It was only a few years earlier that Secretary Cheney determined that the V-22 should be terminated. He was justifiably concerned that the price was increasing and that the program was taking longer than planned. It took the concerted effort of the Congress to stand up and say that we would not allow the program to be terminated. Certainly there were those in the Pentagon who agreed with the Secretary, but the Marines did not.

I am told that a few years prior to that my good friend Senator Rudman weighed in with Chairman Stevens to overrule the Air Force who wanted to kill the F-117 after the production of only one squadron of aircraft. I should point out that the F-117 was not built in New Hampshire. There might have been some modest amount of work associated with the plane in his state, but the reason that Senator Rudman insisted that we keep buying the F-117 was because of its unique capabilities not for any parochial reason.

My colleagues all know the history of the B-2 program. It was started as a

classified program in 1981. The Air Force was going to build 132 bombers. We expected it to cost between \$20 and \$25 billion in total. The contractor built a huge state of the art factory out in the high desert of California to handle the production of the aircraft. Because it was highly classified every precaution had to be taken to protect national security all of which dramatically increased the cost to produce the aircraft.

Clearly the contractor and Air Force were overly optimistic on the cost and schedule of the program. Within 5 years it was clear that the program was not going to be completed within \$25 billion. As development delays occurred, costs continued to escalate. The Air Force was unwilling to devote more resources to the program so in a series of moves it consistently delayed production of the aircraft and transferred dollars appropriated to build the aircraft to be used instead to cover higher development costs. By the time I became chairman, it was clear that the program would exceed its budget, but it was also clear that if it were successful it would provide an unmatched capability to this Nation. As costs mounted, the Defense Department determined that it would not be able to purchase all 132 aircraft. First production was cut to 75 and eventually it dropped to 20. In 1996 as the program was being killed, the contractor offered to produce three per year for several years at a price of about \$600 million per copy. However, by that time support for the program had eroded so that neither the Pentagon nor the Congress would take up the offer. Instead, by only buying a total of 21 aircraft, we invested over \$2 billion per plane making it the most costly aircraft in history.

This situation isn't unique to aircraft programs. In the case of shipbuilding, I remember vividly Secretary Cheney's decision to cancel the Seawolf submarine. As a result of that decision, the three Seawolf-class submarines that were eventually built were very expensive. Because we only bought three, the average cost of each submarine was more than \$4 billion. Had we built the 29 originally planned, I can only speculate about the cost, but it would certainly have been less than the price we are now paying for its replacement. What is even more galling is that during that time we were still building the capable SSN-688 Los Angeles class submarines and only paying about \$800 million apiece for them. Instead of reinvigorating that program, we cancelled the Seawolf program and proceeded with the New Attack submarine, now called the Virginia class, in order to move to a cheaper submarine. Regrettably, I have to report that the cost of the Virginia class submarine is so high that we have only been able to afford to purchase one per

year. When I became chairman we were buying four Los Angeles class submarines a year and paying only 1/3 the cost of the Virginia class. Is the Virginia a better submarine? Surely it is. The technological advances that the Nation has developed between the time the Los Angeles subs were designed and this decade have allowed for substantial improvements. Is it better than the Seawolf? That is debatable.

The pattern I have watched during my tenure is a mix of four things. First, programs are cancelled before or as they reach maturity. Why? Sometimes because new leadership wants to go in a new direction more often, and important costs increase and schedules are delayed which erode the support for the programs. Sometimes programs are cancelled because we believe the promised replacement will be more capable or cheaper. And sometimes we argue times have changed and we don't need them. In a few cases it is clear that the program wasn't performing as expected and should be terminated.

For the F-22 some will argue it is too expensive. That was the argument against the V-22 program. Some say we simply don't need any more. That was the argument used to kill the B-2. Would we like to have more B-2s in the inventory today? I, for one, surely would.

Others will say the threat doesn't warrant buying more F-22s. This is where I have my gravest concern. Some experts will tell you that we know that potential adversaries are working on fifth generation fighters. If in 5 years the Chinese unveil a new fifth generation fighter and begin to produce it in numbers will we regret the decision to kill the F-22, I believe we would.

I am told that no one is likely to be able to develop and build an F-22 equivalent aircraft for a generation. The skill and funding required to do so exceeds any foreign nation's ability. But in my view, they might not be able to design an F-22 themselves, but that doesn't mean they can't steal the plans.

We were told that the North Koreans were years away from a long range missile, then were surprised when they unveiled the Taepo dong. We were surprised when Pakistan conducted a nuclear test. We were shocked when the Soviet Union collapsed and most Americans were shocked when they learned about al-Qaida after 9/11. If there is one thing that shouldn't surprise us is that we cannot foretell the future.

So as my colleagues deliberate on the F-22 program I come down on the side of caution. I believe it makes more sense at this time to continue to produce the program to hedge our bets against the future.

To my knowledge there isn't a single worker in the State of Hawaii whose job is dependent on continuing production of the F-22, but I believe the program merits continued production.

I believe it is unfortunate that the debate on this matter has taken on an overblown proportion. One can make the case that 187 could be sufficient. Our Secretary and Chairman of the Joint Chiefs agree that is the case. But just like the Marines argued for continuing to produce the V-22, the leaders of our Air National Guard and those in charge of flying the aircraft argue that we need more—even though the Defense Secretary said it should be cancelled.

When some say well, the Air Force leaders say they have enough, I will remind my colleagues that the Air Force said the same thing about the F-117 after we only produced one squadron.

When some say we should kill this and move on to the Joint Strike Fighter, I remember the Seawolf debate. We killed that submarine to build a cheaper alternative. Will we do the same thing here and be disappointed in the cost of the so-called alternative?

On February 2, 1989, I was selected as the chairman of the Subcommittee on Defense of the Appropriations Committee. For the past 20 years, it has been my distinct honor to serve either as the chairman or the ranking member of this subcommittee. As my colleagues all know, the defense subcommittee has the largest budget of any of our appropriations subcommittees, and to many of us it is probably the most important of our subcommittees. It has required a great deal of my time and attention over the past 20 years. For me it has been a labor of love. I have the greatest respect for the men and women of this Nation who are willing to serve and who guarantee constitutional freedoms for the rest of us. It has been my priority to support their cause during this period.

As I consider the F-22, I do so with the past twenty years as my guide. In my opinion what I have learned has taught me to be cautious as we kill programs. Therefore today I will cast my vote to continue the F-22 program.

Mrs. BOXER. Madam President, I am going to continue to support production of the F-22 Raptor because we are still hearing strong indications from top military leaders that we need additional aircraft. Last month, General Corley, the Commander of the Air Force Air Combat Command, wrote that ending procurement of the F-22 would put our ability to execute our nation's military strategy at "high risk" over the "near to mid-term."

In addition, LTG Harry M. Wyatt III, the Director of the Air National Guard, has stated that these aircraft are particularly important for homeland defense missions, including addressing potential threats from cruise missiles.

GEN Merrill McPeak, retired, the former Chief of Staff of the Air Force, also recently added that ending F-22 procurement "is a real mistake," and that "we certainly need some figure well above 200."

I am also not prepared to vote to end production because I have yet to see a conclusive study indicating that 187 F-22s are enough. In fact, as late as May 19 of this year, GEN Norman A. Schwartz, the Chief of Staff of the Air Force, told the House Armed Services Committee that "243 F-22s is the right number. . . ."

The United States has made a significant investment in the F-22 program. Before terminating it, we must see in unequivocal terms how the defense planning process has determined that requirements and threats have changed to stop production at 187.

The next Quadrennial Defense Review—QDR—which outlines our national security strategy—is scheduled for submission by the Department of Defense in early 2010. This important document shapes how our military will respond to threats to our national security. The timing of today's vote ignores this review.

I will feel more confident making a decision on this important program after reading the QDR, as it will shape our national security strategy for years to come. As GEN James Cartwright, the Vice Chairman of the Joint Chiefs of Staff, said during his confirmation hearing for his second 2-year term, "The military requirement right now [for the F-22A] is associated with the strategy that we are laying out in the Quadrennial Defense Review."

While I realize that there are compelling arguments on both sides of this issue, I do not believe we have enough information at this time to shut down the F-22 line and terminate the program at 187 aircraft.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Georgia has 11 minutes; the Senator from Michigan has 15 minutes.

Mr. LEVIN. Madam President, I am not sure how many other Senators want to speak or whether the opponents have speakers remaining on their side.

Mr. CHAMBLISS. Madam President, Senator INHOFE indicated a desire to speak. He is tied up in an EPW Committee hearing. He may be able to get here.

Mr. LEVIN. We would like to be at the end of the line, Senator MCCAIN and I.

Mr. CHAMBLISS. I will be happy to make some comments. Then Senator MCCAIN and Senator DODD and the Senator from Michigan could close it out. If Senator INHOFE comes in, we will give him a couple of minutes.

Madam President, would the Chair notify me when I have used 5 minutes?

The PRESIDING OFFICER. The Chair will so notify.

Mr. CHAMBLISS. Madam President, I want to make a couple of quick com-

ments relative to some of what has been said. First, with regard to Senator WYDEN's comments concerning the National Guard, sure, all of us want to make sure we equip our Guard, our Reserve, as well as our active-duty force with all the needs they have. I would cite him to the letter of General Wyatt, who is the head of the Air Force Guard. General Wyatt says the F-22 is uniquely qualified to fill the needs the Guard has for its national security mission. To even slightly indicate that the Guard has issues with this program is simply not correct. The Guard is on record as being a strong supporter of this program.

I have a letter from retired GEN David Bockel, retired from the United States Army. He now is the acting executive director of the Reserve Officers Association. Let me quote part of this:

War plans of the United States are predicated upon technological air dominance to provide asymmetric advantage for victory. Military experts believe the current cap of 187 F-22s is an inadequate number of aircraft to ensure no future threat can impede the U.S. air dominance. The minimum number of F-22s required to ensure a strong defense is 250.

I ask unanimous consent that the letter of retired General Bockel be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESERVE OFFICERS ASSOCIATION,
Washington, DC, July 20, 2009.

Hon. SAXBY CHAMBLISS,
Russell Office Building,
Washington, DC.

DEAR SENATOR CHAMBLISS: The Reserve Officers Association, representing 65,000 Reserve Component members, supports additional procurement of the F-22 Raptor Aircraft. ROA urges Congress to authorize and appropriate funds for continued production of the F-22 Raptor.

War plans of the United States are predicated upon technological air dominance to provide asymmetric advantage for victory. Military experts believe the current cap of 187 F-22 is an inadequate number of aircraft to ensure no future threat can impede U.S. air dominance. The minimum number of F-22s required to ensure a strong defense is 250.

Potential adversary nations are committed to producing their own fifth-generation aircraft in the immediate future. Not providing further funding for this crucial weapons system places at risk our nation's ability to meet known and near future threats. The United States can ill afford a fighter gap or to rely on legacy aircraft.

Thank you for your efforts on this key issue, and other support to the military that you have shown in the past. Please feel free to have your staff call ROA's legislative director, Marshall Hanson, with any question or issue you would like to discuss.

Sincerely,

DAVID R. BOCKEL,
Major General, USA (Retired),
Acting Executive Director.

Mr. CHAMBLISS. I also have quoted earlier the comments by an active-duty general, a guy I consider a great American hero, not just because he falls in

that category of wearing the uniform of the United States, but he is standing up to the personnel at the Pentagon. He is saying: You guys are wrong.

For an active-duty general to do that takes significant courage. This is a guy I want in the foxhole with me. That is General Corley, commander of Air Combat Command, who very clearly says in a letter that we have previously entered into the RECORD that a fleet of 187 F-22s puts execution of our national military strategy at high risk in the near to midterm and that the minimum number of F-22s we need, in his opinion, is 381.

I want to also talk for a minute about Senator MCCAIN's comments on the cost. This is an expensive weapons system, but it is also the most sophisticated weapons system ever designed by mankind. Most importantly, it is doing its job. It is doing its job in a very professional way. Instead of costing the \$350 million Senator MCCAIN stated in his earlier statements, because of a multiyear procurement contract we entered into between the Pentagon and the Air Force, as approved by this body—and I know Senator MCCAIN objected to that and I understand that—but by a vote of 70 to 28, that multiyear contract was approved by this body as well as by the House. As a result, instead of paying the \$350 million per copy he alluded to, we are today, under that multiyear contract, paying \$140 million a copy. That is in comparison to the \$200 million a copy that will be paid for every single F-35 we are buying in this budget. The figure for 200 F-35s in this budget exceeds \$6 billion.

There are a number of people who are watching this debate out there today. Certainly those folks at the Pentagon are anxiously awaiting the results of the vote. The White House is anxiously awaiting the results of the vote. The Chinese are anxiously awaiting this vote. Let me tell colleagues why. I want to quote from an article of July 19 from a gentleman named Robert D. Fisher, Jr., who is a senior fellow with the International Assessment and Strategy Center. He writes:

Though the Chinese government says next to nothing and the U.S. Government says very little, what is known about China's fifth-generation fighter program is disturbing. Both of China's fighter manufacturers, the Shenyang and Chengdu Aircraft corporations, are competing to build a heavy fifth-generation fighter, and there are serious indicators China may be working on a medium-weight fifth-generation fighter similar to the F-35. China can be expected to put a fifth-generation fighter on its future aircraft carriers, and it can be expected to build more than 187.

I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, July 19, 2009]

F-22 FIGHTERS FOR JAPAN

(By Richard D. Fisher Jr.)

If Japan's long-standing effort to acquire the Lockheed-Martin F-22 Raptor fifth-generation superfighter falls victim to Washington power politics, the United States may inadvertently encourage an Asian arms race over which it may have little control.

It is fortunate for the United States that in what may be the last year a deal is possible, Senate Appropriations Committee Chairman Daniel K. Inouye and his supporters have decided to lead an effort to reverse a 1998 law barring foreign sale of the F-22.

Through Mr. Inouye's efforts Japan now knows a slightly degraded export model of the Raptor may take five years to develop and cost about \$290 million a plane for about 40, compared to the estimated \$150 million the U.S. Air Force pays.

Japan's long-standing quest to obtain the F-22, however, may be shot down amid the intense political struggle over the F-22s very future. President Obama and Defense Secretary Robert M. Gates have made termination of F-22 production at 187 planes a symbolic goal of their effort to cut defense spending and reorient U.S. military strategy. This has been challenged recently by the House Armed Services Committee, which approved the production of 12 more Raptors, and a Senate committee that approved production of seven more. However, the administration immediately threatened a veto, and the F-22's opponents are working hard to ensure that production ends in 2011 as currently planned.

After 2011, the F-22's costs will grow significantly, so Japan and its U.S. supporters have little time to nail down a deal. However, some U.S. officials have long doubted that Japan can afford to pay for the F-22, which is why the George W. Bush and Obama administrations have not seriously promoted the F-22 for Japan. Mr. Gates reportedly favors selling Tokyo the smaller, somewhat less capable and less expensive Lockheed-Martin F-35 Lightning II.

While Japan may also purchase the F-35, there are two important reasons Washington should fully support Japan's goal to acquire the F-22. First, the F-22 will be the only combat aircraft capable of countering China's expected fifth-generation fighters. Second, selling Japan the Raptor may become a critical nonnuclear means for Washington to help Japan deter a China on its way to becoming a military superpower by the 2020s. If Washington cannot provide decisive non-nuclear means to deter China, Japan may more quickly consider decisive deterrents such as missiles and nuclear weapons.

Though the Chinese government says next to nothing and the U.S. government says very little, what is known about China's fifth-generation fighter program is disturbing. Both of China's fighter manufacturers, the Shenyang and Chengdu Aircraft corporations, are competing to build a heavy fifth-generation fighter, and there are serious indicators China may be working on a medium-weight fifth-generation fighter similar to the F-35. China can be expected to put a fifth-generation fighter on its future aircraft carriers, and it can be expected to build more than 187.

Furthermore, China's development of anti-access capabilities such as anti-ship ballistic missiles, its buildup of nuclear-missile and anti-missile capabilities and space-warfare weapons will increasingly undermine U.S. strategic guarantees for Japan. China's de-

velopment of long-range anti-air and surface-to-air missiles also threatens the electronic support aircraft critical to the "networked" U.S. air-warfare paradigm, meaning that jet fighters could quickly lose force-multiplying radar aircraft, tankers and communication satellites. As such, Japan is correct to prefer the F-22, which reportedly can fly 300 to 400 mph faster and two miles higher than the F-35—an aircraft optimized for attack, not air-superiority missions.

If Japan is serious about the F-22 and its military security, it will have to pay for both. But if Washington is serious about sustaining a strategic alliance, it should sell the Raptor to Japan and be prepared to do more as China's military looms larger.

Mr. CHAMBLISS. There is another group watching very anxiously out there. It is a group of men and women who wear the uniform of the U.S. Air Force. They are lieutenants, captains, and majors. They are watching this anxiously because they are saying to themselves: I signed up to be a part of a U.S. Air Force that believes in putting men and women in cockpits, men and women who are going to carry the fight to the enemy. What am I hearing from Members of Congress? What am I hearing from the leadership at the Pentagon? That we are going to move away from the most advanced fighter in the world today and move to a smaller fighter? That we are going to move away from fighters maybe even altogether by going to UAVs? Is this the Air Force I signed up for?

I can tell my colleagues why they are anxiously awaiting the outcome. They have talked to me time and time again about the fact that they are concerned about their future in the U.S. Air Force. The worst thing we can do is to discourage those brave men and women who want to make a career of the Air Force and want to be wearing the two, three, and four stars one of these days. I assure my colleagues those lieutenants and those captains and those majors are watching what this body does from a policy standpoint today. They know where their leadership at the Pentagon is coming from. They don't like what they are hearing. They are now looking to Congress to fulfill the role that John Hamre, the director of CSIS, has said time and time again, and that is to objectively review the budget the Pentagon sends to the hill. We are in the process of doing that and exercising the type of oversight we should exercise.

I urge my colleagues to vote against this amendment.

I yield 2 minutes to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I know almost everything that can be said has been said. Having served on the Armed Services Committee for quite some time and having watched this, what is kind of worrisome to me is that when we started out the F-22 program, the fifth generation fighter program, at that time they were talk-

ing about 750. Then the numbers started coming down and approached, I guess, 243. The Air Force officials have repeatedly stated that no fewer than that would be sufficient with a moderate level of risk.

My concern has been the same concern I have when we are talking about ground capability, when we see countries such as China and Russia passing us up in areas. I will not bring up the NLOS cannon right now. But there are many places where our prospective enemies have better equipment than we do. We do know China has their J-12s; and Russia, I believe they are calling theirs the T-50s. We do know those are fifth-generation fighters. It is very disturbing to me that we would consider stopping at this point when this is not going to be adequate to get us out of the medium-risk category.

So I certainly support the effort to maintain those seven. Quite frankly, when Senator CHAMBLISS offered the amendment to expand it by seven, I was thinking we should really be shooting for more, and I think he agreed with that. However, apparently with the exports out there and with the additional seven that were put in, in the committee, that would be enough to keep the line open. So I strongly support the effort to keep those numbers where they are.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Madam President, how much time remains?

The PRESIDING OFFICER. Fourteen minutes 45 seconds.

Mr. LEVIN. How much time do the opponents have?

The PRESIDING OFFICER. Forty-five seconds.

Mr. LEVIN. Well, if the Senator from Arizona would go, and then Senator DODD, and then myself.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. Forty-five seconds.

Mr. MCCAIN. Madam President, we would be glad to yield a couple more minutes to the Senator from Connecticut.

Mr. LEVIN. Madam President, I yield 2 additional minutes to the Senator from Connecticut.

Mr. MCCAIN. Three, four. I ask the Senator, do you want to go ahead now?

Mr. DODD. Madam President, I will wait a couple of minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I will be fairly brief. This argument has been made, and we pretty well covered most of the issue. I would remind my colleagues that all the things we do are a matter of choice because we do not

have unlimited amounts of funding, obviously, and if you spend money on one project, then obviously you may have to spend less on another. That is the case of the F-35, if we do not eliminate this \$1.75 billion.

But most importantly, I want to point out again, this amendment is more than just about a weapons system. This amendment is about whether we will stop doing business as usual; that is, continuing to fund weapons systems that are no longer needed and unnecessary. We are not saying the F-22 is not a good aircraft. We are saying it is time to end the production of the F-22.

The President of the United States has threatened to veto this entire bill. That is not good for the men and women in the military to have to go through this whole process over again. The Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Air Force, and, very importantly, the Secretary of Defense, who has served now under two Presidents and has gained the respect and appreciation of all of us for his service—Madam President, I ask unanimous consent that Secretary of Defense Gates' speech last July 16 to the Economic Club of Chicago be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF DEFENSE, OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS).

ECONOMIC CLUB OF CHICAGO

(As Delivered by Secretary of Defense Robert M. Gates, Chicago, IL, Thursday, July 16, 2009)

Thank you, Secretary Daley, for that kind introduction.

It's an honor to be at the Economic Club of Chicago. I certainly appreciate the special arrangements you made to have me here this afternoon.

I thank all the distinguished citizens of this great city who came here today. I am mindful I am speaking in the adopted hometown of my boss. President Obama sends his greetings, as do Rahm Emanuel and David Axelrod and the rest of the Chicago crew. They are no doubt discovering that Washington is the true "Windy City."

The issue that brings me here today is central to the security of all Americans: the future of the United States military. How it should be organized, equipped—and funded—in the years ahead, to win the wars we are in while being prepared for threats on or beyond the horizon. Earlier this year, I recommended to President Obama—and he enthusiastically agreed—that we needed to fundamentally reshape the priorities of America's defense establishment and reform the way the Pentagon does business—in particular, the weapons we buy, and how we buy them. Above all, to prepare to wage future wars, rather than continuing the habit of rearming for previous ones.

I am here on relatively short notice to speak publicly about these matters because Congress is, as we speak, debating the president's defense budget request for the next fiscal year, a budget request that imple-

ments many needed reforms and changes. Most of the proposals—especially those that increase support for the troops, their families, and the war effort—have been widely embraced. However, some of the crucial reforms that deal with major weapons programs have met with a less than enthusiastic reaction in the Congress, among defense contractors, and within some quarters of the Pentagon itself. And so I thought it appropriate to address some of these controversial issues here—in a place that is, appropriately enough not only the adopted home of our Commander-in-Chief, but also a symbol of America's industrial base and economic power.

First, some context on how we got to this point. President Obama's budget proposal is, I believe, the nation's first truly 21st century defense budget. It explicitly recognizes that over the last two decades the nature of conflict has fundamentally changed—and that much of America's defense establishment has yet to fully adapt to the security realities of the post-Cold War era and this complex and dangerous new century.

During the 1990s, the United States celebrated the demise of the Soviet Union and the so-called "end of history" by making deep cuts in the funding for, and above all, the size of the U.S. military, including a 40 percent drop in the size of the Active Army. This took place even as a post-Cold War world grew less stable, less predictable, and more turbulent. The U.S. military, with some advances in areas such as precision weaponry, essentially became a smaller version of the force that held off the Soviets in Germany for decades and expelled Iraq from Kuwait in 1991. There was little appetite for, or interest in, preparing for what we call "irregular warfare"—campaigns against insurgents, terrorists, militias, and other non-state groups. This was the bipartisan reality both in the White House and in Congress.

Of course, after September 11th, some things did change. The base defense budget—not counting spending for the wars—increased by some 70 percent over the next eight years. During this period there were important changes in the way U.S. forces were organized, based and deployed, and investments were made in new technologies such as unmanned aerial vehicles. However, when all was said and done, the way the Pentagon selected, evaluated, developed, and paid for major new weapons systems and equipment did not fundamentally change—even after September 11th.

Indeed, the kinds of equipment, programs, and capabilities needed to protect our troops and defeat the insurgencies in Iraq and Afghanistan were not the highest priority of much of the Defense Department, even after several years of war.

I learned about this lack of bureaucratic priority for the wars we are in the hard way—during my first few months on the job as the Iraq surge was getting underway. The challenges I faced in getting what our troops needed in the field stood in stark contrast to the support provided conventional modernization programs—weapons designed to fight other modern armies, navies, and air forces—that had been in the pipeline for many years and had acquired a loyal and enthusiastic following in the Pentagon, in the Congress, and in industry. The most pressing needs of today's warfighter—on the battlefield, in the hospital, or at home—simply lacked place and power at the table when priorities were being set and long-term budget decisions were being made.

So the most important shift in President Obama's first defense budget was to increase and institutionalize funding for programs that directly support those fighting America's wars and their families. Those initiatives included more helicopter support, air lift, armored vehicles, personnel protection equipment, and intelligence, surveillance, and reconnaissance assets for our troops in Iraq and Afghanistan. In addition, we also increased funding for programs that provide long-term support to military families and treatment for the signature wounds of this conflict—such as traumatic brain injury and post traumatic stress.

But, while the world of terrorists and other violent extremists—of insurgents and IEDs—is with us for the long haul, we also recognize that another world has emerged. Growing numbers of countries and groups are employing the latest and increasingly accessible technologies to put the United States at risk in disruptive and unpredictable ways.

Other large nations—known in Pentagon lingo as "near-peers"—are modernizing their militaries in ways that could, over time, pose a challenge to the United States. In some cases, their programs take the form of traditional weapons systems such as more advanced fighter aircraft, missiles, and submarines.

But other nations have learned from the experience of Saddam Hussein's military in the first and second Gulf wars—that it is ill-advised, if not suicidal, to fight a conventional war head-to-head against the United States: fighter-to-fighter, ship-to-ship, tank-to-tank. They also learned from a bankrupted Soviet Union not to try to outspend us or match our overall capabilities. Instead, they are developing asymmetric means that take advantage of new technologies—and our vulnerabilities—to disrupt our lines of communication and our freedom of movement, to deny us access, and to narrow our military options and strategic choices.

At the same time, insurgents or militias are acquiring or seeking precision weapons, sophisticated communications, cyber capabilities, and even weapons of mass destruction. The Lebanese extremist group Hezbollah currently has more rockets and high-end munitions—many quite sophisticated and accurate—than all but a handful of countries.

In sum, the security challenges we now face, and will in the future, have changed, and our thinking must likewise change. The old paradigm of looking at potential conflict as either regular or irregular war, conventional or unconventional, high end or low—is no longer relevant. And as a result, the Defense Department needs to think about and prepare for war in a profoundly different way than what we have been accustomed to throughout the better part of the last century.

What is needed is a portfolio of military capabilities with maximum versatility across the widest possible spectrum of conflict. As a result, we must change the way we think and the way we plan—and fundamentally reform—the way the Pentagon does business and buys weapons. It simply will not do to base our strategy solely on continuing to design and buy—as we have for the last 60 years—only the most technologically advanced versions of weapons to keep up with or stay ahead of another superpower adversary—especially one that im-
ploded nearly a generation ago.

To get there we must break the old habit of adding layer upon layer of cost, complexity, and delay to systems that are so expensive and so elaborate that only a small

number can be built, and that are then usable only in a narrow range of low-probability scenarios.

We must also get control of what is called "requirements creep"—where more features and capabilities are added to a given piece of equipment, often to the point of absurdity. The most flamboyant example of this phenomenon is the new presidential helicopter—what President Obama referred to as defense procurement "run amok." Once the analysis and requirements were done, we ended up with a helicopter that cost nearly half a billion dollars each and enabled the president to, among other things, cook dinner while in flight under nuclear attack.

We also had to take a hard look at a number of weapons programs that were grotesquely over budget, were having major performance problems, were reliant on unproven technology, or were becoming increasingly detached from real world scenarios—as if September 11th and the wars that followed had never happened.

Those of you with experience in the technology or manufacturing sectors have at some point probably faced some combination of these challenges in your own businesses. But in the defense arena, we faced an additional, usually insurmountable obstacle to bring rationality to budget and acquisition decisions. Major weapons programs, irrespective of their problems or performance, have a habit of continuing long after they are wanted or needed, recalling Ronald Reagan's old joke that a government program represents the closest thing we'll ever see to eternal life on this earth.

First, there is the Congress, which is understandably concerned, especially in these tough economic times, about protecting jobs in certain states and congressional districts. There is the defense and aerospace industry, which has an obvious financial stake in the survival and growth of these programs.

And there is the institutional military itself—within the Pentagon, and as expressed through an influential network of retired generals and admirals, some of whom are paid consultants to the defense industry, and some who often are quoted as experts in the news media.

As a result, many past attempts by my predecessors to end failing or unnecessary programs went by the wayside. Nonetheless I determined in a triumph of hope over experience, and the president agreed, that given the urgency of the wars we are in, the daunting global security environment we will inhabit for decades to come, and our country's economic problems, we simply cannot afford to move ahead with business as usual.

To this end, the president's budget request cut, curtailed, or ended a number of conventional modernization programs—satellites, ground vehicles, helicopters, fighters—that were either performing poorly or in excess to real-world needs. Conversely, future-oriented programs where the U.S. was relatively underinvested were accelerated or received more funding.

For example, we must sustain and continually improve our specialized strategic deterrent to ensure that our—and our allies'—security is always protected against nuclear-armed adversaries. In an initiative little noticed, the President's program includes money to begin a new generation of ballistic missile submarines and nearly \$700 million in additional funds to secure and assure America's nuclear deterrent.

Some of our proposed reforms are meeting real resistance. They are called risky. Or not

meeting a certain military requirement. Or lacking in study and analysis. Those three words—requirements, risk, and, analysis—are commonly invoked in defense matters. If applied correctly, they help us make sound decisions. I've found, however, that more often they have become the holy trinity of the status quo or business as usual.

In truth, preparing for conflict in the 21st century means investing in truly new concepts and new technologies. It means taking into account all the assets and capabilities we can bring to the fight. It means measuring those capabilities against the real threats posed by real world adversaries with real limitations, not threats conjured up from enemies with unlimited time, unlimited resources, and unlimited technological acumen.

Air superiority and missile defense—two areas where the budget has attracted the most criticism—provide case studies. Let me start with the controversy over the F-22 fighter jet. We had to consider, when preparing for a future potential conventional state-on-state conflict, what is the right mix of the most advanced fighter aircraft and other weapons to deal with the known and projected threats to U.S. air supremacy? For example, we now have unmanned aerial vehicles that can simultaneously perform intelligence, reconnaissance, and surveillance missions as well as deliver precision-guided bombs and missiles. The president's budget request would buy 48 of the most advanced UAVs—aircraft that have a greater range than some of our manned fighters, in addition to the ability to loiter for hours over a target. And we will buy many more in the future.

We also took into consideration the capabilities of the newest manned combat aircraft program, the stealth F-35 Joint Strike Fighter. The F-35 is 10 to 15 years newer than the F-22, carries a much larger suite of weapons, and is superior in a number of areas—most importantly, air-to-ground missions such as destroying sophisticated enemy air defenses. It is a versatile aircraft, less than half the total cost of the F-22, and can be produced in quantity with all the advantages produced by economies of scale—some 500 will be bought over the next five years, more than 2,400 over the life of the program. And we already have eight foreign development partners. It has had development problems to be sure, as has every advanced military aircraft ever fielded. But if properly supported, the F-35 will be the backbone of America's tactical aviation fleet for decades to come if—and it is a big if—money is not drained away to spend on other aircraft that our military leadership considers of lower priority or excess to our needs.

Having said that, the F-22 is clearly a capability we do need—a niche, silver-bullet solution for one or two potential scenarios—specifically the defeat of a highly advanced enemy fighter fleet. The F-22, to be blunt, does not make much sense anyplace else in the spectrum of conflict. Nonetheless, supporters of the F-22 lately have promoted its use for an ever expanding list of potential missions. These range from protecting the homeland from seaborne cruise missiles to, as one retired general recommended on TV, using F-22s to go after Somali pirates who in many cases are teenagers with AK-47s—a job we already know is better done at much less cost by three Navy SEALs. These are examples of how far-fetched some of the arguments have become for a program that has cost \$65 billion—and counting—to produce 187 aircraft, not to mention the thousands of

uniformed Air Force positions that were sacrificed to help pay for it.

In light of all these factors, and with the support of the Air Force leadership, I concluded that 183—the program of record since 2005, plus four more added in the FY 09 supplemental—was a sufficient number of F-22s and recommended as such to the president.

The reaction from parts of Washington has been predictable for many of the reasons I described before. The most substantive criticism is that completing the F-22 program means we are risking the future of U.S. air supremacy. To assess this risk, it is worth looking at real-world potential threat and assessing the capabilities that other countries have now or in the pipeline.

Consider that by 2020, the United States is projected to have nearly 2,500 manned combat aircraft of all kinds. Of those, nearly 1,100 will be the most advanced fifth generation F-35s and F-22s. China, by contrast, is projected to have no fifth generation aircraft by 2020. And by 2025, the gap only widens. The U.S. will have approximately 1,700 of the most advanced fifth generation fighters versus a handful of comparable aircraft for the Chinese. Nonetheless, some portray this scenario as a dire threat to America's national security.

Correspondingly, the recent tests of a possible nuclear device and ballistic missiles by North Korea brought scrutiny to the changes in this budget that relate to missile defense. The risk to national security has again been invoked, mainly because the total missile defense budget was reduced from last year.

In fact, where the threat is real or growing—from rogue states or from short-to-medium range missiles that can hit our deployed troops or our allies and friends—this budget sustains or increases funding. Most of the cuts in this area come from two programs that are designed to shoot down enemy missiles immediately after launch. This was a great idea, but the aspiration was overwhelmed by the escalating costs, operational problems, and technological challenges.

Consider the example of one of those programs—the Airborne Laser. This was supposed to put high-powered lasers on a fleet of 747s. After more than a decade of research and development, we have yet to achieve a laser with enough power to knock down a missile in boost phase more than 50 miles from the launch pad—thus requiring these huge planes to loiter deep in enemy air space to have a feasible chance at a direct hit. Moreover, the 10 to 20 aircraft needed would cost about \$1.5 billion each plus tens of millions of dollars each year for maintenance and operating costs. The program and operating concept were fatally flawed and it was time to face reality. So we curtailed the existing program while keeping the prototype aircraft for research and development.

Many of these decisions—like the one I just described—were more clear-cut than others. But all of them, insofar as they involved hundreds of billions of dollars and the security of the American people, were treated with the utmost seriousness by the senior civilian and military leadership of the Pentagon. An enormous amount of thought, study, assessment, and analysis underpins these budget recommendations including the National Defense Strategy I issued last summer.

Some have called for yet more analysis before making any of the decisions in this budget. But when dealing with programs that were clearly out of control, performing poorly, and excess to the military's real requirements, we did not need more study,

more debate, or more delay—in effect, paralysis through analysis. What was needed were three things—common sense, political will, and tough decisions. Qualities too often in short supply in Washington, D.C.

All of these decisions involved considering trade-offs, balancing risks, and setting priorities—separating nice-to-haves from have-to-haves, requirements from appetites. We cannot expect to eliminate risk and danger by simply spending more—especially if we're spending on the wrong things. But more to the point, we all—the military, the Congress, and industry—have to face some iron fiscal realities.

The last defense budget submitted by President George W. Bush for Fiscal Year 2009 was \$515 billion. In that budget the Bush administration proposed—at my recommendation—a Fiscal Year 2010 defense budget of \$524 billion. The budget just submitted by President Obama for FY 2010 was \$534 billion. Even after factoring inflation, and some of the war costs that were moved from supplemental appropriations, President Obama's defense request represents a modest but real increase over the last Bush budget. I know. I submitted them both. In total, by one estimate, our budget adds up to about what the entire rest of the world combined spends on defense. Only in the parallel universe that is Washington, D.C., would that be considered “gutting” defense.

The fact is that if the defense budget had been even higher, my recommendations to the president with respect to troubled programs would have been the same—for all the reasons I described earlier. There is a more fundamental point: If the Department of Defense can't figure out a way to defend the United States on a budget of more than half a trillion dollars a year, then our problems are much bigger than anything that can be cured by buying a few more ships and planes.

What is important is to have a budget baseline with a steady, sustainable, and predictable rate of growth that avoids extreme peaks and valleys that are enormously harmful to sound budgeting. From the very first defense budget I submitted for President Bush in January 2007, I have warned against doing what America has done multiple times over the last 90 years by slashing defense spending after a major conflict. The war in Iraq is winding down, and one day so too will the conflict in Afghanistan. When that day comes, the nation will again face pressure to cut back on defense spending, as we always have. It is simply the nature of the beast. And the higher our base budget is now, the harder it will be to sustain these necessary programs, and the more drastic and dangerous the drop-off will be later.

So where do we go from here? Authorization for more F-22s is in both versions of the defense bill working its way through the Congress. The president has indicated that he has real red lines in this budget, including the F-22. Some might ask: Why threaten a veto and risk a confrontation over a couple billion dollars for a dozen or so planes?

The grim reality is that with regard to the budget we have entered a zero-sum game. Every defense dollar diverted to fund excess or unneeded capacity—whether for more F-22s or anything else—is a dollar that will be unavailable to take care of our people, to win the wars we are in, to deter potential adversaries, and to improve capabilities in areas where America is underinvested and potentially vulnerable. That is a risk I cannot accept and I will not take.

And, with regard to something like the F-22, irrespective of whether the number of air-

craft at issue is 12 planes or 200, if we can't bring ourselves to make this tough but straightforward decision—reflecting the judgment of two very different presidents, two different secretaries of defense, two chairmen of the joint chiefs of staff, and the current Air Force Secretary and Chief of Staff, where do we draw the line? And if not now, when? If we can't get this right—what on earth can we get right? It is time to draw the line on doing Defense business as usual. The President has drawn that line. And that red line is a veto. And it is real.

On a personal note, I joined CIA more than 40 years ago to help protect my country. For just about my entire professional career in government I have generally been known as a hawk on national security. One criticism of me when I was at CIA was that I overestimated threats to the security of our country.

Well, I haven't changed. I did not molt from a hawk into a dove on January 20, 2009. I continue to believe, as I always have, that the world is, and always will be, a dangerous and hostile place for my country with many who would do America harm and who hate everything we are and stand for. But, the nature of the threats to us has changed. And so too should the way our military is organized and equipped to meet them.

I believe—along with the senior military leadership of this nation—that the defense budget we proposed to President Obama and that he sent to Congress is the best we could design to protect the United States now and in the future. The best we could do to protect our men and women in uniform, to give them the tools they need to deter our enemies, and to win our wars today and tomorrow. We stand by this reform budget, and we are prepared to fight for it.

A final thought. I arrived in Washington 43 years ago this summer. Of all people, I am well aware of the realities of Washington and know that things do not change overnight. After all, the influence of politics and parochial interests in defense matters is as old as the Republic itself. Henry Knox, the first secretary of war, was charged with building the first American fleet. To get the support of Congress, Knox eventually ended up with six frigates being built in six different shipyards in six different states.

But the stakes today are very high—with the nation at war, and a security landscape steadily growing more dangerous and unpredictable. I am deeply concerned about the long-term challenges facing our defense establishment—and just as concerned that the political state of play does not reflect the reality that major reforms are needed, or that tough choices and real discipline are necessary.

We stand at a crossroads. We simply cannot risk continuing down the same path—where our spending and program priorities are increasingly divorced from the very real threats of today and the growing ones of tomorrow. These threats demand that all of our nation's leaders rise above the politics and parochialism that have too often plagued considerations of our nation's defense—from industry to interest groups, from the Pentagon to Foggy Bottom, from one end of Pennsylvania Avenue to the other. The time has come to draw a line and take a stand against the business-as-usual approach to national defense. We must all fulfill our obligation to the American people to ensure that our country remains safe and strong. Just as our men and women in uniform are doing their duty to this end, we in Washington must now do ours.

Mr. MCCAIN. Madam President, I am a student of history, and there is one

particular President whom I have grown, along with historians, to appreciate more and more for his two terms as President of the United States; that is, Dwight David Eisenhower. We were at peace during President Eisenhower's term, and many believe that perhaps the war in Vietnam might have been avoided if we had heeded his wise counsel. There are many things President Eisenhower did to contribute to this Nation both in war and in peace.

On several occasions, I have reread his farewell speech of January 17, 1961. In his speech, President Eisenhower said:

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

He also said:

To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle with liberty at stake.

I would only add to President Eisenhower's farewell address to the Nation—which is compelling in many ways—that the words should be changed from “military-industrial complex” to “military-industrial-congressional complex.”

What we are seeing here, with the advice and counsel of our President, of our Secretary of Defense, of our uniformed military, with rare exception, is a recommendation that we stop with this aircraft and build another—not that we stop building fighter aircraft for our inventory, not that we stop defending this Nation with weapons systems we need. We are even defending a weapons system's continued production that has never flown in the two wars in which we are engaged.

So I urge my colleagues to understand the impact of this amendment. If we are able to succeed, it is going to send a signal that we are stopping business as usual, and we must move forward providing the men and women with the necessary means to win the struggles we are in throughout the world, especially two wars. So I urge my colleagues to understand that sacrifices will be made. Jobs will be lost. It will cause disruption in some communities. But our first obligation is the defense of this Nation and the use of scarce defense dollars in the most effective fashion.

I urge my colleagues to vote in favor of this amendment.

Madam President, I yield the floor.

Mr. DODD. Madam President, I have 2 minutes; is that correct?

The PRESIDING OFFICER. Correct. The Senator from Connecticut.

Mr. DODD. Madam President, first of all, let me begin where I did a few moments ago; that is, with my great respect for CARL LEVIN and JOHN MCCAIN and for their work in this area.

Let me begin with a point my friend from Arizona has made. There is nothing more important than the national security of our Nation. It is that very argument which brings those of us on this side of the table in support of this program and in opposition to this amendment.

This program is a critically important program to maintain superiority—not parity but superiority—which has always been our goal in protecting our national security interests. It was the very Pentagon itself which advocated we move forward with this program only 36 months ago. Obviously, people can change their minds. But over the months, when they were preparing for the needs of our Nation, it was the Commission on the Future of Aerospace, authorized by this Congress, which concluded the following. They said that “the Nation immediately reverse the decline in and promote the growth of a scientifically and technologically trained U.S. aerospace workforce,” adding that “the breakdown of America’s intellectual and industrial capacity is a threat to national security and our capability to continue as a world leader.”

It was the Pentagon, only 36 months ago in their Quadrennial Review, that said the following—and they said in this report—that: The F-22 production should be extended through fiscal year 2010 with a multiyear acquisition contract to ensure the Department does not have a gap in fifth-generation stealth capabilities.

There are reports that the F-35 could be delayed an additional 11 months—what we have already heard about. That creates a gap of 5 years that we are talking about. The danger of losing not just any jobs, anywhere from 25,000 to 90,000 aerospace workers is not insignificant.

Four days ago, we were warned there has been in excess of a 15-percent decline in our industrial capacity in the aerospace industry. This will hit us even further. The ability to have a workforce capable of building these aircraft we need in the 21st century is at risk. That is why the issue not only of the technical capability of the aircraft but the workforce to produce it is at stake with this amendment. And I say that respectfully. But we have this gap in production, which we have been warned about now by the Pentagon—not by the industry itself, by the Pentagon, by the very Commission this Congress authorized to determine what our capacities were and the industrial

capacity in aerospace. We are defying both reports and both recommendations by canceling this program at this number and placing at risk the future generation of superior aircraft that we need in the 21st century.

So again, Madam President, I urge my colleagues, respectfully, to reject this amendment. There is a compromise, in my view, available to end up with a number far less than the originally projected numbers. But to cancel the program prematurely and create the gap in our production capabilities is a great danger for our Nation, not to mention these jobs which are critically important to our Nation and its future.

For those reasons, I urge the rejection of the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, how much time remains?

The PRESIDING OFFICER. Five minutes 45 seconds.

Mr. LEVIN. Madam President, I yield 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I commend the leaders of the committee. I also commend Senator CHAMBLISS and Senator DODD for their Herculean efforts here to try to stave off the closure of the line. I try to put myself in the shoes of others when I take a position on an issue. What I say comes from the heart and not because of a lack of respect for the efforts they have shown in support of their constituents.

We have just come out of 8 years where we have seen our national debt double. We have incurred as much new debt for our country over the last 8 years as we did in the previous 208 years. We are looking, this year, at a 1-year deficit higher than any in the history of our country. It is believed to be well over \$1 trillion.

If you go back to 2001 and look at the cost overruns for major weapons systems, in 2001 it was about \$45 billion. Last year, that number had grown to almost \$300 billion. We say to our folks who are running the Pentagon, the Department of Defense: Tell us which weapons systems you need and those you do not. And Secretary Gates has said very clearly, as Gordon England did as well, his deputy, and the last President and this President: We do not need more F-22s. We have F-15s. We have F-16s. We have F-18s. Before too many more years, we will have about 2,500 F-35s.

My hope is we will be smart enough—if people are displaced, if the F-22 is not continued in production—my hope is we will be smart enough, since Lockheed has a role in building the F-35, some of the folks—hands that can build an F-22 can certainly help build F-35s. I would hope that would be the case.

The last thing I would ask everyone to keep in mind—as an old naval flight officer, I used to think about and I still think about how much it costs to fly an aircraft for an hour. It is anywhere from \$20,000 to \$40,000 for the F-22. It is just too much money.

Thanks very much.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Mr. LEVIN. Madam President, in terms of the alleged gap, there is no gap. The QDR said we should be building fighters, F-22 production, into fiscal year 2010. As a matter of fact, what we are now doing is exceeding that production with F-35s. We have 30 F-35s in this fiscal year 2010 budget. There is no gap in fighter production.

As to whether the F-35 is a capable fighter, let me just read from what Secretary Gates says:

The F-35 is 10 to 15 years newer than the F-22, carries a much larger suite of weapons, and is superior in a number of areas—most importantly, air-to-ground missions such as destroying sophisticated enemy air defenses. It is a versatile aircraft, less than half the total cost of the F-22. . . .

The F-22 is costing an awful lot more than has been represented here because they are asking now, if this amendment is defeated, that we would be spending \$1.75 billion for seven F-22s, which is approximately \$250 million a copy for the ones the opponents of this amendment want to build this year.

The President of the United States, the last President of the United States, the previous one; two Secretaries of Defense, this one and the previous one; two Chairmen of the Joint Chiefs of Staff, and the Secretary of the Air Force and the Chief of Staff of the Air Force say it is time to end production of the F-22 to move into greater production of the F-35 which will serve three services, not just one. If not now, when? If not now, when? When will we end production of a weapons system, if not now, when we have both President Obama and President Bush trying to end it, Secretaries of Defense trying to end it, Chairmen of the Joint Chiefs trying to end the production of the F-22? We must now do what is sensible, that which is requested by Secretary Gates, not because he is saluting the Commander in Chief, as has been suggested. He is not just saluting the Commander in Chief; he feels deep in his gut that we must change the way we do business. We must finally bring some of these systems to an end. That is why Secretary Gates so passionately believes we must bring production of the F-22 to an end and move into greater production of the F-35—more F-35s produced in this budget than would be produced of the F-22 if this amendment is defeated.

Madam President, I don't know if there is any more time. If there is, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 1469.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—58

Alexander	Gillibrand	Merkley
Barrasso	Graham	Nelson (NE)
Bayh	Gregg	Nelson (FL)
Bennet	Hagan	Pryor
Bond	Harkin	Reed
Brown	Johnson	Reid
Burr	Kaufman	Rockefeller
Cardin	Kerry	Sanders
Carper	Klobuchar	Schumer
Casey	Kohl	Shelby
Coburn	Kyl	Specter
Conrad	Landrieu	Stabenow
Corker	Lautenberg	Udall (CO)
DeMint	Leahy	Voynovich
Dorgan	Levin	Warner
Durbin	Lincoln	Webb
Ensign	Lugar	Whitehouse
Enzi	McCain	Wyden
Feingold	McCaskill	
Franken	Menendez	

NAYS—40

Akaka	Cornyn	Murkowski
Baucus	Crapo	Murray
Begich	Dodd	Risch
Bennett	Feinstein	Roberts
Bingaman	Grassley	Sessions
Boxer	Hatch	Shaheen
Brownback	Hutchison	Snowe
Bunning	Inhofe	Tester
Burr	Inouye	Thune
Byrd	Isakson	Udall (NM)
Cantwell	Johanns	Vitter
Chambliss	Lieberman	Wicker
Cochran	Martinez	
Collins	McConnell	

NOT VOTING—2

Kennedy Mikulski

The amendment (No. 1469) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I will make some brief remarks here, and at the conclusion we will determine whether there is an agreement on the other side so I can go ahead and lay down an amendment. But first I want to discuss what that amendment will be. It is amendment No. 1628, and in a moment I will seek to offer it and get it pending. It is an amendment I introduced with Senator LIEBERMAN, Senator BAYH, and Senator MCCAIN.

Like other Members of this body, we have watched recent events unfold in Iran with great concern. This year began with talk of warming ties and potentially reestablishing contact with Iran; that we would no longer be afraid to talk to Iran and perhaps to even reach some kinds of agreements. In recent months, however, the Iranian regime has continued its support of terrorism, its illegal nuclear weapons program in defiance of its NPT obligations, and its engagement in violent and deadly repression of its own citizens.

While the administration has made clear its intention to continue to pursue high-level talks with Iran, an overtone which the regime has not seen fit to even respond, the President has indicated that the window for Iran to negotiate and demonstrate progress toward complying with its international obligations is not open indefinitely.

I think President Obama was correct when he said:

Iran obtaining a nuclear weapon would not only be a threat to Israel and a threat to the United States, but would be profoundly destabilizing in the international community as a whole and could set off a nuclear arms race in the Middle East that would be extraordinarily dangerous for all concerned, including for Iran.

In May, the President indicated that Iran would have until December to show meaningful improvement. More recently, French President Nicolas Sarkozy said on behalf of the G8 nations that they will give Iran until September 2009 to agree to negotiations with respect to its nuclear activities or face tougher sanctions. If negotiations do not prove fruitful, the United States must be ready to act quickly to increase pressure on Iran to end its support for terrorist groups and its illegal nuclear program.

The Kyl-Lieberman amendment expresses the sense of the Senate that the President should sanction the Iranian Central Bank if, by December, Iran has not verifiably halted its uranium enrichment activities, as well as come into full compliance with the Nuclear Nonproliferation Treaty and the Additional Protocol.

By sanctioning the Central Bank of Iran—Bank Markazi—our Nation would send the message that we will use all methods at our disposal to stop the spread of nuclear weapons and oppose sponsors of terror.

The case against the Iranian Central Bank is strong. It is knee-deep in the

regime's illicit activities. Last year, Deputy Secretary of the Treasury Robert Kimmit revealed that between 2001 and 2006 the bank had moved \$50 million from banks in London to Hezbollah front organizations in Beirut. Hezbollah, of course, is a terrorist organization.

It also processes transactions for Iranian banks that already face U.S. sanctions. The Central Bank of Iran is instrumental in helping Iranian banks—the very ones this body voted overwhelmingly to sanction in 2007—to avoid sanctions. In March 2008, the Financial Crimes Enforcement Network of the Department of the Treasury warned financial institutions about the illicit behavior of the Central Bank of Iran. Here is what the advisory said:

The Central Bank of Iran and Iranian commercial banks have requested that their names be removed from global transactions in order to make it more difficult for intermediary financial institutions to determine the true parties in the transaction. They have also continued to provide financial services to Iranian entities designated by the U.N. Security Council in its Resolutions 1737 and 1747. The U.S. Department of Treasury is particularly concerned that the Central Bank of Iran may be facilitating transactions for sanctioned Iranian banks.

Under U.S. law, institutions that aid entities covered by financial sanctions are liable to penalties. The Central Bank's activities clearly warrant such action, and sanctioning the bank would increase the effectiveness of existing measures. I urge my colleagues to support our amendment at such time as we are able to get a vote on it.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair and I thank my friend from Arizona, Senator KYL, for his very strong statement. I rise to speak in support of this bipartisan amendment which I have cosponsored along with Senator KYL, Senator BAYH, and Senator MCCAIN.

As you know, President Obama has made a historic offer to Iran's leaders, inviting them to engage in direct diplomacy to resolve the outstanding differences between our two countries. As the President has repeatedly said, the door is open for the Iranians to come in out of the cold, if they choose to do so. It is by suspending their illicit nuclear activities and ending their support for terrorism that the Iranians have a clear path to ending their international isolation and taking their rightful place in the community of nations.

Unfortunately, as Senator KYL said, it has now been more than 3½ months since the formal offer of engagement was made by President Obama, and there has been no reply from the Iranians. Meanwhile, Iran's illicit nuclear activities have continued to speed forward, in violation of multiple U.N. Security Council resolutions. Thousands

of additional centrifuges are being installed, and more and more fissile material is being stockpiled.

At the same time, Iran's support for terrorist proxies in Iraq, in Lebanon, and in the Palestinian Authority areas has continued. And, of course, over the past month we and the rest of the world have watched with horror as the Iranian regime has engaged in a brutal crackdown against its own people, who have sought no more than basic human rights.

President Obama, together with our international allies, has been very clear that we will not wait indefinitely for the Iranians to respond to our offer of talks, nor will we enter into negotiations—if that is the willingness of the Iranians—that go on without end. Two weeks ago, at the annual G8 summit in Italy, the President joined with other world leaders to make clear to the Iranians that they have until the G20 summit in Pittsburgh, at the end of September, to return to the negotiating table or face the consequences.

The amendment Senators KYL, BAYH, MCCAIN, and I have put forward would place the full weight of the U.S. Senate behind the time frame that the President and the G8 have articulated. Our amendment expresses our strong hope that Iran seizes this historic opportunity for direct dialogue.

We also make clear that if the Iranians have failed to engage with us diplomatically by the time of that G20 summit 2 months from now, it is our preference that multilateral sanctions be imposed through the United Nations Security Council. However, the Iranian Government—the regime that controls the people of Iran—must also understand that the United States is itself prepared to put in place what Secretary of State Clinton a while ago referred to as crippling sanctions in the event that they in Tehran continue to flaunt the will of the international community.

Specifically, our amendment asks the President to impose sanctions on the Central Bank of Iran and other banks involved in proliferation and terrorist activities, in the event that the Iranians haven't entered into negotiations that are serious by the time of the Pittsburgh summit or if they haven't suspended enrichment and reprocessing activities within 60 days of that summit.

The Central Bank of Iran is the financial lifeline of that regime. It is an entity that our own Treasury Department says has engaged in deceptive financial practices and facilitated the efforts of other Iranian banks that are involved in bankrolling proliferation and terrorist activities to avoid international sanctions, and that have themselves been sanctioned by the U.N. and our Treasury Department as a result.

I will say this. The idea of imposing sanctions on the Iranian Central Bank

is not new. It has already been endorsed by a bipartisan majority in this Chamber. Last year, the Senate Banking Committee, under Chairman DODD, adopted bipartisan legislation by a vote of 19 to 2 to urge the President to immediately impose sanctions against the Central Bank. Also last year, the House of Representatives passed such legislation that urged immediate sanctions.

More recently, the legislation that Senators BAYH, KYL, and I introduced this spring—the Iran Refined Petroleum Sanctions Act, S. 908—in addition to the other steps it takes—also expresses the sense of the Senate that the President should impose sanctions against the Central Bank of Iran.

I am very grateful to report that S. 908, the Iran Refined Petroleum Sanctions Act, now has 67 Members of the Senate, a strong bipartisan group of 67, or two-thirds, as cosponsors of that legislation. These cosponsors range all across the ideological spectrum of Members of the Senate, and clearly make the point to Iran and to the rest of the world that whatever other differences we have, we stand together here as a strong majority and beyond the Senate in our concern about the nuclear proliferation and terror-sponsoring activities of the Iranian Government.

You might say, if you are one of the 67 cosponsors of S. 908—which does more than this amendment does but includes it—you have already spoken in favor of this amendment.

This amendment, I want to point out and make clear, in no way ties the President's hand in his diplomacy with Iran. That is not our intent. The amendment is about empowering the President, giving him additional leverage in his diplomacy, by endorsing the same timetable that came out of the G8 summit a short while ago. The effect is this, and I will repeat: The Iranians must appreciate that there will be consequences if they fail to respond to the international community's diplomatic initiatives; in other words, if they continue to speed their nuclear program forward.

I think this amendment will send an unmistakable message to the fanatical regime in Tehran, in support of the G8, in support of President Obama: Either you can engage with the United States and the world community and take steps to suspend your nuclear activities or you can continue on your current course, in which case you will face the crippling sanctions this sense-of-the-Senate resolution calls for.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before my colleague Senator LIEBERMAN leaves the floor, I wish to thank him for this amendment. We are working

right now to see if we can get the amendment pending and possibly a voice vote, because it is clear it is a very important amendment and one where I think we need to express very strongly the sense of the Senate, given the situation as it exists in Iran.

I wish to thank Senator LIEBERMAN, and right now it is my understanding that your side is checking to see if it is an agreeable amendment. Hopefully, we will get that decision and move forward with it right away on a voice vote, if that is agreeable to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Arizona. I am encouraged by that. And in talking to the other cosponsors, we would be happy to have a voice vote. It would send a message.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the amendment is straightforward and expresses the sense of the Senate that there should be a date certain—and soon—by which Iran is required to end its nuclear program or face severe sanctions. The amendment expresses that if the Iranian regime has not accepted the offer of the United States of direct diplomatic talks by the time of the G20 summit in late September or if it has not suspended all of its nuclear enrichment and reprocessing activities within 60 days after the summit, and if the U.N. Security Council does not adopt new and significant and meaningful sanctions on the regime, the President should sanction the Central Bank of Iran.

The situation with respect to Iran is nearing the crisis point, if it is not there already. We have all watched the brutal crackdown in the streets of Tehran and elsewhere as the Iranian regime imposed the results of a fraudulent election. We have been astonished by the courage and resolve of those Iranian citizens who have protested for their own inalienable rights in the face of repression. And we have known that, while these dramatic events have played themselves out, the Iranian regime has continued its enrichment of uranium, growing ever closer to the day on which it has a nuclear weapons capability.

The Iranian regime has gotten away with too much for too long. Its illicit nuclear activities, combined with its development of unconventional weapons and ballistic missiles, support for Hezbollah and other terrorist groups, and its repeated threats against Israel and the United States, represent a real and growing threat to the security of the United States and the Middle East. It is in the interest of the United States, and the world's other great powers, to achieve an end to the Iranian nuclear program.

The administration has held out an "open hand," making clear that it intends to open direct talks with Iran. Yet 3½ months since the President's formal offer, the Iranian government has made no response, nor has it suspended its enrichment activities, as required by U.N. Security Council resolutions. Time is not on the side of those pushing the Iranians to cease these dangerous actions. Administration officials and others, including the French President, have stated that they will not wait interminably while the Iranian nuclear program proceeds.

At the G-8 summit 2 weeks ago, the assembled leaders agreed that the Iranians do not have forever, and that they should return to the negotiating table by the time of the G-20 summit in September. This amendment puts the Senate on record behind that timeframe, irrespective of any Senator's individual view about the likelihood of agreement soon.

Make no mistake: we must not wait interminably. According to the IAEA's latest report, Iran has increased its stockpile of low enriched uranium by some 60 percent in the previous 6 months, and has brought the number of active centrifuges above 7,000. The IAEA also reported that Iran denied inspectors access to the Arak heavy water reactor. As the threats—including to the State of Israel—continue.

As the Secretary of State has recently articulated, should Iran continue to defy the international community, it must face severe sanctions. Should the regime not take up the historic offer extended to it, this resolution advocates sanctions on the Iranian Central Bank, the country's major connection to the international financial system. The U.S. Treasury Department has stated that the central bank has engaged in deceptive financial practices and facilitated the movement of funds to those involved in proliferation and terrorist activities. This must end, and in fact 67 Senators have cosponsored legislation—the Iran Refined Petroleum Sanctions Act—that urges the President to sanction the central bank.

By adopting this resolution, we will send an unmistakable message to the government of Iran that its actions are unacceptable and will result in real and severe consequences if continued. The administration has offered to talk; the ball is in the Iranian court, and if that regime continues down its destructive path, we have no choice but to impose crippling sanctions for its continued defiance.

I urge my colleagues to support this amendment.

Let me point out again, this amendment is a sense-of-the-Senate amendment, an important sense of the Senate but certainly one that allows the administration the latitude it needs in its handling of its relations with Iran.

I yield the floor.

Ms. STABENOW. Mr. President, I would first ask to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I want to recognize that tremendously hard work both the chair of the Armed Services Committee and ranking member are doing. We are very proud of the chairman, coming from Michigan, and of all of his excellent work in standing up for the troops. This bill is another example of that.

I would like to congratulate him and the Senator from Arizona for working together on this very important bill.

HEALTH CARE REFORM

Ms. STABENOW. Mr. President, I want to speak for a moment on health care. We are hearing a lot, as we hear from colleagues, many colleagues—not every one but many colleagues on the other side of the aisle—about the need to be against health care reform, to be a "no."

We all know that saying no to health care reform means we are going to have the status quo. "No" equals the status quo. For too many families, too many businesses all across this country, that is absolutely not acceptable.

The status quo works, it is good—for special interests making profits off the current system. But it is bad for American families, American small businesses, American manufacturers that are trying to pay the bills and trying to make sure health care is available for the employees.

We need change. We are here because the system, with all of its good parts—and there are many strengths in the American system—is also broken in too many cases for people. We want to build on what works and what is great and we want to fix what is broken.

Right now our current health care system is bankrupting too many families. We know over 60 percent of bankruptcies are linked to medical expenses, and 75 percent of families who file bankruptcy actually have health insurance. Those with insurance, on average, are putting out medical expenses of over \$18,000 when they file—even though they have an insurance policy.

There are many families—we are not only talking about those who do not have health insurance, but those who do who find themselves in very difficult situations.

I am constantly amazed when I hear the argument about: We can't do any kind of reform because reform means putting a bureaucrat between your doctor and yourself. You and your doctor can't make decisions about what you need for your health care.

Do you know who stands between you and your doctor right now? An insurance company, an insurance company bureaucrat. Your doctors can't just

give you whatever tests they wish. You are not able to get whatever care you need for your family. The first call they make is to the insurance company, and it decides.

Reform is about putting health care decisions back in the hands of doctors and patients and being able to create a system that actually works for people. That is what it is all about.

I set up online the Health Care People's Lobby for those I represent in the State of Michigan so they could share their stories. We have a lot of folks lining the halls who represent all kinds of interests, all kinds of special interests, and they tell us what they think should be happening or not happening. But in Michigan we have set up the Health Care People's Lobby so people can share their stories about the real world operating under the current system.

If the system worked today, there would be no reason for us to be here. We would be working on something else. But the fact is, we are spending twice as much on health care as any other country and have 47 million people at any one time who do not have health insurance. Those two numbers don't add up.

On top of that, people who are currently covered are battling every day to try to get what they thought they were paying for or to make sure their family is covered or that test or procedure or medicine can be covered.

One constituent of mine in Michigan, Sandra Marczewski from Waterford, MI, wrote to me that she and her husband have been without insurance for 7 months now. She writes:

You have no idea the fear I walk around with every day.

That is too many people in Michigan, over a million people in Michigan, without insurance altogether, and millions more who are fearful every day if they lose their job, their health care goes with it, for themselves and their families. People every night are putting the kids to bed and worrying about whether someone is going to get sick, saying a prayer: Please, God, don't let the kids get sick. Don't let me get sick. I have to be able to go to work so I can make sure we still have our health care.

There are a lot of people, as I mentioned before, who make a lot of money off of the status quo, off of the current system. It is no surprise they don't want to change it. All the ads we see, all the things going on, all the scare tactics that are going on—and there are plenty of scare tactics going on right now—all of that is about trying to scare people and raise red flags. It is easy just to be no, no, no. We certainly hear that around here all the time, people who are just saying no to any kind of progress or change or making things better for people.

The reality is, the status quo for a lot of folks means more profit, and

that is underlying a lot of the motivation of what is going on right now. Our job is to make sure the American people can afford health care and have the care they need for their families. For too many families, the status quo means insecurity, expenses, and fear that come along with not knowing whether they are going to be able to afford the health care they have from month to month and whether they will, in fact, even have health care.

We are here because when it comes to health care, American families and businesses are in a serious crisis, and they are asking us for action. The status quo is not good enough anymore. It is not working. It is going to bankrupt families, businesses, and the country. High health care costs are causing cuts in benefits, increases in premiums, adding to the ranks of the uninsured at alarming rates. Even those who have insurance, as I indicated before, are feeling the pain of the current system. Every day in America families are forced to choose a different doctor because their health care plan was changed, because their employer can no longer afford the old plan they had.

Skyrocketing health care costs make American businesses less competitive in the global economy. It costs us jobs, and I can speak directly to that coming from the great State of Michigan.

Every day in America, families see their health care plan benefits eroding because they cannot keep up with high premiums, copays, and deductibles. Every day in America, people decide to skip a doctor visit and the medication and treatment they know they need because they cannot afford the payment—in the greatest country in the world—because the expense is too high. Year after year, as health care costs increase, American families are losing the very parts of their health care they value most: their choice of doctor, hospital, and insurance plans; their choice of treatments; the security and stability that comes from knowing they are covered if anything goes wrong. That is what we are about fixing. That is what we will fix as we do health care reform.

Recently, Families USA found that the average costs of family coverage in the workplace rose 78 percent in 7 years—78 percent. During those years, health insurance company profits ballooned 428 percent. At the same time, wages went up about 15 percent. So wages go up 15 percent, health insurance profits go up 428 percent, and premiums just keep rising for businesses and individuals.

The fact is, we cannot wait to get started on reform. The status quo is not acceptable and “no” equals the status quo. So we are here working with colleagues to get it done. Doing nothing is not acceptable.

Recently, the nonpartisan Robert Wood Johnson Foundation released a

report that projects if Federal reform efforts are not enacted within 10 years, the cost of health care for businesses could double and the number of uninsured could rise to over 65 million people with middle-class families being hit the hardest. The report shows if health care reform is not enacted, individuals and families would see health care costs dramatically increased.

Total individual and family spending on premiums and out-of-pocket costs could increase 68 percent in the next 10 years. I cannot imagine 68 percent out-of-pocket costs. That is if we do nothing, if we listen to those just saying no. Even under the best-case scenario, health care costs would likely increase, according to this report, at least 46 percent. And I can tell you absolutely wages are not going to go up 46 percent. Businesses could see their health care costs doubled within 10 years. The report found that employer spending on premiums would more than double, and even in the best-case economic condition, employer spending on health care will rise 72 percent. The result would likely be far fewer Americans being able to be offered insurance or accepting employer-sponsored insurance. Estimates suggest a drop of 56 percent of Americans who are now covered by their employers, dropping from 56 to 49 percent in 10 years.

So there are many numbers. There are numbers that relate to the public programs of Medicaid and children's health insurance and the increased cost there as well and what will happen if we do nothing. The amount of uncompensated care in the health care system will increase, and the worst-case scenario: the total of uncompensated care could double.

By the way, when we say “uncompensated care,” that does not mean somebody is not paying for it. That is why our premiums, if you have insurance, go up so much. It means someone can't afford to see a doctor, can't take their children to the doctor, so they don't get the tests on the front end that they need or they don't see a doctor. They wait until they are really sick, and then they go to the emergency room. They are served, as they should be, and it is the most expensive venue in which to do ongoing care for people. But they are served, and then guess what happens. Everyone who has insurance sees their rates go up to pay for it.

That is what it means when we say that covering the uninsured will lower costs as we go out. I mean it will take time to do this, but over time what we are doing is working to change the way we pay for health care now because we pay for it in the most expensive way, by ignoring the problem, not focusing on health and wellness and primary care but waiting until people are in the worst possible situation: they go to the emergency room, they get care when they are sicker than they otherwise

would be if they could see a doctor. And then we pay for it. That is what we want to change and will change under health care reform.

So this is about many facets. We know we have a system in America that works for many; they are blessed. We are blessed to have health insurance. For the many who have insurance, it allows them to cover their family needs. The system works well. But for many others it does not. And the reality is, we all pay for a system that does not work effectively for everyone. We all end up paying because the reality is, you can say: Well, I am not going to buy a car, I do not need car insurance; I am not going to buy a house, I do not need house insurance, but sooner or later, you are going to get sick, and just because you don't have health insurance does not mean there is not going to be a cost for yourself and your family.

We are a great country. We can do better than what we are doing today. We have to do better. We are working hard to have a bipartisan effort that will move reform forward in this country, to make a real difference to change the system so it works for everyone and begins to lower the cost over time of what is happening, the explosion in health care costs in this country.

The option of saying no is not good enough. “No” equals the status quo. We just cannot have that. The public gets it. It is time for us to get it as well and move forward. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

AMENDMENT NO. 1628

Mr. MCCAIN. Mr. President, I call up the Lieberman-Kyl amendment and ask for its immediate consideration. It is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. KYL, for himself, Mr. LIEBERMAN, Mr. BAYH, and Mr. MCCAIN, proposes an amendment numbered 1628.

The amendment is as follows:

(Purpose: To express the sense of the Senate on imposing sanctions with respect to the Islamic Republic of Iran)

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF THE SENATE ON IMPOSING SANCTIONS WITH RESPECT TO THE ISLAMIC REPUBLIC OF IRAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) The illicit nuclear activities of the Government of the Islamic Republic of Iran, combined with its development of unconventional weapons and ballistic missiles and support for international terrorism, represent a grave threat to the security of the United States and United States allies in Europe, the Middle East, and around the world.

(2) The United States and other responsible countries have a vital interest in working together to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability.

(3) As President Barack Obama said, "Iran obtaining a nuclear weapon would not only be a threat to Israel and a threat to the United States, but would be profoundly destabilizing in the international community as a whole and could set off a nuclear arms race in the Middle East that would be extraordinarily dangerous for all concerned, including for Iran."

(4) The International Atomic Energy Agency has repeatedly called attention to the illicit nuclear activities of the Islamic Republic of Iran, and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of the Islamic Republic of Iran to cease those activities and comply with its obligations under the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty").

(5) The Department of the Treasury has imposed sanctions on several Iranian banks, including Bank Melli, Bank Saderat, Bank Sepah, and Bank Mellat, for their involvement in proliferation activities or support for terrorist groups.

(6) The Central Bank of Iran, the keystone of Iran's financial system and its principal remaining lifeline to the international banking system, has engaged in deceptive financial practices and facilitated such practices among banks involved in proliferation activities or support for terrorist groups, including Bank Sepah and Bank Melli, in order to evade sanctions imposed by the United States and the United Nations.

(7) On April 8, 2009, the United States formally extended an offer to engage in direct diplomacy with the Government of the Islamic Republic of Iran through negotiations with the five permanent members of the United States Security Council and Germany (commonly referred to as the "P5-plus-1 process"), in the hope of resolving all outstanding disputes between the Islamic Republic of Iran and the United States.

(8) The Government of the Islamic Republic of Iran has yet to make a formal reply to the April 8, 2009, offer of direct diplomacy by the United States or to engage in direct diplomacy with the United States through the P5-plus-1 process.

(9) On July 8, 2009, President Nicolas Sarkozy of France warned that the Group of Eight major powers will give the Islamic Republic of Iran until September 2009 to accept negotiations with respect to its nuclear activities or face tougher sanctions.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of the Islamic Republic of Iran should—

(A) seize the historic offer put forward by President Barack Obama to engage in direct diplomacy with the United States;

(B) suspend all enrichment-related and reprocessing activities, including research and development, and work on all heavy-water related projects, including the construction of a research reactor moderated by heavy water, as demanded by multiple resolutions of the United Nations Security Council; and

(C) come into full compliance with the Nuclear Non-Proliferation Treaty, including the additional protocol to the Treaty; and

(2) the President should impose sanctions on the Central Bank of Iran and any other

Iranian bank engaged in proliferation activities or support for terrorist groups, as well as any other sanctions the President determines appropriate, if—

(A) the Government of the Islamic Republic of Iran—

(i) has not accepted the offer by the United States to engage in direct diplomacy through the P5-plus-1 process before the Summit of the Group of 20 (G-20) in Pittsburgh, Pennsylvania, in September 2009; or

(ii) has not suspended all enrichment-related and reprocessing activities and work on all heavy-water related projects within 60 days of the conclusion of that Summit; and

(B) the United Nations Security Council has failed to adopt significant and meaningful additional sanctions on the Government of the Islamic Republic of Iran.

Mr. MCCAIN. The amendment is in the name of Senators KYL and LIEBERMAN. I am calling it up on their behalf.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1628) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, I listened carefully to the Senator from Michigan. Republicans and I believe most Democrats want health care reform this year. The President said he wants health care reform this year. Republicans want health care reform this year. We want to make sure it is done right. Let me put it this way: If we were in an operating room and a seriously ill patient came in and we knew we had only one chance to save that patient's life and to make that patient healthy, our goal would not be to see if we could do it in the next week, it would be to see if we could get it right.

So far, the proposals we have seen coming out of the committees have not gotten it right. One might say: Well, that is a Republican view of Democratic proposals. Perhaps it is. But the proposals we have seen coming out of the Senate HELP Committee and out of the House of Representatives flunk the most important test, which is cost. The most important test is whether Americans can afford their health care and, after we get through fixing it, whether they can afford their government. According to virtually everyone we have heard from, the legislation we have seen simply does not meet that test.

In my opinion, what we should do instead is start with the framework of the bill sponsored by Democratic Senator WYDEN and Republican Senator BENNETT which has 14 cosponsors—8 Democrats, 6 Republicans. This is a different sort of framework that offers

virtually every American coverage, does so without any Washington takeover or government-run programs without raising the debt one penny, according to the Congressional Budget Office. Remember, I said that is a framework. I do not agree with every single part of that bill, although I am a cosponsor, but it may be a much better place to start than what we have seen so far.

That is not just my opinion. Lately, we have heard a lot about the Mayo Clinic in Rochester, MN. President Obama has talked a lot about the Mayo Clinic. The point is, at the Mayo Clinic and a few other clinics around the country, there have been significantly better outcomes. In other words, if you go there and come out, you are more likely to be well, and at a lower cost. And the question is, Why?

The President has repeatedly pointed to the Mayo Clinic, Democratic Senators point to the Mayo Clinic, and Republican Senators point to the Mayo Clinic. Here is what the Mayo Clinic had to say on Friday about the legislation that is being considered in the House of Representatives:

Although there are some positives in the current House Tri-committee bill, including insurance for all and payment reform demonstration projects—the proposed legislation misses the opportunity to help create higher quality, more affordable health care for patients. In fact, it will do the opposite.

That is the Mayo Clinic talking.

In general, the proposals under discussion are not patient focused or results oriented. Lawmakers have failed to use a fundamental lever—a change in Medicare payment policy—to help drive necessary improvements in American health care. Unless legislators create payment systems that pay for good patient results at reasonable costs, the promise of transformation in American health care will wither. The real losers will be the citizens of the United States of America.

That is the Mayo Clinic talking about the bill we are beginning to see in the House of Representatives.

I think the prudent thing to do is to try to make that bill better or start over and certainly not try to pass a 1,000-page or 2,000-page bill in 1 week or 10 days without knowing what is in it, as we did with the stimulus bill earlier this year.

That is not just the opinion of the Mayo Clinic. Here is a letter to House Members on July 16, a few days ago, from a number of clinics, including the Mayo Clinic. These are the Intermountain Healthcare, Gundersen Lutheran Health System, the Iowa Clinic, the Marshfield Clinic, the Rural Wisconsin Health Cooperative, ThedaCare, and Wisconsin Hospital Association.

I ask unanimous consent to have this letter printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. It goes on to say:

On behalf of some of the nation's leaders in health care delivery—

These are the people whose hospitals we go to, whose clinics we go to when we are sick or when we hope to stay well—

we write to you to comment on the House bill.

They say:

We applaud the Congress for working on this. However, we have got significant concerns.

They go on to say there are three of them.

The first is about the Medicare-like public plan, as they call it, a public plan with rates based on Medicare. They say it will have a severe negative effect on their facilities, that they lose a lot of money every year, hundreds of millions of dollars. Because what happens is that Medicare, a government-run plan, pays its doctors and its clinics and its hospitals about 80 percent of what private insurance companies are paying. So roughly 177 million of us have private insurance of one kind or another. If a doctor sees you, he gets paid 100 percent. But if you go to one of these clinics and hospitals, they are paid according to the government rate, which is roughly 80 percent of the private rate. These clinics say that is not sustainable for them, and that if that continues, some of those providers, such as the Mayo Clinic, will eventually be driven out of the market. What market? The market for Medicare patients. Those are the 45 million senior Americans who absolutely depend on Medicare for their service because for most of them, that is their only option. If that is the case, what that means is they will not be able to go to the Mayo Clinic or to the MeritCare Health System or to the Iowa Clinic or to the doctor they choose because that doctor will not be a part of the Medicare system because of low reimbursement.

So that is the first objection these clinics make to the bill they see coming because the bill they see coming proposes to create another government-run plan with government-set rates.

The second objection they have is geographic payment disparities. They say that we are a big country and there ought to be differences in the pay among different geographies.

Third, and maybe this is the most important of all, that the President has said and many of us in the Senate have said we need to change the way we pay for medical care, and we ought to pay more for value, for quality, for results, and less for volume—in plain English, not how many patients a doctor can see but how many of his or her patients stay well or get well.

We have talked about that for weeks here in our hearings. But what these respected voices in medicine are saying

is that the legislation we see today—and understand, this is not even in a bill that has presented to us in the Senate yet in a way upon which we can act—does not meet the test for that. The legislation we have seen so far is running into a lot of trouble.

David Broder, the respected columnist from the Washington Post, said that the plans which have been passed in a partisan way are “badly flawed” and “overly expensive.” I mean, the Democratic plans; we have Republican plans that we would like to be considered. I mentioned that the Wyden-Bennett plan, which is the only really bipartisan plan here, has not been given one bit of consideration so far in the Senate. And then Senator BURR and Senator COBURN have a plan, Senator GREGG has a plan, and Senator HATCH has a plan. We all have different ideas. As I said, we would like for them to be considered, today I’m talking about the Democratic plans that are now being considered.

The Congressional Budget Office, of course, is the nonpartisan office in this Congress that we count on as an umpire to tell us what we are really doing. It is not supposed to have any political rhetoric. Last Thursday, the head of the Congressional Budget Office, Douglas Elmendorf was asked at a Senate Budget Committee hearing what he thought about the bills which had begun to emerge.

He said:

The legislation significantly expands the Federal responsibility for health care costs.

In other words, here we go, at a time when we are in a recession and where the President's proposals for other programs will add more to the debt in the next 10 years, three times as much as we spent in World War II, and we are talking about legislation that would add another \$2 trillion. We haven't dealt with cost which is where we ought to start. Look at the 250 million who have health care and ask the question: Can you afford it? Then after we get through fixing it, can you afford your government? And what the head of the CBO is saying, as far as the government goes, the answer is no.

Then the Lewin Group, a well-respected private agency, was asked what would happen if we had a government-run program which many of us believe will lead to another Washington takeover. We are getting accustomed to this, Washington takeovers of banks, of insurance companies, of student loans, of car companies, now maybe of health care. The Lewin Group said 88 million people will lose their private employer-sponsored insurance. How could that happen? It could happen because a small employer or a big employer would see one of these plans that is beginning to come out take place. To be specific, the Senate HELP Committee plan says you either have to provide everybody who works for you insurance

or pay \$750. There are a lot of employers who cannot afford to provide everybody the kind of insurance that is envisioned. So they will say: OK, we will pay the \$750 fine to the government. What happens? All those employees lose their health insurance. Where do they go? Into the Government plan. That is their option. Some of them may have a choice of other plans, but if they do have a choice and one of the choices is a government-run plan, it may have the same future the Mayo Clinic and others were saying Medicare was causing to them.

The government will set a low price for the doctors and a low price for the clinics. So all these employees who now have insurance that they like will lose that insurance because of the passage of this bill. The government will set the provider rates and physician rates low, and so they will be part of a government plan for which many doctors and many hospitals and many clinics will not offer services. It is similar to giving somebody a bus ticket to a bus station with no busses.

Then there are the Medicare cuts. According to the Washington Post last week, Medicare cuts will pay for one-half the cost of health care for the uninsured in one of the bills being proposed.

If we are to find savings in Medicare and take from the 45 million elderly people who depend on Medicare, every bit of those savings ought to be put back into Medicare and not spent on some new program. I don't think legislation that is paid for half by Medicare cuts is going to go very far in this Chamber.

Then there are the employer taxes. According to the National Federation of Independent Businesses, the House version has an 8-percent Federal payroll tax. I mentioned the Senate version, a \$750 annual fine per employee, if the employer doesn't offer insurance. The NFIB, small businesses, estimates that will lose about 1.6 million jobs.

How could that be? Well, if a small employer or even a large one has government-mandated costs added and they have less money, they will hire less employees. That is one of the options they have.

Then there is the income surtax. There is a whole string of trouble for these bills. USA Today on Monday said: It is the highest tax rate in a quarter of a century that is proposed: A 45-percent top tax rate with all taxes included.

Then rationing, there are provisions in this bill which would have the government make decisions about which treatment you will have and how long you will have to wait to see a doctor.

Finally—I say “finally” because this is the subject I want to spend a moment on—there is the Medicaid State taxes. Sometimes this gets confusing.

Mr. President, 177 million Americans have private insurance, but a lot of people have government insurance now. Veterans do. Military people have TRICARE insurance. About 45 million older people have Medicare. But then there is a program called Medicaid, which is the largest government-run program. About 60 million people are in it now. The Federal Government pays about 57 percent of it, and the States pay 43 percent. Every Governor I know—and I was once one—has struggled with the Medicaid Program. I once came up here in the early 1980s and asked President Reagan to take it all, let the Federal Government run it and give us Governors all of kindergarten through the 12th grade. I thought that would be a good swap.

I saw a couple of Democratic Governors earlier today, and we talked about the story every Governor faces. If you have an extra dollar and you want to put it in higher education so you can improve the quality of the University of Colorado or Tennessee or keep tuition from going up, what happens to it? That dollar is stolen because it has to go in the increasing Medicaid cost. It is an inefficiently managed program. The Federal Government keeps changing the rules. The Governors have to get permission from Washington whenever they make minor changes. It is demolishing State governments right and left.

If our real goal is to help people, then why under these new plans do we say to low-income people—defined as, say, a family of four who makes less than \$32,000—your only option is going to be to go in the Medicaid Program under this plan. It is estimated by the Congressional Budget Office and others that 15 or 20 million Americans will be added to the 60 million in the Medicaid Program. What will they find when they get there? They will find that 40 percent of the doctors don't see Medicaid patients. When we add another 15 or 20 million people to it, it may be a larger number. Why don't they do see Medicaid patients? For the same reason the Mayo Clinic warned about this government plan in its letter. It is because Medicaid only pays its doctors and its hospitals about 72 percent of what Medicare pays.

If you are confused by that, it works out pretty simply. Medicare pays 80 percent of what the private insurers pay, and Medicaid pays about 72 percent of what Medicare pays. If you are a doctor or a clinic or a hospital, you get paid about 60 percent, if you are helping a Medicaid patient, of what you would if you were helping one of us who has his or her own private health care. You can see that will be a pernicious trend. If we continue to dump low-income people into a government-run Medicaid Program, that is what will happen.

There is another thing that happens with Medicaid. Many members of the

committees working on this bill said: We can't let that happen. We can't be inhumane and just say we are out here to help people who are uninsured, and we are going to dump 20 million of them into a government-run program that doesn't have enough doctors and hospitals and clinics. We will have to raise what we pay to doctors and clinics. That sounds good, but that is very expensive, particularly for a program such as Medicaid that, according to the Government Accountability Office, \$1 out of every \$10 is fraudulent, is wasted. That is \$32 billion a year. That is the program we are going to expand? That is the program we are going to say to low-income people: Congratulations, go into this program where you are not likely to find a doctor every time you want one, and there are a lot of hospitals and clinics that will not take you because we will not pay them for that.

Because Senators and Congressmen hear that, they say: We will raise the rates. Here is the proposal: The proposal is, we are going to increase the number of people who are eligible for Medicaid by 133 to 150 percent of the Federal poverty level. That is a substantial increase. Then, if we are going to do that and put many more people into the program, we are going to have to order an increase in what we pay the doctors and the clinics to serve them, maybe up to 83 or 85 percent of the Medicare level.

Let me talk about what that would do in one State. We called the State Medicaid director in Tennessee. Our program is called TennCare. We said: What would it cost Tennessee if we increase coverage of Medicaid up to 150 percent of the Federal poverty level? The answer came back, nearly \$600 million a year. That is the State's share of the cost which is a little more than a third. The Federal Government's share is twice that. So the Federal Government is saying: That is all right. We know Tennessee doesn't have the money to do that, so we will pay it all for the first 5 years. Then, after 5 years, so the talk goes—and we were told, when we were working on this bill, this is an assumption—we will shift these costs back to Colorado, back to Tennessee. Back comes what in today's dollars is about \$600 million to the State of Tennessee.

Remember what I said. This is a program doctors don't want to go to because they don't get paid very well. So we will have to increase the amount of money we pay doctors. So if States are required to pay doctors and providers under the Medicaid system 110 percent of what Medicare is paid, that still isn't what doctors and hospitals get, if they see somebody with private health insurance. That is about the same amount of money, about \$600 million added just for the State cost, which brings the total new state cost for pay-

ing physicians and hospitals more and for all the new people in the Medicaid Program to \$1.2 billion. That is a huge amount of money.

We throw around dollars up here and figures that make any amount of money seem unimaginable. What is \$1 trillion, what is \$10 trillion, what is \$40 billion. We former Governors can imagine it. I figured it out. If in 5 years you shifted back to the State of Tennessee just its share of those costs from the expansion of Medicaid and paying the doctors and hospitals more, the bill for the State of Tennessee to pay the increased Medicaid costs would be an amount of money that equals a new 10-percent State income tax.

The truth is, for our State—and I believe for almost every State—it is an amount of money that nobody has enough taxes to pay. You can run politicians in and out and defeat them for raising taxes all day long, and they still couldn't come up with ways to pay for it. In other words, these bills are based on a premise and assumption that will either bankrupt the States or, if the Federal Government says we will pay for it all, it will add \$5, \$6, \$700 billion more over 10 years to the legislation we are considering.

We need to think that through. Is that the best way to help people who are low income? I don't think so. I think there are much better ways. The Wyden-Bennett framework is a better way. It rearranges the tax deductions we have for people who have health insurance from their employers and it says: Let's take the available money and give the money to low-income people who then buy private health insurance. It may be a very basic plan. But at least they would have health insurance, and they wouldn't be stuffed in a government program 40 percent of the doctors wouldn't see and that many of the best clinics and hospitals wouldn't allow them to come in.

We have been told already by the Congressional Budget Office that proposal would not add a penny to the debt. Not only does it not create a new government program, it actually makes the Medicaid Program, except for Americans with Disabilities, history. In other words, if you are poor, you are not stuffed into a program that nobody else would want to join anyway. You have a chance to buy your own insurance, and you are not consigned to the worst run government program we have today.

So there are some real possibilities with health care, and there are some plans on the table that will lead us in the right direction. We have advice from distinguished Americans with a stake in this—which is every single one of us—but the most distinguished are those who deal with it every day. The Mayo Clinic is saying the proposed legislation misses the opportunity to help create higher quality, more affordable

health care for patients. In fact, it will do the opposite.

Shouldn't we slow down and get it right? Shouldn't we get it right? This is the only chance we have to do this. If we do it wrong, we will not be able to undo it. This is 16, 18 percent of the American economy we are talking about. People have tried to do it for 60 years, and they failed.

The only way we will do it is if we do it together. The Democrats have big majorities over on that side. They do in the House. But that is not the way things usually happen around here. The President has said—and I take him at his word—and many of the leaders have said—and I take them at their word—that we would like to get 70, 80 votes for the health care result. We would too.

But in order to do that, we are going to have to do it the way we usually do when we have bipartisan events around here. We get some Democrats and some Republicans and they sit down with the President and they share ideas and they agree on some things. They don't just say: OK, here it is, and we are going to vote down almost every significant idea you have on the way through.

I respect the fact that Senator BAUCUS is trying to do that in the Finance Committee, and perhaps he will succeed, working with Senator GRASSLEY and others. But this is going to take some time. It cannot be done overnight. There are many sections to this bill. Each of them might be 500 pages long. They have enormous consequences to individuals. That is why we have all these clinics writing and saying: If you do it the way it looks like you are going to do it, you may drive us out of the business of helping Medicare patients.

Do we really want to do that? Do we really want to say to 45 million Americans who depend on Medicare: We are going to pass a bill that will accelerate the process whereby respected clinics and the doctor you might choose will not see you anymore because they cannot afford to because the government will not pay them under the system we have?

So I would suggest we start over, literally, conceptually; start over and listen to these clinics and doctors and focus on the delivery system and focus, first, on those 250 million Americans who already have health insurance and ask the question: Can they afford it? And, what could we do to make it possible for those Americans to afford it? And can we do it in a way that permits us to be able to honestly say when we are through that those same 250 million Americans can afford their government when we are through without adding to the debt?

Then let's look at the 46 million people who are uninsured. Of course, we need for them to be insured. But the

fact is, 11 million of the uninsured are already eligible for programs we already have; 10 million or so are non-citizens—half of them legally here, half of them not; a large number of them are making \$75,000 a year and could afford it but just do not buy it; and another significant number are college students.

So we are going to have to go step by step by step and see in what low-cost way we can include a large number of these 46 million Americans, who are not part of the system, in the system. But that is the wrong place to start. That is the place to end.

So, Mr. President, all I am saying is, on the Republican side of the aisle we can tell you what we are for. Some of us are for the Wyden-Bennett bill with our Democratic colleagues. That is the only bipartisan bill before us today. It has not even been seriously considered by this body, but it is there, and it has significant support in the House. We have two doctors over here: Dr. BAR-RASSO, who has been an orthopedic surgeon for 25 years, and Dr. COBURN from Oklahoma, an OB/GYN doctor. They would like to be involved in the process. So far their ideas are not really being adopted in the result we might have. We have Senator GREGG from New Hampshire, one of the most respected Senators, who has been a part of many bipartisan efforts, and he has his own bill. He would like to be more a part of it, but his ideas do not fit the way things are going. But the way things are going are too expensive for the Congressional Budget Office and take us in the wrong direction, according to the Mayo Clinic.

So maybe we ought to step back and say: Well, let's listen to these other ideas. Let's go very carefully. Let's work with the President. Let's see if we can get a result. Let's keep a four-letter word out there that is a good word; and that is "cost," and make sure we focus first on the 250 million Americans who have health insurance and make sure they can afford it; and, second, make sure when we finish fixing health care that those same Americans can afford their government.

I thank the Presiding Officer, and I yield the floor.

EXHIBIT 1

JULY 16, 2009.

Hon. RON KIND,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN KIND: On behalf of some of the nation's leaders in health care delivery, we write to you today to comment on the House health care reform bill introduced earlier this week. We would like to thank you for the opportunity to comment on this legislation. We applaud the Congress for its commitment to passing comprehensive health care delivery system reform this year. However, we have significant concerns about the current language of the bill and we ask that these concerns, set forth below, be addressed before the committee action is concluded.

MEDICARE-LIKE PUBLIC PLAN

First, we are concerned that a public plan option with rates based on Medicare rates will have a severe negative impact on our facilities. Today, many providers suffer great financial losses associated with treating Medicare patients. For example, several of the systems that have signed onto this letter lost hundreds of millions of dollars under Medicare last year. These rates are making it increasingly difficult for us to continue to treat Medicare patients. The implementation of a public plan with similar rates will create a financial result that will be unsustainable for even the nation's most efficient, high quality providers, eventually driving them out of the market. In addition, should a public plan with inadequate rates be enacted, we will be forced to shift additional costs to private payers, which will ultimately lead to increased costs for employers who maintain insurance for their employees. We believe all Americans must have guaranteed portable health insurance, but it is critical that we not lose sight of the need to ensure adequate and equitable reimbursement.

GEOGRAPHIC PAYMENT DISPARITIES

Second, our health care systems are among the most cost-efficient in the country in caring for Medicare patients. However, many of us operate in states with some of the lowest Medicare reimbursement rates in the nation. Current physician payments due to geographic disparities are actually greater under Medicare than under commercial insurance. This may be difficult to believe, given the government's rate-setting power, but flows from the fundamentally flawed payment methodology. To date, health care reform proposals simply continue the current payment methodology, despite the fact that formula changes have been identified to address this problem. We support payment changes that work to reduce geographic disparities, rather than perpetuating the flaws in the current payment system. While we believe that the Institute of Medicine study is a good first step, we encourage Congress to take this further and enact payment reforms that will address the existing disparities.

VALUE INDEX PROPOSAL

Third, consistent with statements from President Obama, we believe that focusing on, defining, measuring, and paying for value is essential for controlling cost within the U.S. health care system. The system must be reformed to compensate for value instead of volume. We believe inserting a value index into various aspects of the Medicare payment system (e.g., physician fee schedule, hospital rates) is the means to accomplish this end goal of compensating for quality rather than quantity.

We appreciate the opportunity to comment on this legislation. We urge you to address the above-stated concerns, which will demonstrate that Congress is serious about preserving the best parts of the existing health care delivery system. If we can be of assistance to you moving forward, please do not hesitate to contact us.

Sincerely,

Everett Clinic, Gunderson Lutheran Health System, HealthPartners, Inter-mountain Healthcare, Iowa Clinic, Marshfield Clinic, Mayo Clinic,
MeritCare Health System, Park Nicollet Health System, Rural Wisconsin Health Cooperative, ThedaCare, Wisconsin Hospital Association, Wisconsin Medical Society.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Illinois.

Mr. BURRIS. Mr. President, throughout this Nation's history, our freedom—and at times our very survival—has rested squarely on the shoulders of the men and women of our Armed Forces.

As a member of the Armed Services Committee, I am proud to know many of these brave warfighters we have. We rely upon their training and discipline. We depend upon their service and their sacrifice. In return, we owe them nothing but the very best.

That means keeping our commitment to every soldier, sailor, airman, and marine at every stage in their career—from the day they report for training to the day they retire and beyond.

We can start to honor this commitment in the most basic way by ensuring that their facilities are safe and adequate. That is why I plan to offer an amendment that would help eliminate vegetative encroachment on training ranges. Excessive vegetation can actually render training grounds unusable. If a training range is heavily overgrown, it can lead to dangerous situations, including fires and obstructive lines of sight.

In a recent study by the U.S. Army, 70 percent of the facilities surveyed are experiencing limitations due to uncontrolled vegetation. This is unacceptable. We must take action now.

My amendment calls upon the Secretary of Defense to perform a comprehensive study of training ranges across every branch of the military. We must develop a plan to reclaim any overgrown land for its rightful use by our fighting men and women of America. This will help us ensure that we can train them adequately and safely so they can fully prepare for any mission they are assigned to perform.

But we cannot stop there. Our commitment begins on the day someone volunteers for service in the Armed Forces. But it does not end, even after their service has drawn to a close. That is why I believe it is important to extend dislocation benefits to every servicemember, including those whose service is coming to an end.

Over the course of a career in the American military, a service man or woman and their family may be ordered to relocate a number of times—moving here, moving there, this assignment, that assignment. Each move can be quite costly. From basic travel expenses to the purchase of household goods to utilities to rent, it takes a lot to relocate an entire family.

Since 1955, Congress has helped members of the service defray these costs by paying a “dislocation allowance” to each person we reassign to a new duty station. This eases the financial burden on military families and means that personnel decisions can be made without fear of breaking the bank—at least for most servicemembers, that is.

Unfortunately, those who retire are not covered under the current system,

despite the fact that their final orders may require a permanent change of station. So after years of supporting service men and women when we ask them to relocate, we abandon them at the time of their final move. We leave them to fend for themselves, even though the expenses they incur will be as high as ever, and even though their income has been reduced to half of what they had been paid during Active Duty.

So we simply cannot stand for this. We cannot allow those who have served us honorably to be left out in the cold at the end of their careers. We must offer these benefits to all Members of our Armed Forces, even those who have been asked to move for the last time.

That is why I am calling for a study to examine the feasibility of extending the dislocation allowance to retiring servicemembers. We should find a way to make this work. The cost of moving demands it. Our servicemembers support it. And, most importantly, it is the right thing to do for our troops.

Colleagues, Members of this great body, let's come together to stand for those who sacrifice on our behalf and protect this great country of ours that allows us to do what we do in America, with freedom and opportunity. Let's provide our men and women in uniform with the support they need at every stage of their careers—from the first day of basic training to the day they are discharged.

Cutting down on vegetation encroachment will keep our trainees safe and help prepare them for years of honorable service. When that service ends, dislocation benefits will help them retire with some measure of financial security.

So I urge my colleagues to join with me in supporting these initiatives I put forth. We owe our troops nothing less.

Thank you, Mr. President. I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

THE PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DEMINT. Mr. President, I wish to speak for a few minutes about health care and the need for health care reform in the country today. I think

most Americans would agree we need to do everything we can to make affordable health insurance available to every American and, hopefully, that is what this health reform debate will be about.

Unfortunately, we are seeing a pattern develop here that has been going on all year—since the President took office—that has many Americans alarmed at the rapid pace we are spending and borrowing, imposing new taxes, and taking over various aspects of the American economy. I know a lot of Americans are alarmed and some are outraged. More than any other comment, I am hearing Americans say: Why don't you slow down and read the bills before you continue the expansion of government.

Now we are talking about health care, and we see that same pattern of crisis and rush and it “has to be done today, hair's on fire” type of mentality here in Washington so that we almost have to call this a “son of stimulus” health care bill. Because certainly the last time the President tried to ram a massive bill through Congress before we had a chance to read it, we ended up with this colossal stimulus failure that has actually resulted in the loss of jobs in America and a burden of debt on our children that is almost unimaginable. It makes no sense for us to follow that same pattern with health care—nearly 20 percent of our economy—to have a government takeover with a bill we haven't even completely seen yet, that is supposed to be passed in the next 2 weeks, even though the bill wouldn't take effect until 2013. What is the rush? The whole purpose of the Senate is to be the place where the legislation comes to cool down, where we deliberate, we look at the details. The President himself has admitted he is not aware of the details of the bill he is out selling every day.

We do have serious problems in health care that we need to fix. The unfortunate thing is I have no confidence that the President actually wants to make health insurance affordable and available to all Americans because when he was in the Senate, Republicans proposed a number of alternatives that would have done that. Yet in every case—every opportunity he had to make health insurance more available and affordable to Americans—he voted no. Let's review some of them, because I think we have to recognize that the point of this health care debate is not to make sure every American is insured, but to make sure the government is running our health care system. The most personal and private part of our lives they are talking about turning over to bureaucrats at the Federal level. This makes no sense.

What we could do is be fair to those who don't get their health insurance at

work. If people get their health insurance at work, as we do here in Congress, your employer can deduct the cost of it and the employee is exempt from paying taxes on those benefits. That is equivalent to about a \$5,000 a year benefit to families who get their health care or health insurance at work. Why can't we offer that same fairness to Americans who don't get their health insurance at work? It is something I actually proposed here in the Senate while President Obama was a Senator, that we would give fair tax treatment; at least let them deduct it from their taxes. He voted no, as did I believe every Democrat, and they killed the bill in the House. This was basic fairness to make health insurance a little more affordable to people who didn't get it at work. The President voted no.

We hear a lot of talk about how we need a government plan to make the private plans more competitive. Why not make all the insurance companies compete with insurance companies all over the country instead of what we do now? A lot of Americans don't know that the reason we don't have a competitive private health insurance market is that the Federal Government makes it impossible. You have to buy your health insurance in the State where you live, so a few insurance companies basically have monopolies in every State of the country. What if someone such as myself who lived in South Carolina could look all across the country, find a policy I wanted at a better price, and buy it? Why can't we do that? Well, I proposed we do that. We introduced it on the Senate floor. It would have created a competitive health insurance market and allowed people to buy all over the country. Barack Obama voted no, as did all of the Democrats, to kill the bill. Now they are talking about: Well, we need a government option to create some competition, to have a real competitive market. He voted against it.

What about allowing Americans who put money in a health savings account, or their employer puts it in there for them—their own money—why not let them use that money to pay for a health insurance premium if they don't get it at work? It sounded like a good idea to me, to make it a little bit easier, a little more affordable to have your own health insurance, so I proposed that bill here in the Senate. Barack Obama voted no, as did all of the Democrats, and they killed the bill.

What about the idea of allowing a lot of small employers—I was a small businessman for years. It was hard to buy health insurance as a small employer, but I did. It cost me a lot of money, a lot more than the big employers. But what about allowing a lot of small employers to come together and form associations and buy health insurance so they could offer it to their employees

less expensively? Well, it is a good idea that was offered right here on the floor of the Senate by Republicans. Barack Obama voted no, as did most of the Democrats, and they killed the bill.

There is a long list here I could go through, but every single bill, every single health reform idea that has been proposed here, the President, when he was in the Senate, voted against. Everything that would have made health insurance available and affordable to the average American who doesn't get their insurance at work was voted no by this President.

Now he is saying, We need the government to take it over because it is not working. The reason it is not working is we won't let it work. The part of health insurance, the health care system that works the best today is when you have your own health insurance and you pick your own doctor and you and your doctor decide what kind of health care you are going to get. It is not a perfect system, and insurance companies have a lot of work to do to make things work better because I have to argue with them a lot myself. But the part of the health care system that doesn't work is the part that the government runs, Medicaid and Medicare, the SCHIP and TRICARE. Some of the people who get those benefits such as our seniors say Medicare works fine, but, unfortunately, doctors don't want to see them coming because Medicare and Medicaid don't cover the cost of even seeing a patient. So many physicians are closing their practices to our seniors because they have government health insurance. Government health care does not pay enough for the physician and the hospital to see the patient, so they shift the cost over to the private market.

The worst part of all of these government plans is they are trillions of dollars in debt—debt that our children are going to have to pay back. These programs are broke. Yet they want to expand these programs. They want to take the part of health care that is not working and essentially force it on every American. They want every American to have a Medicaid plan where doctors don't want to see us coming because we are not paying enough of their costs.

As I look at this whole health care reform debate—and I am glad to see the President out taking shots at me for saying we have to stop him on this, because we have been on a rampage since he took office, passing one government program after another, expanding spending and debt at levels we have never imagined in this country. It is time to slow down and take stock of where we are. Other countries that have to lend us money to keep us going are beginning to wonder, Can we pay our debts? We have doubled our money supply by the Federal Reserve, and that means big inflation, higher inter-

est rates. Yet we are moving ahead with this health care plan that is going to expand our debt as a nation, raise taxes on small businesses that create the jobs. It looks as if we are going to penalize Americans who don't decide to buy health insurance, and we are moving again toward a government program that we know won't work. There is not one Federal program that has worked as advertised, that has worked to the budget we said it would be to. This week we have had announcements of what we have already passed as far as stimulus over the last year is going to mean trillions of dollars—trillions of dollars—we are going to have to borrow and that our children are going to have to pay back.

I appeal to my colleagues: We don't need to rush through a bill in the next 2 weeks before we go on our August break that affects one-fifth—20 percent—of our total economy, that gets the government to effectively take over the most personal and private service that we ask for as Americans. We don't need to pass a bill such as that, that we won't even have time to read. What the President and I think a lot of the proponents of this bill are afraid of is if we are able to go home on the August break and we take this bill and we put it on the Internet where people can read it, and radio talk shows and bloggers all around the country are able to tell the American people what this bill is and what it will do, and get past this utopian rhetoric that we are hearing from the President and look at the nuts and bolts, because everything he is saying this bill is going to do the Congressional Budget Office and other experts are saying, No, it isn't going to work that way. It isn't going to save us money, it is going to raise our taxes, it is going to cost jobs in America, and it isn't going to fix health care.

We need to go back to the basics, including some of what I have mentioned already, that would reform health care and make private health insurance work better, make it more affordable, and get it into the hands of more Americans. Why should we give up on freedom and move to a government plan when we haven't even given freedom a chance to work in health care?

I know the government can't run health care and I don't want them running my plan. One of the best ideas I have heard in this debate is whatever we pass, Congressmen and Senators ought to have to take that health plan. I am going to have an amendment to that effect if they try to get this on the floor before August.

But I appeal to my colleagues: Let's listen to the American people. Let's stop this rampage toward bigger and bigger government. Let's take our time and look at this bill and, for once, do something right. Our health depends on it.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENT NO. 1515

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the pending amendment be laid aside in order that I might call up amendment No. 1515.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 1515.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation)

At the end of subtitle D of title VI, add the following:

SEC. ____ . REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOVERY OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.—” and all that follows through “In the case of a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1).”; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Mr. NELSON of Florida. Mr. President, this is the widows and orphans amendment. This is the dastardly subject we have been dealing with for years, where there is an offset from an insurance payout, that servicemembers pay insurance premiums and/or retirees pay premiums, which is offset by Veterans Department disability compensation, which otherwise the veteran's surviving spouse and children would be able to, under existing law, be eligible for both, but there is an offset.

This particular amendment is going to eliminate that offset. Every year, we come to the floor on the Defense authorization bill and we offer the amendment and we have an overwhelming vote in the Senate. Every year, it goes to conference and, for years and years, in the conference committee with the House, they would say you cannot pass an amendment that would even reduce the offset for widows and orphans. Only in the last couple years have we had some modest reduction of the offset. Then, on an earlier piece of legislation this year, we had a little bit more reduction of the offset. What this amendment will do is completely eliminate the offset.

I wish to point out at the outset, I have a letter from the Military Coalition, and I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MILITARY COALITION,
Alexandria, VA, July 15, 2009.

Hon. BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR NELSON: The Military Coalition (TMC), a consortium of nationally prominent military and veterans organizations, representing more 5.5 million members plus their families and survivors would like to thank you for your sponsoring of Amendment No. 1515 of FY2010 NDAA (S. 1390). This Amendment, like your bill, S. 535, would repeal the law requiring a dollar-for-dollar deduction of VA benefits for service connected deaths from the survivors' SBP annuities. The elimination of this survivor benefit inequity is a top legislative goal for TMC in 2009.

We strongly believe that if military service caused a member's death, the Dependency and Indemnity Compensation (DIC) the VA pays the survivor should be added to the SBP benefits the disabled retiree paid for, not substituted for them. In the case of members who died on active duty, a surviving spouse with children can avoid the dollar-for-dollar offset only by assigning SBP to the children. That forces the spouse to give up any SBP claim after the children attain their majority—leaving the spouse with only a \$1,154 monthly annuity from the VA. Those who give their lives for their country deserve fairer compensation for their surviving spouses. Your amendment would also end this inequity.

The Military Coalition again thanks you for sponsoring this Amendment to restore equity to this very important survivor program and encourages your colleagues vote for its passage.

Sincerely,

The Military Coalition:

Air Force Association, Air Force Sergeants Association, Air Force Women Officers Association, American Logistics Association, AMVETS, Army Aviation Assn. of America, Assn. of Military Surgeons of the United States, Assn. of the US Army, Association of the United States Navy, Commissioned Officers Assn. of the US Public Health Service, Inc. CWO & WO Assn. US Coast Guard, Enlisted Association of the National Guard of the US, Fleet Reserve Assn., Gold Star Wives of America, Inc., Iraq & Afghanistan Veterans of America, Jewish War Veterans of the USA, Marine Corps League, Marine Corps Reserve Association, Military Officers Assn. of America, Military Order of the Purple Heart, National Association for Uniformed Services, National Guard Assn. of the US, National Military Family Assn., National Order of Battlefield Commissions, Naval Enlisted Reserve Assn., Non Commissioned Officers Assn. of the United States of America, Reserve Enlisted Assn. of the US, Reserve Officers Assn., Society of Medical Consultants to the Armed Forces, The Military Chaplains Assn. of the USA, The Retired Enlisted Assn., USCG Chief Petty Officers Assn., US Army Warrant Officers Assn., Veterans of Foreign Wars of the US.

Mr. NELSON of Florida. This letter supports this legislation. It is from the Military Coalition. The Military Coalition is a group of 34 organizations, and their signatures are on the letter—alphabetically, from the Air Force Association all the way to the last one on

the list of 34, the Veterans of Foreign Wars of the United States. All those organizations that you would expect are in between; there are 34 of them endorsing this amendment.

I wish to tell you about this particular amendment. I filed this bill—and this is nonpartisan—years ago with Senator SESSIONS and eight other original cosponsors. It will repeal the law that takes almost \$1,200 per month from families who have lost a loved one because of military service. This survivors benefit plan, otherwise known by its initials as SBP, is an annuity paid by the Defense Department. Survivors receive the benefit when either a military retiree pays a premium as income insurance for their survivors or when a servicemember dies on Active Duty.

The other law is dependency and indemnity compensation, referred to by its initials DIC. It is a survivor benefit paid by the Veterans' Administration. Survivors receive this benefit when the military service caused the servicemember's death.

What this amendment will do is fix this longstanding problem in the military survivor benefits system. The problem is, it requires a dollar-for-dollar reduction of the survivor benefits from the SBP, paid by the Department of Defense, offsetting against the dependents and indemnity compensation, DIC, paid by the Veterans' Administration.

You know the great quote, following one of America's bloodiest wars, by President Lincoln in his second inaugural address—and the war was still raging at that point. He said that one of the greatest obligations in war is to "finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle"—in other words, the veterans—"and for his widow and his orphan."

Following Lincoln's advice to honor truly our servicemembers, they need to know their widows and orphans, their survivors, will be taken care of. We certainly agree that the U.S. Government must take care of our veterans, their widows, and their orphans. In keeping with that principle, we need to repeal this offset that denies the widows and orphans the annuity their deceased loved ones have earned on Active Duty or have purchased for them. A retired military member can purchase this SBP, and it is an insurance policy so their survivors will have income.

Over in the Veterans' Administration, we have a law that says, if you are disabled a certain percentage, we are going to take care of you. One should not offset the other—particularly, when somebody has paid premiums on an insurance policy.

Well, that dollar-for-dollar offset is what has me so agitated for a decade now. I have already explained that, for the survivors benefit plan, there are

two ways to qualify: The military retiree goes out and voluntarily pays into an insurance program with their retirement income. Later, the statute was added that the survivors benefit plan is available to an Active-Duty servicemember if they are killed as a result of military service. For retirees, the SBP is an insurance program that protects the income of survivors; and for Active-Duty military members, SBP is compensation for the servicemembers' beneficiaries.

On the other hand, the dependents indemnity compensation is a benefit payment to the survivors of a servicemember who dies from a service-connected condition. For almost a decade, I have fought to repeal the law that requires the dollar-for-dollar offset of these two very different benefits. Back in 2005, the Senate took the step in the right direction and passed, by a vote of 92 to 6, my amendment to repeal that offset. When it got down to the conference committee, you know what happened. In the 2008 Defense authorization bill, we cracked the door to eliminating the offset. In the conference committee negotiations with the House, we made some progress when we got a special payment of \$50 per month, which would now increase to \$310 per month by 2017 because of money savings found in the tobacco legislation passed earlier this year.

Our efforts have been important steps in the right direction, but they are not enough. We must meet our obligation to the widows and orphans with the same sense of honor as was the service their loved ones had performed. We need to completely offset this SBP and DIC. We must continue to work to do right by all those who have given this Nation their all and especially for the loved ones they may leave to our care.

In that letter that I have had entered into the RECORD, it says:

The elimination of this survivor benefit inequity is the top legislative goal for [the Military Coalition] in 2009.

I will not take the time to read the names of the 34 organizations that signed the letter, but they are all fairly well known to every one of us.

On February 24 of this year, during a joint session of the Congress, the President said:

To keep our sacred trust with those who serve, we will raise their pay, and give our veterans the expanded health care and benefits they have earned.

I say amen to that. I ask that President Obama help us end this injustice to widows and orphans of our Nation's heroes.

Mr. President, may I inquire if there is someone else who wants to speak now, because if there would not be, I would like to speak as in morning business.

Mr. MCCAIN. I object. Let's dispose of the amendment.

The PRESIDING OFFICER. The Senator from Arizona objects.

Mr. MCCAIN. I object to the Senator from Florida going into morning business until we dispose of the amendment. Then he can do it right away.

Mr. NELSON of Florida. I merely inquired if another Senator wants to speak. Certainly, I would withhold asking for a unanimous consent.

Mr. SCHUMER. Mr. President, I intend to speak on the Thune amendment and was scheduled to speak in the next few minutes. If it is OK with the floor leaders, if my colleague will speak for a brief amount of time, I am happy to go after him. It is up to the floor managers.

Mr. MCCAIN. Mr. President, I say to the Senator from Florida, we will find out if there are others who want to speak on his amendment. If not, we are in favor of disposing of his amendment. Part of the agreement we made, in order for us to proceed, was that if anyone came to the floor to speak on the pending amendment, that Senator would have priority. If it is agreeable to the Senator from Florida, the Senator from New York would go ahead and then we could go back to him speaking in morning business.

Mr. NELSON of Florida. Of course. It is my understanding the Senator from South Carolina had just spoken as in morning business. That is why I was inquiring. I am very grateful to the ranking member of the committee for us to go ahead and dispose of this amendment.

Mr. MCCAIN. Why don't we wait until after the Senator from New York finishes, to make sure there is no one else who wants to speak on the amendment of the Senator from Florida.

Mr. SCHUMER. Mr. President, if my colleague needs 5 minutes, I am happy to yield to him, if I would come after that. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. NELSON of Florida. I thank the Chair.

(The remarks of Mr. NELSON of Florida pertaining to the introduction of S. 1484, S. 1485, S. 1486, and S. 1487 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REED. Mr. President, if the Senator from Florida is prepared, I have conferred with the ranking member, the Senator from Arizona, and we are prepared to voice vote the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1515) was agreed to.

Mr. NELSON of Florida. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1618

Mr. SCHUMER. Mr. President, I know we are not now on the Thune amendment. I know we have gone aside to other amendments and that we will be debating Thune tomorrow morning, but there are so many of my colleagues who want to speak, and I have a lot to say. So I will speak for 5 minutes tomorrow morning, but I will give the bulk of my speech this afternoon.

Mr. President, I rise in staunch opposition to the Thune amendment. I believe it is a dangerous amendment that would go far beyond authorizing gun possession for self-defense and not only create a serious threat to public safety but also severely undercut American federalism.

Amendment No. 1618, authored by Senator THUNE, would force States and localities from across the Nation to permit individuals from other States to carry hidden and loaded handguns in public, even where the elected representatives of those States have chosen to bar these persons from possessing firearms. The legislation would require every State with concealed carry legislation to honor concealed carry licenses issued by any other State so long as they abide by the State's location restrictions for concealed carry.

This amendment is a bridge too far and could endanger the safety of millions of Americans. Each State has carefully crafted its concealed carry laws in the way that makes the most sense to protect its citizens. It is obvious what is good for the safety of people in New York City or Philadelphia or Chicago or Miami or Los Angeles is not the same thing that is needed in rural Idaho or rural Tennessee. Yet this amendment, in one fell swoop, says the protections some States feel they need to protect law enforcement, to protect its citizenry, would be wiped away.

The amendment will incite the dangerous race to the bottom in our Nation's gun laws. Let's examine the lineup of people who could carry concealed weapons in 48 States under this amendment. And I don't disparage each State for doing what it wants within its own borders, but why impose that on States outside their borders?

Arizona law allows a concealed carry permit to be issued to an applicant who is a known alcoholic. So alcoholics would be in the lineup. They could

carry a concealed weapon in States outside of Arizona simply because Arizona allowed them to do so.

Texas, which is one of the top 10 sources of guns recovered in crimes in New York City, a city in which I reside, is obliged to issue a permit to a person who has been convicted repeatedly of illegally carrying a handgun. Therefore, we can place arms traffickers in this lineup.

Mississippi law leaves access to concealed carry permits for members of hate groups.

Alaska and Vermont allow adult residents of their States to carry a concealed weapon without a license or background check as long as they are allowed to possess a gun, even if they have committed violent misdemeanors, have committed misdemeanor sex offenses against minors or are dangerously mentally ill and have been voluntarily committed to a mental institution.

Again, each State has its own views. The State of Vermont is a beautiful State. It is different from New York State in many ways, and the laws that fit for Vermont don't necessarily fit for New York.

A 17-year-old Crip or Blood from New York—a member of a gang; dangerous, maybe violent—could head to Vermont, obtain a Vermont driver's license, buy a gun, and return to New York or he could buy a whole bunch of guns and return to New York. When law enforcement stops him, a loaded gun tucked in his pants or a whole bunch of guns in his backpack, all he would have to do is claim he is a Vermonter visiting New York, show his Vermont ID, and the New York Police Department would be unable to stop him. This runs shivers down the spines of New York police officers, of New York sheriffs, of New York law enforcement. And it doesn't just apply to New York. This could apply to any large State.

Imagine law enforcement stopping one of these characters with a backpack full of guns—a known member of a major gang—and having to let them go. Imagine how empowered gun smugglers and traffickers would feel. Their business would boom. These are people who make money by selling guns illegally to people who are convicted felons. They could go to the State with the weakest laws, get a concealed carry permit—if that State allowed it, and in all likelihood it might—and then start bringing concealed guns into neighboring States and States across the country. Their business would boom, but our safety would be impaired. Imagine routine traffic stops turned into potential shootouts.

Police officers in New York have the safety and the peace of mind in knowing that the only people who might legally have a gun are those who have been approved by the police department. That is how we do it in a city

such as New York. We have had our problems with crime. Thank God it is much lower now, due to the great work of the New York City police. But now they would be totally unprepared, walking on tiptoe. And if the criminal simply said: I am from this State—wow. I shudder at the thought.

Beyond the very real threat this poses to law enforcement and the safety of our police officers and the safety of our citizens, it would create a logistical nightmare. A police officer making a stop of a car would have to have in front of him or her the laws of all 45 States that now allow or whose residents would now be allowed or even whose people had gotten carry permits who would now be allowed to carry concealed weapons in New York.

What about States rights? I have not been on the side—it is obvious—of the gun lobby for as many years as I have been here in the House and Senate. I have always believed, though, there is a right to bear arms and that it is unfair to say the second amendment should be seen through a pinhole and the first, third, fourth, fifth, sixth, seventh, and eighth amendments should be seen broadly. I don't think that is fair.

But every amendment has limitations. Through the years when I have been involved in this issue, the NRA and other gun groups have argued, frankly, that the States ought to make their own decisions. All of a sudden we see a 180-degree hairpin turn. Now they are saying that the States cannot make their own decisions. Why is it that every other issue should be resolved by the States except this one? The amendment flies in the very face of States rights arguments and takes away citizens' rights to govern themselves.

I say to my colleagues who have laws and citizenry who probably want the laws not drawn as tightly as my State, if you open up this door, one day you will regret it. Because if you say that the Federal Government should decide what law governs, you are taking away States' right to govern themselves.

In the 1990s, after the passage of the Brady Act, the National Rifle Association funded multiple legal challenges to it, citing the 10th amendment, that the right to bear arms therefore resided in the States. Indeed, Mary Sue Falkner, who was then a spokesman for the NRA, said at the time:

This is not a case about firearms per se, but about whether the Federal Government can force States and local governments against their will to carry out Federal mandates.

Similarly, in reference to Brady, the NRA's chief lobbyist said that the Federal Government was getting too much involved in State affairs.

The gun lobby's rallying cry has always been, "Let each State decide." But with this amendment, again, a 180-degree flip.

Clearly, large urban areas merit a different standard than rural areas. To gut the ability of local police and sheriffs to determine who should be able to carry a concealed weapon makes no sense. It is wrong to take away any State's rights to make decisions about what can make a resident safer. A one-size-fits-all approach to community safety leads us down a very precarious road.

Make no mistake, this is a serious amendment. It is, even though not the intention of the author, a dangerous amendment. There will be needless suffering, injuries, and deaths if this amendment is agreed to.

I talked to my colleague Senator THUNE. We are friends. We saw each other in the gym this morning. He said to me: What about truckdrivers who have the gun in the cab of their truck and ride across State lines? I am sympathetic to that. I supported laws that allow police officers in New York to carry their gun when they cross over into New Jersey to shop or whatever. But you do not need this law to deal with that problem, because it creates so many other issues. There are ways we can deal with the problem that the Senator from South Dakota brought up to me in the gym this morning, without decimating State laws that protect individual safety.

Make no mistake about it, this amendment would affect every State in the country, but I do not see the Governors on board. It would affect every city in the country. I don't see the mayors on board. It would affect every county in the country, but I don't see the sheriffs on board. It would affect every town in the country, but I don't see police chiefs on board.

Before we rush to judgment, shouldn't we ask our Governors, our mayors, our sheriffs, our police chiefs if this will make our communities safer or less safe? If this will put the men and women, the brave men and women who defend us and protect us on police forces, in jeopardy? Why don't we seek their guidance?

I urge my colleagues to give thoughtful and careful consideration to the consequences of the Thune amendment. I believe if they do, they will vote against it tomorrow at noon.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, as we meet here today we are discussing the

Defense authorization bill. We debate it each year. It is basically an authorization for the expenditure of funds in defense of America. It is a significant bill with a lot of different parts. I commend the Senators who have brought this to the floor, Senator CARL LEVIN, the chairman of the Armed Services Committee, and his Republican counterpart, Senator JOHN MCCAIN.

I know this bill is important and I know we will be returning to substantive amendments on this bill very shortly. But while we have this break in the action, I want to address another issue which is being debated in almost every corridor on Capitol Hill, and that is the issue of health care reform. It is an interesting issue and an amazing challenge to this Congress, to try to grapple with the health care system in the most prosperous Nation on Earth.

Despite our prosperity, we know there is something fundamentally flawed with our health care system. We spend more than twice as much per person in America on health care as any other country, and the results do not show that money is being well spent. Many other countries, spending a fraction of what the United States spends, end up with very different and much better results in terms of survival from certain diseases and illness, and mortality rates. There is something to be learned here about how we can be more effective in providing health care for our citizens and not break the bank.

Most Americans know what I am talking about when I talk about cost, because they are facing cost issues every day. They know health insurance premiums in America in the last several years have gone up three times faster than the incomes and wages of Americans. We have learned it is not unusual for one-fourth of Americans to spend 1 out of every \$10 in income for health insurance. Some, a smaller group but a significant group, spend up to \$1 out of every \$4 in income on health insurance. The number keeps going through the roof with no end in sight. It worries us, not just as individuals and members of families, but businesses that are trying to do the right thing for their employees and be competitive.

It worries units of government because, whether it is your State government providing assistance for Medicaid or whether it is the Federal Government concerned about Medicare and Medicaid, the costs of health care are growing so quickly that they could easily put us into a perpetual debt situation, something we do not want to see, something we cannot leave to our children.

Now we are debating in the House and in the Senate, in a variety of different committees, how to change this health care system. Needless to say, it is a contentious debate. There are a lot

of different points of view. There are some people and companies in America that want no change in our health care system. Most people do. Some don't. Many of those who are resisting change, who are unwilling to support the President's efforts to move us in this direction, are the very same companies and people who are profiting from the current system.

Make no mistake, when you spend billions of dollars on a system, much more than any other country, you are going to end up in a situation where many people are profiting handsomely from the current system. When you talk about reform—reducing the cost, reducing the payments, being more cost effective—these people see money going out the window, and they are going to fight it.

That is what the battle is all about. We have been through it before, and now we have returned to it. But in addition to cost, there is also the issue of the availability of health insurance. This morning's Chicago Tribune, on the front page, told the story of a man who sadly is one of the victims of this situation. He lives in a suburb of Chicago, and he works as a doorman at one of the buildings. He had a bad back. He finally was told—he tried a lot of conservative treatment; it just did not work—you are going to have to have back surgery.

So he did what he was supposed to do. He went to his insurance company and said: The doctor is recommending a surgery, and I want to know if it will be covered by my health insurance. Well, the health insurance company sent back to him written confirmation that the costs of the surgery would be covered by his health insurance. So he went through with the surgery and ended up incurring \$148,000 in medical bills.

I think you know how this story ends. They turned in the bills to the insurance company, and they denied them. They said: We did not really approve this surgery. You should have taken a more conservative approach to it.

Well, he thought he had done everything he was supposed to. What followed was a battle with this insurance company, day after day, month after month, while people were saying: Send us the \$148,000. This man of limited means was fighting to finally get this health insurance company to pay what they promised to pay. It took him months.

When it was all over, Mr. Napientek, Michael Napientek, ended up with coverage. Had he failed to get the coverage for that surgery, it would have wiped out his entire life's savings. That is the reality of health care. That is the situation too many people find themselves in, so vulnerable in a situation where one medical bill denied by an insurance company bureaucrat can literally wipe out their life's savings.

We can do better. We have to do better. That is what this debate is all about. First, we have to reduce the cost of health care for families and businesses and governments across America. There are ways to do that. We can lower costs to make sure every American has access to insurance. We can make it clear that no one can be turned down for insurance coverage because of a preexisting condition. We can make certain there is no discrimination in the premiums that are charged individual Americans because one is a male and another female; one is a certain age and another not. We can make certain there is more fairness in the way people are treated by these health insurance companies.

This idea of denying coverage for preexisting conditions, imagine how frustrating that must be to realize that if you turned in a claim this year on your health insurance because you had a bad back, and you went to the doctor next year, when it came time for surgery they would not cover it.

This happened to a friend of mine, a fellow I grew up with in East St. Louis, IL, in the trucking business. He not only owned the business, he drove the trucks. When he reached 60 years of age, his back was killing him. Well, at that point his company had lost its health insurance. Why? Because the wife of one of the employees had a sick baby. Her sick baby incurred a lot of medical bills, and the cost of health insurance went through the roof. They had to cancel the company's health insurance, give the employees some money, and say: Fend for yourself.

He was in the same boat. He went out to get private health insurance, complained about a bad back. The following year when the doctor said he needed back surgery, he turned in a claim to his health insurance company, and they said: No, it is a preexisting condition. We will not cover your back surgery.

Do you know what he had to do? He ended up filing a worker's compensation claim claiming that his back injuries had to do with bouncing around in a truck for 30 or 40 years, not an unreasonable conclusion. Do you know who he sued? He sued himself. He sued as an employee of the company. He sued himself as owner of the company.

Is that crazy to reach that point? And he won, incidentally. They said it is subject to worker's compensation. We will pay for the surgery.

He had done everything right, providing health insurance for his employees until he could not afford it, trying to get private insurance for himself at the age of 60, then turning in a claim and being turned down. He could have been wiped out by that surgery, just as the man on the front page of the Chicago Tribune.

We are all in this vulnerable situation because the health insurance com-

panies have so much power over our lives. I listen to those on the other side of the aisle who come—not all of them but many—every single day and say we do not need to change this system. Who are they talking to? Who are they listening to? They are not listening to people like these who find out every day that they do not have coverage, that the cost of insurance is too high, that their doctor is in a debate with a clerk at an insurance company over whether they are going to get the necessary and proper treatment for a medical condition. That is the reality.

There are many ways to address this, and we should. We have to address it by making sure everyone has access to health insurance regardless of preexisting conditions, health status for a medical condition. We have to get rid of the so-called lifetime caps.

Imagine that a diagnosis tomorrow that you or someone you love in your family has a chronic condition that is going to call for medical treatment for a long period of time, and then you realize there will come a moment when that health insurance company would say: We are out of here. You just broke the bank. You hit the cap on your policy.

We have to put an end to that. We also have to limit the out-of-pocket expenses individuals have to pay. There comes a point where people cannot afford this expense. We have to require equal treatment for men and women—Black, White, and brown, young and old, whether they live in a rural area or in a city.

We have to make sure if a health insurance policy in America is offered, it is a good policy that covers the basic needs. There are policies that do not. They sell health insurance you can afford, and guess what. It is worthless. That is not good for America and it is not good for our families.

There are ways to lower costs. We ought to be pushing for prevention. We ought to be trying to find ways to keep people well, incentives for the right conduct and healthy outcomes. Right now there is not much of a reward or an incentive for wellness. We also have to give support to small businesses. When we look at the insured in America, most of them are small business employees and their children. The poorest people in America are covered by Medicaid, the government health insurance, as they should be.

Folks are fortunate, like myself, under the Federal Employees Health Benefits Program, and most others who have health insurance policies, to have coverage. But the folks in the middle who get up and go to work every day for the small businesses of America—and their kids—are the ones who do not have coverage. We can do better.

One of the proposals before us in Congress is to make sure small businesses can start getting into pools where they

can use that pooling power to reach out and have health insurance coverage that is affordable. That is within our reach.

Senator REED is on the Senate floor today. He and I were fortunate enough to be at lunch today when our colleague from Connecticut, CHRIS DODD, got up and spoke about what had happened in the HELP Committee, the Health, Education, Labor and Pensions Committee, in preparing a bill on health care reform. There were 800 amendments filed. They met for 61 days. Some 400 amendments were considered and voted on. Over 100 of those were from the Republican side of the aisle. They were trying their best to create a bipartisan compromise to get through the bill.

But Senator DODD came up and talked about this, not in terms of a specific bill and its provisions; he talked about the historic opportunity we have. He said for many of us, for most of us now serving in the Senate, this may be the only time in our political careers when we can change the health care system for the better; when we can make sure that people in America have a better chance to be able to afford the cost of health care.

He certainly inspired us when he pulled out this magazine and showed us a picture of our colleague, Senator TEDDY KENNEDY, on the cover of Newsweek, and the quote from TED KENNEDY that says: "We're almost there."

There is a long essay in here about TED KENNEDY's terrific public career and how much of it has been spent on this issue of health care; what it meant to him personally when his son was diagnosed with bone cancer and had to have his leg amputated; what he went through in a plane crash; when he has seen others and what they have gone through.

TEDDY KENNEDY reminds us that these opportunities do not come around very often. There is lots we can debate and argue about, but at the end of the day the American people want to see the debate end. They want to see us acting together responsibly for health care that is centered on patients; to make sure they have a health insurance policy they like, that they can keep; to make certain they have a good strong confidential relationship with their doctors for themselves and their families; to make sure, as well, they are not excluded from coverage for preexisting conditions; to make sure that health insurance is going to be affordable; and to make sure it covers all Americans.

We can do it. We are a great and prosperous nation. We have a President who is committed to it. And working with him on a bipartisan basis we can get this done. We can work with the health care professionals—the doctors, the nurses, those leading hospitals—who can show us the way to reduce the

cost of care without reducing its quality.

This is our chance. For those who are saying no, that they want the status quo, they do not want to change it, only a small percentage of Americans agree with them. Most Americans agree what I have talked about today needs to be done. We have to overcome those voices of negativity and doubt who continue to come to the Senate floor, those who create fear of change.

Let me tell you, this is a great, strong country that tackles big problems. We have never been assigned a bigger assignment than this one, health care for America. It touches all 300 million of us. We have to make sure it is done fairly, done effectively, and done quickly. If we let this drag out for months beyond this year, it is going to be harder and harder for us to reach our goal.

I encourage my colleagues on both sides of the aisle to work toward that goal, make certain that President Obama's leadership is rewarded with health care reform that does make a difference.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 1501

Mr. BOND. Mr. President, I rise today to discuss an amendment that I am cosponsoring with my friend and fellow cochair of the Senate National Guard Caucus, Senator **LEAHY**. We will be introducing a bipartisan amendment to strengthen one of our Nation's most important military and civilian resources, the National Guard.

The National Guard, as I think everybody in this body knows, has a long and proud history of contributing to America's military operations abroad while providing vital support and security to civil authorities at home.

Since September 11, 2001, our citizen soldiers and airmen have taken on greater responsibilities and risk, from fighting in Iraq and Afghanistan to providing critical disaster assistance in the United States.

Now we see the tremendous value of the National Guard forces every time we look as they confront terrorists, provide critical support in unique areas such as Afghanistan where the agribusiness development teams are working to help provide agricultural know-how and better income to the farmers of Afghanistan, to areas where they provide water, food, and health supplies to victims of natural disasters.

Furthermore, the Guard is a tremendous value for the capability it provides our Nation. It provides 40 percent of the total military force for around 4.5 percent of the budget. In other words, the Guard provides tremendous bang for the buck.

There is no doubt today we are asking more from the men and women of the National Guard than ever before,

often at great cost to their families and their own lives.

I think this means we have a heavy responsibility to support our citizen soldiers and airmen in their unique dual mission of developing military support abroad and providing homeland defense stateside.

While serving abroad, National Guard troops serve under Air Force and Army Commands in what is known as title 10 status, which refers to the section in the U.S. Code dealing with the military. But when the Guard operates at home, they serve under the command and control of the Nation's Governors in title 32 status.

I had the honor of serving as commander in chief of the Missouri National Guard for 8 years. I can tell you that Missouri has a wide range of natural and sometimes human disasters ranging from tornadoes and floods to blizzards and ice storms. I called out the Guard for every single one of those and several more I probably cannot even remember: threatened prison insurrections, other civil disobedience, to tracking down escapees from prison. Right after Katrina—I think it was about a year after Katrina—I visited Jefferson Barracks, MO, where one of our National Guard engineer units is stationed.

They told me proudly that when Katrina hit, they immediately sent one of their National Guard battalions to Katrina. They had all the equipment, the high-wheeled vehicles, the communications equipment. They did such a wonderful job, the adjutant general of Louisiana called and said: You have two more battalions; send us another one. They said: That is where the problem comes in. We only have equipment for one out of three battalions. The Guard was one-third resourced. We could have sent them down there in tennis shoes and a taxicab, but they needed the equipment that an engineer battalion has to deal with the problems of the aftermath of the floods and the hurricane. I think there is a lot more we can do to make this unique arrangement work more smoothly. The Guard will continue to play a critical role in response to another natural disaster or, heaven forbid, terrorist attack. To the men and women of the National Guard, we say: Thank you for that support.

But more needs to be done. The amendment we are introducing today to strengthen the Guard consists of two planks which are designed, first, to increase the Guard's voice inside the Pentagon and, second, to clarify how the Federal military support to civil authorities will occur here at home.

We would give the Chief of the National Guard more muscle in the Pentagon, providing a seat for him on the Joint Chiefs of Staff. With 40 percent of the force, one would think that big a portion of our total military capability

would deserve to sit with the outstanding leaders of the Army, the Air Force, the Marines, and others who are there. One would think this large a segment of our force would be represented. When we have big decisions on the future of our resource allocation for the military—title X and, in this case, also title XXXII—they ought to be at the table.

Last year—I thank my colleagues—we successfully authorized the promotion of the Chief of the National Guard to the rank of four-star general in last year's empowerment legislation. Additionally, this year's empowerment amendment will make certain that the Chief of the National Guard Bureau has a Vice Chief in the grade of lieutenant general. When you are dealing with that many problems, there is a major operation that needs to be handled by a deputy to the four-star Chief of the National Guard. It is critical to the day-to-day operations of the National Guard Bureau and to ensure the Guard is adequately represented inside the Pentagon.

This amendment will also fill the gaps between civilian and military emergency response capabilities. We would give the National Guard Bureau, in consultation with the States' adjutant generals, budgetary power to identify, validate, and procure equipment essential to their unique domestic missions so they will be better prepared to respond to emergencies here at home. The next time they call for a second engineer battalion, I hope we have the equipment to send one to whatever State or maybe our own State where they are needed.

The amendment also supports the designation of National Guard general officers as commanders of Army North and Air Force North commands. This will ensure unity of effort and of command between the National Guard in the 54 States and territories and the very important U.S. North command which protects the United States in the continental United States.

Finally, our amendment gives State Governors tactical control of Federal troops responding to emergencies inside their State or territory. Time and time again, we have seen Reserve units stationed within close proximity to a natural or manmade disaster forced to stand by and watch when they could have been assisting injured victims in preventing loss of property. This amendment ensures that all available military forces be utilized as early as possible in an emergency situation. This way, our State leaders can act more quickly and decisively to mitigate disasters at home. Our citizen soldiers stand ready to defend the Nation, secure our homeland from natural disasters and terrorist attacks, and are now fighting overseas in the war on terror. Neither the homeland response

nor the Federal military support missions of the Guard are likely to diminish in importance at any time in the foreseeable future. In fact, the need for the National Guard is greater now than ever before. Now more than ever, as budgets are constrained and entitlements continue to grow at alarming rates, we should not be looking to reduce the Guard but, rather, fully to man and equip it.

We have a responsibility to give the Guard the equipment, resources, and bureaucratic muscle they need to meet their critical dual mission. In order to do so, it is imperative we strengthen the decisionmaking capability of Guard leaders within the Department of Defense and make sure they are at the table.

As one former leader of the Guard said: If you want us in on the big plays, at least let us in the huddle when you are planning to call those plays. That is what this amendment does.

I thank my colleagues for their past support of the Guard. I join with Senator LEAHY in asking for continued support of the National Guard by voting for this amendment.

I yield the floor.

AMENDMENT NO. 1597

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBAC. Mr. President, I ask unanimous consent to set aside the pending Thune amendment and call up my amendment No. 1597.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBAC], for himself, Mr. BAYH, Mr. KYL, and Mr. INHOFE, proposes an amendment numbered 1597.

Mr. BROWNBAC. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Purpose: To express the sense of the Senate that the Secretary of State should redesignate North Korea as a state sponsor of terrorism)

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF THE SENATE ON REDESIGNATION OF NORTH KOREA AS A STATE SPONSOR OF TERRORISM.

(a) FINDINGS.—The Senate makes the following findings:

(1) On October 11, 2008, the Department of State removed North Korea from its list of state sponsors of terrorism, on which it had been placed in 1988.

(2) North Korea was removed from that list despite its refusal to account fully for its abduction of foreign citizens, proliferation of nuclear and other dangerous technologies and weapon systems to terrorist groups and other state sponsors of terrorism, or its commission of other past acts of terrorism.

(3) On March 17, 2009, American journalists Euna Lee and Laura Ling were seized near the Chinese-North Korean border by agents

of the North Korean government and were subsequently sentenced to 12 years of hard labor in a prison camp in North Korea.

(4) On April 5, 2009, the Government of North Korea tested a long-range ballistic missile in violation of United Nations Security Council Resolutions 1695 and 1718.

(5) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from, and re-commissioning, its Yongbyon nuclear facility and ending its participation in disarmament talks.

(6) Those actions were in violation of the June 26, 2008, announcement by the President of the United States that the removal of North Korea from the list of state sponsors of terrorism was dependent on the Government of North Korea agreeing to a system to verify its declarations with respect to its nuclear programs.

(7) On May 25, 2009, the Government of North Korea conducted a second illegal nuclear test, in addition to conducting tests of its ballistic missile systems launched in the direction of the western United States.

(8) North Korea has failed to acknowledge or account for its role in building and supplying the secret nuclear facility at Al Kibar, Syria, has failed to account for all remaining citizens of Japan abducted by North Korea, and, according to recent reports, continues to engage in close cooperation with the terrorist Iranian Revolutionary Guard Corps on ballistic missile technology.

(9) There have been recent credible reports that North Korea has provided support to the terrorist group Hezbollah, including by providing ballistic missile components and personnel to train members of Hezbollah with respect to the development of extensive underground military facilities in southern Lebanon, including tunnels and bunkers.

(10) The 2005 and 2006 Country Reports on Terrorism of the Department of State state, with respect to Cuba, Iran, North Korea, and Syria, "Most worrisome is that some of these countries also have the capability to manufacture WMD and other destabilizing technologies that can get into the hands of terrorists. The United States will continue to insist that these countries end the support they give to terrorist groups."

(11) President Barack Obama stated that actions of the Government of North Korea "are a matter of grave concern to all nations. North Korea's attempts to develop nuclear weapons, as well as its ballistic missile program, constitute a threat to international peace and security. By acting in blatant defiance of the United Nations Security Council, North Korea is directly and recklessly challenging the international community. North Korea's behavior increases tensions and undermines stability in Northeast Asia. Such provocations will only serve to deepen North Korea's isolation. It will not find international acceptance unless it abandons its pursuit of weapons of mass destruction and their means of delivery."

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of State should designate North Korea as a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); and

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

Mr. BROWNBAC. Mr. President, this is a bipartisan amendment put forward by Senator BAYH and myself. I ask unanimous consent that Senators KYL and INHOFE be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBAC. This is a bipartisan resolution and sense of the Senate that the administration should relist North Korea as a state sponsor of terrorism. As my colleagues know, the Bush administration, through a great deal of hoopla, listed North Korea as a state sponsor of terrorism. They took them off the list in spite of such terrible and erratic behavior as nuclear weapons, missile technology, and now taking U.S. citizens hostage and holding them. Nonetheless, the Bush administration, as part of the six-party talks, did an agreement, a deal to delist them as a state sponsor of terrorism. All that got us was more nuclear weapons, more missiles being sent off, more provocative action by the North Koreans, and a dismal situation.

What we are asking with the amendment is that it is a sense of the Senate that North Korea should be relisted as a state sponsor of terrorism.

In that regard, I wish to enter a few items in the RECORD to be printed at the end of my presentation that are currently in the news. This is yesterday's front page of the Washington Post where it talks about "[North] Korea's Hard-Labor Camps: On the Diplomatic Back Burner."

I ask unanimous consent that this full article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBAC. That is an old story. Unfortunately, we know very well about the gulags that exist in North Korea and the 200,000 people we believe are in those. Here is today's Washington Post. This was new information I found shocking: North Korea building mysterious military ties with the military junta in Burma now taking place and the possibility of them giving military equipment and supplies, I suppose possibly even nuclear arms and missile technology, to the military government in Burma.

I ask unanimous consent that this be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BROWNBAC. If that is not enough to relist them as a state sponsor of terrorism, I don't know what is. But there is a full record we can go forward with on relisting North Korea as a state sponsor of terrorism. At the outset, I think we ought to look at this and say this is an extremely tough situation for the United States. It is one on which we need to take aggressive

action to confront them on what they are doing to militarize some of the worst places and worst actors around the world and what North Korea is doing to threaten interests of the United States.

All this is taking place while Kim Jong Il is ill. To what degree, we don't know for sure. A succession is being discussed. Of what nature, we are not sure. But clearly North Korea is doing the most provocative things they have probably done in the history of that provocative nation. It is taking place right now. We should notice it and recognize these are terrorist actions. We should clearly call for them to be re-listed.

I have, many times, spoken before regarding the long and outrageous list of crimes of the Kim regime. I will not go through those again at great length. But I will say the crimes committed by the North Korean regime include not only those external and diplomatic of nature—violating agreements, treaties, conventions, and proliferating dangerous technologies to the world's worst actors—but the regime has also committed massive and unspeakable crimes against the North Korean people themselves who for decades have been beaten, tortured, raped, trafficked, starved, used as medical experiments, subjected to collective familial punishment, and executed in the most brutal and painful ways. If you want further details on that, read yesterday's Washington Post article.

Hundreds of thousands languish in the gulag and concentration camps spread out over the entire country. All the while, the world watches and wrings its collective hands. As we pledged never again, we watch as yet again another criminal regime commits a genocide. Never again becomes yet again.

I have introduced legislation to address these issues. I hope the Foreign Relations Committee can find time to take it up.

The amendment before us today deals with another aspect of the North Korean criminal state, its longstanding and robust sponsorship of international terrorism. The amendment would place the Senate on record as standing for the proposition that North Korea's hostile and provocative actions will not be ignored. Indeed, they will have meaningful consequences under the law. This amendment, of which Senator BAYH is the lead cosponsor, expresses the sense of the Senate that the Secretary of State should redesignate North Korea as a state sponsor of terrorism based on its nuclear and missile proliferation, abductions, and material support for terrorist groups.

On October 11, 2008, the State Department removed North Korea from the list of state sponsors of terrorism on which it had been placed since 1988. At the time, this is what President Bush

said to the North Korean regime upon announcing that North Korea would be removed. He said:

We will trust you only to the extent that you fulfill your promises. If North Korea makes the wrong choices, the United States will act accordingly.

They have made the wrong choices. We should act accordingly.

At the same time, then Candidate Obama said:

Sanctions are a critical part of our leverage to pressure North Korea to act. They should only be lifted based on North Korean performance. If the North Koreans do not meet their obligations, we should move quickly to reimpose sanctions that have been waived and consider new restrictions going forward.

They have not lived up to their obligations. They have continued provocative actions. They should be re-listed.

Let's examine how well the North Korean regime has lived up to its commitment since being removed from the list. Since removal last October, the North Korean regime has done the following: launched a multistage ballistic missile over Japan in violation of U.N. Security Council sanctions; kidnapped and imprisoned two American journalists and sentenced them to 12 years of hard labor in a North Korean prison camp; pulled out of the six-party talks vowing never to return; kicked out international nuclear inspectors and American monitors; restarted its nuclear facilities; renounced the 50-year armistice with South Korea; detonated a second illegal nuclear weapon; launched additional short-range missiles; is preparing to launch long-range missiles capable of reaching the United States; and today news accounts are reporting about North Korean proliferation to the Burmese junta, including perhaps nuclear proliferation.

Add to this a long history of other ongoing illicit operations that finance the North Korean regime's budget, including the following: extensive drug smuggling; massive and complex operations to counterfeit U.S. currency, many of which are believed to be in wide circulation; money laundering; terrorist threats by the regime against the United States, Japanese, and South Korean civilians. That is what this regime and group has done and is doing. That is some of what they have done since they were delisted from the terrorist list.

What have we done in response? The U.N. Security Council has passed another sanctions resolution similar to the same resolution North Korea has brazenly violated to get us to this point. In 2006, the State Department, in its terrorism report, said this about keeping North Korea on the list: North Korea "continued to maintain their ties to terrorist groups."

They said:

Most worrisome is that some of these countries [including North Korea] also have the capability to manufacture [weapons of

mass destruction] and other destabilizing technologies that can get into the hands of terrorists.

If that was the justification for the terror list in 2006, certainly North Korea's actions today fit that standard—perhaps even more so than back then, and I believe it is more so.

We cannot have it both ways. If we removed North Korea from the terrorism list last year as a reward for its dubious cooperation on nuclear weapons, we would only be reversing that step by adding it back after the regime betrayed its commitments and followed up with hostile and provocative actions.

I would also like to address this issue: It often has been raised with me—and the Secretary of State herself has raised this indirectly with me—that the multiple statutes that control the list of state sponsors of terrorism do not provide the legal ability for the Secretary of State to redesignate. I think this argument is flawed, and I would like to summarize that by reading the relevant portions of each of these acts, because here is the key point on it, that they are saying: Well, we have to find factual basis that is different from the first round for us to do that. We are going through a legal review of doing this. But here the state sponsor of terrorism list is controlled under two different acts: the Arms Export Control Act and the Foreign Assistance Act.

As to countries covered by the prohibition, it says this. This is quoting from the Arms Export Control Act:

The prohibitions contained in this section apply with respect to a country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism.

That is what it says in the Arms Export Control Act. The list I have just read goes through what has taken place, and they are clearly and repeatedly providing support for acts of international terrorism. It does not say anything about they cannot be re-listed or we have to go through some elaborate finding process, that it cannot be based on actions they have done. These are the actions they have done in the last 6 months that are of public record. And it says the Secretary of State makes this determination and has fairly wide discretion to be able to do it.

Under section 628 of the Foreign Assistance Act, it says: The United States shall not provide any assistance to any country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism.

Again, the statute is very broad in its statement. It does not say anything about they cannot re-list them. It says they can do this on the discretion of the Secretary of State.

I do not know why we need to wait any longer, with the actions this government has taken and even with these most recent ones reported today of working with Burma or of the publicly done ones we know about of nuclear weapons detonation or the ones of missile technology being launched. Why do we need to wait longer?

I recognize this is a sense of the Senate, so it is just a sense of this body. But this body has had a strong impact in prior actions when we took a sense-of-the-Senate resolution to list the Revolutionary Guard in Iran, that we believed they should be listed as a state sponsor of terrorism. The administration acted not long after that to list them as a state sponsor of terrorism.

I believe if this body took strong action here now and said we believe North Korea should be relisted as a state sponsor of terrorism, it would send a very strong and proper signal to the administration—not that we are doing your job, but we believe this is the case and this is something that is meritorious toward North Korea and its actions.

That is why I urge my colleagues to support the bipartisan Bayh-Brownback amendment and vote for this amendment to the Defense authorization bill.

Mr. President, with that, I yield the floor.

EXHIBIT 1

[From the Washington Post, July 20, 2009]

N. KOREA'S HARD-LABOR CAMPS: ON THE DIPLOMATIC BACK BURNER
(By Blaine Harden)

SEOUL.—Images and accounts of the North Korean gulag become sharper, more harrowing and more accessible with each passing year.

A distillation of testimony from survivors and former guards, newly published by the Korean Bar Association, details the daily lives of 200,000 political prisoners estimated to be in the camps: Eating a diet of mostly corn and salt, they lose their teeth, their gums turn black, their bones weaken and, as they age, they hunch over at the waist. Most work 12- to 15-hour days until they die of malnutrition-related illnesses, usually around the age of 50. Allowed just one set of clothes, they live and die in rags, without soap, socks, underclothes or sanitary napkins.

The camps have never been visited by outsiders, so these accounts cannot be independently verified. But high-resolution satellite photographs, now accessible to anyone with an Internet connection, reveal vast labor camps in the mountains of North Korea. The photographs corroborate survivors' stories, showing entrances to mines where former prisoners said they worked as slaves, in-camp detention centers where former guards said uncooperative prisoners were tortured to death and parade grounds where former prisoners said they were forced to watch executions. Guard towers and electrified fences surround the camps, photographs show.

"We have this system of slavery right under our nose," said An Myeong Chul, a camp guard who defected to South Korea.

"Human rights groups can't stop it. South Korea can't stop it. The United States will have to take up this issue at the negotiating table."

But the camps have not been discussed in meetings between U.S. diplomats and North Korean officials. By exploding nuclear bombs, launching missiles and cultivating a reputation for hair-trigger belligerence, the government of Kim Jong Il has created a permanent security flash point on the Korean Peninsula—and effectively shoved the issue of human rights off the negotiating table.

"Talking to them about the camps is something that has not been possible," said David Straub, a senior official in the State Department's office of Korean affairs during the Bush and Clinton years. There have been no such meetings since President Obama took office.

"They go nuts when you talk about it," said Straub, who is now associate director of Korean studies at Stanford University.

Nor have the camps become much of an issue for the American public, even though annotated images of them can be quickly called up on Google Earth and even though they have existed for half a century, 12 times as long as the Nazi concentration camps and twice as long as the Soviet Gulag. Although precise numbers are impossible to obtain, Western governments and human groups estimate that hundreds of thousands of people have died in the North Korean camps.

North Korea officially says the camps do not exist. It restricts movements of the few foreigners it allows into the country and severely punishes those who sneak in. U.S. reporters Laura Ling and Euna Lee were sentenced last month to 12 years of hard labor, after being convicted in a closed trial on charges of entering the country illegally.

North Korea's gulag also lacks the bright light of celebrity attention. No high-profile, internationally recognized figure has emerged to coax Americans into understanding or investing emotionally in the issue, said Suzanne Scholte, a Washington-based activist who brings camp survivors to the United States for speeches and marches.

"Tibetans have the Dalai Lama and Richard Gere, Burmese have Aung San Suu Kyi, Darfurians have Mia Farrow and George Clooney," she said. "North Koreans have no one like that."

EXECUTIONS AS LESSONS

Before guards shoot prisoners who have tried to escape, they turn each execution into a teachable moment, according to interviews with five North Koreans who said they have witnessed such killings.

Prisoners older than 16 are required to attend, and they are forced to stand as close as 15 feet to the condemned, according to the interviews. A prison official usually gives a lecture, explaining how the Dear Leader, as Kim Jong Il is known, had offered a "chance at redemption" through hard labor.

The condemned are hooded, and their mouths are stuffed with pebbles. Three guards fire three times each, as onlookers see blood spray and bodies crumple, those interviewed said.

"We almost experience the executions ourselves," said Jung Gwang Il, 47, adding that he witnessed two executions as an inmate at Camp 15. After three years there, Jung said, he was allowed to leave in 2003. He fled to China and now lives in Seoul.

Like several former prisoners, Jung said the most arduous part of his imprisonment was his pre-camp interrogation at the hands of the Bowibu, the National Security Agency. After eight years in a government office

that handled trade with China, a fellow worker accused him of being a South Korean agent.

"They wanted me to admit to being a spy," Jung said. "They knocked out my front teeth with a baseball bat. They fractured my skull a couple of times. I was not a spy, but I admitted to being a spy after nine months of torture."

When he was arrested, Jung said, he weighed 167 pounds. When his interrogation was finished, he said, he weighed 80 pounds. "When I finally got to the camp, I actually gained weight," said Jung, who worked summers in cornfields and spent winters in the mountains felling trees.

"Most people die of malnutrition, accidents at work, and during interrogation," said Jung, who has become a human rights advocate in Seoul. "It is people with perseverance who survive. The ones who think about food all the time go crazy. I worked hard, so guards selected me to be a leader in my barracks. Then I didn't have to expend so much energy, and I could get by on corn."

DEFECTORS' ACCOUNTS

Human rights groups, lawyers committees and South Korean-funded think tanks have detailed what goes on in the camps based on in-depth interviews with survivors and former guards who trickle out of North Korea into China and find their way to South Korea.

The motives and credibility of North Korean defectors in the South are not without question. They are desperate to make a living. Many refuse to talk unless they are paid. South Korean psychologists who debrief defectors describe them as angry, distrustful and confused. But in hundreds of separate interviews conducted over two decades, defectors have told similar stories that paint a consistent portrait of life, work, torment and death in the camps.

The number of camps has been consolidated from 14 to about five large sites, according to former officials who worked in the camps. Camp 22, near the Chinese border, is 31 miles long and 25 miles wide, an area larger than the city of Los Angeles. As many as 50,000 prisoners are held there, a former guard said.

There is a broad consensus among researchers about how the camps are run: Most North Koreans are sent there without any judicial process. Many inmates die in the camps unaware of the charges against them. Guilt by association is legal under North Korean law, and up to three generations of a wrongdoer's family are sometimes imprisoned, following a rule from North Korea's founding dictator, Kim Il Sung: "Enemies of class, whoever they are, their seed must be eliminated through three generations."

Crimes that warrant punishment in political prison camps include real or suspected opposition to the government. "The camp system in its entirety can be perceived as a massive and elaborate system of persecution on political grounds," writes human rights investigator David Hawk, who has studied the camps extensively. Common criminals serve time elsewhere.

Prisoners are denied any contact with the outside world, according to the Korean Bar Association's 2008 white paper on human rights in North Korea. The report also found that suicide is punished with longer prison terms for surviving relatives; guards can beat, rape and kill prisoners with impunity; when female prisoners become pregnant without permission, their babies are killed.

Most of the political camps are "complete control districts," which means that inmates work there until death.

There is, however, a "revolutionizing district" at Camp 15, where prisoners can receive remedial indoctrination in socialism. After several years, if they memorize the writings of Kim Jong Il, they are released but remain monitored by security officials.

SOUTH'S CHANGING RESPONSE

Since it offers a safe haven to defectors, South Korea is home to scores of camp survivors. All of them have been debriefed by the South Korean intelligence service, which presumably knows more about the camps than any agency outside of Pyongyang.

But for nearly a decade, despite revelations in scholarly reports, TV documentaries and memoirs, South Korea avoided public criticism of the North's gulag. It abstained from voting on U.N. resolutions that criticized North Korea's record on human rights and did not mention the camps during leadership summits in 2000 or 2007. Meanwhile, under a "sunshine policy" of peaceful engagement, South Korea made major economic investments in the North and gave huge, unconditional annual gifts of food and fertilizer.

The public, too, has been largely silent. "South Koreans, who publicly cherish the virtue of brotherly love, have been inexplicably stuck in a deep quagmire of indifference," according to the Korean Bar Association, which says it publishes reports on human rights in North Korea to "break the stalemate."

Government policy changed last year under President Lee Myung-bak, who has halted unconditional aid, backed U.N. resolutions that criticize the North and tried to put human rights on the table in dealing with Pyongyang. In response, North Korea has called Lee a "traitor," squeezed inter-Korean trade and threatened war.

AN ENFORCER'S VIEW

An Myeong Chul was allowed to work as a guard and driver in political prison camps because, he said, he came from a trustworthy family. His father was a North Korean intelligence agent, as were the parents of many of his fellow guards.

In his training to work in the camps, An said, he was ordered, under penalty of becoming a prisoner himself, never to show pity. It was permissible, he said, for bored guards to beat or kill prisoners.

"We were taught to look at inmates as pigs," said An, 41, adding that he worked in the camps for seven years before escaping to China in 1994. He now works in a bank in Seoul.

The rules he enforced were simple. "If you do not meet your work quota, you do not eat much," he said. "You are not allowed to sleep until you finish your work. If you still do not finish your work, you are sent to a little prison inside the camp. After three months, you leave that prison dead."

An said the camps play a crucial role in the maintenance of totalitarian rule. "All high-ranking officials underneath Kim Jong Il know that one misstep means you go to the camps, along with your family," he said.

Partly to assuage his guilt, An has become an activist and has been talking about the camps for more than a decade. He was among the first to help investigators identify camp buildings using satellite images. Still, he said, nothing will change in camp operations without sustained diplomatic pressure, especially from the United States.

INCONSISTENT U.S. APPROACH

The U.S. government has been a fickle advocate.

In the Clinton years, high-level diplomatic contacts between Washington and

Pyongyang focused almost exclusively on preventing the North from developing nuclear weapons and expanding its ballistic missile capability.

President George W. Bush's administration took a radically different approach. It famously labeled North Korea as part of an "axis of evil," along with Iran and Iraq. Bush met with camp survivors. For five years, U.S. diplomats refused to have direct negotiations with North Korea.

After North Korea detonated a nuclear device in 2006, the Bush administration decided to talk. The negotiations, however, focused exclusively on dismantling Pyongyang's expanded nuclear program.

In recent months, North Korea has reneged on its promise to abandon nuclear weapons, kicked out U.N. weapons inspectors, exploded a second nuclear device and created a major security crisis in Northeast Asia.

Containing that crisis has monopolized the Obama administration's dealings with North Korea. The camps, for the time being, are a non-issue. "Unfortunately, until we get a handle on the security threat, we can't afford to deal with human rights," said Peter Beck, a former executive director of the U.S. Committee for Human Rights in North Korea.

A FAMILY'S TRIBULATIONS

Kim Young Soon, once a dancer in Pyongyang, said she spent eight years in Camp 15 during the 1970s. Under the guilt-by-association rule, she said, her four children and her parents were also sentenced to hard labor there.

At the camp, she said, her parents starved to death and her eldest son drowned. Around the time of her arrest, her husband was shot for trying to flee the country, as was her youngest son after his release from the camp.

It was not until 1989, more than a decade after her release, that she found out why she had been imprisoned. A security official told her then that she was punished because she had been a friend of Kim Jong Il's first wife and that she would "never be forgiven again" if the state suspected that she had gossiped about the Dear Leader.

She escaped to China in 2000 and now lives in Seoul. At 73, she said she is furious that the outside world doesn't take more interest in the camps. "I had a friend who loved Kim Jong Il, and for that the government killed my family," she said. "How can it be justified?"

EXHIBIT 2

[From the Washington Post, July 21, 2009]

CLINTON: U.S. WARY OF GROWING BURMESE, NORTH KOREAN MILITARY COOPERATION
(By Glenn Kessler)

BANGKOK, July 21.—The Obama administration is increasingly concerned that nuclear-armed North Korea is building mysterious military ties with Burma, another opaque country with a history of oppression, Secretary of State Hillary Rodham Clinton said Tuesday.

"We know that there are also growing concerns about military cooperation between North Korea and Burma, which we take seriously," Clinton told reporters after talks in the Thai capital. "It would be destabilizing for the region. It would pose a direct threat to Burma's neighbors."

U.S. officials traveling with Clinton, who is in Thailand to attend a regional security forum, said the concerns about Burma and North Korea extend to possible nuclear cooperation. North Korea has a long history of illicit missile sales and proliferation, includ-

ing secretly helping to build a Syrian nuclear reactor that was destroyed in 2007 by Israeli jets.

"This is one of the areas we'd like to know about," said one official. "We have concerns, but our information is incomplete."

Burma, also known as Myanmar, is regarded as one of the world's most oppressive nations, run by generals who have enriched themselves while much of the country remains desperately poor. North Korea is an equally grim country, with vast prison camps and an ailing dictator, Kim Jong Il.

The evidence of growing Burmese-North Korean cooperation since formal ties were restored in 2007 is extensive, but the full extent of the military relationship is unclear.

The nuclear connection is even murkier, but intelligence agencies have tracked suspicious procurement of high-precision equipment from Europe, as well as the arrival in Burma of North Korean officials associated with the company connected to the Syria reactor, according to David Albright, director of the Institute for Science and International Security in Washington.

"Something may be going on, but no one has any proof. It is a mix of suspicions and concerns," Albright said, adding that close examination of satellite imagery of suspected nuclear sites has turned up no evidence. But he said that the purchases of high-precision equipment were especially troubling because the equipment did not make sense for use in missiles and it was shipped to educational entities that had connections to Burmese nuclear experts.

Japanese officials last month also arrested three people for attempting to illegally export dual-use equipment to Burma, via Malaysia, under the direction of a company involved in the illicit procurement for North Korean military programs.

Moreover, Albright said, European and U.S. intelligence agencies have identified people associated with Namchongang Trading Corp., a North Korean company also known as NCG, as working in Burma. NCG reportedly provided the critical link between Pyongyang and Damascus, acquiring key materials from vendors in China and probably from Europe and secretly transferring them to a desert construction site near the Syrian town of Kibar.

The State Department last month cited NCG for being "involved in the purchase of aluminum tubes and other equipment specifically suitable for a uranium enrichment program since the late 1990s."

U.S. officials have observed other troubling connections. The U.S. Navy last month closely tracked Kang Nam 1, a rusty North Korean freighter, after the government in Pyongyang tested a nuclear weapon. Although U.S. officials were never completely certain the ship was headed to Burma, the ship returned to North Korea after the United States, China and other countries put pressure on Burma to respect a United Nations resolution barring most North Korean weapons exports.

Photographs that have emerged in recent weeks also show an extensive series of 600 to 800 tunnel complexes and other underground facilities built in Burma with North Korean technical assistance near its new capital, Naypyidaw. North Korean officials can be spotted in the photos, which were taken between 2003 and 2006 and posted on the Web site of YaleGlobal Online by journalist Bertil Lintner, an expert on Burma.

Burma has uranium deposits, but as a signatory to the nuclear Non-Proliferation Treaty, it is required to allow inspections of

any nuclear facilities. Russia in 2007 agreed to help build a 10-megawatt light-water reactor in Burma, but little appears to have come of the project.

At the news conference, Clinton also strongly criticized the Burmese government for its well-documented use of gang rape as a military tactic, organized by Burmese officers, against ethnic minorities. A new offensive against the Karen ethnic group has sent more than 4,000 refugees fleeing across the border into Thailand in recent weeks.

"We are deeply concerned by reports of continuing human rights abuses within Burma, particularly by actions that are attributed to the Burmese military concerning the mistreatment and abuse of young girls," Clinton said.

The Obama administration is conducting a review of its Burma policy, which Clinton said has been placed on hold while Washington awaits the outcome of the trial of Nobel Peace Prize laureate Aung San Suu Kyi.

"We have made clear we expect fair treatment of Aung San Suu Kyi, and we have condemned the way that she has been treated by the regime in Burma, which we consider to be baseless and totally unacceptable," Clinton said.

The National League for Democracy, Suu Kyi's party, won a landslide electoral victory in 1990, but the military leadership refused to accept it. Since then, she has been under house arrest for most of the time, as have hundreds of her supporters.

In May, just days before Suu Kyi's six-year term under house arrest was due to expire, the government put her on trial for an incident involving a U.S. citizen who swam across Rangoon's Lake Inya to reach Suu Kyi's lakefront bungalow and allegedly stayed there one or two nights.

Suu Kyi was taken to Rangoon's notorious Insein Prison on charges of violating the terms of her detention by hosting a foreigner, which could bring a three- to five-year prison term, according to Burmese opposition officials. Suu Kyi, 63, is said to be in poor health and has recently been treated for dehydration and low blood pressure.

"Our position is that we are willing to have a more productive partnership with Burma if they take steps that are self-evident," Clinton said. She called on Burmese authorities to "end the violence against their own people," including ethnic minorities, "end the mistreatment of Aung San Suu Kyi" and release political prisoners.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the chairman of the Foreign Relations Committee, Senator KERRY, is prepared to comment and speak. I ask unanimous consent that at the conclusion of his remarks, the Senator from Delaware be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, obviously North Korea's actions in recent weeks—months, really; testing a nuclear device on May 25 and launching ballistic missiles on July 4—received the appropriate objection in many different ways of China, Japan, South Korea, the United States, and many other countries. Clearly, those actions threaten to undermine the peace and

security of northeast Asia, and the U.S. response to those actions ought to be and, I believe, is already resolute. China responded very clearly. The sanctions have been toughened—individual sanctions for the first time. A number of steps were taken by both the United Nations and China. China, incidentally, has been unprecedented in the personalization of some of the sanctions that it has put into place.

I know the Senator from Kansas cares, obviously, enormously about the underlying issue here. But I have to say this amendment, while well intended, simply does not do what it is supposed to do. It has no impact other than the sense of the Senate: sending a message which at this particular moment, frankly, works counterproductively to other efforts that are underway.

Right now, the Secretary of State is meeting at ASEAN. Right now, the various countries involved in this delicate process are working to determine how to proceed forward with respect to getting back to talks and defusing these tensions. For the Senate just to pop on an amendment like this at this moment in time not only sends a signal that complicates that process, but I think it also, frankly, will make it more difficult to secure the return of two American journalists, Laura Ling and Euna Lee.

It simply is an inappropriate interference without a foundation, I might add—without a foundation—in the law. Let me be very specific. When President Bush lifted the designation of terrorism—in fact, nothing that the Senator from Kansas has laid out here actually is supported either by the intelligence or by the facts. I could go through his amendment with specificity. Let me give an example. This is from the findings in his amendment:

On March 17, 2009, American journalists . . . were seized near the Chinese-North Korean border by agents. . . .

He is citing that as a rationale for putting them back on the list. Well, the fact is, the families themselves, as well as the two journalists—but the families—have acknowledged that they, in fact, were arrested for illegally crossing the border. So that is inappropriate. But not only is it inappropriate to cite a fact that is not a fact, but it is not a cause for putting somebody on the terrorism list.

Nowhere do any of the actions cited here fit into the statutes that apply to whether somebody is designated as appropriately being on the terrorism list. Let me be more specific about that. When President Bush took them off the list, here is what they said. This is the President's certification:

The current intelligence assessment satisfies the second statutory requirement for rescission. Following a review of all available information, we see no credible evidence at this time of ongoing support by the DPRK

for international terrorism, and we assess that the current intelligence assessment, including the most recent assessment published May 21, 2008, provides a sufficient basis for certification by the President to Congress that North Korea has not provided any support for international terrorism during the preceding 6-month period.

There is no intelligence showing to the contrary, as we come to the floor here today, and it is inappropriate for the Senate simply to step in and assert to the contrary.

Moreover, the President said:

Our review of intelligence community assessments indicates there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or witting support for Hezbollah, Tamil Tigers, or the Iranian Revolutionary Guard. Should we obtain credible evidence of current DPRK support for international terrorism at any time in the future, the Secretary could again designate DPRK a state sponsor of terrorism.

Well, we have not. It simply does not fit under the requirements.

We need to use the right tools. This amendment is flawed and I am convinced could actually undermine what I know is going on right now in terms of efforts by a number of different parties to try to move this process forward. This is not the way a responsible Senate ought to go about trying to deal with an issue with this kind of diplomatic consequence.

The relisting, incidentally, has no practical effect in terms of anything it would do with respect to our current policy other than raise the issue with respect to the Senate at this moment but, as I say, inappropriately with respect to the statutes it concerns.

President Bush actually preserved all the existing financial sanctions on North Korea at the time he lifted the terror designation, and he kept them all in place by using other provisions of law.

The fact is, this administration has, in fact, responded in order to put real costs on North Korea for its actions. We led the international effort at the United Nations Security Council, and we did enact sweeping new sanctions on North Korea, and by all accounts they are biting.

The U.N. Security Council resolution 1874, passed unanimously, imposed the first ever comprehensive international arms embargo on North Korea. Those sanctions are now beginning to take effect. A North Korean ship suspected of carrying arms to Burma turned around after it was denied bunkering services in Singapore, and the Government of Burma itself warned that the ship would be inspected on arrival to ensure that it complied with the U.N. arms embargo. So that is real. That is happening. Significantly, China has agreed to impose sanctions both on North Korean companies and individuals involved in nuclear and ballistic missile proliferation.

So the sanctions that were recently imposed by the Obama administration, in concert with the international community, are having a real impact. So I think we ought to give them time to work. I do not think we ought to come in here and change the dynamics that, as I say, I know are currently being worked on by the Secretary of State. As we are here in the Senate today, those meetings are taking place. It is better for the United States and the international community to focus our efforts on concrete steps rather than resort to a toothless and symbolic gesture. This will have no impact ultimately because we are still going to go down our course, but it can ripple the process which the administration has chosen to pursue.

I might also point out, the President and Secretary of State have been closely communicating with allies and with partners in the region. They are currently involved in discussions with China, Russia, South Korea, and Japan on this issue. Even as we debate the issue here, the effort at the ASEAN Forum is specifically geared to try to coordinate our approach with our treaty allies and with others. We ought to give the administration the opportunity to succeed.

Third, obviously all of us reject the recent actions taken by North Korea. There is no doubt about that. But it was not so long ago that we were actually making some progress on the denuclearization effort. And observers of the region—those who are expert and who follow it closely—are all in agreement as to the rationale which has driven North Korea to take some of the actions it has taken.

I was in China about a month and a half ago. I spent some time with Chinese leaders on this issue because one of the tests took place while I was there and I saw the Chinese reaction up close and personal. I saw the degree to which they were truly upset by it, disturbed by it, and took actions to deal with it. The fact is that they explained it, as have others, as a reaction by North Korea to perhaps three things: No. 1, the succession issues in North Korea itself; No. 2, the policies of the South Korean Government over the course of the last year or so; and No. 3, the fact that while they had nuclear weapons and had been engaged in a denuclearization discussion with the United States, most of the focus appeared to have shifted to Iran, and there was some sense that the focus should have remained where those nuclear weapons currently exist.

So I believe we need to preserve diplomatic flexibility in the weeks and months ahead. There is an appropriate time for the administration to come to us. There is an appropriate way for us to deal with this issue, to sit down with the administration, to make it clear to them that we think we ought to do

this, to talk with them about it, to engage in what the rationale might be under the law. But as I say, none of the reasons that are legitimate under the law for, in fact, a designated country as going on the terrorist list is appropriate or fit here. I think that is the most critical reason of all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, thank you very much. I thank the floor manager on the majority side for this unanimous consent which allows me to proceed now under morning business.

I wish to say a word or two about the Defense authorization bill which is before us, and then I want to pivot. I will talk about the health of our Nation's defense, but also about the health care of our people.

Let me start off by extending my thanks to the leaders of the Armed Services Committee, Senator LEVIN and Senator MCCAIN, and their staffs for the good work they have done. I wish to thank Senator REED of Rhode Island for his contributions as well. Standing here on the floor, I am looking at Senator REED, a graduate of the Military Academy at West Point, and right across the aisle, at Senator MCCAIN, a graduate of the Naval Academy. It is great to have that kind of experience here in the Senate. They are sitting on opposite sides of the aisle, coming from schools that are sometimes thought to be rivals, but they are able to work together when we need them to.

I wish to express my thanks to the President and to the Secretary of Defense Bob Gates. We have learned that in the last 7 years, cost overruns from major weapons systems in this country grew from about \$45 billion in 2001 to last year almost \$300 billion, a growth over 7 years in cost overruns for major weapons systems in 2001 of \$45 billion and last year almost \$300 billion. What we need is for the administration as well as the Secretary of Defense and the Joint Chiefs to say to the folks on the Armed Services Committee, but also to say to us in the Senate and in the House: These are the weapons systems we need, these are the threats we believe we face as a nation, and to give us some sense of priorities of the weapons systems we should support and fund, the troop levels we need and, frankly, the weapons systems we don't need and the troop levels we don't need.

I was privileged to follow on the heels of the Presiding Officer, Senator KAUFMAN, about a month and a half ago to Afghanistan and Pakistan. He and Senator REED, I think, led that CODEL and shared with us our needs in that part of the world. We need a military strategy and we also need a civilian strategy in Afghanistan, and I think this administration has given us

a good two-pronged approach. We have good new leadership there on the military side. Basically, though, they said our job here is counterinsurgency. We need more troops, more trainers to train the Afghans and to train the military side, and then the civilian side. We also need mobility in terms of a lot of additional helicopters, about 150 new helicopters or additional ones coming in to provide the mobility to move our men and women all over the southern part of Afghanistan, and to meet the Taliban threat.

The kind of weapon we don't use there or don't need there, I will be very blunt, is the F-22 which we discussed and debated here for the last several days, a fighter aircraft that has been around for a dozen or so years. We are still building more of them, but they have never flown a flight mission in Iraq and never flown a flight mission in Afghanistan either. The F-22 is limited in what it can do. It basically is a fighter, air-to-air combat. The Afghans, the Taliban, don't have fighter aircraft. In Iraq, the folks we are fighting there don't have aircraft. Meanwhile, we have F-15s, F-16s, F-18s. We are going to build 2,500 F-35s, for less than half the price of the F-22, which not only do dog fights but can also do ground-to-air support and a variety of different functions that the F-22 cannot for a lot less money. The administration, I think wisely, said as hard as it is sometimes to stop the production line on aircraft, in this case the F-22, in terms of what is cost effective, we need to refocus on the F-35 and on counterinsurgency, preparing for those kinds of challenges we face. We voted to do that, a 58-to-40 vote. I was very pleased with the vote and I commend everyone who voted as they did, and, frankly, the people who took the opposite view. There were some tough issues to deal with. I know particularly from folks in whose States the aircraft are being produced and systems for those aircraft are being produced. I know it is difficult to accept. But I am encouraged by that vote.

My hope is we will pay heed to some of the priorities sent to us by the Secretary of Defense, which are designed to make sure we spend money on weapons systems that we are likely to need in the 21st century—certainly in the next decade or two or three—and I think with today's vote, we are on a better path to do that.

HEALTH CARE REFORM

Sort of pivoting, if I can, after having said a word about the health of our Nation's defense, let me talk about the health of the people in our country. Some of my colleagues are probably getting tired of hearing me say this, but when talking about health care, I mention four things: No. 1, we spend more money for health care than any other nation on Earth. No. 2, we don't get better results. No. 3, we have 14,000

people in this country today losing their health care. No. 4, some 47 million Americans today don't have health insurance, don't have health care. We have to do better than this. We have to do better than this. I believe we can.

There has been a big focus, as there should be, on extending health care coverage to 47 million folks who don't have it, and we need to address that, obviously. Having said that, the other concern we need to address is reining in the growth of health care costs. We are getting clobbered as a nation in terms of being able to compete with the rest of the world where we pay so much more money for health care than any other nation, and employers pay, and we are getting clobbered as a Federal Government with the cost of Medicare and Medicaid, and State governments trying to bear their share of the cost of Medicaid. They see enormous pressures on their State budgets.

Over lunch today, I said to my colleagues in our caucus meeting that wouldn't it be great if somehow we could have our cake and eat it too. I said that with a piece of chocolate cake staring me right in the face. But as it turned out, there are delivery systems, if you will, of health care in this country where they are not necessarily having their cake and eating it too, but where they are able to provide better health care, better outcomes, at a lower price. Think about that: better health care, better outcomes, better quality of health care at a lower price.

The names are beginning to become familiar to us. Some are already familiar: Mayo in Minnesota, and now they have an operation down in Florida too to see if that model will work in Florida, and it has; Kaiser Permanente in northern California, an outfit called Intermountain Health—all of these are nonprofits—Cleveland Clinic in Cleveland, OH, an outfit called Geisinger in Hershey, PA; there is what is called a health care cooperative in the State of Washington, I believe it is around Puget Sound, called Puget Sound Cooperative where they have been able to emulate this interesting result of better quality outcomes, better health care, lower prices.

What we need to do is to attempt not only to extend health care coverage to folks who don't have it—47 million—but to rein in the growth of health care costs. The idea that health care costs grow at 2 or 3 or 4 percent over the consumer price index, to continue to do that is going to cripple us economically and competitively as a nation. It is going to cripple our ability to rein in our large and growing deficits.

In the last 8 years in this Nation we ran up as much new debt as we did in the first 208 years of our Nation's history. Think about that: In the last 8 years, we ran up as much new debt in this country as we did in our first 208 years as a nation. This year we are on

track to have the biggest single-year deficit we have ever had. We are also in the worst economic downturn since the Great Depression, and we are trying to stimulate the economy and get it moving. I am encouraged that it is starting to move, but that is a huge deficit, coming on the heels of, frankly, 8 years where we spent like drunken sailors, and I know how drunken sailors spend. It is not a pretty sight, and this is, frankly, not a pretty sight either.

We need to go to school on the Mayos, the Geisingers, the Cleveland Clinics, the Kaiser Permanentes, the Puget Sounds, the Intermountain Healths, and see what we can learn from them. What is their secret? How are they able to do this, better outcomes, less price?

As it turns out, there are a number of things they do in common. I wish to mention a few of them today. Among the things they do, they have literally brought on to their staff the doctors at Cleveland Clinic, for example, who provide health care. They are on staff at the Cleveland Clinic. The same is true at Mayo and these other nonprofits.

I saw an interesting special on CNN a couple of weekends ago. They were interviewing a number of people who worked at the Cleveland Clinic. They interviewed a fellow who is a doctor, a cardiologist, as I recall. He used to be in private practice. He said, in the old days when I was on my own in private practice or group practice, I got paid, compensated, for the number of hearts I operated on. If somebody came to me and they had a heart problem and it could be addressed by diet or exercise or medicine, he said, usually I didn't prescribe those things. I didn't get paid for doing that. If they needed to have a heart operation and we could address their problem with an operation, he said, I got paid for that. As a result, I was more inclined to operate on people's hearts than to use some approaches that were arguably more cost effective. He went on to say, now I work for the Cleveland Clinic. I am a staff doc here. I don't have to operate on people's hearts to be compensated. I can provide good advice, help people with their diet problems, their exercise problems, their weight problems. I can help people better understand what their opportunities are with medicine. I still get paid. Bingo.

So a light went off for me. Some of us are hearing quite a bit the need to get away from these fee-for-service deals where we basically incentivize doctors, hospitals, and nurses to ask for and order more visits, more procedures, more MRIs, more lab tests, for imaging, more x-rays, because they get paid for it, because they know that by doing more of everything, they reduce the likelihood that they are going to be sued. That sort of gets us in this conundrum where we overuse health care. If we are going to have real success in

drawing down the costs of health care, part of it will be addressing the issue of fee for service, get away from that practice, and get away from the overutilization of the health care we have.

Let me mention some of the things they are doing at these five or six entities I mentioned, these nonprofits. Among the things they do is coordinate care. I use my mom as an example. My mom is now deceased. She lived in Florida for roughly the last 30 or so years of her life. She had dementia; she had congestive heart failure; she had arthritis. She had five doctors. The last years of her life that she was down there, my sister and I would go down to visit my mom about every other month or so. We would take turns, and we would go with our mom to visit her doctors. These five doctors my mom had never talked to each other. In fact, I don't think they knew that the other doctors existed. They were all in the aggregate prescribing something like 15 different kinds of prescription medicines. We kept them at her home in what looked like my dad's old fishing tackle box. It was compartmentalized with medicines to take before breakfast, during breakfast, after breakfast; before lunch, during lunch, and throughout the day. Some of those medicines my mom was prescribed, she didn't need to take. Somebody needed to know what she was taking and say, You shouldn't be taking these two medicines in combination; they are hurting you. We didn't have good coordination of care of my mom.

One of the things these nonprofits do is coordinate the care that is provided to my mom or anybody's mom or dad. Another thing that would have been very helpful for my mom or other people in that situation is to have electronic health records. If my mom had an electronic health record such as we have in the VA and like we are developing in Delaware and some other States, when my mom went from doctor's office to doctor's office they would know in each office who else she was seeing and the medicines she was being prescribed, the lab tests and everything. They would have it right there for her when she came for her regular visit.

We have a great ability to harness information technology or electronic health care records, which are a big part of that. Our nonprofits I have talked about—the half dozen or so—have that in common. On wellness and prevention, we know it is not just from nonprofits but out in California is Safeway, and these people have supermarkets all over America and several hundred thousand employees. Their health care costs from 2004 to 2008 have been level and flat. They have incentivized employees to do the right thing for themselves, in terms of holding down their weight, helping them get off tobacco, to fight obesity and

lethargy, to get off the sofa, and to eat what is right; and there are antismoking campaigns and all kinds of stuff. So we have a good model there to perform.

It is not just the nonprofits but a lot of employers are starting to get into this as well.

There are another one or two points I will mention on the nonprofits. On chronic disease management, such as heart disease and diabetes, I am told that about 80 percent of the cost of these chronic diseases can be controlled by four factors: diet, exercise, overweight/obesity, and smoking. Those four factors control about 80 percent of the cost of our expenditures on chronic care. If we work with those four items, we will help reduce the costs and provide better outcomes for people. We will also hold down our costs. There are a couple lessons from the nonprofits and others. Part of it is pharmacy—making sure people who need pharmaceutical medicines, small and large molecules, are taking those, and somebody is checking to make sure they are taking what they need.

Focusing on primary care, many of those people coming out of medical schools want to be specialists. They are not interested in being primary care doctors. We need more primary care doctors. We need to change the incentives to get more primary care doctors, which is what we need. Another idea is for us to pool insurance costs. As my colleagues know, we have the Federal Employee Health Benefit Plan. We have an insurance pool where we pool all the Federal employees and their dependents and the retirees and their dependents into one large pool to purchase health insurance. They get it at a not cheap price but a pretty good price. One of the reasons why is, when you have a lot of people in the purchasing pool, you get a good variety and much better costs. If you think about the administrative costs for health insurance, as a percentage of premiums, I am told, in the Federal Employee Health Benefit Program, it is about 10 percent. When it comes to people buying individual policies and small businesses, their administrative costs as a percentage of premiums are about 30 percent. So the idea of creating large purchasing pools makes a whole lot of sense.

I will close here. The idea that we would pass health care legislation and stop extending coverage for people who don't have it—if that is all we do, we have failed the American people. We have to do at least two things. One is extend coverage but also make sure the coverage we extend provides better coverage, better quality outcomes and better health care and that we do so at a price that is diminished and does not continue to expand by several times the rate of inflation. We can do that going forward. That is what we need to do.

My friends have been generous in allowing me to proceed. I see several Senators are anxious to get back into the debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I rise in support of the amendment offered by the Senator from Kansas concerning North Korea.

I must say I was entertained by the outlook—as far as North Korea's behavior is concerned—by the distinguished chairman of the Foreign Relations Committee. I can't remember when I have disagreed more.

The State Department's 2008 Country Reports on Terrorism stated that “as part of the six-party talks process, the U.S. reaffirmed its intent to fulfill its commitment regarding the removal of the designation of the DPRK as a state sponsor of terrorism in parallel with the DPRK's actions on denuclearization and in accordance with criteria set forth by law.”

They certainly haven't taken any action on denuclearization, and it certainly hasn't been in accordance with the criteria set forth by law.

There was a problem with this trade, however. We delisted North Korea, and we got something worse than nothing. Facts are stubborn things. In response to our action, Pyongyang has embarked on a pattern of astonishing belligerence and has reversed even the previous steps it had taken toward the denuclearization prior to its removal from the terrorism list.

A few facts. In December 2008—just 2 months after the United States removed Pyongyang from the list—North Korea balked at inspections of its nuclear facilities and ceased disablement activities at the Yongbyon reactor. In March, the regime seized two American journalists near the China-North Korean border and subsequently sentenced them to 12 years of hard labor in the North Korean gulag. These are two American citizens who may have strayed over a border. Does that mean they are sentenced to 12 years of hard labor in the most harsh prison camps in the world? What are we going to do about it? It is remarkable. Two weeks later, it tested a long-range ballistic missile, in violation of U.N. Security Council resolutions, and then announced it was expelling international inspectors from Yongbyon, reestablishing the facility, and ending North Korean participation in disarmament talks. In May, Pyongyang conducted its second nuclear test; in June, a North Korean ship suspected of carrying illicit cargo departed North Korea in likely defiance of U.N. Security Council obligations; and earlier this month, Pyongyang again launched short- and medium-range missiles into the Sea of Japan, including on the Fourth of July.

All these are indications that the North Koreans somehow should not be listed as terrorists? I think we ought to, frankly—I respect and appreciate my friend from Kansas. Maybe we ought to have a binding resolution, rather than a sense of the Senate. It is remarkable that these events have taken place against a backdrop of belligerence and intransigence by North Korea. Pyongyang has never accounted for or even acknowledged its role in assisting the construction of a nuclear reactor in Syria, which the Israelis had to bomb. Similarly, it has refused to provide a complete and correct declaration of its nuclear program. Of course, something we all know, which is one of the great tragedies in the history of the world, is this is a gulag of some 200,000 people, where people are regularly beaten, starved, and executed. According to the Washington Post, most of them work 12- to 15-hour days until they die of malnutrition-related illnesses, usually at around the age of 50. They are allowed just one set of clothes. They live and die in rags, without soap, socks, underclothes or sanitary napkins. It is a horrible story.

It is not an accident that the average South Korean is several inches taller than the average North Korean. This regime may be the most repressive and oppressive and Orwellian in all the world today. So the Chinese have been serious—according to Mr. KERRY, the Senator from Massachusetts, the Chinese have been resolute on the issue of the ship inspections. The U.N. Security Council resolution calls for monitoring and following of the ship, and if the decision is made that they need to board a North Korean ship, if the North Koreans refuse, then the following ship cannot board but can follow them into a port, where the port authorities are expected to board and inspect the vessel. And then that violation is reported to the U.N. Security Council. That ought to rouse some pretty quick action. I don't share the confidence of the Senator from Massachusetts that if a North Korean ship goes into a port at Myanmar, you will see likely action, except maybe the offloading of whatever materials are being bought by Myanmar.

Look, the North Koreans have clearly been engaged in selling anything they can to anybody who will buy it because they need the money—whether it be drugs, counterfeit currency, nuclear technology or missiles. Every time we have held onto the football, like Lucy, they have pulled it away.

I think this is a very modest proposal of the Senator from Kansas. I point out that years and years of six-party talks, different party talks, negotiations, conversations, individuals who have been assigned as chief negotiators who then end up somehow negotiating, with the end being further negotiations, has failed.

If the North Koreans continue to test weapons, test missiles, sooner or later, they will match a missile with a weapon that will threaten the United States of America. Right now, those missiles they are testing go over Japanese territory. I think it is pretty obvious we are dealing with a regime of incredible and unbelievable cruelty and oppression of their own people. The newly published Korean bar association details the daily lives of the 200,000 political prisoners estimated to be in the camps. Eating a diet of mostly corn and salt, they lose their teeth, their gums turn black, their bones weaken and, as they age, they hunch over at the waist.

This is a regime that, in any interpretation of the word, is an outrageous insult to the world and everything America stands for and believes in. I believe they will pose a direct threat, over time, to the security of not only Asia but the world. They were able to export technology all the way to Syria, obviously. Why should they not be able to export that to other parts of the world?

I urge my colleagues to vote in support of the amendment by the Senator from Kansas, and I hope we can vote on that sooner rather than later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to add Senator BENNETT from Utah as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I thank my colleague from Arizona. I think he understands more than anybody in this body the situation and what happens in a gulag-type situation. That has drawn me to the topic of North Korea for a couple years—the human rights abuses. Hundreds and thousands of North Koreans are fleeing to be able to simply get food, and a couple hundred thousand of them are in the gulag system. It is unbelievable that this can happen in 2009. We have Google Earth that can even show this. But we just say: OK, that is the sort of thing that happens there. It is mind-boggling to me that we wouldn't act resolutely.

I appreciate the chairman of the Foreign Relations Committee, the Senator from Massachusetts, who is a distinguished Senator and is very bright and experienced in foreign policy. I could not disagree with him more about North Korea. We have had an ongoing dialog and discussion about this. He makes the point that we should not pop this on the bill.

I have been trying for months for us to relist them as terrorists. They should not have been delisted in the first place. It was a terrible process move on the Bush administration to try to move the talks forward, saying we are going to delist you and you are

going to do something for us. Pyongyang and Kim Jong Il said thank you very much, and now we are going to stick it in your face, which is what they have continued to do. I have listed the things, as the Senator from Arizona has mentioned as well.

The thought that we are acting resolutely, to me, is an insult to the people in North Korea who have lived under this oppressive regime. We are not acting resolutely toward North Korea. We are not putting any sanctions on them. We have asked for international sanctions, but why aren't we willing to put sanctions on ourselves? If we think this is such a proper course to follow, and we are willing to push it on an international body, why wouldn't we be willing to do it ourselves? Why wouldn't we be willing to list them as a terror nation, as a state sponsor of terror? I don't understand that; why, if it is good in the international arena, we wouldn't do it ourselves.

Plus, we need to have teeth into this. This is a modest—a modest—proposal. It is a resolution, a sense of the Senate that North Korea should be relisted as a state sponsor of terrorism. We are not relisting them. That is an administration call. We are saying we, as a body, given the provocative actions that have taken place since they have been delisted clearly merits the relisting of North Korea as a state sponsor of terrorism. That is our opinion, and that is what we are saying to the administration.

Without a foundation in the law, it is clearly—as I read previously—allowed for the Secretary of State to determine that the government of that country has repeatedly provided support for acts of international terrorism. That is the actual wording of the law in the Arms Export Control Act. Clearly, they have acted to sponsor international terrorism with their relation with Burma, with the missiles, with the nuclear weapons, and with the proliferation they have done and continue to do.

He says, and is suggesting, that delisting has no practical effect. I believe it does have a practical effect, and it certainly does on the administration's stance toward North Korea and their international posture toward North Korea. Plus, it has a practical effect on what we can provide for as far as aid from the United States to North Korea. We shouldn't be providing aid to the North Koreans. We should provide food aid, if we can monitor it. We shouldn't be giving oil to the North Koreans. That should be limited so the administration cannot do that. They would not be able to if they are listed as a state sponsor of terrorism.

Mr. President, it will hurt the people of North Korea and those who are in the North Korean gulags if we don't relist them. It recovers any vestige of hope they might have that at some

point in time somebody of enough stature, such as the United States Government, is going to take enough notice that they are going to put pressure on the North Korean regime. I have talked with some people who were refuseniks in the Soviet Union, in a Soviet gulag during an era where we had far less communication capacity than we do today, and yet they were able to get messages at that point in time into the Soviet gulag that the Americans were putting pressure on the Soviet Union and the lack of human rights in the Soviet Union, and it gave them hope. It gave them hope in the Soviet gulag.

If we can pass this, it can give people in the gulags in North Korea hope that somebody is at least paying enough attention to put pressure on this, and maybe they may be able to live longer, or actually live at all. It can give them hope, instead of "abandon hope all ye who enter here," as it says at the entrance to Inferno and as it is in the gulag system in North Korea.

So it is a modest resolution, and I would hope my colleagues would vote overwhelmingly for this resolution to relist North Korea as a state sponsor of terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1528

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 1528 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. GRAHAM, Mr. BEGICH, Mr. CORNYN, Mrs. HUTCHISON, and Mr. THUNE, proposes an amendment numbered 1528.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide authority to increase Army active-duty end strengths for fiscal year 2010 as well as fiscal year 2011 and 2012)

Strike section 402 and insert the following:

SEC. 402. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE-DUTY END STRENGTHS FOR FISCAL YEARS 2010, 2011, AND 2012.

(a) AUTHORITY TO INCREASE ARMY ACTIVE-DUTY END STRENGTH.—

(1) AUTHORITY.—For each of fiscal years 2010, 2011, and 2012, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline plus 30,000.

(2) PURPOSE OF INCREASES.—The purposes for which an increase may be made in the active duty end strength for the Army under paragraph (1) are the following:

(A) To increase dwell time for members of the Army on active duty.

(B) To support operational missions.

(C) To achieve reorganizational objectives, including increased unit manning, force stabilization and shaping, and supporting wounded warriors.

(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the authority of the President under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority in subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) BUDGET TREATMENT.—

(1) IN GENERAL.—If the Secretary of Defense increases active-duty end strength for the Army for fiscal year 2010 under subsection (a), the Secretary may fund such an increase through Department of Defense reserve funds or through an emergency supplemental appropriation.

(2) FISCAL YEARS 2011 AND 2012.—(2) If the Secretary of Defense plans to increase the active-duty end strength for the Army for fiscal year 2011 or 2012, the budget for the Department of Defense for such fiscal year as submitted to Congress shall include the amounts necessary for funding the active-duty end strength for the Army in excess of the fiscal-year 2010 baseline.

(e) DEFINITIONS.—In this section:

(1) FISCAL-YEAR 2010 BASELINE.—The term “fiscal-year 2010 baseline”, with respect to the Army, means the active-duty end strength authorized for the Army in section 401(1).

(2) ACTIVE-DUTY END STRENGTH.—The term “active-duty end strength”, with respect to the Army for a fiscal year, means the strength for active duty personnel of Army as of the last day of the fiscal year.

Mr. LIEBERMAN. Mr. President, I am pleased and proud to introduce this amendment with a bipartisan group of cosponsors. To state it briefly, it extends the authorized end strength of the U.S. Army by 30,000 over the next 3 years, effective with the commencement of fiscal year 2010. It doesn't mandate this increase, but it expands the authority of the Secretary of Defense, obviously, with the support and authorization of the President of the United States, the Commander in Chief, to extend the end strength of the U.S. Army. End strength means how many soldiers can the U.S. Army have. Of course, it does this to reduce the tremendous stress on the U.S. Army, which is carrying the burden of combat in two wars, in Iraq and Afghanistan today, and over the next year or 18 months will be in this unique position.

Progress has been made, thank God, in Iraq, and the Iraq Security Forces are progressively taking over responsibility for keeping the security in their country. The drawdown of American soldiers is happening in a methodical and responsible way, and I again express my appreciation to President Obama that it is happening in that way. At the same time, we are increas-

ing our troop presence in Afghanistan. Bottom line: The demand for members of the U.S. Army on the battlefield over the next year, 18 months, at the outside 2 years, is going up. If the supply remains constant, that means the stress on every soldier in the U.S. Army and his or her family will not be reduced. As a matter of fact, it will go up. The term for this—which I will get to in a minute—in the Army is “dwell time.”

This is an amendment that began with members of the Senate Armed Services Committee, and a comparable amendment in the House Armed Services Committee, recognizing, as we all do, the tremendous stress that our Army is under, the extraordinary job they are doing in Iraq and Afghanistan.

This is really the next great generation of the American military. But we see in it some tough statistics: the increase in mental health problems, the increase in divorces of members of the service, and, worse, of course, the increase in suicides.

There are many things we have supported in this Senate and the Congress—and the administration has—to respond to each one of those problems. But in a way, the most direct thing we can do is to increase the size of the U.S. Army so there is less pressure on every soldier in the Army, in this sense. Every time we add another soldier to the U.S. Army—and we are talking about authorization to add 30,000 more—it means that much more time every other member of the U.S. Army can spend back at base retraining, preparing and, most important of all, spending time with their families.

As I know the Presiding Officer knows—and I know the President of the United States knows it too—the good news is that the Secretary of Defense, Bob Gates, who has done and is doing an extraordinary job for our country with, of course, the support and authorization of President Obama, yesterday announced that he would be temporarily increasing the Active-Duty end strength of the U.S. Army by 22,000 soldiers over the course of the next 3 years.

I cannot sufficiently express my words of appreciation for Secretary Gates's decision. He acted by employing the emergency authority he has in an authorization of the use of force and a built-in statutory waiver he has up to 3 percent of existing end strength to expand the size of the Army. This amendment, which had been planned, and was in the committee before this great action by Secretary Gates yesterday, is now before us, and I am honored to offer this amendment with a bipartisan group of cosponsors who are listed on this amendment as a way to do two things: The first is that it literally increases from 547,000 to 577,000-plus the authorized end strength of the U.S. Army, and to leave that authority

there in case there is a need that Secretary Gates and the President see in the coming 3 years to raise the number.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. LIEBERMAN. I will be happy to yield.

Mr. MCCAIN. It is my understanding that the amendment authorizes the additional forces Secretary Gates said yesterday in his speech that we need—or the day before yesterday. Why do we need to put this into the bill?

Mr. LIEBERMAN. Two reasons. The first is that it is a bit beyond what Secretary Gates did. He authorized using the extraordinary powers he possesses as Secretary in this time of conflict up to 22,000 for the next 3 years. The amendment authorizes—doesn't mandate, doesn't appropriate—30,000 for the next 3 years. So it gives some latitude, depending on how conditions go in Iraq and Afghanistan, to go a bit further—8,000 more, if necessary, over the next 3 years.

Second, I say to my friend from Arizona, when this amendment started, we didn't know Secretary Gates was going to do this. I am grateful he did, but this amendment now—frankly, as Secretary Gates himself said to me yesterday, and I appreciate it and I don't think he would mind if I repeated it on the Senate floor—gives the Senate and Congress the opportunity to essentially vindicate and support the step that the Secretary has made and, as he put it, send a message from the Senate to the members of the U.S. Army that help is on the way.

Mr. MCCAIN. And there is no doubt that the Army very badly needs the help now and in the foreseeable future.

Mr. LIEBERMAN. My friend from Arizona is absolutely right. There is no doubt, based on the demand, certainly temporarily, over the next 18 months, perhaps 2 years, as we are drawing down in Iraq, but not as rapidly as we are adding forces in Afghanistan, that there is at least a temporary need for more than the authorized 547,000 members of the U.S. Army.

Mr. MCCAIN. And if I could question the Senator further, perhaps this would illuminate any requirement for stop loss or for involuntary extensions in a combat area.

Mr. LIEBERMAN. Absolutely. As a matter of fact, one of the reasons Secretary Gates gave yesterday I will read:

The decision to eliminate the routine use of “stop loss” authority in the Army requires a larger personnel flow for each deploying unit to compensate for those whose contract expires during the period of deployment.

So, yes, this makes it possible to end the use of stop loss, which is essentially, in layman's terms, a way to require people to stay actively deployed longer than they originally were going to be deployed.

Mr. MCCAIN. I thank the Senator.

Mr. LIEBERMAN. I thank my friend from Arizona. We have illuminated most of the reasons in our exchange why this amendment is important. I will simply add a few more things Secretary Gates said yesterday, which is:

The army has reached a point of diminishing returns in their multiyear program to reduce the size of its training and support "tail."

That is the training and support which supports the Active-Duty Army.

The cumulative effect of these factors is that the Army faces a period where its ability to continue to deploy combat units at acceptable fill rates is at serious risk.

Here is the point I just made in response to Senator MCCAIN's question.

Based on current deployment estimates, this is a temporary challenge—

A temporary point of stress. We hope and pray that is true. It certainly looks like it is—

which will peak in the coming year and abate over the course of the next 3 years.

Mr. President, in addition to the Secretary of Defense, we heard from the Army's Chief of Staff, GEN George Casey, and Secretary of the Army Pete Geren, who have been advocates within the Pentagon for this increase in end strength, and I thank them for that. Admiral Mullen, Chairman of the Joint Chiefs, told our Armed Services Committee earlier this year that the light at the end of the tunnel, as he put it, is still more than 2 years away, and that is only if everything goes according to plan, which in combat, obviously, often does not.

Again, I say this is an authorization; it is not a mandate. I will add that Secretary Gates announced yesterday that he will find a way to fund the additional troops in this year and fiscal year 2010—the one that begins October 1—by reprogramming other funds appropriated to the Pentagon for fiscal year 2011, which is the budget that will be presented to us next year, if it is probable that the Department of Defense will require funding as part of its normal operations, and more likely as part of the OCO fund—the overseas contingency operation fund—which supports our presence in Iraq and Afghanistan.

I cannot say enough, I know all of us in the Senate believe we cannot say enough, in gratitude to the members of the U.S. Army who are leading the battle for us against the Islamic extremists and terrorists who attacked us on 9/11/01. We owe them a debt we can never fully repay.

One thing we can do, that Secretary Gates did yesterday and the Senate can do in this amendment, is to send a message to our troops in the field that help is on the way in the most consequential way, which is additional members of the Army.

I ask that when the vote be taken, it be taken by the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LIEBERMAN. Again I say to my colleagues I am doing that, although I expect there will be very strong support for this, because I believe it is the most visible way for this Senate to send the message to the U.S. Army of appreciation and gratitude, to them and their families, that help is on the way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me commend Senator LIEBERMAN and others who support this amendment. We in the Armed Services Committee are very supportive of previous increases; indeed, we led the way on some of them. Because of the stress on the Army and the number of commitments which had been made in Iraq and Afghanistan, we must give the kind of support to our troops they deserve and the American people want us to give.

One of the ways we can reduce some of the stress is by increasing the end strength so the dwell time is more sufficient and there are other positive spinoffs as well from this kind of increase in the authorized end strength.

The Secretary made a very powerful speech the other day when he called for an increase of 22,000, I believe, in the end strength. That end strength is temporary, it is almost as large as this—not quite; this is 30,000, but this is surely in the ballpark. It is appropriate. It is authority, it is not mandatory, and I think it is a very positive signal to send to our men and women in uniform and to their families. I very much support the amendment.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, briefly I thank Senator LEVIN, the chairman of the Armed Services Committee, not just for his strong statement of support now but for the support he has given during our committee's deliberations to the goal of achieving an increase in Army end strength.

I yield the floor.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

AMENDMENT NO. 1475

Mr. CARDIN. Mr. President, I am going to talk about an amendment we have not yet cleared unanimous consent for it to be brought up. I am hope-

ful that will come. But in order to advance the issue, I intend to talk about my amendment, No. 1475, without offering it at this time. I think it is an appropriate amendment to talk about at this point following Senator LIEBERMAN's amendment because his amendment deals with increasing our forces.

One of the reasons it is important to do that is the stress that the restricted numbers provide on our military personnel. Senator LIEBERMAN mentioned, and I will repeat, the number of suicides and attempted suicides by our young men and women serving in the military has increased and one of the reasons, frankly, is that the repeated deployments and the length of the deployments have added to the stress of our servicemen.

Health experts agree that there is most likely a combination of factors leading to this increase in suicides. Many of these factors are simply the results of the prolonged conflict that our Nation finds itself in, including multiple deployments, extended separations from family and loved ones, and the overwhelming stress of combat experiences; each placing a unique and tremendous strain on the men and women of our all-volunteer force.

But while Congress has recognized these strains, and acted to help provide relief by increasing the size of our forces and thereby reducing the number and frequency of deployments, we cannot as easily remedy the stress or mental trauma created by combat experience.

For those who have had to witness the ugliness and devastation of war first-hand, they have encountered something very unnatural for the human mind to comprehend or accept. For these service members, recovering from these experiences involves a long and arduous journey in learning to identify, control and cope with a wide array of emotions. And this learning process is often only accomplished with the guidance and management of highly trained mental or behavioral health specialists.

In this light, we in Congress have acted to increase funding for more mental health providers and improved access for our troops and their families, and we have sharpened the focus of the military on addressing these care needs. That is very positive and has had a very positive effect.

What we must now focus on, and direct the military's attention to, is the potentially harmful practice of administering antidepressants to a population that frequently moves throughout a theater of war and is therefore susceptible to gaps in mental health management. We are not certain they are getting the follow-up care they need.

A 2007 report by the Army's fifth Mental Health Advisory Team indicated that, according to an anonymous

survey of U.S. troops, about 12 percent of combat troops in Iraq, and 17 percent of combat troops in Afghanistan, are taking prescription antidepressants or sleeping pills to help them cope with this stress. This equates to roughly 20,000 troops on such medications in theatre right now.

What I find particularly troubling, when reviewing these figures, is that the Pentagon has yet to establish an official clearinghouse that accurately tracks this kind of data. In fact, the Army's best reported estimate can only tell us that the authorized or prescribed drug use by troops in Iraq and Afghanistan is believed to be evenly split between antidepressants—mainly selective serotonin reuptake inhibitors, or SSRIs—and prescription sleeping pills. My amendment would provide us with the information so we know what is happening with the use of these drugs.

Providing that this best estimate contains some degree of accuracy, it is important for us to also recognize that many of these same antidepressants, after strong urging by the FDA, recently expanded their warning labels to state that young adults—ages 18-24 years old—may be at an elevated risk of suicidal thoughts and behavior while using the medication. This same age group—18-24 years old—represents 41 percent of our military forces serving on the front lines in Iraq and Afghanistan.

While keeping this warning label in mind, it is imperative that my colleagues understand that nearly 40 percent of Army suicide victims in 2006 and 2007 are believed to have taken some type of antidepressant drugs—and overwhelmingly these SSRIs. And as I mentioned at the beginning of this statement, the number of Army suicides reported each month are outpacing each preceding month.

This class of antidepressants—these SSRIs—are unlike most earlier classes of psychiatric medications in that they were, from their inception, specifically designed for use as an antidepressant—that is, they were engineered to target a particular process in the brain that plays a significant role in depression and other anxiety disorders. More significantly, however, these SSRIs are unlike most other antidepressant medications because they are still allowed by Department of Defense policy to be prescribed to service members while they are deployed and directly engaged in overseas operations.

Now, to be fair, there is widespread consensus in the community of professional mental health providers, and empirical evidence to support, that SSRIs do offer significant benefit for the treatment of posttraumatic stress and some forms of depression. And although there are some side effects, they are reportedly much milder and shorter in duration than other

antidepressants. Additionally, SSRIs are also believed to potentially prevent, or at least some believe, lessen the more harmful long-term effects of posttraumatic stress disorder.

My concern, however, and hopefully that of my Senate colleagues, is not the long-term efficacy of these SSRIs, but more pointedly the volume and manner in which these drugs are being administered to our service men and women overseas.

You see, unlike medications that work on an as-needed basis, SSRIs only begin to work after having been taken every day—at a specific dosage—for a significant period of time. This frequently translates to a 3 to 6 week latency period before the therapeutic effect materializes and patients begin to feel improvement. In light of the population I have been discussing, there are two very readily apparent problems with this shortcoming—first, is that service members serving in forward operating areas, such as Afghanistan and Iraq, are quite frequently subject to moving between bases or into other areas—some so remote that there may be no trained mental health provider available to administer the treatment and to make sure it is effective.

Second, and more importantly, is that this initial period is when patients, particularly younger patients, often suffer an escalation in the severity of depression and/or anxiety.

In essence, DOD may be prescribing SSRIs to its service members, without the assurance that they will remain in a capacity to be observed by a highly trained mental health provider. Worse yet, these same patients may very likely find themselves ordered off to conduct combat operations during this same latency period.

Let's return our focus back to the alarming increase in the number of military and veteran suicides reported in 2008 and 2009.

At what point do we step forward to direct that action be taken by DOD to capture, track and report this data? And at what point do we ensure that DOD is properly prescribing, dispensing and administering these drugs to our troops without having in place the necessary controls and or patient management practices?

As a first step in this direction, the amendment I intend to introduce will accomplish a better understanding as to the potential magnitude of this issue. This amendment directs the Department of Defense to capture, at a macro level—at a macro level, not individual information, without divulging or violating any protected patient health information—the volume and types of antidepressants, psychotropics or antianxiety drugs being prescribed to our men and women serving in Iraq and Afghanistan. It will also require DOD, beginning in June of 2010 and then annually thereafter through 2015,

to report to Congress an accurate percentage of those troops currently and previously deployed to Iraq and Afghanistan since 2005 who have been prescribed these types of drugs.

I wish to reiterate that this measure specifically directs the disclosure of this information by DOD to be done in such a way as to not violate the individual patient privacy rights of our service men or women as defined by HIPAA.

This legislation further directs DOD to contact the National Institute of Mental Health and provide any and all data as determined necessary by the Institute to conduct a scientific peer reviewable study to determine whether these types of prescriptions, and/or the method in which they are being prescribed and administered by DOD, are in any way contributing to the rising number of suicides by servicemembers or Iraq or Afghanistan veterans.

I want to specifically address one issue I have heard from some who express concern about this amendment by saying it would stigmatize, in the eyes of our troops, those seeking mental health care. Nothing could be further from what this amendment does. This amendment would collect information in an anonymous manner, and it will be invisible to the servicemembers serving on the front line.

The men and women serving in our military, and equally so their families, deserve our utmost assurance that we are doing everything in our power to see that our Nation's warfighters are provided the best medical care available. An integral part of our commitment must also be to ensure that these service men and women volunteering to serve our Nation are not being exposed to what may potentially endanger them when they seek medical care and mental health service.

This amendment is very simple. It asks us to gather information so we can make a judgment in a macro sense, without violating the individual privacy of our service men and women. It allows us to gather the information, to have the best information. This Congress has a proud record of providing the necessary resources for the health care of our warriors and their families.

This amendment will complement that by making sure that we have the analytical tools to make sure we are providing the right type of mental health services to our service men and women who are in theater. It gets us the information in order to judge what is being done today.

I would hope my colleagues would agree that we would want to have this information, and I hope at a later time I will have the opportunity to actually offer the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. First of all, let me commend the Senator from Maryland on

his amendment. I support it. I hope it can be cleared or placed in order so that we can adopt it on a rollcall if it cannot be cleared.

AMENDMENT NO. 1528

I ask unanimous consent that we now proceed to a vote on the Lieberman amendment, a rollcall vote on the Lieberman amendment.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Idaho (Mr. CRAPO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—93

Akaka	Ensign	McCaskill
Alexander	Enzi	McConnell
Barrasso	Feinstein	Menendez
Baucus	Franken	Merkley
Bayh	Gillibrand	Murkowski
Begich	Graham	Murray
Bennet	Grassley	Nelson (NE)
Bennett	Gregg	Nelson (FL)
Bingaman	Hagan	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Risch
Brownback	Inhofe	Roberts
Bunning	Inouye	Rockefeller
Burr	Isakson	Sanders
Burriss	Johanns	Schumer
Cantwell	Johnson	Sessions
Cardin	Kaufman	Shaheen
Carper	Kerry	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Stabenow
Coburn	Kyl	Tester
Cochran	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
DeMint	Lincoln	Warner
Dodd	Lugar	Whitehouse
Dorgan	Martinez	Wicker
Durbin	McCain	Wyden

NAYS—1

Feingold

NOT VOTING—6

Byrd	Kennedy	Specter
Crapo	Mikulski	Webb

The amendment (No. 1528) was agreed to.

Mr. LEVIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator

LEAHY be added as a cosponsor on the amendment which we just adopted, the Lieberman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1688

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise in support of this vital amendment in order to correct disparities among the Small Business Administration's, SBA, small business contracting programs. Building on my efforts to bring true parity to the programs, this amendment will create a more equitable and flexible method for Federal agencies to fairly allocate Federal procurement dollars to small business contractors across the Nation. Earlier this year, I offered an amendment, cosponsored by my colleague from Maine, Senator COLLINS, to create parity as part of S. 454, the Weapon Systems Acquisition Reform Act of 2009. Unfortunately, that amendment was not accepted.

For years it has been unclear to the acquisition community what, if any, is the true order of preference when determining which small business contracting program is at the top of the agency's priority list. The SBA's regulations state that there is parity among the programs, and this had been the general practice in effect until two Government Accountability Office decisions were released on September 19, 2008, and May 4, 2009.

The decisions stated that the Historically Underutilized Business Zone—HUBZone—program had preference over all other small business contracting programs. While the interpretation benefits HUBZone businesses, it comes at the expense of other vital small business contracting programs. This targeted amendment provides equity for the SBA's small business contracting programs.

The amendment provides Federal agencies with the necessary flexibility to satisfy their government-wide statutory small business contracting goals. This amendment makes clear to purchasing agencies that contracting officers may award contracts to HUBZone, service-disabled veterans, 8(a), or women-owned firms with equal deference to each program. It would provide these agencies with the ability to achieve their goaling requirements equally through an award to a HUBZone firm, a service-disabled veteran-owned small business, and a small business participating in the 8(a) business development program. And of course this list will also include women-owned small businesses once the women's procurement program is fully implemented by the SBA.

In addition, this amendment brings the SBA's contracting programs closer to true parity by giving HUBZones a subcontracting goal. HUBZones are the

only small business contracting program without a subcontracting goal. In addition, the amendment authorizes mentor protégé programs modeled after those used in the 8(a) program for HUBZones, service-disabled veteran and women-owned firms.

The essence of true parity is where each program has an equal chance of competing and being selected for an award. During these difficult economic times, it is imperative that small business contractors possess an equal opportunity to compete for federal contracts on the same playing field with each other.

I urge my colleagues on both sides of the aisle to support this amendment.

AMENDMENT NO. 1500

Mr. GRASSLEY. Mr. President, I rise today to support the section 1072 of S. 1390, National Defense Authorization Act of 2010. This section authorizes the Comptroller General of the United States to assess military whistleblower protections.

As everyone knows, I strongly believe whistleblowers play an important role in the accountability of all government. This should also be true for the men and women who wear uniforms and serve in the Armed Forces.

In 1988, Congress passed legislation that gave members of the armed services unique whistleblower protections. Despite this military whistleblower law, I have concerns that military whistleblowers could be underserved by the regulations and processes created by the Department of Defense, DOD, and the DOD, Office of Inspector General, OIG.

During the course of my own investigation of several military whistleblower cases, I learned some matters which may question how effectively military whistleblower reprisal cases are handled by the DOD and DOD OIG. The Government Accountability Office, GAO, has noted in its past work that the effectiveness of the Federal protection for military whistleblowers rests principally on a two-stage process of investigation and administrative review. The first stage involves a DOD, service, or guard inspector general's investigation of the specific facts and interpretation of issues associated with a whistleblower reprisal allegation. In the second stage of the investigation/administrative review process, the DOD OIG reviews and approves the findings of the service or guard inspectors general. This review is designed to provide assurance that the findings and recommendations in a report were made in compliance with applicable investigatory guidelines and meet legal sufficiency. The second stage of this procedure is crucial for the military whistleblower process to work as intended.

In addition to the tasking included in S. 1390, the military whistleblower reprisal appeal process should be examined by the GAO as well. The military

whistleblower law, 10 USC § 1034, gives the Boards for the Correction of Military Records—BCMR—of each armed service the appeal authority in these often unique and complex matters. I believe the report requested by the underlying bill is important and I support its inclusion. However, it is important for the GAO to also study the effectiveness of the BCMR appeal process to ensure military whistleblowers are afforded a fair administrative process to combat reprisal.

Last year, I first introduced the idea of a GAO military whistleblower study when I requested this work of the Acting Comptroller General Gene L. Dodaro in a letter dated July 18, 2008. I followed up on my letter to the GAO with a legislative proposal through a filed amendment to the Defense Department appropriations bill for 2009 which instructed the GAO to conduct a comprehensive analysis of this issue. Unfortunately, that amendment did not make it through the legislative process. I thank Chairman LEVIN and Ranking Member MCCAIN for including this sensible military whistleblower study in the current bill.

Accordingly, I offer this latest amendment to include a review and analysis of the military whistleblower reprisal appeals heard by the Boards for the Correction of Military Records.

Mr. DURBIN. Mr. President, the National Defense Authorization Act for Fiscal Year 2010 authorizes almost \$680 billion for the Department of Defense and the national security programs of the Department of Energy.

The bill provides pay and health care to servicemembers and their families; funds troops with the equipment and resources they need to fight and provide security; strengthens our ability to train foreign militaries and protect against IEDs and rogue nuclear threats; and terminates questionable weapons programs.

It also includes legislation to complete the James A. Lovell Federal Health Care Center in Illinois.

It gives the VA and the Navy the authority they need to finalize a model partnership between the North Chicago VA Medical Center and the Naval Health Clinic Great Lakes.

This is a model that the Departments hope can be replicated around the country.

Combining separate Federal hospitals will provide better care for our servicemembers and veterans while saving valuable taxpayer dollars.

Given the conflicts we face abroad, this bill provides the right amount to spend in support of our troops. Today, the United States is the world's leader in defense spending. Last year, U.S. military spending accounted for almost half of the world's total military spending. We spend more than the next 46 countries combined. U.S. military spending, combined with that of our

close allies, makes up 72 percent of all military spending in the world. Our defense budget is six times larger than China's and 100 times larger than Iran's.

These funds make good on a promise to our men and women in our military. Our troops continue to do everything we ask of them in the wars in Iraq and Afghanistan. These conflicts have taken an extraordinary toll on servicemembers and their families that we cannot forget.

The Armed Forces, particularly the Army and the Marine Corps, will continue to be heavily stressed, even as we start to redeploy our forces from Iraq. Servicemembers still do not have enough dwell time between deployments and the Army has seen a troubling rise in the number of suicides. These are indications of the strain that multiple and continued deployments are taking on the force. The President requested increasing the size of the Army to 547,400 soldiers and increasing the Marine Corps to 202,100 Marines, while preventing cuts in Navy and Air Force personnel. This bill supports the President's request. It also authorizes an additional 30,000 soldiers in 2011 and 2012, should the Secretary of Defense believe such troops are necessary. Additional soldiers and marines will help ease the burdens caused by multiple deployments.

More personnel will give each service more breathing room to care for its wounded warriors. Others can continue the fight while injured and ill servicemembers can recover in wounded transition units.

This legislation creates a task force to assess the policies and programs that support the care and transition of recovering wounded and seriously ill members of the Armed Forces. The task force will consider whether servicemembers have sufficient access to care for posttraumatic stress disorder and traumatic brain injury, the signature injury of the wars. It will look at how well we help injured warriors transition from the Department of Defense to the Department of Veterans Affairs.

The task force will also review the support available to family caregivers as they care for recovering injured and seriously ill members of the Armed Forces. For every servicemember successfully recovering from a serious injury or illness, there is often a family member who has put the brakes on his or her life to care for that person.

Last week, my office received a call from the family of Jordan Hoyt, a soldier from Barry, IL. He was seriously injured in Afghanistan and is receiving care at Walter Reed Army Medical Center here in Washington. His wife Haley has moved to Washington to be near Jordan while he goes through months of surgery and rehabilitation. She has brought with her their infant child, who was born while Jordan was

away serving his country. Haley is from Quincy. She has left her family behind to help Jordan recover from his injury. She has also delayed her educational plans to study criminal justice. Haley is 19 years old. After Jordan leaves Walter Reed, the couple will return to Quincy to live with her mother, who has already provided them with incredible support. While taking care of wounded servicemembers is our basic responsibility, we also need to support the families whose lives have been upended by the wars. I commend the committee for including this task force to look at the needs of family caregivers.

This President inherited many challenges at home and abroad, including two wars and a challenging situation in Pakistan. This bill supports President Obama's new direction in addressing these priorities. In June, our military redeployed from Iraq's cities under the Status of Forces Agreement concluded by the government of Iraq and the previous administration. The Iraqis must continue to take responsibility for their own future.

I commend the President's increased focus on defense and development in Afghanistan; preventing the reemergence of the Taliban and al-Qaida; and strengthening economic, agricultural, educational, and democratic development. These goals are important to development in Afghanistan, but they are essential to our military's strategy. I support the National Defense Authorization Act and commend Chairman LEVIN and Senator MCCAIN for their leadership.

Almost 3,000 soldiers from the Illinois Army National Guard are currently deployed to Afghanistan. Members of the Illinois Guard's 33rd Infantry Brigade Combat Team are helping train the Afghan National Police and providing force protection at military bases. It has been a difficult deployment, with many casualties. Gen William Enyart, the Adjutant General of Illinois, has had to attend the funerals of too many of his soldiers. He sent me an article he had written this spring. Why do the young soldiers serve, he asked? This is what he wrote. They serve because:

They are our kids, they are our protectors. They are what stand between us and chaos. They don't have to be asked to serve. They don't have to be asked to go into danger. They do it, not out of hate, not out of vengeance, but out of love. Love of family, love of community, love of fellow soldier.

I think he is right. Members of the Armed Forces and their families make these sacrifices to keep our country safe. We owe them much in return. This bill takes one step by providing them the resources they need. I ask my colleagues to support this legislation and to send it to the President for his signature.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate

proceed to a period of morning business, with Senator HATCH to be recognized for 15 minutes, then Senator MURRAY for 8 minutes, then Senator BURRIS for 6 minutes, and Senator BROWN for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. LEVIN. Mr. President, there will be, then, no more amendments we will be able to take up tonight on the Defense authorization bill. We will pick up that bill tomorrow.

The PRESIDING OFFICER. The Senator from Utah.

GUANTANAMO BAY

Mr. HATCH. Mr. President, I rise to express my concerns about the administration's failure to make the deadline of issuing a report on the Guantanamo detainee policy. Today's deadline, similar to the January 2010 closure deadline, was self-imposed. It concerns me that the administration maintains that closure will occur even though the execution of this process has been less than stellar.

In January, on his very first full day in office, President Obama signed the order to close the Guantanamo Bay detention facility in 12 months. The President created separate task forces to examine closure and detainee issues. These task forces were developed and staffed by the Obama administration to achieve successful closure in 1 year. The product of this review is to include a report on a broader detainee policy.

Today marks the first deadline in this process. It was set to be the date of release and publication of the task force report on a broader detainee policy going forward. The administration's failure to meet the deadline appears to me to be the "canary in the coal mine" that a January closure of Guantanamo without a detailed plan is an exercise in futility.

Yet the White House downplays the missed deadline and publicly states that the January closure is still on track. Is it? Despite not having a plan and missing a deadline for a key integral part of the closure process, the administration claims it can still meet the overall deadline of closure by January 1. I find that notion suspect at best and completely absurd at worst.

In May, a Gallup Poll indicated that 65 percent—65 percent—of Americans oppose the closure of the Guantanamo Bay detention facility. Even so, the administration intends to follow its timeline and close Guantanamo by January 2010. The task force examining the cases of the remaining 229 detainees has only reviewed half the necessary caseload thus far.

The Justice Department hopes to complete its review by an October re-

porting deadline, but that benchmark is quickly slipping away too. This review process has taken twice the amount of time the administration thought it would take. Yet keeping Guantanamo open beyond January is inexplicably still not an option in the administration's view.

Recently, media reports are circulating that the administration's Guantanamo closure plan has been fraught with political miscalculation and internal dissension. Moreover, the complex nature of this issue will undoubtedly force the transfer of detainees inside the United States. Since the announcement of the President's intention to close Guantanamo, I have joined other Senators in pointing out the lack of planning and clear miscalculation of this decision. That pool has grown and a groundswell of bipartisan support is signaling the White House to "pump the brakes."

In May, the Senate voted 90 to 6 to strip out funding in the fiscal year 2010 war spending request that would authorize \$80 million for the transfer of detainees to the interior of the United States of America. Now that the failure to meet this deadline has been reported by outlets such as the Wall Street Journal, Washington Post, and New York Times, the administration still does not get it. Senior administration officials are letting hubris get in the way. This is neither the proper manner nor the time to close Guantanamo.

There should have been more study of this issue prior to setting us on a course for closure. It is easy to say that Guantanamo can be closed when you are a candidate for President. It is even easier to sign an order on your very first full day in office as President that says in 12 months Guantanamo will close. What is hard is taking a deliberative, methodical approach and then formulating the proper plan to balance the safety of this country with the needs of lawful detention. Had the administration conducted a careful and thorough review of this issue, the conclusion would have been that Guantanamo fulfills both requirements. Instead, the administration has painted itself into a corner.

Clearly, the administration miscalculated and underestimated the depth and breadth of this issue. From the onset, the administration has tried to reverse-engineer the process for closing Guantanamo—starting from the end and working backward. If changes are not made immediately, administration officials will force this issue on American cities and towns in just 185 days. They will limp across the finish line. We have 185 days until Guantanamo is closed. The days until the plan is released ARE a big question mark. They are going to limp across the finish line on January 22, 2010, and herald their accomplishments a victory despite its

ill-conceived planning and Three Stooges-like manner of execution.

Guantanamo is still an asset to this country. It complies with international treaties and exceeds the standards of domestic corrections facilities. I don't see how anyone who is honest about this matter can characterize it in any other way, especially when there is not a sufficient replacement located domestically to meet the Justice Department's needs. It is my fervent hope that the President and Attorney General will reconsider their ill-considered plan to close Guantanamo and recognize the obvious, that a \$200 million facility that is already operational and in compliance with international treaties should not be shuttered.

This is an important issue. I don't think the American people are going to stand to have these very dangerous people brought on shore to our country when we have a \$200 million facility that meets international treaty obligations sitting there doing the job. I think the administration needs to get this work done and needs to get it done the right way.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. (Mr. UDALL of Colorado). The Senator from Washington is recognized.

HEALTH CARE REFORM

Mrs. MURRAY. Mr. President, 3 weeks ago I sent a letter to families across my home State of Washington asking for their help as we reform our broken health care system. I told them I wanted to pass a plan that protects existing coverage when it is good, improves it when it is not, and guarantees care for the millions who have none. I asked them to share their stories with me and ideas about how to make this vision a reality. I told them that I know health care is a very personal issue, but also that personal stories have the power to change minds and transform debates. The response to my request has been simply overwhelming.

I wish to share some of the stories that have been pouring into my office—over 5,000 so far—because they underscore not only the desperate need to fix our broken health care system but also the dire necessity to get it done this year.

For too many families today, health care reform can't wait. I wish to share a story from a letter I received from Rita from Seattle who sent me a story about her sister Janet. Janet was unemployed and had lost her health insurance when her throat began to hurt one day back in 2004. She paid out of her own pocket to visit a health clinic and was sent home with antibiotics. Well, weeks later, she was still in a lot of pain and finally managed to get an appointment with a specialist, but she was told she had to wait 6 weeks more

to come in to get help. Only after begging them for an appointment was she seen by the specialist 3 days later and was told that the pain she had been living with was in the late stages of an aggressive form of throat cancer. Janet died not long after that. It was a death that would have been prevented had she been able to see a specialist earlier.

Janet is not alone. A woman by the name of Kathleen from Puyallup, WA, sent in a story about her friend Kelly. Kelly had just been laid off from work when she came down with what she thought was the flu. She didn't have any health insurance because she had been laid off from her job and she couldn't afford to go to the doctor, so she waited. Two weeks later she felt even worse, so she finally made an appointment to go in for a checkup. Kelly never made it to the doctor. Her 7-year-old son found her dead on the couch on the morning she was supposed to go in. She died from an untreated ovarian cyst. Because Kelly didn't have health insurance, that little boy no longer has a mother.

I think the fact that these stories are possible in the greatest and richest country in the world is simply shameful. No son should lose a mother simply because she can't afford care. No family should have to watch a loved one suffer because insurance companies instead of doctors are making the decisions. That is why we so badly need to reform our health care system this year.

Our country has been working on this issue for over 60 years and we have spent months and months this session alone working to put together a reform package that works for all Americans. We have had over 6 months of hearings. We went through over 50 hours of public markups. We debated over 200 amendments. So when I hear some of my colleagues from across the aisle saying we should slow down, saying we should take more time, or that we are trying to reform health care too fast, and when I see some of them shrugging off every attempt we have made at engaging them and bringing them into the process, I think of Kelly and I think of Janet and I think of all of the families out there right now with sick husbands or sick wives or sick kids. I think of all the small business owners I have talked to who can't cover their employees. I think of the people who have coverage, but are worried about losing it today in this uncertain economy. I think about all the working Americans who are paying a hidden tax today in the form of rising premiums in order to cover those Americans who don't have access to care. As a mother and as a Senator, I say enough is enough.

Yesterday we heard some pretty ugly and blatant rhetoric. One Member of the Senate who wants to protect the status quo, who doesn't want to make

any changes, said: "If we're able to stop Obama on this, it will be his Waterloo. It will break him."

That is playing games with real lives in order to score cheap political points. Bucking health care reform isn't going to break the President of the United States. It will break American families. It will break American businesses. It is going to break the bank.

Americans deserve better. The families of Janet and Kelly and the thousands of others who have written me deserve better. We can't play politics with what is most important to our Nation's families—the health of their loved ones.

They say justice delayed is justice denied. Well, health care delayed is often health care denied. It was denied to Kelly, it was denied to Janet, and it gets denied to more Americans every single day we wait.

I call on all of our colleagues here in the Senate to work with us to rise above partisanship. We have a good plan right now. We are working to listen and bring everybody in and make it better. It will rein in the costs with the goal of lowering them across the long term. It will make sure all Americans have high quality, affordable coverage.

This issue is not going to go away if we don't do anything. It is not going to get better or easier if we wait. In fact, today, costs are rising at an unsustainable rate for those who do have insurance and more and more Americans are losing their insurance every day.

We have been talking about reforming the health care system for a very long time. I go home to my home State of Washington every weekend, and I am asked often now if it is the right time to tackle health care reform. In these difficult and challenging economic times when people are worried about paying their bills, worried about losing their jobs, worried about what is coming around the corner, they ask me if we are biting off more than we can chew. I tell them: This is exactly the time we need to act. Premiums are rising three times faster than wages today. Every day, 14,000 more Americans lose their health insurance. In these already difficult times, I don't want to add losing health insurance to the list of concerns our families have to deal with every day.

We know the current system is unsustainable. Even those people with good coverage today are faced with massive costs and rising premiums. That is why tackling this problem now has to be part of our long-term economic recovery program.

Without health care reform, family budgets are going to continue to be strapped, more Americans are going to lose their care, and we are going to hear more stories like Janet and Kelly. I hope we can put aside the partisan rhetoric, I hope we can put aside the

talk of: Slow this down; it is too fast. This issue is imperative, and I urge my colleagues to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

CONCEALED CARRY RECIPROCITY

Mr. BURRIS. Mr. President, I rise today to express my strong opposition to Senator THUNE's amendment regarding concealed carry reciprocity. This legislation ignores the explosion of gun crime plaguing America's cities and putting an unnecessary burden on local law enforcement.

In my home State of Illinois, an entire generation of young people, many of whom live in urban areas, is being decimated with gun violence. On May 10 of 2007, a 16-year-old honor student named Blair Holt was shot to death while riding a Chicago city bus. When the shooter opened fire, Blair was shot while protecting a young girl with whom he was riding. The shooter was also a 16-year-old boy and an admitted member of the Gangster Disciples national street gang. Just the other day, justice was presented to him when he was given 100 years in prison by the judge.

Similar tragic stories have only grown more frequent. In the first 6 months of 2009, Chicago alone logged 202 homicides, 84 percent of whom were shot to death. In comparison, in the same period of time, we lost 101 troops in Iraq and 99 in Afghanistan.

The people of Chicago deserve better than life in a war zone. Hundreds of Chicago public school students have been shot so far this year. By the end of the school year in June, at least 36 had died.

Over the Fourth of July weekend, while most of us celebrated our Nation's independence, Chicago suffered through an almost unparalleled torrent of gun violence: 63 shootings were tallied, and 11 of them were fatal.

The carnage on Independence Day weekend led the Chicago Tribune to demand on July 10: "Where is our courage? Where is the indignation over the slaughter of Chicago's children?"

This is far too high a price to pay for inaction. I will say it again: The people of Chicago deserve better than life in a war zone. Students deserve better than being gunned down in the streets after school and parents deserve better than having to raise families in the midst of a bloodbath. We must work vigorously to combat the rampant gun violence in our cities and urban areas.

As a registered gun owner myself, I respect the second amendment and responsible gun ownership. However, I am deeply concerned about the devastating consequences of guns falling into the wrong hands. To this end, I strongly believe we should keep firearms out of the hands of children, terrorists, and criminals, and in solving

this problem we need to provide local law enforcement officials with the support they so desperately need.

Concealed carry regulation is an issue best left to cities and States and not the Federal Government. It is our job as Federal legislators to enact measures that strengthen States' law enforcement efforts instead of arbitrarily increasing their burden. A national standard of reciprocity would ignore the challenges local law enforcement struggles with on a daily basis when combating gangs and drug dealers in big cities.

I am not alone in my opposition to the Thune amendment. I join the International Association of Chiefs of Police and State lawmakers around the country in recognizing that this legislation would severely hamper efforts to combat gun crime in our Nation's urban areas.

Mr. President, I ask unanimous consent to have 2 letters from the the mayor of the city of Chicago, Mayor Daley, and the Major Cities Chiefs Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE MAYOR,
Chicago, IL, July 17, 2009.

Hon. ROLAND W. BURRIS,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BURRIS: I am writing to express the City of Chicago's strong opposition to Senator Thune's amendment regarding concealed carry reciprocity, and to urge you to vote against this amendment as part of the National Defense Authorization Act for Fiscal Year 2010 (S. 1390).

Although the State of Illinois would not be affected directly by its passage, this amendment runs the possible risk of reinforcing current movements in the Illinois legislature to pass concealed-carry laws, which would greatly set back Chicago's efforts to curtail gun violence. Concealed carry regulation is an issue best left to cities and states, and not the Federal government. A national standard of reciprocity would ignore the challenges local law enforcement struggle with on a daily basis when combating gangs and drug dealers in big cities.

Passage of this amendment would limit the ability of states and local governments to protect their citizens with common-sense and community-specific laws and regulations regarding the carrying of hidden handguns. It would promote gun trafficking by making it easier to transport firearms between states without the fear of being apprehended by law enforcement. The bill would also endanger the safety of our police officers by making it more difficult to distinguish between legal and illegal gun possession—ambiguity that would have life or death consequences.

The City of Chicago continues to do all it can to protect our communities from the gun violence of gangs and drug dealers. It is a tireless effort that requires the involvement of the community members, the hard work of local law enforcement and sensible policy decisions made at all levels of government. The Thune amendment would serve as an obstacle to these efforts, and that is why I

strongly urge you to oppose this potentially debilitating legislation.

Sincerely,

RICHARD M. DALEY,
Mayor.

MAJOR CITIES CHIEFS ASSOCIATION,
JULY 17, 2009.

Hon. HARRY REID,
Majority Leader, Hart Office Bldg., U.S. Senate,
Washington, DC.

Hon. NANCY PELOSI,
Speaker, Cannon Office Bldg., House of Representatives,
Washington, DC.

DEAR MAJORITY LEADER REID AND SPEAKER PELOSI: On behalf of the Major Cities Chiefs, I am writing to express our strong opposition to S. 845 and H.R. 1620, the Respecting States Rights and Concealed Carry Reciprocity Act of 2009. Because we are responsible for public safety in the largest jurisdictions in the United States, we recognize that this legislation would be an enormous mistake.

This misguided legislation would undermine efforts by law enforcement agencies across the Nation and thwart measures already enacted by the states. Please know that we stand with the more than 400 Mayors who have objected to this ill-conceived proposal.

An oversimplification of carefully reasoned standards and licensing provisions, the proposed measure would arbitrarily overturn laws which have been tailored to the needs of regions and local communities. Passage of this legislation would be an affront to Federalism as it would force a state to accept permits from other jurisdictions—whether or not the permits comport with the laws of that state.

We are confident that members of Congress will respect the authority of states, counties and cities to adopt their own regulations regarding weapons and will not act with disregard for the many reasonable and prudent laws already in place across the Nation.

Chiefs of Police and Sheriffs call upon you to vote against this dangerous and unconstitutional legislation.

All the best,

WILLIAM J. BRATTON,
Chief of Police, Los Angeles, CA,
President, Major Cities Chiefs' Association.

Mr. BURRIS. Mr. President, as I said earlier, cities in every State face unique challenges that require tailored solutions. This is never truer than with the issue of gun control. It is imperative that States set their own standards for concealed carry permits and are not obligated to honor permits awarded elsewhere with different, potentially less rigorous requirements. We must not tie the hands of State governments regarding their ability to protect and serve their citizens.

I think that this legislation moves our national gun policy in the wrong direction. In their assessment of the recent gun violence, the Tribune opined that "The tragic loss of brave soldiers killed overseas grabs media headlines and fuels the raging fires of political debate. Meanwhile, in another war right here in our own backyard, the killings continue, almost ignored."

We cannot ignore this horrific situation any longer. We must not be conned into believing that easier access to firearms will reduce firearm deaths. Rather than making it easier

for people to bring concealed weapons into other States, I hope my colleagues will get serious about addressing the urgent problem of gun crime in our cities and among our youth.

I urge my fellow Senators to not only vote against this amendment but to join me in working towards a real solution for this senseless cycle of death.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

CONGRATULATING YOUNGSTOWN, OHIO

Mr. BROWN. Mr. President, I rise to congratulate the community and business leaders of Youngstown, OH, for showing the rest of the Nation what so many of us in Ohio already know: Youngstown is one of the Nation's best places to start a business.

I have held some 140 community roundtables across Ohio's 88 counties at least once since I have been in the Senate, where I have met with educators, students, community and business leaders, and entrepreneurs and workers.

I have held a half dozen roundtables in the Mahoning Valley, including two in Youngstown, and have traveled across towns along the Mahoning River and across its valley.

From the autoworker in Lordstown to the electrician in Warren, to the technology entrepreneur in Youngstown, to the small business owner in Salem, I am impressed by their unwavering commitment to rebuilding this region.

Youngstown remains a great city in the face of many challenges, and its dedicated and talented workforce is driving today's innovation and ingenuity.

Each time I visit Youngstown, I learn something new—from Mayor Williams, the fine, aggressive, very bright, young mayor of Youngstown, to Chamber of Commerce leader Tom Humphries, to dozens of teachers, small business people, workers, and citizens.

It is easy to see why Entrepreneur Magazine lists Youngstown as one of the top 10 U.S. cities to start a business. On the cover it says: "Youngstown, Ohio, anyone?"

In their August issue, Entrepreneur Magazine describes Youngstown as a "dreamer," where technology innovation is driving job growth and sustaining economic activity.

Bold plans and visionary leadership have set the stage for sustained economic growth. Youngstown's healthy dose of all-American grit and hard work will turn economic potential into economic reality, driving regional economic expansion that can strengthen Ohio's middle class.

It takes what Entrepreneur Magazine called a "concept revolutionary enough to help ignite a renaissance in this small city."

It takes a community that understands a transformation must take place from within—from the educators to innovators, from community activists to the industry leaders. Faced with a choice, it takes the foresight to invest in the future and not dwell on the sometimes troubled past.

Today, we are seeing the results of a decade-long process of renewal and rebirth for Youngstown, in Warren, and the entire Mahoning Valley.

More than a year ago, I made my first trip to the Youngstown Business Incubator, which is an example of community and business leaders nurturing startup companies that can strengthen the regional economy.

Nurtured in the Youngstown Business Incubator in 2002, Turning Technologies, for example, has become one of the fastest growing technology companies in the Nation, according to *Entrepreneur Magazine*.

This is no accident. Mike Broderick, from Turning Technologies, and other emerging businesses, say they have relied on the affordable startup costs, accessible resources, the transportation network that criss-crosses western Pennsylvania and Ohio, and the community involvement that allowed businesses to thrive.

An important part of Youngstown's favorable business climate is access to talented workers and students. Kent State's Trumbull campus is a model for workforce training among Ohio's colleges and universities. Their educators are training a legion of highly skilled workers for Ohio's emerging high-tech industry.

But more must be done to close the gap between high unemployment in that part of Ohio. My whole State is still afflicted by high unemployment and this terrible recession. More must be done to close the gap between the high unemployment and the shortage of skilled workers and emerging industries.

Congressman TIM RYAN, with whom the Presiding Officer and I both served in the House of Representatives, and who represents Youngstown in the House, and I recently introduced the Strengthening Employment Clusters to Organize Regional Success, or SECTORS Act.

SECTORS would help allow businesses, workforce development boards, labor unions, and community colleges to connect skilled workers with workforce and community needs. We will see that with Youngstown State University in Youngstown, and with the Trumbull County branch of Kent State University.

SECTORS is not only a jobs skill bill, but an economic development bill. It is only one part of the citywide strategy to harness the talented workforce and students.

Youngstown State University is training engineers and contributing to

workforce needs of an emerging advanced materials sector, involving advanced chemical and composite engineering and nanotechnology. I have seen some of this technology in the Mahoning Valley, and it is ready to take off.

YSU's science, technology, engineering, and math program, or STEM, teaches students the critical skills in the fields of advanced sciences, information technology, and engineering.

If our students succeed in the 21st century global economy, we must invest in our young people, who will create the businesses and opportunities for future growth.

We must also ensure that our communities are part of economic revival around the State.

I met with the Mahoning Valley Organizing Collaborative at one of my roundtables. We sat for an hour and a half in the basement of a church, with 15 community activists, who have a focus you wouldn't believe. This is a collective effort of neighborhood groups, churches, and labor unions. It is another example of citizens taking ownership of their community. It is revitalizing neighborhoods, surveying land to determine future economic use, and cleaning up crime-ridden neighborhoods. Ordinary citizens are organizing to make a difference, and it is working.

Yet another example of strategic economic development is the Youngstown 2010 Citywide Plan, which aims to revitalize the city of Youngstown with carefully planned economic development and urban planning.

As Ohio cities experience population loss, Youngstown's efforts to modernize infrastructure to serve current population needs is a harbinger of economic growth in the State.

All of these efforts are part of a collective strategy by workers, entrepreneurs, educators, and elected officials to tap into the region's rich resources and innovative spirit. That is why *Entrepreneur Magazine* wrote about Youngstown, calling it the "dreamer." Out of these 10 cities, the other 9 are significantly larger than Youngstown, but none could equal Youngstown in hope, focus, and energy. I will read some things they said:

In the last decade, something special happened in this northeast Ohio city. A new generation is envisioning things we wouldn't have talked about 10 years ago. "Let's clean the slate and start over again" is the radical transformation going on in Youngstown right now.

Mike Broderick, of Turning Technologies, said:

I believe in most places we wouldn't have been able to expand with the speed we did. The affordability here really helped fuel our growth. I found Youngstown to be a brilliant place for a startup.

It has been my pleasure to work with Congressman RYAN, Mayor Williams, the Youngstown Business Incubator, Turning Technologies, and all of the

community activists who are working hard to create new opportunities for a better and stronger Youngstown.

Ohio's dedicated workforce and hard-working community leaders are leading examples of how we can turn around our economy, create new jobs, and how we can, across my State, and across the Mahoning Valley in Ohio, and across this country, rebuild our middle class.

Mr. President, before yielding the floor, I add that all of us who do this work and are, frankly, blessed enough to get to serve in the Senate spend much of our time away from home or our families are back, in my case, in Ohio, or in Washington. Either way, we are away from families more than we would like. I would like to, because today is my wife's birthday, wish her a happy birthday, if she is home watching this. If she is not, I will tell her later. I could not be with her today in Ohio. I look forward to coming home this weekend.

I yield the floor.

REMEMBERING MASON RUDD

Mr. McCONNELL. Mr. President, I rise today with sadness to honor the life of Mr. Mason Rudd, a good friend who died on July 5, 2009, at the age of 90. He was loved by many in my hometown of Louisville, KY, and he will be missed.

Mason will be remembered as an entrepreneur, philanthropist, and family man who did so much to make his adopted hometown a better place.

His American dream began at the University of Minnesota, where he funded his college education with help from a tennis scholarship, participation in ROTC, and by selling doughnuts. In 1939, he graduated with a degree in geology and petroleum engineering. After college, his service in World War II led him to believe that he survived the war for one reason—to help others achieve and live better lives. And this he did.

Mr. Rudd spent a few years working as an engineer for Shell Oil and then selling fire engines in Iowa until 1952 when he moved to Louisville. There he established Rudd Equipment Company, which distributed heavy construction equipment. The company he built brought him a large fortune which would serve him well when he undertook his many altruistic pursuits.

Mason grew to love the city and especially the local university—the University of Louisville. He contributed \$1.4 million to the creation of a neurology professorship at the University of Louisville after his first wife Mary suffered a fatal stroke. His help facilitated the \$3.6 million Bass-Rudd Tennis Center at the University of Louisville as well as the endowment for the Rudd Program for Young Artists at the Kentucky Opera to train young singers.

However, more important than the money, Mr. Rudd contributed invaluable time and effort to the causes of health care and education.

Thirty years ago, this passion was clear to me when I served as Jefferson County's judge-executive and it was my responsibility to appoint someone to the county's board of health. I reappointed him to the board, just as those serving before me had and those after me did.

While serving on this board as well as in leadership positions at Louisville General Hospitals and Louisville's Jewish Hospital, his efforts provided everyone in the city with a healthier, safer life. His fellow members credit him with creating lead poisoning education programs, a hazardous-materials task force in the health department, a mandate on sewage treatment, and primary care clinics for the uninsured.

His efforts also extended to helping the Louisville Free Library Foundation during his 16 years on the board there. Because of him the library's book endowment is stronger and the children's reading program continues to grow. Most notably, in the year 2000 library fundraising efforts under his leadership made it possible to purchase computers for the library.

Mr. Rudd leaves behind his wife Peggy; his daughter Betsy; and his son Michael. The life he led in his 90 years stands out as an example of service to his community and country which all Americans should honor and strive to achieve. He will be missed.

HONORING OUR ARMED FORCES

COMMAND MASTER CHIEF PETTY OFFICER
JEFFREY JAMES GARBER

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Navy Command Master Chief Jeffrey James Garber who passed away aboard the USS *Eisenhower* on June 20, 2009.

Originally from Hemingford, NE, Master Chief Garber enlisted in the Navy in December 1983. His career was an impressive one. At sea his assignments included time aboard the USS *Worden*, USS *Nimitz*, USS *Portland*, and Strike Fighter Squadron 34; and he had been assigned to the USS *Eisenhower* since June 2008. The *Eisenhower* is currently operating in the Arabian Sea in support of Operation Enduring Freedom and maritime security operations.

Master Chief Garber's military awards include the Meritorious Service Medal; Navy/Marine Corps Commendation Medal; Navy/Marine Corps Achievement Medal, six; Meritorious Unit Commendation; Good Conduct Medal, five; Navy Expeditionary Medal; National Defense Service Medal, two; Armed Forces Expeditionary Medal, Southwest Asia Service Medal, two; Sea Service Deployment Ribbon, six; And Navy Recruiting Service Ribbon.

On June 20, Command Master Chief Jeffrey James Garber was found unre-

sponsive in a berthing space aboard the carrier, USS *Dwight D. Eisenhower*. When he was found unresponsive in his stateroom at approximately 8:15 a.m. local time, a medical emergency was declared; and medical personnel were on the scene within minutes. Sadly, all efforts to revive him were unsuccessful, and Master Chief Garber was pronounced dead of natural causes at 8:23 a.m. He was 43 years old. Command Master Chief Garber has been posthumously awarded the Legion of Merit medal, recognizing his accomplishments as Command Master Chief and his 24 years of service to our Nation.

Command Master Chief Garber leaves behind his wife Amy, (Vogt) Garber, and his three children, Tayler, Paige and Josh, all of Virginia Beach; his parents Larry and JoAnn Kuester of York, NE; and his brothers Joel and Jon. Throughout his career, those who knew him, admired Master Chief Garber's professionalism, but also, genuinely liked him. He will forever be remembered by his family and friends as not only the epitome of what a command master chief should be, but primarily a loving husband, father, and son. I join all Nebraskans today in mourning the loss of Command Master Chief Garber and offering our deepest condolences to his family.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF NORTHWOOD, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that is celebrating its 125th anniversary. On July 23-26, the residents of Northwood will gather to celebrate their community's history and founding.

Founded in 1884, Northwood is located in Northeastern ND, and was named after Northwood, IA, a common starting point for pioneers settling in the Dakota Territory. In its early years, the town grew rapidly, and continued to expand over the next century. It was honored in 1993 by the North Dakota League of Cities as City of the Year.

In 2007, Northwood was devastated by an EF4 tornado. Not a single building was left untouched by this monstrous storm that wreaked havoc on everything in its path. Homes and businesses were destroyed, yet amidst all of the destruction, this community banded together, and with the assistance of the federal government, it has successfully rebuilt.

Today, Northwood is a friendly and welcoming community that includes a nine-hole golf course, a swimming pool, a strong business community, and a high quality education system. Additionally, the town remains true to its agricultural roots through its farming population.

The central point of Northwood's 125th anniversary celebration will be the dedication of the new Northwood Public School and the Veteran's Memorial. Other activities, to name a few, include a community picnic, a tractor pull, a teen dance, karaoke, a 5K walk and run, a craft show, a kiddie parade, and a 3-on-3 basketball tournament.

I ask the Senate to join me in congratulating Northwood, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Northwood and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Northwood that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Northwood has a proud past and a bright future.●

COMMENDING ABIGAIL KIMBELL

• Mr. JOHANNES. Mr. President, today I pay tribute to a leader in American forestry.

In February of 2007, Abigail Kimbell became the 16th Chief of the U.S. Forest Service. She was the first female in this role, a job she held until July 5, 2009. During those 2½ years, she served with distinction and accomplished much for the forests, grasslands, and people of the United States.

Gail is credited with renewing the emphasis behind the Forest Service's mission of "Caring for the Land and Serving People" and reconnecting programs and functions to that mission. She improved firefighter safety and fire suppression cost containment. Gail showed great vision and leadership, pressing the agency to continually strive to meet a standard of excellence in its operations, both internally and in service to the public.

Gail emphasized the importance of quality water to the environment and our communities. She directed the agency's investment in the education of children and youth, particularly those in underrepresented communities, to enhance their connection to the natural world.

Gail's numerous and significant contributions span more than three decades of public service. As a Forest Supervisor, she focused on community collaboration to build understanding and support for an economically and environmentally viable long-term timber sale program in Alaska. She also made bold land management decisions to ensure forests remained healthy by reducing hazardous fuels.

As associate deputy chief for the national forest system, Gail was central to the development of the Healthy Forests Initiative, including the Healthy Forests Restoration Act. She also worked to improve interagency cooperation.

As regional forester in the northern region, she oversaw the development and implementation of community wildfire protection plans in Idaho, Montana, and North Dakota. She also played a leading role in the development of plans to delist the grizzly bear in the Yellowstone Ecosystem. Gail pioneered the implementation of improved forest planning with unprecedented public collaboration and ownership.

On July 31, 2009, Gail Kimbell will be retiring from the Forest Service with 35-plus years of service to that agency and our country. Her dedication to the Forest Service mission "to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations" will be forever appreciated by the people of the United States.●

MESSAGES FROM THE HOUSE

At 2:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2245. An act to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

At 4:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 164. Concurrent resolution recognizing the 40th anniversary of the Food and Nutrition Service of the Department of Agriculture.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2352. A communication from the Deputy Secretary of Defense, transmitting the report of (6) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2353. A communication from the Deputy Secretary of Defense, transmitting the report of (10) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2354. A communication from the Deputy Secretary of Defense, transmitting the report of (7) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2355. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Restriction on Acquisition of Specialty Metals" ((RIN0750-AF95) (DFARS Case 2008-D003)) received in the Office of the President of the Senate on July 16, 2009; to the Committee on Armed Services.

EC-2356. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Acquisition Regulation Supplement; Requirements Applicable to Unfinitized Contract Actions" ((RIN0750-AG29) (DFARS Case 2008-D029)) received in the Office of the President of the Senate on July 17, 2009; to the Committee on Armed Services.

EC-2357. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC-2358. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Plug-In Electric Vehicle Credit Under Section 30" (Notice 2009-58) received in the Office of the President of the Senate on July 14, 2009; to the Committee on Finance.

EC-2359. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Director's Directive No. 2 on Casualty Loss IRC 165" (LMSB-4-0309-010) received in the Office of the President of the Senate on July 14, 2009; to the Committee on Finance.

EC-2360. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Director's Directive No. 4 on Mixed Service Costs Phase 1" (LMSB-4-0509-022) received in the Office of the President of the Senate on July 20, 2009; to the Committee on Finance.

EC-2361. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-123, "Processing Sales Tax Clarification Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2362. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-124, "National Law Enforcement Museum Sales and Use Tax Credit Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2363. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-125, "Records Access Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2364. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-126, "Raze Permit Community Notification Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2365. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-127, "Citizen-Service Programs Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2366. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-128, "Child Development Center Directors Relocation Fairness Clarification Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2367. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-133, "Transportation Infrastructure Improvements GARVEE Bond Financing Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2368. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-134, "Anacostia River Clean Up and Protection Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2369. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-135, "Clean and Affordable Energy Fund Balance Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2370. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-136, "Neighborhood Development Tax Deferral Temporary Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2371. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's report on Federal agencies' use of the physicians comparability allowance (PCA) program; to the Committee on Homeland Security and Governmental Affairs.

EC-2372. A communication from the Senior Official, Office of Inspector General, Federal Housing Finance Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2373. A communication from the Inspector General, Department of Commerce, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2374. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Summer 2009 Fireworks, Coastal Massachusetts" ((RIN1625-AA08, 1625-AA00)(Docket No. USG-2009-0422)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2375. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fireworks Displays in Boothbay Harbor, South Gardiner, and Woolwich, Maine" ((RIN1625-AA00)(Docket No. USG-2009-0526)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2376. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; San Clemente Island Northwest Harbor August and September Training; Northwest Harbor, San Clemente Island, California" ((RIN1625-AA00)(Docket No. USG-2009-0522)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2377. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Southside Summer Fireworks, St. Clair River, Port Huron, Michigan" ((RIN1625-AA00)(Docket No. USG-2009-0478)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2378. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Sigma Gamma Fireworks, Lake St. Clair, Grosse Pointe Farms, Michigan" ((RIN1625-AA00)(Docket No. USG-2009-0477)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2379. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Thunder on Niagara, Niagara River, North Tonawanda, New York" ((RIN1625-AA00)(Docket No. USG-2009-0110)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2380. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; F/V PATRIOT, Massachusetts Bay, Massachusetts" ((RIN1625-AA00)(Docket No. USG-2009-0512)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2381. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Herbert C. Bonner Bridge, Oregon Inlet, North Carolina" ((RIN1625-AA11)(Docket No. USG-2009-0489)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2382. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Potomac River, Between Maryland and Virginia" ((RIN1625-AA09)(Docket No. USG-2008-1216)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2383. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations; Port of New York" ((RIN1625-AA01)(Docket No. USG-2009-0045)) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2384. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Closure of the Eastern United States/Canada Area" (RIN0648-XQ01) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2385. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area II Scallop Access Area to Scallop Vessels" (RIN0648-XQ05) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2386. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Deepwater Grouper Commercial Fishery" (RIN0648-XP56) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2387. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648-AX96) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2388. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish; Framework Adjustment 2" (RIN0648-AX56) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2389. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2009" (RIN0648-AX69) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2390. A communication from the Acting Director of Sustainable Fisheries, National

Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot, Arrowtooth Flounder, and Sablefish by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area" (RIN0648-XP97) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2391. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Closure of the Pacific Whiting Primary Fishery for the Mothership Sector" (RIN0648-XP82) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2392. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 16" (RIN0648-AW64) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2393. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications Modification" (RIN0648-XO74) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES—THURSDAY, JUNE 25, 2009

The following material was omitted from the CONGRESSIONAL RECORD of June 25, 2009 on page 16284:

Financial Campaign Contributions Report for Daniel M. Rooney:

Nominee: Daniel Milton Rooney.

Post: Ireland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributor, date, recipient, amount:

Daniel Milton Rooney: 5/24/2008, Gridiron-PAC, \$5,000; 10/21/2008, Committee for Change (Joint FR Committee), \$30,000.

Patricia Regan Rooney: 6/15/2007, Tom Rooney, \$2,300; 6/27/2008, DCCC, \$5,000; 8/03/2005, Patrick Murphy, \$2,000; 9/29/2005, Patrick Murphy, \$1,109; 4/21/2008, Barack Obama, \$500; 11/19/2007, John Murtha, \$2,000; 8/14/2008, John Murtha, \$2,000; 5/18/2005, John Murtha, \$1,500; 7/07/2006, John Murtha, \$2,000; 6/28/2006, DCCC, \$1,500; 12/28/2007, DCCC, \$2,000; 9/23/2008, Patrick Murphy, \$250; 10/21/2008, Committee for Change (Joint FR Committee), \$30,000.

Arthur Joseph Rooney II: 9/07/2006, Melissa Hart, \$500; 4/13/2007, Arlen Specter, \$1,000; 6/20/2008, DCCC, \$2,000; 8/06/2005, Patrick Murphy, \$500; 10/27/2006, Mike Doyle, \$500; 11/01/

2005, John Murtha, \$1,000; 11/19/2007, John Murtha, \$2,000; 8/25/2008, John Murtha, \$2,000; 5/02/2008, Tom Rooney, \$1,700; 5/02/2008, Tom Rooney, (\$1,700); 5/02/2008, Tom Rooney, \$2,000; 6/03/2005, Tim Murphy, \$1,000.

Patricia Rooney Gorrero: 4/11/2008, Hillary Clinton, \$500.

Rita Rooney Conway: 8/14/2008, 07/31/2008, John Murtha, Obama Victory Fund (Joint FR Committee), \$2,000; \$5,000; 6/30/2008, Obama for America, \$250; 02/12/2008, Hillary Clinton for President, \$1,000; 10/14/2005, DSCC, \$500; 05/30/2006, DSCC, \$250; 10/23/2008, Committee for Change, \$10,000; 06/30/2006, DCCC, \$2,000; 08/31/2007, Obama for America, \$250.

Daniel Michael Rooney: 05/12/2005, North Side Good Government Committee, \$3000; 3/26/2007, Tom Rooney, \$400; 3/26/2007, Tom Rooney, \$2,300; 7/22/2008, Tom Rooney, \$1,900; 9/15/2008, Florida 16 Victory Trust (Joint FR Committee), \$5,000.

John Thomas Rooney: 11/15/2005, George W. Bush, \$1,000; 8/31/2007, Tom Rooney, \$2,300.

James Emmett Rooney: 12/20/2005, Mike Doyle, \$500; 01/24/2008, Arlen Specter, \$500; 03/12/2007, Majority PAC, \$1,000; 3/23/2006, Robert Casey, \$2,100; 3/23/2006, Robert Casey, \$2,100; 11/29/2007, Robert Casey, \$1,000; 3/04/2008, William Shuster, \$500; 4/25/2008, Jason Altmire, \$500; 10/29/2008, Jason Altmire, \$2,300; 5/18/2005, John Murtha, \$1,000; 9/20/2005, John Murtha, \$1,000; 7/07/2006, John Murtha, \$2,000; 6/28/2006, DCCC, \$1,000; 11/19/2007, John Murtha, \$2,000; 10/11/2005, Prosperity Helps Inspire Liberty PAC, \$1,000; 6/08/2008, Hilary Clinton, \$1,000.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Polly Trottenberg, of Maryland, to be an Assistant Secretary of Transportation.

*Deborah A. P. Hersman, of Virginia, to be Chairman of the National Transportation Safety Board for a term of two years.

*Deborah A. P. Hersman, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2013.

*Richard A. Lidinsky, Jr., of Maryland, to be a Federal Maritime Commissioner for the term expiring June 30, 2012.

*Meredith Attwell Baker, of Virginia, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2011.

*Mignon L. Clyburn, of South Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2007.

By Mr. KERRY for the Committee on Foreign Relations.

*Anne Elizabeth Derse, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

Nominee: Anne Elizabeth Derse.

Post: Lithuania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses None.

4. Parents: None, deceased.

5. Grandparents: None, deceased.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Jane Quasarano (sister), None.

Paul Quasarano (brother-in-law): (A good faith effort was made to obtain contribution information from Mr. Quasarano. The following is what is available:) National Beer Wholesalers Association (NBWA) PAC: Contributions in 2005, 2006, 2007, 2008, and 2009; Michigan Beer and Wine Wholesalers Association (MBWWA) PAC: Contributions in 2005, 2006, 2007 and \$3,000 in 2008 and \$3,000 in 2009; Michigan Senator Martha Scott: \$1,500 in 2008 and \$1,500 in 2009; Michigan Lt. Governor John Cherry: \$5,000 in 2008 and \$5,000 in 2009; Magistrate O'Brien; Michigan State Representative Ed Gaffney; Michigan Senator Mary Waters; Michigan Senator Steve Tobocman.

Lisa Leifield (sister): None.

Daniel Leifield (brother-in-law): None.

*Carlos Pascual, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

Nominee: Carlos Pascual.

Post: Ambassador to Mexico.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee.

1. Self: \$1,000, September 2008, Barack Obama; \$250, August 2008, Hillary Clinton.

2. Spouse: \$250, April 2008, DNC.

3. Children and Spouses: N/A.

4. Parents: None.

*Kenneth H. Merten, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

NOMINEE: Kenneth H. Merten.

Port-Au-Prince, Haiti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: None.

4. Parents: None.

5. Grandparents: None.

6. Brothers and Spouses: None.

7. Sisters and Spouses: None.

*Donald Sternoff Beyer, Jr., of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

Nominee: Donald Sternoff Beyer, Jr.

Post: Chief of Mission to the Swiss Confederation and the Principality of Liechtenstein.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform

me of the pertinent contributions made by them in the past four years. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: Obama for America, \$4,600, 2007; Judy Feder for Congress, \$2,000, 2006; Judy Feder for Congress, \$1,000, 2008; Al Weed for Congress, \$2,000, 2006; John Tester for U.S. Senate, \$1,000, 2006; Tom Harkin for U.S. Senate, \$2,280, 2007; Leonard Boswell for Congress, \$2,100, 2006; Tom Perriello for Congress, \$2,300, 2008; Dan Seals for Congress, \$1,000, 2008; Paul Hodes for Congress, \$2,000, 2007; Dan Seals for Congress, \$1,000, 2006; Jared Polis for Congress, \$500, 2008; Eighth District Democratic Committee, Virginia Democratic Party, \$250, 2006; Allan Lichtman for Senate, \$250, 2006; Democratic Senatorial Campaign Committee, \$5,000, 2007; Fairfax County Democratic Committee, \$1,000, 2008; Philip Forgit for Congress, \$1,000, 2007; Peter Welch for Congress, \$1,250, 2005; Peter Welch for Congress, \$1,000, 2006; Democratic Senatorial Campaign Committee, \$500, 2006; Alexandria Democratic Committee, \$250, 2005; Mary Landrieu for Senate, \$2,300, 2007; John Kerry for U.S. Senate, \$1,000, 2007; Harris Miller for Senate, \$2,100, 2006; Forward Together PAC, \$5,000, 2005; Democratic Party of Virginia, \$2,500, 2007; Born Fighting PAC, \$2,500, 2008; Leslie Byrne for Congress, \$2,300, 2008; Mark Udall for Senate, \$2,300, 2008; Mark Warner for Senate, \$4,600, 2007; Jim Webb for U.S. Senate, \$2,100, 2006; Bob Casey for U.S. Senate, \$2,000, 2005; Bob Casey for U.S. Senate, \$900, 2006; Ethan Berkowitz for Congress, \$1,000, 2008; Democratic National Committee, \$28,500, 2008 (Obama Victory Fund); Gerry Connelly for Congress, \$2,300, 2008; Gerry Connelly for Congress, \$1,000, 2009; Win Virginia 2008, \$3,256, 2008; Democratic National Committee, \$26,700, 2005; Moving Virginia Forward, \$20,000, 2007; Kaine for Governor, \$19,600, 2005; Deeds for Attorney General, \$10,000, 2005; Byrne for Lieutenant Governor, \$8,600, 2005; Commonwealth Coalition, \$5,000, 2006; Virginia Senate Causus, \$5,000, 2007.

2. Spouse: Megan C. Beyer: Obama for America, \$4,600, 2007; Mark Warner for Senate, \$4,600, 2007; Democratic National Committee, \$28,500, 2008 (Obama Victory Fund); Harris Miller for Senate, \$2,100, 2006; Democratic Senatorial Campaign Committee, \$10,000, 2006; Forward Together PAC, \$5,000, 2005; Ronnie Musgrove for U.S. Senate \$1,000, 2008; Leslie Byrne for U.S. Congress, \$1,000, 2008; Gerry Connelly for U.S. Congress, \$1,000, 2008; Mary Landrieu for Senate, \$1,000, 2008; Win Virginia 2008, \$3,256, 2008; Virginia Senate 2006, \$10,000, 2006; Democratic National Committee, \$5,000, 2005; Democratic National Committee, \$500, 2006; Democratic National Committee, \$5,000, 2007.

3. Children and Spouses: Donald S. Beyer III: No contributions.

Stephanie A. S. Beyer: \$2,300, 3/2007, Obama for America.

Clara S. Beyer: No contributions.

Grace S. Beyer: No contributions.

4. Parents: Donald S. Beyer, Sr.: No contributions.

Nancy M. Beyer: (deceased 1999).

5. Grandparents: Otto S. Beyer Jr.: (deceased 1948).

Clara M. Beyer: (deceased 1990).

Beatrice J. McDonald: (deceased 1974).

Henry Stewart McDonald Jr.: (deceased 1985).

6. Brothers Spouses: Michael S. Beyer: \$2,300, 8/17/07, Obama for America; \$250, 5/14/07, Whipple for Va Senate.

June C. Beyer, spouse: \$250, 8/6/08, Obama for America; \$250, 7/21/08, Obama for America.

7. Sisters and Spouses: Katherine S. Beyer (single): No contributions.

Sharon S. Beyer (divorced): No contributions.

Marylee B. Hill: \$250, 9/27/06, Feder for Congress; \$250, 6/14/07, Obama for America; \$2,300, 8/17/07, Obama for America; \$500, 10/3/07, Hudgins for Fairfax Board; \$250, 3/4/07, Hudgins for Fairfax Board; \$600, 12/29/05, Kaine Inaugural Committee; \$350, 5/30/07, Vanderhye for Va Delegate; \$250, 7/2/08, Petersen for Va Senate; \$150, 9/24/07, Moving Virginia Forward.

Wayne Hill, Spouse: No contributions.

Sandra S. Beyer (divorced): No contributions.

*John R. Nay, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

Nominee: John R. Nay.

Post: U.S. Embassy Paramaribo, Suriname.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

1. Self: \$0—I have never made a political donation.

2. Spouse: \$0—She has never made a political donation.

3. Children and Spouses: Janelle V.A. (Nay) Bennett: \$0—has never made a political donation; Jamison R. Bennett: \$0—has never made a political donation; Jaclyn E.A. Nay: \$0—has never made a political donation; Jordan R. Nay: \$0—has never made a political donation.

4. Parents: Jack R. Nay: \$50, Spring 2006, Joe Schwartz (R-Michigan); Geraldine G. Nay: \$0, (made only one political donation in her lifetime—\$30 to the Democratic Nat'l Committee in March 1996).

5. Grandparents: Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Karen Y. Sefchick: \$0—has never made a political donation.

*Vinai K. Thummalapally, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Nominee: Vinai Kumar Thummalapally.

Post: Chief of Mission, Belize.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$2,200, 6/07, Obama for America; \$9,000, 9/08, Obama Victory Fund; \$500, 9/08, Madia for U.S. Congress; \$500, 7/08, Hal Bidlack for Congress.

2. Spouse: Barbara: \$2,300, 6/07, Obama for America; \$100, 10/08, Josh Segall for Congress (AL); \$500, 9/08, Obama Victory Fund; \$500, 9/08, Obama for America; \$500, 8/08, Udall for Colorado, US Senate; \$300, 9/08, Udall for Colorado, US Senate; \$1,000, 1/09, Ritter for Governor, Colorado; \$1,000, 3/09, Bennet for U.S. Senate; \$25, 3/09, Organizing for America.

3. Children: Vishal: \$2,500, 6/07, Obama for America; \$1,800, 6/07, Obama for America; \$1,000, 3/09, Bennet for U.S. Senate.

Sharanya: \$2,275, 6/07, Obama for America.

4. Parents: Dharma R. Thummalapalli: None.

Padmaja Thummalapally: None.

5. Grandparents: (deceased): None.

6. Brother and Spouse: Ajay K. Thummalapally: None.

Vilasini Reddy: None.

7a. Sisters and Spouses: Deepika Rao: None.

Sagar Rao: None.

7b. Rasika G. Reddy: \$2,300, 6/30/07, Obama for America; \$2,300, 7/17/08, Obama Victory Fund; \$2,300, 7/31/08, Obama for America; \$2,300 10/01/08, Madia for U.S. Congress.

Girish V. Reddy: \$2,300, 6/30/07, Obama for America; \$1,000, 7/31/08, Obama Victory Fund; \$1,000, 7/31/08, Obama Victory Fund; \$28,500, 10/02/08, Obama Victory Fund; \$2,300, 10/16/08, Obama for America.

*Nicole A. Avant, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

Nominee: Nicole Alexandra Avant.

Post: United States Ambassador to The Bahamas.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: \$1,000, 11/02/06, Music Row Democrats Federal PAC Inc.; \$2,300, 03/31/07, Obama For America; \$2,300, 03/31/07, Obama For America; -\$2,300, 04/26/07, Obama For America; \$2,300, 05/24/07, Obama For America; -\$2,300, 05/24/07, Obama For America; \$2,300, 05/24/07, Obama For America; -\$2,300, 10/31/07, Obama For America; \$500, 06/14/07, John Edwards For President; \$500, 07/31/08, Hillary Clinton For President; \$1,000, 10/21/08, Committee For Change (Joint Fundraiser Contribution); \$1,000, 10/27/08, Nebraskans For Kleeb.

2. Spouse: None.

3. Children and Spouses: None.

4. Parents: Clarence Avant (father): 2005/2006, \$1,000, 10/16/06, Democratic Senatorial Campaign Committee; \$1,000, 03/22/06, Friends Of Rahm Emanuel; \$2,100, 09/30/06, Tennessee Senate 2006 (Joint Fundraising Contribution); \$500, 06/30/05, LA PAC; \$1,000, 10/24/05, Berman For Congress; \$1,200, 07/14/06, Harold Ford Jr. For Tennessee; \$900, 02/27/06, Harold Ford Jr. For Tennessee; \$2,000, 08/20/05, Harold Ford Jr. For Tennessee; \$1,000, 12/15/05, Cantwell 2012; \$1,000, 01/12/06, Mfume For US Senate; \$1,000, 06/05/06, Mfume For US Senate; \$1,100, 08/16/06, Mfume For US Senate; \$500, 04/01/06, Schiff For Congress; \$1,000, 11/01/05, Schiff For Congress; \$5,000, 05/20/05, Hopefund, Inc.; \$500, 11/01/06, Mejias For Congress; \$500, 09/30/06, Mejias For Congress; \$1,000, 09/26/05, Friends Of Patrick J. Kennedy Inc.; \$500, 04/18/06, Barbara Lee For Congress; \$1,000, 05/01/05, Barbara Lee For Congress; \$1,000, 06/26/06, Mary Bono Committee; \$500, 02/12/06, Hackett For Senate; \$1,000, 03/14/06, Carter For Senate Committee; \$500, 05/30/06, Friends Of Tammy Duckworth; \$2,000, 08/25/05, Citizens For Waters; \$1,000, 03/23/06, Feinstein For Senate; \$250, 03/24/06, Committee To Re-Elect Loretta Sanchez; \$250, 11/07/05, Committee To Re-Elect Loretta Sanchez; \$500, 06/22/06, Klobuchar For Minnesota; \$500, 04/25/05, Bill Nelson For US Senate; \$500, 03/31/06, Bill Nelson For US Senate; \$400, 10/20/05, Friends Of Hillary; \$1,000, 06/14/05, Friends Of Hillary; \$4,200, 04/04/06, Friends Of Hillary; \$1,000, 07/11/

05, Friends Of Hillary; -\$3,500, 05/02/06, Friends Of Hillary; \$2,500, 10/19/06, Hill PAC; \$500, 07/25/06, Lawless For Congress; \$500, 03/19/06, Jesse Jackson Jr. For Congress; \$500, 12/03/05, Jesse Jackson Jr. For Congress; \$1,900, 12/15/05, Kennedy For Senate 2012; \$2,100, 12/15/05, Kennedy For Senate 2012; \$1,000, 11/04/05, Steele For Maryland Inc.; \$1,000, 02/21/06, DNC Services Corporation/Democratic National Committee; \$1,000, 11/02/06, DNC Services Corporation/Democratic National Committee; 2007/2008, \$1,000, 08/31/07, Democratic Congressional Campaign Committee; \$2,000, 01/23/08, Democratic Congressional Campaign Committee; \$1,000, 10/10/07, Friends Of Rahm Emanuel; \$500, 07/14/08, Loeb sack For Congress; \$500, 09/30/07, John Hall For Congress; \$1,000, 05/11/07, Richardson For President Inc.; \$1,000, 11/23/07, Friends Of Mark Warner; \$2,300, 08/28/08, Friends Of Hillary; \$5,000, 07/29/08, Hill PAC; \$2,300, 07/18/08, Vernon Jones For Georgia; \$500, 07/10/07, Richardson For Congress; \$250, 06/25/07, Richardson For Congress; \$500, 08/08/07, Richardson For Congress; \$500, 05/19/08, Alaskans For Begich; \$750, 06/18/08, Citizens For Waters; \$1,000, 07/21/07, Citizens For Waters; \$500, 10/15/08, Committee To Re-Elect Loretta Sanchez; \$500, 11/09/07, Committee To Re-Elect Loretta Sanchez; \$1,000, 09/16/08, Democrats Win Seats (DWS PAC); \$1,000, 09/28/07, Friends Of Senator Carl Levin; \$1,000, 03/01/07, Friends Of Patrick J. Kennedy Inc.; \$500, 09/06/07, Barbara Lee For Congress; \$1,000, 03/30/08, Barbara Lee For Congress; \$250, 09/30/07, Mary Bono Mack Committee; \$500, 09/17/08, Diane E. Watson For Congress; \$500, 11/14/07, Diane E. Watson For Congress; \$2,300, 03/28/07, Hillary Clinton For President; \$2,300, 05/09/07, Hillary Clinton For President; \$1,000, 06/20/08, Powers For Congress; \$2,300, 10/31/07, Friends Of Barbara Boxer; \$2,300, 10/31/07, Friends Of Barbara Boxer; \$500, 03/20/08, Jesse Jackson Jr. For Congress; \$2,500, 07/16/08, Rangel Victory Fund (Joint Fundraising Contribution); \$2,300, 10/27/08, David Scott For Congress; \$500, 08/27/08, Joe Garcia For Congress; \$1,000, 03/13/07, John Edwards For President; \$1,000, 03/20/08, Al Franken For Senate; \$500, 07/07/08, Congressman Waxman Campaign Committee; \$1,000, 08/16/07, LA PAC; \$1,000, 11/20/07, Berman For Congress; \$300, 06/28/08, Committee To Re-Elect Ed Towns; \$2,000, 06/28/08, Committee To Re-Elect Ed Towns; -\$400, 04/29/08, Friends Of Jim Clyburn; \$300, 09/24/07, Friends Of Jim Clyburn; \$700, 09/24/07, Friends Of Jim Clyburn; \$2,000, 06/14/07, Friends Of Jim Clyburn; \$2,300, 05/02/07, Rangel For Congress; \$1,000, 08/20/07, Conyers For Congress; \$2,500, 08/02/08, Conyers For Congress; \$-1,200, 08/02/08, Conyers For Congress; \$1,200, 08/02/08, Conyers For Congress; \$5,000, 09/19/08, Obama Victory Fund (Joint Fundraising Contribution); \$28,500, 6/30/08, Obama Victory Fund (Joint Fundraising Contribution); \$2,300, 03/08/07, Obama For America. Jacqueline Avant (mother): 2005/2006, \$2,100, 04/19/06, Friends Of Hillary; 2007/2008, \$250, 02/14/07, Emily's List; \$2,300, 03/28/07, Hillary Clinton For President; \$4,600, 08/31/08, Obama Victory Fund (Joint Fundraiser Contribution); \$1,000, 09/16/08, Democrats Win Seats (DWS PAC); \$2,000, 12/08/08, Friends Of Barbara Boxer.

5. Grandparents: Zella Gray (maternal grandmother)—deceased; Leon Gray (maternal grandfather)—deceased; Gertrude Woods (paternal grandmother)—deceased; Phoenix Jarrell (paternal grandfather)—deceased.

6. Brothers and Spouses: Alexander Avant (brother): \$500, 6/07/07, Hillary Clinton For President; \$500, 09/11/07, Hillary Clinton For President; \$250, 12/13/07, Hillary Clinton For President; \$2,300, 06/30/08, Obama Victory

Fund (Joint Fundraiser Contribution); \$2,500, 09/19/08, Obama Victory Fund (Joint Fundraiser Contribution); \$250, 10/10/08, Hill PAC.

7. Sisters and Spouses—None.

*Howard W. Gutman, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Nominee: Howard Gutman.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$4600, 3/29/07, Obama for America; \$1000, 6/30/06, Boswell for Congress; \$1000, 9/21/06, Ben Cardin for Senate; \$1000, 2/23/08, Ben Cardin for Senate; \$1000, 6/30/2006, Friends of Joe Lieberman; \$1000, 9/25/2008, Patrick Murphy for Congress; \$250, 2/27/06, David Yassky for Congress; \$1000, 12/10/08, Mikulski for Senate Committee; \$500, 3/01/06, Whitehouse for Senate; \$2300, 11/24/08, Hillary Clinton for President; \$5000, 7/06/05, Forward Together PAC; \$5000, 1/10/2006, Forward Together PAC; \$2300, 9/24/2007, Friends of Mark Warner; \$2300, 1/16/2008, Friends of Mark Warner; \$1000, 4/18/07, Friends of Mary Landrieu; \$2100, 3/8/06, Miller 2006 (Harris Miller); \$2100, 10/31/05, Rales for Senate; \$2500, 9/23/08, Democratic Party of Virginia;

2.-Spouse: Michelle Loewinger or Michelle Gutman: \$5000, 7/6/05, Forward Together PAC; \$5000, 1/10/06, Forward Together PAC; 3/29/07, \$2300, Obama for America; 5/25/07, \$2300, Obama for America; 10/31/05, \$2100, Rales for Senate; 9/24/07, \$2300, Friends of Mark Warner; 1/16/08, \$2300, Friends of Mark Warner;

3. Children and Spouses: Collin Gutman—single—none; Chase Gutman—single—none.

4. Parents: Max Gutman—deceased 1973; Roslyn Gutman—none.

5. Grandparents: All grandparents are deceased for decades.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Deborah Studen (Harvey Studen)—none.

*Vilma S. Martinez, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

Nominee: Vilma S. Martinez.

Post: Ambassador to Argentina.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge the information contained in this report is complete and accurate.)

Contributions, -amount, date, donee:

1. Self: \$931.00, 1/29/2008, Obama for America; \$1,000.00, 10/30/2008, -Obama for America; \$250.00, 3/25/2006, Friends of Juan Vargas; \$200.00, 10/02/2006, Madrid for Congress.

2. Spouse: not applicable.

3. Children and Spouses: Ricardo T. Singer: none.

Carlos A. Singer: \$1,000.00, 10/11/2004, Democratic National Committee.

Jessica Uzcategui, (Carlos' spouse): \$500.00, 1/26/2008, Obama for America.

4. Parents: Salvador Martinez: deceased.

Marina P. Martinez: deceased.

5. Grandparents: Guadalupe Martinez: deceased.

Zaragoza Martinez: deceased.

Agustina Piña: deceased.

Rosendo Piña: deceased.

6. Brothers and Spouses: Salvador Martinez, Jr.: unable to locate.

Mary Jane Martinez (spouse): deceased.

James P. Martinez: none.

7. Sisters and Spouses: Rose Linda Hernandez: none.

Robert Hernandez (spouse): none.

Elizabeth Bond: none.

Charles Bond (spouse): none.

(*David H. Thorne, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Italian Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of San Marino.)

Nominee: David H. Thorne.

Post: Ambassador to Italy and San Marino.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Donee, amount, date, and donor:

Self: Democratic National Committee, \$100, 2006, David Thorne; Democratic National Committee, \$1000, 2006, David Thorne; New Hampshire Democratic Party, \$1000, 2006, David Thorne; Friends of John Kerry, \$2100, 2006, David Thorne; John Powers for Congress, \$2300, 2007, David Thorne; Biden for President, \$1000, 2007, David Thorne; Obama for America, \$1000, 2008, David Thorne; Obama for America, \$1000, 2008, David Thorne; Obama for America, \$250, 2008, David Thorne; Obama Victory Fund, \$1000, 2008, David Thorne; Obama Victory Fund, \$250, 2008, David Thorne; Obama Victory Fund, \$1000, 2008, David Thorne; Footlik for Congress, \$1000, 2008, David Thorne; Young Democrats of America, \$500, 2008, David Thorne.

Spouse: Friends of John Kerry, \$2100, 2006, Rose Thorne; John Powers for Congress, \$1300, 2007, Rose Thorne; John Powers for Congress, \$1000, 2007, Rose Thorne.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning with Christopher L. Andino and ending with Holly Hope Zardus, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MCCASKILL:

S. 1476. A bill to require all new and up-graded fuel pumps to be equipped with automatic temperature compensation equipment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 1477. A bill to establish a user fee for follow-up reinspections under the Federal Food, Drug, and Cosmetic Act; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself, Mr. ALEXANDER, and Mr. REID):

S. 1478. A bill to strengthen communities through English literacy and civics education for new Americans, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 1479. A bill to provide for the treatment of certain hospitals; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. KERRY, Mr. DURBIN, Mr. BEGICH, Mr. BINGAMAN, and Mr. TESTER):

S. 1480. A bill to amend the Child Nutrition Act of 1966 to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MENENDEZ (for himself and Mr. JOHANNES):

S. 1481. A bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. PRYOR, and Mr. WYDEN):

S. 1482. A bill to reauthorize the 21st Century Nanotechnology Research and Development Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR:

S. 1483. A bill to designate the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the "Max J. Beilke Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 1484. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Finance.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 1485. A bill to improve hurricane preparedness by establishing the National Hurricane Research Initiative and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 1486. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Finance.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 1487. A bill to establish a bipartisan commission on insurance reform; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURRIS:

S. 1488. A bill to extend temporarily the 18-month period of continuation coverage under

group health plans required under COBRA continuation coverage provisions so as to provide for a total period of continuation coverage of up to 24 months; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 1489. A bill to amend the Small Business Act to create parity among small business contracting programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCONNELL:

S. Res. 218. A resolution making minority party appointments for the 111th Congress; considered and agreed to.

By Mr. MENENDEZ:

S. Res. 219. A resolution honoring the hockey team of East Side High School in Newark, New Jersey; to the Committee on the Judiciary.

By Mr. BURRIS:

S. Con. Res. 33. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to honor the crew of the USS Mason DE-529 who fought and served during World War II; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 237

At the request of Mr. LEVIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 237, a bill to establish a collaborative program to protect the Great Lakes, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 572

At the request of Mr. WEBB, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 572, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 616

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 616, a bill to amend the Public Health Service Act to authorize medical simulation enhancement programs, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 913

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 913, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1026

At the request of Mr. CORNYN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1128

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1128, a bill to authorize the award of a military service medal to members of the Armed Forces who were exposed to ionizing radiation as a result of participation in the testing of nuclear weapons or under other circumstances.

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1265

At the request of Mr. CORNYN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S. 1279

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. UDALL) was added as

a cosponsor of S. 1279, a bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the Rural Community Hospital Demonstration Program.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1312

At the request of Mr. ISAKSON, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 1312, a bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of containment, removal, decontamination and disposal of home-generated needles, syringes, and other sharps through a sharps container, decontamination/destruction device, or sharps-by-mail program or similar program under part D of the Medicare program.

S. 1324

At the request of Mr. DEMINT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1324, a bill to ensure that every American has a health insurance plan that they can afford, own, and keep.

S. 1344

At the request of Mr. VITTER, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Nebraska (Mr. JOHANNES) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1344, a bill to temporarily protect the solvency of the Highway Trust Fund.

S. 1362

At the request of Mr. REED, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1362, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1408

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1408, a bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from Oklahoma

(Mr. INHOFE), the Senator from Virginia (Mr. WEBB), the Senator from Wyoming (Mr. ENZI), the Senator from Oregon (Mr. MERKLEY) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 1415, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S. 1422

At the request of Mrs. MURRAY, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mr. SCHUMER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1439

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1439, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 1469

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1469, a bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes.

S. 1474

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1474, a bill to amend the Internal Revenue Code of 1986 to repeal the provision prohibiting the crediting of interest to the Highway Trust Fund, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

S. RES. 212

At the request of Mr. JOHANNES, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 212, a resolution expressing the sense of the Senate that any savings under the Medicare program should be invested back into the Medicare program, rather than creating new entitlement programs.

AMENDMENT NO. 1501

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 1501 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. BOND, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1501 intended to be proposed to S. 1390, *supra*.

AMENDMENT NO. 1514

At the request of Mr. SANDERS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1514 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1515

At the request of Mr. NELSON of Florida, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from North Carolina (Mr. BURR), the Senator from Pennsylvania (Mr. CASEY), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 1515 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1517

At the request of Mr. BUNNING, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1517 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1528

At the request of Mr. LIEBERMAN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of amendment No. 1528 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. LEVIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 1528 proposed to S. 1390, *supra*.

AMENDMENT NO. 1543

At the request of Mr. RISCH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 1543 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1558

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 1558 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1597

At the request of Mr. BROWNBACK, the names of the Senator from Arizona (Mr. KYL), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of amendment No. 1597 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1599

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1599 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1618

At the request of Mr. THUNE, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. RISCH), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of amendment No. 1618 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1621

At the request of Mrs. SHAHEEN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 1621 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1628

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 1628 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. BENNETT, his name was added as a cosponsor of amendment No. 1628 proposed to S. 1390, *supra*.

AMENDMENT NO. 1635

At the request of Mr. SCHUMER, the names of the Senator from Virginia (Mr. WEBB), the Senator from Wyoming (Mr. ENZI), the Senator from Oregon (Mr. MERKLEY) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of amendment No. 1635 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1637

At the request of Mr. PRYOR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 1637 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military con-

struction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MCCASKILL:

S. 1476. A bill to require all new and upgraded fuel pumps to be equipped with automatic temperature compensation equipment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. MCCASKILL. Mr. President, today I am here to talk about a simple bill that would correct a serious injustice.

Each year U.S. consumers spend \$2.57 billion more than they should for gasoline and diesel fuel. This is because they are buying hot fuel. The physics behind hot fuel are fairly simple. Retailers currently measure our gasoline as it is stored at 60 degrees Fahrenheit. However, if the temperature increases, as it often does during the summer or in warm climates, the gasoline expands so that consumers are getting less energy per gallon of fuel. Yet, when consumers buy hot fuel, they are paying the same amount even though they are getting less energy.

This problem can be easily solved by installing temperature compensating equipment that will regulate the distribution of fuel based on its temperature at the time of purchase. A similar policy was implemented in Canada 15 years ago because retailers were losing money due to the cold temperature of the fuel they were selling; and earlier this year, the U.S. retailer Costco Warehouse, LLC agreed to install this temperature compensating equipment as a result of a legal settlement.

Today, I am introducing legislation that would require all retailers of gasoline to install temperature compensating equipment on their retail fuel pumps. The Future Accountability in Retail Fuel Act of 2009, or the FAIR Fuel Act, is not intended to be onerous. It would simply require that within 6 years after enactment of this legislation all retail gasoline pumps would include automatic temperature compensating equipment. Prior to that 6 year timeline, if a retailer replaces their pumps, they must replace it with a pump that will be able to compensate for temperature fluctuations. Rural retail gasoline owners are exempt from this replacement requirement and the bill provides grant assistance for small retail owners to retrofit or purchase pumps with temperature compensating equipment.

American families deserve to be treated fairly. They deserve to get what they pay for. With the current economic crisis and the high prices of gasoline, every penny we can save the consumer will go along way to helping

them survive these tough times. This legislation will help to achieve this goal. It will finally give consumers the fairness they deserve.

I am pleased that this bill has been endorsed by the Owner-Operator Independent Drivers Association, OOIDA, USPIRG and Consumer Watchdog. I look forward to working with the members of the Commerce Committee and the full Senate in getting this legislation passed. I think we owe it to the American consumers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Future Accountability in Retail Fuel Act" or the "FAIR Fuel Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **AUTOMATIC TEMPERATURE COMPENSATION EQUIPMENT.**—The term "automatic temperature compensation equipment" has the meaning given the term in the National Institute of Standards and Technology Handbook 44.

(2) **EQUIVALENT STANDARD.**—The term "equivalent standard" means any standard that prohibits the retail sale of gasoline with energy content per gallon that is different than the energy content of 1 gallon of gasoline stored at 60 degrees Fahrenheit.

(3) **RURAL AREA.**—The term "rural area" means any area other than—

(A) a city, town, or unincorporated area that has a population of greater than 50,000 inhabitants; or

(B) the urbanized area that is contiguous and adjacent to such a city, town, or unincorporated area.

(4) **SMALL-VOLUME STATION.**—The term "small-volume station" means any retail fuel establishment that dispenses fewer than 360,000 gallons of gasoline and diesel fuel per year.

SEC. 3. AUTOMATIC TEMPERATURE COMPENSATION EQUIPMENT.

(a) **IN GENERAL.**—

(1) **NEW MOTOR FUEL DISPENSERS.**—Beginning 180 days after the issuance of final regulations under subsection (c), all motor fuel dispensers that are newly installed or upgraded at any retail fuel establishment in the United States shall be equipped with automatic temperature compensation equipment to ensure that any volume of gasoline or diesel fuel measured by such dispenser for retail sale is equal to the volume that such quantity of fuel would equal at the time of such sale if the temperature of the fuel was 60 degrees Fahrenheit.

(2) **EXISTING MOTOR FUEL DISPENSERS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), not later than 5 years after the issuance of final regulations under subsection (c), all motor fuel dispensers at any retail fuel establishment in the United States shall be equipped with the automatic temperature compensation equipment described in paragraph (1).

(B) **SMALL-VOLUME STATIONS.**—Small-volume stations located in rural areas shall not

be subject to the requirement under subparagraph (A).

(b) **INSPECTIONS.**—

(1) **ANNUAL INSPECTION.**—Beginning on the date described in subsection (a), State inspectors conducting an initial or annual inspection of motor fuel dispensers are authorized to determine if such dispensers are equipped with the automatic temperature compensation equipment required under subsection (a).

(2) **NOTIFICATION.**—If the State inspector determines that a motor fuel dispenser does not comply with the requirement under subsection (a), the State inspector is authorized to notify the Federal Trade Commission, through an electronic notification system developed by the Commission, of such non-compliance.

(3) **FOLLOW-UP INSPECTION.**—Not earlier than 180 days after a motor fuel dispenser is found to be out of compliance with the requirement under subsection (a), the Federal Trade Commission shall coordinate a follow-up inspection of such motor fuel dispenser.

(4) **FINE.**—

(A) **IN GENERAL.**—The owner or operator of any retail fuel establishment with a motor fuel dispenser subject to the requirement under subsection (a) that is determined to be out of compliance with such requirement shall be subject to a fine equal to \$5,000 for each noncompliant motor fuel dispenser.

(B) **ADDITIONAL FINE.**—If a motor fuel dispenser is determined to be out of compliance during a follow-up inspection, the owner or operator of the retail fuel establishment at which such motor fuel dispenser is located shall be subject to an additional fine equal to \$5,000.

(5) **USE OF FINES.**—Any amounts collected under paragraph (4) shall be deposited into the trust fund established under section 4.

(c) **RULEMAKING.**—

(1) **COMMENCEMENT.**—Not later than 90 days after the date of the enactment of this Act, the Federal Trade Commission, in consultation with the National Institute of Standards and Technology, shall commence a rule-making procedure to implement the requirement under subsection (a).

(2) **FINAL REGULATIONS.**—Not later than 1 year after the date of the enactment of this Act, the Federal Trade Commission shall issue final regulations to implement the requirement under subsection (a), including specifying which volume correction factor tables shall be used for the range of gasoline and diesel fuel products that are sold to retail customers in the United States.

SEC. 4. AUTOMATIC TEMPERATURE COMPENSATION EQUIPMENT TRUST FUND PROGRAM.

(a) **ESTABLISHMENT OF TRUST FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury of the United States a trust fund to be known as the "Automatic Temperature Compensation Equipment Trust Fund" (referred to in this section as the "Trust Fund").

(2) **TRANSFERS.**—The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury an amount equal to the amount collected as fines under section 3(b)(4).

(3) **INVESTMENT.**—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States.

(b) **GRANTS AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary of Commerce is authorized to use amounts in the Trust Fund for grants to owners and opera-

tors of retail fuel establishments to offset the costs associated with the installation of automatic temperature compensation equipment on motor fuel dispensers.

(2) **MAXIMUM AMOUNT.**—The Secretary may not award a grant under this subsection in excess of—

(A) \$1,000 per motor fuel dispenser; or

(B) \$10,000 per grant recipient.

(3) **ELIGIBLE RECIPIENTS.**—An owner or operator of not more than 5 retail fuel establishments is eligible to receive a grant under this subsection.

(4) **USE OF GRANT FUNDS.**—Grant funds received under this subsection may be used to offset the costs incurred by owners and operators of retail establishments to acquire and install automatic temperature compensation equipment in accordance with the requirement under section 3(a).

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) **REIMBURSEMENT OF STATE INSPECTION COSTS.**—The Secretary of Commerce is authorized to use amounts in the Trust Fund to reimburse States for the costs incurred by the States to—

(1) inspect motor fuel dispensers for compliance with the requirement under section 3(a); and

(2) notify the Secretary of Commerce of any noncompliance with such requirement.

SEC. 5. SAVINGS PROVISION.

Nothing in this Act may be construed to preempt a State from enacting a law that imposes an equivalent standard or a more stringent standard concerning the retail sale of gasoline at certain temperatures.

By Mr. FEINGOLD:

S. 1477. A bill to establish a user fee for follow-up reinspections under the Federal Food, Drug, and Cosmetic Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing a bill that would charge a reinspection fee for goods that fail FDA inspection for good manufacturing practices. Currently, businesses do not have to pay for the second inspection if they fail. Essentially, then, the FDA is absorbing this extra cost. This Nation faces difficult enough choices without subsidizing private companies that fail basic inspections. I am pleased to credit the Bush administration for originally proposing this fee, which is again proposed in President Obama's fiscal year 2010 budget. This fee carries proposed savings of an estimated \$24 million per year, and could save as much as \$115 million over 5 years.

We must ensure that U.S. taxpayer money is being used efficiently and effectively, and this measure would help in our ongoing efforts to streamline government programs and reduce the Federal budget deficit. FDA Commissioner Andrew von Eschenbach testified about these fees before the House Agriculture, Rural Development, and FDA Appropriations Subcommittee in 2006. He believes, and I agree, that the reinspection fee will motivate businesses to comply with long-established health and safety standards. Businesses

that do not meet Federal standards should bear the burden of the reinspection, rather than getting a free pass at the taxpayer's expense.

One of the main reasons I first ran for the U.S. Senate was to restore fiscal responsibility to the Federal budget. I have worked throughout my Senate career to eliminate wasteful spending and to reduce the budget deficit. Unless we return to fiscally responsible budgeting, Congress will saddle our nation's younger generations with an enormous financial burden for years to come. This bill is one small step in that direction.

By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. KERRY, Mr. DURBIN, Mr. BEGICH, Mr. BINGAMAN, and Mr. TESTER):

S. 1480. A bill to amend the Child Nutrition Act of 1966 to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, today I join with Senator KOHL to introduce the Student Breakfast and Education Improvement Act as part of my continued efforts to improve student achievement in our Nation's schools. One part of student performance that is often overlooked is nutrition, which can have a significant impact on student achievement. I know many of my colleagues share my support for school programs that help alleviate hunger for the most in-need students, such as the Free and Reduced Price Lunch Program, as well as those programs that provide more nutritious food, such as the Fresh Fruit and Vegetable Snack program.

I am sure that I am not the only member of this body who grew up hearing that breakfast is the most important meal of the day. I was lucky never to have to worry about going hungry, and my parents did not have to choose between giving their children lunch or breakfast. The fact is, that is a choice many parents do have to make today, even if they get the help of reduced price meals. The current economic difficulties and rising unemployment have only increased the burdens facing low income families in Wisconsin and around the country as they struggle to provide nutritious meals for their children.

The Student Breakfast and Education Improvement Act would provide grants for schools wishing to begin or expand universal school breakfast programs. Studies show that kids who eat breakfast perform better in school and on tests, and they tend to be less disruptive to the class. I have heard many stories from teachers, school nurses, and other school officials over the years to confirm this. In fact, in my

home State of Wisconsin, the Milwaukee Public Schools have been working with the Hunger Task Force for the past few years to implement universal school breakfast programs, which they have in place now in more than 80 schools. This program, which has expanded in its second year, has proven popular with students, teachers, and parents.

This bill would target the most in-need schools—those with 65 percent or more of students eligible for the free and reduced price lunch program—with the funds necessary to implement a universal free breakfast program. The grants, which could be used in a number of ways, aim to help schools overcome the numerous barriers faced in trying to create a school breakfast program.

Our Nation faces a series of pressing education challenges in its schools, including most significantly a large achievement gap and graduation rate gap among minority and low income students. After decades of civil rights struggles, public education should provide all our students with access to equal opportunities, but the quality of public education provided to students of color and low-income students in urban and rural Wisconsin and around the country still does not come close to affording many of these students an equal chance for success. Too often these students learn in crumbling and outdated buildings, they do not have the same access to high quality technology in their classrooms, they are taught by the least experienced teachers, and they often do not have adequate access to important resources like school counselors and nurses.

These and a number of other factors contribute to the achievement gap in our Nation's schools and the Federal Government can help to address this gap by promoting smarter and more flexible accountability structures and increased supports for schools during the upcoming reauthorization of the Elementary and Secondary Education Act. Congress should also help to address some of the many other issues facing our nation's students living in poverty issues that may not seem directly related to education, but impact the academic growth of students including hunger, affordable housing, and crime. This bill takes an important step to address hunger and also seeks to improve nutrition education by providing funds to expand school breakfast programs, boost collaboration between local farmers and schools, expand service-learning opportunities in our classrooms, and improve nutrition education programming for students.

In this economy, more and more parents are forced to make these kinds of decisions, and the school meal programs can provide a tremendous relief. As we look forward to reauthorizing the Child Nutrition Act, it is vital that

we take stock of the successes and limitations of existing programs. School breakfast faces a number of hurdles that, quite simply, other school feeding programs do not. Chief of those is time. For some students, getting to school early is impossible; for some, the lure of breakfast is not a strong enough draw to get up earlier. These are problems that schools across the country are facing and solving with creativity and dedication. This legislation will help support the innovative work going on in some of our nation's schools and will help to scale up successful nutrition programs in other schools so that hopefully one day, none of America's students will start the school day hungry.

By Mr. NELSON, of Florida (for himself and Mr. MARTINEZ):

S. 1484. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, last year we were all transfixed by the non-stop news coverage of Hurricanes Gustav and Ike as they grew into monster storms, crossing the Caribbean and Gulf of Mexico and leaving a trail of misery in their wake. Ike, the third most destructive storm in the history of the U.S., made landfall in Galveston, Texas, and then tracked through Arkansas, Illinois, Indiana, Missouri, Ohio, and Pennsylvania, killing 112 people and causing more than \$24 billion in damage.

Since 2003, hurricanes and other tropical cyclones have caused more than 2,000 deaths in the U.S. Forty percent of all hurricanes that make landfall in the U.S. hit Florida.

Insured losses from hurricanes average more than \$5.2 billion per year. A recent study of hurricane-related damages over the last century suggests that economic losses will double every 10 years. With more than 50 percent of the U.S. population living within 50 miles of the coast, and with 180 million people visiting the coast annually, the risks to life and property are growing.

Hurricanes, however, do not just impact the coasts. These extreme events also have national consequences, such as increased fuel prices, displaced populations, and severe inland flooding.

The American public is increasingly aware of the potential for high recovery costs and financing of natural disaster losses. I cannot overstate the importance of prior preparation and insurance coverage for large catastrophic risks—including natural disasters such as hurricanes and earthquakes—as well as efforts to promote a stable, affordable catastrophic insurance market.

This is why today Senator MARTINEZ and I are introducing four bills: the Commission on Catastrophic Disaster Risk and Insurance Act of 2009, S. 1487, the Policyholder Disaster Protection

Act of 2009, S. 1486, the Catastrophe Savings Accounts Act of 2009, S. 1484, and the National Hurricane Research Initiative Act of 2009, 1485. These bills take a pro-active approach in addressing these natural catastrophe concerns.

The National Hurricane Research Initiative Act of 2009 will expand the scope of fundamental research on hurricanes. The bill is aimed at improving hurricane forecasting and tracking and helping us find better ways to mitigate their impact. The Act will establish a National Science Foundation (NSF) grant program for hurricane and tropical cyclone research and bring together a task force, jointly chaired by the National Oceanic and Atmospheric Administration, NOAA, the National Institute of Standards and Technology, NIST, and NSF.

The second bill, the Commission on Catastrophic Disaster Risk and Insurance Act of 2009, establishes the bipartisan Commission on Catastrophic Disaster Risk and Insurance. This commission will assess the condition of the property and casualty insurance and reinsurance markets in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, as well as the four major hurricanes that struck the U.S. in 2004. It will also evaluate the country's ongoing exposure to earthquakes, volcanic eruptions, tsunamis, and floods. Finally, the commission will recommend and report legislative and regulatory changes that will improve the domestic and international financial health and competitiveness of property and casualty insurance markets, assuring the availability of adequate insurance when an insured event occurs, as well as the best possible range of insurance products at competitive prices.

The Policyholder Disaster Protection Act of 2009 amends the Internal Revenue Code to allow property and casualty insurance companies to create tax-exempt disaster protection funds and to make tax deductible contributions to those funds for the payment of policyholders' claims arising from certain catastrophic events, such as windstorms, earthquakes, fires, and floods.

Finally, the Catastrophe Savings Accounts Act of 2009 amends the Internal Revenue Code to create tax-exempt catastrophe savings accounts. Individuals could take tax-free distributions from these accounts to pay expenses resulting from a presidentially declared major disaster. The bill limits catastrophe savings account balances to \$2,000 for individuals with homeowner insurance deductibles of not more than \$1,000, and the lesser of \$15,000 or twice the homeowner's insurance deductible for individuals with deductibles of more than \$1,000.

As I mentioned at the beginning of my remarks, the entire country experiences financial losses when hurricanes hit. It is time for us to take the bull by the horns and pass legislation that

plans in advance for these and other natural disasters.

As we are in the hurricane season, it will become painfully apparent just how precarious a lot of the construction is, how precarious building codes are not being fairly and judiciously administered, and it will become evident what an economic disaster even a mild hurricane can cause when it hits the coast. And Lord knows, if the big one hits an urbanized part of the coast—and the big one is a category 4 or a category 5 hurricane—it is going to create economic chaos. It is going to cause the insurance industry to be on the brink of total collapse. And it will ultimately, just like Katrina, end up having the U.S. Government pay a major part of the economic bailout consequences of a natural disaster, such as a hurricane or an earthquake hitting the United States. We ought to get ahead of it and we ought to plan for it, and that is what this package of four bills Senator MARTINEZ and I are offering will do.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the text of the bills was ordered to be printed in the RECORD, as follows:

S. 1484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Catastrophe Savings Accounts Act of 2009".

SEC. 2. CATASTROPHE SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subchapter F of Chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end the following new part:

"PART IX—CATASTROPHE SAVINGS ACCOUNTS

"SEC. 530A. CATASTROPHE SAVINGS ACCOUNTS.

"(a) GENERAL RULE.—A Catastrophe Savings Account shall be exempt from taxation under this subtitle. Notwithstanding the preceding sentence, such account shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable organizations).

"(b) CATASTROPHE SAVINGS ACCOUNT.—For purposes of this section, the term 'Catastrophe Savings Account' means a trust created or organized in the United States for the exclusive benefit of an individual or his beneficiaries and which is designated (in such manner as the Secretary shall prescribe) at the time of the establishment of the trust as a Catastrophe Savings Account, but only if the written governing instrument creating the trust meets the following requirements:

"(1) Except in the case of a qualified rollover contribution—

"(A) no contribution will be accepted unless it is in cash, and

"(B) contributions will not be accepted in excess of the account balance limit specified in subsection (c).

"(2) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section.

"(3) The interest of an individual in the balance of his account is nonforfeitable.

"(4) The assets of the trust shall not be commingled with other property except in a common trust fund or common investment fund.

"(c) ACCOUNT BALANCE LIMIT.—The aggregate account balance for all Catastrophe Savings Accounts maintained for the benefit of an individual (including qualified rollover contributions) shall not exceed—

"(1) in the case of an individual whose qualified deductible is not more than \$1,000, \$2,000, and

"(2) in the case of an individual whose qualified deductible is more than \$1,000, the amount equal to the lesser of—

"(A) \$15,000, or

"(B) twice the amount of the individual's qualified deductible.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CATASTROPHE EXPENSES.—The term 'qualified catastrophe expenses' means expenses paid or incurred by reason of a major disaster that has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

"(2) QUALIFIED DEDUCTIBLE.—With respect to an individual, the term 'qualified deductible' means the annual deductible for the individual's homeowners' insurance policy.

"(3) QUALIFIED ROLLOVER CONTRIBUTION.—The term 'qualified rollover contribution' means a contribution to a Catastrophe Savings Account—

"(A) from another such account of the same beneficiary, but only if such amount is contributed not later than the 60th day after the distribution from such other account, and

"(B) from a Catastrophe Savings Account of a spouse of the beneficiary of the account to which the contribution is made, but only if such amount is contributed not later than the 60th day after the distribution from such other account.

"(e) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Any distribution from a Catastrophe Savings Account shall be includible in the gross income of the distributee in the manner as provided in section 72.

"(2) DISTRIBUTIONS FOR QUALIFIED CATASTROPHE EXPENSES.—

"(A) IN GENERAL.—No amount shall be includible in gross income under paragraph (1) if the qualified catastrophe expenses of the distributee during the taxable year are not less than the aggregate distributions during the taxable year.

"(B) DISTRIBUTIONS IN EXCESS OF EXPENSES.—If such aggregate distributions exceed such expenses during the taxable year, the amount otherwise includible in gross income under paragraph (1) shall be reduced by the amount which bears the same ratio to the amount which would be includible in gross income under paragraph (1) (without regard to this subparagraph) as the qualified catastrophe expenses bear to such aggregate distributions.

"(3) ADDITIONAL TAX FOR DISTRIBUTIONS NOT USED FOR QUALIFIED CATASTROPHE EXPENSES.—The tax imposed by this chapter for any taxable year on any taxpayer who receives a payment or distribution from a Catastrophe Savings Account which is includible in gross income shall be increased by 10 percent of the amount which is so includible.

"(4) RETIREMENT DISTRIBUTIONS.—No amount shall be includible in gross income

under paragraph (1) (or subject to an additional tax under paragraph (3)) if the payment or distribution is made on or after the date on which the distributee attains age 62.

“(f) TAX TREATMENT OF ACCOUNTS.—Rules similar to the rules of paragraphs (2) and (4) of section 408(e) shall apply to any Catastrophe Savings Account.”.

(b) TAX ON EXCESS CONTRIBUTIONS.—

(1) IN GENERAL.—Subsection (a) of section 4973 of the Internal Revenue Code of 1986 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking “or” at the end of paragraph (4), by inserting “or” at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

“(6) a Catastrophe Savings Account (as defined in section 530A).”.

(2) EXCESS CONTRIBUTION.—Section 4973 of such Code is amended by adding at the end the following new subsection:

“(h) EXCESS CONTRIBUTIONS TO CATASTROPHE SAVINGS ACCOUNTS.—For purposes of this section, in the case of Catastrophe Savings Accounts (within the meaning of section 530A), the term ‘excess contributions’ means the amount by which the aggregate account balance for all Catastrophe Savings Accounts maintained for the benefit of an individual exceeds the account balance limit defined in section 530A(c)(1).”.

(c) CONFORMING AMENDMENT.—The table of parts for subchapter F of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART IX. CATASTROPHE SAVINGS ACCOUNTS.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

S. 1485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Hurricane Research Initiative Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Sense of Congress.
- Sec. 4. Definitions.
- Sec. 5. National Hurricane Research Initiative.
- Sec. 6. National Hurricane Research Task Force.
- Sec. 7. National Hurricane Research.
- Sec. 8. Authorization of appropriations.
- Sec. 9. Independent review.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Hurricanes and other tropical cyclones have directly caused more than 2,000 deaths in the United States since 2003 and account for approximately 66 percent of insured losses due to natural hazards.

(2) While the ability to understand and predict hurricanes and other tropical cyclones has improved since 1999, particularly with respect to storm tracking, much remains unknown concerning—

(A) storm dynamics, rapid intensity change, and impact on extratropical cyclones;

(B) the interactions of storms with natural and built environments; and

(C) the impacts to and response of society to destructive storms.

(3) Several expert assessments of the state of hurricane science and research needs have been published, including—

(A) the January 2007 report by the National Science Board titled, “Hurricane Warning: The Critical Need for a National Hurricane Initiative”;

(B) the February 2007 report by the Office of the Federal Coordinator for Meteorological Services and Supporting Research entitled, “Interagency Strategic Research Plan for Tropical Cyclones: The Way Ahead”;

(C) reports from the Hurricane Intensity Working Group of the National Science Advisory Board of the National Oceanic and Atmospheric Administration.

(4) In the June 2005 publication, “Grand Challenges for Disaster Reduction”, and in related 2008 implementation plans for hurricane and coastal inundation hazards the Subcommittee on Disaster Reduction of the Committee on Environment and Natural Resources of the National Science and Technology Council prioritized Federal science and technology investments needed to reduce future loss of life and property caused, both directly and indirectly, by hurricanes and other coastal storms.

(5) A National Hurricane Research Initiative complements the objectives of the National Windstorm Impact Reduction Program.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that, consistent with the findings of the expert assessments and strategies described in paragraphs (3) and (4) of section 2, a National Hurricane Research Initiative should be established to address the urgent and compelling need to undertake long-term, coordinated, multi-entity hurricane research focused on—

(1) conducting high priority scientific, engineering, and related social and behavioral studies; and

(2) effectively applying the research results of such studies to mitigate the impacts of hurricanes on society.

SEC. 4. DEFINITIONS.

In this Act:

(1) TASK FORCE.—The term “Task Force” means the National Hurricane Research Task Force established under section 6(a).

(2) ELIGIBLE ENTITIES.—The term “eligible entities” means State, regional, and local government agencies and departments, tribal governments, universities, research institutes, and nongovernmental organizations.

(3) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(4) INITIATIVE.—The term “Initiative” means the National Hurricane Research Initiative established under section 5(a)(1).

(5) NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.—The term “National Windstorm Impact Reduction Program” means the program established by section 204 of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15703).

(6) STATE.—The term “State” means any State of the United States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands.

(7) TRIBAL GOVERNMENT.—The term “tribal government” means the governing body of an Indian tribe.

(8) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary for Oceans and Atmosphere.

SEC. 5. NATIONAL HURRICANE RESEARCH INITIATIVE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Under Secretary, in collaboration with the Director of the National Science Foundation, shall establish an

initiative to be known as the “National Hurricane Research Initiative” for the purposes described in paragraph (2). The Initiative shall consist of—

(A) the activities of the Under Secretary under this section;

(B) the activities of the Task Force under section 6; and

(C) the research carried out under section 7.

(2) PURPOSES.—The purposes described in this paragraph are as follows:

(A) To improve understanding and prediction of hurricanes and other tropical storms, including—

(i) storm tracking and prediction;

(ii) forecasting of storm formation, intensity, and wind and rain patterns, both within the tropics and as the storms move poleward;

(iii) storm surge modeling, inland flood modeling, and coastal erosion;

(iv) the interaction with and impacts of storms with the natural and built environment; and

(v) the impacts to and response of society to destructive storms, including the socioeconomic impacts requiring emergency management, response, and recovery.

(B) To develop infrastructure that is resilient to the forces associated with hurricanes and other tropical storms.

(C) To mitigate the impacts of hurricanes on coastal populations, the coastal built environment, and natural resources, including—

(i) coral reefs;

(ii) mangroves;

(iii) wetlands; and

(iv) other natural systems that can reduce hurricane wind and flood forces.

(D) To provide training for the next generation of hurricane researchers and forecasters.

(b) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Under Secretary shall develop a detailed, 5-year implementation plan for the Initiative that—

(A) incorporates the priorities for Federal science and technology investments set forth in the June 2005 publication, “Grand Challenges for Disaster Reduction”, and in related 2008 implementation plans for hurricane and coastal inundation hazards of the Subcommittee on Disaster Reduction of the Committee on Environment and Natural Resources of the National Science and Technology Council;

(B) to the extent practicable and as appropriate, establishes benchmarks, milestones, goals, and performance measures to track progress of the research carried out under the Initiative and the application of research results for reducing hurricane losses and related public benefits, as recommended by the Task Force under section 6(f)(2); and

(C) identifies opportunities to leverage the results of the research carried out under section 7 with other Federal and non-Federal hurricane research, coordination, and loss-reduction initiatives, such as—

(i) the National Windstorm Impact Reduction Program established by section 204(a) of the National Windstorm Impact Reduction Act of 2004 (15 U.S.C. 15703);

(ii) the National Flood Insurance Program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.);

(iii) the initiatives of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(iv) wind hazard mitigation initiatives carried out by a State;

(v) the Hurricane Forecast Improvement Project for the National Oceanic and Atmospheric Administration; and

(vi) the Working Group for Tropical Cyclone Research of the Office of the Federal Coordinator for Meteorological Services and Supporting Research.

(2) REVIEW.—Not later than 18 months after the date of the enactment of this Act, the Under Secretary shall ensure that the implementation plan required by paragraph (1) is reviewed by—

(A) the Director of the National Science Foundation;

(B) the Secretary of Homeland Security;

(C) the Director of the National Institute for Standards and Technology;

(D) the Commanding General of the U.S. Army Corps of Engineers;

(E) the Commander of the Naval Meteorology and Oceanography Command;

(F) the Associate Administrator for Science Mission Directorate of the National Aeronautics and Space Administration; and

(G) the Director of the U.S. Geological Survey.

(3) REVISIONS.—The Under Secretary shall revise the implementation plan required by paragraph (1) not less frequently than once every 5 years to address and respond to the findings and recommendations of the Task Force.

(c) RESEARCH.—

(1) ESTABLISHMENT OF RESEARCH OBJECTIVES.—The Under Secretary shall, in consultation with the Director of the National Science Foundation, establish objectives for research carried out pursuant to section 7 that are based on the findings of the expert assessments and strategies described in paragraphs (3) and (4) of section 2.

(2) COORDINATION.—In carrying out the provisions of this subsection, the Under Secretary shall coordinate with the Task Force to the extent practicable.

(d) NATIONAL WORKSHOPS AND CONFERENCES.—The Under Secretary, in coordination with the Director of the National Science Foundation and the Task Force, shall carry out a series of national workshops and conferences that assemble a broad collection of scientific disciplines—

(1) to address hurricane-related research questions; and

(2) to encourage researchers to work collaboratively to carry out the purposes described in subsection (a)(2).

(e) PUBLIC INTERNET WEBSITE.—The Under Secretary, in coordination with the Task Force, shall facilitate the establishment of a public Internet website for the Initiative—

(1) to foster collaboration and interactive dialogues among the Under Secretary, the Director of the National Science Foundation, the Task Force, and the public; and

(2) to enhance public access to Initiative documents and products, including—

(A) information about the members of the Task Force, including their affiliation and contact information;

(B) meeting agenda and minutes of the Task Force;

(C) reports and publications of the Initiative;

(D) the most recent 5-year implementation plan developed under subsection (b); and

(E) the most recent annual report submitted to Congress under subsection (f).

(f) ANNUAL REPORT.—

(1) REQUIREMENT FOR ANNUAL CROSSCUT BUDGET AND REPORT.—The Under Secretary, in conjunction with members of the Task Force who represent Federal agencies, the Office of Science and Technology Policy, and

the Office of Management and Budget, shall submit to Congress each year, together with documents submitted to Congress in support of the budget of the President for the fiscal year beginning in such year (as submitted pursuant to section 1105 of title 31, United States Code), a coordinated annual report for the Initiative for the fiscal year in which the report is submitted and the last fiscal year ending before such submittal.

(2) CONTENTS.—The report required by paragraph (1) shall—

(A) document the funds transferred by the Under Secretary to the heads of other Federal agencies under section 8(b); and

(B) document the grants and contracts awarded to eligible entities under section 7;

(C) for each agency that receives funds under section 8(b) and eligible entity that receives a grant or contract under section 7, identify what major activities were undertaken with such funds, grants, and contracts; and

(D) for each research activity or group of activities described in section 7(c), as appropriate, identify any accomplishments, which may include full or partial achievement of benchmarks, milestones, goals, performance measure targets established for the implementation plan under subsection (b)(1)(B).

SEC. 6. NATIONAL HURRICANE RESEARCH TASK FORCE.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary shall establish a task force to be known as the “National Hurricane Research Task Force” to facilitate and coordinate the efforts of Federal agencies and eligible entities in support of the Initiative.

(b) MEMBERSHIP.—The Task Force shall be composed of the following:

(1) The Under Secretary, or the Under Secretary’s designee.

(2) The Director of the National Science Foundation, or the Director’s designee.

(3) The Director of the National Institute of Standards and Technology, or the Director’s designee.

(4) The Secretary of Homeland Security, or the Secretary’s designee.

(5) The Commanding General of the U.S. Army Corps of Engineers, or the Commanding General’s designee.

(6) The Director of the United States Geological Survey, or the Director’s designee.

(7) The Administrator of the National Aeronautics and Space Administration, or the Administrator’s designee.

(8) One member shall be appointed by the Secretary of Defense, who shall be a representative of the Office of Naval Research or the Chief of Naval Operations.

(9) The Federal Coordinator for Meteorological Services and Supporting Research.

(10) The Director of the Office of Science and Technology Policy, or the Director’s designee.

(11) The Director of the Office of Management and Budget, or the Director’s designee.

(12) The Chair of the Executive Committee of the Federal Geographic Data Committee, or the Chair’s designee.

(13) Such other members from Federal agencies as the chairpersons of the Task Force jointly consider appropriate.

(14) Members who are not employees of the Federal Government, selected jointly by the chairpersons of the Task Force in consultation with the National Academy of Sciences and the National Academy of Engineering, as follows:

(A) At least 3 members who are prominent in the fields of hurricane science, engineering, social science, or related fields.

(B) At least 1 member who represents a State government agency responsible for emergency management and response.

(C) At least 3 members who represent the views of local governments, tribal governments, and nongovernmental organizations.

(D) At least 2 members who represent private sector interests engaged in hurricane research, preparedness, response, or recovery.

(E) At least 1 member who represents a State floodplain or coastal zone manager.

(F) Such other members as may be appropriate.

(c) CHAIRPERSONS.—The concurrent chairpersons of the Task Force shall be the following:

(1) The Under Secretary, or the Under Secretary’s designee under subsection (b)(1).

(2) The Director of the National Science Foundation, or the Director’s designee under subsection (b)(2).

(3) The Director of the National Institute of Standards and Technology, or the Director’s designee under subsection (b)(3).

(d) INITIAL MEETING.—Not later than 120 days after the date of the enactment of this Act, the Task Force shall hold its first meeting.

(e) MEETINGS.—The Task Force shall meet at the call of the chairpersons of the Task Force, but not less frequently than twice each year.

(f) DUTIES.—The duties of the Task Force are as follows:

(1) To provide assistance to the Under Secretary with the development of the 5-year implementation plan required by section 5(b).

(2) Not later than 270 days after the date of the enactment of this Act and in consideration of the expert findings referred to in section 2(3)—

(A) to develop and furnish to the Under Secretary findings and recommendations, as appropriate, for monitoring research progress and for a set of benchmarks, milestones, goals, and performance measures to track the transition and application of research results for reducing hurricane losses and related public benefits under the Initiative;

(B) to identify interim and long-term goals of the research program under section 7; and

(C) to prioritize the activities of the Initiative over a 10-year period.

(3) To improve communication and coordination among Federal agencies with respect to hurricane-related research, developments in hurricane forecasting and operations, and best practices for applying results of Initiative research to reduce loss of life and property damage resulting from hurricanes.

(4) To identify opportunities to leverage the activities and products of the Initiative with the National Windstorm Impact Reduction Program and other Federal and non-Federal hurricane research, coordination, and loss reduction programs.

(5) To recommend a model described in section 7(c)(1)(A) and monitor progress on development of such model.

(6) To make recommendations to the Under Secretary and the Director of the National Science Foundation on research priorities and content and structure of the program established under section 7(a)(1).

(7) To make recommendations on national hurricane research observation and data requirements.

(8) To assess opportunities to leverage the capabilities of the following stakeholders:

(A) Federal, State, and local governments.

(B) Tribal governments.

(C) Academic and research institutions.

(D) Entities from the private sector.

(E) Nongovernmental organizations.

(9) To evaluate the extent to which the stakeholders described in paragraph (8) have been engaged as partners and collaborators in the Initiative.

(10) To assist the Under Secretary in facilitating the development of the annual report required by section 5(f).

(11) To review such report and provide comments to the Under Secretary.

(12) To submit to the National Science and Technology Council and to Congress, together with documents submitted to Congress in support of the budget of the President for the 2012 fiscal year (as submitted pursuant to section 1105 of title 31, United States Code), a report containing a comprehensive review of the progress of the Initiative in meeting the needs of the United States to understand hurricanes, their impacts on natural and built environment, and methods to mitigate such impacts.

(g) ADVISORY BODIES.—

(1) AUTHORITY TO ESTABLISH.—The Task Force may establish such advisory bodies as the Task Force considers necessary to assist the Task Force in its duties under subsection (f).

(2) CRITERIA.—An advisory body established under paragraph (1) shall represent a broad variety of private and public interests.

(h) ADVISORS TO THE TASK FORCE.—The Task Force may seek advice and input from any interested, knowledgeable, or affected party as the Task Force considers necessary to carry out the duties under subsection (f).

(i) COMPENSATION.—

(1) IN GENERAL.—All members of the Task Force who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(j) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairpersons may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(k) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(l) EXEMPTION FROM FACA NOTICE REQUIREMENT FOR TASK FORCE ADVISORY BODIES.—An advisory body established by the Task Force under subsection (g) shall not be subject to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 10(a)(2)).

(m) TERMINATION OF TASK FORCE.—The Task Force shall terminate on September 30, 2018.

SEC. 7. NATIONAL HURRICANE RESEARCH.

(a) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT RESEARCH PROGRAM.—

(1) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Under Secretary, shall establish a program to award grants to eligible entities to carry out—

(A) research described in subsection (c); or

(B) other research that is consistent with the research objectives established under section 5(c)(1).

(2) SELECTION.—The National Science Foundation shall select grant recipients under this section through its merit review process.

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION RESEARCH PROGRAM.—

(1) IN GENERAL.—The Under Secretary shall carry out a program of research described in subsection (c) or other research that is consistent with the research objectives established under section 5(c)(1).

(2) RESEARCH ACTIVITIES.—Research carried out under paragraph (1) may be carried out through—

(A) intramural research;

(B) awarding grants to eligible entities to carry out research;

(C) contracting with eligible entities to carry out research; or

(D) entering into cooperative agreements to carry out research.

(c) RESEARCH.—The research described in this subsection is research that is consistent with the purposes described in section 5(a)(2) and is described by one or more of the following:

(1) FUNDAMENTAL HURRICANE RESEARCH.—Fundamental hurricane research, which may consist of the following:

(A) COMMUNITY RESEARCH MODELS.—Research to support continued development and maintenance of community weather research and forecast models recommended by the Task Force under section 6(f)(5), including advanced methods of observing storm structure and assimilating observations into the models, in which the agency or institution hosting the models ensures broad access and use of the model by members of the Task Force and the civilian research community.

(B) PREDICTING HURRICANE INTENSITY AND STRUCTURE.—Research to improve understanding and prediction of—

(i) storm formation and tracking with extended time scale to weeks in advance;

(ii) rapid changes in storm size, motion, structure, and intensity;

(iii) the internal dynamics of storms;

(iv) the transition to extratropical characteristics as storms move poleward; and

(v) the interactions of storms with environmental conditions, including the atmosphere, ocean, and land surface.

(C) UNDERSTANDING AIR AND SEA INTERACTIONS.—Research regarding observations, theory, and modeling to improve understanding of air and sea interaction in hurricanes and other high wind speed environments.

(D) PREDICTING STORM SURGE, WAVES, RAINFALL, INLAND FLOODING, AND STRONG WINDS PRODUCED BY HURRICANES.—Research to understand, model, and predict rainfall, coastal and riverline flooding, high winds, and the potential occurrence of tornadoes, including probabilistic modeling, mapping, and visualization of risk.

(E) RELATIONSHIPS BETWEEN HURRICANES AND CLIMATE VARIABILITY AND CHANGE.—Research to improve the understanding of the complex relationships between hurricanes and climate on seasonal to decadal time scales, such as research to determine the most effective methods to use observational information and numerical-model simulations to examine short-term and long-term impacts of climate on changes in storm intensity, geographic distribution, and frequency.

(F) RELATIONSHIPS BETWEEN HURRICANES AND ECOSYSTEMS.—Research to improve the

understanding of how hurricanes affect ecosystems, landscapes, and natural resources and to develop assessments for hurricane vulnerability and risk, including—

(i) how ecosystems have been influenced by past hurricanes and the ability and capacity of ecosystems to recover from the effects of hurricanes;

(ii) how ecosystem management practices can minimize disruptions to ecosystem functions and dependent economic uses as a result of hurricanes; and

(iii) the role of natural features, such as barrier islands, wetlands, and mangroves, in—

(I) acting as natural buffers to wind and flood forces; and

(II) improving coastal resiliency.

(2) TECHNOLOGY ASSESSMENT AND DEVELOPMENT.—Technology assessment and development, which may consist of the following:

(A) IMPROVED OBSERVATION OF HURRICANES AND TROPICAL STORMS.—Research to improve hurricane and tropical storm observations and to improve the understanding of the complex nature of storms and their interaction with the natural and built environment through development and application of new technologies, such as—

(i) mobile radars and advanced airborne observing technologies;

(ii) global positioning system technology;

(iii) unmanned vehicles;

(iv) satellite-based sensors;

(v) ground-based and aerial wireless sensors; and

(vi) other geospatial technologies and geospatial data, including bathymetry and elevation.

(B) COMPUTATIONAL CAPABILITY.—Research and development of robust computational capabilities and facilities required to conduct numerical and other types of modeling that support the scientific studies and research carried out under the Initiative as well as data acquisition and modeling during hurricane events, including research to improve understanding of the efficient utility of multiple models that—

(i) require sharing and interoperability of databases, computing environments, networks, visualization tools, and analytic systems that improve on such technologies that are available on the date of the enactment of this Act; and

(ii) are used for transitioning hurricane research assets into operational practice.

(C) TECHNOLOGIES FOR DISASTER RESPONSE AND RECOVERY.—Research to improve damage assessments after a hurricane and emergency communications during hurricane response and recovery, including improvements to—

(i) communications networks for government agencies and nongovernmental entities;

(ii) network interoperability;

(iii) cyber-security during hurricane or storm related emergencies; and

(iv) use of models, remote sensing, and statistically based ground sampling to support effective and rapid damage assessment to scale disaster response and recovery needs.

(3) RESEARCH INTEGRATION, TRANSITION, AND APPLICATION.—Research on integration, transition, and application of research results, which may consist of the following:

(A) TRANSITION OF RESEARCH TO OPERATIONS.—Research to develop mechanisms to accelerate the application of improved models, observations, communication, and risk assessment systems, and related research products to forecasting and other operational settings, including use of 1 or more developmental test beds.

(B) **ASSESSING VULNERABLE INFRASTRUCTURE.**—Developing a national engineering assessment and clearinghouse of coastal infrastructure by leveraging and building upon existing Federal activities, resources, and research, including infrastructure related to levees, sea walls, and similar coastal flood-protection structures, drainage systems, bridges, water and sewage utilities, power, and communications, to determine the level of vulnerability of such infrastructure to damage from hurricanes.

(C) **INTERACTION OF HURRICANES WITH ENGINEERED STRUCTURES.**—Research to improve understanding of the impacts of hurricanes and tropical storms on buildings, structures, and housing combined with modeling that is essential for guiding the creation of improved building designs and construction codes in locations particularly vulnerable to hurricanes.

(D) **EVACUATION PLANNING.**—Research to improve the manner in which hurricane-related information is provided to, and utilized by, the public and government officials, including research to assist officials of State, tribal, regional, or local governments in—

(i) determining the circumstances in which evacuations are required; and

(ii) carrying out such evacuations.

(E) **DECISION SUPPORT.**—Research to—

(i) assess the social, behavioral, and economic factors that influence decision making by the public, government officials, non-governmental entities, the private sector, and other impacted populations before, during, and in the aftermath of hurricanes;

(ii) improve the translation of natural science and engineering research carried out under the Initiative into informed decision making that enables communities, economies, and the man-made and natural environments to become resilient to hurricane impacts, including development of effective risk and vulnerability assessment and risk communication tools; and

(iii) develop methods of assessing disaster recovery costs, both government and non-government, and of comparing the relative benefits of disaster mitigation methods with disaster recovery costs.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated for fiscal years 2010 through 2015 amounts as follows:

(1) To the Under Secretary, \$18,750,000 to carry out sections 5, 6, and 7(b), of which not less than \$13,750,000 shall be used to carry out section 7(b).

(2) To the Director of the National Science Foundation, \$56,250,000 to carry out sections 5 and 7(a).

(b) **INTERAGENCY TRANSFER OF FUNDS.**—

(1) **TRANSFERS BY UNDER SECRETARY FOR OCEANS AND ATMOSPHERE.**—Of amounts appropriated pursuant to the authorization of appropriations under subsection (a)(1), the Under Secretary may transfer to the heads of other Federal agencies such amounts as the Under Secretary considers appropriate to carry out sections 5, 6, and 7(b).

(2) **TRANSFERS BY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION.**—Of amounts appropriated pursuant to the authorization of appropriations under subsection (a)(2), the Director of the National Science Foundation may transfer to the heads of other Federal agencies such amounts as the Director considers appropriate to carry out sections 5 and 7(a).

SEC. 9. INDEPENDENT REVIEW.

(a) **AGREEMENT.**—

(1) **IN GENERAL.**—The Under Secretary shall seek to enter into an agreement with the Na-

tional Research Council of the National Academies for the National Research Council to perform the services covered by this section.

(2) **TIMING.**—The Under Secretary shall seek to enter into the agreement described in paragraph (1) not later than 180 days after the date of the enactment of this Act.

(b) **INDEPENDENT REVIEW OF NATIONAL HURRICANE RESEARCH INITIATIVE.**—Under an agreement between the Under Secretary and the National Research Council under this section, the National Research Council shall carry out an independent review of the Initiative. In carrying out the review, the National Research Council shall review the following:

(1) Whether the Initiative has well-defined, prioritized, and appropriate research objectives.

(2) Whether the Initiative is properly coordinated among relevant Federal agencies and stakeholders.

(3) Whether the Initiative has allocated appropriate resources to each of the research objectives.

(4) Whether suitable mechanisms exist for transitioning the research results from the Initiative into operational technologies and procedures and activities in a timely manner.

(c) **REPORT.**—Not later than 4 years after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on the results of the review carried out under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Under Secretary, \$750,000 to carry out this section.

S. 1486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Policyholder Disaster Protection Act of 2009”.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Rising costs resulting from natural disasters are placing an increasing strain on the ability of property and casualty insurance companies to assure payment of homeowners’ claims and other insurance claims arising from major natural disasters now and in the future.

(2) Present tax laws do not provide adequate incentives to assure that natural disaster insurance is provided or, where such insurance is provided, that funds are available for payment of insurance claims in the event of future catastrophic losses from major natural disasters, as present law requires an insurer wishing to accumulate surplus assets for this purpose to do so entirely from its after-tax retained earnings.

(3) Revising the tax laws applicable to the property and casualty insurance industry to permit carefully controlled accumulation of pretax dollars in separate reserve funds devoted solely to the payment of claims arising from future major natural disasters will provide incentives for property and casualty insurers to make natural disaster insurance available, will give greater protection to the Nation’s homeowners, small businesses, and other insurance consumers, and will help assure the future financial health of the Nation’s insurance system as a whole.

(4) Implementing these changes will reduce the possibility that a significant portion of

the private insurance system would fail in the wake of a major natural disaster and that governmental entities would be required to step in to provide relief at taxpayer expense.

SEC. 3. CREATION OF POLICYHOLDER DISASTER PROTECTION FUNDS; CONTRIBUTIONS TO AND DISTRIBUTIONS FROM FUNDS; OTHER RULES.

(a) **CONTRIBUTIONS TO POLICYHOLDER DISASTER PROTECTION FUNDS.**—Subsection (c) of section 832 of the Internal Revenue Code of 1986 (relating to the taxable income of insurance companies other than life insurance companies) is amended by striking “and” at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting “; and”, and by adding at the end the following new paragraph:

“(14) the qualified contributions to a policyholder disaster protection fund during the taxable year.”.

(b) **DISTRIBUTIONS FROM POLICYHOLDER DISASTER PROTECTION FUNDS.**—Paragraph (1) of section 832(b) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting “, and”, and by adding at the end the following new subparagraph:

“(F) the amount of any distributions from a policyholder disaster protection fund during the taxable year, except that a distribution made to return to the qualified insurance company any contribution which is not a qualified contribution (as defined in subsection (h)) for a taxable year shall not be included in gross income if such distribution is made prior to the filing of the tax return for such taxable year.”.

(c) **DEFINITIONS AND OTHER RULES RELATING TO POLICYHOLDER DISASTER PROTECTION FUNDS.**—Section 832 of the Internal Revenue Code of 1986 (relating to insurance company taxable income) is amended by adding at the end the following new subsection:

“(h) **DEFINITIONS AND OTHER RULES RELATING TO POLICYHOLDER DISASTER PROTECTION FUNDS.**—For purposes of this section—

“(1) **POLICYHOLDER DISASTER PROTECTION FUND.**—The term ‘policyholder disaster protection fund’ (hereafter in this subsection referred to as the ‘fund’) means any custodial account, trust, or any other arrangement or account—

“(A) which is established to hold assets that are set aside solely for the payment of qualified losses, and

“(B) under the terms of which—

“(i) the assets in the fund are required to be invested in a manner consistent with the investment requirements applicable to the qualified insurance company under the laws of its jurisdiction of domicile,

“(ii) the net income for the taxable year derived from the assets in the fund is required to be distributed no less frequently than annually,

“(iii) an excess balance drawdown amount is required to be distributed to the qualified insurance company no later than the close of the taxable year following the taxable year for which such amount is determined,

“(iv) a catastrophe drawdown amount may be distributed to the qualified insurance company if distributed prior to the close of the taxable year following the year for which such amount is determined,

“(v) a State required drawdown amount may be distributed, and

“(vi) no distributions from the fund are required or permitted other than the distributions described in clauses (ii) through (v) and

the return to the qualified insurance company of contributions that are not qualified contributions.

“(2) **QUALIFIED INSURANCE COMPANY.**—The term ‘qualified insurance company’ means any insurance company subject to tax under section 831(a).

“(3) **QUALIFIED CONTRIBUTION.**—The term ‘qualified contribution’ means a contribution to a fund for a taxable year to the extent that the amount of such contribution, when added to the previous contributions to the fund for such taxable year, does not exceed the excess of—

“(A) the fund cap for the taxable year, over

“(B) the fund balance determined as of the close of the preceding taxable year.

“(4) **EXCESS BALANCE DRAWDOWN AMOUNTS.**—The term ‘excess balance drawdown amount’ means the excess (if any) of—

“(A) the fund balance as of the close of the taxable year, over

“(B) the fund cap for the following taxable year.

“(5) **CATASTROPHE DRAWDOWN AMOUNT.**—

“(A) **IN GENERAL.**—The term ‘catastrophe drawdown amount’ means an amount that does not exceed the lesser of the amount determined under subparagraph (B) or (C).

“(B) **NET LOSSES FROM QUALIFYING EVENTS.**—The amount determined under this subparagraph shall be equal to the qualified losses for the taxable year determined without regard to clause (ii) of paragraph (8)(A).

“(C) **GROSS LOSSES IN EXCESS OF THRESHOLD.**—The amount determined under this subparagraph shall be equal to the excess (if any) of—

“(i) the qualified losses for the taxable year, over

“(ii) the lesser of—

“(I) the fund cap for the taxable year (determined without regard to paragraph (9)(E)), or

“(II) 30 percent of the qualified insurance company’s surplus as regards policyholders as shown on the company’s annual statement for the calendar year preceding the taxable year.

“(D) **SPECIAL DRAWDOWN AMOUNT FOLLOWING A RECENT CATASTROPHE LOSS YEAR.**—If for any taxable year included in the reference period the qualified losses exceed the amount determined under subparagraph (C)(ii), the ‘catastrophe drawdown amount’ shall be an amount that does not exceed the lesser of the amount determined under subparagraph (B) or the amount determined under this subparagraph. The amount determined under this subparagraph shall be an amount equal to the excess (if any) of—

“(i) the qualified losses for the taxable year, over

“(ii) the lesser of—

“(I) ½ of the fund cap for the taxable year (determined without regard to paragraph (9)(E)), or

“(II) 10 percent of the qualified insurance company’s surplus as regards policyholders as shown on the company’s annual statement for the calendar year preceding the taxable year.

“(E) **REFERENCE PERIOD.**—For purposes of subparagraph (D), the reference period shall be determined under the following table:

For a taxable year beginning in—	The reference period shall be—
2012 and later ...	The 3 preceding taxable years.
2011	The 2 preceding taxable years.
2010	The preceding taxable year.
2008 or before ...	No reference period applies.

“(6) **STATE REQUIRED DRAWDOWN AMOUNT.**—The term ‘State required drawdown amount’ means any amount that the department of insurance for the qualified insurance company’s jurisdiction of domicile requires to be distributed from the fund, to the extent such amount is not otherwise described in paragraph (4) or (5).

“(7) **FUND BALANCE.**—The term ‘fund balance’ means—

“(A) the sum of all qualified contributions to the fund,

“(B) less any net investment loss of the fund for any taxable year or years, and

“(C) less the sum of all distributions under clauses (iii) through (v) of paragraph (1)(B).

“(8) **QUALIFIED LOSSES.**—

“(A) **IN GENERAL.**—The term ‘qualified losses’ means, with respect to a taxable year—

“(i) the amount of losses and loss adjustment expenses incurred in the qualified lines of business specified in paragraph (9), net of reinsurance, as reported in the qualified insurance company’s annual statement for the taxable year, that are attributable to one or more qualifying events (regardless of when such qualifying events occurred),

“(ii) the amount by which such losses and loss adjustment expenses attributable to such qualifying events have been reduced for reinsurance received and recoverable, plus

“(iii) any nonrecoverable assessments, surcharges, or other liabilities that are borne by the qualified insurance company and are attributable to such qualifying events.

“(B) **QUALIFYING EVENT.**—For purposes of subparagraph (A), the term ‘qualifying event’ means any event that satisfies clauses (i) and (ii).

“(i) **EVENT.**—An event satisfies this clause if the event is 1 or more of the following:

“(I) Windstorm (hurricane, cyclone, or tornado).

“(II) Earthquake (including any fire following).

“(III) Winter catastrophe (snow, ice, or freezing).

“(IV) Fire.

“(V) Tsunami.

“(VI) Flood.

“(VII) Volcanic eruption.

“(VIII) Hail.

“(ii) **CATASTROPHE DESIGNATION.**—An event satisfies this clause if the event—

“(I) is designated a catastrophe by Property Claim Services or its successor organization,

“(II) is declared by the President to be an emergency or disaster, or

“(III) is declared to be an emergency or disaster in a similar declaration by the chief executive official of a State, possession, or territory of the United States, or the District of Columbia.

“(9) **FUND CAP.**—

“(A) **IN GENERAL.**—The term ‘fund cap’ for a taxable year is the sum of the separate lines of business caps for each of the qualified lines of business specified in the table contained in subparagraph (C) (as modified under subparagraphs (D) and (E)).

“(B) **SEPARATE LINES OF BUSINESS CAP.**—For purposes of subparagraph (A), the separate lines of business cap, with respect to a qualified line of business specified in the table contained in subparagraph (C), is the product of—

“(i) net written premiums reported in the annual statement for the calendar year preceding the taxable year in such line of business, multiplied by

“(ii) the fund cap multiplier applicable to such qualified line of business.

“(C) **QUALIFIED LINES OF BUSINESS AND THEIR RESPECTIVE FUND CAP MULTIPLIERS.**—For purposes of this paragraph, the qualified lines of business and fund cap multipliers specified in this subparagraph are those specified in the following table:

Line of Business on Annual Statement Blank:	Fund Cap Multiplier:
Fire	0.25
Allied	1.25
Farmowners Multiple Peril	0.25
Homeowners Multiple Peril	0.75
Commercial Multi Peril (non-liability portion)	0.50
Earthquake	13.00
Inland Marine	0.25

“(D) **SUBSEQUENT MODIFICATIONS OF THE ANNUAL STATEMENT BLANK.**—If, with respect to any taxable year beginning after the effective date of this subsection, the annual statement blank required to be filed is amended to replace, combine, or otherwise modify any of the qualified lines of business specified in subparagraph (C), then for such taxable year subparagraph (C) shall be applied in a manner such that the fund cap shall be the same amount as if such reporting modification had not been made.

“(E) **20-YEAR PHASE-IN.**—Notwithstanding subparagraph (C), the fund cap for a taxable year shall be the amount determined under subparagraph (C), as adjusted pursuant to subparagraph (D) (if applicable), multiplied by the phase-in percentage indicated in the following table:

	Phase-in percentage to be applied to fund cap computed under subparagraphs (A) and (B)
“Taxable year beginning in:	
2009	5 percent
2010	10 percent
2011	15 percent
2012	20 percent
2013	25 percent
2014	30 percent
2015	35 percent
2016	40 percent
2017	45 percent

	Phase-in percentage to be applied to fund cap computed under subparagraphs (A) and (B)
2018	50 percent
2019	55 percent
2020	60 percent
2021	65 percent
2022	70 percent
2023	75 percent
2024	80 percent
2025	85 percent
2026	90 percent
2027	95 percent
2028 and later	100 percent.

“(10) TREATMENT OF INVESTMENT INCOME AND GAIN OR LOSS.—

“(A) CONTRIBUTIONS IN KIND.—A transfer of property other than money to a fund shall be treated as a sale or exchange of such property for an amount equal to its fair market value as of the date of transfer, and appropriate adjustment shall be made to the basis of such property. Section 267 shall apply to any loss realized upon such a transfer.

“(B) DISTRIBUTIONS IN KIND.—A transfer of property other than money by a fund to the qualified insurance company shall not be treated as a sale or exchange or other disposition of such property. The basis of such property immediately after such transfer shall be the greater of the basis of such property immediately before such transfer or the fair market value of such property on the date of such transfer.

“(C) INCOME WITH RESPECT TO FUND ASSETS.—Items of income of the type described in paragraphs (1)(B), (1)(C), and (2) of subsection (b) that are derived from the assets held in a fund, as well as losses from the sale or other disposition of such assets, shall be considered items of income, gain, or loss of the qualified insurance company. Notwithstanding paragraph (1)(F) of subsection (b), distributions of net income to the qualified insurance company pursuant to paragraph (1)(B)(ii) of this subsection shall not cause such income to be taken into account a second time.

“(11) NET INCOME; NET INVESTMENT LOSS.—For purposes of paragraph (1)(B)(ii), the net income derived from the assets in the fund for the taxable year shall be the items of income and gain for the taxable year, less the items of loss for the taxable year, derived from such assets, as described in paragraph (10)(C). For purposes of paragraph (7), there is a net investment loss for the taxable year to the extent that the items of loss described in the preceding sentence exceed the items of income and gain described in the preceding sentence.

“(12) ANNUAL STATEMENT.—For purposes of this subsection, the term ‘annual statement’ shall have the meaning set forth in section 846(f)(3).

“(13) EXCLUSION OF PREMIUMS AND LOSSES ON CERTAIN PUERTO RICAN RISKS.—Notwithstanding any other provision of this subsection, premiums and losses with respect to risks covered by a catastrophe reserve established under the laws or regulations of the Commonwealth of Puerto Rico shall not be taken into account under this subsection in determining the amount of the fund cap or the amount of qualified losses.

“(14) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regula-

“Taxable year beginning in:

“(A) which govern the application of this subsection to a qualified insurance company having a taxable year other than the calendar year or a taxable year less than 12 months,

“(B) which govern a fund maintained by a qualified insurance company that ceases to be subject to this part, and

“(C) which govern the application of paragraph (9)(D).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

S. 1487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commission on Catastrophic Disaster Risk and Insurance Act of 2009”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused over \$200 billion in total economic losses, including insured and uninsured losses.

(2) Although private sector insurance is currently available to spread some catastrophe-related losses throughout the Nation and internationally, most experts believe there will be significant insurance and reinsurance shortages, resulting in dramatic rate increases for consumers and businesses, and the unavailability of catastrophe insurance.

(3) The Federal Government has provided and will continue to provide billions of dollars and resources to pay for losses from catastrophes, including hurricanes, volcanic eruptions, tsunamis, tornados, and other disasters, at huge costs to American taxpayers.

(4) The Federal Government has a critical interest in ensuring appropriate and fiscally responsible risk management of catastrophes. Mortgages require reliable property insurance, and the unavailability of reliable property insurance would make most real estate transactions impossible. In addition, the public health, safety, and welfare demand that structures damaged or destroyed in a catastrophe be reconstructed as soon as possible. Therefore, the inability of the private sector insurance and reinsurance markets to maintain sufficient capacity to enable Americans to obtain property insurance coverage in the private sector endangers the national economy and the public health, safety, and welfare.

(5) Multiple proposals have been introduced in the United States Congress over the past decade to address catastrophic risk insurance, including the creation of a national catastrophic reinsurance fund and the revision of the Federal tax code to allow insurers

to use tax-deferred catastrophe funds, yet Congress has failed to act on any of these proposals.

(6) To the extent the United States faces high risks from catastrophe exposure, essential technical information on financial structures and innovations in the catastrophe insurance market is needed.

(7) The most efficient and effective approach to assessing the catastrophe insurance problem in the public policy context is to establish a bipartisan commission of experts to study the management of catastrophic disaster risk, and to require such commission to timely report its recommendations to Congress so that Congress can quickly craft a solution to protect the American people.

SEC. 3. ESTABLISHMENT.

There is established a bipartisan Commission on Catastrophic Disaster Risk and Insurance (in this Act referred to as the “Commission”).

SEC. 4. MEMBERSHIP.

(a) MEMBERS.—The Commission shall be composed of the following:

(1) The Administrator of the Federal Emergency Management Agency or a designee of the Administrator.

(2) The Administrator of the National Oceanic and Atmospheric Administration or a designee of the Administrator.

(3) 12 additional members or their designees of whom one shall be—

(A) a representative of a consumer group;

(B) a representative of a primary insurance company;

(C) a representative of a reinsurance company;

(D) an independent insurance agent with experience in writing property and casualty insurance policies;

(E) a State insurance regulator;

(F) a State emergency operations official;

(G) a scientist;

(H) a faculty member of an accredited university with experience in risk management;

(I) a member of nationally recognized think tank with experience in risk management;

(J) a homebuilder with experience in structural engineering;

(K) a mortgage lender; and

(L) a nationally recognized expert in anti-trust law.

(b) MANNER OF APPOINTMENT.—

(1) IN GENERAL.—Any member of the Commission described under subsection (a)(3) shall be appointed only upon unanimous agreement of—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(2) **CONSULTATION.**—In making any appointment under paragraph (1), each individual described in paragraph (1) shall consult with the President.

(c) **ELIGIBILITY LIMITATION.**—Except as provided in subsection (a), no member or officer of the Congress, or other member or officer of the Executive Branch of the United States Government or any State government may be appointed to be a member of the Commission.

(d) **PERIOD OF APPOINTMENT.**—

(1) **IN GENERAL.**—Each member of the Commission shall be appointed for the life of the Commission.

(2) **VACANCIES.**—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(e) **QUORUM.**—

(1) **MAJORITY.**—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) **APPROVAL ACTIONS.**—All recommendations and reports of the Commission required by this Act shall be approved only by a majority vote of a quorum of the Commission.

(f) **CHAIRPERSON.**—The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall jointly select 1 member appointed pursuant to subsection (a) to serve as the Chairperson of the Commission.

(g) **MEETINGS.**—The Council shall meet at the call of its Chairperson or a majority of its members at any time.

SEC. 5. DUTIES OF THE COMMISSION.

The Commission shall—

(1) assess—

(A) the condition of the property and casualty insurance and reinsurance markets in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004; and

(B) the ongoing exposure of the United States to earthquakes, volcanic eruptions, tsunamis, and floods; and

(2) recommend and report, as required under section 6, any necessary legislative and regulatory changes that will—

(A) improve the domestic and international financial health and competitiveness of such markets; and

(B) assure consumers of the—

(i) availability of adequate insurance coverage when an insured event occurs; and

(ii) best possible range of insurance products at competitive prices.

SEC. 6. REPORT.

(a) **IN GENERAL.**—Not later than 90 days after the appointment of Commission members under section 4, the Commission shall submit to the President and the Congress a final report containing a detailed statement of its findings, together with any recommendations for legislation or administrative action that the Commission considers appropriate, in accordance with the requirements of section 5.

(b) **CONSIDERATIONS.**—In developing any recommendations under subsection (a), the Commission shall consider—

(1) the catastrophic insurance and reinsurance market structures and the relevant commercial practices in such insurance industries in providing insurance protection to different sectors of the American population;

(2) the constraints and opportunities in implementing a catastrophic insurance system that can resolve key obstacles currently im-

peding broader implementation of catastrophe risk management and financing with insurance;

(3) methods to improve risk underwriting practices, including—

(A) analysis of modalities of risk transfer for potential financial losses;

(B) assessment of private securitization of insurance risks;

(C) private-public partnerships to increase insurance capacity in constrained markets; and

(D) the financial feasibility and sustainability of a national catastrophe pool or regional catastrophe pools designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers;

(4) approaches for implementing a public insurance scheme for low-income communities, in order to promote risk reduction and explicit insurance coverage in such communities;

(5) methods to strengthen insurance regulatory requirements and supervision of such requirements, including solvency for catastrophic risk reserves;

(6) methods to promote public insurance policies linked to programs for loss reduction in the uninsured sectors of the American population;

(7) methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(8) the appropriate role for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets, with an analysis—

(A) of options such as—

(i) a reinsurance mechanism;

(ii) the modernization of Federal taxation policies; and

(iii) an “insurance of last resort” mechanism; and

(B) how to fund such options; and

(9) the merits of 3 principle legislative proposals introduced in the 109th Congress, namely:

(A) The creation of a Federal catastrophe fund to act as a backup to State catastrophe funds (S. 3117);

(B) Tax-deferred catastrophe accounts for insurers (S. 3115); and

(C) Tax-free catastrophe accounts for policyholders (S. 3116).

SEC. 7. POWERS OF THE COMMISSION.

(a) **HEARINGS.**—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths or affirmations as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) **ISSUANCE AND ENFORCEMENT OF SUBPOENAS.**—

(1) **ISSUANCE.**—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) **ENFORCEMENT.**—In the case of contumacy or failure to obey a subpoena issued

under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) **CONFIDENTIALITY.**—

(A) **IN GENERAL.**—Information obtained under a subpoena issued under subsection (a) which is deemed confidential, or with reference to which a request for confidential treatment is made by the person furnishing such information—

(i) shall be exempt from disclosure under section 552 of title 5, United States Code; and

(ii) shall not be published or disclosed unless the Commission determines that the withholding of such information is contrary to the interest of the United States.

(B) **EXCEPTION.**—The requirements of subparagraph (A) shall not apply to the publication or disclosure of any data aggregated in a manner that ensures protection of the identity of the person furnishing such data.

(c) **AUTHORITY OF MEMBERS OR AGENTS OF THE COMMISSION.**—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this Act.

(d) **OBTAINING OFFICIAL DATA.**—

(1) **AUTHORITY.**—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out the purposes of this Act.

(2) **PROCEDURE.**—Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish the information requested to the Commission.

(e) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(g) **GIFTS.**—

(1) **IN GENERAL.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(2) **REGULATIONS.**—The Commission shall adopt internal regulations governing the receipt of gifts or donations of services or property similar to those described in part 2601 of title 5, Code of Federal Regulations.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **SUBCOMMITTEES.**—The Commission may establish subcommittees and appoint persons to such subcommittees as the Commission considers appropriate.

(d) **STAFF.**—Subject to such policies as the Commission may prescribe, the Chairperson of the Commission may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission.

(e) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—Subcommittee members and staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of that title.

(f) **EXPERTS AND CONSULTANTS.**—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of that title.

(g) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the Chairperson of the Commission, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

(1) on a reimbursable basis; and

(2) such detail shall be without interruption or loss of civil service status or privilege.

SEC. 9. TERMINATION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 6.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$5,000,000 to carry out the purposes of this Act.

By Mr. BURRIS:

S. 1488. A bill to extend temporarily the 18-month period of continuation coverage under group health plans required under COBRA continuation coverage provisions so as to provide for a total period of continuation coverage of up to 24 months; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURRIS. Mr. President, today I rise to address a growing problem resulting from America's high levels of unemployment and economic downturn. Congress is working to design health reform that will provide access to quality, affordable insurance coverage for every American, but as unemployment numbers continue to rise,

help may not come in time to avoid coverage denials on the individual insurance market and unbearable economic strain for those job seekers whose COBRA coverage has expired.

The Comprehensive Omnibus Budget Reconciliation Act of 1985 codified 18 months of additional group rate coverage under employer sponsored plans following a triggering event such as job loss. This law has been instrumental in providing continuity of health coverage for families. The measure requires companies with over 20 employees to provide access to 18 months of continued coverage at the employee's expense, except in cases of firing for gross employee misconduct. Beneficiaries cover the additional administrative expense, and may be charged up to 103 percent of their original premiums.

The American Reinvestment and Recovery Act provided help with health insurance for families who lost their jobs after September 1, 2008 and through December of 2009. For those in this category, the federal government provides nine months of subsidized premiums, with beneficiaries covering 35 percent of premium costs. However, the downturn started well before September of 2008.

For those that lost their job before September, and are still looking for work, the situation is dire. Many are quickly facing the end of their 18 month eligibility period for COBRA. They hear about health reform but have no idea when it may come. Insurance exchanges to guaranteeing eligibility and reasonable premiums on the individual market could take years to set up. In the mean time, those who could have afforded coverage under COBRA may instead have to resort to emergency room care and bankruptcy.

The Emergency COBRA Expansion Act of 2009 will give job seekers the opportunity to continue their COBRA coverage for up to an additional 6 months. The bill applies to all of those utilizing COBRA benefits as of the date of bill passage, and would not extend anyone's coverage beyond 12 months from the date of bill enactment. A year from now, our country will be on the road to economic recovery, but in the meantime we need to help struggling families to stay insured and healthy.

By Ms. SNOWE:

S. 1489. A bill to amend the Small Business Act to create parity among small business contracting programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise to introduce this bill in order to correct disparities among the Small Business Administration's small business contracting programs. Build-

ing on my efforts to bring true parity to the program, this bill will create a more equitable and flexible method for federal agencies to fairly allocate federal procurement dollars to small business contractors across the nation. Earlier this year, I filed an amendment, cosponsored by my colleague from Maine, Senator COLLINS, to create parity as part of S. 454, the Weapon Systems Acquisition Reform Act of 2009. Unfortunately, that amendment was not accepted.

For years it has been unclear to the acquisition community what, if any, the true order of preference is for determining which small business contracting program is at the top of the agency's priority list. The SBA's regulations state that there is parity among the programs, and this had been the general practice in effect until two Government Accountability Office decisions were released on September 19, 2008 and May 4, 2009.

The decisions stated that the Historically Underutilized Business Zone, HUBZone, program had preference over all other small business contracting programs. While the interpretation benefits HUBZone businesses, it comes at the expense of other vital small business contracting programs. This targeted bill provides equity for the SBA's small business contracting programs.

The bill provides Federal agencies with the necessary flexibility to satisfy their government-wide statutory small business contracting goals. This bill makes clear to purchasing agencies that contracting officers may award contracts to HUBZone, Service Disabled Veterans, 8(a), or women-owned firms with equal deference to each program. It would provide these agencies with the ability to achieve their goaling requirements equally through an award to a HUBZone firm, a service-disabled veteran-owned small business, and a small business participating in the 8(a) business development program. Of course this list will also include women-owned small businesses once the women's procurement program is fully implemented by the SBA.

In addition, this bill brings the SBA's contracting programs closer to true parity by giving HUBZones a subcontracting goal. HUBZones are the only small business contracting program without a subcontracting goal. In addition, the bill authorizes mentor protégé programs modeled after those used in the 8(a) program for HUBZones, service-disabled veteran and women-owned firms.

The essence of true parity is where each program has an equal chance of competing and being selected for an award. During these difficult economic times, it is imperative that small business contractors possess an equal opportunity to compete for Federal contracts on the same playing field with each other.

I urge my colleagues on both sides of the aisle to support this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 218—MAKING MINORITY PARTY APPOINTMENTS FOR THE 111TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 218

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON AGRICULTURE NUTRITION AND FORESTRY: Mr. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Johanns, Mr. Grassley, Mr. Thune, and Mr. Cornyn.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Mr. Corker, Mr. Isakson, Mr. Risch, Mr. DeMint, Mr. Barrasso, Mr. Wicker, and Mr. Inhofe.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. McCain, Mr. Voinovich, Mr. Ensign, Mr. Graham, and Mr. Bennett.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe, Mr. Bond, Mr. Vitter, Mr. Thune, Mr. Enzi, Mr. Isakson, Mr. Wicker, and Mr. Risch.

SPECIAL COMMITTEE ON AGING: Mr. Martinez, Mr. Shelby, Ms. Collins, Mr. Corker, Mr. Hatch, Mr. Brownback, Mr. Graham, and Mr. Chambliss.

SENATE RESOLUTION 219—HONORING THE HOCKEY TEAM OF EAST SIDE HIGH SCHOOL IN NEWARK, NEW JERSEY

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 219

Whereas adolescents who lack a structured, after-school environment are at high risk of delinquency, poor academic performance, and illicit behavior;

Whereas the lack of a structured after-school environment is especially prevalent in inner-city communities such as Newark, New Jersey;

Whereas athletic organizations provide a safe after-school environment in which adolescents learn about commitment, dedication, and teamwork;

Whereas East Side High School in Newark, New Jersey, formed a hockey team;

Whereas members of the East Side High School hockey team have shown resilience, dedication, and continuous improvement;

Whereas the New Jersey Devils offered assistance to the East Side High School hockey team, including access to the New Jersey Devils practice hockey rink; and

Whereas the nonprofit organization, Hockey in Newark, has joined with the New Jersey Devils and the National Hockey League to collect and distribute donated hockey equipment and uniforms valued at \$85,000 to low-income children in Newark, New Jersey; Now, therefore, be it

Resolved, That the Senate—

(1) commends the dedication of the players and coaches of the hockey team of East Side High School in Newark, New Jersey;

(2) wishes the East Side High School hockey team many successful seasons ahead; and

(3) commends the New Jersey Devils for engaging the local community and providing low-income, at-risk children the opportunity to play hockey.

SENATE CONCURRENT RESOLUTION 33—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED TO HONOR THE CREW OF THE USS MASON DE-529 WHO FOUGHT AND SERVED DURING WORLD WAR II

Mr. BURRIS submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 33

Whereas the USS Mason DE-529 was the only United States Navy destroyer with a predominantly black enlisted crew during World War II;

Whereas the integration of the crew of the USS Mason DE-529 was the role model for racial integration on Navy vessels and served as a beacon for desegregation in the Navy;

Whereas the integration of the crew signified the first time that black citizens of the United States were trained to serve in ranks other than cooks and stewards;

Whereas the USS Mason DE-529 served as a convoy escort in the Atlantic and Mediterranean Theatres during World War II;

Whereas, in September 1944, the crew of the USS Mason DE-529 helped save Convoy NY119, ushering the convoy to safety despite a deadly storm in the Atlantic Ocean;

Whereas, in 1998, the Secretary of the Navy John H. Dalton made an official decision to name an Arleigh Burke Class Destroyer the USS Mason DDG-87 in order to honor the USS Mason DE-529;

Whereas, in 1994, President Clinton awarded the USS Mason DE-529 a long-overdue commendation, presenting the award to 67 of the surviving crewmembers; and

Whereas commemorative postage stamps have been issued to honor important vessels, aircrafts, and battles in the history of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States Postal Service should issue a postage stamp honoring the crew of the USS Mason DE-529 who fought and served during World War II; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1647. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1648. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1649. Ms. COLLINS (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1650. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1651. Mr. FEINGOLD (for himself, Ms. MURKOWSKI, Mrs. LINCOLN, and Mr. BURRIS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1652. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1653. Mr. CORNYN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1654. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1655. Mr. CORNYN (for himself, Mr. INHOFE, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1656. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1657. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1658. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1659. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1660. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WEBB, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1661. Mr. KERRY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1662. Mr. DURBIN (for himself and Mr. NELSON, of Nebraska) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1663. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1664. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1665. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1666. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1667. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1668. Mr. GREGG submitted an amendment intended to be proposed by him to the

bill S. 1390, supra; which was ordered to lie on the table.

SA 1669. Mrs. BOXER (for herself, Mr. BOND, Ms. LANDRIEU, Ms. MURKOWSKI, Mrs. LINCOLN, Mrs. GILLIBRAND, Mr. WYDEN, Mr. BURRIS, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1670. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1671. Mr. KYL (for himself, Mr. DEMINT, Mr. INHOFE, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1672. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1673. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1674. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1675. Mr. FEINGOLD (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1676. Mr. BEGICH (for himself, Mr. SESSIONS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1677. Mr. BEGICH (for himself, Mr. SESSIONS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1678. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1679. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1680. Mr. VOINOVICH (for himself, Mr. LEAHY, Mr. BOND, Mr. BEGICH, Mr. BENNETT, Mr. BYRD, Mr. CASEY, Mr. COCHRAN, Mr. CRAPO, Mr. DORGAN, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. RISCH, Mr. ROCKEFELLER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1681. Mrs. LINCOLN (for herself, Ms. LANDRIEU, Mr. TESTER, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1682. Mr. CONRAD (for himself, Mr. ENZI, Mr. HATCH, Mr. TESTER, Mr. BENNETT, Mr. BAUCUS, Mr. BARRASSO, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1683. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1684. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1685. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1686. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1687. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1688. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1689. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1647. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, between lines 14 and 15, insert the following:

SEC. 706. SENSE OF THE SENATE ON HEALTH CARE BENEFITS AND COSTS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Career members of the Armed Forces and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current combat operations, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of retirement benefits, including lifetime health benefits, that a grateful Nation provides for those who choose to subordinate their personal life to the national interest for so many years.

(4) Currently serving and retired members of the uniformed services and their families and survivors deserve benefits equal to their commitment and service to our Nation.

(5) Many employers are curtailing health benefits and shifting costs to their employees, which may result in retired members of the Armed Forces returning to the Department of Defense, and its TRICARE program, for health care benefits during retirement, and contribute to health care cost growth.

(6) Defense health costs also expand as a result of service-unique military readiness requirements, wartime requirements, and other necessary requirements that represent the "cost of business" for the Department of Defense.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, too many of those efforts have been devoted to shifting

a larger share of the costs of benefits under that program to retired members of the Armed Forces who have earned health care benefits in return for a career of military service.

(8) In some cases health care providers refuse to accept TRICARE patients because that program pays less than other public and private payors and imposes unique administrative requirements.

(9) The Department of Defense records deposits to the Department of Defense Military Retiree Health Care Fund as discretionary costs to the Department in spite of legislation enacted in 2006 that requires such deposits to be made directly from the Treasury of the United States.

(10) As a result, annual payments for the future costs of servicemember health care continue to compete with other readiness needs of the Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense and the Nation have an obligation to provide health care benefits to retired members of the Armed Forces that equals the quality of their selfless service to our country;

(2) past proposals by the Department of Defense to impose substantial fee increases on military beneficiaries have failed to acknowledge properly the findings addressed in subsection (a); and

(3) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the Armed Forces who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program.

SA 1648. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL.

(a) IN GENERAL.—Section 203 of the Port Chicago National Memorial Act of 1992 (16 U.S.C. 431 note; Public Law 102-562; 106 Stat. 4235) is amended—

(1) by redesignating subsection (c) as subsection (f);

(2) by inserting after subsection (b) the following:

“(c) ADMINISTRATION.—

“(1) IN GENERAL.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with—

“(A) this Act; and

“(B) the laws generally applicable to units of the National Park System, including—

“(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

“(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

“(2) ADMINISTERED LAND.—The land described in subsection (d)(2) shall be administered in accordance with this subsection.

“(d) TRANSFER OF LAND.—

“(1) IN GENERAL.—The Secretary of Defense shall enter into a memorandum of understanding with the Secretary of the Interior providing for the transfer, without reimbursement, of administrative jurisdiction to the Secretary of the Interior of the land described in paragraph (2), if the Secretary of Defense determines that the land is in excess of military needs.

“(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the parcel of approximately 5 acres of land, as depicted on the map entitled ‘Port Chicago Naval Magazine National Memorial, Proposed Boundary’, numbered 018/80,001, and dated August 2005.

“(e) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior may enter into an agreement with the City of Concord, California, and the East Bay Regional Park District to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the Port Chicago Naval Magazine National Memorial.”; and

(3) in subsection (f), (as redesignated by paragraph (1)), by striking “Secretary of the Navy to provide public access to the Memorial” and inserting “Secretary of Defense to provide the maximum practicable public access to the Memorial without interfering with military needs”.

(b) SENSE OF CONGRESS ON REMEDIATION AND REPAIR OF PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL.—

(1) REMEDIATION.—It is the sense of Congress that, to facilitate the transfer of administrative jurisdiction described in subsection (d) of section 203 of the Port Chicago National Memorial Act of 1992 (16 U.S.C. 431 note; Public Law 102-562; 106 Stat. 4235)(as added by subsection (a)), the Secretary of Defense should promptly remediate any remaining environmental contamination relating to the land.

(2) REPAIR.—It is the sense of Congress that, in order to preserve the Port Chicago Naval Magazine National Memorial for future generations, the Secretary of Defense and the Secretary of the Interior should work together to—

(A) repair storm damage to the Port Chicago Naval Magazine National Memorial; and

(B) develop a process by which future repairs and necessary modifications to the Memorial can be achieved in as timely and cost-effective a manner as possible.

(c) EFFECT.—Nothing in this section or the amendments made by this section affects or limits the application of, or obligation to comply with, any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SA 1649. Ms. COLLINS (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 832 and insert the following:
SEC. 832. SMALL ARMS PRODUCTION INDUSTRIAL BASE.

Section 2473 of title 10, United States Code, is amended—

(1) by striking subsection (c) and inserting the following new subsection (c):

“(c) SMALL ARMS PRODUCTION INDUSTRIAL BASE.—In this section, the term ‘small arms production industrial base’ means the persons and organizations that are engaged in the production or maintenance of small arms within the United States.”; and

(2) in subsection (d), by adding at the end the following new paragraph:

“(6) Pistols.”.

SA 1650. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, between lines 8 and 9, insert the following:

SEC. 1032. TRIAL BY MILITARY COMMISSION OF ALIEN UNPRIVILEGED BELLIGERENTS FOR VIOLATIONS OF THE LAW OF WAR.

(a) IN GENERAL.—Subchapter I of chapter 47A of title 10, United States Code, as amended by section 1031(a), is further amended by adding at the end the following new section:

“§948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war

“(a) SENSE OF CONGRESS.—It is the sense of Congress that the preferred forum for the trial of alien unprivileged enemy belligerents subject to this chapter for violations of the law of war and other offenses made punishable by this chapter is trial by military commission under this chapter.

“(b) REPORTING REQUIREMENT.—For any alien unprivileged enemy belligerent subject to this chapter whom the United States Government decides to try in Federal district court rather than by military commission under this chapter, the Secretary of Defense and the Attorney General shall report to Congress, not later than 30 days after such decision is made, on—

“(1) the criteria used to decide to try such individual in Federal district court rather than by military commission;

“(2) an estimate of the total costs to the United States Government, including costs borne by the judicial branch, attributable to trying such individual in Federal district court; and

“(3) any other information that the Secretary of Defense and the Attorney General consider appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such subchapter, as amended by section 1031(a), is further amended by adding after the item relating to section 948d the following new item:

“948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war.”.

SA 1651. Mr. FEINGOLD (for himself, Ms. MURKOWSKI, Mrs. LINCOLN, and Mr. BURRIS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense

activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 652. CONTINUATION ON ACTIVE DUTY OF RESERVE COMPONENT MEMBERS DURING PHYSICAL EVALUATION BOARD PROCESS.

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsections:

“(d)(1) The Secretary of a military department shall give a member of a reserve component under the jurisdiction of the Secretary who is being evaluated by a physical evaluation board for separation or retirement for disability, incurred in the performance of military duties under this chapter or for placement on the temporary disability retired list or inactive status list under this chapter the option to remain on active duty during the physical evaluation board process until such time as the member—

“(A) is cleared by the board for continuation of active duty; or

“(B) is separated, retired, or placed on the temporary disability retired list or inactive status list.

“(2) A member may change the election under paragraph (1) at any point during the physical evaluation board process and be released from active duty.

“(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.

“(e) A member contemplating the exercise of an option under subsection (d) may exercise such option only after being afforded an opportunity to consult with a member of the applicable judge advocate general’s corps.”.

SEC. 653. ENCOURAGEMENT OF USE OF LOCAL RESIDENCES FOR CERTAIN RESERVE COMPONENT MEMBERS.

Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) ASSIGNMENT TO COMMUNITY BASED WARRIOR TRANSITION UNITS FOR CERTAIN RESERVE COMPONENT MEMBERS.—(1)(A) A member of a reserve component described by subparagraph (B) may be assigned to the community based warrior transition unit located nearest to the member’s permanent place of residence if residing at that location is—

“(i) medically feasible, as determined by a licensed military health care provider; and

“(ii) consistent with the needs of the armed forces.

“(B) A member of a reserve component described by this subparagraph is any member remaining on active duty under section 1218(d) of this title during the period the member is on active duty under such subsection.

“(2) Nothing in this subsection shall be construed as terminating, altering, or otherwise affecting the authority of the commander of a member described in paragraph (1)(B) to order the member to perform duties consistent with the member’s fitness for duty.

“(3) The Secretary concerned shall pay any reasonable expenses of transportation, lodging, and meals incurred by a member residing at the member’s permanent place of residence under this subsection in connection with travel from the member’s permanent place of residence to a medical facility during the period in which the member is covered by this subsection.”.

SEC. 654. ASSISTANCE WITH TRANSITIONAL BENEFITS.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

“§ 1218a. Discharge or release from active duty: transition assistance

“The Secretary of a military department shall provide to a member of a reserve component under the jurisdiction of the Secretary who is injured while on active duty in the armed forces the following before such member is demobilized or separated from the armed forces:

“(1) Information on the availability of care and administrative processing through community based warrior transition units.

“(2) The location of the community based warrior transition unit located nearest to the member's permanent place of residence.

“(3) An opportunity to consult with a member of the applicable judge advocate general's corps regarding the member's eligibility for compensation, disability, or other transitional benefits.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

“1218a. Discharge or release from active duty: transition assistance.”.

SA 1652. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Building foreign partner capacity is a fundamental cornerstone of the security strategy of the United States.

(2) Significant progress has been made in this area over the past several years, but the United States Government must continue to increase its efforts, including improving reliability of funding and late notifications of school availability for the International Military Education and Training (IMET) program.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the effectiveness and efficiency of the IMET program.

(2) CONTENT.—The report required under paragraph (1) shall include the following information broken out by year over the past 10 years:

(A) Number of courses in the IMET program available, accomplished, and cancelled and an explanation therefor.

(B) Number of students authorized and actual attendance for each course and an explanation for the difference.

(C) The total budget and actual budget executed for each course in the IMET program and an explanation for the difference.

(D) The process for selecting students for the IMET program, including a timeline.

(E) The process for distributing funding for each school, including a timeline.

(F) Lessons learned to ensure student attendance and course execution is maximized.

SA 1653. Mr. CORNYN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1222. REPORT ON TAIWAN'S AIR FORCE.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Defense's (DoD) 2009 Annual Report on Military Power of the People's Republic of China, the military balance in the Taiwan Strait has been shifting in China's favor since 2000, marked by the sustained deployment of advanced military equipment to the Chinese military regions opposite Taiwan.

(2) Although the DoD's 2002 Report concluded that Taiwan “has enjoyed dominance of the airspace over the Taiwan Strait for many years,” the DoD's 2009 Report states this conclusion no longer holds true.

(3) China has based 490 combat aircraft (330 fighters and 160 bombers) within unrefueled operational range of Taiwan, and has the airfield capacity to expand that number by hundreds. In contrast, Taiwan has 390 combat aircraft (all of which are fighters).

(4) Also according to the DoD's 2009 Report, China has continued its build-up of conventional ballistic missiles since 2000, “building a nascent capacity for conventional short-range ballistic missile (SRBM) strikes against Taiwan into what has become one of China's primary instruments of coercion.” At this time, China has expanded its SRBM force opposite Taiwan to seven brigades with a total of 1,050 through 1,150 missiles, and is augmenting these forces with conventional medium-range ballistic missiles systems and at least 2 land attack cruise missile variants capable of ground or air launch. Advanced fighters and bombers, combined with enhanced training for nighttime and overwater flights, provide China's People's Liberation Army (PLA) with additional capabilities for regional strike or maritime interdiction operations.

(5) Furthermore, the Report maintains, “the security situation in the Taiwan Strait is largely a function of dynamic interactions among Mainland China, Taiwan, and the United States. The PLA has developed and deployed military capability to coerce Taiwan or attempt an invasion if necessary. PLA improvements pose new challenges to Taiwan's security, which has historically been based upon the PLA's inability to project power across the 100 nautical-mile Taiwan Strait, natural geographic advantages of island defense, Taiwan's armed forces' technological superiority, and the possibility of U.S. intervention”.

(6) The Taiwan Relations Act of 1979 requires that, in furtherance of the principle of maintaining peace and stability in the Western Pacific region, the United States shall make available to Taiwan such defense arti-

cles and defense services in such quantity “as may be necessary to enable Taiwan to maintain a sufficient self-defense capability,” allowing that “the President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan . . .”.

(b) REPORT TO CONGRESS ON TAIWAN'S CURRENT AIR FORCE AND FUTURE SELF-DEFENSE REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified form, containing the following:

(1) A thorough and complete assessment of the current state of Taiwan's Air Force, including—

(A) the number and type of aircraft;

(B) the age of aircraft; and

(C) the capability of those aircraft.

(2) An assessment of the effectiveness of the aircraft in the face of a full-scale concerted missile and air campaign by China, in which China uses its most modern surface-to-air missiles currently deployed along its seacoast.

(3) An analysis of the specific weapons systems and platforms that Taiwan would need to provide for its self-defense and maintain control of its own air space.

(4) Options for the United States to assist Taiwan in achieving those capabilities.

(5) A 5-year plan for fulfilling the obligations of the United States under the Taiwan Relations Act to provide for Taiwan's self-defense and aid Taiwan in maintaining control of its own air space.

SA 1654. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ POSTHUMOUS BENEFITS FOR SURVIVING SPOUSE.

(a) SHORT TITLE.—This section may be cited as the “Military Widow and Surviving Spouse Protection Act”.

(b) AMENDMENT.—Section 1703(a)(1) of title XVII of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) is amended by inserting “or the citizen died while serving honorably in an active duty status in the military, air, or naval forces of the United States and such death occurred through no fault of the citizen,” after “aggravated by combat,”.

SA 1655. Mr. CORNYN (for himself, Mr. INHOFE, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF THE SENATE REGARDING COMMITMENT TO GLOBAL WAR ON TERROR.

(a) FINDINGS.—The Senate makes the following findings:

(1) The surge strategy executed in Iraq by General David H. Petraeus and General Raymond T. Odierno in 2007 and 2008 was highly successful in reducing levels of violence and enabling the Iraqi government and security forces to gain credibility and capability.

(2) President Obama articulated his general strategy for Iraq during a speech at Camp Lejeune, North Carolina, on February 27, 2009, stating that a central goal is to ensure that Iraq “is sovereign, stable, and self-reliant”. During the speech, the President outlined the President’s objective to “transition to full Iraqi responsibility” through the “responsible removal of our combat brigades from Iraq”.

(3) As part of the President’s Iraq strategy, the President also indicated the President’s commitment to ensuring that “we preserve the gains we’ve made and protect our troops”. Consequently, the United States and our allies have a continued interest in maintaining these hard-fought security gains, especially during the upcoming Iraqi provincial elections, while simultaneously protecting the United States military and civilian members still in Iraq.

(4) A key component of the President’s plan for Iraq is to retain a transitional force there to carry out several distinct functions, including training, equipping, and advising the Iraqi Security Forces, conducting targeted counterterrorism missions, and protecting our civilian and military forces within Iraq. In accordance with this policy, United States forces have largely withdrawn from Iraqi cities, but the President expects that the transitional force, to number between 35,000 and 50,000 United States military servicemembers, will remain in Iraq for the foreseeable future.

(5) President Obama articulated his emerging plan for Afghanistan in a speech on March 27, 2009, stating that the United States goal there is to “disrupt, dismantle, and defeat al Qaeda in Pakistan and Afghanistan, and to prevent their return to either country in the future”. To this end, the current surge strategy in Afghanistan, spearheaded by General Petraeus and General Stanley A. McChrystal, the new commander of the NATO-led International Security Assistance Force, is critical to providing security for the Afghan populace, bolstering the Afghan security forces, and waging a successful campaign against Islamic extremists of al Qaeda, the Taliban, and affiliated groups.

(6) President Obama’s laudable goals of disrupting terrorist networks in Afghanistan and Pakistan and developing increasingly self-reliant Afghan security forces necessitated the surge of 17,000 additional United States troops to increase the overall size of the NATO-led International Security Assistance Force. These more robust forces, focusing in the south and east portions of the country, will have an enhanced ability to protect the Afghan population against a resurgence of al Qaeda, the Taliban, and their allies, as well as to provide greater ability for the Afghan government to establish effective government control.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the global war on terror represents a critical effort to protect the American people and ensure that future generations may continue to enjoy the precious freedoms we have today;

(2) the United States must remain committed to succeeding in the global war on

terror and fighting the forces of Islamic extremism in Iraq and Afghanistan, including al Qaeda, the Taliban, and other groups, that are intent on the murder of innocent Americans, the destruction of the American way of life, and the global proliferation of radical and violent ideology;

(3) our military servicemembers and civilian United States personnel serving in harm’s way in Iraq, Afghanistan, and other fronts in the global war on terror must be given any and all resources they need to accomplish the missions that have been asked of them, including the deployment of additional forces, should United States commanders on the ground deem that necessary;

(4) in Iraq, the hard-earned security gains won by our servicemembers must be preserved, and the long-term United States strategy there must continue to reflect that essential goal;

(5) the President’s plan for Iraq is fundamentally sound and represents a responsible and carefully considered strategy that will help Iraq maintain sovereignty, stability, and self-reliance, achievements that were made possible largely through the extraordinary efforts and tremendous sacrifices of United States servicemembers and civilian personnel in Iraq;

(6) the President’s plan for Afghanistan is clearly intended to improve the overall security situation there and enable the eventual drawdown and withdrawal of United States forces, and the President’s near-term strategy to surge forces and provide improved security to the Afghan people by locating United States military personnel among the population, in conjunction with the growing Afghan National Army and Afghan National Police, which the United States supports and trains, will increase the security of the Afghan population; and

(7) although gains in the global war on terror will not come without a cost, the American people and the Iraqi and Afghan people share a common enemy and a common goal to do whatever is necessary to defeat terrorists and those who support them, no matter the cost or duration.

SA 1656. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 652. REPORT ON RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the efforts of the Air Force to attract and retain qualified individuals for service as members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of current reenlistment rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) An description of the steps the Air Force has taken, including the use of retention bonuses or assignment incentive pay, to improve recruiting and retention of officers and enlisted personnel by the Air Force for the positions described in paragraph (1).

(4) An assessment of the feasibility, advisability, utility, and cost effectiveness of establishing additional bonuses or incentive pay as a way to enhance the recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(5) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(6) An assessment of the long-term community management plan for recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(7) Such other matters as the Secretary considers appropriate.

SA 1657. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. NO MIRANDA WARNINGS FOR AL QAEDA TERRORISTS.

(a) DEFINITIONS.—In this section—

(1) the term “foreign national” means an individual who is not a citizen or national of the United States; and

(2) the term “prisoner of war”—

(A) has the same meaning that term has under the law of war; and

(B) includes a privileged belligerent and an unprivileged enemy belligerent, as those terms are defined in section 948a of title 10, United States Code, as amended by section 1031 of this Act.

(b) NO MIRANDA WARNINGS.—Absent an unappealable court order requiring the reading of such statements, no agency or department of the United States shall read to a foreign national who is captured or detained as a prisoner of war by the United States the statement required by *Miranda v. Arizona*, 384 U.S. 436 (1966), or otherwise inform such a prisoner of any rights that the prisoner may or may not have under the Constitution of the United States or under any Federal statute, regulation, or treaty. No Federal statute, regulation, or treaty shall be construed to require that a foreign national who is captured or detained as a prisoner of war by the United States be informed of any rights that the prisoner may or may not have. No statement that is made by a foreign national who is captured or detained as a prisoner of war by the United States may be excluded from any proceeding on the basis that the prisoner was not informed of a right that the prisoner may or may not have.

SA 1658. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 557. COMPTROLLER GENERAL REPORT ON CHILD CARE ASSISTANCE FOR DEPLOYED MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representative a report on financial assistance for child care provided by the Department of Defense, including through the Operation: Military Child Care and Military Child Care in Your Neighborhood programs, to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) The types of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

(2) The extent to which such members have taken advantage of such assistance since such assistance was first made available.

(3) The formulas used for calculating the amount of such assistance provided to such members.

(4) The funding allocated to such assistance.

(5) The remaining costs of child care to families of such members that are not covered by the Department of Defense.

(6) Any barriers to access to such assistance faced by such members and the families of such members.

(7) The different criteria used by different States with respect to the regulation of child care services and the potential impact differences in such criteria may have on the access of such members to such assistance.

(8) The different standards and criteria used by different programs of the Department of Defense for providing such assistance with respect to child care providers and the potential impact differences in such standards and criteria may have on the access of such members to such assistance.

(9) Any other matters the Comptroller General determines relevant to the improvement of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

SA 1659. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 557. INCREASE IN FINANCIAL ASSISTANCE FOR CHILD CARE FOR CHILDREN OF DEPLOYED MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to increase financial assistance provided under Operation: Military Child Care to cover not less than 75 percent of the costs of child care provided pursuant to Operation: Military Child Care.

(b) OPERATION: MILITARY CHILD CARE DEFINED.—In this section, the term “Operation: Military Child Care” refers to the program of the Department of Defense to provide financial assistance for child care to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

SA 1660. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WEBB, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to sections 5, 9 and 18 of title III of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 5 is amended to read as follows:

“(a) The Authority shall be governed by a Board of eight Directors consisting of two Directors for each Signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the Federal Government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a Signatory may be removed or suspended from office only as provided by the law of the Signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of

the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the Office of Director or alternate, it shall be filled in the same manner as an original appointment.

“(b) Before entering upon the duties of his office each Director and alternate Director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the constitution or laws of the Government he represents shall provide: ‘I, , hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the state or political jurisdiction from which I was appointed as a director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter.’”.

(2) Subsection (a) of section 9 is amended to read as follows:

“(a) The officers of the Authority, none of whom shall be members of the Board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the Board may provide. Except for the office of general manager, inspector general, and comptroller, the Board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the Board, shall serve at the pleasure of the Board and shall perform such duties and functions as the Board shall specify. The Board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full-time employee, all other officers may be hired on a full-time or part-time basis and may be compensated on a salary or fee basis, as the Board may determine. All employees and such officers as the Board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the Board may determine.”.

(3) Section 9 is further amended by inserting new subsection (d) to read as follows (and by renumbering all subsequent paragraphs of section 9):

“(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.”.

(4) Section 18 is amended by adding a new section 18(d) to read as follows:

“(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under title VI, section 601, Public Law 110-432 regarding funding of capital and preventative maintenance projects of 1 the Authority shall be made from amounts derived from dedicated funding sources.

“(2) For the purposes of this paragraph (d), a ‘dedicated funding source’ means any source of funding that is earmarked or required under State or local law to be used to match Federal appropriations authorized under title VI, section 601, Public Law 110-432 for payments to the Authority.”.

(c) **RIGHT TO ALTER, AMEND, OR REPEAL.**—The right to alter, amend, or repeal this section is expressly reserved. The consent granted by this section shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region that forms the subject of the compact.

(d) **CONSTRUCTION AND SEVERABILITY.**—It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

(e) **INCONSISTENCY OF LANGUAGE.**—The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

(f) **EFFECTIVE DATE.**—This section shall take effect on the date of enactment of this Act.

SA 1661. Mr. KERRY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 652. INCLUSION OF SERVICE AFTER SEPTEMBER 11, 2001, IN DETERMINATION OF REDUCED ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(A) of title 10, United States Code, is amended—

(1) by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008” and inserting “September 11, 2001”; and

(2) by striking “in any fiscal year after such date” and inserting “in any fiscal year after fiscal year 2001”.

SA 1662. Mr. DURBIN (for himself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 617 and insert the following:

SEC. 617. SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH SERIOUS INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING.

(a) **IN GENERAL.**—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

“§ 439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living

“(a) **MONTHLY COMPENSATION.**—The Secretary concerned may pay to any member of the uniformed services described in subsection (b) monthly special compensation in an amount determined under subsection (c).

“(b) **COVERED MEMBERS.**—A member eligible for monthly special compensation authorized by subsection (a) is a member who—
“(1) has been certified by a licensed physician to be in need of assistance from another person to perform the personal functions required in everyday living;

“(2) has a serious injury, disorder, or disease of either a temporary or permanent nature that—

“(A) is incurred or aggravated in the line of duty; and

“(B) compromises the member’s ability to carry out one or more activities of daily living or requires the member to be constantly supervised to avoid physical harm to the member or to others; and

“(3) meets such other criteria, if any, as the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) prescribes for purposes of this section.

“(c) **AMOUNT.**—(1) The amount of monthly special compensation payable to a member under subsection (a) shall be determined under criteria prescribed by the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard), but may not exceed the amount of aid and attendance allowance authorized by section 1114(r)(2) of title 38 for veterans in need of aid and attendance.

“(2) In determining the amount of monthly special compensation, the Secretary concerned shall consider the following:

“(A) The extent to which home health care and related services are being provided by the Government.

“(B) The extent to which aid and attendance services are being provided by family and friends who may be compensated with funds provided through the monthly special compensation.

“(d) **PAYMENT UNTIL MEDICAL RETIREMENT.**—Monthly special compensation is payable under this section to a member described in subsection (b) for any month that begins before the date on which the member is medically retired.

“(e) **CONSTRUCTION WITH OTHER PAY AND ALLOWANCES.**—Monthly special compensation payable to a member under this section is in addition to any other pay and allowances payable to the member by law.

“(f) **BENEFIT INFORMATION.**—The Secretary of Defense, in collaboration with the Secretary of Veterans Affairs, shall ensure that members of the uniformed services who may be eligible for compensation under this section are made aware of the availability of such compensation by including information about such compensation in written and on-line materials for such members and their families.

“(g) **REGULATIONS.**—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.”.

(b) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense (and the Secretary of Homeland Security, with respect to the Coast Guard) shall submit to Congress a re-

port on the provision of compensation under section 439 of title 37, United States Code, as added by subsection (a) of this section.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) An estimate of the number of members of the uniformed services eligible for compensation under such section 439.

(B) The number of members of the uniformed services receiving compensation under such section.

(C) The average amount of compensation provided to members of the uniformed services receiving such compensation.

(D) The average amount of time required for a member of the uniformed services to receive such compensation after the member becomes eligible for the compensation.

(E) A summary of the types of injuries, disorders, and diseases of members of the uniformed services receiving such compensation that made such members eligible for such compensation.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

“439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living.”.

SA 1663. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 619. MONTHLY SPECIAL PAY FOR MEMBERS RETAINED IN THE ARMED FORCES UNDER STOP-LOSS AUTHORITIES FOR PRE-DEPLOYMENT AND RE-INTEGRATION DUTY.

(a) **MONTHLY SPECIAL PAY REQUIRED.**—The Secretary concerned shall pay to each member of the Armed Forces described in subsection (b) monthly special pay in the amount specified in subsection (c) for each month or portion of a month of pre-deployment and re-integration duty performed by such member on or after September 11, 2001, while described by subsection (b), regardless of whether or not such duty was performed by such member on active duty in the Armed Forces.

(b) **COVERED MEMBERS.**—A member of the Armed Forces described in this subsection is any member of the Armed Forces whose enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President (commonly referred to as a “stop-loss authority”).

(c) **AMOUNT.**—The amount of monthly special pay payable under subsection (a) for a month or portion of a month is \$500.

(d) **CONSTRUCTION WITH OTHER MONTHLY SPECIAL PAY.**—Monthly special pay may not be paid under both this section and section

8116 of the Department of Defense Appropriations Act, 2009 (division C of Public Law 110-329; 122 Stat. 3646) for any month or portion of a month.

SA 1664. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, between lines 20 and 21, insert the following:

(3) **ASSESSMENTS OF MEMBERS DISCHARGED OR RELEASED UPON RETURN FROM DEPLOYMENT.**—In the case of a member of the Armed Forces who is discharged or released from the Armed Forces upon the member's return from deployment, the Secretary of Defense shall make available the opportunity for such member to participate in the mental health assessments required under subparagraph (C) of paragraph (1) together with the unit with which the member was previously deployed, without regard to the terms of such discharge or release.

SA 1665. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, insert the following:

SEC. ____ FUNDING FOR MENTAL HEALTH CARE FOR MEMBERS OF THE NATIONAL GUARD.

(a) **AVAILABILITY OF DEFENSE HEALTH PROGRAM FUNDS.**—Subject to the provisions of appropriations Acts, amounts available for Defense Health Program shall be available for programs described in subsection (b) for members of the National Guard not on active duty in the Armed Forces who incurred a psychological or mental illness or injury on active duty in the Armed Forces as demonstrated by existing medical records or, in the absence of such records, by the opinion of a licensed medical provider in the State where the member resides.

(b) **COVERED PROGRAMS.**—The programs described in this subsection are programs as follows:

(1) Programs to assist members of the National Guard described in subsection (a) in case management in the receipt of non-clinical care for an illness or injury described in that subsection.

(2) Programs to advise members of the National Guard described in subsection (a) on the receipt of care and treatment for an illness or injury described in that subsection under the TRICARE program.

(3) Programs of psychological health treatment for members of the National Guard described in subsection (a) for an illness or injury described in that subsection.

(4) Programs supporting the efforts of the military departments to update and maintain military health electronic records systems.

(5) Such other treatment programs as may assist a member of the National Guard described in subsection (a) for an illness or injury described in that subsection, as determined by the State Surgeon General of the National Guard of the State in which the member reside, the Director of Psychological Health of the State in which the member resides, the mental health or equivalent agency of the State in which the member resides, or the Director of the Psychological Health Program of the National Guard Bureau.

(c) **BUDGETING.**—The Assistant Secretary of Defense for Health Affairs shall coordinate with the National Guard Bureau and other personnel and logistical elements of the National Guard in determining the budget requirements of the National Guard for the programs described in subsection (b).

SA 1666. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 218, after line 21, add the following:

(h) **POST-DEPLOYMENT HEALTH ASSESSMENTS OF GUARD AND RESERVE MEMBERS.**—

(1) **IN GENERAL.**—The Secretary concerned shall administer a Post-Deployment Health Assessment (PDHA) to each member of a reserve component of the armed forces returning to the member's home station or county of residence from deployment in connection with a contingency operation within the following timeframes:

(A) In the case of a member of the Individual Ready Reserve, the assessment shall be administered by not later than the member's release from active duty following such deployment or 10 days after the member's return to such station or county, whichever occurs earlier.

(B) In the case of any other member of a reserve component of the armed forces returning from deployment, by not later than the member's release from active duty following such deployment.

(2) **PERFORMANCE BY TRAINED PRACTITIONERS.**—

(A) **IN GENERAL.**—The Post-Deployment Health Assessment required under this subsection shall be performed by a practitioner trained and certified as qualified to participate in the performance of Post-Deployment Health Assessments or Post-Deployment Health Reassessments.

(B) **REPORT ON AVAILABILITY OF TRAINED PERSONNEL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the availability of personnel described under subparagraph (A) to perform assessments pursuant to this subsection at the home stations or counties of residence of members of the reserve components of the Armed Forces. If such personnel are not available at such locations, the Secretary shall indicate the additional resources necessary to ensure such availability within one year after the date of the enactment of this Act.

SA 1667. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize ap-

propriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, line 12, insert "18 months," after "12 months,".

SA 1668. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 475, between lines 2 and 3, insert the following:

SEC. 1211. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND EQUIPMENT TO ARMED FORCES OF LEBANON AND JORDAN.

Notwithstanding any other provision of law, the Secretary of Defense, in consultation with the congressional defense committees, may transfer defense articles and equipment used by the United States Armed Forces in Iraq as of the date of the enactment of this Act to the armed forces of the Governments of Lebanon and Jordan in a manner that is appropriate with the draw-down of forces in Iraq.

SA 1669. Mrs. BOXER (for herself, Mr. BOND, Ms. LANDRIEU, Ms. MURKOWSKI, Mrs. LINCOLN, Mrs. GILLIBRAND, Mr. WYDEN, Mr. BURRIS, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, insert the following:

SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM FOR TRAVEL FOR SPECIALTY HEALTH CARE.

(a) **REDUCTION.**—Section 1074i(a) of title 10, United States Code, is amended by striking "100 miles" and inserting "50 miles".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to referrals for specialty health care made on or after such effective date.

(c) **OFFSET.**—The amount authorized to be appropriated by section 301(a)(4) for operation and maintenance for the Air Force is hereby decreased by \$25,000,000, with the amount of the decrease to be derived from amounts available for line item # 320 in the table in section 4301 for advertising.

SA 1670. Mr. MENENDEZ submitted an amendment intended to be proposed

by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between lines 14 and 15, insert the following:

SEC. 1083. PAYMENT BY SECRETARY OF VETERANS AFFAIRS OF PLOT ALLOWANCE FOR SPOUSES AND CHILDREN OF CERTAIN VETERANS WHO ARE BURIED IN STATE CEMETERIES.

(a) PLOT ALLOWANCE.—Section 2303 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) In the case of an individual described in paragraph (2) who is buried in a cemetery that is owned by a State or by an agency or political subdivision of a State, the Secretary shall pay to such State, agency, or political subdivision the sum of \$300 as a plot or interment allowance for such individual.

“(2) An individual described in this paragraph is a spouse, surviving spouse (which for purposes of this chapter includes a surviving spouse who had a subsequent remarriage), minor child (which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution), or, in the discretion of the Secretary, unmarried adult child of any of person described in paragraph (1), (2), (3), (4), or (7) of section 2402 of this title.”

(b) EFFECTIVE DATE.—Subsection (c) of section 2303 of title 38, United States Code, as added by subsection (a), shall apply with respect to an individual who dies on or after the date of the enactment of this Act.

SA 1671. Mr. KYL (for himself, Mr. DEMINT, Mr. INHOFE, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for the defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1232. SENSE OF THE SENATE ON NON-STRATEGIC NUCLEAR FORCES OF THE RUSSIAN FEDERATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Congressional Commission on the Strategic Posture of the United States, chaired by former Secretaries of Defense William Perry and James Schlesinger, recently concluded that there is significant asymmetry between the tactical nuclear weapons arsenals of the Russian Federation and the United States.

(2) The Commission also determined that “[a]s part of its strategy to assure its allies, the United States should not abandon strategic equivalency with Russia. Overall equivalency is important to many U.S. allies in Europe. The United States should not cede to Russia a posture of superiority in the name of deemphasizing nuclear weapons in U.S. military strategy. There seems no near-term prospect of such a result in the balance

of operationally deployed strategic nuclear weapons.”

(3) The Commission continued, “But that balance does not exist in non-strategic nuclear forces, where Russia enjoys a sizeable numerical advantage. As noted above, it stores thousands of these weapons in apparent support of possible military operations west of the Urals. The United States deploys a small fraction of that number in support of nuclear sharing agreements in NATO. Precise numbers for the U.S. deployments are classified but their total is only about five percent of the total at the height of the Cold War. Strict U.S.-Russian equivalence in NSNF numbers is unnecessary. But the current imbalance is stark and worrisome to some U.S. allies in Central Europe. If and as reductions continue in the number of operationally deployed strategic nuclear weapons, this imbalance will become more apparent and allies less assured.”

(4) The Commission stated, “Some U.S. allies located closer to Russia, however, are fearful of Russia and its tactical nuclear forces. The imbalance in non-strategic nuclear weapons, which greatly favors Russia, is of rising concern and an illustration of the new challenges of strategic stability as reductions in strategic weapons proceed.”

(5) The Commission also stated, “The combination of new warhead designs, the estimated production capability for new nuclear warheads, and precision delivery systems such as the Iskander short-range tactical ballistic missile (known as the SS-26 in the West), open up new possibilities for Russian efforts to threaten to use nuclear weapons to influence regional conflicts.”

(b) SENSE OF THE SENATE.—The Senate strongly urges the President—

(1) to make it a priority in all United States arms control negotiations with Russia to gain a verifiable accounting of the tactical nuclear weapons of Russia, including the types, current deployments, and security from theft of the same;

(2) to ensure that reductions in the tactical nuclear weapons of Russia are a top priority in any arms control negotiation with the Russian Federation; and

(3) to assure United States allies that they are protected from any use or threatened use of tactical nuclear weapons from Russia.

SA 1672. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 12 and 13, insert the following:

(6) A description of current and past sales, or contracts for the sale, by the Russian Federation of technology, materials, components, or services related to nuclear weapons or nuclear energy, ballistic missile or space launch capabilities, or advanced conventional weapons systems.

SA 1673. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 424, between lines 7 and 8, insert the following:

SEC. 1059. CERTIFICATION REQUIREMENT REGARDING THE REFURBISHMENT, REUSE, OR REPLACEMENT OF THE UNITED STATES NUCLEAR WEAPONS STOCKPILE.

(a) IN GENERAL.—The Secretary of Defense may not carry out any program for the refurbishment, reuse, or replacement of the United States nuclear weapons stockpile unless the Director of the Sandia National Laboratory, the Director of the Los Alamos National Laboratory, the Director of the Lawrence Livermore National Laboratory, and JASON certify to the congressional defense committees that the program—

(1) may be carried out without the need for any testing;

(2) will preserve the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

(3) will provide for the long-term safety, security, reliability, and credibility of the United States nuclear deterrent and extended deterrent.

(b) DEFINITIONS.—In this section:

(1) The term “refurbishment” means a strategy of, or similar to, the lifetime extension program, whereby individual warhead components are replaced before they degrade with components of nearly identical design or that meet the same form, fit, and function.

(2) The term “reuse” means a strategy of using surplus pits or secondaries from other warhead types or, in certain cases, a strategy involving the new manufacture of these components.

(3) The term “replacement” means a strategy that permits replacing nuclear components with modern designs.

SA 1674. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, insert the following:

SEC. 1073. REPORT ON STATUS OF UNITED STATES NUCLEAR WEAPONS COMPLEX.

(a) FINDINGS.—Congress makes the following findings:

(1) The Commission on the Strategic Posture of the United States found that “the physical infrastructure” of the United States nuclear weapons complex “is in serious need of transformation.”

(2) The Commission on the Strategic Posture of the United States also found that “the intellectual infrastructure is also in serious trouble. A major cause is the recent (and projected) decline in resources.”

(3) The Commission on the Strategic Posture of the United States stated, “Once core capabilities are established, the Congress

should require that annual NNSA budget submissions include an assessment of whether the budget as proposed will maintain these capabilities. To monitor progress, the NNSA and the White House Office of Management and Budget (OMB) should establish a formal mechanism for tracking funding sources for the weapons laboratories, without additional administrative burden on the laboratories."

(4) The Commission on the Strategic Posture of the United States recommended, "The NNSA should conduct a study of the core competencies needed in the weapons complex, and the Congress and Office of Management and Budget should use these as a tool for determining how to fund the NNSA."

(b) **ANNUAL REPORT.**—The Secretary of Defense shall, in consultation with the directors of the national nuclear weapons laboratories and nuclear weapons production facilities and as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), submit a report on the condition and status of the nuclear weapons complex of the United States. The report shall include the following elements:

(1) An assessment of whether the budget is sufficient to preserve the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification.

(2) A description of the demographics and experience of the nuclear weapons workforce, including the number of individuals who have ever participated in an underground nuclear test.

(3) A plan for enabling the design laboratories to grow the required expertise and sustain it over the long term.

(4) An assessment of the condition and status of the national nuclear weapons laboratories and nuclear weapons production facilities.

(5) A plan to provide for the long-term safety, security, reliability, and credibility of the United States nuclear deterrent and extended deterrent.

(6) An assessment of the condition and status of the nuclear weapons production complex and the ability of the complex to sustain and modernize the nuclear deterrent.

(c) **DEFINITIONS.**—In this Act:

(1) The term "national nuclear weapons laboratories" includes Sandia National Laboratory, Los Alamos National Laboratory, and Lawrence Livermore National Laboratory.

(2) The term "nuclear weapons production facilities" means the Y-12 complex at Oak Ridge National Laboratory, the Savannah River Site, the Pantex Plant, the Nevada Test Site, and the Kansas City Plant.

SA 1675. Mr. FEINGOLD (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 652. CONTINUATION ON ACTIVE DUTY OF RESERVE COMPONENT MEMBERS DURING PHYSICAL DISABILITY EVALUATION FOLLOWING MOBILIZATION AND DEPLOYMENT.

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of a military department shall ensure that each member of a reserve component under the jurisdiction of the Secretary who is determined, after a mobilization and deployment to an area in which imminent danger pay is authorized under section 310 of title 37, to require evaluation for a physical or mental disability which could result in separation or retirement for disability under this chapter or placement on the temporary disability retired list or inactive status list under this chapter is retained on active duty during the disability evaluation process until such time as such member is—

"(A) cleared by appropriate authorities for continuation on active duty; or

"(B) separated, retired, or placed on the temporary disability retired list or inactive status list.

"(2)(A) A member described in paragraph (1) may request termination of active duty under such paragraph at any time during the demobilization or disability evaluation process of such member.

"(B) Upon a request under subparagraph (A), a member described in paragraph (1) shall only be released from active duty after the member receives counseling about the consequences of termination of active duty.

"(C) Each release from active duty under subparagraph (B) shall be thoroughly documented.

"(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010."

SEC. 653. USE OF LOCAL RESIDENCES FOR COMMUNITY-BASED CARE FOR CERTAIN RESERVE COMPONENT MEMBERS.

Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) **USE OF LOCAL RESIDENCES FOR CERTAIN RESERVE COMPONENT MEMBERS.**—(1)(A) A member of a reserve component described by subparagraph (B) may be assigned to the community-based warrior transition unit located nearest to the member's permanent place of residence if residing at that location is—

"(i) medically feasible, as determined by a licensed military health care provider; and

"(ii) consistent with—

"(I) the needs of the armed forces; and

"(II) the optimal course of medical treatment of the member.

"(B) A member of a reserve component described by this subparagraph is any member remaining on active duty under section 1218(d) of this title during the period the member is on active duty under such subsection.

"(2) Nothing in this subsection shall be construed as terminating, altering, or otherwise affecting the authority of the commander of a member described in paragraph (1)(B) to order the member to perform duties consistent with the member's fitness for duty.

"(3) The Secretary concerned shall pay any reasonable expenses of transportation, lodging, and meals incurred by a member residing at the member's permanent place of residence under this subsection in connection with travel from the member's permanent

place of residence to a medical facility during the period in which the member is covered by this subsection."

SEC. 654. ASSISTANCE WITH TRANSITIONAL BENEFITS.

(a) **IN GENERAL.**—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

"§ 1218a. Discharge or release from active duty: transition assistance

"The Secretary of a military department shall provide to a member of a reserve component under the jurisdiction of the Secretary who is injured while on active duty in the armed forces the following before such member is demobilized or separated from the armed forces:

"(1) Information on the availability of care and administrative processing through community based warrior transition units.

"(2) The location of the community based warrior transition unit located nearest to the member's permanent place of residence.

"(3) An opportunity to consult with a member of the applicable judge advocate general's corps, or other qualified legal assistance attorney, regarding the member's eligibility for compensation, disability, or other transitional benefits."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

"1218a. Discharge or release from active duty: transition assistance."

SA 1676. Mr. BEGICH (for himself, Mr. SESSIONS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 19 and 20, insert the following:

(e) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General of the United States shall—

(1) review the assessment required by subsection (b) and the plan required by subsection (c); and

(2) not later than 120 days after receiving the assessment and the plan, provide to the congressional defense committees the results of the review.

SA 1677. Mr. BEGICH (for himself, Mr. SESSIONS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 245. CONTINUED PRODUCTION OF GROUND-BASED INTERCEPTOR MISSILE AND OPERATION OF MISSILE FIELD 1 AT FORT GREELY, ALASKA.

(a) **LIMITATION ON BREAK IN PRODUCTION.**—The Secretary of Defense shall ensure that the Missile Defense Agency does not allow a break in production of the Ground-based Interceptor missile until the Department of Defense has—

(1) completed the Ballistic Missile Defense Review; and

(2) made a determination with respect to the number of Ground-based Interceptor missiles that will be necessary to support the service life of the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

(b) **LIMITATION ON CERTAIN ACTIONS WITH RESPECT TO MISSILE FIELD 1 AND MISSILE FIELD 2 AT FORT GREELY, ALASKA.**—

(1) **LIMITATION ON DECOMMISSIONING OF MISSILE FIELD 1.**—The Secretary of Defense shall ensure that Missile Field 1 at Fort Greely, Alaska, does not complete decommissioning until seven silos have been emplaced at Missile Field 2 at Fort Greely.

(2) **LIMITATION WITH RESPECT TO DISPOSITION OF SILOS AT MISSILE FIELD 2.**—The Secretary of Defense shall ensure that no irreversible decision is made with respect to the disposition of operational silos at Missile Field 2 at Fort Greely, Alaska, until that date that is 60 days after the date on which the reports required by subsections (b)(3) and (c)(3) of section 243 are submitted to the congressional defense committees.

SA 1678. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 321, strike line 18 and all that follows through page 394, line 8 and insert the following:

SEC. 1031. REPEAL OF MILITARY COMMISSIONS.

(a) **REPEAL.**—

(1) **IN GENERAL.**—Chapter 47A of title 10, United States Code, is repealed.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of chapters for title 10, United States Code, is amended by striking the item relating to chapter 47A.

(b) **TRANSITION PROCEDURES.**—

(1) **DEFINITION.**—In this subsection, the term “covered matter” means a matter—

(A) brought before a military commission convened under chapter 47A of title 10, United States Code, as in effect on the day before the date of enactment of this Act; and

(B) in which final judgment has not been entered, or the matter has not otherwise become final, on the date of enactment of this Act.

(2) **DISMISSAL.**—Any covered matter shall be dismissed without prejudice.

(3) **STATUTE OF LIMITATIONS.**—For any offense charged in a covered matter dismissed under paragraph (2), the running of the statute of limitations for that offense shall be tolled during the period beginning on the date on which charges relating to the offense were filed with a military commission convened under chapter 47A of title 10, United States Code, as in effect on the day before the date of enactment of this Act, and ending on the date of enactment of this Act.

SA 1679. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between line 14 and 15, insert the following:

SEC. 1083. INVESTIGATIONS, AUDITS, INSPECTIONS, EVALUATIONS, AND REVIEWS CONDUCTED BY INSPECTORS GENERAL.

Section 3518(c) of title 44, United States Code, is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraph (3)”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) Notwithstanding paragraph (3), this subchapter shall not apply to the collection of information during the conduct of any investigation, audit, inspection, evaluation, or other review conducted by—

“(A) any Federal office of Inspector General, including—

“(i) any office of Inspector General of any establishment, Federal entity, or designated Federal entity as those terms are defined under sections 12(2), 8G(a)(1), and 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.), respectively; or

“(ii) any office of Special Inspector General established by statute;

“(B) the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.); or

“(C) the Recovery Accountability and Transparency Board established under section 1521 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 289).”.

SA 1680. Mr. VOINOVICH (for himself, Mr. LEAHY, Mr. BOND, Mr. BEGICH, Mr. BENNETT, Mr. BYRD, Mr. CASEY, Mr. COCHRAN, Mr. CRAPO, Mr. DORGAN, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. RISH, Mr. ROCKEFELLER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1211. AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE PARTNERSHIP PROGRAM.

(a) **AVAILABILITY OF APPROPRIATED FUNDS.**—The Secretary of Defense may, under regulations prescribed by the Secretary, use funds appropriated to the Department of Defense for fiscal year 2010 to pay the costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting activities under the State Partnership Program—

(1) to support the objectives of the commander of the combatant command for the theater of operations in which such activities are conducted; or

(2) to build international civil-military partnerships and capacity on matters relating to defense and security.

(b) **LIMITATIONS.**—

(1) **APPROVAL BY COMMANDER OF COMBATANT COMMAND AND CHIEF OF MISSION.**—Funds shall not be available under subsection (a) for activities conducted under the State Partnership Program in a foreign country unless such activities are jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

(2) **PARTICIPATION BY MEMBERS.**—Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities conducted under the State Partnership Program in a foreign country unless the member is on active duty in the Armed Forces at the time of such participation.

(c) **REIMBURSEMENT.**—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

SA 1681. Mrs. LINCOLN (for herself, Ms. LANDRIEU, Mr. TESTER, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI insert the following:

SEC. 635. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS FOR LONG DISTANCE AND CERTAIN OTHER TRAVEL TO INACTIVE DUTY TRAINING.

Section 408a(c) of title 37, United States Code, is amended by inserting after the first sentence the following: “The regulations may not, for purposes of subsection (a), define normal commuting distance as any distance greater than 100 miles.”.

SA 1682. Mr. CONRAD (for himself, Mr. ENZI, Mr. HATCH, Mr. TESTER, Mr. BENNETT, Mr. BAUCUS, Mr. BARRASSO, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. SENSE OF CONGRESS ON THE STRATEGIC IMPORTANCE OF THE INTERCONTINENTAL BALLISTIC MISSILE.

(a) FINDINGS.—Congress makes the following findings:

(1) President Barack Obama stated in his speech on April 4, 2009, in Prague, Czech Republic, on working toward a world without nuclear weapons, “as long as these weapons exist, we will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies”.

(2) The Congressional Commission on the Strategic Posture of the United States found, in the Commission’s final report, that preserving the triad of strategic nuclear delivery systems is essential to ensuring the reliability and credibility of the nuclear force, and that the nuclear triad becomes even more important as the size of the nuclear force of the United States is reduced.

(3) The stabilizing, reliable, and cost-effective Minuteman III intercontinental ballistic missile is a critically important component of the nuclear triad, essential for the United States to deter its enemies, assure its allies, and dissuade potential future adversaries.

(4) The current 450-missile force, with its inherent broad dispersion, low warhead loading, and high readiness and reliability, makes a successful disarming attack nearly impossible and eliminates pressure to maintain a launch-on-warning posture.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) as the United States and Russia negotiate further reductions in strategic offensive arsenals, the United States must be certain that the long-term vitality of the triad of strategic nuclear delivery systems is not threatened;

(2) the land-based nuclear force is the most stabilizing portion of the nuclear arsenal of the United States and it becomes even more so as the total number of weapons in the arsenal shrinks; and

(3) a robust intercontinental ballistic missile force is an essential component of the nuclear triad and must be retained to advance the Nation’s nuclear strategy of deterrence, assurance, and dissuasion.

SA 1683. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle I—Quadrennial Defense Review Matters

SEC. 1091. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the “Panel”).

(b) MEMBERSHIP.—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Three by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Three by the ranking member of the Committee on Armed Services of the Senate.

(c) CO-CHAIRS OF THE PANEL.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee of Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the panel.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(e) DUTIES.—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense’s terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the “2009 QDR”), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks in the report of the 2009 QDR under subsection (d) of such section, with particular attention paid to the risks described in that report;

(3) submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures included in the assessment under paragraph (3); and

(5) provide to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense, through the reports under subsection (g), any recommendations it considers appropriate for their consideration.

(f) FIRST MEETING.—The Panel shall hold its first meeting not later than 30 days after the date on which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(g) REPORTS.—

(1) INTERIM REPORT OF PANEL.—Not later than February 15, 2010, the Panel shall submit an interim report on its findings to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(2) FINAL REPORT OF PANEL.—Not later than January 15, 2011, the Panel shall submit its final report, together with any recommendations, to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(3) REPORT OF SECRETARY OF DEFENSE.—Not later than February 15, 2011, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the Committees on Armed Services of the Senate and House of Representatives the Secretary’s comments on the Panel’s final report under paragraph (2).

(h) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of components of the Department such information as the Panel considers necessary to carry out its duties under this section. The Secretary of Defense and the head of the component concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) FFRDC SUPPORT.—Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) PERSONNEL MATTERS.—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) PAYMENT OF PANEL EXPENSES.—Funds for activities of the Panel shall be provided from unobligated amounts available to the Department of Defense.

(l) TERMINATION.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(2).

SEC. 1092. REPORTS ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the Secretary of Defense submits the report required by subsection (d) of section 118 of title 10, United States Code, on the 2009 quadrennial defense review required by subsection (a) of that section, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review complies with the requirements of such subsection (d).

(b) SECRETARY OF DEFENSE REPORT.—If the Comptroller General determines that the report on the 2009 quadrennial defense review deviates significantly from the requirements of subsection (d) of section 118 of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report addressing the areas of deviation not later than 30 days after the submittal of the report by the Comptroller General required by subsection (a).

SEC. 1093. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) IN GENERAL.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118(d) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the 2006 quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term “major military capabilities” includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SA 1684. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle I—Quadrennial Defense Review Matters

SEC. 1091. NATIONAL DEFENSE PANEL.

(a) **ESTABLISHMENT.**—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the “Panel”).

(b) **MEMBERSHIP.**—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Three by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Three by the ranking member of the Committee on Armed Services of the Senate.

(c) **CO-CHAIRS OF THE PANEL.**—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee of Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the panel.

(d) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(e) **DUTIES.**—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense’s terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the “2009 QDR”), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks in the report of the 2009 QDR under subsection (d) of such section, with particular attention paid to the risks described in that report;

(3) submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures included in the assessment under paragraph (3); and

(5) provide to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense, through the reports under subsection (g), any recommendations it considers appropriate for their consideration.

(f) **FIRST MEETING.**—The Panel shall hold its first meeting not later than 30 days after the date on which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(g) **REPORTS.**—

(1) **INTERIM REPORT OF PANEL.**—Not later than February 15, 2010, the Panel shall submit an interim report on its findings to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(2) **FINAL REPORT OF PANEL.**—Not later than January 15, 2011, the Panel shall submit its final report, together with any recommendations, to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(3) **REPORT OF SECRETARY OF DEFENSE.**—Not later than February 15, 2011, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the Committees on Armed Services of the Senate and House of Representatives the Secretary’s comments on the Panel’s final report under paragraph (2).

(h) **INFORMATION FROM FEDERAL AGENCIES.**—The Panel may secure directly from the Department of Defense and any of components of the Department such information as the Panel considers necessary to carry out its duties under this section. The Secretary of Defense and the head of the component concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) **FFRDC SUPPORT.**—Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) **PERSONNEL MATTERS.**—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) **PAYMENT OF PANEL EXPENSES.**—Funds for activities of the Panel shall be provided from unobligated amounts available to the Department of Defense.

(l) **TERMINATION.**—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(2).

SEC. 1092. REPORTS ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) **COMPTROLLER GENERAL REPORT.**—Not later than 90 days after the Secretary of Defense submits the report required by subsection (d) of section 118 of title 10, United States Code, on the 2009 quadrennial defense review required by subsection (a) of that section, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review complies with the requirements of such subsection (d).

(b) **SECRETARY OF DEFENSE REPORT.**—If the Comptroller General determines that the report on the 2009 quadrennial defense review deviates significantly from the requirements of subsection (d) of section 118 of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report addressing the areas of deviation not later than 30 days after the submittal of the report by the Comptroller General required by subsection (a).

SEC. 1093. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) **IN GENERAL.**—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118(d) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the 2006 quadrennial defense review to the minimum military requirements for major military capabilities.

(b) **MAJOR MILITARY CAPABILITIES DEFINED.**—In this section, the term “major military capabilities” includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SA 1685. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . HATE CRIMES.

(a) **FINDINGS.**—Notwithstanding any other provision of this Act, any finding by Congress in division ____ of this Act relating to actual or perceived gender identity shall have no force or effect and shall be null and void.

(b) **SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS.**—Notwithstanding any other provision of this Act, the Attorney General may not provide assistance to a State, local, or tribal law enforcement agency under section ____ 04 of this Act based on actual or perceived gender identity.

(c) **FEDERAL OFFENSE.**—Notwithstanding any other provision of this Act, section 924 of title 18, United States Code, as added by section ____ 07 of this Act, is amended—

(1) in subsection (a)(2)—

(A) in the paragraph heading, by striking “GENDER IDENTITY”; and

(B) in subparagraph (A), by striking “gender identity”; and

(2) in subsection (c)—

(A) in paragraph (2), by adding “and” at the end;

(B) in paragraph (3), by striking “; and” and inserting a period; and

(C) by striking paragraph (4).

(d) **STATISTICS.**—Notwithstanding any other provision of this Act, subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note), as amended by section ____ 08 of this Act, is amended by striking “and gender identity”.

(e) **RULE OF CONSTRUCTION.**—Notwithstanding any other provision of this Act, division ____ of this Act (relating to hate crimes), and the amendments made by that division, shall not apply to actual or perceived gender identity.

SA 1686. Mr. SANDERS submitted an amendment intended to be proposed by

him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after “shall audit an agency” and inserting a period.

(b) AUDIT.—Section 714 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(e) AUDIT AND REPORT OF THE FEDERAL RESERVE SYSTEM.—

“(1) IN GENERAL.—The audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) shall be completed before the end of 2010.

“(2) REPORT.—

“(A) REQUIRED.—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

“(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.”.

SA 1687. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 475, between lines 2 and 3, insert the following:

SEC. 1211. CERTIFICATION REQUIREMENT FOR COALITION SUPPORT FUND REIMBURSEMENTS.

Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 392), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4634), is amended—

(1) in paragraph (1)(A), by striking “the Secretary of Defense shall submit” and inserting “the Secretary of Defense, after consultation with the Secretary of State, shall submit”; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting each clause, as so redesignated, 6 ems from the left margin;

(B) by striking “shall include an itemized description” and inserting the following: “shall include the following:

“(A) An itemized description”; and

(C) by adding at the end the following new subparagraph:

“(B) A certification that the reimbursement—

“(i) is consistent with the national security interests of the United States; and

“(ii) will not adversely impact the balance of power in the region.”.

SA 1688. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. CONTRACTING IMPROVEMENTS.

(a) DEFINITIONS.—In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms “HUBZone small business concern”, “small business concern”, “small business concern owned and controlled by service-disabled veterans”, and “small business concern owned and controlled by women” have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CONTRACTING OPPORTUNITIES.—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking “shall” and inserting “may”.

(c) CONTRACTING GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting “and subcontract” after “not less than 3 percent of the total value of all prime contract”.

(d) MENTOR-PROTEGE PROGRAMS.—The Administrator may establish mentor-protege programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

SA 1689. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON DOCUMENTATION OF SUPPORT PROVIDED BY MEMBERS OF THE ARMED FORCES OUTSIDE THE REQUIREMENTS OF THEIR MILITARY OCCUPATIONS.

(a) IN GENERAL.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the documentation of the support provided by members of the Armed Forces while deployed in support of contingency operations that is provided—

(1) as a result of operational requirements; and

(2) outside of the requirements of their military occupations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the mechanisms used by the Secretary, if any, to document the support provided by members of the Armed Forces while deployed in support of contingency operations that is provided as a result of operational requirements and outside of the requirements of their military occupations, including documentation of participation in operational missions that involve combat experience.

(2) Recommendations for the improvement or creation of mechanisms described in paragraph (1).

(3) An assessment of the feasibility and advisability of creating and implementing an experience, service, or skill identifier to identify the support described in paragraph (1).

(4) An assessment of whether such identifier could be used effectively and efficiently for the provision of training and assignment matching.

(5) An assessment of whether the current chain of command construct allows members described in paragraph (1) who provide support described in such paragraph sufficient opportunity to obtain recognition for their service.

(6) An identification of the differences between service in the reserve components of the Armed Forces and service in the regular components of the Armed Forces and how those differences affect the matters described in paragraphs (1) through (5).

(7) An assessment of how a mechanism described in paragraph (1) could be used to improve determinations of whether a member of the Armed Forces has, for purposes of establishing service-connection for a disease or injury under section 1154(b) of title 38, United States Code, engaged in combat with the enemy in active service with a military, naval, or air organization of the United States during a period of war, campaign, or expedition.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the Public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 28, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of James J.

Markowsky, to be an Assistant Secretary of Energy (Fossil Energy), Warren F. Miller, Jr., to be an Assistant Secretary of Energy (Nuclear Energy) and Director of the Office of Civilian Radioactive Waste, Anthony M. Babauta, to be an Assistant Secretary of the Interior (Insular Areas), and Jonathan B. Jarvis, to be the Director of the National Park Service.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Amanda.kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Tuesday, July 28, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building, immediately preceding the hearing on other nominations.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, July 21, 2009, in Russell 253, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, July 21, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND SUBCOMMITTEE ON GREEN JOBS AND THE NEW ECONOMY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Green

Jobs and the New Economy be authorized to meet during the session of the Senate on Tuesday, July 21, 2009, at 10 a.m., in room SD-406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 21, 2009, at 10:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 21, 2009, at 2:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 21, 2009, to hold a hearing entitled "The National Security Implications of Climate Change."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 21, 2009, at 10 a.m., in SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, July 21, at 2:30 p.m., to conduct a hearing entitled, "Excessive Speculation in the Wheat Market."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 21, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate,

on July 21, 2009, at 2:15 pm, in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Ensuring a Legal Workforce: What Changes Should be Made to Our Current Employment Verification System?"

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Army fellow in my office, David Evans, be granted the privileges of the floor during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Lea Shanley, a congressional science fellow in my office, be granted the privilege of the floor for the duration of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COURT OF IMPEACHMENT FLOOR PRIVILEGES

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate convenes as a Court of Impeachment with regard to the case of Samuel B. Kent, the following list of staff from the House of Representatives be provided floor privileges during those proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I send the list to the desk.

The list is as follows:

Phil Tahtakran, Branden Ritchie, Ryan Clough, Michael Lenn, Danielle Brown, Alan Baron, Allison Halataei, Jessica Klein, and Kirsten Konar.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 111-25, announces the appointment of the following individuals to serve as members of the Ronald Reagan Centennial Commission: Sig Rogich of Nevada and Frank Fahrenkoph of Nevada.

MAKING MINORITY PARTY APPOINTMENTS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 218, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 218) making minority party appointments to the 111th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 218) was agreed to, as follows:

S. RES. 218

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON AGRICULTURE NUTRITION AND FORESTRY: Mr. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Johanns, Mr. Grassley, Mr. Thune, and Mr. Cornyn.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Mr. Corker, Mr. Isakson, Mr. Risch, Mr. DeMint, Mr. Barrasso, Mr. Wicker, and Mr. Inhofe.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. McCain, Mr. Voinovich, Mr. Ensign, Mr. Graham, and Mr. Bennett.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe, Mr. Bond, Mr. Vitter, Mr. Thune, Mr. Enzi, Mr. Isakson, Mr. Wicker, and Mr. Risch.

SPECIAL COMMITTEE ON AGING: Mr. Martinez, Mr. Shelby, Ms. Collins, Mr. Corker, Mr. Hatch, Mr. Brownback, Mr. Graham, and Mr. Chambliss.

40TH ANNIVERSARY OF THE FOOD AND NUTRITION SERVICE

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 164, at the desk and just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 164) recognizing the 40th anniversary of the Food and Nutrition Service of the Department of Agriculture.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the

concurrent resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 164) was agreed to.

The preamble was agreed to.

S. 1390 AMENDMENT FILING DEADLINE

Mr. BROWN. Mr. President, for the information of the Senate, the managers of the Department of Defense authorization measure have asked for a filing deadline of first-degree amendments to the bill. While no consent will be granted tonight, it is expected that tomorrow morning unanimous consent will be requested for a filing deadline of 11 a.m., Wednesday, July 22.

NEW FRONTIER CONGRESSIONAL GOLD MEDAL ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2245, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2245) to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I would note that of the four names the clerk read—those four national heroes—two of them are from Ohio, Neil Armstrong and John Glenn.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and

any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2245) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, JULY 22, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, July 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of Calendar No. 89, S. 1390, the Department of Defense authorization bill, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Mr. President, under the previous order, the time until 12 o'clock will be equally divided and controlled between Senators THUNE and DURBIN or their designees. At 12 o'clock, the Senate will proceed to a rollcall vote in relation to the Thune amendment. Additional rollcall votes are expected throughout the day.

As a reminder, at 2 p.m. tomorrow, there will be a live quorum with respect to the Court of Impeachment of Samuel B. Kent.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Wednesday, July 22, 2009, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, July 21, 2009

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 21, 2009.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

CALIFORNIA'S THIRD CONGRESSIONAL DISTRICT'S PERSPECTIVE ON HEALTH CARE LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DANIEL E. LUNGREN) for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, last night I had a telephone town hall with constituents in my district. As I made the call, I informed them that we were going to discuss any subject they wanted, but I wanted to concentrate on health care. As a result, I had one of the largest responses I ever had. Thousands of people got on the line. Most times, there were no less than 1,400 people on the line. I didn't choose them by party. I didn't choose them by income. I didn't choose them by occupation. It was random, calling people in my district.

The response was overwhelming, overwhelmingly negative with respect to the plans they hear about that are coming from the White House, the Senate and the House. Why were they negative? They were negative because the people in my district were concerned about whether or not the government was going to dominate health care in

this country, and those who were satisfied with their plans—even though they had some imperfections, even though they had some desire to have them improved, but by and large had made choices with respect to their plans—wondered whether their freedom of choice would be taken away by the government plan presented by the President and by the leadership in both the Senate and the House. It was interesting, they also were very concerned about the cost. When they hear the word \$1 trillion, they begin to think that this particular plan has real problems. As we discussed the various aspects of it, they referred me to the CBO, the Congressional Budget Office's report that disappointed the White House and the Democratic leadership in the House and the Senate because the report suggested that this program cannot pay for itself, that we're talking about at least \$1 trillion to be imposed on the American people.

The dialogue that I had with my constituents was very lively. They were also concerned about the fact that we have Medicare and Medicaid—as we call it in California, Medi-Cal—that is on an unsustainable path to bankruptcy. This has been pointed out by the director of CBO as well as many others outside the halls of Congress and outside the Federal Government. So the American people are trying to tell us that they are concerned that we have an unsustainable program already that we have not faced up to; and on top of that, we're going to impose this new national health plan. It was interesting because the President and the Democratic leadership have said that, look, the public option is just that. It's not going to destroy the private sector. Yet constituents in my district were very, very clear as to their understanding of the necessary impact of this program. They also were concerned about the promises made in this plan. I guess you could sum it up in these words: First entitlement and then rationing. When government takes over a program like medical care, and when it promises everything, and when you see the track record with respect to Medicare and Medicaid, you understand that at some point in time, we're going to hit the fiscal wall, and government's only ability to control cost at that point in time—if you look historically at other government-centered health programs around the world—is through rationing.

You can look at it in Canada. You can look at it in Great Britain. You

can look at it in every country around the world. And frankly, I do not want—and my constituents told me last night they do not want the imposition of a government bureaucrat between them, as patients, and their doctors.

Interestingly, last night in one of our committees marking up that case, that question was posed: Could we say in the plan that there would not be the intervention of a government bureaucrat to dictate to your doctor as to what your health care should be? That specific amendment was voted down almost on a party-line vote. Every Democrat on the committee, save one, voted against that prohibition; and every Republican voted for it. In other words, it was crystal clear. The amendment presented last night before that committee was: In this plan, can we at least promise the American people there will not be intervention by a Federal bureaucrat to dictate the care you will receive or not receive from your doctor? That specific public policy prohibition was voted down.

If you believe that health care delivered by the Federal Government is superior to what you get now, go to your local DMV and see if you'd like them making the decision with respect to your medical care.

PAYGO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER), the majority leader.

Mr. HOYER. Mr. Speaker, ladies and gentlemen of the House, this week the House will debate legislation and give the principle of pay-as-you-go, or PAYGO, the force of law. Quite simply, supporting PAYGO means that we agree to pay for what we buy; and it can be one of the most important actions we take for fiscal discipline in this Congress. PAYGO is essential because America faces unprecedented debt and a fiscal year 2009 deficit of \$1.7 trillion. A New York Times analysis found that 90 percent of that deficit is attributable to the economic downturn, Bush administration policies, and the extension of those policies. However we got into this hole, it's imperative that we find a way out of it. PAYGO is not a cure-all, not a solution entirely to our deficits. But it is an important and valuable start, and it is a proven first step to deficit reduction.

In the 1990s, the Clinton administration turned record deficits, accumulated by the two previous Republican

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

administrations, into record surplus; and the PAYGO rule, supported on a bipartisan basis by Republicans and Democrats, was a key part in that fiscal transformation. As President Obama has recognized, and I quote, "It is no coincidence that this rule was in place when we moved to record surpluses in the 1990s and that when this rule was abandoned, we returned to record deficits that doubled the national debt."

Today we can once again use PAYGO to begin rolling back the dangerous fiscal situation that confronts us. Under statutory PAYGO, Congress will be required to find savings to balance the dollars we spend. On the one hand, it will constrain unnecessary spending and subsidies. On the other, it will force those in favor of tax cuts to explain exactly what they want to go without in return. In other words, pay for them. Of course none of those choices are easy, but it is exactly the avoidance of hard choices that saddles our children and grandchildren with the debt that confronts us. In addition, deficit reduction will mean fewer interest payments on our debt which, in turn, will help us make sustainable entitlements in the priorities that matter most to the American people, including education, clean energy and health care.

The PAYGO law would apply to new policies that reduce revenue or expand entitlement spending. It will exempt extensions of current policy on the alternative minimum tax, the estate tax and middle-income tax cuts passed in 2001 and 2003 and Medicare payments to doctors. Some would criticize these exemptions, but I see them as an important way of keeping PAYGO credible and enforceable. It is clear that there is bipartisan support in Congress for extending those policies without offsets. Now, very frankly, I would vote for offsets; but we have seen that that does not happen in the United States Senate; and there is an inclination not to do it here. A PAYGO bill that does not exempt them would have to be waived again and again, turning the cause of fiscal discipline into an empty promise.

I find it much more sensible to make a fiscal discipline promise we can keep. I would also note that the exemptions in the House legislation are narrower than those sent to us in the President's original proposal. Most notably, they only apply to the middle-class tax cuts passed in 2001 and 2003 and not to tax cuts generally.

Mr. Speaker, pay as you go cannot remove us from our deficit hole in a single stroke, nor will it. That will take much hard work. PAYGO is not enough in and of itself, but it is absolutely necessary because it keeps us from digging the hole any deeper. It is tested and proven. We adopted this policy in a bipartisan way in 1990. We re-

affirmed that policy in a bipartisan vote in 1997, with Speaker Gingrich and President Clinton reaching agreement on that proposition. Yes, it's tested and proven, as I said. I hope that all of my colleagues, Democrats and Republicans alike, will support it when it comes to the House floor later this week.

RUSHING INTO A HEALTH CARE PLAN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, I'm sorry I don't have the time to respond to the majority leader's comments about PAYGO. But I would just simply say that the Democrats passed a PAYGO policy when they first took over, and we're getting deeper and deeper into debt. If that's what PAYGO does, then woe be unto us if we sign on to it.

The President, the Speaker and the majority leader are all in a rush to pass legislation here. So much in a rush, they will not even give Members a chance to read the bills. Why is that? It's perhaps because they don't want people to know what's in the bills. But the American people want to get health reform right, not just fast. Artificial deadlines for passing legislation serve a political purpose, not a legitimate purpose. I have promised that I will not vote for any health care legislation that is not publicly available in its final form for at least 72 hours in advance of a vote. Every Member of Congress should have time to read the health care bill they are asked to vote on, and the American people should be given this same common courtesy. Let's give them significant time to fully understand the details of a health care proposal rather than steamrolling partisan legislation through Congress. We should make August a national health care awareness month so that Americans can let their Member of Congress know where they stand before voting because we already know of many problems in the proposals that are being put forward. Number one, the bill contains zero savings from eliminating or even reducing waste, fraud and abuse. In an attempt to correct this egregious lack of oversight, Ways and Means Republicans offered six amendments during the committee's markup to reduce wasteful spending. All of them were rejected by the Democrats.

We know that the House Democrats' health care plan will increase Federal spending significantly, that coming directly from the CBO, appointed by the Democrats. We know that it's going to raise taxes on small businesses through surtax increases. Of taxpayers who file in the top brackets, more than half of them are small businesses. The Democrat plan, according to a study by the

Tax Foundation, would raise the top tax rate in 39 States to more than 50 percent.

□ 1045

Significantly, it includes fines of up to \$500,000 on employers who make an honest mistake thinking they had provided what the government deemed "sufficient" coverage. It will impose an 8 percent payroll tax on employers who can't afford to offer health insurance to their employees, and on employers who do the right thing and offer health coverage to their employees but it is deemed insufficient by the government, and employers who are not paying at least 72.5 percent of an employee's premium or 65 percent for family coverage.

What they plan to do is take over more aspects of our life. Every piece of legislation that is passing out of this House this session is aimed at putting the government more in control of our lives and giving us less freedom. The health care bill is the worst of those. Cap-and-tax was horrible; this is even more horrible.

We must not rush into passing health care legislation. We must slow down and get things right. The American people are hurting. We know they are hurting. Unemployment is going up dramatically under this Congress and under this President, and we need to be dealing with what we can do to create jobs and help individual families, not make things worse by killing more jobs and raising taxes. That's what PAYGO does. It is hard to make cuts in spending, easy to raise taxes, and that's what they plan to do. We shouldn't let them fool the American people again. Fool me once, shame on you; fool me twice, shame on me. We have got to stop letting the Democrats do these things, rushing bills through, hiding things in obscure language, and taxing us into high unemployment in this country.

RESTORE STATUTORY PAYGO

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) for 5 minutes.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise today as the co-chairman of the Blue Dog Coalition which has long advocated for restoring statutory PAYGO as an important budgetary tool necessary to impose discipline in both chambers of Congress as it regards the collection and use of taxpayer money. I would like to thank the majority leader, the gentleman from Maryland (Mr. HOYER), for his strong, steadfast, and unquestioned support for statutory PAYGO and for his words earlier this morning in support of this important legislation.

As I stated and as the majority leader has, this is an important budget tool

to impose discipline. It is a tested and proven tool from the 1990s that again, as has been mentioned, President Clinton and former Speaker Newt Gingrich agreed to back in the 1990s. I think it is imperative that opponents of this legislation explain more clearly why they lived with PAYGO with little or no complaint in the last decade, and the surpluses aided by such disciplines, and why they abandoned such discipline which led to a doubling of the national debt over the last 8 years.

We need to make priorities and tough decisions so as to ensure fairness to future generations. It is essential to adopt statutory PAYGO as one step, among many others, to ensure both economic and national security. It is not fair to future generations for the United States to in any way be beholden to foreign creditors. The interest on the national debt alone is more than we spend on education and veterans combined.

Statutory PAYGO is necessary to impose discipline in both Chambers. One of the earlier speakers mentioned that since adopting PAYGO in the House rules, that the deficits have worsened. Unfortunately, much of the legislation passed out of this Chamber that abides by House rules for PAYGO come back to this Chamber after action in the Senate that strips how we pay for our priorities. That's why again reinstating PAYGO as a budgetary tool in statute is necessary for both the House and the Senate, and fortunately is supported by the current administration.

So, Mr. Speaker, I encourage all of my colleagues on both sides of the aisle to ask the hard questions about what worked in the 1990s to produce budget surpluses, about what didn't work over the past 8 years to result in a national debt, a record national debt, and what tools are necessary to get us back on the path of fiscal discipline and surpluses once again. Statutory PAYGO is one key, one tool, among others, that will lead to the kind of tough decisions and priorities necessary to restore the fiscal health of the country.

WHERE ARE THE JOBS?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. PENCE) for 5 minutes.

Mr. PENCE. Mr. Speaker, I come to the floor today at a time of a great moment in the life of this country. The American people are hurting. We are facing in this country the worst recession in a quarter century. We have lost 2 million jobs since this Congress and this administration enacted a stimulus bill. The unemployment rate at the time we passed the stimulus bill was 7.5 percent. We were told that we had to spend that nearly \$800 billion, borrowed from future generations of Americans, so the unemployment rate wouldn't go over 8 percent. It is now 9.5 percent and rising.

We saw this Democratic majority pass a budget that will double the national debt in 5 years and triple it in 10, and that's if the economy starts to grow again, which sadly, few economists believe it will in the near future.

Now this summer we saw this majority, in the name of global warming, pass a national energy tax that will essentially raise the cost of energy for businesses and individuals by thousands of dollars per year.

And now comes health care reform, a government takeover of health care in this country financed with nearly a trillion dollars in tax increases. Yet my colleagues, many of whom I deeply respect, come to the floor this week to talk about something called PAYGO, fiscal discipline. Well, the truth is that in this majority and this administration, PAYGO means you pay and they go on spending.

The truth is we have got to come to terms with these difficult times. We have got to begin to demonstrate the priorities that businesses and family farms and working families are demonstrating at this time of national challenge and economic recession. Families and businesses are sitting down and prioritizing what should come first.

We ought to have national energy legislation to set us on a pathway toward energy independence. We ought to have health care reform that brings real competition into our economy and lowers the cost for consumers. But the first thing we ought to be doing is coming together and creating jobs.

We know how to create jobs. John F. Kennedy knew it, Ronald Reagan knew it, George W. Bush knew it when the towers fell: fiscal discipline in Washington, D.C., and tax relief for working families, small businesses, and family farms.

The last thing we need right now is one more massive tax increase, one more government takeover of one more American industry. What we need is focus, and we need to prioritize what this Congress is working on. We ought to be asking what the American people are asking today with a heavy heart as they look at Washington, D.C.: Where are the jobs?

Health care, energy independence, other priorities, other talking points on Capitol Hill are not going to get the American people back to work. Congress should come together, men and women of goodwill and strong principle, and work in such a way that can restore this economy, and then work in a bipartisan way on the other major issues facing our country, so help us God.

RESTORE STATUTORY PAYGO

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TONKO) for 5 minutes.

Mr. TONKO. Mr. Speaker, the House will be taking up H.R. 2920 this week, the Statutory Pay-As-You-Go Act of 2009, otherwise known as PAYGO.

This bill, sponsored by our majority leader, the gentleman from Maryland (Mr. HOYER), will renew our commitment to fiscal responsibility and protect core democratic values.

As the President said less than 2 months ago, the pay-as-you-go rule is very simple: Congress can only spend a dollar in one place if it saves a dollar in another. Just as families cut back on eating out at restaurants to pay for a new amenity, so too must Congress make difficult balancing decisions.

In fact, this rule was put in place when the country saw record deficits turn into record surpluses during the 1990s. It is no surprise to learn that when this rule was abandoned, we returned to record deficits that in turn doubled our national debt.

PAYGO legislation will reestablish this requirement that turned deficits into surpluses under the Clinton administration.

It is also critically important to pass PAYGO to ensure our fiscal health and stability as Congress considers health care reform legislation, a necessary item. We must be able to pay for this reform without unduly burdening our American taxpayers. To understand this critically important PAYGO legislation and the record deficits this country is facing, we must understand how we got here. We must move toward a more balanced budget which will initiate an era of fiscal responsibility and a stronger long term fiscal position. PAYGO is an important and critical piece of legislation in that process.

First, a number of factors have brought us to this cash-strapped position. Under the previous administration, the PAYGO principle was abandoned, reckless tax cuts were passed for the wealthy and two wars were funded outside of the budget process. On top of that, our economy has seen one of the most severe recessions since the Great Depression. Congressional efforts to get the economy moving again have proven to be fairly effective thus far, but they have come at a price.

Understanding these problems and the long term fiscal restraints, what does the PAYGO legislation do? It will require that all new policies reducing revenues or expanding entitlement spending enacted during a session of Congress be offset over 5 and 10 years. As Congress did in the American Recovery and Reinvestment Act, PAYGO will include an exemption for legislation designated as an emergency.

PAYGO will require any future extension of upper income tax cuts to be offset, as well as force a serious examination of wasteful subsidies in the budget and tax loopholes that can be eliminated to benefit more worthwhile programs. This means that PAYGO

will force advocates of tax cuts to acknowledge the costs and show how they will be paid for, as well as ensuring that we can afford to fund America's most important priorities consistently for future generations.

Certain exemptions on discretionary programs funded in the appropriations process will be granted under PAYGO. These programs are the low income home energy assistance program, our Head Start program, Pell grants, the special supplemental nutrition program for women, infants, and children, and housing assistance.

PAYGO will also establish an enforcement mechanism in nonexempt mandatory programs at the end of year if Congress has not already paid for the cost of all legislation enacted during that given year.

Mr. Speaker, this legislation is a priority for the President. He understands, as we do, that we must balance short-term deficit spending for economic recovery with a commitment to restoring fiscal discipline in the long term. The large deficits that we inherited as a result of the reckless borrow-and-spend policies of the previous administration have put pressure on funding for important priorities such as health care, education and clean energy jobs. We must ensure that regardless of who is in power, PAYGO will be a powerful impediment to reckless tax cuts financed by debt.

Mr. Speaker, the people of our country elect us to come to Washington to represent them in the best way that we can. After years of unrestrained spending, budget gimmicks and rampant waste, as well as fraud and abuse in Federal spending, it is clear we cannot continue along that same fiscal path. We are in a deep fiscal hole. However, with the right tools, including a statutory PAYGO budgeting process, we can reverse this dangerous trend and begin to put the country back on a fiscally sustainable path.

Mr. Speaker, that is why I support H.R. 2920 and encourage our colleagues to do the same.

□ 1100

FINANCIAL REGULATORY REFORM UNDER THE GROWING FED: A RECIPE FOR TOTAL GOVERNMENT CONTROL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise this morning to address the critical issue of regulatory reform in our financial markets. In 1912, a year before he became President, Woodrow Wilson ominously stated "waiting to be solved lurks the great question of banking reform." So here we are almost 100 years later, and we are facing the same lurking question.

The Treasury Department recently issued an 85-page white paper containing five main objectives for reforming or financial markets. Although a few of these objectives may sound good on paper, the devil is always in the details. A closer look at this new plan reveals a fundamental change to our financial system and economy that will stifle the innovation and competition fostered by the traditional American free enterprise system, giving way to a future of Big Government propping up all companies that are "too big to fail."

Specifically, the Obama financial regulatory reform plan calls for ceding the Federal Reserve a vast amount of additional authority with the power to create new requirements for capital and liquidity and for any firm "whose combination of size, leverage, and interconnectedness could pose a threat to financial stability if it fails." The Fed, which has failed in the past as a regulator, will be allowed to oversee almost all aspects of any financial company in the United States and its foreign affiliates. Specifically, the Fed will be able to regulate, lend to and close down companies not normally under their control if they deem them to be a danger to the economy.

My colleagues, this is total government control. Additionally, the Treasury will be given more powers as well, such as the ability to appoint a conservator or receiver to "stabilize" any large financial firm that is failing, any large financial firm. This will be done in lieu of bankruptcy proceedings, and the result will almost certainly lead to those "too big to fail" institutions, backed by the United States Government, having the upper hand in the market, particularly when it comes to raising funds, and smaller competitors will be forced out down the line. Thus, we are destined for an economy dominated by what essentially are government-backed entities, like the Fannie Maes and Freddie Macs.

Big government backed by an all-powerful Federal Reserve isn't the answer to our financial problems. We cannot erode the components of our free market economy because we are afraid to let the market work. It will devastate the innovation and competition that has traditionally driven the American economy.

Another issue worth mentioning when discussing regulatory reform of financial markets is the issue of transparency and possible conflicts of interest. Bill Gross of Pimco, a private financial institution that manages the world's largest mutual fund, is heavily involved in the mortgage securities market and is an open proponent of the Treasury's public-private investment program. Interestingly, in the spring of 2008, Pimco actually presented a plan in Washington, D.C. for a public-private partnership, very similar to the

plan that Geithner came out with this year. Pimco is now hoping to be one of the companies that the Treasury picks to help buy up some of the \$1.25 trillion in mortgage bonds that have sank big institutions like Bank of America and Citicorp.

In addition, the Federal Reserve has also looked to Pimco to specifically ask for advice on which banks needed more taxpayer TARP funds to stay afloat. Pimco's close relationship with the Treasury and the Fed should not allow it to be the beneficiary of billions of dollars gained through Federal contracts and preferential investment opportunities, particularly with Geithner's public-private investment program he has proposed.

Mr. Speaker, a free market is an economic system in which individuals, rather than the government, make the majority decisions regarding economic activities. In a free-market economy, the government's function is limited, and it should act in a way as an umpire and issue regulatory procedures. The Obama financial regulatory reform plan will move us away from our free-market system and towards a future where the free market is negated by government over-involvement in the private financial sector. We are moving toward a system of permanent interdependence of big companies' reliance on big government. This is fundamentally un-American, and the long-term consequences of such a plan are dire.

Let's not make Washington, D.C. the bailout capital of the world for every private company in America. Let those companies suffer the consequences for their risky actions. Instead, let's be good stewards of taxpayer dollars, keeping in mind that more regulation doesn't mean better regulation and a powerful Federal Reserve isn't the answer to all of our financial problems.

BLUE DOGS ENDORSE PAY-AS-YOU-GO LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. BOYD) for 5 minutes.

Mr. BOYD. Mr. Speaker, I rise today to highlight the pay-as-you-go legislation that the House will be considering later this week. This is a bill that the Blue Dogs and I have endorsed for the last several Congresses. It is a priority of this President and of the House leadership and of more than 165 cosponsors of this legislation. I'm always intrigued by those who would oppose PAYGO, like my friend, Mr. PENCE from Indiana, who spoke earlier that basically criticized the deficit spending that has occurred, I assume that he would be critical of that in the last previous administration and this administration, but yet he seems to oppose the one tool that we have that has proven to control deficit spending.

The principle is simple, Mr. Speaker. If you have new spending programs,

then you have to pay for them. It is very simple. PAYGO was one of the tools that led this country in the 1990s to record surpluses. However, that tool, PAYGO, and others that were in place, were allowed to expire under President Bush and the Republican leadership of this body in 2002.

Those who claim that PAYGO didn't work need simply to look at the numbers. When it was on the books, we had balanced budgets and even record surpluses. But after it was allowed to expire, we saw the explosion of new spending programs and spiraling deficits to go along with it. By putting PAYGO back into law, we will get back on the path toward fiscal responsibility and long-term sustainability.

It is no secret by anybody that works in this place and now even out in the country, that we have an unsustainable budget picture looking forward. When you have a budget hole, Mr. Speaker, the first rule of thumb, the first rule you need to follow is stop digging. PAYGO does that by ensuring that new programs that are enacted must be paid for. We owe it to our children and to their children to stop digging this hole deeper.

I urge my colleagues on both sides of the aisle to support this PAYGO legislation in order to return to fiscal discipline.

PAYGO WILL BRING ABOUT FISCAL DISCIPLINE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Vermont (Mr. WELCH) for 5 minutes.

Mr. WELCH. Mr. Speaker, I'm here, too, to join in advocacy for the PAYGO legislation that is going to come before the House floor this week. PAYGO is what it sounds like. If we have a new program, we have to find a way to pay for it, either through cuts or revenues. If we have a proposed tax cut, we have to find a way to pay for it, either in a reduction in programs elsewhere or a shifting of priorities and spending.

It is a very simple, elemental approach. As you're going to buy something, you have to pay for it. Families know it, in their family budgets, they have to do it all of the time. And government really is no different. It is no different because in the end, if we borrow money, at some point we are going to have to pay it back. We have gotten into a habit in this Congress of not paying for things, in some cases, expenditure programs, and in other cases tax cuts.

We have had some back and forth this morning with our friends on the other side of the aisle, and without getting into the blame game, which doesn't get us anywhere, there is an irrefutable fact, and that is that in the past 8 years with the tax cuts, with Medicare part D that was not funded, with a war in Iraq and a war in Afghan-

istan on the credit card, we have gone from the largest surplus in the history of this country to the largest deficit in the history of this country.

What it means is that our kids and our grandkids are the ones who are going to have to pick up the tab. Aside from the fact that that is obviously unfair and none of us wants to pass the burden of debt for our spending on to others, it really is going to restrict what it is that generation can do to meet its own challenges to educate its kids, to provide health care to its kids and themselves and to provide for the national defense.

We have the capacity to impose on ourselves the same rule that families have to impose on themselves every month when they sit around the kitchen table and go over their checkbook and try to figure out how, at the end of the month, they are going to make the checkbook balance. And that is to accept the burden of the discipline of paying for our tax cut proposal or our spending proposal when we make the proposal.

Voters know that. They want fiscal responsibility. In fact, their concern about the deficit rightly is at the top of their agenda. We have had extraordinary circumstances here that have required extraordinary actions with the economy going off the cliff, with the stimulus spending and with the legacy of a war in Iraq and Afghanistan on the credit card.

We have restored truth in budgeting so that those two things, the wars in Afghanistan and Iraq, are now on the budget. So it is painful because we are seeing in black and white what the cost of those enterprises are, and we know that we are going to have to pay for them. We are not trying to hide it. We are being direct.

The American people are entitled to that candor, and they are entitled to have us respond by making certain that we, going forward, adopt pay-as-you-go principles. It is not just good in theory, and it is not just good for conservatives or liberals. It is good for everybody.

I'm a big supporter, I think most of us are, that in this country we achieve the goal of having all of our citizens covered by health care. Every citizen should be covered and have access to health insurance. Every citizen should help pay for it. And if you lose your job, you shouldn't lose your health care. The President has acknowledged that as worthy as that goal is, we must pay for it. And the health care bill that we are now considering has to be paid for. What a difference from what happened with the prescription drug program that was largely put on the credit card and it is not able to sustain itself or pay for itself.

One of the reasons it is so important to have PAYGO is that it imposes the discipline on us to kick the tires of a

program. Health care is a great example. We need it. We have good health care in this country. But the cost is going up at two or three times the rate of inflation, two or three times the rate of profit growth, two or three times the rate of wage growth. So people are falling behind. The middle class is getting squeezed. They are facing higher co-pays and deductibles. By adopting PAYGO, it is forcing us to look at our delivery system and ask yourselves how can we reform the delivery of health care to make it more efficient and provide more value for less money?

In fact, there are examples after examples of how we have, in many cases, excess utilization. So this bill is going to be helpful to all of us. And it is very important that we pass this legislation.

GOVERNMENT-RUN HEALTH CARE WILL LEAD TO RATIONING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. SCALISE) for 5 minutes.

Mr. SCALISE. Mr. Speaker, right now Americans all across the country are dealing with this tough economy, many by tightening their belts and by managing their family budgets. Unfortunately, they are looking to Washington, and they are seeing this Congress that is being run by people that don't get what the American people are dealing with across the country.

Spending is out of control here in Washington by this administration and by this Congress. Look at the proposals that we are debating today. Health care in America needs reforms. But with all of the problems that exist, we still have some of the best medical care in the world. In fact, people that live in countries that have a government-run plan and who have the means, come to America to get care because in those countries, government takeover of health care has led directly to rationing of care. And so what are we facing today? We are facing a plan by the President, Speaker PELOSI and others here to have a government takeover of America's health care system.

When you read this bill, and you hear all of this great rhetoric, you hear the President saying that if you like the plan you have, you can keep it. The problem is, the bill doesn't allow you to keep your health care plan. There is actually a section in their government takeover that allows a health care czar, some bureaucrat in Washington that was never elected to anything, to be able to take away your health care if they don't think that it complies with these new Federal requirements. So if you like what you have, this health care czar can take it away from you.

In fact, if you're uninsured—and all we hear about is the uninsured and

that we need to address the problem of the uninsured, and I agree. The thing is when you really break down the numbers and when you look at who is really uninsured, you get to a number of about 7 million people. Once you strip away the illegal aliens and you take away the people who choose not to get health care who are currently eligible, you end up with 7 million Americans. That is a number we can address without blowing up all of the things that work for over 300 million Americans.

□ 1115

But in their plan, they actually tax some of those very people that are uninsured.

The Congressional Budget Office just gave testimony last week. Unfortunately the chairman of the committee threw the public out of the meeting. It was a secretive meeting that they wouldn't even allow the public to come into. I guess after they heard the testimony, you can see why, because the testimony said, number one, that the costs in this bill are out of control. All of the savings that we heard, that were promised, don't even exist. That's the Congressional Budget Office's testimony.

But then they talked about the taxes, over \$580 billion in new taxes on businesses in their health care bill. There's over \$240 billion of penalties that would be applied to American families that maybe don't go along with this new government takeover of health care. There's \$29 billion of taxes on uninsured people in their bill. The Congressional Budget Office gave the specific testimony that this bill, this government takeover of health care, adds \$29 billion in new taxes on the backs of uninsured Americans. And this is as they're running around saying that they want to help uninsured Americans. I know a lot of uninsured Americans out there that don't think \$29 billion of new taxes on their backs is the kind of help that they want. When you look at this bill, you start to realize that what they're doing, what they're proposing, is the very government takeover where rationing of care would exist, where a government bureaucrat can get in between the relationship of you and your doctor. It's the same thing that's happened in Canada, it's the same thing that's happened in England, where unfortunately just yesterday we saw the story of a 22-year-old who was denied lifesaving care, denied a transplant by this government bureaucracy that exists in England that rations care.

I serve on the Energy and Commerce Committee where this bill is currently being debated. We were in committee till 12:30 in the morning last night. We had an amendment that would have prohibited a Federal bureaucrat in Washington from interfering between the relationship of an American citizen

and their doctor. That's the most sacrosanct relationship that should exist. Nobody should come between the relationship between you and your doctor. Yet they voted down that amendment. So clearly this is about rationing. Their proposal is not about reforming health care, because there's bipartisan agreement on the reforms that need to be made to address the real problems that exist in health care. What their bill is about is a government takeover. It's growing government more. It's adding more to the Federal deficit. Hundreds of billions of dollars by CBO testimony would be added to the Federal deficit, at a time when Americans are saying, Congress, Washington, control spending. Get a grip. People saw that the stimulus didn't work. There are no jobs.

This bill is a horrible idea. Government should not be taking over our health care system and interfering in the relationship between us and our doctor.

MAKING STATUTORY PAYGO A REALITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. MELANCON) for 5 minutes.

Mr. MELANCON. Thank you, Mr. Speaker.

If we do not begin paying our bills today, we will continue to short-change future generations who face higher taxes and cuts to Federal investments in priorities such as education, health care and national security. In order to ensure our long-term fiscal sustainability, we must all work together and return to the proven, effective pay-as-you-go rules that brought our Federal budget to balance in the 1990s.

We now have a President who is committed to changing the fiscal course of this country. Together, we are committed to putting an end to the reckless fiscal policies and out-of-control spending of the past that has given us the record deficits we see today. To that end, the President has charged Congress with passing statutory PAYGO, and we have an obligation to see that this critical piece of legislation reaches his desk for signing.

Our Federal Government simply cannot continue to live beyond its means, mortgaging our future on the backs of our children and our grandchildren. Re-instituting statutory PAYGO will send a message to the American people that their government is serious about putting the country back on stable economic footing. The time to act is now. The President has put his words into action and I look forward to working with the Blue Dogs and my colleagues in the House and the Senate to make statutory PAYGO a reality again in this country.

HEALTH CARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY) for 5 minutes.

Mr. BOUSTANY. Mr. Speaker, American families and small business owners are struggling with high health care costs. They're also struggling with access to a doctor; getting to see a doctor and establishing a relationship with that doctor so that you can really lead a healthier life-style, building the kind of trust that's necessary so that the doctor knows the patient and knows what it's going to take to lead them along a healthier pathway and having the patient trust the doctor so that the advice that they're being given is something that they will adhere to. American families are struggling, small business owners are struggling, and we have to do something about this.

Republicans believe we should reform health care, but we need to do it responsibly and in a very, very thoughtful way so as to not disrupt the system that we currently have. If you have health insurance that you like that leads to a relationship with a doctor, you can keep it. But we don't want to see a system completely devastated or disrupted. We want to build off of what works.

I am a member of the House Ways and Means Committee, and we worked on the bill in the House which outlines the President's plan; and that bill doesn't do near enough to provide good, accessible health care. Furthermore, it's a very expensive bill. The Congressional Budget Office has just started looking at this and it's seeing a very expensive bill that's going to add significantly to the deficit.

As a physician who has practiced medicine for over 20 years, I look at this and I say, whoa, wait a minute, let's get this right. It's more important to get it right than to rush into something and do it very hastily and cause disruption in the health care system where we have some things that are working. One of the speakers earlier mentioned the fact that we've got in fact in effect the finest health care in the world. We've got the most highly trained doctors and nurses. We have people from all over the world coming here to train. We have those who live in other countries who come here to get their health care. But we have a cost problem, we have an insurance problem, and we need to fix that, and we need to make sure that insurance coverage is meaningful and really leads to access to a doctor for every American.

Republicans have ideas on how to do this. It incorporates three basic principles: Information for you to make decisions for your family or for your small business, to make cost comparisons, to create transparency, information among physicians so that we don't

duplicate tests and run up the costs. These are all important things. Information is very important throughout the system and we believe that we can incorporate this in a very cost-effective way.

Secondly, choice. Americans want choices. They like to shop. Let's give Americans a wide range of choices to meet their family needs or their small business needs in health care. If we do that, that will create competition and that will start to drive the costs down of health insurance premiums which we're all struggling with. It will make it more affordable and we'll get more people on it. We can address the uninsured by targeting our response as one of the previous speakers said.

Finally, we need to put families back in control of their health care destiny. There should be nothing between the doctor and the patient in this. That's the essence of good, high quality health care, and that's the only way we're going to control the cost ultimately, by fostering and strengthening that doctor-patient relationship and making it something that every American has. That's how we'll fix health care. Republicans have those ideas and many more and we'll be glad to share them as this debate goes further with the American public.

INTRODUCING THE ADULT EDUCATION AND ECONOMIC GROWTH ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. HINOJOSA) for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, I stand before you as a member of the Education and Labor Committee. It is a pleasure to stand before you today to speak about the Adult Education and Economic Growth Act of 2009, known as H.R. 3238, legislation that my friend and colleague Representative PATRICK KENNEDY of Rhode Island and I introduced on Thursday, July 16, 2009.

As we all know, our Nation is facing one of the most difficult economic times in history. Technology and globalization, coupled with the economic recession, are causing low-wage and low-skilled workers to become particularly vulnerable. According to the Bureau of Labor Statistics, unemployment among individuals with less than a high school diploma has risen from 7½ percent in December of 2007 to almost 15 percent in April 2009. The unemployment rate for high school graduates with no college degree has increased from 4.6 percent to 9.3 percent. Currently, the U.S. ranks 11th among OECD countries in the percent of young adults with a high school diploma. We should be especially concerned that we are the only country in which younger adults are less educated than the previous generation. More than 40 million adults across our coun-

try have basic skills needs or limited proficiency in English that keep them from participating fully in work, in family and community activities.

In 2007, more than 25 million adults ages 18 to 64 had no high school credential. In 2006, 18,400,000 adults spoke English less than "very well" according to the U.S. Census Bureau. In my congressional district alone, there are 154,000 adults without a high school diploma. In addition, another 444,000 adults speak a language other than English or do not speak English "very well." In Texas, we have 3.8 million adults who do not have a high school diploma. This is unacceptable. We must do much more to educate our adult learners and assist them in acquiring the 21st century skills they need to succeed in the workplace.

In my conversations with business leaders in my congressional district and across the country, they have shared their desire for a highly educated and trained workforce. Employers need highly skilled workers to compete globally, particularly in high-growth industries and occupations such as health care.

Despite these alarming statistics and realities, we have not made adequate investments in our adult education delivery system. Our adult education and workforce training delivery systems are in great need of reform. In many States, thousands of adult learners are experiencing long waiting lists for adult literacy services to increase their basic literacy skills or improve their English skills. More than 77 percent of community-based literacy programs currently report waiting lists. Current funding reaches only 2.8 million of these adults each year and thousands more are on those waiting lists that I mentioned for adult literacy services.

A report issued this month by the President's Council on Economic Advisors, *Preparing the Workers of Today for the Jobs of Tomorrow*, underscores that our modern economy requires workers with higher skills and the need to employ workers with education and training beyond the high school level.

In closing, I want to say that the report identifies key limitations to our education and training system, including low completion rates, limited accountability, poor coordination among different programs and excessive bureaucratic restrictions on the use of training funds.

If we are to remain competitive in the global economy, we must invest in high quality adult education and workforce training programs that lead to family-sustaining jobs in careers with the promise of advancement and post-secondary education.

Mr. Speaker, I invite Members of Congress on both sides of the aisle to sign on as cosponsors to this legislation.

The "Adult Education and Economic Growth Act," H.R. 3238, strengthens our adult edu-

cation and workforce training systems, increases economic growth in local communities and supports President Obama's call to once again lead the world college degrees by 2020.

This legislation provides adult learners with greater access to obtain basic literacy or workplace skills, including English as a Second Language. This bill assists adults in gaining admission to job training programs and post-secondary education.

This legislation provides adequate resources for innovative educational and workforce programs, so that states can bridge the gap between adult education and occupational skills training. Our adult learners will be better served by having access to integrated approaches to education and workforce training.

This legislation expands access by ensuring that federal funding formulas accurately take into account the adult education and workforce skills needs of individual states, including the number of adults who are limited English proficient.

This legislation increases access to adult education, literacy, and workplace skills through the use of technology.

This legislation increases access to correctional educational programs and provides added accountability in the system.

This legislation invests in lower skilled workers by providing employers with a tax credit.

We must reform our adult education and workforce delivery systems if we are to provide adults with the educational opportunities and 21st century skills needed to acquire family-sustaining wages and remain globally competitive.

JOB CREATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LEWIS) for 2½ minutes.

Mr. LEWIS of California. Thank you, Mr. Speaker.

I rise today to express the deepest concern for the fact that unemployment rates have risen to 13.7 percent in the Inland Empire. There are those who believe that the solution to almost every problem facing America involves more government spending here in Washington. I am committed to the fact that just the opposite is the case. We must do everything that we possibly can to create a taxing system that encourages private sector growth.

The sooner we get back to the point of creating job opportunities in the private sector and recognizing that growth of government for the sake of government is not the answer, the sooner we will solve this problem. The jobs for San Bernardino and Riverside County lie in the private sector. So let's create an environment of opportunity and hope for those who are looking for jobs for the future.

COMBATING ADULT ILLITERACY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. KENNEDY) for 3 minutes.

Mr. KENNEDY. Mr. Speaker, I want to commend my good friend and colleague, Chairman RUBÉN HINOJOSA, for his work on this issue of adult illiteracy which he just spoke about.

Just like RUBÉN HINOJOSA and his district in Texas, in my State of Rhode Island where unemployment rates continue to rise, 23 percent of the adult population in my district alone lacks a high school diploma. Last June when the National Commission on Adult Literacy released its report, it served as a wake-up call for all those concerned with the quality of our adult workforce. The commission found that 80 to 90 million adults in this country have deficiencies in basic education and that our investments in adult education and training were reaching less than 3 percent of those who need it. That's why we need to ensure that our adult education and workforce training programs have the tools and resources they need to prepare our workers for the next generation of jobs in energy, in health care and in technology. We need to improve the way we deliver adult education and workforce training programs and the way we provide career paths to higher growth fields through greater involvement with business leaders, State agencies and adult education community and workforce leaders. We need to better leverage employers to provide educational programs to their employees. We need to enhance the use of technology to improve quality learning access and delivery of adult education, literacy and workplace skills services.

The Adult Education and Economic Growth Act which RUBÉN HINOJOSA and I are introducing will do all of these things in order to provide those employed and unemployed with the ability to attain the skills they need to compete in an ever-changing workplace.

I urge my colleagues to support this important legislation.

THE ADULT EDUCATION AND ECONOMIC GROWTH (AEEG) ACT OF 2009

WHAT THE BILL WOULD DO

1. Will refocus the adult education and workforce skills system to make postsecondary and job training readiness a primary goal.

85 percent of GED graduates have to take at least one remedial course before they can enroll in postsecondary education. We need to do a better job preparing them for success in school and in work, rather than getting them to an arbitrary finish line that actually leaves them short of where they need to be.

2. Will give incumbent workers greater access to the workforce skills training and adult education systems.

It is too hard for people already on the job to receive workforce skills training and adult education. It's not enough to get someone into a job, we need to get them into a career. That means continued training, even after a worker is on the job.

Only 3 to 4 percent of the workers with the most limited literacy proficiencies receive

basic skills training from their employers. Our bill will create greater incentives for employer involvement in the education of their employees.

3. Will ensure that federal funding formulas accurately take into account the adult education and workforce skills needs of individual states.

Federal funding formulas are outdated, and especially penalize states with a high proportion of non-native English speakers. Our legislation will ensure a fairer distribution of federal funds.

4. Will increase the use of technology in workforce skills training and adult education.

Technology has greatly increased our ability to reach workers at times and places convenient to them. By 2006, 73 percent of American adults were online, including those at the lowest literacy levels. We cannot reach all of those needing services without deploying technology to provide services outside the classroom walls.

5. Will increase access to correction education programs and provide for added accountability in the system.

Offenders with education and training are statistically less likely to commit crimes after release. There is a direct correlation between education level and recidivism: the higher the education level, the lower the recidivism rate. A decrease in recidivism reduces costs to taxpayers and keeps our communities safer.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 33 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of mercy and goodness, may this midday moment of prayer and dedication be received as a welcome gift by all, refreshing Your people and clarifying our purpose in serving this Nation.

Bless the work that Congress has begun this day. Rectify any defects and strengthen its integrity. Let us finish the tasks You set before us in a way that pleases You and gives glory to this Nation and Your Holy Name, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. PAULSEN) come forward and lead the House in the Pledge of Allegiance.

Mr. PAULSEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 951. An act to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

S. Con. Res. 11. Concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

IN SUPPORT OF STATUTORY PAYGO

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. I rise today in strong support of statutory pay-as-you-go legislation, which will be taken up this week by the House. This bill demonstrates our commitment to fiscal responsibility and will restore the policy that led us from deficit spending to debt to surpluses.

We have to reduce our deficit spending. If we don't, we will not be able to invest in vitally important priorities like health care, education, and clean energy.

PAYGO is very simple: All the policies that cut taxes or reduce revenues must be paid for or offset over 5 and 10 years. All policies that expand entitlement spending must be paid for over 5 and 10 years. Discretionary spending is not subject to PAYGO, and exceptions could be made for emergencies.

This makes common sense and families live by it every day. If you spend more in one area of the family budget, you have got to cut back in other areas. It's about time that our government start living by the same rule.

DON'T TAX EMPLOYERS AND EMPLOYMENT

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, before I came to Congress, I ran a small business. And in that small business I offered a health insurance benefit to my employees. I offered a pension benefit to my employees. Both of these plans were as a result of a 1974 Federal law called ERISA, the Employee Retirement Income Security Act, that allows employers to offer health plans to their employees and pension plans to their employees across State lines.

Over the years, employers now provide health insurance to their employees, to the total of about 132 million Americans that today get their health insurance through their employer.

But in the Democrat health care plan, I noticed this morning in an article from *The Wall Street Journal* there's a provision in there that, in their bill, after 5 years all employer plans will have to be approved by the Department of Labor and the new Health Choices Commissioner, who will set Federal standards for what is an acceptable health plan.

Now, these employers are providing these plans to their employees. They're trying to provide a benefit their employees want and need. And now the Federal Government is going to decide what your health plan is going to look like.

I would suggest that a lot of employers in America are going to look at this and decide, You know, this really isn't worth it. Under their plan, if you're an employer and you don't provide health insurance, you have to pay an 8 percent payroll tax to the Federal Government. Eight percent.

Now, most employers probably pay more than this for their health care. And so, as a result, I would think a lot of employers are just going to pay the 8 percent tax and allow their employees to be shoved into the government-run plan.

According to the Congressional Budget Office, some 23 million Americans would lose their benefits from their employers and be forced into government health care. According to the Lewin Group, 114 million Americans would be forced into the government plan.

This is not what the American people want. And if you put an 8 percent tax on payroll, guess what? Employers are going to hire less people. And most of my constituents are asking, Where are the jobs? And if you tax employment through this health care plan or you tax employment under this crazy national energy tax, you're going to create less jobs in America.

At a time when we need jobs and we need our economy going again, we don't need to be taxing employers and

taxing employment, because we're going to get a lot less of it.

SUPPORT PASSAGE OF STATUTORY PAY-AS-YOU-GO

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise in support of the Statutory Pay-As-You-Go Act. This commonsense measure will help bring fiscal responsibility back to Washington. With the national debt at almost \$11.6 trillion, Congress needs to start showing some discipline.

I launched my "Do More With Less" campaign to cut inefficient spending and reduce the debt. I have been proud to support billions of cuts in the fiscal year 2010 appropriations bills. And I have called on the Treasury Secretary to use returned bailout funds to pay back what we owe.

I am also pleased to be an original cosponsor of the PAYGO bill. By requiring that Congress offset spending dollar-for-dollar, this legislation will ensure that Washington makes the tough choices it takes to get our country back on track.

PAYGO helped produce the budget surpluses of the late 1990s, and it will help us restore the balance now.

I urge my colleagues to stand with me and support passage of this bill.

ENOUGH IS ENOUGH

(Mr. CANTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANTOR. Mr. Speaker, at a time when millions of Americans are losing their jobs and families are desperately seeking employment, this Congress and this administration have made job creation a secondary concern. As a result, they have squandered a golden opportunity to put people back to work.

Frankly, the American people have just had enough. They have had enough of a stimulus bill that has wasted hundreds of billions of dollars and not staved off job loss. They have had enough of the national energy tax that will impose extraordinary job-killing taxes on the people of this country. And now, Mr. Speaker, they have had enough of talk of a health care bill that not only will fail to deliver the access and quality that we need, but it will cripple small businesses by imposing an 8 percent payroll tax on them.

Mr. Speaker, the question is: Where are the jobs? Congress and this administration have been asleep for too long—and we can do better.

SUPPORT THE HEALTH CARE PLAN

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. America's health system is not working. We cannot stay with the failing system that we now have. What good is an insurance card if there's no real access to services? What good is the current system if I have a senior under Medicare, like in my district, scared that their doctors won't see them any more?

We also need a health care reform that gets past the politics and past the rhetoric that every single person is covered.

I stand here to advocate for those without a voice, for those who cannot afford to travel to Washington, D.C. I stand here to advocate for a viable public option to compete with the private sector.

I stand here to advocate for American families. And I stand for the American families who are busting at the seams, trying to make ends meet, and hoping one day they won't get sick.

I urge my colleagues to advocate for all American families and pass health care reform that is needed for all American people in this country.

WE CAN AND MUST DO BETTER

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. In the midst of the worst recession in 25 years, after months of runaway Federal spending, bailout, record deficits, and a national energy tax, now comes a government takeover of health care paid for with nearly a trillion dollars in tax increases.

Before we move on to the next big government scheme of this administration, the American people are asking, Mr. President, where are the jobs?

Make no mistake about it, the President's health care bill would do nothing to lower the cost of health care and would be a disaster for the American economy. If ObamaCare passes—according to the experts—if ObamaCare passes, you will probably lose your health insurance and you might just lose your job.

The American people know we can do better. We must do better. For the sake of our economy and reform, I implore my Democratic colleagues, say "no" to a government takeover of health care and higher taxes and say "yes" to a bipartisan majority in this Congress that is committed to fiscal discipline, reform, and putting Americans back to work.

REINSTITUTE PAYGO

(Mr. CHILDERS asked and was given permission to address the House for 1 minute.)

Mr. CHILDERS. It's a privilege to come to this House floor today to express my steadfast support for pay-as-

you-go legislation that is scheduled to be introduced this week. As a member of the fiscally conservative Blue Dog Coalition, I believe reinstituting PAYGO is vital to restoring confidence with the American people that Washington and this Congress are indeed serious about reducing the Federal deficit and not continuing the reckless spending policies so often associated with Washington over the past decade.

The people of north Mississippi and the American people all understand that at some point the bills have to be paid. Going from a \$5 trillion debt at the end of the Clinton administration to a now over \$11 trillion debt, it is not hard to imagine the daily frustrations I see every weekend at home on the faces of individuals and families struggling in this economic downturn.

It is time for Congress to start operating just as the families in my district do and adopt statutory PAYGO as the law of the land.

I urge all of my colleagues to join me in supporting this landmark legislation.

HEALTH CARE WITHOUT RAISING TAXES AND COSTING JOBS

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. We can have health care reform without raising taxes and costing jobs. The health care version currently being debated in Congress is recognized and called by many as a prescription for disaster—disaster as it relates to ensuring quality and affordable health care and disaster as to the impact it would have on our economy.

Governors across the country, Republicans and Democrats, are fearful it would only add additional costs to an already unsustainable system. The Mayo Clinic says this bill misses the opportunity to help create higher quality, more affordable health care for patients. In fact, they say it will do the opposite.

CBO last week stated that it would worsen our economic outlook by increasing deficits and driving our Nation more deeply into debt.

There are many reasons to be skeptical of this plan: the job loss, the additional debt, the government intrusion between you and your doctor and your health care decisions.

Some continue to say, It's better than nothing. When you are sick or your son or daughter is sick, you don't want the doctor just to do something. You want them to do the right thing.

□ 1215

HEALTH CARE SCARE TACTICS WILL NOT WORK

(Mr. McDERMOTT asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, 15 years ago Frank Luntz wrote the speeches for Newt Gingrich to come out here and scare the American people about the Clinton health reform. They succeeded 15 years ago. What have the people gotten since then? Nothing. The number of people have gone up and up and up and up who do not have health insurance. So here they are all arrayed out here again today one at a time. Folks, they are here to scare you again. Mr. Speaker, the people are smarter this time.

In the election of 2008, they elected a President who said he would bring health care reform to this country, and they gave the Democrats an overwhelming majority because they are tired of the fear machine. Now I know you all have your talking points. Frank Luntz pulled them out of the drawer, shined them up for 2008 and said, Hey, boys, here's the speech that worked in 1994. Use it again. It won't work, Mr. Speaker. The people want health care reform, and we're going to give it to them.

WHERE ARE THE JOBS?

(Mr. CARTER asked and was given permission to address the House for 1 minute.)

Mr. CARTER. Mr. Speaker, the lady on television said, "Where's the beef?" The American people are now saying, "Where's the jobs?" One of the things that the President promised was jobs for this country. The Speaker said, It's about jobs, jobs, jobs, but the national unemployment is 9.5 percent, and in the Midwest it's in double digits. Are those the jobs?

Yes, the Democrats have given us some jobs. They've given us this cap-and-tax bill which is going to stick a tax collector in everybody's pocket, destroy small businesses, and destroy jobs in the country. They've given us 33 czars at \$170,000 a year to reward their cronies who helped them get elected up here by creating new jobs in Washington for them.

Last night the Energy and Commerce Committee voted to put a bureaucrat between a doctor and his patient to tell him how he's going to treat that sick person. That's a new job they want to create. They've got this idea that if they throw enough money to ACORN, they're going to create jobs for ACORN—if they can keep the indictments away from them. These are not jobs.

THE IMPROVING JOB MARKET

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, I appreciate my friends wanting to talk

about jobs. They have the arguments that they want to pursue, but they don't want to let the facts get in the way of their argument. Let's start with the report we received today from the Federal Reserve.

We know that jobs fell off a cliff last fall and earlier this year as part of the Bush administration's efforts for jobs. Private nonfarm employment fell by 670,000 jobs on average per the month from January to April, but declines slowed to 312,000 in May and 415,000 in June. The May and June declines in construction jobs were the smallest since last fall.

Job declines and temporary employment applications slowed noticeably, and employment in nonbusiness services turned up in May and increased further in June. That's why we have the stock market going up. That's why consumer confidence is going up is because this is working, even if my friends' arguments are not working.

JOBLESSNESS IS NOT JUST A TALKING POINT

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, this ain't a talking point. Last night I talked to one of my constituents. This man is an unemployed truck driver. His statement to me was a very clear one: Where are the jobs? Where are the jobs?

He said, You guys back there in Washington have put together a so-called stimulus bill that cost me—he's still a taxpayer—\$1 trillion, and now you plan to take over the entire health care system in this country? He said, It would be devastating. I am looking for a job as a truck driver again, and with what you've done on cap-and-trade, it's going to undermine my ability to do that.

The message is loud and clear. It's not coming from anyone putting together talking points, Mr. Speaker. It's coming from the American people to Democrats and Republicans alike in this Congress. Where are the jobs?

GOVERNMENT MUST RUN USING PAYGO PRINCIPLES

(Mr. MINNICK asked and was given permission to address the House for 1 minute.)

Mr. MINNICK. Mr. Speaker, today Congress will consider a law requiring us to do what every other American taxpayer must do with its family finances, something very simple and very basic, pay for what we spend.

Ten years ago, thinking somehow it didn't need outside fiscal discipline, Congress abandoned this commonsense approach, wasted our budget surpluses, and went on a spending frenzy, doubling our national debt. Now we face

the largest budget deficit in our Nation's history.

Our government cannot continue to borrow and spend, create ever-higher levels of debt, and pass along the costs of paying for it to our children and grandchildren. We are now relying on trillions of dollars of money borrowed from China and Middle Eastern oil states to pay our bills. This can't continue.

It's time we grow up, act like responsible adults and return to fiscal sanity. With this measure, any new spending we pass must be deficit-neutral. This is the long overdue essential first step towards a return to fiscal responsibility that will assure our creditors and demonstrate to the American public that we deserve to govern.

I salute my Blue Dog colleagues for their persistence on bringing this critical issue to a vote. I urge my colleagues to support this simple, commonsense bill.

WE MUST WORK TOGETHER TO STOP THE UNEMPLOYMENT

(Mr. MCCARTHY of California asked and was given permission to address the House for 1 minute.)

Mr. MCCARTHY of California. Mr. Speaker, this morning I opened up my hometown paper, The Bakersfield Californian. On the front page of the local section there is an article, Kern County's unemployment rate for the month of June increased to 14.7 percent. If that's a talking point, it's coming directly from the paper. One year ago the unemployment rate was 9 percent.

The American people know that if Americans are not working, America is not working. My constituents ask me, Is this Obama economy going to improve? They continue to ask me, If you take more from what people earn, for the energy tax every time you turn on a light, when you go to health care, taxing, are you taking away the choice?

But I tell them there is a chance for a better way. There is a better way to work together to focus on small business. Small business creates 70 percent of every job in America. We can do better by working together and stopping the unemployment.

CONGRATULATING THE FRIENDSHIP MISSIONARY BAPTIST CHURCH IN ROSWELL, NEW MEXICO

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. Mr. Speaker, I rise today to congratulate the Friendship Missionary Baptist Church in Roswell, New Mexico. This year the church will be celebrating 47 years of service to the Roswell community. The Friendship Missionary Baptist Church has been

dedicated to the faith and well-being of the people of Roswell for nearly a half a century.

I would like to especially honor the current serving pastor, Rev. Michael K. Shelton, and the church's former pastor, the Rev. O.C. King, and his wife for 28 years of faithful leadership to the church and the Roswell community.

Churches like Friendship Baptist achieve such great distinction because of the hard work, dedication, and compassion of their congregation. The leaders of the church and their staff are also to be commended for their guidance.

Friendship Missionary Baptist Church has been and will remain a place for fellowship and a source of hope for the people of southern New Mexico. I am honored to have churches like Friendship Missionary Baptist Church in my district, and I commend them on their years of service.

FEDERAL ELECTED OFFICIALS SHOULD ENROLL IN THE PUBLIC HEALTH CARE SYSTEM

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, would a government takeover of health care create jobs? The answer is clearly no. We should be focused on job one right now, which is find the jobs. But, Mr. Speaker, if the Energy and Commerce Committee had continued to work today, I would have introduced an amendment to require all Federal elected officials, including the President and Vice President, to set aside our health care benefits and enroll in their new idea of a government-run health care system.

If the majority is really so confident that their plan will provide the very best health care to the people we represent, we ought to demonstrate that confidence by enrolling ourselves. I, for one, don't believe the government-run health care plan will be the best for the people we represent, but a government competitor will soon be the only one left.

A government competitor, Mr. Speaker, would be like an elephant in a room full of mice. The fast mice can get out of the room as quick as they can. The slow mice get crushed, and only the elephant is left. It is time we put our health care where we want the American health care to be, Mr. Speaker, but it's also time we find the jobs.

THE BENEFITS OF HEALTH CARE REFORM FOR ALL AMERICANS

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today because we really

are on the verge of finalizing groundbreaking health care reform legislation that will benefit healthier generations to come and the 250 million of us who have health care but who are tired of skyrocketing premiums and deductibles.

Did your salary go up 114 percent this last decade? It sure didn't, but that's what happened with premiums and deductibles. This is about real reform, not for insurance companies and their bean counters, but for the American people.

I want to emphasize today the importance of including a robust public plan option, relying on the Medicare provider network in the final reform bill. Providing Americans with a real choice in doctors and insurance plans puts Americans back in charge of their health care, not insurance companies, but real people and patients.

I would say that for those who believe in the free market, why are you afraid of a public plan? Why are you afraid of something that competes?

Mr. Speaker, I think it's time for us to do health care reform to lower costs, to make it affordable, and to benefit those of us who have health care to lower our deductibles and our premiums.

WHERE ARE THE PROMISED JOBS?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the unemployment rate is in double digits around this country. Some States have the highest unemployment rate in history. The economy is bleeding jobs because the trillion-dollar stimulus bill was a jobs disaster bill.

Jobs, jobs, jobs, that's all we heard from the taxacrats as they jammed that bill through Congress. They didn't give anybody a chance to read it. They sure didn't want Members of Congress to read it. The American people didn't get to read it, and they have to suffer the consequences.

But the stimulus bill did help one city, however. Washington, D.C., has the lowest unemployment rate in the country. Now, how can that be? Well, the stimulus bill stimulated government programs funded at taxpayer expense. These aren't real jobs. Government doesn't create anything. All they do is suck money out of a private economy that could create real jobs.

The bureaucrats created more jobs for red tape regulating bureaucrats and forced citizens to subsidize it. All the trillion-dollar stimulus bill did was spend taxpayer money to create more government regulations, more government control, and more government bureaucrats. That's too bad.

And that's just the way it is.

THE COST OF HEALTH CARE INACTION IS TOO GREAT

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Mr. Speaker, I rise today to dispel the myth that health care reform will suddenly move the burden of paying for the uninsured onto the rest of us. All Americans are already paying the high costs of a broken health care system with 47 million Americans uninsured.

The cost of caring for the uninsured gets passed on to all of us. The average American family is currently paying more than \$1,000 every year to support the uninsured. This \$1,000 fee is buried deep in every premium and pays for the broken health care system.

Health care costs are soaring out of control. Premiums have doubled in 9 years, growing three times faster than wages. These staggering prices are too high for American families. Members of Congress must come together to address the problem for the health of middle class Americans and the health of their wallets. The cost of inaction is just too great to sit back and do nothing.

GOVERNMENT-RUN HEALTH CARE WILL COST MORE JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Democrats have painted a target on the backs of America's small businesses. As unemployment rises, 2.6 million jobs have been lost since January. Democrats continue to propose policies that will kill jobs.

First there was cap-and-tax, which will skyrocket electric bills, gas prices and food prices, and make American businesses less competitive. Now they have a government-run health care full of tax hikes and mandates on small businesses, which the NFIB estimates will cost 1.6 million more jobs lost.

Small businesses create the majority of jobs in this country. They are doing the best they can in this tough economy, but all they hear from Democrats is pay higher taxes. Democrats should stop feeding Big Government and start providing relief to small businesses.

Where are the jobs? We need health care reforms that help more Americans regardless of their preexisting conditions, help small businesses provide insurance for their employees, and keep in place an innovative side of our health care system.

In conclusion, God bless our troops and we will never forget September the 11th in the global war on terrorism.

□ 1230

DO YOU FEEL LUCKY?

(Ms. MOORE of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOORE of Wisconsin. You've heard the commercial: Don't support government health care.

So the question that you need to ask yourself then is, Do I feel lucky? Do I feel lucky that I won't be one of the 14,000 people a day who lose their jobs and can't afford health insurance, that I won't have such a high deductible that I avoid preventive care and end up with end-stage cancer because I didn't go to the doctor. Well, am I lucky?

Do I feel lucky that Junior won't break a bone and I end up in the emergency room with a \$5,000 bill? Do I feel lucky that I won't go bankrupt from my health care problems? Do I feel lucky that I won't have some pre-existing condition that prevents me from getting a new job? Do I feel lucky that my health care premium won't grow three times faster than my salary?

The American economy is in the intensive care unit. The disease is the high cost of health care, and the medicine is health care reform.

RIISING UNEMPLOYMENT RATES

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, last week my home State of Minnesota saw the unemployment rate rise once again, while seeing its exports drop by almost 20 percent from just 1 year ago.

The number one priority of this Congress and this administration should be job creation. But it's clear that the economic stimulus policies being pursued in Washington are failing. Congress has missed important opportunities to pursue real policies that will put Minnesotans and Americans back to work.

Instead, we've seen reckless spending and reckless borrowing at unprecedented rates, so much so that the fact now is that every man, woman and child in our country owes over \$37,000 as their share of the national debt.

Mr. Speaker, we should be reforming health care without throwing even more new taxes on the backs of families and small businesses, and we should be giving priority to helping small businesses, our number one job creators, to put Minnesotans and Americans back to work.

APOLLO MOON LANDING IS ANOTHER EXAMPLE OF ST. LOUIS PRIDE

(Mr. CARNAHAN asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, as a member of the Science and Technology Committee, I rise today to remember the 40th anniversary of the Apollo Moon landing and the deep sense of pride it gave our Nation.

I, like all Americans, watched with amazement as Neil Armstrong declared: "That's one small step for man, one giant leap for mankind." That moment demonstrates the magnitude of American know-how, ingenuity, innovation and our ability to rise to a great challenge.

My home city of St. Louis, Missouri, was instrumental in the success of that Moon mission, serving as home to then-McDonnell Douglas, which manufactured components for the third-stage booster rocket for Saturn V. That third-stage booster rocket launched those brave astronauts into lunar orbit, making the historic journey possible.

Now it's time to lead the world once again in innovation and science technology, especially as we transition to a new clean energy economy. Americans are ready to be called to action for a great challenge again.

HEALTH CARE REFORM A PRESCRIPTION FOR DISASTER

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, when the economic stimulus plan was passed earlier this year, the American people were told that we had to act immediately because of our economic crisis. We were also told that that plan would create or save 3 million jobs and that the unemployment rate would not rise above 8 percent, and that we had to act so fast that actually not one Member of this House or the American people had a chance to read the bill.

And what has actually happened since that time?

Well, the economy hasn't gained 3 million jobs. It's actually lost 3 million jobs. Where are the jobs?

Unemployment is almost 10 percent. In my home State of Michigan, it is 15.2 percent today, and \$787 billion has been added to our national debt and we have an annual deficit approaching \$2 trillion.

Mr. Speaker, now we're being told that we need to pass health care reform immediately because we're in a crisis. We're told that it will be deficit neutral because it includes massive new taxes on individuals and small businesses. But CBO says that it will actually increase the deficit, Mr. Speaker, while others say that it will force millions of Americans out of their private health insurance.

We do need to reform our health care system, but doing it in such a panic mode is a recipe for disaster.

EMPLOYER MANDATE HARDSHIP

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Mr. Speaker, our economy is struggling, and unemployment is near 10 percent. Yet the health care proposal being considered in Congress asks our job creators, the small businesses of America across this country, to pay a new 8 percent tax.

Last week, in the Ways and Means Committee, I proposed to exempt small businesses from this penalty tax if it would result in businesses having to lay off workers, cut wages, or reduce jobs.

America's businesses are hurting, and we're asking them to pay more taxes? Yet, my amendment was rejected. Requiring small businesses to pay a penalty tax is no way to help them stay in business and create jobs. American workers will be harmed. Workers will bear the new cost through lost jobs and smaller wages.

I urge my colleagues to reject this bill. Americans need the confidence that their jobs are not in jeopardy, that we are working to protect and strengthen their health care, while supporting the small businesses that create jobs.

And these aren't speaking points. That's just some straight shooting from the sheriff.

STABILIZING OUR ECONOMY

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, President Barack Obama's chief of staff, Rahm Emanuel, reflected on the administration's lack of focus on the economy earlier this year when he said that our Nation's financial crisis presented an opportunity to accomplish agendas unrelated to the economy.

A good example of that was the so-called stimulus bill that had nothing to do with helping to save or create jobs in the private sector, but everything to do with expanding government programs and pushing our Nation \$787 billion deeper into debt.

The Obama administration and the Congress should be focused on one issue and only one issue, and that is stabilizing our Nation's economy so that Americans can keep the jobs they have and get back the jobs they lost. Only when the economy is stabilized should we be debating other issues such as energy policy and health care reform.

Mr. Speaker, the American people are hurting, and it's time that our

President and the Democrats in Congress stop ignoring their pain and get to work on fixing this economy.

WASHINGTON IS OUT OF TOUCH

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. It amazes me how out of touch we are in Washington. For months now, my constituents in western New York have been asking, where are the jobs, any jobs?

Well, according to this chart of job postings, we found out where they are: right here in Washington, D.C., as we continue to hire thousands of Federal bureaucrats. It's one of the only cities that's growing, and all for the wrong reasons.

It's appalling that we're continuing to grow the Federal Government while we're running a deficit of \$1.18 trillion.

When I ran a business, you always had a budget, and you lived within it.

When you look around D.C., you see construction cranes all around the skyline. It's because we can't construct enough buildings to house all these Federal bureaucrats that we're now hiring when we have this deficit.

We have to stop this excessive spending and work together to create the right jobs in the right sectors.

WHAT'S WRONG WITH THIS PICTURE

(Ms. SPEIER asked and was given permission to address the House for 1 minute.)

Ms. SPEIER. Mr. Speaker, the enemies of health reform have scoured all of Canada to find a story that fits with their message of "no change, no reform."

But I only have to look to my district, to Sharon Almeida from San Bruno, who sent me this letter titled, "What's Wrong With This Picture?"

Each month Sharon and her husband, Frank, net \$3,811 from Social Security and pensions. But they pay out nearly \$2,800 for Sharon's cancer treatments. That leaves them just \$1,000 for food, utilities, gas, insurance, never mind a little something for the grandchildren. Thank God they own their own home and no longer have a mortgage.

Mr. Speaker, Sharon and Frank worked hard. They played by the rules and raised a beautiful and supportive family. They do not deserve this.

So, to the critics of reform, I say, let the Canadians worry about the Canadians. It's time we come together to provide real health care reform for Sharon and other hardworking Americans.

TROUBLE IN CAPITAL CITY

(Mr. DANIEL E. LUNGREN of California asked and was given permission

to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, trouble, oh, we got trouble right here in Capital City. With a capital T, and it rhymes with B and that stands for Broke. Right here in Capital City, right here, we've gotta figure out a way to help the Americans we're about to choke.

You've got trouble right here in Capital City. With a capital T, and that rhymes with D and that stands for debt. Right here in Capital City we've got trouble. Remember the millions, the billions, the trillions. And don't you forget, we've got trouble. We're in terrible, terrible trouble. The game of some 256 Members is a devil's bet. Oh, yes, we've got trouble, trouble. Trouble with a T. It rhymes with D, and it stands for Democrat.

HEALTH CARE

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BROWN of South Carolina. Mr. Speaker, it's time for commonsense health care reform that will strengthen free enterprise, lower cost and expand access to affordable quality care.

Unfortunately, at a cost of \$1.28 trillion, Democrats wish to create a new government program that will unwillingly force more than 100 million people out of their current coverage, increase taxes by \$818 billion, and cut 4.7 million jobs.

According to CBO, this legislation would also increase the Federal deficit by \$239 billion over 10 years and, as a result, would ration care, force doctors out of the profession and hospitals out of business, and ultimately provide fewer options and longer waits for patients.

Locally, new health mandates in South Carolina, a State already in financial crisis, would create more unbudgeted costs and reduce funding for other important issues in the State.

Spending so much and accomplishing so little, a government takeover of health care is the wrong direction for all Americans. Republicans have a better plan that expands access to affordable health care and allows families to choose the plan that best fits their needs.

CUT TAXES AND CREATE JOBS

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Mr. Speaker, Continental Airlines, one of the largest employers in Houston, has just laid off 1,700 people. And my friend, Mr. CHRIS LEE of New York, has put together an inspired chart that shows clearly what this liberal leadership of this House

and this Congress are doing with our hard-earned tax dollars. They're redistributing the wealth to Washington, D.C., they're creating jobs in the government and Washington and out in NANCY PELOSI land, out in San Francisco and in State capitals across the Nation.

But we fiscal conservatives understand, it's common sense: to create jobs, you cut taxes; you get lawyers and bureaucrats and regulators off the backs and out of the pockets of small business people. We need to cut taxes to create jobs. Do so immediately. We need to cut spending at the Federal level to reduce the level of debt that our children and grandchildren are going to have to pay.

The Inspector General for the Treasury has just reported that these irresponsible bailouts that this liberal majority has passed could cost taxpayers up to \$23.7 trillion on top of the \$60 trillion in unfunded liability that we have already passed on to our kids.

It's time to cut taxes and create jobs and get the government off our backs and out of our pockets.

PRESIDENT OBAMA'S SUPPORT FOR HEALTH CARE REFORM IS WANING

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, the more details Americans learn about the government takeover of health care proposed by the President and the liberal leadership of Congress, the less support there is for this insane idea.

A Washington Post-ABC poll shows more than half of this country is opposed to this plan. Yes, support for this crazy deep dive into socialism is fading fast.

The nonpartisan CBO says this plan won't reduce the cost as the President suggested; it will accelerate it. And we know that will kill jobs.

This liberal Congress rammed the stimulus and cap-and-trade, which nobody could read before voting, down the throats of the American people. But they are now fed up and on to their strategy.

We don't want DMV, Department of Motor Vehicles, style medicine with long waiting lines, delayed care and skyrocketing cancer death rates as in Canada and the UK. We don't want a system that will bankrupt this country and ignore the elderly, and we sure don't want our tax money paying for abortions.

Simply put, we want commonsense health care reform, not nonsense health care reform as now proposed.

□ 1245

A TAX ON HEALTH CARE IS A TAX ON PAYROLL

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, at the start of this year, the focus has been on economy and jobs, number one.

I was chairman of the Florida Chamber 4 years ago. We represented 137,000 businesses, and 99 percent of those businesses were small business. They create 75 percent of the jobs. Yet, today, we are going to tax health care. It's not a tax on profit. It's a tax on payroll. If you've got a \$1 million payroll making no money, and if you're paying another \$80,000 a year you don't have, you're going to put people out of business.

The other thing they want to put together is a surtax of 5.4 percent on businesses. They want to get to the millionaires. Do you know who those folks are? They're small business people. You wouldn't know that if you've never been in business. That's the majority of them. So you're going to tax the 8 percent. You're going to add another 5.4 percent. You're going to kill millions of businesses, and you're going to kill millions and millions of more jobs. We need to get focused back on the economy and on jobs in America today, right now.

HEALTH CARE REFORM

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker and Members, I serve on the Energy and Commerce Committee and on the Health Subcommittee. We were in session last night until 12:30, working on this bill. It was beginning to be a bipartisan bill. We accepted Republican amendments; we accepted Democratic amendments, but we have a long way to go. Let me tell you what the facts are in our country.

Forty-three to fifty million people in our country are without health care. They get their health care through the emergency rooms. Do you know who pays for that? Those of us who have insurance, who are fortunate enough to have employer-based insurance, whether you're a Federal employee, a State employee, a city employee or whether you work for some of the large industries. We have insurance, but 43 to 50 million people don't. Our country's employers and employees spend more per capita than anywhere in the world for some of the worst results for the average illnesses.

We are going to debate a bill in a few minutes by my colleague from California, JOE BACA, on the increase in diabetes in the Hispanic community. Di-

abetes can be dealt with early on. Our health care system decides to deal with people after they're so ill that it's more expensive. We need health care reform in our country for cost containment but also to make sure that every American doesn't have to get their health care through the emergency rooms.

UNEMPLOYMENT

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, Americans all over this country are asking: Where are the jobs? We've been promised jobs over and over by the Obama administration and by the majority in this Congress, but unemployment numbers continue to rise.

When the President took office, 11.5 million people were unemployed. Six months later, that number now stands at 14.5 million Americans who are unemployed and who are looking for work. Where are the jobs?

In February, when the majority rammed through a \$1 trillion stimulus bill with zero input from my Republican colleagues, Americans were promised that unemployment would remain at 8 percent. Five months later, unemployment is at 9.6 percent and is climbing. In my home State of Florida, that number is 10.6 percent, the highest it has been in three decades. Where are the jobs?

The stimulus bill is not working, and despite what Vice President BIDEN says, we can't borrow and spend our way out of this recession. Instead of spending trillions of dollars on failed programs and on misled policies, we need to focus on lowering taxes on small businesses and on families. Again, where are the jobs?

AMERICAN INNOVATION, NOT REGULATION

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, the world is looking to us for innovation. That's the goose that lays the golden egg in our country—our free enterprise system, entrepreneurship. They are looking and are saying, American innovation can pull this economy back in a good direction, not regulation. Other governments are moving away from regulation and high taxation. We're moving towards it. It's innovation, not regulation.

Look at the new cap-and-trade legislation for energy and the environment. It's a regulatory scheme. It's a taxation scheme, not an innovation scheme. Where is nuclear power? Where are the new energy technologies that

can lead to a robust, manufacturing-driven, job-creating U.S. economy?

Look at the new health care scheme. It's a regulatory scheme, a taxation scheme and, frankly, a litigation scheme. It's protecting the status quo in litigation. The greatest medical centers in America are saying this government insurance scheme is the wrong approach. We need less litigation. We need to unleash the entrepreneurship and the innovation of the United States again so that we can lead.

Where are the jobs? They're in innovation and in entrepreneurship. They're in our free enterprise system. The government chokes it with regulation, taxation and litigation.

A SO-CALLED "STIMULUS"

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, 5 months after this House passed the so-called "stimulus" that shattered spending records, the economy struggles, and unemployment is approaching 10 percent. It's important to remember that Republicans had a different plan for economic recovery. While we didn't have enough votes to pass it, our solution relied on American ingenuity and small business, not on stimulating bigger government by creating government jobs. Our plan would have produced immediate results by putting tax dollars right back in the pockets of American taxpayers and of job creators.

Recently, it was reported that someone in the White House sees the need for another stimulus. Instead of doing the same thing over again and expecting a different result, perhaps it's time to give Republican alternatives a serious look. It's not too late to pass a real stimulus plan.

THIS CREDIT CARD CONGRESS

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, I rise with deep concern about the families of the United States of America. The economics of this credit card Congress are not working. Where are the jobs?

We cannot tax and spend our way out of our challenges. I firmly believe that President Obama, Speaker PELOSI and the Democrats in Congress are taxing, spending and borrowing too much money. This credit card Congress has now put us nearly \$12 trillion in debt. We are spending nearly \$600 million per day just in interest on that debt. Bailouts and stimulus money by the billions of dollars are not helping the average person at home, and now we have a proposal to slam through a government-run, Chinese-financed health care

system that puts a Washington, D.C., politician between our doctor and my wife.

The tax-and-spend, credit-card-driven, Chinese-financed economics driven by the Democrats doesn't work. We need fiscal discipline, limited government, accountability, and a strong national defense. We need to restore liberty for the American people and for small businessmen and -women. That's where you'll find the jobs.

Stand up, America. Let your voice be heard. Put a stop to this credit card Congress.

DEMOCRATIC HEALTH CARE REFORM

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, one of the American people's biggest fears about the Democratic health care reform plan is the prospect of having some government bureaucrat stand between them and the doctors they trust. I've heard this message time and time again in townhall meetings, in letters and in phone calls from patients throughout this country.

The House Democratic leadership has promised the American people that their fears about the bureaucrat-rationed care they will receive are unfounded, even while drafting a 1,000-page bill that creates this Comparative Effectiveness Council to decide which treatments will be covered.

Late yesterday evening, I gave my colleagues a chance on the Energy and Commerce Committee to put their money where their mouths were by offering an amendment in the Energy and Commerce Committee that would simply bar Federal political appointees and bureaucrats from intervening in patient treatment decisions.

An easy vote, Mr. Speaker. Who do you want making your health care decisions—your doctor or a government bureaucrat? However, every Democrat on the committee, save one, voted against this amendment.

It's time for Congress to focus on strengthening the doctor-patient relationship and not the bureaucratic-patient relationship.

WHERE ARE THE JOBS?

(Mr. BONNER asked and was given permission to address the House for 1 minute.)

Mr. BONNER. Mr. Speaker, the people in South Alabama and, really, all across our country want to know: Where are the jobs? Where are the jobs that were promised by the administration and by the Democratic leadership of this Congress back in February?

Without a single Republican vote, a \$787 billion stimulus bill was forced on

the backs of the taxpayers of our country with one simple promise: that it would keep unemployment below 8 percent and that it would create some 3.5 million jobs over the next 2 years. Where are those jobs? Instead of creating new jobs, almost 2.5 million jobs have been lost just since the stimulus bill has been passed.

Nationally, the unemployment rate is 9.5 percent, inching up closer and closer to double digits. In five of the six counties that I represent in South Alabama, that unemployment rate is already at double-digit unemployment.

Mr. Speaker, there is a serious lack of credibility in our Nation's capital. Don't take my word for it. Just listen to the American people. They want to know: Where are the jobs?

SUMMERS RELYING ON GOOGLE SEARCHES TO GAUGE RECESSION

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, when this administration took over on January 20, the unemployment was at about 7.2 percent, and they made a promise that this new stimulus of \$787 billion would create or would save 600,000 jobs. Since that point, we've lost 2 million jobs. Where are the jobs?

The President's top economic adviser pictured here, Mr. Larry Summers, has made us all feel better in this country by telling us:

Of all the statistics pouring into the White House every day, top economic adviser Larry Summers highlighted one Friday to make his case that the economic free-fall has ended. The number of people searching for the term "economic depression" on Google is down to normal levels, Summers said. Searches for the term were up fourfold when the recession deepened in the earlier part of the year, and the recent shift goes to show consumer confidence is higher, Summers told Peterson Institute for International Economics.

Mr. Speaker, where are the jobs? I'm telling you that somebody in this administration is asleep at the wheel.

JOBS

(Mr. AUSTRIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUSTRIA. Mr. Speaker, the American people are hurting. Millions of Americans are out of work, and hundreds of thousands continue to lose their jobs each month. In my home State of Ohio, the unemployment rate reached 11.1 percent in June, the highest it has been in decades.

According to the Columbus Dispatch, this adds up to an additional 33,000 jobs in Ohio that have been lost during the

month of June, which is up from 8.8 percent in January 2009. The Dispatch article goes on to state that, over the course of the past year, 279,000 Ohioans have lost their jobs, including small businesses, farmers, as well as 134,000 manufacturing jobs.

At the end of the day, I trust the American people and our small businesses, the taxpayers, to spend and to invest their own money as they see fit. That is what will get America back to work.

Unfortunately, the other side of the aisle's economic policies have this backwards. The government continues to take Americans' tax dollars and to spend those dollars as they see fit. Not only is that inefficient and wasteful; it's just flat out wrong. Where are the jobs? It's time to get Ohio and Americans back to work now.

WHERE ARE THE JOBS?

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to ask a simple question: Where are the jobs? My constituents, along with those across Ohio and our Nation are asking: Where are those jobs?

In my home State of Ohio, the unemployment rate has risen to 11.1 percent. We have the seventh-highest rate in the Nation. Every single county in my district is equal to or is higher than the national average, and Pike and Scioto Counties are actually above 15 percent, but that number is rather deceiving. Another large percentage of our population has either given up looking for work right now or has taken part-time or temporary work.

People in Ohio and in my district are hurting. We need jobs and we need them now. Only \$6 million of the Department of Transportation Recovery Act dollars have been spent so far in Ohio. The Recovery and Reinvestment Act was supposed to provide immediate stimulus to create new jobs. Where are those jobs? People are hurting. Five months later, there are no jobs.

I'm asking: Where are the jobs?

□ 1300

LOSS OF JOBS HAS GONE OFF A CLIFF

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Mr. Speaker, with the national unemployment rate nearing 10 percent and Tennessee's own unemployment rate at over 11 percent, people are outraged that not more is happening in Washington to help them find work. So far, this Congress has provided those who find themselves out of work extended benefits, but it in-

sisted on taxing those benefits. Worse, the majority has not done enough to stimulate the economy and to produce jobs, the best benefit of all, which is a job.

Despite all of the promises of a green job revolution and the millions of jobs that would be saved or created because of the economic stimulus package, the number of jobs since President Obama took office has gone off a cliff.

Republicans have called for an immediate end to the tax on unemployment benefits, which would surely help those who have been hurt by this recession. We have also called for tax relief for small businesses who can use that money to create jobs. These measures can improve our economy immediately.

American small businesses are the most innovative in the world and will pull us out of this recession if we allow them, but Democrats seem determined to prevent any recovery from occurring. In the past month, they moved to bludgeon our economy with a national energy tax and tax on small business to finance massive new health care entitlements.

Enough is enough. Create jobs.

JOBS, THE ECONOMY, AND THE FUTURE OF HEALTH CARE

(Mr. SESSIONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SESSIONS. Mr. Speaker, over 6 months ago, my Democrat colleagues and the Obama administration told the American people that if we passed the \$1.2 trillion stimulus package, it would create jobs, halt the growing unemployment rate, and turn our economy around; yet here we are today with a 9.5 percent unemployment rate—the highest in 26 years—and a record \$1.1 trillion deficit that is growing and expected to be \$2 trillion by year's end.

And yet this administration and Democrats want to push through another \$1.2 trillion health care package, a health care package that, according to the President's own economic adviser, will result in 4.7 million people losing their jobs.

Just a few weeks ago when talking about the stimulus package, Vice President BIDEN said for the Obama administration, Well, we just guessed wrong.

Mr. Speaker, I don't think that the American people can really afford for this Congress or this administration to guess wrong again. We need to make sure that we find the jobs in this country, not tax and spend.

DEAD WRONG ON HEALTH CARE

(Mr. ROSKAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSKAM. Mr. Speaker, listen. Listen with me and see if we can hear the sounds of jobs. Shhh, shhh, shhh, shhh. You gotta listen real close. Quiet. Well, I'm not hearing anything.

The administration told us in this House months ago that if the American people stood in favor of the stimulus package that unemployment would peak at 8 percent, and yet here in Illinois, the State that I represent, we've now eclipsed 10 percent.

We were told that the cost curve would be broken if only we would follow the administration's health care plan and it would be the salvation of small business, and yet the Congressional Budget Office came into the Ways and Means Committee last week, Mr. Speaker, and said that was dead wrong.

The question that has to be asked and has to be answered is one that we've heard no answer today from the other side: Where are the jobs?

There are no jobs. This is an administration that has pumped sunshine for months and has failed to follow through, and we ought not follow these brake lights right over the cliff.

We know what we need to do, and that is stand for small business and vote against this plan.

BRING HEALTH CARE COSTS DOWN

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, rising health care costs are a serious problem, but the Democrat bill being advanced in the House proposes \$1.2 trillion in additional spending on health care coupled with massive tax increases that would hurt small business and middle class families.

The Democrat new 8 percent payroll tax will force employers to cut millions more jobs in the middle of the worst recession in decades while their surtax would push my State of California's top income tax rate to over 56 percent, higher than even that of France's. And those tax hikes won't even cover the full costs of this bill.

Mr. Speaker, we need real reform that brings down health care costs instead of pouring more money into a broken system.

HEALTH CARE PLAN SHOULD BE GOOD ENOUGH FOR EVERYBODY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, on Friday I offered an amendment in the Appropriations Committee that failed because every Democrat voted against it. The amendment simply stated that Members of Congress and the administration should live by the laws they impose on the American people.

Specifically, if you vote for a government-run health insurance plan, you should get a government-run health insurance plan. If it's good enough to impose health care rationing on the American people, it's certainly good enough for you. Because it's hypocritical to vote for a government-run rationed health care plan that will be forced on everyone else while retaining a private insurance plan for yourself.

If Members don't believe they should have to live under the rationed health care plan that they're pushing, they should explain why. Kansans are upset by the possibility that they're forced on a rationed public health care plan by this Congress. They believe if it's not good enough for the people who vote for it, it's not good enough for them.

Mr. Speaker, it's time for us to reform health care by addressing defensive medicine costs, by offering market-based principles for health care, and by keeping patients and doctors in control, not Washington bureaucrats.

HEALTH CARE AND ITS FAULTY PREMISES

(Mr. COLE asked and was given permission to address the House for 1 minute.)

Mr. COLE. Mr. Speaker, where are the jobs? Well, they certainly aren't in the Democrats' job-killing health care plan. At a time when America is suffering the worst recession in a generation, it's utterly irresponsible to propose a government takeover of our health care system and destroy millions of private sector jobs in the process.

Since the Democrats passed their stimulus package, more than 2 million American jobs have been lost, and the chair of the White House Council of Economic Advisors, Dr. Christina Romer, has suggested that the tax hikes on businesses that will be required to pay for the Democratic health care plan will result in the loss of an additional 4.7 million jobs.

In addition, Mr. Speaker, the Democratic proposal will force drastic cuts in Medicare Advantage, causing millions of seniors to lose their coverage for prescription medicine, the cost of private health care will skyrocket, and the Lewin Group has estimated that nearly 114 million Americans will be forced out of their current private health care coverage and into government-run health care plans.

Mr. Speaker, the Democrats' job-killing health care proposal is the wrong prescription. It will cost millions of jobs. Americans need a second opinion.

AMERICANS WANT TO SEE WHAT WE'RE DOING FOR THEM, NOT AGAINST THEM

(Mr. LATTA asked and was given permission to address the House for 1 minute.)

Mr. LATTA. Mr. Speaker, the people of the Fifth Congressional District of the State of Ohio of the United States all want a job. Last year at this time, the Fifth Congressional District, according to the National Manufacturers Association, had the ninth largest number of manufacturing jobs in the country. When the new numbers just came out, we're down to 15.

When you look at this map of the State of Ohio, looking at Williams, Fulton, Defiance, Paulding, Crawford, and Huron—those are some of my counties—when I've got counties over 15 percent, folks back home want to know what this Congress is doing.

What this Congress passed before we went on the Fourth of July recess was the national energy tax, the largest tax that we're going to see that puts businesses out, that puts people out of work, and that's what we're doing.

People want to know what we're going to do for them, not what we're doing to them. And I'm telling you that folks back home, when I go home every weekend, want to know what are we doing. When you look at the State of Indiana right here, right next to us, they're in as big trouble as we are.

When the Heritage Foundation came out with their report, of the top 20 congressional districts in the country that had problems under cap-and-tax, Ohio and Indiana ranked right in the top, 16 out of 20.

We've got to do something. We've got to act right now.

SIMILAR RESULTS AS STIMULUS PLAN

(Mr. MCCOTTER asked and was given permission to address the House for 1 minute.)

Mr. MCCOTTER. Mr. Speaker, where are the jobs? They are not in Michigan, my home State, where we have a 15.2 percent unemployment rate. And what could we expect, especially when this was one of the driving forces behind the trillion dollar stimulus package. One could expect similar results, and, sadly, that's true.

We then saw a national cap-and-tax energy tax did not create jobs, did not help, and now we're on the verge of a radical socialization of America's health care network. And what do we hear from the other side? Statistics but no references to the bill.

And do you know why? Because while our health care system needs reform, it is not broken. The one thing that's broken is this Congress. And if this Congress keeps spending people's money and engaging in radical change to our cherished way of life, every single fam-

ily budget in America will be broken by their hand.

GOVERNMENTAL TAKEOVER OF HEALTH CARE

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, there is a great debate here in Congress about how we go about reforming health care in the United States. I've tried to work in a bipartisan capacity with the majority, but the Democratic leadership's health care reform plan is a governmental takeover of health care that will lead to fewer jobs, higher taxes, and, ultimately, less health care coverage for New Jerseyans.

Most disappointing to me is the fact that the Democratic health plan would increase, not reduce, our Nation's burgeoning long-term health costs, a step in the wrong direction. And according to the nonpartisan Congressional Budget Office, instead of saving the Federal Government from fiscal catastrophe, the Democratic health care proposal would already worsen the situation that is out of control, an \$11 trillion debt that is rising rapidly.

Democrats should put aside their \$1.5 trillion health care plan and take a hard look at the affordable and effective Medical Rights and Reform Act put forth by the Republican Tuesday Group. Together, we can find real solutions to make health care affordable.

HEALTH CARE REFORM AT WHAT COST

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute.)

Mr. ALEXANDER. Mr. Speaker, several of my colleagues have come to this mike today and said, Where are the jobs? Well, if we pass this government-run health plan with compulsory insurance, it's going to create some jobs. It's going to take a government police force that you won't believe. We're going to have Barney Fife running all over this Nation forcing people to do things they don't want to do.

And how do we pay for it? Well, that's simple. We just go to the small businesses that can't afford to buy insurance for their employees as it is and we increase by 8 percent their payroll taxes. We are going to break the backs of small businesses that are the backbone of this Nation.

Let's put a stop to this nonsense.

NO JOBS

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, where are the jobs?

As a Senator, President Obama supported the \$700 billion bailout Nation strategy that today we're learning will cost the American people potentially \$24 trillion. But where are the jobs?

President Obama pushed the trillion dollar stimulus that cost our economy 2 million in job losses. No jobs.

President Obama took over GM and Chrysler, and he gave pink slips to 3,400 car dealerships that cost 150,000 jobs. No jobs.

President Obama's national energy tax will double our electricity bills in Minnesota and will cost 2.5 million job losses every year.

Now President Obama's economic adviser tells us that the government takeover of our private health care insurance will cost us 5 million jobs. No jobs.

This may be called the China-India stimulus plan, but the President isn't doing so well for the American people.

Mr. Speaker, let's have real change so the American people can have real jobs.

□ 1315

WHERE ARE THE JOBS?

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. Americans love records. How fast can you go? How high can you go? How deep can you go? We love to set records. Why, the Democrats just set a fantastic record of the biggest tax increase in the history of our country. And was it clever? It was really clever. All you have to do is flip a light switch to pay a tax. And spending. Oh, we've done a great job of spending it. As a result of taxing and spending, more records. Why, in the last 6 months, we have lost more jobs than any 6-month period since World War II. There's a record for you.

Here's another record. We have, in the last 6 months, used up more jobs and lost jobs than we created over the Bush years over the previous 9 years. That's the only time that's happened since the Great Depression.

And here's another record, too: That is, the jobs that we've lost have been longer than any time since we've been measuring unemployment in 1948.

I wish we didn't set quite so many records. We don't need the Democrats' help for this kind of record.

Where are the jobs?

HEALTH CARE BILL COSTS AMERICAN JOBS

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Mr. Speaker, where are the jobs? Americans have lost millions of jobs in the

last 6 months. The unemployment rate today is approaching 10 percent nationwide. And amid all of this, Democrats are proposing a government takeover of health care that would increase taxes, eliminate choices, cut Medicare, force Americans out of their current plans and place billion-dollar job-killing fines and mandates on small businesses, the job creators.

Studies estimate that nearly 5 million jobs will be lost as a result of taxes on small business under this Democrat plan.

There is a better solution, Mr. Speaker. Rather than penalizing struggling small businesses, Congress must make it easier for them to afford health benefits. We must increase choices, make health costs deductible, expand health savings accounts, end waste, fraud and abuse and control unnecessary lawsuits that drive up costs for everyone.

I support reform, Mr. Speaker, that lets Americans keep their doctors, lowers costs and keeps medical decisions between the patient and their doctor.

WHERE ARE THE JOBS?

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, at the beginning of this year, the administration and Speaker PELOSI had this House pass a 1,500-page stimulus bill which no one in either body was able to read before they passed it that spent \$800 billion which we did not have, all because they promised that it would create new jobs. In fact, they said it would actually either create or save 2 to 3 million new jobs.

Their economic policy adviser at the White House said it would mean an immediate start of creating new jobs and eliminating losing jobs. Even Majority Leader STENY HOYER was on the floor saying this would be an immediate jolt to the economy, the immediate creation of jobs.

Well, it is 5 or 6 months later, and where are we? I just heard from Chairman Bernanke. He says he can't assess where we are right now. But if you look at the numbers, if you look at the chart that I have here, the Democrat projection with stimulus had we done something was here. What actually happened, we have seen as far as jobs, more job losses, more job losses, more job losses, February, March, April, May and June, more job losses. We have lost several million jobs since the stimulus was passed.

The administration misread the American economy. The administration misread the American public. The American public knows that we need to go in the right direction.

We spend too much, we borrow too much and we tax too much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must enlist the cooperation of Members in heeding the gavel at the expiration of their time.

WHERE ARE THE JOBS?

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, just a few minutes ago, I finished a lunch with a gentleman who is a business owner in Virginia. And we had a discussion about what are the things that we need to be doing to help with this economy.

As I travel across the First District, the thing I hear time and time again is where are the jobs? What are we doing to help this economy? What are we doing to help small businesses? Folks, that is where this economy is going to be picked up, from the efforts to make sure we help our small businesses. That is what this Congress needs to be focusing on each and every day. When we come here, our focus ought to be what are we doing to help small business? What we doing to create jobs?

Obviously, what is happening right now isn't working. People out there are anxious. They are concerned. They are frustrated. They are telling me, as well as the rest of the Congress, get to work, start creating jobs and start turning this economy around.

Let's get the job done.

THE AMERICAN PEOPLE WANT JOBS

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Mr. Speaker, Americans all across the country are asking, where are the jobs? When President Obama brought the stimulus plan before the American people, he said it needed to be rammed down their throats quickly. He didn't allow people even the opportunity to read it. Not one Member who voted for the bill even had the opportunity to read it. But he said, don't worry. Just trust me. It will create millions of jobs.

Well, now 6 months later, 2 million more Americans have lost their jobs since President Obama took the oath of office. And what's their answer? They're talking about another stimulus bill. In fact, just last week, Vice President JOE BIDEN said, We have to go spend money to keep from going bankrupt.

The American people are starting to understand what's going on here with this Congress, the liberals that are running this place. They realize all they're doing is taxing and spending, and

they're not creating jobs. They're running jobs off. The cap-and-trade energy tax would lose 3 million jobs to countries like China. And then they come back with this plan to have a government takeover of our health care system, a plan that would add another \$800 billion of new taxes on the backs of American people and run off even more jobs.

The American people know what's going on here. They want jobs, not these crazy liberal policies.

JOBS, JOBS, JOBS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, for West Virginia's families, it's jobs, health care and the economy that matters the most to them. They've seen trillions of dollars spent, and they see Washington proposing to spend trillions more. They want to know where are the jobs with the stimulus? They want to know why the only apparent answer here in Washington is more spending and more borrowing.

My constituents want their voices heard. Recently, I sent a survey out and received 3,500 responses on what do people want on health care. They want to keep the coverage that they have. More than two-thirds are troubled by the idea of a government-run health care. Three-fourths are shocked by the thought of yet another trillion-dollar program. And the vast majority think that this is not the time to be raising taxes.

Unfortunately, the plan moving through the House right now fails to address all of these. It fails to control costs. It taxes small businesses. It threatens to force families into government-run health care. Simply put, this is not the health care reform my constituents and I are looking for. What they're looking for are jobs.

JOBS, JOBS, JOBS

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, we were told a \$1 trillion stimulus package would create jobs immediately. But since then, nearly 2 million Americans have lost their jobs, and unemployment is at 9.5 percent, the highest in 26 years. Then the House passed cap-and-trade legislation which will cost our country 2.5 million jobs each year. Now we're rushing to take up the Democrats' health care bill, which research shows will cost 4.7 million more jobs.

As House Republicans offer plans and ideas to get our economy moving again, all we get in return is more of

the same, spending and taxing, and it keeps yielding the very same results: Longer unemployment lines and a longer list of promises.

Mr. Speaker, we need new ideas and new approaches to deliver different results.

GOVERNMENT TAKEOVER OF HEALTH CARE IS NOT GOOD FOR AMERICA

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. The House health care bill is a government takeover of your health care and destructive to the economy. It provides perverse incentives to employers to dump their health care plan, forcing their employees into the government health exchange where they will choose the government-subsidized government plan. Oops, there goes the promise that you can keep your own plan.

This costs you \$1 trillion placed on the back of small businesses. Oops, there goes those jobs.

After 10 years, the cost of this plan explodes, needing multi-trillions of dollars to continue to fund. More taxes, more debt. Oops, there goes our economy—to China and India.

WHERE ARE THE JOBS?

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, around the country, more and more Americans are out of work, struggling to pay their bills. Yesterday, the Web site recovery.gov revealed that your government spent \$1.2 million to purchase pork at twice what struggling families would pay at a local grocery store. It would be funny if it weren't so painful.

The \$787 billion stimulus was sold to the American people as a bill that would put people back to work. But now we see it for what it really is, a massive expansion of social welfare which is doing nothing to create jobs.

Where are the jobs? Almost 6 months have passed since the stimulus was signed into law, and unemployment continues to tick upward. It is over 13 percent in my congressional district. The so-called "stimulus" was a missed opportunity to provide true tax relief to the American people and for shovel-ready infrastructure projects that would have provided jobs. As more information on this stimulus package is revealed, I'm sure more terrifying news will be before us.

WHERE ARE THE JOBS?

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, I want to introduce you to Mr. Pitchford. He is a young and exciting teacher who gets 12-, 13- and 14-year-olds to enjoy geography and history. But this September, he is not going to be back in the classroom because his district relies upon resource jobs and royalties and development to fund schools. And this administration, through the arbitrary and unilateral decisions of the Secretary of the Interior, has cut this funding. This is the administration that stopped new uranium development for 2 years, has postponed offshore drilling decisions, and has postponed oil shale development projects. And for Mr. Pitchford, has taken 77 oil and gas leases and suspended them because they don't think 7 years of study was enough time.

If we do not develop the resources on our public lands, jobs are lost. If we don't have cheap forms of affordable energy, jobs are lost. And those jobs aren't simply a number. They are a face of a real person like Mr. Pitchford, who is no longer a teacher not because of his choice, but because of government decisions. And the collateral damage of these government decisions are the 13- and 14-year-olds in his classroom. Where are the jobs? They're not in Mr. Pitchford's classroom.

WHERE ARE THE JOBS?

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, let me ask a question. I don't know if it has been asked yet today. The American people want to know, where are the jobs? We have a Congress that has gone off the tracks. A trillion-dollar stimulus package, that's thousand-dollar bills stacked 63 miles high. Did we get any jobs? No. We have a budget with a \$1.2 trillion deficit built into it. Are we going to get jobs? No. We are going to get inflation and higher interest rates.

We have a cap-and-tax bill that is going to kill American jobs by raising the cost of our traditional sources of energy, coal, nuclear and oil. We have a health care bill on the agenda before the Congress today that is going to kill jobs and raise the cost of health care to the American people rather than contain the cost and create more choice and more competition for the American people.

This Congress is out of control, and the American people want to know, Mr. Speaker, where are the jobs?

MENTAL HEALTH PARITY

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, today I rise in favor of the health care bill this Congress is considering. It would cap out-of-pocket expenses. It would eliminate preexisting condition discrimination. It would give patients a choice between our own physician and a government plan. It would eliminate lifetime caps for health care. It would eliminate the ability for people to no longer have the choice of having to choose a job and not be able to leave that job because of health care discrimination, no more denial because of a preexisting condition, and mental health parity for all insurance plans, irrespective of mental health preexisting condition.

Mr. Speaker, we need to have mental health screening annually covered, and that is what this bill does so that we treat it as a preventive item. For the 130 million Americans with mental health conditions, this will act as a preventive measure, saving us millions and millions of lives and dollars from suicide and the like.

BIPARTISAN SAFE COMMISSION

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I offered a bipartisan commission amendment to the stimulus bill when it came before the Appropriations Committee and it failed. Had that amendment passed, we could have helped create jobs, deal with the debt and deal with the deficit.

Now 6 months later, we have unemployment rates at a 26-year high, and some say it will go to 11 percent, and some even say 12 and 13 percent.

We have piled another \$787 billion on top of our children and our grandchildren. Social Security is in trouble. Medicare is in trouble. Medicaid is in trouble. Let's pass this bipartisan amendment so we can get control of the debt, get control of the deficit, create a renaissance in this country and create new jobs.

GOVERNMENT-RUN HEALTH CARE WILL COST JOBS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the health care proposals that are before us have been tried before. Public option was tried in my home State of Tennessee under a plan called TennCare. For more than 10 years, the legislature and three Governors tried to make it work. It has been less than successful. But what has happened is that a program that was supposed to have saved millions, tens of millions of dollars, has never saved one nickel. It also has restricted access. It has driven up the cost of private health insurance, and it has nearly bankrupted the State.

Tennesseeans know that rushing to reform health care and doing that wrong is a very expensive process. We all know that costs and access of health care needs to be addressed. No one seriously believes that any of these plans before this House right now is going to do that.

Tennesseeans know the cost of rushing and getting it wrong, and the American people are figuring it out because they have seen the majority rush a stimulus, an omnibus, a housingus and a porkulus that has left the American people saying, where are the jobs? And they do not want that to happen in health care.

□ 1330

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must enlist the cooperation of Members in heeding the gavel at the expiration of their time.

HOUSE REPUBLICANS HAVE A PLAN FOR REFORM

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, in the midst of the worst recession in a generation, so what did President Obama and Speaker PELOSI do? Well, they propose a government takeover of health care that will lead to fewer jobs, higher taxes, and less health coverage.

As a physician, I know that government-run health care will end quality care. In addition, since the recession began, 6 million jobs have been lost; yet the Democrats' health care plan includes hundreds of billions of dollars in new taxes on small businesses, the job engine creation in this Nation, \$800 billion in new taxes.

According to the economic modeling by the President's own Chief Economic Advisers, the business tax hikes alone would destroy up to 4.7 million jobs, and amazingly, an independent analysis by the nonpartisan Lewin Group found that 114 million Americans would lose their personal, private health insurance.

Mr. Speaker, the American people want real solutions to get our economy back on track, not another excuse to raise taxes on small businesses and working families. House Republicans have a plan for reform that expands access to affordable health care and saves jobs.

JOBS, JOBS, JOBS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, the facts show that the stimulus has been a dismal failure.

Fact: the administration promised that it would create 3.5 million jobs. Instead, we have lost an additional 2 millions jobs. But not only is the administration and this Congress not succeeding in creating jobs; they're actually rushing to pass legislation that would even create more job losses.

Look, the Pelosi cap-and-trade bill would cost Americans anywhere between 2 million and 3 million jobs a year in additional job losses. The health care proposal would cost Americans 4.7 million jobs lost and lead to \$1.3 trillion in new spending and huge tax increases.

Mr. Speaker, it's time to give relief to the job creators like the small businesses; and very respectfully I say, Mr. President, it's time to stop talking. Stop wasting taxpayers' money. Stop irresponsibly borrowing. Stop raising taxes. It's time to focus, focus on creating jobs. That would be a welcome change.

THE ADMINISTRATION IS HIDING OMINOUS NUMBERS FROM THE AMERICAN PUBLIC

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Kentucky. In case you missed it, there was an ominous report in yesterday's Washington Post that said the administration is delaying for several weeks the congressionally mandated report on economic growth, job creation, and budget deficits, a report that's due right now.

The administration said yesterday, We're not going to tell you what's in that report for several more weeks. Why? I will tell you why. They don't want to downplay the politically damaging deficit numbers, the unemployment numbers, and the economic growth, or lack of growth, numbers that are in that report.

Why? Because it's an attempt to hide this record-breaking deficit as the Democrat leaders break arms to rush through this government takeover, the experiment in health care. That's why the administration is hiding ominous numbers from the American public.

DEVASTATING JOB LOSSES IN THE SAN JOAQUIN VALLEY

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute.)

Mr. RADANOVICH. Mr. Speaker, I rise today to talk about the devastating job losses in my district in California. This Congress, with the help of the Obama administration, has taken away 40,000 jobs and almost \$1 billion of income from the great San Joaquin Valley in California in a foolish attempt to protect a 3-inch fish.

The valley's unemployment now is at 20 percent, with some towns as high as

40 percent. Yet, the mere flick of a switch on the pumps in the delta will restore 40,000 jobs at no cost to the government.

In addition to this careless disregard for the farmers in my district, the Democrat leadership is now ramming through a \$1.2 trillion health care reform measure that will eliminate 4.7 million jobs, small business jobs, and subject farmers to \$500 billion in new taxes. And let's not forget the \$846 billion national energy tax that will result in a 2.3 million job loss and cause the price of everything on the family farm to dramatically increase.

Mr. Speaker, where are the jobs? The Democrats are giving them to the little fishies in the San Francisco Bay delta. Go fish.

STIMULUS SPENDING

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, when Congress passed the American Recovery and Reinvestment Act, the administration argued that an \$800 billion taxpayer-funded spending spree was necessary to create jobs. It was rushed through with no time to review the policies that would implement this massive spending plan.

The administration sold this spending spree as a jobs creation measure. Yet, it turns out that jobs weren't a priority at all.

A \$3.9 billion stimulus funding announcement was made for smart grid investment grants by Vice President BIDEN in which he stated, "This is jobs—jobs."

Well, the Department of Energy didn't seem to get the memo. Application forms for grants asked: "Will DOE use the number of jobs estimated to be created and/or retained as a criterion for rating a proposal for funding?" The grant guidance says: "No."

Where are the jobs? Job creation was supposed to be the primary requisite for receiving recovery funds, and yet it was simply a reporting requirement. It was never about jobs.

WE SHOULD NOT ALLOW A RUSHED GOVERNMENT TAKEOVER OF HEALTH CARE

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute.)

Mr. FRELINGHUYSEN. Mr. Speaker, as the House leadership prepares to rush to judgment on legislation that will lead to a government takeover of health care, 17 percent of our Nation's economy, it's instructive to look back a few weeks to the cap-and-trade energy debate.

Just before the Fourth of July break, leadership set another deadline to pass

what will amount to the largest tax hike in U.S. history.

With unemployment soaring, policies that impose a national energy tax will only make things worse by increasing energy costs for all Americans, crippling small businesses, and putting more people out of their jobs.

Frankly, the legislation we passed is a gift that keeps on giving to our economic rivals like China and India whose economies are already sucking away U.S. manufacturing jobs at an alarming rate. Needless to say, as we saw from Secretary Clinton's recent visit to India, these nations do not plan to impose restrictions on their emissions.

Mr. Speaker, American families are struggling; there's no doubt about it. They're working to make ends meet and they are worrying about their jobs. We should not burden them with a new national energy tax, and we certainly should not allow a rushed government takeover of health care.

CREATING JOBS, NOT DESTROYING THEM

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, our economy is in the midst of a historic recession, and millions of Americans have lost their jobs over the past several months despite promises from Speaker PELOSI and President Obama that their extravagant spending would create jobs.

But Americans are a hardworking and resilient people. So I was excited when I heard from a laid off entrepreneurial constituent of mine from Allegheny County, North Carolina, who's working on starting his own business. He plans to hire around 20 people over the next 2 years.

However, he recently wrote to tell me that if the Democrats' health care bill becomes law, the new taxes and burdensome rules will take a devastating bite out of his ability to grow jobs. In fact, he said he would hire only half the workers if this legislation becomes law.

Mr. Speaker, this is a travesty. This Congress should be implementing policies that create jobs, instead of burdening entrepreneurs with job-killing taxes and new government mandates and red tape.

THE POLICIES OF THIS ADMINISTRATION ARE LENGTHENING AND DEEPENING THIS RECESSION

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. MCCLINTOCK. Mr. Speaker, I was struck by the chilling similarity

between the broad-based taxes under the Waxman-Markey cap-and-trade tax we passed several weeks ago and the Smoot-Hawley Tariff Act of 1930 that economists blame as one of the major factors in producing the Great Depression.

Another of Hoover's blunders was the Emergency Relief and Construction Act of 1932. Its centerpiece was a radical increase in income tax rates from 25 percent to well over 50 percent.

If that sounds familiar, it should. That's one of the financing proposals in the health care bill that would push State and Federal income tax rates to more than 50 percent in most States.

Mr. Speaker, when I see the same policies from this administration that turned the recession of 1929 into the Depression of the 1930s, I'm reminded of Ben Franklin's observation that "experience keeps a dear school, but fools will learn in no other."

Mr. Speaker, these policies are lengthening and deepening this recession because this administration did not even learn from experience.

WHERE ARE THE JOBS THE DEMOCRATS SPENT \$1 TRILLION TO CREATE?

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, you know, I think pushing government-controlled health care is a way for the Democrats to divert attention away from the economy.

The White House said we had to pass a stimulus because it didn't want unemployment over 8 percent. Unemployment is at 9.5 percent and slated to reach higher.

The White House said it didn't want to own General Motors. The government owns General Motors.

The White House said it didn't want any pork in the stimulus. Now, we're paying money to clear away obstacles for fish and to monitor earthquakes and volcanos.

The White House said it didn't want to increase the deficit. The U.S. deficit broke past \$1 trillion in June, a grim testament to the recession and financial crisis.

I have one question, Where are the jobs the Democrats spent \$1 trillion to create?

HEALTH CARE REFORM MUST TARGET ACCESS TO QUALITY AFFORDABLE CARE

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, we must reform health care. Too many Americans do not have access to quality, affordable health care. Instead of

resolving these problems, however, the President prescribes an overhaul that will deny Americans treatments they need and make them wait to get treatments that a new health care commissioner allows.

This is not the way to reform our health care system, and my constituents agree. I've received many calls and letters from Arkansans, like Michael who recently told me he owes his life to the fact that we don't have a system like the British-run government health structure that is being hastily proposed.

In 2007, Michael was diagnosed with renal cell carcinoma, something he's sure his doctor would not have caught had he had his hands tied in red tape health procedures. He owes his life to the care we were able to give through a free-market system.

We cannot rush through legislation that will have serious implications on care Americans like Michael receive. We need to take a reasonable amount of time to listen to the concerns of Americans like Michael and craft a commonsense bill that addresses the real problems.

WE SHOULD NOT BE DECIMATING THE CARE OF OUR SENIOR POPULATION

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, last week the Democrats released a health care bill which essentially said to America's seniors "drop dead." Despite their promise to care for our seniors, Democrats have decided that it's too expensive to care for my senior constituents and everyone else's constituents.

This bill would cut an additional \$156 billion from the Medicare Advantage program in order to pay for the government expansion of health care for the young, the healthy, and the wealthy.

This, by the way, is the second attack on our seniors this year. The first came in March when the administration announced that Social Security recipients would not receive a cost-of-living increase.

Listen up, America. Seniors have special needs. This bill ignores the needs of Florida's health care system. We should be fixing what is broke, not decimating the care of our senior population. This is change our Nation cannot afford.

□ 1345

FOCUS ON CREATING JOBS

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, the American people are hurting and they're asking, Where are the jobs? The Obama administration and congressional Democrats promised that the stimulus—the trillion-dollar stimulus—would create jobs immediately. Last month alone, we lost almost half a million jobs and unemployment now stands at 9.5 percent.

It's clear the Democrats' trillion-dollar stimulus package isn't working, and their response is to increase spending in the appropriations process by 12 percent, pass a national energy tax that's going to result in increased energy costs, less competitiveness for American jobs, and drive jobs from American shores.

Now they're trying to ram down a health care plan that's going to raise taxes on American business, cost jobs, and force people into a government-run health care plan.

We need to focus on creating jobs—and you do that by holding the line on taxes, controlling spending, and reforming health care. Let's focus on creating jobs and answering the American people's cry for, Where are the jobs?

CONSTRUCTIVE HEALTH CARE BILL

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. It's been fascinating watching some of my friends parade to the floor making some pretty outrageous claims. The most recent one was, my good friend from Florida suggesting that by having the administration follow the law, that if the cost-of-living has not increased sufficiently, so that there isn't a cost-of-living increase for Social Security, somehow this is an administration assault on senior citizens. This is a rather bizarre notion when we think about their record when they were in charge, seeking to undercut formulas like the one in question to move them back in the other direction.

When it comes to health care, when our friends on the other side of the aisle, strong-armed their prescription Medicare drug coverage program into law; did not seek concessions from the pharmaceutical industry; created the "doughnut hole" that has created a massive gap in coverage and no mechanism to pay for it.

What we're doing at this point is trying to move forward in a constructive fashion to give the American people choices, follow the law, save money, and improve the quality of care.

BUREAUCRATS IN CHARGE OF HEALTH CARE

(Ms. FALLIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FALLIN. Mr. Speaker, the American people are concerned about keeping their jobs and the huge deficit that we have incurred here and in the Senate, and passing that debt on down to future generations of our children.

With over a thousand pages, the Democrat health care bill costs too much, spends too much, and will destroy jobs in America. Health care reform should be about lowering costs, providing quality, affordable care for all Americans. And this health care debate must consider that every individual has different health care needs and that Americans are struggling to pay their bills.

The Democrat leadership has failed to address these needs by supporting the same old, tired proposals of massive Federal new spending and increased Federal regulation, which will cost the United States more jobs.

This time, cutting a bigger Federal check won't do it. Their plan amounts to \$818 billion in new taxes on individuals, on businesses, and a Federal takeover of our health care system. These taxes will crush our small business owners and destroy thousands of jobs.

This plan will put bureaucrats in charge of our health care—and the American people don't want that.

LET'S PUT OUR HEADS TOGETHER ON HEALTH CARE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. The majority Democrats in this Congress are trying very hard to pass a health care bill that will be a good bill for the American people. Our friends on the other side of the aisle don't seem to want to cooperate.

It's a national disgrace that there are 47 million Americans that have no health care coverage whatsoever. It's a national disgrace that our emergency rooms are being used to help people that have no coverage whatsoever. It's a national disgrace that so many of our health care dollars are going into administrative costs.

We are trying to craft a plan that will put America back on the road so that every American will have health care; so that health care as we know it will be improved; so that people that like their health care can keep their health care, but people that don't have health care, can get health care.

We know that the system is broken. I don't want to hear people on the other side of the aisle talk about deficits because when they were in the majority for 12 years, they gave us the biggest deficits in American history and left us with red ink as far as the eye can see.

So I would urge my friends on both sides of the aisle, let's put our heads together and come up with a real, good

health plan that America can be proud of.

URGING CONGRESS TO DO THE RIGHT THING

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, where are the jobs? Unemployment in my district has hit 14 percent—14 percent. Failed stimulus aside, Washington is doing nothing but making matters worse.

Put yourself in the shoes of the only people that can lift us out of this economic recession—small business owners. Let's see what they're facing.

They're facing higher energy costs because of this Democrat cap-and-trade tax on energy. They're facing higher health care costs because of a government takeover of health care. They're looking at higher energy taxes, higher health care costs, and the kicker is, higher personal income taxes. The liberals are already proposing it.

The folks that are running Washington are out of touch with small business owners and are doing the wrong thing on our economy. And I urge the leadership of this Congress to do the right thing. Don't kill the goose that laid the golden egg. Don't kill small business owners. And don't hurt this economy any more.

WASHINGTON PROPOSALS IMPEDING JOB CREATION

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. The issue is: Jobs, jobs, jobs. A friend of mine who employs many people in my district said this to me the other day, The policy proposals coming out of Washington are impeding job creation and scaring people. He's right. And there are five reasons that are driving his concern.

One, a stimulus that spends too much, borrows too much, and delivers too few jobs. Two, a budget that doubles the national debt in 5 years and triples it in 10 years. Three, a card check bill that is undemocratic and imposes binding arbitration. Four, a national energy tax, cap-and-trade, that will cost 66,000 jobs in Pennsylvania and jack up electric bills for consumers. And, five, a House health care bill with enormous tax increases and mandates on small businesses and businesses of all size.

Enough is enough. Time for Washington to get out of the way and let job creators do what they know how to do—create jobs.

DOING NOTHING HAS A PROFOUND COST

(Mr. CONNOLLY of Virginia asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, we have heard some interesting rhetoric today about the impacts on small businesses and health care reform. Here's a statistic. If we do nothing, the cost of health care on our small businesses in the United States over the next 10 years will increase to \$2.4 trillion. That's going to have a crushing burden on the ability of small businesses to do what they do best, which is to create jobs.

Only 48 percent of our small businesses currently provide health care. If we allowed those cost increases to occur by doing nothing in terms of health care reform, we're guaranteeing fewer Americans will have health care, we're guaranteeing fewer successes among small businesses that are the job generator in this economy.

Doing nothing has a profound cost. That's why we need health care reform. We need it now. We've waited 6 years. The time has arrived.

DOES ANYBODY SEE WHAT'S HAPPENING?

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, does anybody see what's happening? Does anybody even care? The \$700 billion TARP program was to buy troubled assets. Did we do that? No. We bought car companies and banks. And we own them. And then we took the money away from the bond holders of the car companies and gave it to the unions.

The \$787 billion stimulus package only stimulated more welfare. It hasn't created jobs. Not one. And now we have put upon us a government takeover of health care that's going to lose, according to Christina Romer's formula, 4.7 million more jobs.

This has never been about jobs for the Democrats. It's never even been about health care. It's about power.

Who's going to make the decisions over your life, the personal decisions? The Democrats think they can. We think you should.

Does anybody see what's happening? Does anyone even care?

WE CAN DO BETTER

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, \$700 million for wild horses last Friday; \$50 million for rare cranes and rare dogs and cats that don't even live in this country. We've got habitat problems in this country. The \$800 billion stimulus hasn't stimulated anything except unemployment.

I just left a crime hearing and we found out that out of 207,000 people in

Federal prison, 53,000 of them are not citizens. They're non-U.S. citizens. They're here—most of them, they said, were probably illegal. So there's 53,000 jobs Americans didn't want, committing crimes in America. We had to outsource that.

But this is too serious. I know as a former judge, if somebody had come in and said, Here's a mom who has all these kids and grandchildren and she's gone to a bank and said, Give me money, loan me money, I can't control my spending, you would take those beautiful children away and give them to somebody that would be responsible.

We can do better.

THE REPUBLICAN PLAN

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, it's time to admit the failure of Obamanomics. Where are the jobs? Since we enacted the President's economic program, 2 million more are unemployed in this land—9.6 percent unemployment, the highest in a quarter of a century.

So what do we have to show for Obamanomics? \$143 billion more dollars of taxpayer bailout money. The first trillion-dollar deficit in our Nation's history. We had the national debt to be increased, tripled—triple—in the next 10 years.

We have found the historic debt, we have found the historic deficits, we have found the historic bailouts, Mr. Speaker. But where are the jobs?

You cannot bail out, borrow, and spend your way into prosperity. It does not work. It is time to put America back to work with tax relief for small businesses and American families. That's the Republican plan.

WHERE THE JOBS WENT

(Mr. LATOURETTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATOURETTE. A number of my colleagues today have asked, Where are the jobs? Well, I don't know exactly where the jobs are because they haven't appeared. But I can tell you where the jobs went, at least in one company, and that's Chrysler.

When the Democrats opened this Congress, 4,000 people at Chrysler out of work. We honored a United States Senator. That's a nice piece of legislation.

But then things began to get serious. Almost 10,000 people out of work. The most important thing they could put on the floor is Supporting the Goals and Ideals of National Teen Dating.

Eleven thousand people out of work, we had to pass the Monkey Safety Act.

Everybody likes safe monkeys. Thirteen thousand people out of work; Great Cats and Rare Canids Act. Sixteen thousand people out of work; Honoring Arnold Palmer. And 18,000 Chrysler workers out of work, the most important thing the majority could put on the floor is National Train Day.

But now they're getting serious because later today we are going to vote on Supporting the Goals of National Dairy Month.

That's the jobs.

MORE CREATIVE SOLUTIONS

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Mr. Speaker, as Congress takes on the essential task of strengthening America's health care system, we have a choice here to either rush legislation costing more than \$1 trillion or to have a serious analysis on the fundamental question as to how we actually improve health care outcomes, reduce costs, and protect vulnerable persons.

One major consideration should be how any health care proposal will affect small businesses. Small businesses generate 60 to 80 percent of all new jobs each year in this country. In my hometown of Lincoln, Nebraska, 80 percent of those in the private sector are employed in businesses with 25 or fewer employees.

This current plan would place an 8 percent payroll tax on certain small businesses who do not or cannot provide government-mandated coverage.

Mr. Speaker, one study suggests that as many as 4.7 million jobs could be lost as a direct result of this overall health care proposal. This does not help anyone.

There are more creative solutions to get people the care they need, help families manage ever-increasing costs, and help small business entrepreneurs provide the benefits for their employees.

□ 1400

THE RECORD ON JOB CREATION

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. I have been listening to this litany of "Where are the jobs?" I have been here long enough. Mr. PENCE, you opposed the program in 1993. You said it would destroy this economy. You said it would blow deficits sky high. It created 216,000 jobs per month on average.

You then supported an economic program in 2001. You said it would be a haven for jobs and small business and all that. You created not 216,000 jobs per month but 4,240. Those are the fig-

ures. I'm sure that you will all want to come here and say, "No, HOYER was wrong on those figures."

Under the economic program we propose, 216,000 new jobs every month on average. Under your program for the last 8 years under the Bush administration, 4,240 per month. That is a very substantial difference between 20.8 million new jobs under the economic program that you did not support in 1993 that we proposed, passed, and President Clinton signed.

So when you talk about jobs, you ought to talk about the experience that you've had under our program and your program. You failed. We succeeded. As a matter of fact, in the last year of the Bush administration, we lost 3 million-plus jobs. During the last year of the Clinton administration, we gained 1.9 million jobs. That's a 5 million job turnaround by your economic program.

So keep talking. America knew the difference. America made a decision. They said what you had been doing was not what they wanted so they changed. In 2006, they changed the Congress, and in 2008 they changed the Presidency.

And let me tell you something. We have lost 200,000 less jobs per month than Bush lost in his last 3 months in office, over the last 3 months. Now, is that where we want to be? It is not. But it is 200,000 better than the last 3 months in your administration. Those are the facts. Refute them if you can. Keep talking.

THIS ADMINISTRATION IS ASLEEP AT THE WHEEL

(Mr. McCAUL asked and was given permission to address the House for 1 minute.)

Mr. McCAUL. Mr. Leader and Mr. Speaker, where are those jobs? We have the highest unemployment rate since the 1930s. They say a picture speaks a thousand words.

Mr. HOYER. Will the gentleman yield?

Mr. McCAUL. Well, look at this picture.

Mr. HOYER. I thought it was since 1982 when Ronald Reagan was President.

Mr. McCAUL. Reclaiming my time, they say a picture speaks a thousand words. Well, look at this picture right here because it says it all.

This is a picture of Larry Summers, the President's top economic adviser. Look at him. He's not creating jobs. He is asleep. Mr. Speaker, I would submit to you, this administration is asleep at the wheel.

The Vice President recently said that we can spend our way out of bankruptcy. What? Really? Spend our way out of bankruptcy? What happened to Economics 101? I think the American people are smarter than that.

Instead of cutting taxes and spending, which has historically worked, in-

stead, we are enacting policies that will devastate our economy; a national energy tax that will kill 2.5 million jobs and, according to the President, skyrocket energy prices. A health care bill that, according to the CBO, will spend over \$1 trillion and kill 4.7 million jobs.

It is time, Mr. Speaker, for the American people to wake up.

PARLIAMENTARY INQUIRY

Mr. PENCE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. PAS-TOR of Arizona). The gentleman from Indiana will state his inquiry.

Mr. PENCE. Mr. Speaker, I would respectfully ask, as both I and my record were directly challenged by the distinguished majority leader on the floor, and given the fact that I've already utilized my 1 minute extended during the debate at the opening of this session, when a Member's record is challenged on the floor of the Congress, does a Member, under the Rules of the House, have the opportunity to obtain time when the distinguished majority leader refuses to yield time?

The SPEAKER pro tempore. Only if someone yields to the gentleman.

Mr. PENCE. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PENCE. Mr. Speaker, is it proper for a Member to direct an entire address to another Member of the body as opposed to the Chair or the Speaker?

The SPEAKER pro tempore. Members must direct their remarks to the Chair, not to others in the second person.

Mr. PENCE. Further parliamentary inquiry, if I may.

The SPEAKER pro tempore. The gentleman will be heard.

Mr. PENCE. Therefore, Mr. Speaker, would it have been in order for the distinguished majority leader to raise questions about my record and the positions that I've taken here in the Congress during the course of my career in the context of floor debate under these rules?

The SPEAKER pro tempore. The Chair cannot issue an advisory opinion on a question of order not timely presented.

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana be allowed to address the statement that was made by the majority leader.

The SPEAKER pro tempore. Has the gentleman from Indiana previously been recognized for a 1-minute?

Mr. KING of Iowa. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KING of Iowa. Is there a rule that prohibits this body from agreeing

to a unanimous consent request to allow a Member to be recognized?

The SPEAKER pro tempore. Is the gentleman seeking recognition to speak for 1 minute?

Mr. KING of Iowa. Mr. Speaker, I am recognized for a parliamentary inquiry, as I understand it. My parliamentary inquiry is: Does there exist a rule that prohibits a Member from being recognized to speak under a unanimous consent request?

The SPEAKER pro tempore. This is a matter of recognition. As the Chair stated before, if the gentleman has already had a 1-minute, he is not allowed a second.

Mr. KING of Iowa. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The Chair could recognize for a unanimous consent request that the gentleman from Indiana be allowed to speak out of order.

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana be allowed to speak out of order.

The SPEAKER pro tempore. The Chair would entertain that request from the gentleman from Indiana.

WHERE ARE THE JOBS?

Mr. PENCE. Mr. Speaker, I ask unanimous consent to speak out of order for 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. JACKSON of Illinois. Objection.

The SPEAKER pro tempore. Objection is heard.

Mr. PENCE. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PENCE. Mr. Speaker, the distinguished majority leader came to the floor moments ago, and he asked the question that Republicans have been asking since midday today. It's a question that millions of Americans are asking, "Where are the jobs?"

Now the leader—I know it was unintentional—misstated my record, saying that when I was here in 1993 that I opposed health care reform. In fact, I was elected to Congress in the year 2000. But it was an honest mistake and a misstatement of fact, and I acknowledge it.

But can I just suggest, Mr. Speaker, on behalf of the millions of Americans that may be looking in, let's stop looking to the errors of the past by Democrats or Republicans and let's come together today to create jobs for the American people.

Republicans are here to say that a government takeover of health care, financed by \$1 trillion in tax increases is

a disaster for this economy. It is unconscionable for this majority and this administration to insist on the adoption of a government takeover of health care financed by \$1 trillion of tax increases during the worst recession in 25 years.

As the distinguished majority leader just said, Republicans say with one voice, "Where are the jobs?"

WHERE ARE THE JOBS?

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Well, Mr. Speaker, where are the jobs? That's what the American people want to know. What they know is the plan that the Democrats have isn't working, spending money we do not have. Not just a little bit of money but trillions of dollars that we don't have.

Chairman Bernanke spoke to the House Financial Services Committee today, and he said: Maintaining the confidence of the public and the financial markets requires that policy measures begin planning now for restoration of fiscal balance. Unless we demonstrate a strong commitment to fiscal sustainability, we will have neither fiscal financial stability nor doable economic growth.

I'll interpret that for you. If we keep spending money we do not have, we are not going to create jobs. We are going to lose more jobs.

Last week, the Federal deficit in this country reached \$1 trillion. If you started counting to \$1 trillion, it would take you 17,000 years.

We're talking about real money. We cannot continue on this spending spree that Congress is in, spending money that we do not have.

Mr. Speaker, where are the jobs? The American people want their jobs back.

THE FAILED POLICIES OF THE PAST 6 MONTHS SHOULD NOT BE REPEATED

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Mr. Speaker, where are the jobs? The President and Speaker PELOSI came to this House early this year and said, if you'll borrow and spend \$1.1 trillion, which is the largest spending bill in American history, it's going to save existing jobs and create another 3 million jobs. Well, where are those jobs?

They say, Well, you know, we had to spend that money because we couldn't go to the failed policies of the past and repeat those. Well, they would like to rewrite history. But the fact is, in 2003, this Congress passed one of the largest tax cuts on small businesses in Amer-

ica in our history, and it was followed by over 50 months of consecutive job growth, the largest consecutive period of time of expansion of jobs in American history.

I would suggest to you, the only failed policies of the past that we shouldn't repeat are the failed policies of the past 6 months.

WHERE ARE THE JOBS?

(Mr. KING of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, I would say to the leader, where are the jobs? I listened attentively. I pricked my ears up. I thought I was going to find out where the jobs are. I didn't hear that answer.

I looked back at what happened for the 108th and 109th Congress. Members of the Democrats came down on the floor and they said, Just put us in charge and we'll solve the problem. They won the majority, and we saw a hockey stick graph going downward of industrial investment. That's what happened to our economy; it reacted to the Democrat majority.

You elected President Obama. Now you don't have any excuses, and you are angry because we are asking, "Where are the jobs?"

There are 14.5 to 14.7 million unemployed, another 6.8 million that are simply looking for a job that don't fit into that category, 21.3 million people looking for jobs in the United States, all of this under Democrat leadership.

We had historically low unemployment and a growing economy because we lowered taxes, and we kept the pressure off of regulation. You are turning this into the nationalization of the private sector and the health insurance industry, and the American people don't want to live in the kind of countries that exist on the east side of the Atlantic Ocean or north of the 49th parallel.

Where are the jobs?

IMPORTANCE OF JOBS IN THE PRIVATE SECTOR

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, I hear a recurring theme about jobs: Where are they? Who has them? Who doesn't have one?

In a different life, I participate at a needs assessment in a community that I lived in that went through a process of looking at what needs were in families, in neighborhoods, and in the community. Once we distilled that list down to the top 10 needs for this particular community in Midland, Texas, if you looked at them, out of all 10 of

those, nine of those needs would have been positively impacted by a job.

You cannot overstate the importance of jobs in the private sector, because when you have jobs in the private sector, individuals are better, families are better, communities are better, and this Nation, as a whole, is better.

I can tell you where the jobs aren't. Here is a list of 53 new boards, commissions, and bureaucracies that are created under the health care plan that is percolating its way through this system. That plan will cost 4.7 million private sector jobs, but it will do a good job of creating additional bureaucrat jobs that don't create wealth and don't improve the overall economy of this country.

Mr. Speaker, where are those private sector jobs?

ALABAMA IS SUFFERING FROM A HIGH UNEMPLOYMENT RATE

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, in February, the administration assured us that if Congress would pass the stimulus bill, then we would see immediate relief and halt unemployment at 8 percent; yet it is now 9.5 percent on average, and it's rising. But the jobs have yet to appear. So where are the jobs?

This problem hits home for me because Alabama is suffering from a greater unemployment rate than the national trend. Mr. Speaker, the Alabama unemployment rate topped 10 percent in June. It is the highest level since July of 1984. The June rate of 10.1 percent is up from 9.8 percent in the previous month of May.

At this time last year, Alabama's jobless rate was half that at only 4.6 percent. The current unemployment rate is 10.1 percent. That represents over 215,000 unemployed Alabamians. The congressional district that I represent is suffering even more with an unemployment rate of about 12 percent, and that's on the average.

At a time when families are struggling to make ends meet, the unemployment rate is rising, further evidence that we cannot borrow and spend our way back to a growing economy.

□ 1415

WHERE ARE THE JOBS?

(Mr. KING of New York asked and was given permission to address the House for 1 minute.)

Mr. KING of New York. Mr. Speaker, 6 months after the Democratic administration came in with such promise, tens and tens of millions of Americans are asking, Where are the jobs?

Instead, during the past 6 months we've seen the systematic misman-

aging and dismantling of the American economy. We've seen a stimulus bill which cost over \$1 trillion in new spending with almost no tax relief for small business, with almost no needed infrastructure, but again, money on top of money. The President said jobs would come almost immediately. Instead, the situation gets worse by the week.

We saw a cap-and-tax so-called energy bill which is going to result in millions of jobs going to China and India.

And now we see a health care bill which will ration medical care, at the same time, according to the CBO, increase medical costs, the worst of all worlds.

Mr. Speaker, it's time for the American people to tell this administration and this Democratic-controlled Congress to work together in a bipartisan way so we can say, here come the jobs, not seeing the jobs leave our country, not seeing millions of millions of people being unemployed because of failed liberal Democrat policies.

WHERE ARE THE JOBS?

(Mr. FRANKS of Arizona asked and was given permission to address the House for 1 minute.)

Mr. FRANKS of Arizona. Mr. Speaker, America is facing an unemployment and mortgage crisis unlike anything we have seen since the Great Depression.

Only months ago, President Obama pledged that he would create 3½ million jobs by the end of 2010 and told us that the unemployment rate would stay below 8 percent if we passed the allegedly urgent trillion-dollar "economic stimulus" bill.

But, Mr. Speaker, since the President has assumed office, employment has dropped by over 2½ million jobs. We've lost 8 million jobs since the beginning of the Democrat-led 110th Congress, and half a million of those were in June alone.

The jobless rate stands at 9.5 percent, and the President himself admits that it's likely to climb over 10 percent.

This Congress and this administration must be reminded by the American people that what comprises true economic growth are jobs and economic productivity by the people. Higher taxes, increased regulation, reckless spending, bureaucratic selection of economic winners and losers and out-of-control deficit spending, these are the Democrat policies of the last five months, and they diminish productivity instead of encouraging it. They will kill jobs. And unless we change course, Mr. Speaker, this country faces an unprecedented economic failure.

WHERE ARE THE JOBS?

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, I rise today troubled about the Democrats' proposed government takeover of our health care system. The Congressional Budget Office has confirmed that this legislation will not reduce costs but, rather, drive health costs up higher for American families.

In addition to rising costs, according to the White House's chief economic adviser, Christina Romer, business tax hikes alone could destroy up to 4.7 million jobs.

Congress should consider free-market and Tax Code reforms to make our health care system better.

The President and his majority in Congress failed to produce jobs with the so-called stimulus. Where are the jobs?

Why should we trust them with revising the one-sixth of our economy based on health care, when their own advisers say it will mean millions of more jobs lost?

EMPOWERING PATIENTS

(Mr. CASSIDY asked and was given permission to address the House for 1 minute.)

Mr. CASSIDY. Mr. Speaker, I actually applaud the goal of our Democratic colleagues in terms of the health bill they are putting out. Access, quality, and controlling costs are things that we should all aspire for. Absolutely.

And I agree with parts of the legislation. Guaranteed access, for example, is just wonderful. But, of course our concern is that CBO comment that it's not going to control cost, not achieve one of these goals, but rather, reset it to increase it. And we know as the cost of health care increases, that will be one more thing that inhibits growth and jobs.

So what can we do? One, we do need fundamental reform, which, as the CBO has pointed out, this bill does provide. We need to put the patient in charge of health care decisions and dollars. We need to empower patients to make value-conscious decisions, empower them with the information they need for reasonable decisions by increasing transparency on the pricing of health care.

Let's empower them by incentivizing wellness programs at lower costs and improved lives. Let's empower them with things such as HSAs, which have been shown to decrease costs by 30 percent and, indeed, give insurance to those previously uninsured. Empowering patients is the only way to lower cost and increase access.

WHERE ARE THE JOBS?

(Mr. BACHUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS. I just came from a hearing with Chairman Bernanke. There were some questions he could answer, but others he couldn't answer. We asked him, Where are the jobs? He couldn't answer that question. He said unemployment would remain high through 2011. He said he's not sure that the stimulus created any jobs. It might, but he couldn't answer that.

He did answer one important question, though; and he was very certain. He said, if we continue spending like we're spending today, we're on a rendezvous with financial disaster. He said, and he left no doubt, that we had to reduce our spending, that the deficit was going to threaten the prosperity of our Nation, not only our children and our grandchildren, but today, tomorrow. He said, we have to reduce spending. He said, spending is out of control. He said, the baby boomers in the next year or two would overwhelm the Federal budget. He said, bring down the spending.

LET'S DO IT RIGHT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, while our Nation is facing record unemployment, we may well worsen the job situation if the proposed health care bill passes in its current version; 4.7 million more jobs are estimated to be lost and a trillion dollars in more taxes. That's bad medicine.

We still have not addressed the hundreds of billions in health care waste, but are proposing spending hundreds of billions more. We should not be substituting the barriers, burdens and, bureaucracy of insurance companies with the barriers, burdens, and bureaucracy of Uncle Sam's health insurance company.

I want to get people back to work. I want to make sure they're covered by health care. I want our Committee on Energy and Commerce to reconvene to get to work on this bill. It is going to take time. We need to take the time to fix this. Let's do it right. But let's not work towards artificial deadlines, and let's get America back to work with good health care.

WHERE ARE THE JOBS?

(Mr. SHADEGG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHADEGG. Mr. Speaker, I believe in health care reform. I have been fighting for it since I got here in 1995.

I came to the floor this morning to talk about this amendment. It's an amendment that was rejected by the Democrats last night. It says that no Federal employee should be able to dictate how a medical provider practices medicine. And it was rejected by the Democrats. Apparently Democrats in their health care bill want Federal employees, bureaucrats to dictate how your medical provider practices medicine. I think that's shocking. I don't want a Federal bureaucrat between me and my doctor or between you and your doctor.

But I got here and discovered that we are not supposed to ask, Where are the jobs? I don't get it. What's embarrassing about that question? It's a fair question. Where are the jobs?

When the Obama administration was sworn in, unemployment was 7.6 percent. When the stimulus passed, it was 8.1 percent. And today, it's 9.5 percent. And we're not supposed to ask where are the jobs? I think it's a legitimate question. I guess it's an embarrassing question. I'd like to know where the jobs are.

LET'S WORK TOGETHER TO PUT PEOPLE BACK TO WORK

(Mr. ELLSWORTH asked and was given permission to address the House for 1 minute.)

Mr. ELLSWORTH. Mr. Speaker, I was sitting in my office, and I heard a lot of folks asking where the jobs were.

I downloaded an article from the Evansville Courier Press, which happens to be in Indiana. It says: "Stimulus has Hoosiers working."

I'll make a few quotes out of this article: "More than 2,400 people are now at work on Federal stimulus-funded roadway projects in Indiana, according to a state report being released today."

"'Things were slowing down, and the stimulus filled in the gap,' said Tim Mahoney, an economics professor at the University of Southern Indiana. 'It's kept the people employed that would be laid off,'" says that same article.

"What's clear is that the stimulus projects have boosted an industry otherwise floundering in Indiana."

"'In general, it definitely puts our people to work,' said Pete Bjorkman, the chief estimator for Evansville-based J.H. Rudolph" construction company.

"Our crews are going to be working more hours and more days because of this . . .," he said. "It is creating more crews, more hours for our people that wouldn't have been there before."

Mr. Speaker, I listened in the office to the stuff being said back and forth. To the folks in the audience and the people that are walking out there, Mr. Speaker, they're tired of this crap that's going on back and forth. We need to work together to put people back to work.

JOBS AND THE ECONOMY

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Mr. Speaker, the present unemployment rate in the United States is 9.5 percent and climbing, and the American people are hurting. Our economic downturn is a challenge that will require prompt bipartisan action.

As Congress moves forward with the national debate on the economy, it is imperative that we detract from illogical partisan bickering and avoid the empty political posturing that got us into this mess in the first place.

The American people have real problems, and they want real solutions that require less talk and more action.

I represent a district that is over 60 percent African American, and I have seen firsthand how this economic slump has disproportionately hurt minorities more than any other group in the United States. Among African Americans, the rate of unemployment and uninsured workers is highest.

While there are a number of options for getting our economy back on track, it is important to remember that our Nation's proudest achievements have developed with a bipartisan, solutions-oriented consensus.

WHERE ARE THE JOBS?

(Mr. McKEON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKEON. Mr. Speaker, my friends are asking, Where are the jobs? It's a good question because we were told in February, when the stimulus package was passed, that four or five million jobs would be created. Since then we've lost 1,963,000 jobs.

It's not bad enough that we're not doing anything to create jobs from the administration's side. But we're actually doing things to kill more jobs.

I just left a markup for the Education Committee where the majority is killing a program that has been very successful since 1965, has helped millions of students go to college and provided an education for them, and now they're eliminating that program, along with it, 40,000 jobs.

I have constituents at home that are really suffering. They're asking, Where are the jobs? It's about time you started doing something to produce them.

WHERE ARE THE JOBS?

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, people are asking, Where are the jobs? And I think it's an appropriate question to ask.

I myself get a little leery when any administration, any administration,

says that they're going to create jobs. They do so for a while, but government jobs don't last very long, or they shouldn't last very long.

What the administration should do, and this Congress, is create an environment in which private sector jobs can be created. And that's what we're not doing with this health care bill. This health care bill will kill jobs, not create them. It doesn't create an environment where jobs can be created.

Now, the administration and this Congress say we've got to get to work. But last week, last Friday we spent an entire day on a welfare-for-wild-horses bill. There's an old Garth Brooks song that says, wild horses keep dragging me away. And, apparently, wild horses keep dragging this Congress away from actually creating an environment where jobs can be created. And this health care bill goes the wrong direction.

□ 1430

GOVERNMENT IN HEALTH CARE

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. I hear from the other side that government takes over health care. I'm just wondering which one of you Members is going to give up your Navy doctors downstairs to take care of you. Which one of you is going to give up your Federal health care plan which insures all the members of your family? Which one of you is going to give up Medicare for all of your constituents? Which one of you is going to give up the veterans' care in the veterans' clinics that are in your districts? Which one of you who loves the military that is doing such a great job of defending our country in Iraq and in Afghanistan is going to take away the military TRICARE program?

Yes, government is involved in health care. It sure is. That's what our country is surviving and living on. Let's make this work and stop attacking each other.

A LOT OF TALK ON THE SECOND STIMULUS

(Mr. ROONEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY. Mr. Speaker, there has been some talk recently about the potential of a second stimulus package. Why would we need such a second stimulus? Because the first one didn't work. It's not rocket science, and the American people know it.

What the American people don't want to hear is that prior Congresses or that prior administrations used to do this, or that prior Congressmen

were engaged in this, that or the other. What Americans want now is leadership and solutions moving forward, not how things used to be.

I'm new here. I came here because the American people were sick and tired of the way things used to work. Unemployment will soon reach double digits, and it already has in my district, the 16th District of Florida.

The first stimulus didn't work because the Federal Government is not capable of taking taxpayer money and properly redistributing it. So let's have a second stimulus package. Let's give tax breaks to small businesses and to small business owners. Let them hire and keep the people that they want to work for them. That's the American way. America works when people make it work, not when the government takes over.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members—and this is not directed at the gentleman from Florida (Mr. ROONEY), who just spoke—that Members should address their remarks to the Chair and not to others in the second person.

WHERE ARE THE JOBS?

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Mr. Speaker, California unemployment is at 11.6 percent, and State Democrats in California destroyed the job market and the manufacturing base there through bureaucratic overregulation, unrealistic mandates and punitive fees and taxes. Congressional Democrats here in Washington are following California's lead with the national energy tax that's going to cost every American family \$3,000 a year and with the job-killing health care plan projected to cost over 4 million jobs.

I've simply come to the easy conclusion that Democrats don't like small business. I've come to the conclusion that Democrats don't like jobs. Those of us in California have seen this movie before, and it ends like "Thelma and Louise"—with the economy driving off a cliff in the Grand Canyon. And it's being driven by congressional Democrats.

GOVERNMENT DOES NOT KNOW BEST WITH REGARD TO HEALTH CARE

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, only in Washington, D.C., does government know best. My friends

on the other side of the aisle think they know how to create jobs: stimulus I and possibly II, cap-and-trade, health care reform, higher taxes, more regulation, more government intervention. The Democrats think this is going to create wealth and jobs in our economy.

Mr. Speaker, we need to be about the business of overhauling taxes, of bringing commonsense regulation reform to the people, of giving people real choice to make decisions for their health care between them and their doctors. It is about empowering people, not government. What I'm talking about, Mr. Speaker, is not socialism. It's freedom. With all that our colleagues on the other side have done, and with all that they propose to spend, I ask a simple question, Mr. Speaker: Where are the jobs?

THE DEMOCRAT SPAGHETTI DINNER OF HEALTH CARE REFORM

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, this chart is not a spaghetti dinner. It may look like it, but it's the Democrats' health care plan. If you were a person out in the hinterlands, looking at this, you would think, How in the world am I going to get health care coverage for me and for my family if I have to go through all of that? It's going to cost trillions of dollars—trillions.

In addition to that, there are going to be jobs created, 4.7 million jobs in China and in India, and their energy bill, cap-and-trade, is going to create 2.5 million new jobs in India and in China because it's going to drive jobs offshore because the small businesspeople will not be able to afford to pay all of these bills and taxes that the government is creating right now.

The Democrats need to do something. They need to cut taxes and help the small businessman make a profit and create new jobs. If they do that, we will have jobs, but right now, we don't know where the jobs are. Unemployment was supposed to cap at 8 percent. In Indiana, it's close to 10 percent. It's going to go to 12, 14, 15 percent if they don't change and change now.

WHERE ARE THE JOBS?

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUETKEMEYER. Mr. Speaker, if we're all real quiet and if we turn down the rhetoric and if we listen very attentively, I think we can hear the voices of our constituents back home—the people who pay the taxes of this country. What are they saying? What question are they asking? Where are

the jobs? Where are the jobs, Mr. President? Well, we're not hearing them, are we?

They've seen the \$800 billion stimulus package that was passed through this House, that was rammed down our throats and that had no effect. In fact, we've gone the other direction. Instead of increasing employment, we've gone the other way. We're now at 9.5 percent, headed towards double digits. What is the solution? A second stimulus is being talked about. Is that really what we need to do? In this last stimulus, there was a little bitty piece for small businesses. They're the ones that generate the jobs. They're the ones that can turn this economy around. They're the ones that can hire the people. Yet we ignore them. We turn our backs on them.

Oh, there are those voices again. I think I can hear them. Yes, they're louder this time. They say, Where are the jobs, Mr. President? Where are the jobs?

OBAMA MISERY INDEX

(Mr. CAMP asked and was given permission to address the House for 1 minute.)

Mr. CAMP. Mr. Speaker, the chart next to me shows the Obama Misery Index, OMI, which reveals a stunning rise in debt and in unemployment. "Oh, my," I think, is the right title for the index of current and future burdens that Americans face.

Despite campaign pledges of fiscal responsibility and of job creation, since Inauguration Day, we've seen an \$800 billion stimulus bill, massive energy taxes and a legislative agenda that has resulted in a rapidly growing debt alongside rising unemployment. Taken together, these figures define the effect of the President's policies to date, not only revealing their failure to deliver jobs for today's workers but an even larger government tab for our children and grandchildren to pay. Already the unemployment and debt on President Obama's watch is a stunning 40.6 percent—the current Obama Misery Index actually felt by the American people.

After the Vice President's recent claim that the government needs to spend more money to keep from going bankrupt and after the CBO, Congressional Budget Office, Director suggests that the \$1 trillion Democrat health care bill will add to the country's budget problems, this measure may only worsen in months ahead.

Mr. Speaker, where are the jobs?

FUTURE JOB LOSSES AT RURAL HOSPITALS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to address the

issue of job loss at rural hospitals if the current health proposal were to become law. The Democrats' public plan assumes reimbursement rates based on Medicare.

In the July letter from the Blue Dog Coalition to Speaker PELOSI, the coalition reported that Medicare reimbursement pays, on average, 20-30 percent lower than private plans. Actual costs are made up through private insurance reimbursement, which will be gone if the Democratic plan plays out. This will have a severe negative impact on rural hospitals, and it will leave us asking: Where are the jobs?

Many providers suffer financial losses as a result of treating Medicare patients. The lower rates make it more difficult for rural providers, who serve higher percentages of elderly and low-income patients. A new public plan with rates similar to Medicare's will create a financial result that will be unsustainable for even the Nation's most efficient, high-quality providers. The result is a loss of good jobs in rural America.

During this time of economic downturn, we need to be focused on the retention of existing jobs and on encouraging and not discouraging our rural hospitals.

FREEDOM OF AMERICANS TO CREATE JOBS

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute.)

Mr. HOEKSTRA. Mr. Speaker, last week, the President visited Michigan. With an unemployment rate of 15.2 percent, we were hoping that the President would answer the question: Mr. President, where are the jobs? When will the jobs come back to Michigan?

We had hoped that the President would have come to Michigan and would have recognized that raising taxes, that excessive spending and that more regulation wouldn't work, because that is what we've done in Michigan. We now have the highest unemployment rate in the country.

Mr. President, take a look at Michigan. Recognize that we need to reduce taxes, that we need to control spending and that we need to reduce regulation to get this economy moving.

America and Michigan will begin moving forward again when we empower its people, not when we empower the bureaucracy and the governments in Washington or in Lansing. It's about freedom. Give our constituents the freedom to spend their money to create their jobs.

WHERE ARE THE JOBS?

(Mr. WALDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN. Mr. Speaker, I rise today to continue this question of: Where are the jobs?

The gentleman who spoke just before me is from Michigan, where their unemployment is upwards of 14 percent. Oregon's unemployment rate is now over 12.2 percent and is second only to Michigan.

Our basic industries have been shut down. My part of the State, by Federal policy, prevents us from even harvesting burned dead trees in a timely manner from our Federal forest lands and accessing our resources. Now along comes legislation that says if you take woody biomass off Federal land and use it to make new, clean, efficient energy, if it comes up as certain types of stands, it doesn't count. It's not renewable. So the jobs that would go with the creation of that were really diminished or were taken away fully by the cap-and-tax legislation, which we know is going to cost 1 million or 2 million jobs in this great State of ours.

I was out in John Day and Nyssa and Burns this weekend and Baker City. Everywhere I went at town meetings, the rooms were full, and people were asking, What are they doing to us in Washington? Where are the jobs?

CUT TAXES, CONTROL SPENDING, CREATE A COMMONSENSE ENERGY POLICY

(Mr. JORDAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JORDAN of Ohio. Mr. Speaker, the reason our economy is not creating jobs is that small business owners are asking themselves, What's coming next out of this place? Always remember this, Mr. Speaker: The American people are smart. Small business owners are smart, but they're apprehensive; they're anxious about what's coming next from this Congress.

Is, in fact, this Congress going to pass cap-and-trade that's going to raise the cost of energy? Is, in fact, this cost of energy going to raise taxes? Is this Congress going to federally take over health care and make health care decisions for every single family and for every single small business owner out there?

That's why we're not creating jobs. We need to do what we know always works: cut taxes, get spending under control and enact a commonsense energy policy.

CUT TAXES, CREATE JOBS, REBUILD THE ECONOMY

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise to address how this Congress and this administration are handling the number

one concern on the minds of Americans today—jobs. Despite promises of quick action and of immediate returns, hard-working parents in my district and around the country are still staying up nights, worrying about whether they will have jobs in the next month, in the next day or in the next week to provide for their children.

In response, House and Senate leaders' only answer seems to be higher taxes and massive new government spending. Already our children and grandchildren are on the hook for the \$1 trillion so-called "stimulus bill" that has resulted in almost 10 percent unemployment nationwide, even higher in my home State of Illinois.

Now the House leadership seems intent on pushing through another \$1 trillion-plus health care takeover that only promises more taxes on small businesses and working families. The result: fewer jobs except for Washington bureaucrats who will be rationing out health care procedures for patients.

Mr. Speaker, we can do better. Let's work together on real solutions to cut taxes, to create the jobs and to rebuild this economy, not just more Washington spending with no end in sight.

□ 1445

JOBS ARE BEING SHREDDED

(Mr. TIBERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIBERI. Mr. Speaker, a hundred of my colleagues have come and asked, Mr. Speaker, "Where are the jobs?" We passed a stimulus bill months ago, and in Ohio, we had 33,000 jobs lost just last month. The jobs I see created, Mr. Speaker, are here in Washington—czars, commissars—not real people back in Ohio.

Mr. Speaker, where are the jobs? We passed a bill on this floor creating a national energy tax which is going to cost Ohioans hundreds of thousands of jobs. We're debating a health care bill where small business owners are concerned that they're going to shed additional jobs at a time when we need small business owners to create more jobs.

Mr. Speaker, Ohioans, as this chart points out, are shredding jobs in this administration, are shredding jobs this year. We're creating a record amount of deficits, record debt, higher taxes. All Americans want, all Ohioans want, Mr. Speaker, are jobs.

Where are the jobs?

JOBS ARE HEADED TO INDIA AND CHINA

(Mr. UPTON asked and was given permission to address the House for 1 minute.)

Mr. UPTON. Mr. Speaker, the question of the day is "Where are the jobs?" I will tell you where they're not. They're not in Michigan. Our unemployment is 15.2 percent. And sadly, in this House, we passed an awful energy bill a couple of weeks ago called cap-and-trade. That bill will add nearly a trillion dollars to the cost of businesses and homes across this country. Does that help with jobs? Absolutely not.

In fact, one of my constituents in Michigan said their utility increases, their electricity costs will go up by nearly 40 percent by the year 2024. Is that going to help with jobs? Absolutely not.

Did the Rules Committee allow us to add jobs with an amendment that would build perhaps as many as 100 new nuclear reactors in this country, tens, if not hundreds, of thousands of jobs? No. The Rules Committee said, You cannot offer that amendment.

Now, where are the jobs going? They're going to India and China. Did you happen to see on July 16 The New York Times where Secretary Chu said that if China's emissions of global warming gasses keep growing at the pace of the last 30 years, the country will emit more gasses in the next three decades than the United States.

Where are the jobs?

TWO AGENDAS

(Mr. DEAL of Georgia asked and was given permission to address the House for 1 minute.)

Mr. DEAL of Georgia. Mr. Speaker, my State of Georgia now has an unemployment rate in excess of 10 percent. As you've heard, other States are in worse condition. We are asking today the question of where are the jobs. We spent millions and billions, and perhaps even now trillions, of dollars throwing money at the problem, and yet the job losses continue.

The legislative agenda that's been adopted by this administration and by this House has primarily two pieces of legislation. First is the cap-and-trade, a bill that is setting us on a path that has already been followed by some of our European countries, Spain in particular. They set out on this path of green jobs over a decade ago. The result is 17.5 percent unemployment. The green bubble burst, and for every job they created, they lost 2.2 jobs.

The second major approach of this House has been the new health care reform bill, a bill that will tax employers 8 percent of their payroll amounts if they do not provide health insurance for their employees. What does that mean? New jobs? No. It means losing jobs that we already have.

Mr. Speaker, it's appropriate to ask, where are the jobs?

THE MORE CONGRESS SPENDS, THE WORSE THINGS ALWAYS SEEM TO TURN OUT

(Mr. POSEY asked and was given permission to address the House for 1 minute.)

Mr. POSEY. Mr. Speaker, the stimulus bill was advertised as a way to reduce unemployment and help put this economy back on track. The blue line on this chart represents the projected path of the unemployment rate. That was below 8 percent prior to the stimulus being passed. The red line shows, in fact, what actually happened since the stimulus bill was passed. It was well-intended, but surely it was misguided.

Now, the more Congress spends, the worse things always seem to turn out. So let's get out of the bailout business. Let's get out of the stimulus business. Let's get out of the national energy tax business, and let's not get into the health care business. Let's let the free enterprise system and the small businesses that made this economy great stay strong and create jobs.

WE SHOULD BE SPURRING JOB CREATION

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, accompanying the spike in the private sector job losses throughout our economy, we have seen a massive government intrusion into the private market. This Chamber recently passed cap-and-tax legislation which gives Washington 17 percent over the economy. If we move towards nationalized health care—the next priority for the administration—it could shift another 16 percent of our economy towards Washington, D.C.

The Federal Government already runs General Motors and Chrysler. It now has a huge equity stake in dozens of our financial institutions. We've witnessed a massive \$800 billion stimulus package that has failed to deliver the promise of an increase in job growth. And this flawed approach has failed to deliver because government spending does not increase the size of the economic pie. What it simply does is take money out of the private sector and shift it to the government.

Real economic growth has always and will always come from the private sector. And instead of continuing this trend, shifting our economy to one centered on bureaucrats, which is exponentially increasing our deficit and killing off the private sector, we should be spurring job creation.

JOB-KILLING LEGISLATION

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise today to strongly oppose efforts by the majority to rush through a misguided health care experiment that will greatly increase the already sky-high unemployment in my State. At a time when Floridians are facing double-digit unemployment, Congress should not be pushing through a government takeover of health care that will be paid for by a tax hike on small businesses.

And a recession nearing double-digit unemployment nationally will discourage job growth and creation leading to even higher unemployment and people with employer-based health insurance being forced onto the government plan. This job-killing tax, combined with the crushing debt some in Congress have been piling on our children and grandchildren to pay for Big Government programs, will make it much more difficult for future generations to succeed.

I urge my colleagues to reject this small business tax.

WHERE ARE THE JOBS AND TRANSPARENCY

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, I rise today to say three things: Where are the jobs? Where is the transparency that was promised? And where will the savings come from in a health care proposal that, in fact, starts off by talking about savings while, in fact, increasing spending?

You don't need a new tax if everything is already taxed and you are going to save. You only need a new tax if, in fact, you are going to spend more money, create more waste, fraud, and abuse.

Mr. Speaker, the President said we would not go above 8 percent, that the stimulus would in fact drive down the tendency towards unemployment and, in fact, create jobs.

Mr. Speaker, where are the jobs? They were not created.

Mr. Speaker, the President said that this administration would have unparalleled access and transparency, and yet the special IG for the Troubled Asset Relief Program has said just the opposite, that he's being blocked at every step, that, in fact, he's not getting the transparency that he was promised.

Mr. Speaker, where are the jobs? Where is the transparency?

AMERICA'S RIGHT TO KNOW MONTH

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. RYAN of Wisconsin. Mr. Speaker, I propose that we make August Amer-

ica Right to Know month. That means Americans have a right to know what this Congress is doing in proposals that change their lives, and what I'm talking about is the health care legislation.

Just a couple of days ago, we marked up this legislation in the Ways and Means Committee, about a thousand pages, and it came to us 3 minutes before midnight the day prior to us marking it up.

We had an amendment in the committee that said, If we're going to impose this new health care system on the American people, Members of Congress, themselves, should be put into this system. What happened to that amendment? It went down by a party-line vote. Republicans said "yes"; Democrats, except for Mr. DAVIS of Alabama, said "no."

We also said let's recognize the fact that we're taxing people, a lot of taxes on people earning less than \$250,000. That violates the pledge people believed they had in the last election. What was the vote? The Republicans said, no, let's not tax people earning less than \$250,000; the Democrats said, yes, we will continue to tax those people, violating this pledge, this promise the American people thought that they had on Election Day.

August ought to be the month where America gets to know what's going on.

EXCESSIVE UNEMPLOYMENT

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker and my colleagues, my district extends from Orlando to Daytona Beach. The State of Florida now has in excess of 10 percent unemployment. Nationally, 9.5 percent unemployment. Where are the jobs?

Congress passed a \$787 billion so-called stimulus package. I took to the floor and spoke from the Democrats' side of the aisle and pleaded with folks that we needed jobs and we needed to invest in America's infrastructure; instead, we put less than 7 percent. So to date, out of \$787 billion and \$48 billion for transportation highway money, we have \$523 million expended.

Mr. Speaker and my colleagues, where are the jobs? People want to work. They don't want government handouts. They don't want government welfare or food stamps. They want jobs in my district and throughout the Nation.

Where are the jobs, I come back to ask, that this country needs and our people need?

AGENCIES, PROGRAMS, AND COMMISSIONS BETWEEN YOU AND YOUR DOCTOR

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute.)

Mr. BRADY of Texas. Mr. Speaker, there are a lot of people in Texas who are worried what kinds of jobs they will have when this new government-run health care plan goes through Congress, 1,018 pages delivered to us a few minutes before midnight. We had until 9 o'clock to read it and start voting on it.

Here's the plan: Thirty-one new Federal agencies, programs, and commissions in between you and your doctor taking away control of your health care.

At the committee, we asked, What does all this cost? They said, We don't know the price tag. We offered amendments. We said, Can you certify that Members of Congress read this bill and let the public read it? They said they thought that was a bad idea. We asked about rationing.

We were worried about wait times for family physicians and second-class cancer treatment. They said that would be too inconvenient to provide information, and they defeated it.

Then finally we said, Let's strike the taxes on small businesses, and they refused to, saying small businesses have it so easy, they need to raise taxes on them.

Ladies and gentlemen, we don't want the government telling us what doctors we can see, what treatments we can receive, and what medicines we can receive.

WASHINGTON-KNOWS-BEST MENTALITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, last October, President Bush and Hank Paulson said to the Congress we need to bail out the financial services industry. We have to do it bold and we have to do it quick or the financial markets will tumble. Well, we passed the \$700 billion TARP program, and still stock portfolios, savings of Americans all through the country dropped by 30 or 40 percent.

In January, NANCY PELOSI and President Obama told us that we had to act bold and fast to pass the stimulus program because the unemployment rate was 8 percent, and now 2.5 million jobs have been lost since that and unemployment is up to 10 percent.

And now the same Washington-knows-best mentality is telling us to rush through a government takeover of health care by August 1. This will result in a bureaucrat taking the place of your doctor telling you what procedures you will have. It will result in a \$1 trillion Federal program. It will result in rationing and a huge tax increase on farmers and small businesses.

Ladies and gentlemen, we have to slow down. Let's learn from the stimulus program. Let's learn from TARP. Let's slow down the process.

BLUE DOGS NEED TO ENFORCE BILL

Mr. SHIMKUS. Mr. Speaker, the pending health care legislation does one thing: It does bend the cost curve, but it bends it up. That's not according to me or my colleagues. That's according to the Congressional Budget Office that says private insurance rates will go up and the public option insurance will go up. What does that result in? 4.7 million jobs could be lost as a result of increased taxes, particularly hard-hit small businesses.

Where are the jobs?

My Blue Dog colleagues are down at the House negotiating some face-saving measure in this bill, and I'm going to include this list of their proposals, but I want to make sure that they comply with their July 9 letter which says it must be deficit neutral, it must protect rural health care, it must ensure bipartisanship, and finally, any health care reform legislation that comes to the floor must be available to all Members and the public for a sufficient amount of time before we are asked to vote on it.

This is government. This is transparency. The Blue Dogs need to enforce it.

□ 1500

THE JOBS WERE IN WYOMING

(Mrs. LUMMIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LUMMIS. Mr. Speaker, "where are the jobs?" could be answered in one word, in my State of Wyoming. We were hiring people when our energy industry was robust from other States that were losing jobs, like Michigan. But the cap-and-trade bill that passed this House last week changed coal bonus payments from being paid over 5 years to now being paid in one lump-sum payment.

We are going to destroy jobs in Wyoming. So the people who moved from Michigan to Wyoming to find good-paying jobs are now going to have to return to Michigan or stay in Wyoming and be unemployed.

It is because of the activities of this Congress. This Congress has not been happy to watch States like Michigan suffer. They have decided to make States like Wyoming, that were producing energy for this country, suffer right alongside States like Michigan. Our State, which had a healthy economy before cap-and-trade, before the Obama presidency, is now suffering just like the rest of the Nation. Our unemployment has doubled in Wyoming, Mr. Speaker.

UNSUSTAINABLE DEBT

(Mr. SMITH of New Jersey asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, it was Albert Einstein who said that "the most powerful force in the universe is compound interest."

That's great, Mr. Speaker, when compound interest is working for you—in building a nest egg for your children's college costs or for retirement. But when compound interest is working against you, it's catastrophic.

It is absolutely devastating, especially for a Nation on the intermediate and long term, when that Nation recklessly spends taxpayers' money and causes huge, unsustainable deficits.

As of June 30, the national debt was \$11.5 trillion—over \$37,000 per person. In June alone, the deficit rose by over \$220 billion, a year's worth of deficits in 1 month! Now CBO says that the number, the total debt to the United States, will double in the next 10 years. It took 180 years for us to get to that \$11.5 trillion. Under President Obama's massive spending it will double in just 10 years. Nothing puts our economy at greater risk of implosion and job loss than unsustainable debt.

COMMONSENSE SOLUTIONS ARE THE CURE TO OUR ECONOMIC WOES

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, last November, Americans sent a clear message. They wanted change in Washington. But they also asked for accountability, transparency, and for politicians to respect their tax dollars.

Unfortunately, from the \$787 billion so-called "stimulus," trillions in bailouts, and the \$3.55 trillion budget, Washington has gone on a reckless spending spree with taxpayer dollars.

And now the majority in Congress is trying to pass a government takeover of health care that will add \$239 billion to the debt our kids will have to pay back.

Prime time press conferences don't hide the fact that since January, our Nation's debt has skyrocketed by more than \$1 trillion, that our debt to China increases each day, and that our Nation is facing double-digit unemployment levels.

Kansans know you can't spend money that you don't have. Congress must learn this lesson. As a CPA, a former State treasurer and a mother of two teenagers, I'm convinced that we need commonsense solutions to rein in spending, keep taxes low and get Americans back to work.

JOBS WILL BE LOST AS A RESULT OF HEALTH CARE REFORM

(Mr. CRENSHAW asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. CRENSHAW. Mr. Speaker, it's pretty clear that we've lost a lot of jobs in this country, and I think it's pretty clear that we are going to lose a whole lot more jobs if we pass this health care plan.

I thought Members might want to just hear a firsthand personal example. I've got a longtime friend that lives in Florida. He has a small business. By the way, he voted for Obama this year. He said, I'm going to vote for Barack Obama, even though I'm a Republican, because we need some change in this country.

I saw him this weekend. He said, hey, have you seen that Obama health care plan? I said, yeah, as a matter of fact, I have. A lot of people have seen it. He said, man, that's not the change that I was voting for. He said, that's going to kill my business. He said, I'm going to see my taxes go up. He said, we're already laying off people, but if they put that penalty on us that I read about, then I'm going to have to lay some more people off. He said, this is killing me.

And I'll tell you, that's happening all over the country, not just in Orlando, Florida, but all around the country. So we need some reform, but we need the right kind of reform, and this is not it.

\$746,000 OF TAXPAYER MONEY FOR ONE JOB

(Mr. SCHOCK asked and was given permission to address the House for 1 minute.)

Mr. SCHOCK. Mr. Speaker, in the last 6 months, a lot has changed. We have a new President of the United States, we have a new Congress, the 111th Congress, and we have 3.1 million fewer jobs, and an increase of 28 percent in unemployment just in the last 6 months.

What was the reaction? What was the response from the new administration and of this Congress? Well, we need to pass a stimulus bill, and we need to pass it now. No time for debate. No time for amendments. No time for input from the minority. We need to pass it now.

This bill had less than 24 hours of debate on this floor before it was passed out of the floor, and yet the President took 4 days to sign it. What did it do? It spent \$787 billion, the largest spending bill in our country's history.

And what have we gotten? The administration says we created 150,000 new jobs after spending \$112 billion. Well, get out your calculators. That is \$746,000 of taxpayer money for one job.

Where are the jobs?

PRESIDENT'S HEALTH CARE PLAN LOSING SUPPORT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Mr. Speaker, a new ABC News/Washington Post poll has found that for the first time, less than half of Americans support President Obama's health care plan. Since April, approval of the President's handling of health care has dropped 8 points, while disapproval has risen 15 points.

In an example of fair reporting, the Post put the poll results on its front page yesterday. Other news media have not been as candid in their coverage of health care.

When the Congressional Budget Office director revealed that the health care bill "significantly expands the Federal responsibility for health care costs," the evening news programs on both CBS and NBC failed to report the CBO's key finding, nor have they reported how many jobs will be lost under the President's health care plan.

Mr. Speaker, with so much at stake, Americans need the media to report all the facts on health care.

HEALTH REFORM IS SOCIALIZED MEDICINE

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, earlier this year, President Obama told us that all this reckless spending he was doing was going to create jobs.

Mr. Speaker, where are the jobs? Instead of jobs, we get a so-called "health reform" bill. And this provision of that bill tells Americans that they will be prohibited from having their own insurance. They will be forced into a government health plan run by something like the IRS.

Mr. Speaker, this health plan is socialized medicine, pure and simple. And in addition to that, it will cost more. It will increase taxes on the wealthy and a whole lot of other people. It will increase the deficit. It will lower quality. It doesn't cover everyone. And it is projected to lose another 5 million jobs of Americans.

Mr. Speaker, this is not reform. This is just nuts.

1934 CHICAGO TRIBUNE

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this weekend, I received a communication from a constituent at home who brought to my attention a political cartoon that ran in the Chicago Tribune 75 years ago in 1934. It is often said that history doesn't repeat itself, but if you listen closely enough, it will rhyme. Or said another way, those who do not recall their history are doomed to repeat it.

The constituent who sent this to me is a retired FBI agent. He wrote in his e-mail, "change the names and the situation looks very familiar." Saul Alinsky, the leader of community organizers in Chicago, would be pleased with the current situation. When you look at the caption, spend, spend, spend under the guise of recovery, bust the budget, blame the capitalists for failure, junk the Constitution.

Mr. Speaker, this was apropos 75 years ago. It may well be apropos again today.

RADAR IN SOUTH FLORIDA

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. I would ask my colleagues on the other side if they would tell me, what is their health care plan? Is it just that we shouldn't do health care? What part of it would you not do? is the question that I ask.

But I really rise, Mr. Speaker, to take cognizance of a very fine day yesterday of bipartisanship. A former colleague of ours, the now-Secretary of Transportation, Ray LaHood, came to south Florida along with FAA Director Randy Babbitt to meet with several of us regarding radar in south Florida. On the flight from USAir here, Administrator Babbitt and I had an opportunity to hear a flight attendant do something very nice. She recognized and complimented 30 members of the Booker T. Washington High School class of 1949 in Miami who were en route here to Washington. It was a wonderful gesture, and it made for a wonderful day.

My colleagues here who continue to rant about us not having health care, I wonder what they would say if we do nothing? Will health care stay the same? Or will it rot?

CREATE WEALTH AND CREATE JOBS

(Mr. INGLIS asked and was given permission to address the House for 1 minute.)

Mr. INGLIS. Mr. Speaker, I'm not here to ask the President to make good on his promise about those jobs, because I don't believe that government creates jobs. Government doesn't create wealth. All it does is move wealth around. We need jobs.

But I am here to ask the President to make good on the idea of producing the right policies that would create jobs by creating wealth in the private sector. And I would suggest to my colleagues that the way to do that is to have a low-tax situation, a lighter touch on regulation and less litigation. It's really those three things. If you have low taxes, light-touch regulation, and less

litigation, we will expand the American economy, we will create wealth, and we will create jobs.

That is something that we can be doing here in this Congress. It is something that we can cooperate on getting done, and we can serve the American people. We can deliver American solutions.

DON'T WRECK MEDICARE

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Kansas. Mr. Speaker, I for one believe that the health care system must be reformed. I've said that and have worked in that regard during my time in Congress. But I'm greatly concerned about the plans that I see coming forth for us to consider in this Congress.

The single-payer plan raises concerns with me on behalf of senior citizens across the country, especially those I represent in Kansas. The plan that we are currently operating under, Medicare, provides wonderful services for many Americans, for senior citizens. But the reality is, that plan is bankrupt. We will spend \$38 trillion more than we have over the next 75 years.

The plan is expected to be bankrupt by 2017. So the idea that we would expand the plan when it already is in financial difficulty baffles my mind. The plan is to raise \$820 billion in taxes, and we still leave the national debt increasing by \$239 billion. This plan needs attention, and we need to make certain that what we do does not wreck the health care delivery plan we have in place for seniors today, especially in places like Kansas, where senior citizens are dominant. That plan does that.

□ 1515

THERE IS SERIOUS TROUBLE IN PARADISE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, where are the jobs? I rise today to discuss the rising unemployment in my congressional district of south Florida. Last week, the Bureau of Labor Statistics released data indicating that unemployment in Miami-Dade County was at nearly 11 percent. This represents a notable increase from 9.9 unemployment just last month.

Mr. Speaker, south Floridians are hurting. In Miami, workers in the food service and hotel industries have had their hours cut in half because of a reduction in tourism. These workers are working two, three jobs in order to pay the bills.

In the Florida Keys, recreational fishermen are docking their boats permanently as the industry grapples with one of its slowest seasons in history.

There is serious trouble in paradise as hardworking small businesses and middle-class families remain uncertain about their economic future. That is why it's imperative that this Congress gets serious about providing real solutions for our constituents. They cannot afford to wait because they are looking for jobs.

WASTEFUL GOVERNMENT SPENDING IS HAVING DEVASTATING CONSEQUENCES ON THIS COUNTRY

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute.)

Mr. SULLIVAN. Mr. President and the Democrat majority, where in the heck are the jobs? With this stimulus bill and more than \$1 trillion spent and zero job growth, where are the jobs?

With the national energy tax passed by this House, it levies billions of new energy taxes on the American people, costing the average American family \$3,100 more a year to heat and cool their home and put gas in the tank of their car. Where are the jobs?

On health care, our Democrat majority's \$1.2 trillion government takeover of our health care system mandates a one-size-fits-all, government-run health care plan on most Americans. Their plan is to nationalize our health care system and create new mandates, government bureaucracy and inefficiency that will only serve to drive up costs of our health care system even more.

Wasteful government spending is having devastating consequences on this country. It also could cost 4.7 million more jobs and hurt small business.

WE NEED TO FOCUS ON SAVING THE COUNTRY'S HEALTH CARE SYSTEM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, when I was a young boy, a radio station went on the air in Louisville, Kentucky, and for the first week of its existence played one song over and over. It was called "Purple People Eater."

I am reminded of that event today as we've heard speaker after speaker from the other side repeat the same tired Republican talking points. What we haven't heard is one idea about how to fix our dysfunctional health care system which is threatening every business in this country, threatening our competitiveness and our long-term economic prospects.

It is time that this Congress and our colleagues from the other side focus on

saving this country's health care system. We heard one gentleman from the other side saying we're facing \$38 trillion in additional debt in Medicare. We're trying to make sure that that doesn't happen.

I wish our colleagues on the other side would help us in that task.

GOOD ENERGY POLICY IS GOOD JOBS POLICY

(Mrs. EMERSON asked and was given permission to address the House for 1 minute.)

Mrs. EMERSON. Mr. Speaker, in southern Missouri, rural families are struggling with job losses. We are a vibrant district with a time-honored work ethic, but job losses have hit us especially hard during a time of unprecedented economic challenges.

Constituents call my office every day, and they're asking what is Congress doing for them, how are we helping the manufacturing worker who doesn't want to go to the unemployment office because he really just wants to go back to work. And I hear a lot of justifiable anger from the same callers about Congress' policies that are going to make it tougher for them to get back to work. Cap-and-trade is the focus of their frustration and mine.

Today, unemployment is still severe in southern Missouri with the potential to go much higher, much higher, if the cap-and-trade bill becomes law. More than 3,000 jobs could be lost in the Eighth District in a single year, and the few new green jobs this bill would create won't be in our communities.

Mr. Speaker, this bill will leave with us a legacy of energy cost increases that will kill generations of jobs in rural America and in southern Missouri. Like my constituents, I am ready and willing to get to work if you will only give us the opportunity.

Good energy policy is good jobs policy. I hope we can reverse course on cap-and-trade so it doesn't destroy our rural economy.

THE HEALTH CARE BILL WILL CREATE ADDITIONAL TAXPAYER EXPENDITURES

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute.)

Mr. WHITFIELD. Last night, as the Energy and Commerce Committee met to debate the new health care reform bill offered by the Democratic Party, as I looked through the analysis by CBO, I discovered that there was a reduction in Medicare benefits over the next 10 years in excess of \$450 billion.

In addition to that, there was a reduction in reimbursements to hospitals of \$155 billion over the next 10 years.

The part of it that bothered me most is that in so many rural areas, programs like Medicare Advantage, home

health care, skilled nursing care were particularly hit by these reductions.

In addition to that, this bill provides for an additional tax on employers, a tax on individuals that do not go out and buy health insurance once the mandate goes into effect; and, still, the bill is not paid for. And as the CBO director indicated, this bill will not save taxpayer money. This bill will create additional taxpayer expenditures.

WE DON'T NEED A GOVERNMENT TAKEOVER OF HEALTH CARE AND WE DON'T NEED ADDITIONAL JOB LOSSES

(Mr. SOUDER asked and was given permission to address the House for 1 minute.)

Mr. SOUDER. Where are the jobs? Last week, the health care bill was passed through the Education and Labor Committee, jammed through in an all-night session; and, supposedly, it offered a public-private option.

Just a few minutes ago, we finished an Education and Labor markup. Where we once had a public-private option in direct lending, 80 percent chose the nonpublic option. So what did we just do? We eliminated the private option, and the Federal Government is going to be a giant bank, one of the biggest banks in the world, taking over all student lending.

When we talk about the needs in health care, we need to address the problems that we're facing, the gaps in the health care system, how to make it more efficient. What we don't need is a government takeover of health care with no private options. We don't need higher taxes on the small businesses and the people in my district who are struggling with a mean of 15 percent unemployment in my eight counties. We don't need additional job losses.

And this bill unbelievably had a clause added that will add more jobs for ACORN. When people in my district said they wanted more jobs, they didn't mean more jobs for ACORN.

AMERICA DEMANDS REAL REFORM

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, it's an outrage the way health care is being approached in this country. Voters did vote for change; but, apparently, that's all they're going to have left in their pocket.

I sat through a 17-hour markup on the Ways and Means Committee last week, and I didn't see one constructive process. I didn't see the voices of Democrats and Republicans heard on addressing the delivery system for Medicare to re-engineer it to reduce billions of dollars in cost.

Instead of reforming the private insurance industry that many of us want to do on both sides, Speaker PELOSI's response to that and the Democratic response to that is we'll legislate them out of business by undercutting them with a Medicare-like system which will punish rural America.

And finally, egregiously, there's been no addressing of liability reform that punishes our doctors and health care providers with junk lawsuits.

America demands real reform. We want real reform. Slow this thing down and give account to America for the kind of health care people need and want and that's affordable and accessible and not a government-run plan.

GREATEST THREAT TO THE ENVIRONMENT AND ECONOMY FROM CAP-AND-TRADE BILL WAS SMOKE COMING OUT OF THE BACK-ROOM DEALS

(Mr. BILBRAY asked and was given permission to address the House for 1 minute.)

Mr. BILBRAY. Mr. Speaker, the American people were promised a climate change bill that would address the emissions problems. The problem is that their greatest threat to the environment and the economy from the so-called cap-and-trade bill was the smoke coming out of the back-room deals that were cut to create this monster that's being called cap-and-trade.

Frankly, I will just tell you the whole concept that when we had a chance to get government out of the way and build new zero emission generating facilities to be able to provide clean energy for the economy and for the environment, instead of that, this Congress decided to drop the cap and tax, tax, tax.

And anyone that's worked on emissions issues will look at this bill in the future and say how could somebody with a straight face go back to their district and say that this bill is going to clean up the environment and help the economy? It is going to continue the pattern of a massive emission while we get the economy driven down.

There is no cap in this bill, only taxes.

WE SHOULD HAVE DONE THE STIMULUS RIGHT THE FIRST TIME

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Mr. Speaker, people are asking where are the jobs.

As my friend from Indiana said moments ago, we just came out of amending a bill in the Education and Labor Committee where we wiped out the private sector in the student lending business, tens of thousands of jobs just erased.

As all my colleagues know, this House, this Congress, passed a stimulus bill which was supposed to create jobs. Instead, we've been losing millions of jobs.

I find it interesting that the Republicans offered an alternative to that stimulus bill which would have cut taxes and created twice as many jobs, and now Christina Romer, the President's economic adviser, when she's been pressed on news interviews on two separate occasions in May and again in July about where are the jobs and why isn't the stimulus working, she said, well, the tax cuts in the stimulus bill are working.

How ironic. We should have done it right the first time.

WE NEED A PRESCRIPTION OF LOWER TAXES AND LOWERING SPENDING

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute.)

Mr. GUTHRIE. I remember walking into my home one night when I was a senior in high school after school, 1982. My father and mother were talking with each other with a distressed look on their faces, and my dad was telling my mother that he was losing his job. The factory where he expected to work his entire life was shutting down. This was 1982, the recession, a recession like we find ourselves in today; and the prescription from Washington was to lower spending and to cut taxes.

In the late 1980s, my father decided to take advantage of the economy and create a plant that he used to work at; and he decided to start a new plant, created over 500 jobs because Washington's prescription was lowering taxes and lowering spending.

The prescription today coming out of Washington to try to get out of this recession is to raise regulation and to raise taxes; and, Mr. Speaker, I believe that's why we're lingering in this recession, because people don't want to invest, because they're concerned about what's happening here in Washington, D.C.

FIRST, DO NO HARM

(Mr. PLATTS asked and was given permission to address the House for 1 minute.)

Mr. PLATTS. Mr. Speaker, as the House of Representatives addresses the very important issue of health care reform, we need to adhere to the principles of all physicians: first, do no harm.

Unfortunately, the legislation that came out of the House Education and Labor Committee late last week does not adhere to this principle. CBO tells us it will drive up the costs of health care in the United States. In fact, when it's fully implemented, over \$200 billion

a year this plan will cost, it will not protect the right to keep the insurance coverage that you currently have. If you like it—that was one of the underlying principles of the administration—this bill will not protect that right.

It will not adhere to that principle: do no harm. It will drive up costs. It will take away freedom of choice of the American citizens, and it is also going to have an impact on the ability for small businesses to provide insurance because of the taxes included in this bill. It's going to cost people insurance because small businesses will not be able to continue to afford the 8 percent payroll tax as well as an increase on small businesses filing a subchapter S.

First, do no harm. We need to adhere to that principle. Unfortunately, this legislation does not do that.

REPUBLICANS HAVE BEEN CUT OUT OF THE PROCESS

(Mr. NUNES asked and was given permission to address the House for 1 minute.)

Mr. NUNES. Mr. Speaker, I wasn't going to come down here, Mr. Speaker, but then I heard the distinguished Democrat leader, Mr. HOYER, come down and chastise us for using 1-minutes. Mr. HOYER, you know why we're using these 1-minutes. It's because you've cut us out of the process.

For the first time in this Nation's history, appropriations bills aren't under open rules. So we have no opportunity to offer amendments under the appropriations bills.

So you can understand why, in my district, having almost 20 percent unemployment, some of the highest unemployment in the country because this government fails to act to get water to the people to provide for the general welfare of the people of my district, this is why we come down here, Mr. HOYER.

So I would suggest that we probably won't do this again because you will probably take away this advantage that we have of using these 1-minutes to make our case before the American people. I assume this will be the last day we have unlimited 1-minutes, but I can promise you that if you just go back to the open rules process on the appropriations bills, we will gladly not use these unlimited 1-minutes this way.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will kindly remind Members that remarks in debate should be directed to the Chair and not to others in the second person.

NEVADA'S ECONOMY IS THE MOST DISTRESSED IN THE NATION

(Mr. HELLER asked and was given permission to address the House for 1 minute.)

Mr. HELLER. Mr. Speaker, in a recent study Nevada's economy is now determined to be the most distressed in the Nation; and if you recall, 4 months ago we passed a stimulus package and we were promised by this administration, and by the majority, if we do this, if we pass this stimulus package, that we'd only have 8 percent unemployment. It would never exceed 8 percent unemployment. Yet we had to do it right now. We had to pass this piece of legislation.

Well, I'm here to tell you today that Nevada's unemployment is at 12 percent, and that this administration says that the unemployment is even going to go higher.

So the question is, What did the stimulus do for Nevada? Well, in Las Vegas, Las Vegas has received to date \$4,833. So the question is, Where's the money? \$4,833 to Nevada and to Las Vegas.

Las Vegas Mayor Oscar Goodman said, "I bet more on a football game than what the city's received."

I ask the Speaker: Where's the money and where are the jobs?

□ 1530

JOBS

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, I rise today because I want someone to show me the jobs that we have been promised by the Democrats. Many counties in my district have unemployment rates of more than 13 percent.

Show me the jobs, Mr. Speaker. My colleagues on the Democratic side of the aisle promised that their trillion-dollar stimulus would immediately create jobs and unemployment would not rise above 8 percent. Nothing could be further from the truth. In June alone, almost half a million jobs were lost, driving unemployment to its highest level in 26 years.

Now, after shoving a \$646 billion energy tax down the throats of the American people, liberal leadership is now shoving a multitricillion-dollar health experiment. According to the CBO, this will cost 750,000 more jobs and push 100 million Americans off of their private health care plans.

Mr. Speaker, I ask you to show me the jobs and show me why the American people should believe once again that a trillion-dollar experiment will work.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings now will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 164, by the yeas and
nays:

H.R. 2729, by the yeas and nays;

H.R. 1622, by the yeas and nays; and

H. Res. 507, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

RECOGNIZING 40TH ANNIVERSARY
OF THE FOOD AND NUTRITION
SERVICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 164, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 164.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 596]

YEAS—422

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bliray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher

Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrin
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Coble
Coffman (CO)

Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson

Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Galeggly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hereth Sandli
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones
Jordan (OH)
Kagan
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (A
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)

Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Logfren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Masa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perrriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)

Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadeegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souders
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Townes
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz

Waters	Wexler	Woolsey
Watson	Whitfield	Wu
Watt	Wilson (OH)	Yarmuth
Weiner	Wilson (SC)	Young (AK)
Welch	Wittman	Young (FL)
Westmoreland	Wolf	

NOT VOTING—11

Cleaver	McCarthy (NY)	Reyes
Davis (TN)	McHugh	Sestak
Hill	McMahon	Waxman
Kirk	Moore (WI)	

□ 1556

Mr. FRANKS of Arizona changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCMAHON. Mr. Speaker, on rollcall No. 596, had I been present, I would have voted “yea.”

AUTHORIZING NATIONAL ENVIRONMENTAL RESEARCH PARKS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2729, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. LUJÁN) that the House suspend the rules and pass the bill, H.R. 2729, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 330, nays 96, not voting 7, as follows:

[Roll No. 597]

YEAS—330

Abercrombie	Brady (PA)	Crowley
Ackerman	Braley (IA)	Cuellar
Aderholt	Bright	Cummings
Adler (NJ)	Brown, Corrine	Dahlkemper
Alexander	Buchanan	Davis (AL)
Altmire	Burgess	Davis (CA)
Andrews	Butterfield	Davis (IL)
Arcuri	Buyer	Davis (KY)
Austria	Calvert	Davis (TN)
Baca	Camp	DeFazio
Bachmann	Cao	DeGette
Baird	Capito	Delahunt
Baldwin	Capps	DeLauro
Barrow	Capuano	Dent
Bartlett	Cardoza	Diaz-Balart, L.
Barton (TX)	Carnahan	Diaz-Balart, M.
Bean	Carney	Dicks
Becerra	Carson (IN)	Dingell
Berkley	Cassidy	Doggett
Berman	Castor (FL)	Donnelly (IN)
Berry	Chandler	Doyle
Biggart	Childers	Driehaus
Bilbray	Chu	Edwards (MD)
Bilirakis	Clarke	Edwards (TX)
Bishop (GA)	Clay	Ehlers
Bishop (NY)	Cleaver	Ellison
Blackburn	Clyburn	Ellsworth
Blumenauer	Cohen	Emerson
Boccieri	Cole	Engel
Bonner	Connolly (VA)	Eshoo
Bono Mack	Conyers	Etheridge
Boren	Cooper	Farr
Boswell	Costa	Fattah
Boucher	Costello	Filner
Boyd	Courtney	Fleming

Fortenberry	Luetkemeyer	Rogers (KY)
Foster	Luján	Rogers (MI)
Frank (MA)	Lynch	Ros-Lehtinen
Frelinghuysen	Mack	Ross
Fudge	Maffei	Rothman (NJ)
Galleghy	Maloney	Roybal-Allard
Gerlach	Markey (CO)	Ruppersberger
Giffords	Markey (MA)	Rush
Gonzalez	Marshall	Ryan (OH)
Gordon (TN)	Massa	Salazar
Grayson	Matheson	Sánchez, Linda
Green, Al	Matsui	T.
Green, Gene	McCarthy (CA)	Sanchez, Loretta
Griffith	McCaul	Sarbanes
Grijalva	McCollum	Schakowsky
Guthrie	McCotter	Schauer
Gutierrez	McDermott	Schiff
Hall (NY)	McGovern	Schrader
Halvorson	McHugh	Schwartz
Hare	McIntyre	Scott (GA)
Harman	McMahon	Scott (VA)
Hastings (FL)	McMorris	Serrano
Heinrich	Rodgers	Shea-Porter
Heller	McNerney	Sherman
Herseth Sandlin	Meek (FL)	Shuler
Higgins	Meeks (NY)	Simpson
Hill	Melancon	Sires
Himes	Michaud	Skelton
Hinche	Miller (FL)	Slaughter
Hinojosa	Miller (MI)	Smith (NE)
Hirono	Miller (NC)	Smith (NJ)
Hodes	Miller, Gary	Smith (TX)
Holden	Miller, George	Smith (WA)
Holt	Minnick	Snyder
Honda	Mitchell	Souder
Hoyer	Mollohan	Space
Inglis	Moore (KS)	Spratt
Inslee	Moore (WI)	Stark
Israel	Moran (VA)	Stupak
Jackson (IL)	Murphy (NY)	Sutton
Jackson-Lee	Murphy, Patrick	Tanner
(TX)	Murphy, Tim	Taylor
Johnson (GA)	Murtha	Teague
Johnson (IL)	Nadler (NY)	Terry
Johnson, E.B.	Napolitano	Thompson (CA)
Jones	Neal (MA)	Thompson (MS)
Kagen	Nunes	Thompson (PA)
Kanjorski	Nye	Tiahrt
Kaptur	Oberstar	Tiberi
Kennedy	Obey	Titus
Kildee	Oliver	Tonko
Kilpatrick (MI)	Ortiz	Towns
Kilroy	Pallone	Tsongas
Kind	Pascarella	Turner
Kirkpatrick (AZ)	Pastor (AZ)	Van Hollen
Kissell	Payne	Velázquez
Klein (FL)	Perlmutter	Visclosky
Kosmas	Perriello	Walz
Kratovil	Peters	Wamp
Kucinich	Peterson	Wasserman
Lance	Pingree (ME)	Schultz
Langevin	Pitts	Waters
Larsen (WA)	Polis (CO)	Watson
Larson (CT)	Pomeroy	Watt
Latham	Posey	Waxman
LaTourette	Price (NC)	Weiner
Lee (CA)	Putnam	Welch
Lee (NY)	Quigley	Wexler
Levin	Radanovich	Wilson (OH)
Lewis (CA)	Rahall	Wilson (SC)
Lewis (GA)	Rangel	Wolf
Lipinski	Rehberg	Woolsey
LoBiondo	Reichert	Wu
Loeb sack	Reyes	Yarmuth
Lofgren, Zoe	Richardson	Young (FL)
Lowe	Rodriguez	
Lucas	Rogers (AL)	

NAYS—96

Akin	Carter	Garrett (NJ)
Bachus	Casthe	Gingrey (GA)
Barrett (SC)	Chaffetz	Gohmert
Bishop (UT)	Coble	Goodlatte
Blunt	Coffman (CO)	Granger
Boehner	Conaway	Graves
Boozman	Crenshaw	Hall (TX)
Boustany	Culberson	Harper
Brady (TX)	Deal (GA)	Hastings (WA)
Broun (GA)	Dreier	Hensarling
Brown (SC)	Duncan	Henger
Brown-Waite,	Fallin	Hoekstra
Ginny	Flake	Hunter
Burton (IN)	Forbes	Issa
Campbell	Fox	Jenkins
Cantor	Franks (AZ)	Johnson, Sam

Jordan (OH)	Moran (KS)	Schmidt
King (IA)	Myrick	Schock
King (NY)	Neugebauer	Sensenbrenner
Kingston	Olson	Sessions
Kline (MN)	Paul	Shadegg
Lamborn	Pence	Shimkus
Latta	Petri	Shuster
Linder	Platts	Stearns
Lummis	Poe (TX)	Thornberry
Lungren, Daniel	Price (GA)	Tierney
E.	Roe (TN)	Upton
Manzullo	Rohrabacher	Walden
Marchant	Rooney	Westmoreland
McClintock	Roskam	Whitfield
McHenry	Royce	Wittman
McKeon	Ryan (WI)	Young (AK)
Mica	Scalise	

NOT VOTING—7

Kirk	Paulsen	Sullivan
McCarthy (NY)	Sestak	
Murphy (CT)	Speier	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1603

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR NATURAL GAS VEHICLE RESEARCH AND DEVELOPMENT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1622, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. LUJÁN) that the House suspend the rules and pass the bill, H.R. 1622, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 35, not voting 5, as follows:

[Roll No. 598]

YEAS—393

Abercrombie	Bishop (GA)	Buyer
Ackerman	Bishop (NY)	Calvert
Aderholt	Blumenauer	Camp
Adler (NJ)	Blunt	Cantor
Alexander	Boccieri	Cao
Altmire	Boehner	Capito
Andrews	Bonner	Capps
Arcuri	Bono Mack	Capuano
Austria	Boozman	Cardoza
Baca	Boren	Carnahan
Bachmann	Boswell	Carney
Bachus	Boucher	Carson (IN)
Baird	Boustany	Carter
Baldwin	Boyd	Cassidy
Barrett (SC)	Brady (PA)	Castle
Barrow	Brady (TX)	Castor (FL)
Bartlett	Braley (IA)	Chandler
Barton (TX)	Bright	Childers
Bean	Brown (SC)	Chu
Becerra	Brown, Corrine	Clarke
Berkley	Brown-Waite,	Clay
Berman	Ginny	Cleaver
Berry	Buchanan	Clyburn
Biggart	Burgess	Coffman (CO)
Bilbray	Burton (IN)	Cohen
Bilirakis	Butterfield	Cole

Conaway	Jenkins	Nunes	Thornberry	Velázquez	Welch	Buchanan	Goodlatte	Maffei
Connolly (VA)	Johnson (GA)	Nye	Tiahrt	Visclosky	Wexler	Burgess	Gordon (TN)	Maloney
Conyers	Johnson (IL)	Oberstar	Tiberi	Walz	Wilson (OH)	Burton (IN)	Granger	Manzullo
Cooper	Johnson, E. B.	Obey	Tierney	Wamp	Wilson (SC)	Butterfield	Graves	Marchant
Costa	Johnson, Sam	Olson	Titus	Wasserman	Wittman	Buyer	Grayson	Markey (CO)
Costello	Jones	Olver	Tonko	Schultz	Wolf	Calvert	Green, Al	Markey (MA)
Courtney	Jordan (OH)	Ortiz	Towns	Waters	Woolsey	Camp	Green, Gene	Marshall
Crenshaw	Kagen	Pallone	Tsongas	Watson	Wu	Campbell	Griffith	Massa
Cuellar	Kanjorski	Pascarell	Turner	Watt	Yarmuth	Cantor	Grijalva	Matheson
Cummings	Kaptur	Pastor (AZ)	Upton	Waxman	Young (AK)	Cao	Guthrie	Matsui
Dahlkemper	Kennedy	Paulsen	Van Hollen	Weiner	Young (FL)	Capito	Gutierrez	McCarthy (CA)
Davis (AL)	Kildee	Payne				Capps	Hall (NY)	McCaul
Davis (CA)	Kilpatrick (MI)	Perlmutter				Capuano	Hall (TX)	McClintock
Davis (IL)	Kilroy	Perriello				Cardoza	Halvorson	McCollum
Davis (KY)	Kind	Peters	Akin	Harper	McClintock	Carnahan	Hare	McCotter
Davis (TN)	King (NY)	Peterson	Bishop (UT)	Hastings (WA)	Paul	Carney	Harman	McDermott
Deal (GA)	Kirkpatrick (AZ)	Pingree (ME)	Broun (GA)	Hensarling	Pence	Carson (IN)	Harper	McGovern
DeFazio	Kissell	Pitts	Campbell	Herger	Petri	Carter	Hastings (FL)	McHenry
DeGette	Klein (FL)	Platts	Chaffetz	Issa	Rohrabacher	Cassidy	Hastings (WA)	McHugh
Delahunt	Kline (MN)	Poe (TX)	Coble	King (IA)	Royce	Castle	Heinrich	McIntyre
DeLauro	Kosmas	Polis (CO)	Culberson	Kingston	Ryan (WI)	Castor (FL)	Heller	McKeon
Dent	Kratovil	Pomeroy	Duncan	Lamborn	Sensenbrenner	Chaffetz	Hensarling	McMahon
Diaz-Balart, L.	Kucinich	Posey	Ehlers	Linder	Walden	Chandler	Herger	McMorris
Diaz-Balart, M.	Lance	Price (GA)	Flake	Lummis	Westmoreland	Childers	Hereth Sandlin	Rodgers
Dicks	Langevin	Price (NC)	Franks (AZ)	Mack	Whitfield	Chu	Higgins	McNerney
Dingell	Larsen (WA)	Putnam	Garrett (NJ)	Manzullo		Clarke	Hill	Meek (FL)
Doggett	Larson (CT)	Quigley				Clay	Himes	Meeks (NY)
Donnelly (IN)	Latham	Radanovich	Blackburn	Kirk	Sestak	Cleaver	Hinchey	Melancon
Doyle	LaTourette	Rahall	Crowley	McCarthy (NY)		Clyburn	Hinojosa	Mica
Dreier	Latta	Rangel				Coble	Hirono	Michaud
Driehaus	Lee (CA)	Rehberg				Coffman (CO)	Hodes	Miller (FL)
Edwards (MD)	Lee (NY)	Reichert				Cohen	Hoekstra	Miller (MI)
Edwards (TX)	Levin	Reyes				Cole	Holden	Miller (NC)
Ellison	Lewis (CA)	Richardson				Conaway	Holt	Miller, Gary
Ellsworth	Lewis (GA)	Rodriguez				Connolly (VA)	Honda	Miller, George
Emerson	Lipinski	Roe (TN)				Conyers	Hoyer	Minnick
Engel	LoBiondo	Rogers (AL)				Cooper	Hunter	Mitchell
Eshoo	Loeb sack	Rogers (KY)				Costa	Inglis	Mollohan
Etheridge	Lofgren, Zoe	Rogers (MI)				Costello	Inslee	Moore (KS)
Fallin	Lowey	Rooney				Courtney	Israel	Moore (WI)
Farr	Lucas	Ros-Lehtinen				Crenshaw	Issa	Moran (KS)
Fattah	Luetkemeyer	Roskam				Cuellar	Jackson (IL)	Moran (VA)
Filner	Lujan	Ross				Culberson	Jackson-Lee	Murphy (CT)
Fleming	Lungren, Daniel	Rothman (NJ)				Cummings	(TX)	Murphy (NY)
Forbes	E.	Roybal-Allard				Dahlkemper	Jenkins	Murphy, Patrick
Fortenberry	Lynch	Rubensberger				Davis (AL)	Johnson (GA)	Murphy, Tim
Foster	Maffei	Rush				Davis (CA)	Johnson (IL)	Murtha
Fox	Maloney	Ryan (OH)				Davis (IL)	Johnson, E. B.	Myrick
Frank (MA)	Marchant	Salazar				Davis (KY)	Johnson, Sam	Nadler (NY)
Frelinghuysen	Markey (CO)	Sánchez, Linda				Davis (TN)	Jones	Napolitano
Fudge	Markey (MA)	T.				Deal (GA)	Jordan (OH)	Neal (MA)
Gallely	Marshall	Sanchez, Loretta				DeFazio	Kagen	Neugebauer
Gerlach	Massa	Sarbames				DeGette	Kanjorski	Nunes
Giffords	Matheson	Scalise				Delahunt	Kaptur	Nye
Gingrey (GA)	Matsui	Schakowsky				DeLauro	Kennedy	Oberstar
Gohmert	McCarthy (CA)	Schauer				Dent	Kildee	Obey
Gonzalez	McCaul	Schiff				Diaz-Balart, L.	Kilpatrick (MI)	Olson
Goodlatte	McCollum	Schmidt				Diaz-Balart, M.	Kilroy	Olver
Gordon (TN)	McCotter	Schock				Dicks	Kind	Ortiz
Granger	McDermott	Schrader				Dingell	King (IA)	Pallone
Graves	McGovern	Schwartz				Doggett	King (NY)	Pascarell
Grayson	McHenry	Scott (GA)				Donnelly (IN)	Kingston	Pastor (AZ)
Green, Al	McHugh	Scott (VA)				Doyle	Kirkpatrick (AZ)	Paul
Green, Gene	McIntyre	Serrano				Dreier	Kissell	Paulsen
Griffith	McKeon	Sessions				Driehaus	Klein (FL)	Payne
Grijalva	McMahon	Shadegg				Duncan	Kline (MN)	Pence
Guthrie	McMorris	Shea-Porter				Edwards (MD)	Kosmas	Perlmutter
Gutierrez	Rodgers	Sherman				Edwards (TX)	Kratovil	Perriello
Hall (NY)	McNerney	Shimkus				Ehlers	Kucinich	Peters
Hall (TX)	Meek (FL)	Shuler				Ellison	Lamborn	Peterson
Halvorson	Meeks (NY)	Shuster				Ellsworth	Lance	Petri
Hare	Melancon	Simpson				Emerson	Langevin	Pingree (ME)
Harman	Mica	Sires				Engel	Larsen (WA)	Pitts
Hastings (FL)	Michaud	Skelton				Eshoo	Larson (CT)	Platts
Heinrich	Miller (FL)	Slaughter				Etheridge	Latham	Poe (TX)
Heller	Miller (MI)	Smith (NE)				Fallin	LaTourette	Polis (CO)
Hereth Sandlin	Miller (NC)	Smith (NJ)				Farr	Latta	Pomeroy
Higgins	Miller, Gary	Smith (TX)				Fattah	Lee (CA)	Posey
Hill	Miller, George	Smith (WA)				Filner	Lee (NY)	Price (GA)
Himes	Minnick	Snyder				Flake	Levin	Price (NC)
Hinchey	Mitchell	Souder				Fleming	Lewis (CA)	Putnam
Hinojosa	Mollohan	Space				Forbes	Lewis (GA)	Quigley
Hirono	Moore (KS)	Speier				Fortenberry	Linder	Radanovich
Hodes	Moore (WI)	Spratt				Foster	Lipinski	Rahall
Hoekstra	Moran (KS)	Stark				Fox	LoBiondo	Rangel
Holden	Moran (VA)	Stearns				Frank (MA)	Loeb sack	Rehberg
Holt	Murphy (CT)	Stupak				Franks (AZ)	Lofgren, Zoe	Reichert
Honda	Murphy (NY)	Sullivan				Frelinghuysen	Lowey	Reyes
Hoyer	Murphy, Patrick	Sutton				Fudge	Lucas	Richardson
Hunter	Murphy, Tim	Tanner				Gallely	Luetkemeyer	Rodriguez
Inglis	Murtha	Taylor				Garrett (NJ)	Lujan	Roe (TN)
Inslee	Myrick	Teague				Gerlach	Lummis	Rogers (AL)
Israel	Nadler (NY)	Terry				Giffords	Lungren, Daniel	Rogers (KY)
Jackson (IL)	Napolitano	Thompson (CA)				Gingrey (GA)	E.	Rogers (MI)
Jackson-Lee	Neal (MA)	Thompson (MS)				Gohmert	Lynch	Rohrabacher
(TX)	Neugebauer	Thompson (PA)				Gonzalez	Mack	Rooney

NAYS—35

NOT VOTING—5

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1610

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL DAIRY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 507, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 507, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 0, not voting 5, as follows:

[Roll No. 599]

YEAS—428

Abercrombie	Bartlett	Bonner
Ackerman	Barton (TX)	Bono Mack
Aderholt	Bean	Boozman
Adler (NJ)	Becerra	Boren
Akin	Berkley	Boswell
Alexander	Berman	Boucher
Altmire	Berry	Boustany
Andrews	Biggart	Boyd
Arcuri	Bilbray	Brady (PA)
Austria	Bilirakis	Brady (TX)
Baca	Bishop (GA)	Braley (IA)
Bachmann	Bishop (NY)	Bright
Bachus	Bishop (UT)	Broun (GA)
Baird	Blumenauer	Brown (SC)
Baldwin	Blunt	Brown, Corrine
Barrett (SC)	Bocchieri	Brown-Waite,
Barrow	Boehner	Ginny

Ros-Lehtinen	Shuler	Tonko
Roskam	Shuster	Towns
Ross	Simpson	Tsongas
Rothman (NJ)	Sires	Turner
Roybal-Allard	Skelton	Upton
Royce	Slaughter	Van Hollen
Ruppersberger	Smith (NE)	Velázquez
Rush	Smith (NJ)	Visclosky
Ryan (OH)	Smith (TX)	Walden
Ryan (WI)	Smith (WA)	Walz
Salazar	Snyder	Wamp
Sánchez, Linda	Souder	Wasserman
T.	Space	Schultz
Sanchez, Loretta	Speier	Waters
Sarbanes	Spratt	Watson
Scalise	Stark	Watt
Schakowsky	Stearns	Waxman
Schauer	Stupak	Weiner
Schiff	Sullivan	Welch
Schmidt	Sutton	Westmoreland
Schock	Tanner	Wexler
Schrader	Taylor	Whitfield
Schwartz	Teague	Wilson (OH)
Scott (GA)	Terry	Wilson (SC)
Scott (VA)	Thompson (CA)	Wittman
Sensenbrenner	Thompson (MS)	Wolf
Serrano	Thompson (PA)	Woolsey
Sessions	Thornberry	Wu
Shadegg	Tiahrt	Yarmuth
Shea-Porter	Tiberi	Young (AK)
Sherman	Tierney	Young (FL)
Shimkus	Titus	

NOT VOTING—5

Blackburn	Kirk	Sestak
Crowley	McCarthy (NY)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1617

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to House Resolution 658, this time has been designated for the taking of the official photo of the House of Representatives in session.

The House will be in a brief recess while the Chamber is being prepared for the photo.

As soon as these preparations are complete, the House will immediately resume its actual session for the taking of the photograph.

About 5 minutes after that, the House will proceed with the business of the House.

For the information of the Members, when the Chair says the House will be in order, we are ready to take our picture. That will be in just a few minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess while the Chamber is being prepared.

Accordingly (at 4 o'clock and 18 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4 o'clock and 25 minutes p.m.

(Thereupon, the Members sat for the official photograph of the House of Representatives for the 111th Congress.)

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair in 2 or 3 minutes.

Accordingly (at 4 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at 4 o'clock and 29 minutes p.m.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. NUNES. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I rise to give notice of my intention to raise a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, on May 25, 2007, U.S. District Court Judge Oliver W. Wanger issued a ruling that directed the Bureau of Reclamation to reduce water exports from the Sacramento-San Joaquin River Delta to protect a three-inch minnow called the Delta smelt;

Whereas, on December 15, 2008, the United States Fish and Wildlife Service, based on the Wanger Ruling, issued a Biological Opinion on the Delta smelt that permanently reduced water export from the Sacramento-San Joaquin River Delta which is traditionally delivered to cities and farms in the San Joaquin Valley and the Los Angeles and San Diego basins;

Whereas according to a University of California at Davis study, based on the water reductions outlined in the Delta smelt Biological Opinion, revenue losses in the San Joaquin Valley of California for 2009 will be \$2.2 billion and job losses at 80,000;

Whereas according to the U.S. Bureau of Labor Statistics, the unemployment rate in the San Joaquin Valley has reached the highest level in the Nation;

Whereas region wide unemployment in the San Joaquin Valley of California is nearly 20 percent and some cities have an unemployment rate of 40 percent;

Whereas thousands of people who once relied on employment in the agricultural sector are now unemployed and struggling to meet their most basic needs, such as providing food for their families;

Whereas, on March 1, 2009, the Sacramento Bee reported thousands of people have been turned away from local food banks as supplies are not ample enough to meet local needs;

Whereas, on April 14, 2009, the Fresno County, California, Board of Supervisors pro-

claimed that the man-made drought has created an economic crisis;

Whereas on June 4, 2009, despite the ongoing man-made drought in California, the National Marine Fisheries Service issued a new Biological Opinion on the spring-run Chinook salmon, Central Valley steelhead, the southern population of North American green sturgeon, and Southern Resident killer whales which further reduces water supplies to Californians;

Whereas, on June 19, 2009, California's Governor Arnold Schwarzenegger declared a state of emergency for Fresno County, California, and petitioned President Barack Obama to declare the county a Federal disaster area;

Whereas on June 28, 2009, the Secretary of the Interior Ken Salazar visited Fresno, California, and held a town hall meeting in which nearly 1,000 people attended to express their dissatisfaction with the lack of action by the Obama Administration;

Whereas, on July 6, 2009, the Los Angeles Times reported that during Interior Secretary Ken Salazar's town hall meeting on June 28, 2009, the Commissioner of the Bureau of Reclamation, Mike Connor, pledged to provide financial aid to starving families and an audience member replied "we don't want welfare, we want water";

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that hundreds of San Joaquin Valley farmers protested outside the Federal Building Plaza in San Francisco which houses Speaker Nancy Pelosi's district office;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported the protestors blamed Speaker Nancy Pelosi and Congressman George Miller for the water shortage in the San Joaquin Valley;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that protestors were holding signs that said "ESA Puts Fish Ahead of People", "Congress Created Drought", and "New Endangered Species: The California Farmer";

Whereas, on July 1, 2009, the Fresno Bee reported that a crowd of 4,000 marched through the streets of Fresno, California, to demand that the Federal Government end the man-made drought;

Whereas, on June 18, 2009, the Democrat leadership held open Roll Call Vote 366 for the purpose of changing the outcome of the vote;

Whereas during this vote, House Democrat leadership was seen on the House floor pressuring Members of Congress to change their Aye vote to a Nay vote in order to defeat the Nunes Amendment which would have helped to relieve the water crisis in California;

Whereas, on July 8, 2009, during the mark-up on the Energy and Water Development and Related Agencies Appropriations Act, 2010, a debate was held on the Calvert Amendment which would have restored water deliveries to Californians;

Whereas during the mark-up, the Chairman of the Appropriations Committee, David Obey, said "Recognize there are certain actions, that if you take, this bill won't pass, your earmarks in the bill won't become law";

Whereas Chairman Obey violated Clause 16 of House Rule 23 by linking passage of the Calvert Amendment to loss of earmarks;

Whereas, on July 14, 2009, despite historical tradition of open rules during the appropriations process, the Rules Committee blocked an amendment to the Energy and Water Development and Related Agencies Appropriations Act, 2010 that would have restored water deliveries to Californians;

Whereas, for two years, the House of Representatives has known about the man-made drought in California without taking legislative action to resolve the crisis;

Whereas the lack of action by the House of Representatives has demonstrated that fish are more important than families;

Whereas article 1, section 8 of the United States Constitution enumerates that the Congress shall have the power to provide for the general welfare of the United States;

Whereas the House of Representatives has willfully and knowingly failed to provide for the general welfare of the San Joaquin Valley of California; and

Whereas the failure of the House of Representatives to carry out its duties has subjected the House to public ridicule and damaged the dignity and integrity of the House of Representatives: Now, therefore, be it

Resolved, That the Committee on Natural Resources is instructed to discharge H.R. 3105, the Turn on the Pumps Act of 2009, for immediate consideration by the House of Representatives.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 1630

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

EXTENDING DEADLINE FOR CONSTRUCTION OF PRICE DAM HYDROELECTRIC PROJECT

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2938) to extend the deadline for commencement of construction of a hydroelectric project.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal

Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12187, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Louisiana (Mr. SCALISE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. Mr. Speaker, H.R. 2938 would allow the Federal Energy Regulatory Commission to extend the construction deadline for a hydroelectric power plant at the Melvin Price Locks and Dam in Alton, Illinois. Over the past 20 years, there has been great interest in building a hydroelectric plant at this site on the Mississippi River; however, construction of the hydroelectric plant has not happened on this site as of this date.

Last October, Brookfield Power acquired the license to proceed with the construction of the site. When Brookfield applied for an extension of the construction deadline, the company was informed that because of the administrative extensions granted to the previous licensee, congressional action is needed to grant an extension.

Brookfield will lose this license at the end of this month, July 2009. For that reason, Brookfield and the City of Alton, Illinois, requested legislation to extend the deadline for 6 years.

Passing this legislation is necessary to ensure that Brookfield can bring renewable energy to Illinois and create green jobs. The hydroelectric project will create 404,000 megawatt hours of electricity, the equivalent of 283 barrels of oil. Further, Brookfield will hire 125 workers over a 3-year period and invest over \$400 million to construct the plant.

This bill is cosponsored by my friend and colleague from Illinois, Congress-

man JOHN SHIMKUS. Both the majority and minority staff of the Energy and Commerce Committee have reviewed and accepted the legislation. FERC has also reviewed the legislation and does not oppose it.

Mr. Speaker, I urge my colleagues to support H.R. 2938.

I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I rise in support of H.R. 2938, a bill that extends the timeline to bring this hydroelectric power plant project in Illinois on line. It gives them another up to 6 years, and ultimately, this would be the decision of the Federal Energy Regulatory Commission. But as they're going through the process right now of permitting and approval, this provides them an additional 6 years to make sure that the project has enough time to get approved and completed and bring this new power source on line.

I would like to yield 3 minutes to my friend from Oregon (Mr. WALDEN).

Mr. WALDEN. I thank my colleague from Louisiana.

Mr. Speaker, I rise today also in support of this legislation. I think it's a good bill because I think hydroelectric power is a good thing for our country, and when we're concerned about getting renewable energy online, there's probably nothing better than hydropower for that.

Unfortunately, in the cap-and-tax bill that was passed by this House over my objection and over the objection of the gentleman from Illinois, there is a provision on page 19, line 12, sub 3, that says, The hydroelectric project installed on the dam is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained.

Now, I share this language with you because the gentleman from Illinois, my friend, talked about the 404,000 watts or megawatts, whatever it is—I didn't jot down the exact amount—would be produced as hydroelectric power and, therefore, renewable energy and create new jobs. My concern is this: that hydropower is being added after this legislation is moving forward.

Should the cap-and-tax bill become law, that hydropower, according to this language, would not be considered as renewable energy for purposes of Illinois meeting the new Federal standard on renewable energy. Because in consultation with two civil engineers I've spoken with who operate hydro projects—many of them and large-scale hydro projects—when I shared this language with them about maintaining the surface elevation at any location in time, they laughed. They said you can't operate a hydro system and not affect the water behind the dam in some way at some point.

And so to disqualify the new hydro—like the gentleman from Illinois is trying to get here—makes no sense to me.

Either hydropower is renewable or it's not.

Now, there is another provision in this bill, the cap-and-tax bill, that said hydro that came online after 1988 is renewable but hydro before 1988 is not. Now, you have got water flowing down a river. You've got multiple dams along the way with hydro generation facilities. It's the same water. It just depends on what year the dam was built whether or not that hydropower is considered renewable or not. That doesn't make a lot of sense.

Nor do the provisions in the cap-and-tax bill that said, if woody biomass off a Federal forest comes off of a late successional stand, you can't count the burning of that to produce green energy as renewable energy, but if it came off of a severely damaged tree, it is, although there is no definition for that. And if any woody biomass comes off private, county, State lands, it's all considered renewable energy when it produces electricity when it's burned, but yet there is this restriction on Federal land.

□ 1645

I share that with you because America's Federal forests are terrifically overstocked and subject to catastrophic fire.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCALISE. I yield the gentleman 1 additional minute.

Mr. WALDEN. We could create more real jobs cleaning up the forest in very depressed communities. I was just out in four counties in my district. I think two, maybe three, are now at over 20 percent unemployment. They have 70, 50 and 80 percent Federal land. This is the great forests of our country that are left to burn up. The woody biomass could be put into clean energy. There are firms willing to invest if they could get supply. Again, the cap-and-trade, cap-and-tax bill harms that effort.

So I share the gentleman's support of this legislation to create and move forward on the hydro project. It's unfortunate if the cap-and-tax bill that passed the House becomes law that hydro will not be considered renewal. That doesn't make sense. And I hope that the Senate can correct this problem.

Mr. COSTELLO. Mr. Speaker, let me thank my colleague for supporting this legislation. I share the same concern that you have with the section that you quoted in the energy bill, and we hope that our friends in the other body will address that issue so that it is not a concern for the future.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SCALISE. I would like to yield 3 minutes to a cosponsor of this bill, the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Melvin Price Locks and Dam is named after an historic member of this Chamber, Mel Price,

who gave me my nomination to West Point. So it is with great affinity that I just mentioned that. But now that district is ably represented by my friend and colleague, JERRY COSTELLO, and I thank him for including me on this reauthorization bill.

The Republicans have already talked about an all-of-the-above energy strategy which talks about nuclear, wind, solar and hydroelectric. And no one is really more knowledgeable on the hydroelectric issue than the colleague who preceded me, GREG WALDEN. There is a concern about if we want these programs, these licenses, to actually become real projects in the whole credit issue, then this has to qualify for renewable, and that will help bring some dollars to help effect this instead of just worrying about relicensing, then we can actually get it built. But if we don't do this process, then we have to go through the whole paperwork procedure.

I'm very happy to be here with my friend who, again, worked hard and diligently for southern Illinois. And this is all part of that all-of-the-above energy strategy that will help us decrease our reliance on imported crude oil. Thank you for letting me join you in this resolution.

Mr. COSTELLO. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I would yield 3 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I rise really in amazement today to hear our colleagues on the other side talk about hydroelectric power being a renewable energy source, because we have seen multiple venues here in the House where Democrats have denied that.

Mr. Speaker, we have a tremendous need in this country for alternative sources of energy, renewable sources of energy. Nuclear energy is one of those renewable sources of energy, or a source of energy that is one that makes the most sense from an environmental perspective as well as a cost perspective.

We have many members of the opposition on the other side that want to deny us going into a nuclear age. France gets over 80 percent of its electric power from nuclear sources. The United States should do the same thing. In my home State of Georgia, the Georgia Power Company for a long period of time now has been trying to get permitting for two new nuclear reactors at their plant in Vogel just south of my district, just south of Augusta, Georgia. They already have two. They want two more. But, Mr. Speaker, they have had a great deal of difficulty because the regulatory commission and various environmental groups have made it extremely difficult.

They are not alone. All over this country, there are electric power companies that want to put in electric power plants that are nuclear-fueled. Mr. Speaker, they have great difficulty doing so. We need to use our renewable resources, not only for hydroelectric power, but for nuclear power. We need to look to wind and solar. We need to look to biomass. We need to stop this idiocy of a corn-based ethanol source of energy. Mr. Speaker, I'm from Georgia, and I love my cornbread and grits. It makes no sense to me to drive down the road burning up my food. But we've done that. And it has driven up the cost of corn for the chicken producers that produce most of the chicken for the world, all over the world in my district, and in my friend NATHAN DEAL's district from Gainesville in the Ninth and Tenth Congressional Districts of Georgia.

Mr. Speaker, we have an energy policy that is broken. Republicans have presented bill after bill that would solve the energy crisis. The American Energy Act is one. It is an all-of-the-above energy plan that would stimulate hydroelectric power. It would stimulate nuclear power. It would look to alternative sources of power.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCALISE. I yield the gentleman 1 additional minute.

Mr. BROUN of Georgia. But our plans are not being heard on the floor of this House. Why is that? Why are the American people's representatives not being heard?

It is because the leadership on the Democratic side wants to stifle debate, wants to shut off any alternative ideas. They call the Republican Party the "Party of No," but the Democratic Party has been the Party of No, whereas the Republican Party is the Party of k-n-o-w Know because we know how to solve the energy crisis. We know how to solve the health care financing crisis. We know how to solve the economic crisis. But those ideas are not being heard. Mr. Speaker, it is time for the American people to wake up and demand that the Republicans are heard.

Mr. COSTELLO. Mr. Speaker, I would ask my friend from Louisiana if he has other speakers?

Mr. SCALISE. I'm prepared to close.

Mr. COSTELLO. I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I again rise in support of the legislation dealing with hydroelectric power. I think it is important, as we are talking about energy, that we really talk about the need to get a comprehensive national energy policy in our country. It is not just enough to promote hydroelectric power. It is not just enough to look at any one significant source of power. We need to look at all of the resources in our land. In fact, the inscription by

Daniel Webster right above the Speaker's rostrum talks about the need to explore the resources of our land. Unfortunately, there are many Federal laws and barriers in place that prevent us from doing just that. This cap-and-trade national energy tax imposes even more barriers. In addition to imposing significant taxes on to the backs of American people in the form of higher utility rates and bureaucratic regulations, it will run millions of jobs out of this country.

That's not the right approach. What we need is a comprehensive energy policy. I'm proud to be a cosponsor, with many other of my colleagues, of the American Energy Act, a bill that we filed earlier this year to take that comprehensive approach to a national energy policy, one that looks at all of the alternatives. We explore more technologies for wind, for solar, for hydroelectric and for nuclear power. We use our natural resources, like oil and natural gas, to get to that bridge to fund those other alternatives. We use the things that we have here today to get us to those technologies that aren't yet readily available to power our homes or to run our cars. But hopefully one day, through the use of these technologies, we will advance the utilization of the natural resources we have in our country to create jobs.

Our bill would actually create jobs and generate billions of dollars to the Federal Government, not by raising taxes, but by actually creating more economic opportunities by creating jobs and getting people back to work so that they can contribute and pay into and pay down this debt as opposed to raising the debt and running off jobs.

So I would hope that we would support and get to a place where we can actually get agreement in a bipartisan way to pass a bipartisan bill like the American Energy Act that actually takes a comprehensive approach to solving our national energy needs and reducing our dependence on Middle Eastern oil—rather than this tax approach, this cap-and-trade energy tax that actually would make countries in Europe, the Middle East and China more powerful and put America further at risk—so we can get our strengthened energy policy and we can get energy independence. But we need to have a bipartisan approach, not this cap-and-trade energy tax that literally would run millions of jobs out of our country.

With that, I yield back the balance of my time.

Mr. COSTELLO. Mr. Speaker, let me thank my friend from Louisiana and the minority for supporting this legislation. In particular I would like to thank my colleague from Illinois, Congressman SHIMKUS, not only for his kind words, but for cosponsoring this legislation.

I urge passage of H.R. 2938, and with that I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 2938.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING LATINO DIABETES AWARENESS MONTH

Mr. BACA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 69) recognizing the need to continue research into the causes, treatment, education, and an eventual cure for diabetes, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 69

Whereas diabetes mellitus is a chronic disease caused by the inability of the pancreas to produce insulin or to use the insulin produced in the proper way;

Whereas in the case of Type I diabetes or insulin-dependent diabetes, formerly called juvenile-onset diabetes because it tends to affect persons before the age of 20, the pancreas makes almost no insulin;

Whereas in the case of Type II diabetes or non-insulin-dependent diabetes, which comprises about 90 percent of all cases of diabetes, the pancreas produces a reduced amount of insulin or the cells do not respond to the insulin;

Whereas this year 23.6 million Americans suffer from one form or another of this disease, and 5.7 million people go undiagnosed, commonly known as pre-diabetes;

Whereas 2.0 million or 8.2 percent of all Latino Americans aged twenty years or older have diabetes, and Latino Americans are 1.5 times more likely to have diabetes than non-Latino whites of similar age;

Whereas Mexican-Americans, the largest Latino subgroup in the United States, are more than twice as likely to have diabetes as non-Latino whites of similar age;

Whereas residents of Puerto Rico are 1.8 times more likely to have diagnosed diabetes than United States non-Latino whites;

Whereas diabetes affects individuals in different ways, and as a result, treatment programs will vary;

Whereas diabetes in the Latino community can result in a high prevalence of complications, such as foot problems and amputations, kidney failure that may lead to chronic or end stage renal disease, blindness, numbness and loss of sensation in the legs, heart attacks and strokes, and eventually death;

Whereas individuals suffering from diabetes can reduce their risk for complications if they are educated about their disease; learn and practice the skills necessary to better control their blood glucose, blood pressure,

and cholesterol levels; exercise; and receive regular checkups;

Whereas targeted health communications to the public are vital in disseminating information about diabetes and the need to live a healthy lifestyle;

Whereas the Latino Diabetes Association, a nonprofit organization devoted to aggressive diabetes education, has worked tirelessly to raise funds for diabetes education and to find the causes of and cure for diabetes; and

Whereas the month of July of 2009 would be an appropriate month to recognize Latino Diabetes Awareness Month in order to educate Latino communities across the Nation about diabetes and the need for research funding, accurate diagnosis, and effective treatments: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the need to continue research into the causes, treatment, education, and an eventual cure for diabetes;

(2) commends those hospitals, community clinics, educational institutes, and other organizations that are—

(A) working to increase awareness of diabetes; and

(B) conducting research for methods to help patients and families in the Latino community suffering from diabetes;

(3) congratulates the work of the Latino Diabetes Association for its great efforts to educate, support, and provide hope for individuals and their families who suffer from diabetes;

(4) supports the designation of an appropriate month to recognize "Latino Diabetes Awareness Month"; and

(5) calls upon the people of the United States to observe the month with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentleman from Louisiana (Mr. SCALISE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BACA. Mr. Speaker, I yield myself such time as I may consume.

First, I would like to thank Majority Leader HOYER, Chairman WAXMAN, Ranking Member BARTON and Health Subcommittee Chair PALLONE and, of course, my colleague from Louisiana, a good baseball player, for their support of this resolution. I also want to take the time to thank all my colleagues in the House of Representatives for their bipartisan support of this resolution.

I rise today in strong support of House Resolution 69, the Latino Diabetes Awareness Resolution. The resolution recognizes the need to continue research into the causes, treatment, education and an eventual cure for diabetes and commends those organizations

that are working to increase awareness of diabetes and conducting research for methods to help patients and families in Latino communities suffering from diabetes.

It also congratulates the work of the Latino Diabetes Association for its great efforts to educate, support and provide hope for individuals and families who suffer from diabetes. The resolution also supports the designation of July 2009 as "Latino Diabetes Awareness Month." It calls upon the people of the United States to observe the month with appropriate programs and activities.

It is critical for the long-term sustainability of any health care reform plan to make sure that steps for the prevention of diseases, like diabetes, are encouraged by Congress. This prevention of disease would do a great deal in helping keep costs down for current patients, as well as favorably changing the attitudes and behavior of diabetes patients and their families, thereby improving their quality of life.

We can take a good first step in achieving these goals by passing this resolution here today. Diabetes is a chronic disease of the pancreas and adversely affects its ability to produce and use insulin in the proper way.

Diabetes has no cure, treatment varies from patient to patient, and it is quite often very painful. Some side effects of treatment include weight gain, skin rash or itching, various stomach problems, tiredness and dizziness, and swelling in the leg and ankle.

The impact of diabetes is not focused solely on the patient; family members and immediate care takers also suffer greatly from the effects of diabetes on their loved ones. I say this from personal experience.

In the Latino community, diabetes can result in high prevalence of foot problems, kidney failure, renal disease, blindness, heart attacks, strokes and eventually death.

□ 1700

What's scariest is that diabetes patients who need to take one or more insulin shots daily, and for whatever reason do not, greatly increase their risk of stroke and heart attack.

One of the reasons I believe diabetes disproportionately affects the Latino community is the lack of sound health communication that speaks to those Hispanics who are most at risk of coming down with diabetes, or who already suffer from it. This means targeting communications efforts to both English- and Spanish-speaking communities and specifically referencing these efforts towards the area of our culture that puts us at risk the most: our diets.

Over 23.6 million Americans suffer from diabetes, and of these, 2 million are Latinos or of Latino descent; 8.6 of all Latinos over the age of 20 live with

this disease. However, Latinos are almost twice as likely to have diabetes as non-Latino whites of similar age.

Individuals suffering from diabetes can reduce their risk for complications if they are educated about their disease and take the proper steps to care for themselves. This means learning and practicing the skills necessary to better control their blood glucose, blood pressure and cholesterol levels. They must exercise and receive regular checkups, as well as maintain a healthy, balanced diet, as well as maintaining willingness to change these dangerous eating habits.

And that becomes very difficult for a lot of us because we like our frijoles, our tortillas, our tamales, our enchiladas, our menudo; but we have to put that aside. This could include eating meals prepared healthier, eating more moderate portions, or a combination of these.

Two people ought to be commended for their hard work in the attempts to educate the public about diabetes and treatments for patients, and that's actors Rita Torres and Edward Olmos. A few years ago, I worked with Rita Torres and Edward to help put together a short documentary highlighting the day-to-day lives of different diabetes patients, regardless of age or ethnicity, and they ought to be recognized for their tireless efforts to raise diabetes awareness.

I have been affected personally by diabetes through the loss of five members of my immediate family. My father was a proud, hardworking man, never missed a day of work for any reason until he was struck down by diabetes and ultimately needed to have a leg amputated. It originally started with a toe, half a leg, and then the leg itself.

My mother also was very strong, was never sick until she, too, came down with diabetes.

My two brothers, Abelio and Tanny, and my sister Annie fought with diabetes but ultimately lost their battle largely due to lack of education and awareness of how the disease would affect their lives and not willing to change their eating habits.

Tanny recently passed away due in part to the fact that he could no longer afford all the necessary treatment to keep his diabetes at bay. He is not only a victim of diabetes but of the high cost of health care as well.

My brother-in-law, Ted Dominguez, was also a victim of diabetes. Ted was a great athlete back in his day, always in great physical shape. His lesson to us is that anyone, regardless of age, weight or physical condition, can get diabetes. He eventually went through dialysis and ultimately ended up losing his life.

Also, a former staff member of mine who has been a close friend for many years, Daniel Hernandez, is a testament to us and to many other folks. He

worked for me because he needed coverage for diabetes. He left my office after 2 years and became an independent consultant. He came back, however, and approached me one day and told me that the only reason he was willing to come back to work was to qualify for health care benefits that he would not be able to receive otherwise.

It was their fight and their example that opened my eyes to the horrid realities and difficulties of this disease and the need for education and awareness about diabetes and ultimately to introduce this resolution.

However, a great diabetes success story and a perfect example to prove that diabetes can be beat is Supreme Court nominee, Judge Sonia Sotomayor. Judge Sotomayor was diagnosed and has lived with type 1 diabetes since the age of 8 years of age. Due to carefully monitoring her condition, she fought the disease head-on and continues to be a great example of someone who can live with diabetes. She will soon not only be the first Latina to become a Justice on the Supreme Court, but also the first Latina with type 1 diabetes.

Another example of a remarkable type 1 diabetes patient is Sara Rodriguez. Sara is a constituent of mine, a rising junior at Rancho Cucamonga High School, a straight A student, and letter winner in basketball, volleyball, and track. In order for Sara to lead as normal a teenage life as possible, she must test her blood sugar levels eight to 20 times per day, every day. She will never outgrow her disease and will require care and medication for the rest of her life. She is a very brave and courageous young woman whose fight and determination should not only be an example to diabetes patients everywhere, but to anyone facing adversity.

On behalf of all of the other young people like Sara Rodriguez, Congress recently reauthorized the special diabetes program. This is a wonderful example of the government's commitment to cure diabetes for people like Sara and the millions of others who live with the disease and its complications. This program funds \$150 million a year in type 1 diabetes research and is aligned with the goals of this resolution to keep us on the path towards a cure for diabetes.

Yet another great example of a person living a healthy life with diabetes is Roque Martin, the grandfather of Matt Gomez, one of my interns, who has been instrumental in assisting with this resolution. Roque was diagnosed with diabetes over 25 years ago and continues to live a healthy life even at the age of 78. He eats rights and checks his blood sugar level three times a day and is a great example, along with Sara and Judge Sotomayor, for all diabetes patients that with proper care, diet and exercise, one can survive with diabetes.

That is why it's so important to pass this resolution, which I introduced in the hopes of bringing awareness to those lucky enough to not have to face the disease firsthand, or through the fight of a loved one.

It takes a small, but a critical, first step to help raise awareness about diabetes for not only the Latino community, but for all Americans and all individuals impacted with diabetes.

But, also, it's a giant step for those individuals that have suffered from diabetes for many years and lack the ability to tell their stories firsthand, along with families and immediate caretakers of diabetes patients, who oftentimes suffer the impacts of the disease more so than the patient themselves.

Diabetes is a disease that can, and does, affect anyone: Democrats, Republicans, black or white, Latinos, Asians, American Indians, all nationalities. The alarming statistics regarding diabetes are on the rise. With the greater scope of the health care debate, there is no better time to raise the awareness for a preventable disease than right now. And there is no better time than right now to stress that no diabetes patient should be denied health care coverage because of their preexisting condition.

For these reasons, I ask you to stand with me and fight against diabetes and pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I rise in support of H. Res. 69.

I want to congratulate the gentleman from California on his leadership on this bill, building a bipartisan coalition to bring it to the floor under suspension. I want to recognize the 23.6 million Americans that suffer from diabetes. Diabetes can lead to serious complications and premature death, but people with diabetes can take steps to control the disease and lower the risk of complications.

The Centers for Disease Control has stated that progression to diabetes among those with pre-diabetes is not inevitable and that studies have shown that people with pre-diabetes who lose weight and increase their physical activity can prevent or delay diabetes and return their blood glucose levels to normal. Through regular exercise and a steady diet, Americans can get to a healthier state of living and avoid diabetes, and that's what we're trying to raise awareness about.

I reserve the balance of my time.

Mr. BACA. Mr. Speaker, I yield 2 minutes to my good friend from Houston, Texas (Mr. GENE GREEN), also an outstanding basketball player.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H. Res. 69, which recognizes the increased rates of diabetes in the Hispanic community and calls for increased research

to combat and prevent the high rates of diabetes in Hispanics.

And I want to thank my good friend JOE BACA for sponsoring this resolution and also for the compliment. I think you're the first person in history who ever said I was a good basketball player. Thank you, JOE.

According to the Office of Minority Health, Mexican Americans are twice as likely as non-Hispanic whites to be diagnosed with diabetes by a physician. They have higher rates of end-stage renal disease caused by diabetes, and they are 50 percent more likely to die from diabetes than non-Hispanic whites.

Mexican American adults are two times more likely than non-Hispanic white adults to have been diagnosed with diabetes by a physician. In 2002, Hispanics were 1.5 times as likely to start treatment for end-stage renal disease related to diabetes, compared to non-Hispanic white men. In 2005, Hispanics were 1.6 times as likely as non-Hispanic whites to die from diabetes.

In our district, it is predominantly Hispanic. We have a large number of individuals with type 2 diabetes, which is often referred to as late-onset diabetes. Because of this, many individuals in our district have diabetes-related complications, including illnesses such as foot problems and amputations, kidney failure that may lead to chronic or end-stage renal disease, blindness, numbness and loss of sensation in the legs, and heart attacks and strokes.

However, type 2 diabetes is preventable with a good diet and exercise. It is important we have targeted educational campaigns in the Hispanic community to help combat the diabetes epidemic.

I would like to commend the Latino Diabetes Association and other diabetes research groups for their work in educating the Hispanic community on diabetes-related issues. Groups like these are crucial to the reduction of diabetes in the Hispanic community.

I would also like to extend my support towards designating July 2009 as Latino Diabetes Awareness Month to help raise awareness of the high rate of diabetes in Hispanics.

Through education and prevention and wellness programs we can drastically reduce the number of Hispanic individuals with diabetes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BACA. I yield the gentleman 30 additional seconds.

Mr. GENE GREEN of Texas. This is probably the most important part, Mr. Speaker.

That is why this Congress needs to pass comprehensive health care reform that covers everyone so we can deal with the diabetes epidemic in our Hispanic community, our African American community and also in our low-economic community, because we can

deal with this if we push the envelope back to deal with it before it gets to be where people start losing their legs.

Mr. SCALISE. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I'm a medical doctor. I've treated diabetes for 3½ or more decades. I congratulate my good friend JOE BACA for bringing this issue to the forefront because it is extremely important for all Americans, not just only the Latino community that he's focusing on here. I've seen many patients in my overall medical career that are Latino, as well as blacks and Caucasian and people from all ethnic groups. It affects everybody no matter who their forefathers, what their skin color is, and I congratulate Mr. BACA for bringing this forward.

God tells us in Hosea 4:6, My people are destroyed for lack of knowledge. And as a medical doctor, I've tried to instill knowledge into my patients over the years, and this, of course, is what this resolution is all about, and I do congratulate the gentleman for bringing it forward because we do have a problem with people being knowledgeable about diabetes and the effect that it has upon them, their families, their longevity.

Diabetes is the leading cause of blindness in the adult population. It leads to many health problems. It leads to heart attacks and strokes. It leads to peripheral vascular disease.

As I sat here listening to Mr. BACA, I recalled an elderly black gentleman who came to see me as a patient that I diagnosed as having diabetes, and I started talking to him about diet and exercise and those types of things. Well, he didn't take care of himself, in spite of all my warnings and all of the consequences that he was headed towards. He wound up having a foot cut off, and he had that leg cut off. I kept talking to him. His blood sugar was continuing to be extremely high. Wound up having a second leg cut off, and eventually he had both arms and both legs removed, and he was sitting in a wheelchair when he finally got the message and started controlling his diet, taking his medications as prescribed, and we finally got his blood sugar in good control.

That's a sad story. I've seen many, many patients over the years that have developed renal failure, which is what diabetes leads to. It leads to the nerves in people's legs dying so that they have no feeling in their legs so they can get cuts or even the simplest little puncture or a cut on their foot may lead to gangrene that leads to amputation, maybe even lead to what we call in medicine septicemia, which is where you have bacteria in your bloodstream, and it can go to your heart and it can

affect the valves in your heart. Septicemia itself can lead to death, by itself.

Diabetes afflicts many of our population, and it's sad that people don't have the knowledge of what that disease will lead to.

□ 1715

That's why I congratulate Mr. BACA for bringing this forward, and I do support this legislation.

Mr. Speaker, when I was practicing medicine in rural south Georgia, I had a small automated lab in my office down there, and Congress passed a bill called the Clinical Laboratory Improvement Act. My lab was totally automated. I had quality control to make sure that the results were absolutely accurate so that when I checked a patient's blood sugar, I would know what it was to know if they had the potential for prediabetes or whether they had frank diabetes. I would do a fasting blood sugar that would help me diagnosis their condition.

Well, Congress passed CLIA, the Clinical Laboratory Improvement Act, that closed my lab and every single doctor's lab in this country. Closed our labs. Eventually, I got my lab back up after I jumped through the hoops that were required by the legislation, by the regulatory burden placed on me and all doctors in this country.

Prior to CLIA, a patient would come in and I would take a history and physical and would suspect that they may have diabetes. Some patients would get a family history of diabetes, and so I would do a screening test of a fasting blood sugar.

I charged \$10 for that test, Mr. Speaker. After CLIA shut me down, I had to send patients over to the hospital. The hospital was charging \$35 for the same test. Once CLIA came along, it actually increased, and I got my lab opened back up, I had to charge \$35, but the hospital, I think, went to \$75 for the very same test.

The point I want to make here is this regulatory burden on the health care industry markedly raised the price for that one test. What we see across the health care industry when government gets involved in health care decisions, such as it did with CLIA, it drives up the cost for all of us.

As a physician who used to be a preferred provider for Medicare patients—I'm not now, for many reasons—but as a preferred provider, I could not see many patients, as I did previously, for free. Many, many patients, poor patients, people that had no insurance would come into my office, and I would see them for free. I have literally given away hundreds of thousands of dollars of free health care provision in my office; give free tests, free screening for diabetes, for many conditions. But under current Federal law, physicians who accept Medicare cannot do that. That makes no sense, Mr. Speaker.

It is so today because of Federal regulation. Congress passed HIPPA, the Health Insurance Portability and Privacy Act. That has cost the health care industry billions of dollars and has not paid for the first aspirin to treat the headaches that it's created. And it was totally unneeded.

Mr. Speaker, the point I'm trying to make is the American people need to know that the more the Federal Government gets into the health care business, the more regulatory burden is placed on physicians and hospitals, the higher the cost goes.

In the non-stimulus bill we put a chunk of money, a huge chunk of money, for something called comparative effectiveness research. What I'd like my colleagues and the American people to know, Mr. Speaker, is that this is a process put into place by the Democratic majority.

This could have prevented those 78-year-old people that my friend Mr. BACA talked about from getting the care that they need because it is going to be deemed, as some Federal bureaucrat says, it's not effective comparatively to provide the dialysis for that 78-year-old that Mr. BACA was talking about. It's not going to be effective to try to prevent the blindness. It's not going to be effective to provide care to people who now are getting care. And we're going to have a tremendous denial or delay of services.

I have said on this floor in Special Orders that this comprehensive health care bill that's being debated right now in committees and is going to be presented on this floor eventually—the Speaker wants to have it come up before we leave for the August recess—it's literally going to kill people.

Now I have been chastised in the liberal media for making that claim, but it's going to kill people for this simple reason, Mr. Speaker. And the American people need to understand this. People are going to be denied services. They're going to have a marked delay in their being able to get the screening tests that they need for colon cancer or for evaluation of their chest pain or they're going to have a marked delay, as we see in Canada and Great Britain today, of being able to get their bypass surgery.

So diabetic patients who have developed coronary artery disease and have angina pectoris and maybe even had a heart attack are going to have marked delay in being able to get the stents put in or their bypass surgery that they desperately need, and people are going to die.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCALISE. I yield 2 additional minutes to the gentleman from Georgia.

Mr. BROUN of Georgia. I have seen patients over and over again with these consequences of diabetes.

Mr. Speaker, I've given away hundreds of thousands of dollars of my services over my career. I want people to have access to health care—but they do today. EMTALA requires every emergency room in this country to evaluate and treat everybody who walks in. So the question of access is not a true question to debate today.

We hear about 47 million people. The numbers keep growing by the Democratic side. The American people need to understand that a lot of those people are illegal aliens who have come here illegally. I understand why. They come here for work, for their families. And I feel for them. But they have still broken the law.

American citizens are going to be denied treatment, denied x-rays, denied their coronary bypass surgery, denied their dialysis, and all these things because of this comprehensive health care plan that's being shoved down the throat of the American people. This is not the proper way of doing it.

CBO just last week said it's not going to lower the cost of health care. CBO just last week said it's not going to put people in the insured category. CBO last week said it's going to cost at least 750,000 jobs in America.

The more government gets involved in the health care business, the higher the cost goes, the less efficient it is, and the Democratic plan is going to destroy the quality of health care.

The American people, Mr. Speaker, need to stand up and say "no," and say "yes" to a health care plan that makes sense, that lowers the cost of care for all Americans.

Mr. BACA. First of all, I appreciate some of the comments that my colleague, the doctor from Georgia, ended up making. And it is about knowledge, education, and awareness, and it's about preventive, because preventive is really the key to saving money. Once you do the early detection, early prevention, then we could save a lot of lives on account of treatment, because in his statement he indicated many of the people that he treated—those are people that I recognize in terms of my own personal family that lack that kind of knowledge, that kind of awareness, and did not follow the doctor's orders in terms of what they should have been doing to preserve their life. That's why it's very important that we create this kind of legislation to recognize diabetes awareness for all America, because it impacts all of us.

With that, I reserve the balance of my time.

Mr. SCALISE. It's important that we continue working to find the causes and the treatments, education, and make sure that we are researching properly to find cures for diseases like diabetes.

The broader question of health care reform—I think my friend from Georgia did a really good job of talking

about the challenges and the concerns that so many over on this side have of this proposal that's before us. Not here in this bill, but being debated here in this Congress in these coming weeks, this week, last week, this proposal to have a government takeover of our health care system.

I think it shows that while there are definitely ways to approach this in a bipartisan fashion, where there are many areas of health care reform that many of us agree need to be made to improve outcomes, to improve access, to focus on that narrow group of people who don't have access to care.

I think the real danger is going down the road of a government takeover where government literally is interfering in the relationship between a doctor and their patient, as this bill would do, the bill that's been filed by the administration, by some of the members of this Democratic leadership.

I think there's real problems, and we can only look at the neighbors that have gone down the same road. Look at Canada. Canada has a government-run health care system. Many people with the means from Canada come to America to get good care. The same thing in England.

There was a tragic story in England, which has a government-run system. Just yesterday, there was a young man, a 22-year-old, who died because he was not allowed to get a liver transplant. "He did not qualify for a donor liver under strict NHS rules." His own mother said, "These rules are really unfair."

They have a government-run system that's very similar to the proposal that's being pushed by the President to have this government takeover of health care.

We actually had an amendment in committee last night in the Energy and Commerce Committee that would have prohibited a government-run system from having a bureaucrat interfere in the relationship between a patient and their doctor. Unfortunately, our amendment was defeated.

So clearly it shows that a government-run system would allow a doctor-patient relationship to be interfered with by a government bureaucrat here in Washington. That's not health care reform. That's rationing of health care.

So we need to, hopefully, go back to the table and have a true bipartisan debate because there are many proposals that are on the table, bills that have been filed—I'm cosponsor of a number of them that actually address some of the problems that exist in health care—to allow companies to pool together so they can get the same buying power as a small business, as a large business does; to allow individuals to buy insurance across State lines so they don't have to rely on their employer if they don't like their employ-

er's plan; and then also open up and address those areas of waste, fraud, and abuse that exist. That's what we're concerned about.

I do think it's very important that we raise awareness and education for diseases like diabetes. And I do want again to thank the gentleman with the "good arm" from California for his leadership on this issue because he has, I think, taken this issue and approached it in a good bipartisan way. Hopefully, we can do the same with the broader area of health care reform.

I yield back the balance of my time. Mr. BACA. Mr. Speaker, again, I want to thank both sides for bipartisan support on this resolution. I look forward to the strong support.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and agree to the resolution, H. Res. 69.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1730

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 270, by the yeas and nays;

Senate Concurrent Resolution 30, by the yeas and nays;

House Concurrent Resolution 123, by the yeas and nays;

H.R. 1933, by the yeas and nays;

H.R. 2632, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

RECOGNIZING ESTABLISHMENT OF HUNTERS FOR THE HUNGRY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 270, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr.

SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 270.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 14, as follows:

[Roll No. 600]

YEAS—418

Abercrombie	Conyers	Hill
Ackerman	Cooper	Himes
Aderholt	Costa	Hinchee
Adler (NJ)	Costello	Hinojosa
Akin	Courtney	Hirono
Alexander	Crenshaw	Hodes
Altmire	Crowley	Hoekstra
Andrews	Cuellar	Holden
Arcuri	Culberson	Holt
Austria	Cummings	Honda
Baca	Dahlkemper	Hoyer
Bachmann	Davis (AL)	Hunter
Bachus	Davis (CA)	Inglis
Baird	Davis (IL)	Inslee
Baldwin	Davis (KY)	Israel
Barrett (SC)	Davis (TN)	Issa
Barrow	DeFazio	Jackson (IL)
Bartlett	DeGette	Jackson-Lee
Barton (TX)	Delahunt	(TX)
Becerra	DeLauro	Jenkins
Berkley	Dent	Johnson (IL)
Berman	Diaz-Balart, L.	Johnson, E. B.
Berry	Diaz-Balart, M.	Johnson, Sam
Biggert	Dicks	Jones
Bilbray	Dingell	Jordan (OH)
Bilirakis	Doggett	Kagen
Bishop (GA)	Donnelly (IN)	Kanjorski
Bishop (NY)	Doyle	Kaptur
Bishop (UT)	Dreier	Kennedy
Blackburn	Driebeaus	Kildee
Blumenauer	Duncan	Kilpatrick (MI)
Blunt	Edwards (MD)	Kilroy
Boccheri	Edwards (TX)	Kind
Boehner	Ehlers	King (IA)
Bonner	Ellison	King (NY)
Bono Mack	Ellsworth	Kingston
Boozman	Emerson	Kirkpatrick (AZ)
Boren	Engel	Kissell
Boswell	Eshoo	Klein (FL)
Boucher	Etheridge	Kline (MN)
Boustany	Fallin	Kosmas
Boyd	Farr	Kratovil
Brady (PA)	Fattah	Kucinich
Brady (TX)	Filner	Lamborn
Braley (IA)	Flake	Lance
Bright	Fleming	Langevin
Broun (GA)	Forbes	Larsen (WA)
Brown (SC)	Fortenberry	Larson (CT)
Brown, Corrine	Foster	Latham
Brown-Waite,	Fox	LaTourette
Ginny	Frank (MA)	Latta
Buchanan	Franks (AZ)	Lee (CA)
Burgess	Frelinghuysen	Lee (NY)
Butterfield	Fudge	Levin
Buyer	Gallegly	Lewis (CA)
Calvert	Garrett (NJ)	Lewis (GA)
Camp	Gerlach	Lipinski
Campbell	Giffords	LoBiondo
Cantor	Gingrey (GA)	Loebsack
Cao	Gonzalez	Loftgren, Zoe
Capito	Goodlatte	Lowe
Capps	Gordon (TN)	Lucas
Capuano	Granger	Luetkemeyer
Cardoza	Graves	Lujan
Carnahan	Grayson	Lummis
Carney	Green, Al	Lungren, Daniel
Carson (IN)	Green, Gene	E.
Carter	Griffith	Lynch
Cassidy	Grijalva	Mack
Castle	Guthrie	Maffei
Castor (FL)	Gutierrez	Maloney
Chaffetz	Hall (NY)	Manzullo
Chandler	Hall (TX)	Markey (CO)
Childers	Halvorson	Markey (MA)
Chu	Hare	Marshall
Clarke	Harman	Massa
Clay	Harper	Matheson
Cleaver	Hastings (FL)	Matsui
Clyburn	Hastings (WA)	McCarthy (CA)
Coble	Heinrich	McCaul
Coffman (CO)	Heller	McClintock
Cohen	Hensarling	McCollum
Cole	Herger	McCotter
Conaway	Herseth Sandlin	McDermott
Connolly (VA)	Higgins	McGovern

McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)

Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton

Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walsh
Wamp
Wasserman
Watt
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Moran (VA)

NOT VOTING—14

Bean
Burton (IN)
Deal (GA)
Gohmert
Johnson (GA)

Kirk
Linder
Marchant
McCarthy (NY)
Sestak

Simpson
Smith (NJ)
Sutton
Wexler

□ 1757

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING BUREAU OF LABOR STATISTICS

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). The unfinished business is the vote on the motion to suspend the rules and concur in the concurrent resolution, S. Con. Res. 30, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 30.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 10, as follows:

[Roll No. 601]

YEAS—421

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggett
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Doyle
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver

Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez

Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hereth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Loftgren, Zoe
Lowey
Lucas
Luetkemeyer

Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz

Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions

Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walsh
Wamp
Wasserman
Watt
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—2

Paul
Young (AK)

NOT VOTING—10

Burton (IN)
Gohmert
Kirk
McCarthy (NY)

McMorris
Rodgers
Scalise
Sestak

Simpson
Smith (NJ)
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes left in the vote.

□ 1803

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING CONTRIBUTIONS OF JOHN WILLIAM HEISMAN TO FOOTBALL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 123, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 123.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 602]

YEAS—423

Abercrombie	Cardoza	Filner
Ackerman	Carnahan	Flake
Aderholt	Carney	Fleming
Adler (NJ)	Carson (IN)	Forbes
Akin	Carter	Fortenberry
Alexander	Cassidy	Foster
Altmire	Castle	Fox
Andrews	Castor (FL)	Frank (MA)
Arcuri	Chaffetz	Franks (AZ)
Austria	Chandler	Frelinghuysen
Baca	Childers	Fudge
Bachmann	Chu	Gallely
Bachus	Clarke	Garrett (NJ)
Baird	Clay	Gerlach
Baldwin	Cleaver	Giffords
Barrett (SC)	Clyburn	Gingrey (GA)
Barrow	Coble	Gonzalez
Bartlett	Coffman (CO)	Goodlatte
Barton (TX)	Cohen	Gordon (TN)
Bean	Cole	Granger
Becerra	Conaway	Graves
Berkley	Connolly (VA)	Grayson
Berman	Conyers	Green, Al
Berry	Costa	Green, Gene
Biggert	Costello	Griffith
Bilbray	Courtney	Grijalva
Bilirakis	Crenshaw	Guthrie
Bishop (GA)	Crowley	Gutierrez
Bishop (NY)	Cuellar	Hall (NY)
Bishop (UT)	Culberson	Hall (TX)
Blackburn	Cummings	Halvorson
Blumenauer	Dahlkemper	Hare
Blunt	Davis (AL)	Harman
Boccieri	Davis (CA)	Harper
Boehner	Davis (IL)	Hastings (FL)
Bonner	Davis (KY)	Hastings (WA)
Bono Mack	Davis (TN)	Heinrich
Boozman	Deal (GA)	Heller
Boren	DeFazio	Hensarling
Boswell	DeGette	Herger
Boucher	Delahunt	Herseth Sandlin
Boustany	DeLauro	Higgins
Boyd	Dent	Hill
Brady (PA)	Diaz-Balart, L.	Himes
Brady (TX)	Diaz-Balart, M.	Hinche
Braley (IA)	Dicks	Hinojosa
Bright	Dingell	Hirono
Brown (GA)	Doggett	Hodes
Brown (SC)	Donnelly (IN)	Hoekstra
Brown, Corrine	Doyle	Holden
Brown-Waite,	Dreier	Holt
Ginny	Driebehaus	Honda
Buchanan	Duncan	Hoyer
Burgess	Edwards (MD)	Hunter
Burton (IN)	Edwards (TX)	Inglis
Butterfield	Ehlers	Inslee
Buyer	Ellison	Israel
Calvert	Ellsworth	Issa
Camp	Emerson	Jackson (IL)
Campbell	Engel	Jackson-Lee
Cantor	Eshoo	(TX)
Cao	Etheridge	Jenkins
Capito	Fallin	Johnson (GA)
Capps	Farr	Johnson (IL)
Capuano	Fattah	Johnson, E. B.

Johnson, Sam	Miller (FL)	Sarbanes
Jones	Miller (MI)	Scalise
Jordan (OH)	Miller (NC)	Schauer
Kagen	Miller, Gary	Schiff
Kanjorski	Miller, George	Schmitt
Kaptur	Minnick	Schock
Kennedy	Mitchell	Schrader
Kildee	Molloy	Schwartz
Kilpatrick (MI)	Moore (KS)	Scott (GA)
Kilroy	Moore (WI)	Scott (VA)
Kind	Moran (KS)	Sensenbrenner
King (IA)	Moran (VA)	Serrano
King (NY)	Murphy (CT)	Sessions
Kingston	Murphy (NY)	Shadegg
Kirkpatrick (AZ)	Murphy, Patrick	Shea-Porter
Kissell	Murphy, Tim	Sherman
Klein (FL)	Murtha	Shimkus
Kline (MN)	Myrick	Shuler
Kosmas	Nadler (NY)	Shuster
Kratovil	Napolitano	Sires
Kucinich	Neal (MA)	Skelton
Lamborn	Neugebauer	Slaughter
Lance	Nunes	Smith (NE)
Langevin	Nye	Smith (NJ)
Larsen (WA)	Oberstar	Smith (TX)
Larson (CT)	Olson	Smith (WA)
Latham	Oliver	Snyder
LaTourette	Ortiz	Souder
Latta	Pallone	Space
Lee (CA)	Pascarella	Speier
Lee (NY)	Pastor (AZ)	Spratt
Levin	Paul	Stark
Lewis (CA)	Paulsen	Stearns
Lewis (GA)	Payne	Stupak
Linder	Pence	Sullivan
Lipinski	Perlmutter	Sutton
LoBiondo	Perriello	Tanner
Loeb	Peters	Taylor
Lofgren, Zoe	Peterson	Teague
Lowe	Petri	Terry
Lucas	Pingree (ME)	Thompson (CA)
Luetkemeyer	Pitts	Thompson (MS)
Lujan	Platts	Thompson (PA)
Lummis	Poe (TX)	Thornberry
Lungren, Daniel	Polis (CO)	Tiahrt
E.	Pomeroy	Tiberi
Lynch	Posey	Tierney
Mack	Price (GA)	Titus
Maffei	Price (NC)	Tonko
Maloney	Putnam	Towns
Manzullo	Quigley	Tsongas
Marchant	Radanovich	Turner
Markley (CO)	Rahall	Upton
Markley (MA)	Rangel	Van Hollen
Marshall	Rehberg	Velázquez
Massa	Reichert	Visclosky
Matsen	Reyes	Walden
Matheson	Richardson	Walz
Matsui	Rodriguez	Turner
McCarthy (CA)	Roe (TN)	Wamp
McCauley	Rogers (AL)	Wasserman
McClintock	Rogers (KY)	Schultz
McCollum	Rogers (MI)	Waters
McCotter	Rohrabacher	Watson
McDermott	Rooney	Watt
McGovern	Ros-Lehtinen	Waxman
McHenry	Roskam	Weiner
McHugh	Ross	Welch
McIntyre	Rothman (NJ)	Westmoreland
McKeon	Roybal-Allard	Whitfield
McMahon	Royce	Wilson (OH)
McMorris	Ruppersberger	Wilson (SC)
Rodgers	Rush	Wittman
McNerney	Ryan (OH)	Wolf
Meek (FL)	Salazar	Woolsey
Meeks (NY)	Sanchez, Linda	Wu
Melancon	T.	Yarmuth
Mica	Sanchez, Loretta	Young (AK)
Michaud		Young (FL)

NOT VOTING—10

Cooper	Obey	Simpson
Gohmert	Ryan (WI)	Wexler
Kirk	Schakowsky	
McCarthy (NY)	Sestak	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in the vote.

□ 1810

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KIRK. Madam Speaker, on roll-call Nos. 596, 597, 598, 599, 600, 601 and 602 I was unavoidably detained. Had I been present, I would have voted “yea.”

A CHILD IS MISSING ALERT AND RECOVERY CENTER ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1933, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 1933.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 5, not voting 11, as follows:

[Roll No. 603]

YEAS—417

Abercrombie	Burgess	Delahunt
Ackerman	Burton (IN)	DeLauro
Aderholt	Butterfield	Dent
Adler (NJ)	Buyer	Diaz-Balart, L.
Akin	Calvert	Diaz-Balart, M.
Alexander	Camp	Dicks
Altmire	Campbell	Dingell
Andrews	Cantor	Doggett
Arcuri	Cao	Donnelly (IN)
Austria	Capito	Doyle
Baca	Capps	Dreier
Bachmann	Capuano	Driebehaus
Bachus	Cardoza	Duncan
Baird	Carnahan	Edwards (MD)
Baldwin	Carney	Edwards (TX)
Barrett (SC)	Carson (IN)	Ehlers
Barrow	Carter	Ellison
Bartlett	Cassidy	Ellsworth
Barton (TX)	Castle	Emerson
Bean	Castor (FL)	Engel
Becerra	Chaffetz	Eshoo
Berkley	Chandler	Etheridge
Berman	Childers	Fallin
Berry	Chu	Farr
Biggert	Clarke	Fattah
Bilbray	Clay	Filner
Bilirakis	Cleaver	Fleming
Bishop (GA)	Clyburn	Forbes
Bishop (NY)	Coble	Fortenberry
Bishop (UT)	Coffman (CO)	Foster
Blackburn	Cohen	Fox
Blumenauer	Cole	Frank (MA)
Blunt	Conaway	Franks (AZ)
Boccieri	Connolly (VA)	Frelinghuysen
Boehner	Conyers	Fudge
Bonner	Costa	Gallely
Bono Mack	Costello	Garrett (NJ)
Boozman	Courtney	Gerlach
Boren	Crenshaw	Giffords
Boswell	Crowley	Gingrey (GA)
Boucher	Cuellar	Gonzalez
Boustany	Culberson	Goodlatte
Boyd	Cummings	Gordon (TN)
Brady (PA)	Dahlkemper	Granger
Brady (TX)	Davis (AL)	Graves
Braley (IA)	Davis (CA)	Grayson
Bright	Davis (IL)	Green, Al
Brown (SC)	Davis (KY)	Green, Gene
Brown, Corrine	Davis (TN)	Griffith
Brown-Waite,	DeFazio	Grijalva
Ginny	DeGette	Guthrie
Buchanan		Gutierrez

Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo

Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney

Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Arcuri
Andrews
Austin
Bacra
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Watson
Watt
Waxman
Weiner
Whitfield
Blackburn
Blumenauer
Blunt
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

Cooper
Gohmert
McCarthy (NY)
Radanovich

Rangel
Ryan (WI)
Sestak
Simpson

Slaughter
Speier
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in the vote.

□ 1816

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

KOREAN WAR VETERANS RECOGNITION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2632, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 2632.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 604]

YEAS—421

Abercrombie
Ackerman
Adersholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)

Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney

Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx

Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo

Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert

Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman

NAYS—5

Broun (GA)
Flake

Paul
Rohrabacher

Shadegg

Wolf
Woolsey

Wu
Yarmuth

Young (AK)
Young (FL)

NOT VOTING—12

Bilbray
Cooper
Ellison
Lewis (CA)

McCarthy (NY)
Paul
Radanovich
Ryan (WI)

Sestak
Simpson
Sires
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes left in the vote.

□ 1823

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RYAN of Wisconsin. Mr. Speaker, on rollcall No. 602, 603, and 604, I was unavoidably detained. Had I been present, I would have voted "yea" on all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

LIM POON LEE POST OFFICE

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3119) to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the "Lim Poon Lee Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIM POON LEE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, shall be known and designated as the "Lim Poon Lee Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lim Poon Lee Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am pleased to present H.R. 3119 for consideration. This legislation will designate the United States postal facility located at 867 Stockton Street in San Francisco, California, as the "Lim Poon Lee Post Office."

Introduced by the Speaker of the House, Ms. PELOSI of California, on July 7, 2009, and reported out of the Oversight Committee on July 10, 2009, by unanimous consent, H.R. 3119 enjoys the strong support of the entire California House delegation.

Born in Hong Kong in 1911, Lim Poon Lee and his family immigrated to San Francisco, California, when he was only 8 months old. Following his distinguished service as a United States Army counterintelligence specialist during World War II, Mr. Lee received his undergraduate education at the College of the Pacific and his Juris Doctor at the Lincoln University School of Law.

Mr. Lee would then go on to serve his beloved San Francisco community through his longtime service as a social worker, juvenile probation officer, and as a writer for the monthly Chinatown news magazine, *Chinese Digest*.

In 1966, Mr. Lee achieved further distinction when he was selected by President Lyndon Baines Johnson for appointment as the postmaster of San Francisco. Notably, Mr. Lee's appointment at the time was the highest Federal appointive post ever held by a Chinese American.

Mr. Lee's subsequent 14-year tenure as the postmaster of San Francisco was marked by his dedicated and successful effort to increase the hiring of minority and disabled persons, as well as the inauguration of an alcohol recovery program for post office employees.

During his later years, Mr. Lee continued his admirable commitment to public service through his service as a Methodist chaplain and his membership on the boards of several community organizations, including the Chinatown YMCA, the Chinese American Civil Council, and the Chinatown Community Service Organization. Additionally, Mr. Lee was well known in San Francisco as the master of ceremonies for the city's annual Chinese New Year parade for several years.

Regrettably, Mr. Lee passed away in 2002 at the age of 91. Madam Speaker, let us honor this dedicated public servant and distinguished Chinese American and postal employee through the

passage of this legislation to name the San Francisco Chinatown Post Office in his honor, and I urge my colleagues to join me in supporting H.R. 3119.

I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself as much time as I may consume.

I rise today in support of H.R. 3119 to designate the facility at the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the "Lim Poon Lee Post Office."

Born in 1911 in Hong Kong, Lim Poon Lee moved to San Francisco with his family when he was just 8 months old. The son of a laundry operator, Mr. Lee went on to college, graduate school, and law school after serving as a U.S. Army counterintelligence specialist during World War II.

He often told stories about serving in Japan and how he was the only U.S. Army representative there who spoke Japanese, Chinese, and English. His multilingual mediation skills helped to quell a riot between Chinese POWs and their Japanese captors when news of the Japanese surrender came through.

After serving in World War II, he continued mediating and became a social worker and juvenile probation officer.

□ 1830

Mr. Lee was also very much a community activist and worked with the Chinese community, World War II veterans and the Democratic Party. In addition to working as a campaign organizer for many local Democrats, Mr. Lee was also a founding member of the Chinese American Democratic Club, an organization that played a key role in securing rights for Chinese Americans.

For his tireless efforts in the San Francisco community, in 1966, Mr. Lee was appointed Postmaster of San Francisco. At the time, it was the highest Federal appointive post ever held by a Chinese American.

Though Mr. Lee once said his only experience with the U.S. Postal System was "walking up to the window and putting down a nickel for a 4-cent stamp," Mr. Lee mastered the nuances of his new position.

During his 14-year tenure, Mr. Lee greatly increased the hiring of minority and disabled persons and even started an alcoholic recovery program. Best said by retired California State senator John Burton, "By the time Lim finished with it, it looked like the face of San Francisco, with Asian, African American, Latino and female workers." Perhaps most notable was Mr. Lee's establishment of the post office at 867 Stockton Street in the heart of Chinatown in 1977. Recently, this post office celebrated its 30th anniversary, and fittingly, recognized Mr. Lee for his significant contributions.

Sadly, Mr. Lee did not live to see this celebration. He passed away at the age

of 91 on June 7, 2002. Though his life ended, his legacy remained and is felt far beyond the post office at 867 Stockton Street. The executive director of the Chinese American Voter Education Committee reflected on Mr. Lee's life: "At a time when there were few role models, few political leaders, Lim Poon Lee was someone Chinese Americans could look up to."

In recognition of Mr. Lee's contributions to his community and the city of San Francisco, let us now recognize his many years of service by naming the post office he established in San Francisco, California, as the "Lim Poon Lee Post Office."

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, at this time, I would like to yield such time as she may consume to the gentlelady from California, the Speaker of the House, Ms. PELOSI.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding and commend him and the ranking member for bringing this resolution to the floor about a great personality. It is such a cause of celebration for all of us in San Francisco to see Lim Poon Lee so recognized on the floor of the House of Representatives. Thank you both for your kind words about him.

Those of us who knew him and worked with him take great joy in the celebration we have here today. And I also rise in support of the legislation to commemorate the life and the achievements of Lim Poon Lee, the first Chinese American postmaster in the United States.

Today, the House has an opportunity to honor Postmaster Lee's lifetime of public service and proud patriotism by naming the post office in the heart of San Francisco's Chinatown as the "Lim Poon Lee Post Office."

As has been mentioned, Lim Poon Lee came to these shores from Hong Kong as an infant. Like many immigrants, he so loved this country that he spent his entire life in public service.

During World War II, he served in the U.S. Army as a counterintelligence specialist. He worked in the public welfare and juvenile court system in San Francisco. And Mr. Lee served one of my predecessors in Congress and a friend to many of us here, Congressman Philip Burton, as a field representative.

In 1966, President Lyndon Johnson appointed Lim Poon Lee the Postmaster of San Francisco. At the time, it was the highest Federal appointive post ever held by a Chinese American. In this position, Lee transformed the face of San Francisco's postal system by increasing the hiring of women, minorities and disabled postal workers.

In San Francisco, we know the beauty is in the mix, and Mr. Lee worked to ensure while hiring that the post office look like the rest of the city in terms of its great diversity. In 1977, Lim Poon

Lee established San Francisco's Chinatown Post Office, the post office located at 867 Stockton Street. Today we have the opportunity to name that post office for him.

As we honor Postmaster Lee, we also recognize his family, his wife Catherine, his children Rosalind, Dorinda, Lynnette and Chesley and his grandchildren. They helped make his success possible.

As was mentioned by my colleague, Mr. LYNCH, Postmaster Lee passed away in 2002 at the age of 91. His absence is felt throughout San Francisco. As was also mentioned, he was the master of ceremonies for the Chinese New Year Parade, a columnist for "Asian Week" and a leader on many distinguished boards and commissions. All who knew him knew him to be a larger-than-life personality. All who knew Philip Burton knew that it took such a larger-than-life personality to be his field representative.

I urge my colleagues to join me in paying tribute to the life of the first Chinese American postmaster, again at the time, the highest appointive office in the land when appointed by Lyndon Johnson, by supporting this legislation naming a post office in honor of Lim Poon Lee. And I thank you, Mr. LYNCH, again, for your leadership.

Mr. CHAFFETZ. Madam Speaker, given this was Speaker PELOSI's bill, please note that we did take a little harder, closer look. And I'm happy to report that this is an outstanding American. I appreciate the Speaker's bringing this bill that is a worthy designation. He is a great American and somebody I hope our communities across this country can look up to.

With that, I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, at this time, I would like to yield 3 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Madam Speaker, I appreciate the leadership of the committee for bringing H.R. 3119 forward.

I rise in strong support of this legislation honoring the first Chinese American Postmaster General in the United States, Lim Poon Lee, by naming a post office after him.

At the time of his appointment, he was the highest ranking federally appointed Chinese American official. He served the United States honorably in World War II as a counterintelligence specialist. He spoke three languages, Chinese, Japanese and English. During his tenure as Postmaster General, he worked to change the face of the post office by hiring women, racial and ethnic minorities and the disabled.

Postmaster Lee was a key activist in the fight against the Chinese Exclusion Act, and during his long career in public service, he served as a social worker, juvenile probation officer, and preacher, sitting on numerous commu-

nity boards and councils. I think it is fitting to also say that we do look into the background of folks to see if they should be honored in this way. I think that when we talk about him, it is obvious that he has contributed quite a bit to his country. But one more thing that I think we need to understand is that he also was a victim of anti-Asian legislation in this country. And when he was able to reach and attain a certain level of responsibility, I think he also understood this concept of not perpetuating these kinds of behaviors, but correcting it and making it easier for other folks to be able to participate in this country. And I think that is why he is recognized in being able to work with other folks. I guess we call that "acting affirmatively in positions of influence." I think that he is a great example of someone who understood how to implement things like affirmative action and looking at going beyond the arena of comfort in doing the right thing and extending the conduct and the principles of the Constitution of this country.

I and other members of the Congressional Asian Pacific American Caucus have worked to highlight the accomplishments of and contributions to American society made by Asian American and Pacific Islanders.

In this spirit, I thank the Speaker and the other leaders for bringing forth this resolution and urge my colleagues to rise in support to honor a pioneering Chinese American who contributed much to this country.

Mr. LYNCH. Madam Speaker, I simply want to thank Speaker PELOSI for bringing this bill forward. I thank Mr. HONDA for his remarks and the ranking member for his comments as well. And I ask that all Members join us in honoring Lim Poon Lee by naming the San Francisco Chinatown Post Office in his honor.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3119.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHAFFETZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

APPROVING RENEWAL OF IMPORT RESTRICTIONS ON BURMA

Mr. LEVIN. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 56) approving the renewal of import restrictions contained in the Burmese Freedom and

Democracy Act of 2003, and for other purposes, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 56

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

SEC. 101. AMENDMENT TO BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

Section 9(b)(3) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by striking “six years” and inserting “nine years”.

SEC. 102. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A(b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) RULE OF CONSTRUCTION.—This joint resolution shall be deemed to be a “renewal resolution” for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 103. CUSTOMS USER FEES.

Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking “January 31, 2018” and inserting “February 7, 2018”.

SEC. 104. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this joint resolution or July 26, 2009, whichever occurs first.

TITLE II—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 201. SHORT TITLE.

This title may be cited as the “Corporate Estimated Tax Shift Act of 2009”.

SEC. 202. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENTS FOR 2010, 2011, AND 2013.—

(1) IN GENERAL.—Section 401 of the Tax Increase Prevention and Reconciliation Act of 2005 (and any modification of such section contained in any other provision of law) shall not apply with respect to any installment of corporate estimated tax which (without regard to such section) would otherwise be due after December 31, 2009.

(b) ADJUSTMENT FOR 2014.—Notwithstanding section 6655 of the Internal Revenue Code of 1986—

(1) in the case of a corporation with assets of not less than \$1,000,000,000 (determined as of the end of the preceding taxable year), the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2014 shall be 100.25 percent of such amount, and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Texas (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. I yield myself such time as I may consume.

Madam Speaker, I urge Members to support this joint resolution which extends and renews the import ban on products of Burma under the Burmese Freedom and Democracy Act of 2003. The joint resolution is necessary because the troubling human rights conditions in Burma persist, and thus renewal of the import ban is warranted.

Burma's military junta continues to be one of the world's most repression and abusive regimes. And while some have voiced concerns about the effectiveness of unilateral sanctions, Burma remains a major violator of basic human rights, which is why it is so important to renew the import ban for another year.

For over 45 years, Burma has been under the rule of authoritarian military regimes, all dominated by the majority Burman ethnic group. Not only have these military rulers suppressed democracy, but they have continually denied basic human rights to their own citizens. The Burma regime continues to hold Nobel Laureate Aung San Suu Kyi under house arrest. She has been detained for 14 of the last 20 years and is currently on trial because an uninvited American swam to her lakeside home in May of this year. Most expect that she will be found guilty of violating the terms of her house arrest, extending her detention, and giving the junta an excuse to hold her through next year's elections.

Burma's legal system is a mockery to justice and to democratic principles. In addition to the wrongful detention and the current sham trial of Suu Kyi, nearly 2,000 additional political prisoners are being held, most without ever being formally charged. The military regime continues the practice of arbitrarily arresting and detaining regular citizens and pro-democracy activists. This past weekend, at least 50 members of the opposition National League for Democracy party were participating in the official ceremony marking the death of General Aung San, the country's independence hero.

These political activists were released later in the day. Other activists are not so fortunate. They often disappear for days, weeks and months, and some may never return. In prison they are subjected to physical abuse, receive little food, lack clean water and are refused sufficient medical care. They suffer, and so do their families, who may never discover the fate of their loved ones. But Burma's dis-

regard for basic human rights extends far beyond its prison's walls. Violence and ethnic discrimination against children, women and ethnic minorities continue unabated.

For instance, there have been a number of reports of Burmese soldiers raping and killing teenage girls of the Karen minority. Those who commit these despicable acts are rarely, if ever, brought to justice by this repressive regime.

□ 1845

Additionally, workers' rights remain restricted; women and girls continue to be subjected to trafficking for purposes of prostitution; and children are often forced into military service.

Forced labor is frequently used to support military operations and infrastructure. Villagers are forced to build and repair military camps, often with materials they must buy or provide themselves.

It is Burma's suppression of democratic principles such as freedom of speech and assembly, and the regime's refusal to provide basic human rights, that leads me to urge my colleagues to extend the ban on the import of Burmese products for another year.

I commend Prime Minister Gordon Brown and Secretary General Ban Ki-Moon for their recent statements calling on the junta to end its oppression, and I hope that nations around the world, and in particular China and India and the ASEAN member countries, will work with the United States to pressure the Burmese military regime to embrace reform and address its troubling human rights record. Secretary Clinton's attendance at this week's ASEAN summit presents an important opportunity to renew this work.

Madam Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in support of House Joint Resolution 56. Our Burma sanctions are meant to promote democracy, develop respect for human rights, and improve living conditions for the Burmese people. Unfortunately, the ruling junta is still working against, not toward, these objectives. For that reason, I am in favor of reauthorizing our overall sanctions program against Burma for another 3 years and extending import sanctions against Burma for another year.

Burma's regime is one of the world's most oppressive and continues to oppress democratic movements and humanitarianism. Opposition leader Aung San Suu Kyi is still being falsely detained by the regime, now on sham charges. As of April 2009, the regime held an estimated 2,100 political prisoners, more than 150 of whom were recently sentenced to prison terms of up

to 104 years. Many of these prisoners were held for nearly a year without charge and were convicted of offenses relating to the participation in pro-democracy movements. The regime also jailed three lawyers representing opposition activists for contempt when the attorneys merely argued that the trials of their clients lacked due process. The regime also severely restricts freedom of assembly, expression, association, movement, and religion.

The Burmese regime does not limit its repugnant behavior to civic activists. Extrajudicial killings, rape, torture, recruitment of child soldiers, and forced labor are routine. Moreover, the regime has actually worked against the interests of its people following the May 2008 cyclone. Due to the regime's practice of applying unreasonable restrictions to humanitarian assistance to workers, the area the cyclone hit hardest continues to be in dire need of assistance.

The leaders of the regime will have greater incentive to cooperate with United Nations diplomatic efforts, their southeast Asian neighbors in ASEAN, and the Peoples Republic of China if its leaders and cronies come under targeted economic pressure that denies them access to personal wealth and sources of revenue. Some Burmese businesspeople with ties to the junta are now starting to feel the pinch, but there is a long way to go.

Another reason to reauthorize the sanctions program and extend the import ban for another year is that this Congress amplified the program last summer. The expansion eliminated trade in jewelry containing Burmese rubies and jadeite, even if the jewelry was made in, and exported from, a third country. It was designed to bring about multilateral pressure on the regime through the United Nations and the World Trade Organization, similar to successful legislation on conflict diamonds.

We are still in the process of assessing the effectiveness of the new law. The Government Accountability Office will be reporting to us this fall on the effectiveness of the expanded sanctions and will be making recommendations for improving administration of the program. It would be unwise for us to allow the lapse of this sanctions program without having the benefit of the GAO's research and report.

I view import sanctions with great skepticism and always have, but these Burma sanctions are crafted to maximize their ability to effect change. For one, they require the administration to issue annual reports on Burma that include whether U.S. national security, economic, and foreign policy interests are being served.

On this point, I note that the administration transmitted this year's statutorily required report late last night. We're still waiting for the administra-

tion to articulate its overall Burma policy. The State Department announced it would be conducting a high-profile review of U.S. policy some 6 months ago, but it's not out yet; and our Secretary of State will be showing up at ASEAN meetings tomorrow and Thursday with no new vision.

Perhaps the most critical aspect of the Burma sanctions program is that they require us to redirect our attention every summer to the question of whether these sanctions should be continued. They are not self-executing. We here in Congress must vote to continue them on an annual basis.

I continue to believe that our greatest hope for effecting real change in Burma is multilateralism. The whole world, particularly China and the ASEAN countries, must put real economic pressure on the regime. I support this resolution because it increases our chance to bring about this multilateral effort.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from New York will control the remaining time on H.J. Res. 56 on behalf of the majority.

There was no objection.

Mr. CROWLEY. Madam Speaker, at this time I yield myself as much time as I may consume.

Madam Speaker, I rise this evening in support of the Burmese Freedom and Democracy Act, and let me thank both our friend from Texas for his comments, as well as my friend from Michigan, Mr. LEVIN, for his comments as well with regard to this legislation.

This legislation was first enacted in 2003 under the leadership of former chairman of the House Foreign Affairs Committee and my good friend, Tom Lantos. Tom spent his life fighting for freedom and democracy for those who could not fully defend themselves. He is greatly missed here in the House of Representatives, but his legacy remains, and I have been proud to help carry on his efforts to secure democracy in Burma.

Former Chairman Lantos would be pleased that we are considering the Burmese Freedom and Democracy Act. This legislation will reauthorize the current sanctions on imports from Burma's military regime for an additional 3 years, as well as maintain the ban on the importation of jade and other gems from Burma.

I introduced the Burmese Freedom and Democracy Act because we must show the military regime currently ruling with an iron fist in Burma that there are consequences for their actions. Burma's military regime has carried out a brutal campaign against its own people. It has destroyed 3,000 villages, forced over 1 million people to flee as refugees, and has used rape as a weapon of war, and has pressed millions of civilians into forced labor, modern day slave labor.

The junta has also rejected recent diplomatic outreach, which would have been well received in the global community. Specifically, the junta refused United Nations Secretary General Ban Ki-Moon's request to release political prisoners, including Aung San Suu Kyi, the leader of the nonviolent movement for democracy and human rights in Burma.

Not only did the junta refuse Aung San Suu Kyi's release, they even refused Ban Ki-Moon's request to meet with him.

The Burmese regime must be stopped. If passed, the Burmese Freedom and Democracy Act will supplement President Obama's actions on May 15, when he renewed investment prohibitions against the Burmese military regime that began during President Clinton's term in office.

The United States is not alone in using sanctions as part of a diplomatic strategy to help promote change in Burma. The European Union renewed its Common Position on sanctions; and Canada, Australia, and New Zealand and others have unilaterally imposed their own restrictions.

Aung San Suu Kyi and the other legitimate leaders of Burma have also called on the world to impose sanctions on their own country, just as Desmond Tutu and the leaders of the struggle to end apartheid in South Africa called for sanctions on South Africa in the 1980s.

We must maintain our sanctions against the junta in Burma, and I call on all my colleagues to vote for the renewal of the Burmese Freedom and Democracy Act.

And with that, Madam Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Madam Speaker, we have no further speakers; and in support of this resolution, I would yield back the balance of my time.

Mr. CROWLEY. I thank the gentleman from Texas. Madam Speaker, at this point in time, we have no further speakers.

Mr. KING of New York. Madam Speaker, today I rise in support of H. J. Res. 56, a resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act, P.L. 108-61. I am proud to have once again introduced this legislation this year with the gentleman from New York, Mr. CROWLEY.

In 2003 Congress passed the Burmese Freedom & Democracy Act, legislation that I co-authored with my friend, the late Tom Lantos. President Bush signed this bill into law and we have reauthorized these import restrictions every year since. The legislation bans imports from Burma and the issuance of visas to those officials affiliated with the State Peace and Development Council, SPDC, the military junta that rules Burma and brutally represses its people. This law also bans U.S. financial transactions that involve individuals or entities connected with the SPDC.

These sanctions are critically important to keeping the pressure on the Burmese junta.

The government continues to have one of the worst human rights record in the world and routinely violates the rights of Burmese citizens, including the systematic use of rape as a weapon of war, extrajudicial killings, arbitrary arrests and detention, torture, as well as slave and child labor. The Burmese regime has destroyed more than 3,000 ethnic villages, displaced approximately 2,000,000 Burmese people, more than 500,000 of which are internally displaced, and arrested approximately 1,300 individuals for expressing critical opinions of the government. And it continues to detain Aung San Suu Kyi, the head of the National League for Democracy and the democratically elected leader of Burma, on bogus charges that she violated the terms of her house arrest. She is currently on trial and faces up to five additional years of confinement.

We must continue to stand with the Burmese people and expose the despicable and reprehensible actions of the SPDC. Sanctions are critical to putting pressure on the junta. Last year Congress passed and President Bush signed into law Tom Lantos Block Burmese JADE Act, P.L. 110-286, which bans the importation of Burmese gems into the United States and freezes the assets of Burmese political and military leaders. But we still need others to follow ours and the EU's lead. The Association of Southeast Asian Nations, ASEAN, and the United Nations Security Council, UNSC, must impose multilateral sanctions against Burma's military regime including a complete arms embargo.

Finally, it is my hope that the new Administration promptly completes its policy review toward Burma, implements all the provisions of the Tom Lantos Block Burmese JADE Act, appoints a Special Coordinator for Burma, and supports the establishment of UNSC Commission of Inquiry on Burma.

I urge adoption of the resolution.

Mr. CROWLEY. I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the resolution, H.J. Res. 56, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL CHILDREN AND FAMILIES DAY

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 534) supporting the goals and ideals of "National Children and Families Day."

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 534

Whereas research shows that a supportive and encouraging family is critical to raising strong and resilient children;

Whereas strong healthy families improve the quality of life and the development of children;

Whereas spending time engaging in family activities supports the development of healthy and well-adjusted children;

Whereas families are of many compositions and sizes, it is the strength and support of the family that is essential to child rearing;

Whereas families play critical roles in the care of children, and in their children's health care, this is particularly true for children with special needs;

Whereas mental health plays a central role in child development, families should be encouraged to cultivate environments that are safe and secure, supportive, and that contribute to high-confidence and high self-esteem;

Whereas it is essential to celebrate and reflect upon the important role that all families play in the lives of children and their positive effect for the Nation's future;

Whereas the fourth Saturday of June is "National Children and Families Day", a day set aside to recognize the importance of children and families; and

Whereas the country's greatest natural resource is its children: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of "National Children and Families Day".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I now yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 534, the resolution supporting the goals and ideals of National Children and Families Day. The strength of our Nation relies heavily upon the future success of today's children. To ensure this success, families across the Nation work hard to instill resiliency, health and wisdom in their children.

This bill was introduced on June 11 and was referred to the Committee on Oversight and Government Reform. The committee reported the bill by unanimous consent on June 10, and it comes to the House floor today with bipartisan support from over 56 cosponsors.

Madam Speaker, American families together make tremendous sacrifice each day to ensure the quality of their child's development. Families play a critical role in the care of children, including their health and developmental needs. Families, including those with children of special needs, should be encouraged to create safe and secure and supportive environments to foster confidence and self-esteem.

Madam Speaker, House Resolution 534 gives us the opportunity to cele-

brate and reflect upon the role that all these families play in developing well-rounded, well-educated children and the positive outcomes this creates for the Nation's future. We sincerely thank them for their contribution to our country.

And with that, Madam Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 534, supporting the goals and ideals of National Children and Families Day.

Families have long played a critical role in the development of America's youth and well being of our society as a whole. With this resolution, we celebrate those who create a positive family atmosphere and for the many families who commit to the challenging task of raising healthy, productive young men and women.

□ 1900

Over the years, we have learned that the families who provide ethical and moral guidance are the linchpins of our Nation. We depend on our families to encourage education, arouse curiosity, and cultivate safe, supportive environments that contribute to self-confidence.

At this time in history, our youth are increasingly exposed to undesirable influences and because of that it becomes all the more important for family units to pull together as a team, listen to one another, and to work through life's issues.

By spending time engaging in family activities such as volunteering for community service projects, children can learn that service to others benefits all those who participate, either those who need assistance or those who volunteer to serve them. Creating these strong family environments will ultimately result in a new generation of well-rounded leaders for our country.

By celebrating National Children and Families Day on the fourth Saturday in June, the country recognizes the importance of families as well as our country's greatest natural resource, the children of our Nation.

I find it interesting that today, July 21, was my mother's birthday. To be able to ask to speak on this is special to me. She passed away in 1995. I miss her dearly. I would encourage my colleagues to stand up and support this legislation.

With that, I reserve the balance of my time.

Mr. LYNCH. At this point I would take great pleasure to yield 5 minutes to the lead sponsor of this resolution, the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Thank you, Mr. LYNCH and Mr. CHAFFETZ. I'm

really excited to be here today to rise in support of my resolution, House Resolution 534, Supporting the Goals and Ideals of National Children and Families Day.

On a note, I would just say to Mr. CHAFFETZ, part of what moved me in introducing this resolution with my colleague from Michigan, CANDICE MILLER, was the relationship that I have had with my own family and parents and grandparents and extended family, recognizing the very special role that families play in the lives of children and growing them and nurturing them, and especially in sometimes a very troublesome world.

I'd like to thank Chairman TOWNS for the leadership in the Government Oversight and Reform Committee and for his support of this resolution. I'd also like to thank all the cosponsors of the resolution from both sides of the aisle—all of us who recognize the value of families and the importance to our children. Particularly, the gentlewoman from Michigan (Mrs. MILLER) herself soon to be a new grandmother, who understands the role that she has played in her own children's lives and soon to be in a grandchild's life.

House Resolution 534 brings together a really diverse group of Members to recognize and celebrate the role that families play in the development of our greatest natural resource and the future of our Nation—our children.

National Children and Families Day is an opportunity to recognize the importance of families in raising children. Families, however they're defined, improve the quality of life and social development of children. It's within the family unit that a child first learns how to interact with others and how to cope with challenges.

Children's early development depends largely on their parents, extended family, and other caregivers. As such, children thrive when they're raised in an environment of close, dependable relationships that provide love, nurturing, security, and encouragement.

All areas of a child's development—cognitive, social, and physical development—are interconnected. Physically, families play critical roles in the care of their children, meeting nutritional needs and keeping them out of harm. Socially and psychologically it's important to consider how we create an environment that will foster socially well-adjusted children—one who's in good mental health.

Cognitive development is linked intimately to psychological welfare, and this forms the foundation upon which future progress is constructed. These are the things that happen within families.

National Children and Families Day is also a day to celebrate families. It's a special day to highlight the importance of spending time engaging in family activities that support the de-

velopment of healthy and well-adjusted children.

Families that spend time together help cultivate familial bonds that lay the foundation for a child's later development, well into adulthood. It teaches them how to become good parents themselves.

We have worked with the National Children's Museum, which I'm excited to say will be located in Maryland's Fourth Congressional District that I represent, just outside of Washington, D.C., and the Association of Children's Museums to encourage special events and activities that will highlight the value of spending time together and to celebrate this annual event.

The local children's museums provided my son and me easy access to venues where we could spend time together learning to care about and improve the world. As a single mother, the museums provided us with excellent exhibits and activities that assisted us in strengthening our relationship.

While the composition of families has changed over times, families remain the foundation of our national child-rearing structure and are critical to raising strong and resilient children.

Today, families range widely from single-parent families, to extended families, to even extended families that care for children of our deployed servicemen and women—some of those families where both parents in fact are deployed and the extended family becomes the nurturing grounds for those children. We have experiences all across this country in which family compositions are nurturing and enriching environments for their children.

We see families and their children every day here in the Nation's capitol visiting these historic sites in Washington and surrounding counties. In this context, allow me to share with my colleagues a "Top Ten" places for families and children in the Washington region. You can find that on Web sites across this country, including the National Children's Museum.

This resolution will serve to remind us how valuable family activities are in the lives of children. The joy of participating in family activities, however small or large, will remain with a person for his or her entire life.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LYNCH. I yield the gentlelady 1 additional minute.

Ms. EDWARDS of Maryland. This resolution is designed to reinforce the value of this investment of familial time with an annual commemoration.

In conclusion, I urge you to support House Resolution 534. This resolution honors families of all compositions that are based in a foundation of love and care and in relationships that foster environments in which children can grow, learn, thrive, and mature.

National Children and Families Day recognizes dynamic families and their role in successfully raising our country's future.

Mr. CHAFFETZ. Madam Speaker, I have no other speakers at the moment. I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I just ask all Members to support the gentlewoman from Maryland (Ms. EDWARDS) and her resolution, and I yield back the balance of our time.

Mrs. MILLER of Michigan. Madam Speaker, I want to thank my colleague, Ms. EDWARDS, for offering this important resolution.

This resolution designates the fourth day of June, 2009 as National Children and Families Day.

Our children are this nation's most important resource, and this resolution highlights the invaluable role families have in raising healthy, well-adjusted children. Families come in many different shapes and sizes, but they all play a critical role in the care and development of their children.

Research shows that spending time together as a family is critical to raising strong and resilient kids. And studies have shown, the more often children eat dinner with their families, the less likely they are to smoke, drink or use drugs, so we should be in the business of supporting families.

Early childhood experience lays the foundation for later development, and the first three years of a child's life are especially important. Investing resources in children and families will pay large dividends for our society, not only in increased productivity, but also for more opportunities for our children to realize their dreams.

We must take it upon ourselves as a society to cultivate loving and supporting families whenever possible. National Children and Families Day provides us an opportunity to recognize our responsibility to foster family environments that nurture the next generation and to promote a positive environment for families across America.

Lee Iacocca said it best when he said, "The only rock I know that stays steady, the only institution I know that works is the family."

I urge my colleagues to support this resolution.

Mr. CHAFFETZ. Madam Speaker, I also urge the Members to support the passage of H. Res. 534, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 534.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROWN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONRAD DEROUEN, JR. POST
OFFICE

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2972) to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the Conrad DeRouen, Jr. Post Office.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONRAD DEROUEN, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, shall be known and designated as the “Conrad DeRouen, Jr. Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Conrad DeRouen, Jr. Post Office”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I now yield myself such time as I may consume. As chairman of the House subcommittee with jurisdiction over the United States Postal Service, I'm pleased to present H.R. 2972 for consideration. This legislation will designate the United States Postal Service Facility located at 115 West Edward Street in Erath, Louisiana, as the “Conrad DeRouen, Jr. Post Office.”

Introduced by my colleague, Representative CHARLES BOUSTANY of Louisiana, on June 19, 2009, and reported out of committee on July 10, 2009, by unanimous consent, H.R. 2972 enjoys the support of the entire Louisiana House delegation.

Born on February 12, 1921, Conrad “Snookie” DeRouen graduated from Erath High School in 1937, and subsequently attended Vanderbilt University, graduating with a master's degree in health and physical education.

At the age of 21, Conrad DeRouen volunteered for service in the United States Marine Corps and was commissioned as a second lieutenant at Quantico, Virginia. Following additional training at Camp Pendleton, Second Lieutenant DeRouen was deployed to the Asiatic theatre during

World War II, serving with the 1st Battalion, 2nd Marine Division.

In July of 1944, after serving overseas for a few months, Second Lieutenant DeRouen was involved in the Battle of Saipan in the Marianas Islands. Regrettably, Second Lieutenant DeRouen was gravely wounded in the neck by enemy forces and subsequently died from his wounds at the age of 23.

In recognition of his distinguished service, Second Lieutenant DeRouen posthumously received the Navy Cross, awarded for extreme gallantry and risk of life in actual combat with an armed enemy force and going beyond the call of duty.

As noted by the accompanying citation, Second Lieutenant DeRouen, despite his wounds, “gallantly refused to be evacuated and remained steadfast in his station until he collapsed from pain and blood loss.”

Additionally, the citation noted that, “By his initiative, courage, and devotion to duty throughout these hazardous operations, Second Lieutenant DeRouen upheld the highest traditions of the United States Naval Service.”

Madam Speaker, Second Lieutenant Conrad DeRouen's life stands as a testament to the bravery and dedication of the heroic men and women who have offered the ultimate sacrifice in service to our Nation.

Let us together honor this distinguished Marine through the passage of this legislation to designate the West Edward Street Postal Facility in his honor.

I urge my colleagues to join Mr. BOUSTANY, the lead sponsor of this resolution, in supporting H.R. 2972.

I reserve the balance of my time.

Mr. CHAFFETZ. I yield such time as he may consume to my distinguished colleague from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my friend and colleague from Utah and my friend from Massachusetts for this courtesy.

Madam Speaker, I rise today in support of House Resolution 2972, to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the Conrad DeRouen, Jr. Post Office. I'd like to thank the Oversight and Government Reform Committee for bringing this bill to the floor.

Today, it's really a distinct honor for me to celebrate the life of United States Marine Corps Reserve Second Lieutenant Conrad C. DeRouen, Jr., an extraordinary hero in World War II.

A native of Erath, Louisiana, a small coastal town in my district, DeRouen graduated from Erath High School, then went on to Southwestern Louisiana Institute, and subsequently received a master's degree from Peabody College in Nashville, Tennessee.

He married Marguerite Domingues of Abbeville, Louisiana, and at the age of 21 he volunteered to serve in the United States Marine Corps.

□ 1915

While fighting against the Japanese forces in Saipan, Mariana Islands, on July 3, 1944, Lieutenant DeRouen endured continuous exposure to enemy fire in order to guide tanks into areas of combat; and when the communications systems failed, DeRouen seated himself behind the turret in order to continue the resistance.

In another assault on Japanese forces later on July 8, 1944, Lieutenant DeRouen, despite being wounded in the neck by shrapnel from an enemy grenade, refused to leave his post with the 1st Battalion to seek medical assistance and, instead, continued to fight at his station. DeRouen eventually collapsed due to pain and loss of blood and was carried off the field of battle by his comrades. He finally succumbed to his wounds on his ship and was buried at sea.

Lieutenant DeRouen's actions were an inspiration to the marines he fought beside and were a contributing factor in the success of the campaign in the Mariana Islands. Because of his heroic death at the age of only 23 years of age, he was posthumously awarded the Navy Cross for his bravery in a combat zone, the second highest decorated Medal of Honor. Today I join the town of Erath in honoring this fallen hero with the dedication of their post office to the name of Second Lieutenant Conrad C. DeRouen, Jr. for being the highest decorated veteran in its history, a real hero and someone we should all honor.

As we honor Lieutenant DeRouen today, we also must recognize our present-day heroes in Iraq and Afghanistan, those who have fallen and those who continue to fight, and we thank them as well as their families and the families of all of our troops who put on a uniform.

I now ask my colleagues to support this resolution.

Mr. LYNCH. Madam Speaker, I have no further speakers at this time, but I will continue to reserve the balance of my time.

Mr. CHAFFETZ. It's an honor to stand and rise in support of H.R. 2972 and the great American hero that we know as Conrad DeRouen. I appreciate bringing this to our attention, and we look forward to having this post office named after him. It's the least we could do from a country that's so grateful.

I yield back the balance of my time.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2972.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING NBA CHAMPION LOS ANGELES LAKERS

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 566) congratulating the 2008-2009 National Basketball Association Champions, the Los Angeles Lakers, on an outstanding and historic season.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 566

Whereas the Los Angeles Lakers are one of the most successful and respected franchises in the history of the National Basketball Association (NBA);

Whereas prior to the 2008-2009 season, the Lakers won 14 NBA championships, with a cast of players that, over the years, have included NBA greats such as Wilt Chamberlain, Erving "Magic" Johnson, James Worthy, Kareem Abdul-Jabbar, Shaquille O'Neal, Michael Cooper, Elgin Baylor, A.C. Green, and other Lakers stars, whose accomplishments were captured courtside by legendary Lakers sportscaster Francis Dayle "Chick/Chicky Baby" Hearn;

Whereas in the off-season, the Lakers' General Manager, Mitch Kupchak, with the support of the team's owner, Jerry Buss, maintained the Lakers core of Kobe Bryant, Lamar Odom, Derek Fisher, Pau Gasol, and Trevor Ariza;

Whereas the combination of Bryant, Odom, Fisher, Gasol, and Ariza, led the 2008-2009 Lakers to a 65-17 regular season record and the number one spot in the Western Conference playoffs;

Whereas Ariza first came to fame as a member of the 2002 and 2003 California State Championship teams at Westchester High School in Los Angeles, California;

Whereas the Lakers entered the NBA playoffs with home court advantage as a result of the team's regular season performance and defeated the Utah Jazz in 5 games;

Whereas the Lakers then faced the Houston Rockets in the Western Conference semifinals, winning in 7 games, with Pau Gasol scoring 21 points in an 89-70 victory in the deciding game;

Whereas the Lakers squared off against the high-octane Denver Nuggets, clinching the series in 6 games, thanks to the outstanding play of Pau Gasol and Kobe Bryant;

Whereas the Lakers' matchup with the Orlando Magic in the NBA finals represented a battle between a veteran team, the Lakers, and a young Magic team, led by Dwight Howard;

Whereas the Lakers won the first 2 games of the finals in Los Angeles, including a hard-fought Game 2, during which Kobe Bryant and Pau Gasol combined for 53 points, propelling the Lakers to a 101-96 victory;

Whereas although the Lakers lost Game 3 in Orlando by a score of 108-104, NBA fans were treated to a 31-point performance by

Lakers guard Kobe Bryant, who played all but 8 minutes of the game;

Whereas the Lakers were able to defeat the Magic in Game 4 despite a 25-point performance by Magic forward Hedo Turkoglu;

Whereas the Lakers won Game 5 against the Magic by a final score of 99-86, clinching a historic championship, Kobe Bryant's first championship without Shaquille O'Neal, Head Coach Phil Jackson's 10th title as a coach, and the Lakers organization's 15th championship;

Whereas the Lakers recovered from a devastating loss in the 2008 NBA finals against the Boston Celtics to win the 2009 NBA championship and achieve historic championships for Head Coach Phil Jackson, and Kobe Bryant;

Whereas the Lakers' Kobe Bryant was presented with the Bill Russell NBA Finals Most Valuable Player Award;

Whereas in addition to the contributions of superstars Bryant, Gasol, and Odom, strong contributions by Ariza, Brown, Farmar, Ilunga-Mbenga, Bynum, Fisher, Powell, Vujacic, and Walton returned the glory that has marked much of the Los Angeles Lakers franchise history;

Whereas Lakers owner Jerry Buss, General Manager Mitch Kupchak, Head Coach Phil Jackson, and the entire roster and coaching staff have joined previous great Lakers teams in winning the NBA championship; and

Whereas the hustle, team defense, and overall unselfish play of the 2008-2009 Lakers are emblematic of the tradition that has been a hallmark of the franchise for more than 63 years, and serves as a model for coaches and players everywhere: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the 2008-2009 National Basketball Association (NBA) World Champions, the Los Angeles Lakers, are to be congratulated for an outstanding and historic season; and

(2) the Lakers, in winning their 15th NBA World Championship, capped a remarkable, unprecedented single-season turnaround that captivated basketball fans across America and around the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I now yield myself as much time as I may consume.

Madam Speaker, as chairman of the House Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia and on behalf of the House Oversight and Government Reform Committee, I am pleased to join my colleagues, and principally Ms. WATERS from the State of California,

in the consideration of H. Res. 566, which provides for the recognition of the National Basketball Association Champion Los Angeles Lakers for capturing their 15th NBA championship.

House Resolution 566 was introduced by Representative MAXINE WATERS of California on June 19, 2009, and currently has the support and cosponsorship of 50 Members of Congress, none of whom are from the city of Boston, courtesy of Chairman TOWNS. The measure has been considered and approved by the Oversight Committee and now comes to the House floor as a means of highlighting the Lakers' successful 2008-2009 NBA season and their final victory.

Madam Speaker, the Los Angeles Lakers stand as one of sporting history's greatest franchises. The team was founded in 1946 in Detroit and moved to Minneapolis where it adopted its name, the Lakers, after Minnesota's State nickname, Land of 10,000 Lakes. The Lakers relocated to Los Angeles in 1960.

In the 1980s, the Lakers became one of the NBA's most electrifying and successful teams, winning five championships with Hall of Famers Earvin "Magic" Johnson, Kareem Abdul-Jabbar, James Worthy, and Coach Pat Riley. The Lakers' dominance extended into the 21st century as they won three consecutive NBA championships from 2000 to 2002.

Thanks to this year's impressive NBA Finals victory over the Orlando Magic, the Lakers now boast the NBA franchise record for the most wins, the highest winning percentage, and the most NBA Finals appearances. Of course, I would be remiss if I failed to mention that my own beloved Boston Celtics still hold the record for the most NBA Finals championships. You would think they would have picked someone else to do this resolution, but I am happy to congratulate a job well done.

Led by Head Coach Phil Jackson, one of the most successful coaches in NBA history, and Finals MVP Kobe Bryant, the Lakers' road to the NBA championship was lined with its fair share of challenges. While playing in the highly competitive Western Conference, the Lakers earned the conference's best regular season record and were dominant throughout the playoffs.

For this accomplishment, Madam Speaker, we stand to commend the Los Angeles Lakers franchise, the players, coaches and, of course, the diehard Lakers fans on a job well done. I am sure that the Lakers' championship is an enormous source of pride for the residents of Los Angeles, the surrounding area, and the great State of California as well.

In closing, I urge the adoption of House Resolution 566.

I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I sympathize with the anguish and the

agony that my colleague from Massachusetts must have in reading and supporting this resolution. I can only hope that this is truly captured on film for future use.

I rise in support today, as a Utah Jazz fan, in recognizing a great accomplishment in the world of sports. What these athletes are able to do and how they do it is truly remarkable. So I rise in support of H. Res. 566 to congratulate the 2008–2009 Los Angeles Lakers in bringing home their 15th NBA championship.

For the Lakers, this was a season of redemption that ultimately ended in victory and a historic achievement. The conclusion of the 2007–2008 season saw the Lakers experiencing a humiliating 39-point blowout to the Boston Celtics in game six of the NBA Playoffs. I will remind my colleague from Massachusetts. From that moment, the storied franchise made a commitment to redeem themselves and immediately began the long, arduous process of working their way back to championship glory. One year later, this long and difficult journey culminated with victory and established themselves as the standard against which every franchise in the NBA will be measured.

While the entire Lakers organization can be proud of this team's accomplishments, the season saw some amazing individual milestones.

Coach Phil Jackson cemented his status as one of the winningest coaches, not just in the NBA but in all of professional sports, capturing an unprecedented 11th championship ring. Truly amazing.

Kobe Bryant of the Los Angeles Lakers, who came to the season as the league's reigning MVP, coming off a summer in which he helped lead Team USA to the gold in Beijing, won his fourth NBA title and his first NBA Finals MVP.

Pau Gasol of the Lakers was selected to his second All-Star appearance, his first as a Laker, and was the first Spaniard to be on an NBA title team.

Individual accomplishments aside, there is no question that this team was just, indeed, that, a team, receiving significant contributions from a host of role players that made winning this championship possible.

Shannon Brown, acquired as a throw-in in a midseason trade, played his way into the playoff rotation and made a number of significant three-pointers in key playoff games.

Derek Fisher, one of my personal favorites, the old veteran guard who was slumping his way through the playoffs, emerged in game 4 of the NBA Finals to hit a game-tying three with 4.6 seconds remaining to push the game into overtime. He followed it up with a go-ahead 27-footer that would give the Lakers the lead and the game.

Collectively, this team all season long maintained their commitment to

excellence and mental toughness. They were a reflection of the entire organization—owner, Jerry Buss; general manager, Mitch Kupchak; Hall of Fame coach, Phil Jackson—and are a model of excellence; in other words, they are truly champions.

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, at this time it gives me great pleasure to yield 5 minutes to the lead sponsor of this resolution, Ms. MAXINE WATERS.

Ms. WATERS. Madam Speaker, I am very appreciative of my colleague from Massachusetts and his leadership on this issue and for recognizing me to stand as a proud Los Angeleno, joined by 50 other of my colleagues to congratulate the extraordinary Los Angeles Lakers for their 2009 NBA championship. This resolution, H. Res. 566, commemorates the Los Angeles Lakers' 15th National Basketball Association championship.

Prior to the 2008–2009 season, the Lakers won 14 National Basketball Association championships with a cast of Hall of Famers and coaches, which included NBA greats such as Jerry West, Wilt Chamberlain, Earvin "Magic" Johnson, Kareem Abdul-Jabbar, Shaquille O'Neal, Pat Riley, and current Head Coach Phil Jackson.

This season, Kobe Bryant, Lamar Odom, Derek Fisher, Pau Gasol, and Trevor Ariza led the 2008–2009 Lakers to a 65–17 regular season record and the number one spot in the Western Conference Playoffs. Not only did Trevor Ariza help to bring another championship to Los Angeles, he also attended Westchester High School in my district.

The Lakers entered the NBA Playoffs with home court advantage as a result of the team's regular season performance, and in the first round of the playoffs, the Lakers defeated the Utah Jazz in five games to advance to the Western Conference Semifinals.

The Lakers then faced the Houston Rockets in the Western Conference Semifinals, winning seven games, and advanced to the Western Conference Finals where they faced the Denver Nuggets. The Lakers clinched the Western Conference Finals in six games, thanks to the outstanding play by Pau Gasol and Kobe Bryant, which closed out the series.

In the NBA Finals, the Lakers matched up with the Orlando Magic, led by Dwight Howard. The Lakers won the first two games of the Finals in Los Angeles, including a hard-fought game 2, during which Kobe Bryant and Pau Gasol combined for 53 points, propelling the Lakers to a 101–96 victory. The Lakers lost game 3 in Orlando by a score of 108–104; however, Lakers guard Kobe Bryant scored 31 points and played all but 8 minutes of the game.

The Lakers followed their loss in game 3 by winning the next two games

in Orlando to win the 2009 NBA championship. For his outstanding play during the NBA Finals, Lakers' guard Kobe Bryant was presented with the Bill Russell NBA Finals Most Valuable Player Award and his fourth NBA championship. Lakers Head Coach Phil Jackson won his 10th NBA championship as a head coach and his 12th NBA championship overall.

Congratulations to the Lakers players, coaches, and staff on winning the 2008–2009 NBA championship.

Mr. CHAFFETZ. Madam Speaker, I am confident the Utah Jazz will be back at some point, but for now, congratulations to the Los Angeles Lakers. I, too, will be supporting H. Res. 566. Congratulations.

With that, I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I, as well, want to congratulate the Lakers and the gentlelady from California. I congratulate her on her resolution and for the victory that it represents.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 566.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1930

HONORING THE LIFE OF HARRY KALAS

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 350) honoring the life and accomplishments of Harry Kalas for his invaluable contributions to the national past-time of baseball, the community, and the Nation.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 350

Whereas Harry Kalas, an iconic and beloved sports broadcaster passed away on April 13, 2009;

Whereas Harry Kalas was born on March 26, 1936, in Naperville, Illinois;

Whereas Harry Kalas is a 1959 graduate of the University of Iowa with a Bachelor of Arts degree in Speech, Radio, and Television;

Whereas immediately following graduation, Harry Kalas served in the United States Army for two years in Hawaii;

Whereas following his service, Harry Kalas began his broadcasting career with KGU

Radio broadcasting games for the University of Hawaii and the Hawaii Islanders of the AAA Pacific Coast League;

Whereas Harry Kalas was a member of the original Houston Astros broadcast team in 1965;

Whereas Harry Kalas joined the Philadelphia Phillies broadcast team in 1971, calling their games for the past 38 years, including 26 years with his great friend and Hall of Famer Richie Ashburn;

Whereas Harry Kalas had diverse talents, calling University of Houston football, Southwest Conference basketball, Big Five basketball, University of Notre Dame football, and NFL games, throughout his illustrious career as well as providing voice-overs for NFL films and numerous commercials;

Whereas Harry Kalas broadcast the opening of the Astrodome, Veterans Stadium, and Citizen Bank Ballpark;

Whereas in 2002, Harry Kalas was the Ford C. Frick Award Winner, named after the former National League President and Major League Baseball Commissioner, which is annually bestowed by the National Baseball Hall of Fame to a broadcaster for "major contributions to baseball";

Whereas Harry Kalas called 7 National League Championship Series and 3 World Series, being the voice of the 2008 World Champions;

Whereas Harry Kalas called all of Hall of Famer Steve Carlton's starts as a Phillie, as well as all of Hall of Famer Mike Schmidt's 548 homeruns, making the phrase, "outta here", an often imitated but never duplicated signature home run call well known in Philadelphia and the rest of the baseball world;

Whereas Harry Kalas was named Pennsylvania Sportscaster of the year 18 times and was inducted into the National Sportscasters and Sportswriters Association Hall of Fame in 2008;

Whereas Harry Kalas was a remarkable husband to his wife, Eileen, and father to his three sons, Todd, Brad, and Kane;

Whereas his son Todd followed him into the field of sports broadcasting; and

Whereas Harry Kalas, not just as a voice, but also as a husband, father, friend, and veteran, will be sorely missed in both the Philadelphia region and the United States: Now, therefore, be it

Resolved, That the House of Representatives honors the life and accomplishments of Harry Kalas for his invaluable contributions to the national past-time of baseball, the community, and the Nation.

The SPEAKER pro tempore (Mr. SCHRADER). Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Govern-

ment Reform, I am pleased to present House Resolution 350 for consideration. This resolution honors the life and accomplishment of Harry Kalas.

House Resolution 350 was introduced by my colleague, Representative JOE SESTAK, on April 21, 2009, and was favorably reported out of the Oversight Committee by unanimous consent on June 18, 2009. Additionally, House Resolution 350 enjoys the support of over 50 Members of Congress.

Born on March 26, 1936 in Naperville, Illinois, Harry Kalas graduated from Naperville High School in 1954 and from the University of Iowa in 1959, after receiving a Bachelor of Arts degree in Speech, Radio and Television.

Following his graduation, Mr. Kalas served in the United States Army for 2 years, after which he began his distinguished career in broadcasting by calling baseball games for the University of Hawaii, as well as the Hawaii Islanders of the Triple-A Pacific Coast League.

In 1965, Mr. Kalas made his major league baseball debut as a sportscaster with the Houston Astros. Six years later he embarked on what would become a 39-year Hall of Fame career as a sports broadcaster with the Philadelphia Phillies, where he was ultimately paired with his good friend and Phillies' Hall of Famer, center fielder Richie Ashburn.

Nicknamed "Harry the K" by Phillies fans, Mr. Kalas originated his now-famous "Outta Here" home run call in the mid-1970s and, as the nearly 40-year voice of the Phillies, called a number of memorable Philadelphia and Major League Baseball moments. Among them were the first games played at the Houston Astrodome, Veterans Stadium and Citizens Bank Park, also Mike Schmidt's 500th home run, and every one of Steve Carlton's starts from 1972 to 1986, and, of course, the Phillies' two World Series championships in 1980 and in 2008.

In recognition of his distinguished career, Mr. Kalas received the Ford C. Frick Award in 2002 from the National Baseball Hall of Fame, which actually bestows the award to broadcasters who have made major contributions to the game of baseball.

However, Mr. Kalas' career was not limited to baseball. In addition to his work with the Phillies, Mr. Kalas called a variety of notable sports events over the course of his nearly 50-year career and served as the longtime voice of NFL films, as featured on the HBO program "Inside the NFL." Mr. Kalas also lent his voice to a number of well-known commercials and television specials. But most importantly, Mr. Kalas will be equally remembered as a devoted husband to his beloved wife, Eileen, and father to his three sons, Todd, Brad, and Kane.

Regrettably, Harry Kalas passed away on April 13, 2009. In honor of their

beloved friend and colleague, the 2009 Philadelphia Phillies can be seen wearing a black "H.K." patch over the heart of their jerseys, and Mr. Kalas' famous home run call can currently be heard playing in Citizens Bank Park after every Phillies homer.

Additionally, the Phillies have renamed their TV broadcast booth the Harry Kalas Broadcast Booth.

Mr. Speaker, let us further honor this distinguished American through the passage of this commemorative resolution to honor his life and achievements.

I urge my colleagues to do so and support House Resolution 350.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I would like to yield as much time as he may consume to my distinguished colleague and friend from the State of Florida, Mr. ROONEY.

Mr. ROONEY. Mr. Speaker, you know, I wasn't planning on speaking tonight, but earlier this evening Mr. CHAFFETZ informed me that you were commemorating the life of Harry Kalas. And even though I represent the 16th district of Florida, as many Floridians, I came from somewhere else. I was born and raised in Philadelphia, Pennsylvania, and my entire childhood could probably be summed up as being a diehard Phillies fan. And I can remember clearly going down to the Jersey Shore in the summer times, as so many Philadelphians did. And after being put to bed at night by my parents, sneaking out behind the couch there was a table, and I stored an AM radio there, and night after night listening for hours to the voice of Harry Kalas, the mellow, laid back voice that so many Phillies fans just came to admire and love. And how many people listened to that voice for so many hours in the City of Philadelphia and the Philadelphia region.

He truly will be missed. And you know, I always told people that I wanted to grow up and be a baseball announcer, and it was because of Harry Kalas. And somewhere I went off track. But I wanted to take the time here on the House floor to commemorate the life of Harry Kalas. And someday I hope to be a baseball announcer and I hope to be as good as Harry Kalas was.

Mr. LYNCH. I thank the gentleman from Florida for his remarks and adding that personal touch.

Mr. Speaker, I have no further speakers at this time, and I will reserve.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 350 honoring the voice of the Philadelphia Phillies legendary broadcaster, Harry Kalas, for his contributions to the national pastime of baseball, to the greater Philadelphia community, and to this Nation.

Mr. Kalas graduated from the University of Iowa in 1959 with a degree in

Speech, Radio and Television. Upon graduation he was drafted into the United States Army, and when discharged he began working as a broadcaster.

He began his 44-year career as a Major League Baseball broadcaster with the Houston Astros in 1965. Kalas called the first game at Houston's famed Astrodome.

In advance of the 1971 season, he was hired by the Philadelphia Phillies. There he would remain for the next 39 seasons, 27 of which Kalas was paired in the booth with Richie "Whitey" Ashburn.

Harry Kalas made many memorable calls while broadcasting for the Phillies, including every start of Hall of Fame pitcher Steve Carlton's Phillies career, and Mike Schmidt's 500th home run on April 18, 1987. Of course, when Harry called the dramatic Schmidt home run, he intoned the player's full name, Michael Jack Schmidt.

His most memorable call, however, came last October 29 at the culmination of the Phillies championship run. As the pitcher struck out the last batter, Kalas' golden voice erupted: "The Philadelphia Phillies are the 2008 world champions of baseball."

He had a number of signature calls, but none was more famous than "That ball is outta here!" home run call.

Mr. Kalas' contribution to baseball did not go unrecognized during his years as a broadcaster. He was inducted into the broadcaster's wing of the baseball Hall of Fame in 2002, and was named Pennsylvania Sportscaster of the Year 18 times.

In addition to his work with the Phillies, Kalas was also the voice of NFL films and called various sporting events over his career, including Notre Dame football.

Sadly, Mr. Kalas passed away here in Washington, D.C. at Nationals Park in the visiting team's broadcast booth on the afternoon of April 13, 2009, while doing what he loved, preparing to cover a Phillies game.

I ask my fellow Members to join with me in honoring Harry Kalas for his exceptional contributions to baseball and, through that, for his contributions to the community and to the Nation and people like Mr. Rooney, who grew up hearing his voice and coming to enjoy that.

With that, Mr. Speaker, I urge my colleagues to support this resolution and yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, having no further speakers, I do want to ask all of our colleagues to join with the lead sponsor of this resolution, Mr. SESTAK, in supporting his resolution honoring Mr. Kalas.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend

the rules and agree to the resolution, H. Res. 350.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE DAUGHTERS OF IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the women of Iran are standing shoulder to shoulder in the streets protesting against the rigged, corrupt Iranian elections. At least that's how it began. Now these legions of women, mostly wearing black, full-length Islamic dress, stand in defiance of their government's treatment of women. These women have shed their blood, suffered the same beatings and imprisonment as men. Some have sacrificed their very lives.

In America our hearts ache as we watched the video of Neda Agha Soltan. She was shot by her own government henchmen as she walked through the streets. She bled to death in that street, a martyr for democracy in Iran. Neda was only 26 years old, but her voice still cries from the grave: "that the people of Iran demand human rights, equality and freedom from tyranny."

Young women like a girl named Parsia told reporters, and I quote, "This regime is against all humanity, more specifically, against all women." She continues, "Lots of girls and women in these demonstrations. They're all angry, ready to explode, scream out and let the world hear their voices. I want the world to know that as a woman in this country, I have no freedom."

The women of Iran have a rich history of fighting for freedom. In the early 1900s, in Persia, later called Iran, Britain and Russia tried to rule Persia through a puppet government.

□ 1945

In 1906, the Persian people fought the shah, and became a constitutional republic. They had a Congress called the Majlis to make their laws.

American economic expert Morgan Shuster was appointed to that democratic government in 1911 to organize Persia's finances. At that time, members of the Majlis were threatened or were bribed by Russia, with support from Great Britain, to disband that constitutional government. Shuster wrote in his memoirs about Persian women who armed themselves and who marched on the Congress.

He writes about those bold, brave women, "Out from their walled courtyards and harems marched 300 women with the flush of undying determination in their cheeks. They were clad in their plain black robes with the white nets of their veils drooped over their faces. Many held pistols under their skirts or in the folds of their sleeves. Straight to the Congress they went."

These "Persian mothers, wives and daughters" dropped their veils and waved their pistols, saying they had decided to "kill their own husbands and sons and leave behind their own dead bodies" if the Congress "wavered in their duty to uphold the liberty and dignity of the Persian people and nation."

Because of these courageous women 100 years ago, the Persian Congress stood firm in their struggle for liberty and freedom for the people. However, Russian Cossacks marched into Tehran a week later, disbanding the government by force and executing every constitutionalist they could find.

History speaks to the courage and bravery of Iranian women, which goes back for centuries. It is no surprise they are again at the forefront of the struggle for human rights and dignity in Iran. The women of Iran are not the property of the government, and should not be punished because they demand equality with men. These women present a great challenge for the hard-line government. They are a force to be reckoned with, and the government knows it.

My grandmother used to tell me that there's nothing more powerful than a woman who has made up her mind. Let me tell you something, Mr. Speaker: The women of Iran have made up their minds. They are not going to take it anymore. Like their sisters in freedom 100 years ago, they are not going to give into the black-booted thugs who are trying to steal freedom and human dignity from them. Iran is their country. These women are no longer going to be treated as second-class people. Woe be to those who try to stop them. The daughters of Iran have inspired the world with their bravery. Their cause is righteous. Their actions are just. May the almighty who rules the universe make them strong and courageous.

And that's just the way it is.

AFGHANISTAN BUILD-UP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, this past Sunday, I read a column in the Raleigh News and Observer, entitled "From Vietnam 1959 to Afghanistan 2009." The column was written by Joseph Galloway, a military journalist and co-author of a book on Vietnam called, "We Were Soldiers Once and Young."

[From the News & Observer, July 19, 2009]

FROM VIETNAM 1959 TO AFGHANISTAN 2009

(By Joseph L. Galloway, McClatchy-Tribune Information Services)

BAYSIDE, Texas.—It was just about half a century ago, on the night of July 8, 1959, that the first two American soldiers to die in the Vietnam War were slain when guerrillas surrounded and shot up a small mess hall where half a dozen advisers were watching a movie after dinner.

Master Sgt. Chester Ovnand of Copperas Cove, Texas, and Maj. Dale Buis of Imperial Beach, Calif., would become the first two names chiseled on the Vietnam Veterans Memorial—the first of 58,220 Americans who died in Vietnam during the next 16 years.

The deaths of Ovnand and Buis went largely unnoticed at the time, simply a small beginning of what would become a huge national tragedy.

Presidents from Harry Truman to Dwight Eisenhower to John F. Kennedy to Lyndon B. Johnson to Richard M. Nixon to Gerald R. Ford made decisions—some small and incremental, some large and disastrous—in building us so costly and tragic a war.

The national security handmaidens of those presidents, especially those who served Kennedy, Johnson, Nixon and Ford, were supposedly the best and brightest that Harvard and Yale and Princeton could contribute.

Presidents right up to today's like to surround themselves with such self-assured and certain men, men whose eagerness to find war the answer to most problems often grows in direct proportion to their lack of experience in uniform or combat.

This small history lesson can be read as a cautionary tale to President Barack Obama's team as it oversees an excruciating slow-motion end of one war, Iraq, and a pell-mell rush to wade ever deeper into another one in the mountains and deserts of remote and tribal Afghanistan.

The story grows out of a battle in the very beginning of the American takeover of the war in South Vietnam in the fall of 1965 when a defense secretary, Robert S. McNamara, counted the bodies and the beans and offered his president two directly opposing options.

In the wake of the Ia Drang Valley battles of November 1965—the first major collision between an experimental airmobile division of the U.S. Army and regular soldiers in division strength from the People's Army of North Vietnam—President Johnson ordered McNamara to rush to Vietnam and assess what had happened and what was going to happen.

Up till then, just more than 1,000 Americans, mostly advisers and pilots, had been killed in Vietnam since Ovnand and Buis. Then, in just five days 234 more Americans had been killed and hundreds wounded in the Ia Drang. McNamara took briefings from

Gen. William Westmoreland, the top U.S. commander in Vietnam, and from Ambassador Henry Cabot Lodge and assorted spy chiefs and diplomats. Then he flew to An Khe in the Central Highlands and was briefed on the Ia Drang battles by then Lt. Col. Hal Moore, who had commanded on the ground in Landing Zone XRAY in the Ia Drang.

On the plane home to Washington, McNamara dictated a Top Secret/Eyes Only memo to Johnson dated Nov. 30, 1965. In that report he stated that the enemy had not only met but had exceeded our escalation of the war and we had reached a decision point. In his view there were two options:

Option One: We could arrange whatever diplomatic cover we could arrange and pull out of South Vietnam.

Option Two: We could give Gen. Westmoreland the 200,000 more U.S. troops he was asking for, in which case by early 1967 we would have more than 500,000 Americans on the ground, and they would be dying at the rate of 1,000 a month. (He was wrong; the death toll would reach over 3,000 a month at the height of the war). "All we can possibly achieve (by this) is a military stalemate at a much higher level of violence," McNamara wrote.

On Dec. 15, 1965, the president assembled what he called the "wise men" for a brainstorming session on Vietnam. He entered the Cabinet room holding McNamara's memo. He shook it at McNamara and asked: "Bob, you mean to tell me no matter what I do, I can't win in Vietnam?" McNamara nodded yes; that was precisely what he meant.

The wise men sat in session for two days. Participants say there was no real discussion of McNamara's Option One—it would have sent the wrong message to our Cold War allies—and at the end there was a unanimous vote in favor of Option Two—escalating and continuing a war that our leaders knew we could not win.

Remember. This was 1965, 10 years before the last helicopter lifted off that roof in Saigon. It's a hell of a lot easier to get sucked into a war or jump feet first into a war than it is to get out of a war.

There's no question that Obama inherited these two wars, Iraq and Afghanistan, from the Bush/Cheney administration. But the buildup in Afghanistan and the change in strategy belong to Obama and his version of the best and brightest.

The new administration has dictated an escalation from 30,000 U.S. troops to more than 60,000, and even before most of them have actually arrived commanders on the ground are already back asking for more, and why not? When you are a hammer everything around you looks like a nail.

Some smart veterans of both Iraq and Afghanistan, on the ground now or just back, say that at this rate we will inevitably lose the war in Afghanistan; that the situation on the ground now is far worse than Iraq was at its lowest point in 2006 and early 2007. They talk of a costly effort both in lives and national treasure that will stretch out past the Obama administration and maybe the two administrations after that.

Obama needs to call in the "wise men and women" for a fish-or-cut bait meeting on his two ongoing wars. Let's hope that this time around, there's an absence of the arrogance and certainty of previous generations of advisers. Let's hope that they choose to speed up the withdrawal of combat troops from Iraq and get out before the Iraqi people and leaders order us to leave. Let's hope, too, that they weigh very carefully all the costs of another decade or two of war in Afghanistan.

Failing that, they should at the very least begin an immediate drive to increase the number of available beds in military and Veterans Administration hospitals and to expand Arlington National Cemetery and the national military cemeteries nationwide.

Mr. Speaker, perhaps the column's most salient point is its description of a time in 1965 when Secretary of Defense Robert McNamara presented President Lyndon Baines Johnson with a top secret memo. It indicated that the United States had reached a decision point with two available options. The first option was to arrange diplomatic cover and to pull out of South Vietnam. The second option was to increase the number of American troops by 200,000, bringing the total to more than 500,000 Americans on the ground.

Regarding this second option, Mr. McNamara stated, "All we can possibly achieve is a military stalemate at a much higher level of violence." I want to repeat that.

Regarding the second option, Mr. McNamara stated, "All we can possibly achieve is a military stalemate at a much higher level of violence."

From that time when President Johnson chose to escalate and to continue the war until its conclusion, America suffered 56,000 more casualties.

Mr. Speaker, President Obama's administration has reached a similar decision point with regard to Afghanistan. Last month, on June 25 of 2009, I joined Congressman JIM MCGOVERN in offering an amendment to the National Defense Authorization Act that would have required the Secretary of Defense to submit a report to Congress which outlines an exit strategy for our Armed Forces in Afghanistan.

While I regret that this amendment was not approved, I still believe it's critical for the current administration to clearly articulate benchmarks for success and an end point to its war strategy in Afghanistan. The men and women of our military who have served in Iraq and Afghanistan have done a magnificent job. Many have been deployed four or five times.

Let's not forget, as General Petraeus has said, "Afghanistan has been known over the years as the graveyard of empires. We cannot take that history lightly."

That is why it is so important for this current administration to have an end point to its strategy in Afghanistan. This strategy must be articulated sooner rather than later so we can avoid going down the path of other failed empires, and so we can avoid the tragedy and the mistake of Vietnam, when elected officials in Washington never articulated an end point or an understanding of what was to be achieved.

Mr. Speaker, I have Camp Lejeune and Cherry Point Marine Air Station, Camp Lejeune being a Marine base, and I have Seymour Johnson Air Force

Base. I've talked to many of all ranks in the Marine Corps. They're willing to go back and to go back again and again and again, but we're getting to the point where we're about to break our military. It is time that the new administration has an end point to whatever we're trying to achieve in Afghanistan.

With that, Mr. Speaker, before I close, as I do frequently on the floor, I tell you without pride that I've signed over 8,000 letters in the last 6 years because of my mistake in giving President Bush the authority to go into Iraq. So I close tonight by asking God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform, and I ask God, in his loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq. Mr. Speaker, I close by asking three times: God, please, God, please, God, please continue to bless America.

WORK WITH THE GOP ON HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Georgia. Mr. Speaker, The Hill newspaper today reports that President Obama is pointing his finger at the Republicans, at the GOP, for the stalled health care bill. The last time I checked, the Democrats were in control of the House; they have a 60-Member majority in the Senate, and they control the White House. Clearly, the finger needs to be pointed in a different direction or needs to be reeled in.

I wonder who the President will blame next for double-digit unemployment and for a doubled national debt. We were promised that the Democrats' \$1 trillion stimulus experiment would immediately create jobs and that unemployment would not rise above 8 percent, but in June alone, almost a half a million jobs were lost. This has driven unemployment to its highest level in 26 years.

Where are Democrats going to point their finger on that one, Mr. Speaker?

What happens when the \$646 billion energy tax that the leadership in this House has rammed through raises energy costs on every American family by over \$3,100 and when this energy tax is seen in home utility bills and at the gas pumps, costing up to 7 million Americans their jobs? They're going to lose their jobs. Which direction will the President then point his finger, Mr. Speaker?

When the administration's multitrillion-dollar health care experiment is shoved down our throats before August, costing, as the CBO says, more than 750,000 jobs, I ask again: Which direction will the President point his finger?

The bottom line is that, instead of playing the blame game, I urge congressional leadership and this administration not to ignore the recent deficit and the unemployment news. I urge them to scrap this multitrillion-dollar government health care experiment and takeover. I urge them, instead, to work with us Republicans. Work with us across the aisle to develop a health care plan that helps small businesses create jobs instead of taking away jobs and one that gives Americans better access to lower insurance costs. Work with us to rein in spending and to rein in this egregious, outrageous Federal debt. Work with us to institute meaningful reforms that will truly stimulate the economic growth and that will create jobs for all Americans and that will not just create more bureaucracy. Work with us, Mr. Speaker, Madam Speaker, Democratic colleagues. Work with Republicans.

We are accused by the Democrats of being the Party of No, n-o, but Republicans are the Party of Know, k-n-o-w. We know how to create jobs and how to stimulate the economy. We know how to lower the costs of all health care expenses for Americans all across this Nation. We know how to help small businesses by leaving dollars in their pockets, by cutting their tax base and by giving them the money they need to create new jobs and to buy inventory. We know how to stimulate the economy by leaving dollars in people's pockets so that they can invest in their children's futures and in their children's college education funds, so they can pay off credit card debts, so they can buy new cars and buy new homes. Those are the things that will create a stronger economy.

The Republicans have presented alternative after alternative to the Democrats' plan, but our plans are being quashed by the Democratic leadership, and won't see the light of day. It's not fair to the American people that their Representatives are shut out of the debate.

Mr. Speaker, we need to return to regular order. We need to go through what historically has happened in this House so that we have appropriations bills that are presented here with an open rule so that Members can present their amendments. We need to go through regular order, and we need to stop bringing big bills to this floor through the suspension process where they don't have any vetting in the committee process. We need to return to regular order and to go back to what this country was founded upon, and that's freedom and democracy.

THE PRESIDENT PROMISED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the President over the past few days has been telling the American people, Trust me. This health care plan we're talking about is going to be a great thing for America. It's not going to cost Americans a lot of money. It's going to provide better quality of care, and nobody will be left out.

So I decided to go through what the President has promised on other occasions just to see if he deviates from his plans when it's more convenient for him. For instance, let's just go through some of the things he has promised.

He said Americans and the Members of Congress would get 5 days to read bills that were going to affect the American people. We've had bills that we didn't get until 3 a.m. in the morning that were 1,100-pages long, and we had to vote on them that very same day. There's no way to read 1,100 pages of legalese and have them understood in just a few hours.

He said no lobbyists would be in his administration. There are lobbyists, a number of them, in his administration. He said no taxes on those making under \$250,000. That's not true. We've already levied taxes on people making under \$250,000.

He said no earmarks and no pork-barrel projects. In the omnibus spending bill which he signed recently, there were 8,000 pork-barrel projects in that bill. He said there was going to be openness in the health care debate. There has been not a great deal of openness, and a lot of it has been conducted behind closed doors. He said the people were going to see almost every aspect of it because he was going to have roundtable discussions throughout the entire debate.

□ 2000

He said he was going to cull spending and there would be no new taxes on people under \$250,000. This is the highest amount of spending since World War II. There's been \$1.4 trillion in new taxes. He said he was going to cut each budget of each cabinet by a hundred million dollars. That has not yet been accomplished. He said he was going to try to block and oversee the problems with the TARP plan, that \$700 billion. He said there would be no Big Government, but there's been a takeover of the auto industry, the financial industry, the energy industry, the health care industry, and it's the largest budget in history that he proposes.

He said that he would allow people to withdraw from their 401(k) accounts without any penalty if they were unemployed and having a difficult time. That was not in the stimulus bill. He said there would be a \$3,000 tax credit for every person hired by business. That was not in the stimulus bill.

And then, of course, we come to the health care plan. He said this plan is going to be very good for America, and

I want all of my colleagues to take a good look at this plan of the Democrats' health care proposal which the President supports. All of the white spots are new agencies that are going to be making determinations about people's health care. It looks more like a roadmap that's been messed up. You can't figure it out. You have to go from here over to there to get health care, and it's going to cost a great deal of money.

In fact, the plan is supposed to cost, we believe, between 1 and 3 trillion dollars, that's 1 and 3 trillion dollars that we don't have that's going to have to be raised through tax increases and fees, and this is going to be part of it. They're going to end up taxing everybody for this health care plan.

And finally, this is going to result in about 4.7 million jobs lost, because when small business in America has to pay for this conglomeration of health care, they're going to have to cut back on employment of their employees, and a lot of those jobs will probably go overseas.

This is a terrible thing for America right now. And the reason I bring all of the things up that the President has promised, he's promising the American people a very good health plan. Trust him, everything is going to be fine. There is nothing to worry about. And yet it's going to cost so much money, it's going to cost rationing of health care, and it's going to cost everybody in this country and the future generations a great deal of money that we don't have. And I think that is a heck of a legacy to leave to our young children and our posterity.

I want to end by reading what was in the Wall Street Journal on the front page: Congress' chief budget scorekeeper casts a new cloud over Democrats' efforts to overhaul the Nation's health care system, telling lawmakers Thursday that the main proposals being considered would fail to contain costs.

They say it will, but this article and this man says it will not. It will not contain costs, one of the primary goals, and could actually worsen the problem of radically escalating medical spending.

I hope everybody in the House is paying attention to this.

THE WESTERN CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP of Utah. Mr. Speaker, today, 134 Republicans came here to the floor and spoke for 1 minute each about the issue of jobs and where they had been, for, indeed, we were promised that there would be jobs that would be

created and saved if we simply passed a stimulus bill and didn't take the time to read it like a couple of others we did. Unfortunately, the reality has not been quite the same. In fact, this is basically the report card that we came up with.

This administration said that if we quickly pass that huge stimulus bill, there would be some unemployment but it would only be 8 percent. In fact, the dark blue line here is what they said would be the recovery path of our economy. They said if we didn't do that, we would follow a trajectory of the light blue line and actually have 9½ percent unemployment. That is a difference of 3 million workers being out of a job if we took the time to actually read the bill and think about it.

The sad part is, though, after 5½ months, the trajectory line is actually the red dots there, which means we are far exceeding anything that was projected whether we did the stimulus or didn't do the stimulus. In fact, you can arguably say that we might have been better off not doing anything at all.

The Vice President was correct when he said that this administration totally misread the economy. Nonetheless, Speaker PELOSI and President Obama have teamed together to put up the largest budget, and we're still in the process of voting for it. We are on track now, Mr. Speaker, of actually spending \$4 trillion in this year's Congress. We are spending money like it was Monopoly money with the possible exception that you can't pass go and you don't get \$200 every time you do it.

To put this kind of concept in place, at \$4 trillion, we would be spending \$1 billion every 2.2 hours. To put it in perspective again, if you tried to pay off \$4 trillion, that means every single household in America would have to cough up 35 grand to cover it. And the problem that we have with that is simply we don't have that kind of money lying around, whether we spent it or not. In fact, we will be predicted to be in a deficit. CBO scores this year's deficit at \$1.85 trillion. That's the amount of money we'll spend that we have absolutely no funds for.

Now, you can see on this chart, back there at the turn of this century, we actually had a surplus. You can notice when 9/11 hit we went into deficits. Those grey lanes are the deficits run up by the big-spending George W. Bush—at least, he was accused of that. What we have over here is what we have been spending ever since. The light red lines are the estimates of the Obama administration. The dark red lines are the estimates of our Congressional Budget Office, and they predict that this year it's \$1.85 trillion that we will overspend.

Now, this isn't perhaps the best view. This is only a 1-year shot of what we are doing as far as our finances. If we actually took a bigger view of it and

tried to find all of the things we still owe, we are actually at about \$11.6 trillion in total debt. And if you add things like the bailouts and the bank rescues and the auto recovery loans we have, we're about \$23 trillion in debt, which is difficult when our total gross domestic product is about \$14 trillion.

Let me put that in a kind of perspective for you.

When we went to the Moon, if you put the money we spent on that effort to go to the Moon in today's dollars, we would have spent around \$200 billion. Everything FDR did in the New Deal to try to get us out of the old original Depression in today's dollars would be about \$500 billion. If you took everything we spent on World War II, that's about \$4 trillion. Today, we are spending, in real dollars, \$4 trillion and a deficit of almost \$2 trillion and a total deficit of \$23 trillion of everything combined. That was not the change that we were promised.

And the proponents of the stimulus package, quite frankly, view its failure in the fact that we didn't put enough money into it and that perhaps we should have another stimulus package to spend more money. The Democrats' solution, quite frankly, is we need to spend more money. The bottom line, though, is spending money is not the same thing as creating jobs. There are other alternatives that are out there.

The Republican Party has introduced almost a thousand bills of alternatives that have never been allowed to be discussed on this floor. We had one called the no-cost stimulus bill. It was estimated that it would grow our gross domestic product by \$10 trillion and create 2 million jobs and would cost the taxpayers exactly nothing and has still yet to be allowed to be discussed on this particular floor.

Now, we come here today as part of a Western Caucus with the understanding that much of what we do in the West is a catalyst for us solving this particular problem in moving our economy ahead.

Unfortunately, this administration, which misdiagnosed what the stimulus would do, has also misdiagnosed the opportunity that so much of our public lands have offered to us. It is not an effort to try to destroy the environment, but there are enough resources we have in this country that we could create an energy policy that would indeed build real jobs.

Unfortunately, this administration looks at the gift that it has at its disposal and instead goes in the opposite direction. It creates an environmental policy that is aimed at benefiting special interest groups so that instead of our using our resources to create jobs, we actually are sacrificing jobs to a false ideology.

In this opportunity today, we are going to be talking about some of the things this administration is doing

which actually harms this country and loses jobs when we have a great opportunity to try and grow jobs if we'd just use the resources that we have wisely.

I am joined and will be talking with Representative MCCLINTOCK of California. He has a unique area that deals with the forest area that has a chance of actually bringing people together for a benefit that could grow jobs, help the economy, help the environment, and for some reason, we simply are not doing it.

We will be joined later by Representative THOMPSON of Pennsylvania; not necessarily the West, but he has the same situation with a forest in Pennsylvania and, once again, the administration's misuse of land policy is costing people jobs and should not be there.

I'm joined by my good friend Representative BROWN from Georgia. He's going to try to put all this into some kind of perspective at the same time as we deal with this issue and other issues, all of which have the same problem of costing us jobs. And hopefully there will be a few more Members who will join us before this hour has concluded.

And I'd also like to talk about a couple of policies that this administration has started which, in reality, costs American jobs when we should be producing jobs with the resources that we have.

But, Mr. Speaker, with that said, I would like, first of all, to yield some time to Representative MCCLINTOCK of California, who has a wonderful opportunity of creating jobs in California, desperately needing the jobs, desperately needing the income, but is faced with a unique barrier that's going to be extremely difficult to overcome.

Mr. MCCLINTOCK. I want to thank my colleague from Utah (Mr. BISHOP) for yielding and for organizing this Special Order for the House tonight and for the attention he's devoted to the suffering in my district that's been caused by the lunatic fringe of the environmental movement that now seems to be so firmly in control of our national policy on public lands. At this point, we're not just trying to create jobs, we are desperately trying to stop losing them because of these policies.

You know, a generation ago we recognized the importance of proper wildlands management. We recognized that there is a balance between the environment and the economy and that both can thrive through proper policy. We recognize that nothing is more devastating to the ecology of a forest than a forest fire, and we recognize that public lands should be managed for the benefit of the public. We recognize that in any living community, including forests, dense overpopulation is simply unhealthy.

So we carefully groomed our public lands, we removed excessive vegetation

and gave timber the room that it needed to grow. Surplus timber and overgrowth were sold for the benefit of our communities. Our forests prospered and our economy prospered, and forest fires were far less numerous and far less intense than we see today.

□ 2015

But that was before a radical ideology was introduced into public policy—that we should abandon our public lands to overgrowth and overpopulation and, in essence, to benign neglect. We are now living with the result of that ideology. Forest fires that are fueled by decades of pent-up overgrowth are now increasing in their frequency and their intensity and their destructiveness. One victim of this wrongheaded policy is the environment itself. Recent forest fires in my region make a mockery of all of our clean-air regulations. And anyone who has seen a forest after one of these fires knows that the environmental devastation could not possibly be more complete. But these policies also carry a tremendous economic price. Timber is a renewable resource. If it is properly managed, it is literally an inexhaustible source of prosperity for our Nation. And yet, my region, which is blessed with the most bountiful resource in all of California, has literally been rendered economically prostrate by these policies. A region that once prospered from its surplus timber is now ravaged by fires that are fueled by that surplus timber.

Which brings me to the story of the townspeople of Quincy and El Camino, both little towns in the northeast corner of California. Two months ago, 150 families in each of those little towns received notice that the sawmills that employ them must close. The company made it very clear in its announcement that although the economic downturn was the catalyst, the underlying cause was the fact that two-thirds of the timber that they depended upon had been held up by environmental litigation. Despite the recession, they still had enough business to keep those mills open—and to keep these families employed—if the environmental left had not cut off the timber that those mills depended upon.

Now bear in mind that the population of the town of Quincy is about 400 families—the greater Quincy area about 1,250 families. We are talking about pink slips going to 150 of those families. And they are not the only ones who have lost incomes. Many more jobs were lost indirectly—the folks who drive the trucks and sell the supplies—all lost their jobs as well. This occurred despite the groundbreaking work of a local coalition called the Quincy Library Group that forged a model compromise between environmental, business and forest management advocates a decade

ago. That work had culminated in legislation called the Herger-Feinstein Quincy Library Group Forest Recovery Act. It was adopted 11 years ago in this very Chamber by a vote of 429–1. This consensus agreement provided for sound and sustainable forest management practices that in turn would support both local jobs and healthier forests. As Senator FEINSTEIN, a Democrat, pointed out at the time, every single environmental law, including the National Environmental Policy Act and the National Forest Management Act, would be followed as this proposal is implemented. Yet despite a model compromise that produced a model law, the will of the Congress, the livelihoods of hundreds of innocent families, and the fire safety of scores of mountain communities is being challenged and undermined by a constant stream of litigation from groups purporting to support the environment. And I say “purporting” because, as the Web site of one of those groups declares, their number one policy goal is to “eliminate commercial logging on all public lands in California.” Their policy is not to protect the environment. Their policy is deliberately to destroy commercial enterprise.

We held an informal hearing in Quincy after the mill closures that my friend from Utah was kind enough to join us for. And the stories we heard at that hearing were absolutely heartbreaking. It is a story of how, despite the law, this constant litigation, which is ultimately rejected by the courts, has nevertheless delayed implementation of the Forest Recovery Act until the mills collapse, and that's what we are dealing with today. They know they don't have to win the litigation, all they have to do is draw out the process. And they have done that very successfully until 150 families in Quincy and another 150 families in El Camino lost their jobs. We then held a formal hearing here in Washington, and from that hearing, Congressman HERGER has introduced his bill, H.R. 2899, to prevent frivolous litigation from continuing to destroy those jobs and continuing to impede the fire safety measures that are so vital to the preservation of these forests. I'm in the final stages of preparing legislation to at least grant litigation relief for the land that is actually within the Quincy Library Group territory defined in the legislation. And of course these bills are already being attacked by the same radical groups responsible for the litigation and regulation that is destroying these jobs, destroying these families, destroying these communities and destroying our forests. These extremists even oppose the salvaging of timber that has already been destroyed by forest fires or by disease. Now think about that. Trees that are already dead cannot be salvaged because of lawsuits filed by these extremist groups. And

again, they know if they can simply delay the salvage for 2 years, the trees decay to the point where they can't be recovered. And they would rather let those trees rot on the ground rather than to be removed and salvaged to provide jobs for families and lumber for homes and revenues for the national Treasury.

The economic suffering this is now causing is immediate, and it is acute. But an even more ominous effect is placing at risk our mountain communities and our national forests to intense wildfires made possible because overgrowth is no longer being removed. As one forester told me, those trees are going to come out of the forest one way or another. They are either going to be carried out, or they will be burned out. When the excess timber was carried out, we had a thriving lumber industry that put food on the tables and clothes on the children of thousands of working families throughout northern California. More importantly, we also had much healthier forests and far fewer and milder forest fires than we suffer today. This isn't environmentalism. True environmentalists recognize the damage done by overgrowth and overpopulation and recognize that the role of sound forest management practices is to maintain healthy forests. We are also watching them systematically shut down our public land for public use and public benefit. And every time a little town like Quincy or El Camino is strangled to death by these policies, it has a ripple effect throughout the Nation. Our Nation loses tax revenues, commerce withers, the price of raw materials rises and public resources are diverted to provide economic relief. And our forests suffer as well.

But there's one infinitely higher cost that I haven't mentioned yet, and that brings me to the tragic news that I must impart to the House tonight. There is a raging fire in the Shasta/Trinity National Forest as we speak right now. It's called the "Backbone Fire." About 2 hours ago, I received word that a young man, Thomas Marovich, Jr.—20 years old—from the little town of Aiden in my district, was killed this afternoon fighting that fire. And every time a little town like Aiden mourns the loss of a promising young man like Thomas Marovich, Jr., it is not only a tragedy—if preventable, it is an outrage.

Mr. Speaker, the time has come for the great silent majority of Americans to rise up against the most radical elements of the environmental movement that now seem to control so much of our public policy and to demand that we restore our public land for public use and public benefit, and that we restore the sound forest management practices that once minimized the forest fires that are now again destroying communities and taking lives.

Mr. BISHOP of Utah. Would the gentleman yield for one moment?

Mr. MCCLINTOCK. Absolutely.

Mr. BISHOP of Utah. This is truly a tragedy that you have mentioned that is taking place in your home district. As I was out there in the community of Quincy, I was noticing that the concept that they said is that if they could thin those forests, they could minimize the risk of forest fire as well as using the resources that would be pulled out to create jobs at the same time.

Could this fire have at least been mitigated if we had gone through these practices of thinning the forest under proper procedures that would help the forest as well as help the economy at the same time?

Mr. MCCLINTOCK. Well, that is why for many years we thinned those forests, to reduce the intensity of those forest fires, to reduce the number of those forest fires, and from that excess timber, we provided a thriving economy throughout that region. And by the way, we also provided a tremendous revenue stream to the national Treasury because that timber is on land owned by the people of the United States. So we had healthier forests, and we had a healthy economy. Both have been imperiled by those policies. And then to that you have to add the tragedy of the human loss of those heroic young men like Mr. Marovich who gave his life today to try to stop those fires, which are much more intense today and much more numerous today than they were a generation ago when we practiced sound forest management practice.

Mr. BISHOP of Utah. To the gentleman from California, I thank him for joining us here. I know that we all send our sympathy to the community and especially the family at this time of their particular loss in a heroic effort to try and help and save others.

Part of the problem that the gentleman from California is talking about is because of the land that is owned by the Federal Government. On this particular chart, everything that is in red is owned by the Federal Government. You will notice that it has a preponderance in the West. And where Mr. MCCLINTOCK is talking is that area in California surrounded by red. Let's face it. If you live in that area that is surrounded by red, you really don't have a whole lot of options. The Federal Government controls what opportunities you do or do not have.

Let me give you just one example in my State of a different area. And I want to introduce you to a young man by the name of Mr. Pitchforth. Mr. Pitchforth is a young and exciting school teacher who got 12-, 13- and 14-year-olds excited by geography and history, which by itself should give him some kind of hero's medal. This September, though, he is not going to be teaching school. He is not going to be teaching school because the district in which he lives is one of those red areas

in which this administration unilaterally and arbitrarily decided to take 77 oil and gas leases and suspend them, take them off the market, making them unusable. And in so doing, took neighboring and abutting pieces of property owned by the school trust lands and make them also sterile for this time period. The schools lost money. And in so doing, their reaction was to fire the first teacher hired. Mr. Pitchforth is not there anymore. You see, this doesn't deal with just people who are working in oil and gas. There's collateral damage from every one of our decisions that the government makes. Mr. Pitchforth isn't working because of a choice he made, but because of a choice some bureaucrat back here in Washington made. And it's not fair. It's not fair for him. It's not fair for his family.

There's other collateral damage that takes place in this area where the Secretary of the Interior decides to pull these leases and suspend these leases for the rationale that the Bush administration did them too quickly. Actually, the Bush administration took 7 years to go through the process. I guess 7 years was not enough time to decide whether we were doing the right thing or not, at least that is what the Secretary said. Let me read to you a letter from, once again, somebody who is not directly employed but who is in the transportation business that does the shipping of materials both to and from those potential sites. As he wrote the county commission where he lives, Let me applaud your efforts in trying to get the message to our Interior Department that their actions have caused great harm to the economy of our area and to individuals living there. At the end of 2008, we employed over 230 truck drivers and leased 204 trucks. Our payroll was \$12 million a year. But since the first of the year, we have laid off 36 trucks and 47 drivers. There are now 47 families without income nor payroll benefits associated with them. Our overall payroll is down 29 percent, projected now to be down to \$9 million by the end of this calendar year. On a personal note, my son who has worked in the oil fields for the past 8 years has never been unable to find employment until now. He has been off now for 3 months and is getting very discouraged. My daughter is a single mother of two growing boys. She has been struggling to make ends meet with the economy the way it is now and seems she has lost hope of ever finding employment elsewhere. To Brett who is the field manager who was laid off on July 1, July 13 he and his wife had a baby. To Jody and Jeff, two truck operators, Jody lost his truck because he couldn't make payments after he was laid off because of the decision made by the Secretary here in Washington. Curtis was a craftsman and a cabinetmaker who lost his job due to the cancelled

contracts once they realized these leases were taken off the table. Travis, a construction worker, husband, father of two children, laid off, once again, as soon as a bureaucratic decision here in Washington was made that had unintended consequences far beyond what was anticipated when a bureaucrat in Washington decided to make decisions on what should take place on the ground out there and took the opportunity of solving our problems and creating problems and taking jobs away from people.

We talk about the numbers unemployed. Each of those unemployed numbers is a face and a real person with a real family and a real issue. I would like to yield some time to the gentleman from Georgia to try and put this in perspective. And then we will be joined by two other members of the Western Caucus.

Mr. BROUN of Georgia. I thank you, Mr. BISHOP, for yielding me some time. I was really touched by the faces that you've brought forward to the American people tonight here on C-SPAN about these people who have lost their jobs and my good friend TOM MCCLINTOCK talking about the National Forest and the mismanagement that is going on because of the endless environmental wacko lawsuits that are going on there and the unfortunate untimely death of this young man who was fighting those fires that probably could have been prevented if we had managed the forest in a better way, in a correct way, according to normal silviculture practices.

□ 2030

Civil culture means forestry practices to the best extent for economic purposes, and I thank both of you for bringing the face of people to this discussion tonight.

Mr. Speaker, I'm a medical doctor, and I've seen the faces of a lot of patients who have struggled with the cost of health care expenses, the cost of health insurance and medication and hospital bills. In over 3½ decades of practicing general medicine in rural south Georgia and now northeast Georgia, I've literally given away in my services several hundred thousand dollars of my services if I had charged for them.

We have a proposal that I call ObamaCare that's being debated here in the Halls of Congress. Mr. Speaker, the director of the Congressional Budget Office last week said that if ObamaCare is passed it's going to cost 750,000 people their jobs across America. Three-quarters of 1 million people are going to be put out of work just because of passing a bill that supposedly is going to make everybody covered by health insurance.

But the Congressional Budget Office director also said that even in the next 10 years not everybody would be cov-

ered. Let me say that again, because what we keep hearing from the Democratic side is we're going to cover everybody; everybody's going to have health care. Well, everybody does have access to health care today. Federal law requires it. What everybody does not have is health insurance.

But our Democratic colleagues want to give free health insurance to illegal aliens, and that's what ObamaCare does. It gives free health insurance to illegal aliens. The 12 million, 15 million illegal aliens in this country who are criminals have entered this country illegally. Virtually all of them have illegal documents. They've broken many Federal laws. They're criminals. And my Democratic colleagues want to give them free insurance. It's going to cost 750,000 American citizens jobs to do so.

Mr. Speaker, this House considered a bill just a few weeks ago that they, my Democratic colleagues, call cap-and-trade. I call it tax-and-trade or tax-and-cap because it's about taxes. It's about revenue. We hear over and over again that it is going to create all these green jobs. Well, it will create some green jobs. In fact, I saw a friend, my next door neighbor in the hall over in the Cannon House Office Building, bring in a chart where he's going to talk about green jobs, and it indeed will create green jobs, but what you're not being told is what happened to Spain.

Our President has lifted up Spain as being the model of what we need to do on these green jobs and environmental policy. Well, about a decade ago Spain put into place a similar piece of legislation as our tax-and-trade bill that's languishing over in the Senate, and I hope the Senate will defeat it. But in Spain, for every single green job that was created, 2.2 other jobs cost. In other words, 2.2 people were put out of work for every one person put to work by these green jobs that tax-and-trade is going to create.

I know my Democratic colleagues can add and subtract. I don't want to accuse them of not doing so, but if you subtract 2.2 from 1, you get a minus 1.2, and that's exactly what's going to happen. If the American people don't stand up and say "no" to tax-and-trade, or tax-and-cap, whatever you want to call it, and tell the U.S. Senators, Mr. Speaker, that this is going to be disastrous and it's going to cost American jobs and to defeat it over there in the Senate, there will be 2.2 people put out of work for every 1 person that is put to work.

I already said the Congressional Budget Office says 750,000 people are going to lose their jobs because of ObamaCare, but it's going to do many other things, too, that are disastrous. ObamaCare is going to insert a Washington bureaucrat between every patient and their doctor, and the Washington bureaucrat is going to be mak-

ing, Mr. Speaker, every single individual in this country's health care decision. The patient, the patient's family won't be able to make those decisions. The doctor won't be able to make those decisions. It's going to be a Washington bureaucrat that makes that decision.

We were told by our Democratic colleagues it's all about lowering costs; but just last Friday the Director of the Congressional Budget Office said that it's not going to rein in the cost of health care. In fact, it's going to cost more money.

So let me get this right. It's going to cost more money to put in place ObamaCare; it's going to take decisions away from patients and their family and their doctor about making health care decisions; and it's going to put a Washington bureaucrat in charge of those decisions, and that Washington bureaucrat is going to say whether a patient can get needed treatment, surgery, x rays, MRIs, or not.

We already know in countries such as Great Britain and Canada that in those socialized medicine, government-run programs, that the death rates for cancer overall are much higher than here in the United States. Women who get breast cancer in Canada and Great Britain, roughly 50 percent of them are dead after 5 years. Prostate cancer, the same, roughly 50 percent of people that are diagnosed with prostate cancer in those countries, or 60 percent, are dead in 5 years. Here in the United States, it's over 90 percent are still alive. So what's going to happen here? Our death rates are going to go up for all cancers.

Just today, we had a bill here on the floor that I talked about that is one to try to encourage people to understand diabetes. As a medical practitioner, I've treated diabetes for years, and the end result of diabetes and the reason it's so important to catch it early and to treat it is that people die at a young age when they have diabetes, a lot younger than they should if it's treated.

But the thing is, as we ration health care and the Washington bureaucrat tells patients that they can't get the tests that they need, they can't get the life-saving coronary bypass surgery or stints and the procedures they need to help them not die from heart attacks or from strokes, the Washington bureaucrats are going to say particularly to the elderly that you can't get the dialysis that you desperately need because you're old and it's not cost effective, it's not comparatively effective, and thus, you just must die and not get the treatment that you desperately need.

So people are not only going to be put out of work but people are going to be in poor health. We're going to degrade the quality of health care delivered by doctors and hospitals across

this Nation because a Washington bureaucrat's going to say "no" to patients and say "no" to doctors.

This is going to be disastrous. We're creating a debt and a deficit that's unprecedented in the history of our Nation. We're going down a track right now, Mr. Speaker, that every great nation in history has gone down: Great Britain, Spain, even Rome. We're going down a track of spending money that we don't have, creating debt that we cannot pay. We're robbing our children and our grandchildren of their future. They will live at a lower standard than we live today because of this huge debt that we're creating, Mr. Speaker, this huge deficit that this administration is creating.

I hear from our friends on the Democratic side, even just this week I heard them blame President Bush for the debt and deficit. Well, I blame President Bush for being a big spender and he was. While I was here during the tail end of his Presidency, I fought all those big spending bills. I fought the Washington bailout of Wall Street.

But President Bush was just a piker compared to what this administration's doing. We're creating unprecedented debt and deficit that our grandchildren cannot pay. So their standard of living is going to be worse than it is today.

Mr. Speaker, there are going to be a lot of people put out of work. During the Great Depression all the spending that FDR did did put some people to work, but the unemployment rates bounced up and down and stayed very high.

Mr. Speaker, in my district in Georgia, many counties have over 13 percent unemployment today. I've talked to several managers of plants, manufacturing plants in my district, that tell me that if this tax-and-trade bill that the Senate has over here that this House passed, they are they're going to lock the doors. Those jobs are going to go overseas because they can't afford to pay the higher energy tax.

Most Americans are going to have a hard time, particularly the poor and the people on limited incomes are going to have a hard time paying the higher energy cost.

Mr. Speaker, Republicans have stood up over and over again and have talked about the proposals that we have made, proposals to stimulate the economy and create jobs; proposals to lower the cost of health care expenses to all Americans; proposals that would stimulate the economy; proposals that don't cost our grandchildren their future and, in fact, will not even cost the taxpayers today any increase in their taxes. But those proposals are not heard because the leadership of this House and the leadership of the Senate across the way won't let those proposals get to the floor to be discussed, and it's not right, Mr. Speaker.

Mr. Speaker, we're robbing America of its future. We're robbing Americans of their jobs today. We're going down a track that's going to put more and more people out of work. It's going to create more problems for people paying their utility bills, their gasoline, their home heating costs and things like that. Even with the mandates from our friends on the Democratic side that they are putting on health care, it's going to literally lower the income of people who are working, and it's not right and it's not fair.

Mr. Speaker, it's got to stop. The American people need to stand up and say "no" to ObamaCare, "no" to tax-and-spend policies that this administration, that this leadership in this House and the Senate are bringing forward because it's going to destroy America.

And I thank my friend from Utah, Mr. BISHOP. I see he has a poster here that we have a lot of these unemployed people in my district. Praise God that we don't have 14.7 million people in my district out of work; but more and more people are becoming unemployed, and they're going to continue to lose jobs in my district in Georgia, and I'm sure they are in yours in Utah if we don't stop this outrageous spending that the leadership of this Congress, of this administration, are doing. We've got to stop it, and it's up to the American people to demand from their Senators and their Congressmen and this administration saying "no" to this outrageous spending that's going on.

□ 2045

I thank the gentleman for yielding.

Mr. BISHOP of Utah. I appreciate Representative BROUN from Georgia for joining us. He provides a unique element to the Western Caucus of giving a Southern input, which we find so similar to the problems that we're facing, as well as a medical background. Part of the problems he's talking about is the reason that the policies we have been creating as a government is part of the problem why we have 14.7 million unemployed right now.

I'd like to go to the Eastern part of the country, if I could, and yield some time to Representative THOMPSON from the State of Pennsylvania, who also has a similar problem, similar situation, with a similar heavyhanded result of bureaucratic Washington decisions, and it has direct impact, so that these unemployed are not just faces, they're real people.

Then, we will be happy to be joined by Representative LUMMIS from Wyoming, who has the same things in her home State as well.

Representative THOMPSON.

Mr. THOMPSON of Pennsylvania. I thank my good friend from Utah (Mr. BISHOP) for coordinating this event tonight. I'm very proud to represent Pennsylvania's Fifth District and am

very proud to be a part of the Western Caucus. We have a lot of wonderful natural resources that, frankly, help to make, Mr. Speaker, make this country strong, and I believe as a part of our promising future if we use them and use them wisely.

Federal policies that lead to job losses is a very personal one for me and many of my constituents in Pennsylvania's Fifth Congressional District. My district is home to Pennsylvania's only national forest, the Allegheny, or the ANF as we often refer to it—513,000 acres.

The ANF is as special as the district that I represent and has a long history as an economic and a tourism center for the region. Nearby, in Titusville, Pennsylvania, Colonel Edwin Drake founded the world's very first commercial oil well in 1859. The energy industry has been the economic engine in that region in my district ever since. Now this includes the ANF.

For 86 years, the forest has successfully operated for multiuse purposes. These uses include recreation tourism as well as timber harvesting, oil, and natural gas production. Frankly, before this forest was formed 86 years ago, it was an oil and gas field.

Since oil and gas has been the economic engine in the region for over 60 years, when the ANF was created, the Federal Government only purchased the surface rights. This was done intentionally by the Federal Government in order to leave the mineral rights, meaning the rights to oil and gas and minerals, in private hands. And for some 85-plus years there's been a positive working relationship between the Federal Government, who owns the surface rights, and the private and oil gas developers, who own the mineral rights.

However, this longstanding and beneficial relationship recently has been ruptured. Last fall, the Forest Service was sued by three environmental groups: Sierra Club, the Allegheny Defense Project, and the Forest Service Employees for Environmental Ethics. The Sierra Club is based in the Speaker's home district in San Francisco, California. The Allegheny Defense Fund is based somewhere in Oregon. And the Forest Service Employees for Environmental Ethics—well, they won't identify themselves. We don't know.

These groups are attempting to apply the National Environmental Policy Act, or NEPA, to the permitting processes, which effectively will shut down energy production in the forests.

Let me be clear, oil and gas production is the major economic force in the region, and has been since that first oil well was drilled 150 years ago.

Penn State University performed a study and concluded that for every 100

direct oil and gas sector jobs in northwestern Pennsylvania, 23 industry support jobs are created, with an additional 40 ancillary jobs in the retail and residential sectors. Want a true economic stimulus that leads us to energy independence? Let's support that industry. Again, I can't emphasize enough how important these jobs are to our region and the local economy.

As a direct result of the lawsuit, the forest service indefinitely suspended the permitting process for all new oil and gas leases in January of this year. To make matters worse, the Forest Service released a settlement this past April that sides entirely with the environmental groups.

This settlement was reached behind closed doors and was reached with no industry input. There was no judge, no court that told them to do this. Applying NEPA was a decision made by the Forest Service and did not even take into account the people that it would hurt directly and the most. No court told them to do this, which means that it was a policy change that occurred within the National Forest Service.

Now, while these environmental groups would like everyone to think that oil and gas production in the ANF goes unregulated, it's rigorously regulated by the Pennsylvania Department of Environmental Protection. And they do a great job. They always have.

Today, I, along with Mr. BISHOP and 18 other members of the Congressional Western Caucus, sent a letter on this topic to Agriculture Secretary Tom Vilsack. The Secretary, unlike some Members of Congress and environmental groups, knows that the Forest Service is a part of the Agriculture Department, not the Interior Department.

The bottom line is that Congress and the President have this year alone spent about a trillion dollars in the name of job creation. Yet, some within the administration are also actively trying to make policy changes like this that kill good-paying jobs which have existed for 86 years.

Not too long ago, I was in Bradford, Pennsylvania, on a Sunday morning, and I picked out a small church to worship in. And at the end of the service I had a young mom come up to me. She had three little kids in tow. They weren't very big. The oldest maybe was four years old.

And she came up to me and she said, You're Mr. THOMPSON. She said, I want to thank you for what you're trying to do to stand up for the right things of making sure that we have the rights to access to subsurface rights. You see, her husband makes his living working on oil wells. At that point, he was struggling to find a job and struggling to be able to support his family because of a policy change by this administration which attacks the subsurface private property rights. And that's not right.

I've talked with businesses that have been in the business, have lived their entire life for generations in the Allegheny National Forest, that own subsurface rights and have every right for 86 years to access oil, natural gas, and minerals that they own. And, because of that arbitrary policy change by this administration, that's been shut down. And these folks who have been in business for just generations are no longer able to support themselves.

This type of attack, this type of policy by this administration on private property owners, it impacts timber workers, it impacts drillers, excavation companies, businesses, schools, townships, and families. Frankly, they're all suffering. And they're suffering because of the arbitrary and devastating policies of this administration on private-property-right owners.

I thank the gentleman from Utah and I yield back.

Mr. BISHOP of Utah. I thank the gentleman from Pennsylvania. This clearly shows we are desperate to create jobs and yet we have an Interior and an Agricultural Department whose decisions are killing jobs and the ripple effect those jobs have.

I'd like one other illustration of how this is happening. My good friend, Representative LUMMIS from Wyoming, one of my favorite elements about Wyoming is that fact I'm an old schoolteacher. And this chart clearly shows that the blue line is what Wyoming pays their schoolteachers. The red line is what Montana pays their schoolteachers. And the only difference between those two States is Wyoming clearly realizes what can happen and how much good you can do when you develop the resources that are there in that particular State.

I yield to the gentlelady from Wyoming.

Mrs. LUMMIS. I thank the gentleman from Utah for yielding. The chart he shows is exactly right. The fact that Wyoming chose to develop its mining resources and Montana chose a path that retarded the development of its mining resources is the difference in the teacher salaries, as pointed out in that chart.

We have been blessed in Wyoming by having low unemployment and it created an opportunity, until recently, for people from other States who have suffered job losses to find gainful employment and make a new life in Wyoming.

A number of families have relocated, especially from Michigan, to the State of Wyoming, and predominantly the community of Gillette. Gillette, Wyoming, has become Wyoming's third-largest city and is growing in a way that brings young families vibrancy, activity, and the arts and recreation to a wonderful Wyoming community in northeast Wyoming.

It's brought a lot of new people to Wyoming from Michigan looking for a

new life and looking for work. Many of them came from the automobile industry and manufacturing industries and mining industries, quite frankly, that were devastated due to the economic downturn. But they were able to find jobs in Wyoming, and we're so happy to have them.

Then, along comes Waxman-Markey, a bill that creates a national energy tax and a bill that creates a tremendous threat, especially to coal mining jobs.

Jobs in the Wyoming mining industry are high paying. Eighty-six percent higher than the average wage in the State. The average annual wage in the mining industry in Wyoming was \$73,000 in 2007. It is an extraordinarily liveable wage in Wyoming.

But, if you look at the total coal mining jobs in the U.S. and the changes in policy under Waxman-Markey and other bills going through this Congress, the outlook for those Michigan residents who have proudly relocated to Wyoming is not very prosperous.

Job losses related to Waxman-Markey, optimistic projections, total U.S. job loss in 5 years: 14,000 jobs lost in coal mining alone. A pessimistic number for job losses 5 years from now in coal mining alone: 35,000 jobs.

Let's project it out because, as you know, Waxman-Markey doesn't take effect completely until the year 2050, but let's just go out 10 years and 15 years.

The projected loss in jobs in 10 years due to Waxman-Markey, under the most optimistic scenario that can be put together: 20,000 jobs lost in coal mining alone. And the pessimistic number: 67,000 jobs. That's the entire population of my community of Cheyenne, and then some.

Of course, 20 years out the optimistic job loss in coal alone: 50,000 people. And the pessimistic number: 125,000 people in coal alone. These are not jobs that can be replaced by green jobs. These green jobs are not projected to pay 86 percent higher than the average wage in my State.

Not only is the Waxman-Markey cap-and-trade bill, the national energy tax, an attack on coal-producing States around the Nation, but other bills going through this Congress are having the same consequence.

Let's take, for example, the Interior Appropriations bill that just passed the House. It had a provision in it that when a company acquires a Federal lease to mine more coal, they will pay a bid bonus payment. That occurs now. The problem is, these bid bonus payments are such a large amount of money that they have been spread out over 5 years so the companies can borrow less money or use production that they're currently accomplishing to pay in 5-year increments for those big coal bid bonus payments.

Under the Interior Appropriations bill that just passed this House, they will have to pay that all up front. These are staggeringly large numbers, in the tens of millions and sometimes hundreds of millions of dollars.

□ 2100

Companies in this financial crisis cannot borrow those kinds of moneys. Consequently, there will be companies that will not bid, thereby reducing the receipts to the American taxpayer when there's not competitive bidding for the coal or there may be no bids at all because no company can borrow enough money to pay the entire 5-year payment up front.

One little amendment in an enormous bill that has tremendous consequences to coal mining jobs went through without discussion, and there are many such amendments in these bills every day that are an attack on jobs in this country, an attack on jobs in my State. The attack on jobs in the Appalachian States is unbelievable under the cap-and-trade bill. If I were in an Appalachian State, I would be even more concerned than I am for my State of Wyoming, and as the number one coal-producing State in the country, I am tremendously concerned about the loss of jobs.

These policies are not good for America. They're not good for my State. They're not good for the West, and they're certainly not good for the hard-working people of America.

I thank Mr. BISHOP of Utah for allowing me the time to speak this evening.

Mr. BISHOP of Utah. I thank the gentlewoman from Wyoming who has so clearly pointed out how small decisions that we make here still have enormous impacts. We have seen what this administration has done in an effort, for whatever reason, to harm the creation of jobs when it deals with land policy.

This week the Secretary of the Interior decided to have a time-out on new leases of uranium mining, which will lose at least 1,100 jobs. He earlier decided to put a halt on the development of oil shale projects. That could be up to 1 million jobs. It is estimated at 160,000 jobs that will be lost from the delay on Outer Continental Shelf development. An effort to stop the timber harvest in western Oregon immediately costs another 5,000 jobs.

Mr. Speaker, as we look at what we're doing here, it is very clear that small business and families are struggling today. Republicans have put forth thoughtful, serious alternatives which have been ignored and not even discussed. It's also clear that the President's economic decisions have not produced jobs, not produced prosperity, and simply have not worked. It doesn't mean that we're out of options. We can still have a real recovery.

If we emphasize and create an environment that empowers small business

and empowers Americans and we focus on job creation, we stop the attack on the West and other areas of public lands and the people who live there and allow them to develop the resources that we have been given to create real jobs in this country, we can do that. That is still an option that we have. But we have to do it, and we have to do it together.

There are a lot of other examples that I would like to go into, Mr. Speaker, but time does not allow that—maybe at some other time—where decisions by this administration have actually harmed families and their creation of jobs. Once again, we have to change directions. That has to stop.

Mr. Speaker, I yield back the balance of my time.

COMMUNICATION FROM OFFICE OF ATTENDING PHYSICIAN

The SPEAKER pro tempore laid before the House the following communication from Justin Cox, Physician, Office of Attending Physician:

OFFICE OF ATTENDING PHYSICIAN,
U.S. CAPITOL,
Washington, DC, July 21, 2009.

HON. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for trial testimony issued by the U.S. District Court for the Eastern District of Virginia in connection with a criminal case now pending in that court.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JUSTIN COX,
Physician.

ENERGY INDEPENDENCE IS A MATTER OF NATIONAL SECURITY

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. MCMAHON) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCMAHON. Mr. Speaker, it's my privilege and honor to stand here in the House of Representatives, representing the people of the great boroughs of Staten Island and Brooklyn in New York for the Freshmen Energy Hour. I am privileged to be joined by my colleague, as I come from Hudson Valley in New York, my colleague from the Ohio Valley, the great JOHN BOCCIERI, the gentleman from Ohio, who will join me in this Freshman Energy Hour.

Mr. Speaker, we're here today to talk about the American Clean Energy and Security Act, which was passed recently by the House, and to speak to its merits in order to urge the Senate

to pass it as well. I sat here and listened to our great colleagues from across the aisle for some time this evening speaking on this issue. They conclude that they hope that the Senate looks upon this bill unfavorably as they criticize the initiatives of this bill.

I know that my colleague will mention it, but I would just like to remind them what their former candidate for President in last year's election, Senator JOHN MCCAIN, said about the cap-and-trade legislation as recently as February 17, 2009. He said: It's cap-and-trade, that there will be incentives for people to reduce greenhouse gas emissions. It's a free-market approach. The Europeans are using it now. We did it in the case of addressing acid rain—look, if we do that, we stimulate green technologies. I have great faith in the American industry. This will be a profit-making business, create jobs. It won't cost the American taxpayer a thing.

So I am pleased that those who spoke before me from across the aisle in opposition to this bill referenced the opinion of the United States Senate. And I am glad that Senator MCCAIN was honest and forthright enough to admit that this legislation does, indeed, create jobs, provides for the security of our Nation, and takes care of the environment as well, and, indeed, it is important for us for our future.

As we know, the recently passed Energy and Security legislation comes at a time when inaction will have undue consequences. This comprehensive energy and clean environment bill is a necessary vehicle to ensure our future economic and environmental viability in the 21st century green economy.

I would like to start out by commending the leadership of the House who brought forward this bill and saw that it was passed. The regional differences arising from energy-based issues are often quite lofty, but the leadership did an outstanding job of moving through the legislative process with consideration for different Members' interests.

Since the bill's passage before the Independence Day recess, many Members, myself included, have experienced varying degrees of concern from our constituents, particularly regarding the cost and impact of the bill to their wallets, and quite a lot of this concern has been raised because of misrepresentations from our gentle colleagues from the other side of the aisle as to the aspects of this bill. Together with Mr. BOCCIERI, I would like to address some of these concerns and the pervasive misinformation that has been put out there today and explain how this information will be a cost-saver for consumers and homeowners, will cut down on pollution, and will increase our national security.

At a time when we are importing increasing amounts of energy from hostile regions of the world, we cannot afford to go down the path of energy insecurity. This legislation will redirect us on a path towards energy independence.

Mr. Speaker, you know, I sat here and listened to our colleagues from across the aisle this evening and all day long, hundreds of minutes, I understand, that they spoke about this issue and the creation of jobs in this country. What I found very disconcerting as a New Yorker is that they've totally forgotten the issue of national security and how important energy independence is to this Nation. It's so important to me, Mr. Speaker, because I come from Staten Island and Brooklyn, New York, where, on 9/11, over 10 percent of the people who were killed in the attack on the World Trade Center came from our boroughs, although we have less than 5 percent of the population in that area.

I remember that day as clear as any other in my life—in fact, more profoundly. It was a bright, sunny day. And I remember it because I was involved in my first election campaign that day. It was a primary for the New York City Council. We were in church at about 9 a.m., as we do on every Election Day after opening the polls and campaigning a bit. The police officer who I was with received an emergency call and took us out and said that something terrible had happened and we have to go down to the harbor.

When we got down there, we saw the World Trade Center aflame, and the second plane had just struck. We went back to our office to close down the election, and as we were there, we saw the horrors of what transpired on television as the buildings collapsed. I will never forget it. I will never forget being on the pile the days after and the bucket brigade. I will never forget seeing President Bush say to our Nation and to those who lost their loved ones that we will never forget.

After we closed down the election, we weren't sure what to do that day, so we went to the local hospital and set up a blood bank to await the injured people to come back from the site. But as hour and hour went on, we realized that no one was coming back and the enormity of the tragedy. I mention this because I think it's so important that our Nation does not forget the costs of dependence upon nations around this world for oil who want to see our great American democracy torn down. Our way of life is an affront to them, and they will do anything to tear down America.

So when you have this discussion about energy and whatever they want to call it, let us never forget that this is about energy security first and foremost. America cannot go on the way it has, relying on foreign oil from coun-

tries who want to tear our country down. Even though we made a pledge at that time to end dependence on foreign oil, the chart that I have here will show that just in the last year, in 2008, the amount of oil that we imported from foreign countries was 66.4 percent of our usage. The dollars we spent overseas, \$475 billion. How many of those dollars go to al Qaeda? How many of those dollars go to terrorists who want to bring destruction and terror to our country and to our allies' countries around this world?

How dare anyone stand on the floor of this House of Representatives, this noble and esteemed body, and not talk about this anytime they talk about energy, anytime they talk about this bill. I consider it an affront when people misrepresent the facts of this bill for their own political reasons and not to bring the true facts to the American people.

Look again at the ways, since the time that the attack occurred, the way that our dependence on foreign oil, our imports have gone up so dramatically. We have, indeed, forgotten. We have forgotten those who we lost that day. We've forgotten our pledge to have security, to have energy independence, and it is something that this bill will seek to do.

At this time, I would like to ask my colleague, Mr. BOCCIERI, to share with us some of his thoughts from the perspective of the people of the great State of Ohio.

Mr. BOCCIERI. Well, I thank the gentleman from New York and his insight and accuracy with respect to this issue and the importance that it has for our Nation. Now, I must give you this prelude.

I approach this legislation from a very deep perspective that I've had throughout my life. For the last 15 years, I have served in the United States Air Force as a C-130 pilot, and I have to tell you that there is no matter before this Congress more important than the steps we are taking to create a situation by which our Nation can become energy independent.

I must tell you that I hail from the Midwest, and I know my friend hails from New York, but I have to tell you that this bill and this legislation coming before the Congress is about Midwest innovation and breaking our reliance on Mideast oil. The pillars of this legislation are creating jobs, thousands of jobs in our country and hundreds of thousands of jobs alone in my district in Ohio, the 16th Congressional District.

The pillar of this legislation is about national security, about moving away from our dependence on foreign oil. Those two noble causes right now are a track worth defending right now. I stand here with my colleagues today to tell you that we must do something. We will be judged by two measures, Mr.

Speaker, two measures: by action or inaction.

I remember in the 1970s when I stood with my father in line to wait so that we could fill up for a tank of gas. Back then, back then we had a Democrat-controlled Congress. We had a Democrat President, but we didn't have the political will to make this happen. This Congress and this President are saying, No more. No more to outsourcing our dependence to foreign petro-dictators, if you will, that don't have the interests of the United States at stake.

My colleague talked about some of those, and let me just put this down to you right now. In 2003, a U.S. Department of Defense study concluded that the risk of abrupt climate change should be elevated beyond a scientific debate to a U.S. national security concern. We talked about how much oil we've used from overseas. We imported over 66 percent just last year, accounting for nearly 16 percent of all import spending.

My friends, we must do something. Now, this is not just JOHN BOCCIERI saying this on the floor of the House of Representatives. This is not my friend MIKE MCMAHON from New York saying this or my friend FRANK KRATOVIL from Maryland suggesting this. Every Presidential candidate running for the highest office in our country last year said that this is a matter of national security.

You heard the words of my friend from New York when he talked about Senator JOHN MCCAIN, who I have great respect for, a man who I flew out of Baghdad while he was visiting our troops, a man who put his life on the line for the country. I want the American people and our colleagues here tonight to listen to this. It's about cap-and-trade.

There will be incentives for people to reduce greenhouse gas emissions. It's a free-market approach. Let me repeat that. It is a free-market approach. The Europeans are doing it. We did it in the case of addressing acid rain. We're doing a cap-and-trade program right now in the United States here that's been in existence for 19 years. Look, if we do that, we will stimulate green technologies. This will be a profit-making business. It won't cost the American taxpayer. Let me repeat that again. JOHN MCCAIN said that it's a free-market approach and it won't cost the American taxpayer.

JOE LIEBERMAN and I introduced a cap-and-trade proposal 7 years ago which would reduce greenhouse gases with a gradual reduction. We did the same thing with acid rain. This works. It works. My friends, this is about our national security. JOHN MCCAIN and every other Presidential candidate running for office last year said that it's a matter of national security.

□ 2115

The Department of Defense is saying it's a matter of national security. But

all of a sudden, our friends here that we have this debate with are running away from national security. For what, I have no idea.

But I'll tell you this much. This is our opportunity to put America on a track where we can create jobs in the heartland and in the cities of great New York and in the suburbs of Maryland. We can create jobs and we can protect our national security.

After having fought—one last point, Mr. MCMAHON. After having served overseas flying wounded and fallen soldiers out of Baghdad, it is very clear that our presence in the Middle East is about that 66 percent that Congressman MCMAHON talked about, because 40 percent of that 66 percent that has come from overseas comes from the Middle East. And this is the time that we have to act.

Mr. MCMAHON. Thank you, Congressman BOCCIERI for that passionate insight on this issue. And as you point out, I talked about the horrors of our energy dependence on the Middle Eastern countries here on foreign soil, on our domestic soil and through terrorism.

But certainly, we thank you for your service to our country. And also it's quite clear that the men and women who are wearing our uniforms right now fighting in Iraq and Afghanistan are doing so, so much so because we can't get off our addiction to that foreign oil, particularly from the Middle East, and that's what this bill is about.

We'd like to hear from our equally great colleague from the great State of Maryland, FRANK KRATOVIL.

Mr. KRATOVIL. Let me thank the gentleman from New York for, first of all, leading us in this discussion this evening on such an important topic and, of course, my friend and colleague from Ohio, Mr. BOCCIERI, for passion.

I want to follow up on just a couple of things that you had mentioned, Mr. BOCCIERI, talking about this issue from a historical perspective. You know, so many times in this country we talk about for years and years the things we need to do, and yet when push comes to shove, we don't always have the political courage to do what needs to be done. You were speaking about discussions you had with your father.

You know, every U.S. President since Richard Nixon has advocated the need for energy independence. In 1974, Nixon promised it could be achieved within 6 years. Gerald Ford promised it could be done in 10 years. And Jimmy Carter pledged to wage the moral equivalent of war to achieve it. And yet, here we are, in 2009, and for the first time really we have made steps, really aggressive proactive steps in reducing our dependence on foreign oil.

I want to read you something that President Nixon said at the State of the Union address in 1973. Looking at the year 1974, which lies before us,

there are 10 key areas in which landmark accomplishments are possible this year in America. If we make these our national agenda, this is what we will achieve in 1974. We will break the back of the energy crisis. We will lay the foundation for our future capacity to meet America's energy needs from America's own resources. That was Nixon in 1973.

Gerald Ford, in 1975, said, I am proposing a program which will begin to restore our country's surplus capacity in total energy. In this way we will be able to assure ourselves reliable and adequate energy and help foster a new world energy stability for other major consuming nations. We must develop our energy technology and resources so that the United States has the ability to supply a significant share of the energy needs of the Free World by the end of this century. President Ford, in 1975.

So, looking at it from a historical perspective, we have talked about this for years and years because Presidents in the past have recognized, and Congresses in the past have recognized, that it is essential for our own national security that we reduce our dependence on foreign oil.

In 1970, our oil imports have grown from nearly 24 percent in 1970, to nearly 70 percent of our total consumption now. Last year alone, the United States spent \$475 billion on foreign oil.

Needless to say, as Mr. BOCCIERI mentioned, and as you mentioned, much of this funding benefits nations that support terrorism or, at the very least, anti-American political extremism. How long should we continue to provide dollars to nations that seek to destroy us?

And so, although this bill focused also on the issue of climate change, for me, and I'm sure for many other Members, this issue had more to do with, from my standpoint, an issue of national security, reducing our dependence on foreign oil and doing what we should have been doing back in the 1970s and moving our country forward.

Now, let me say something about our colleagues on the other side of the aisle. Objections have been raised with a number of bills that have come before this Congress, and arguments that we are moving too quickly. Some of those arguments I've agreed with. But the key in moving this Nation forward is not simply to have people that stand in the way of making progress. Regardless of arguments that they make, if we were to give as much time as our opponents on the other side of the aisle would allow, many of them would still object to moving this country forward.

So we need to find a reasonable balance between some of the objections that are made in terms of process and yet, at the same time, make sure that we are not simply standing in the way of progress simply as a result of being

in opposition for whatever we do to move this country forward.

And with that, I'll yield back to the gentleman from New York.

Mr. MCMAHON. Thank you, Congressman KRATOVIL. And those are points extremely well taken. And you can only wonder whether President Nixon and President Ford would be very disappointed, having understood how important this issue is to our national security to have the other side of the aisle, as you say, really giving out such misinformation about the effects and particulars of this bill to really scare the American Nation. And I can tolerate that when it's issues of a more domestic nature and whether, you know, we should, when it comes to different types of issues that we vote on on resolutions before the House or domestic issues.

But when you talk about national security, it really borders on unpatriotic, in my mind, to use misinformation to scare the American people at a time when we can really get ourselves off foreign oil.

You know, how many times have we heard about the study from the MIT economist that, according to the other side of the aisle, will cost every American family \$3,100 under this bill? That very economist has come out in public and said that it is untrue, that they are misrepresenting the conclusions of his report.

And everyone from the CBO to everyone else down has pointed out that when you take in all the different ramifications of the bill in consideration, that at worst, in the year 2017, I believe it is, that the average American family, at most, would see an increase of \$175 a year. Now that's in 8 years. So between now and 8 years from now there is no increase, and there are natural increases anyway. And in fact, in some parts of the country, like the Northeast, which I represent, there will actually be a decrease in cost because of the way that we generate our energy now and the way it's transmitted.

In fact, the National Resources Defense Counsel says that in the Northeast they will see a decrease of \$5 per month on your electricity bill. That's why three Republicans in New Jersey voted for this bill. That's why a Republican in New York voted for this bill. They didn't listen to the misinformation. They understood it was about national security, and it delivers electricity to homeowners at a cheaper cost.

Yet, I believe to engage in misinformation on this very vital issue of national security is wrong.

Congressman BOCCIERI, I'd like to yield to you, sir.

Mr. BOCCIERI. I thank the gentlemen from New York and Maryland for their insight. And we talked about what our friends on the other side are

suggesting about the cost. But let me ask you this profound question: What is the cost of doing nothing? What is the cost of doing nothing? 500 billion, \$1 trillion overseas?

This is a matter of our national security. And I must tell you that if 27 percent of all America's cars were hybrid electric gasoline vehicles, much like Ford has produced with its Escape, and much like we have with some of the other models coming before the market, if just 20 percent of all American cars were hybrid gasoline electric models, the United States could stop importing oil from the Persian Gulf. Just 20 percent of the vehicles on our roads, we would end our dependence on oil from the Persian Gulf.

This is the pillar of our legislation, national security, creating jobs and moving away from our dependence on foreign oil. That's what an energy policy in the United States should encompass. That's what it should evolve into, and that's what this legislation is about.

If you will just indulge me, I want to read some quotes here from some of our colleagues who were running for President on the other side of the aisle. Rudolph Giuliani said we need to use and expand the use of hybrid vehicles. Remember, just 27 percent of all vehicles on the roads of the United States would end our dependence on oil from the Persian Gulf. Clean coal, carbon sequestration, which is very important to a State like Ohio, where we have a great abundance of coal and carbon capture. We can use that in Ohio. \$180 billion in this bill for carbon capture and sequestration and studying that.

The United States Air Force is testing synthetic fuels right now, blended fuels at Wright Patterson Air Force Base because they know, back in the 1940s, when the United States bombed the Ploesti Romanian oil fields and cut off the Germans' supply of oil, the Germans quickly transitioned to synthetic fuel, a derivative of coal. We're reaching that in Ohio, and the United States military is doing the same.

We have more coal reserves in the United States than oil reserves in Saudi Arabia. This should be a major national project. This is a matter of our national security.

Let me reference our friend, Mitt Romney, a good American, suggested that there are multiple reasons for us to say we want to be less dependent on foreign energy and to develop our own sources. That's the real key, of course, additional sources of energy here, as well as more efficient use of energy. That will allow the world to have less oil being drawn down from the various sources it comes from, without dropping prices to too high of a level. It will keep people, some of whom are unsavory characters, from having an influence on our foreign policy.

Let me add Mr. Huckabee. Mr. Huckabee, a good American, plays the

guitar very well by the way, I should add. Mr. Huckabee said, So it's critical that our own interests, economically and from a point of national security, we commit to becoming energy independent and that we commit to doing it within a decade. We sent Americans to the Moon in a decade. We can become energy independent in a decade. We have to take responsibility for our own house before we can expect others to do the same for theirs. It goes back to my basic concept of leadership. Leaders don't ask others to do what they are unwilling to do themselves.

Very, very profound statement right there. And we know it's often been said that fear is not a tool of leadership; it's a tool of the status quo.

One last one. Our good friend, Mr. PAUL. We serve with him here; I just spoke with him the other day on the floor. Mr. PAUL said, True conservatives and libertarians have no right to pollute their neighbors' property. You have no right to pollute your neighbors' air, water or anything. And this would all contribute to the protection of all air and water.

One last point, Mr. MCMAHON. The Truman Project suggested that economic disruptions associated with global climate change are projected by the CIA and other intelligence experts to place increased pressure on weaker nations that may be unable to provide basic needs and maintain order for their own citizens. This is a matter of national security.

I yield back.

Mr. MCMAHON. You're so right, Congressman BOCCIERI, and you put that so eloquently. And you have to wonder why it is that the national leaders of the Republican Party get it, yet it seems to be that the Members of the House of Representatives from the Republican Party don't get it at all.

Before I yield to our great colleague, also from the great State of New York, Mr. PAUL TONKO, I just want to make two points because on the issue of national security, I was shopping in my local supermarket over the weekend, and I spoke to a gentleman who had heard some of the myths about the bill and we spoke about national security. He said to me, well, if we just drilled all our oil in this country, we wouldn't have this problem. Well, we know that physically that couldn't happen immediately. But even if it were to happen, the truth of the matter is, a generation from now those resources would be depleted as well and we'd be in the same place that we are now.

The point of the matter is that we cannot go on the way that we have. And, certainly, I know that there are some who will say, well, global warming, that's a myth. Okay. Take that, if you want to make that argument, go ahead. But pollution and the effects of pollution are not a myth.

In my district we have the highest rate of lung cancer in America. And

why? Because we're downwind from the factories in New Jersey and Ohio and across this country. And it blows across and into the people of Staten Island and Brooklyn, and we breathe, and also from the cars and the smog, that terrible air. And it's time, across this country and all those places and those great States that I mentioned, and in my area as well, to have clean air.

□ 2130

There was a very disturbing report on TV this morning. You know, children who are conceived and who are born in areas that have high levels of pollution, that have high levels of polycyclic aromatic hydrocarbons, or PAHs, if they're in the womb when they're exposed to that, their IQ rates are four or five points less than those of children who are conceived and who are born in areas that do not have that pollution. So you could argue about global warming until the cows come home. We know that it's real, but even if you think it isn't, pollution is not a fiction.

As JOHN MCCAIN mentioned, and as we know in New York—and my great colleague is about to speak from Upstate New York—acid rain was a problem, Congressman TONKO. Certainly, in the lakes in Upstate New York, in the Adirondacks and in the Catskill Mountains, they were dead. The lakes were dead, and that was caused by pollution from sulfur dioxide. We now know, because of cap-and-trade, a program which was implemented in 1990 at a third of the projected cost at that time and in half the time projected to clean up, it is very successful, and those lakes again are alive.

Referring to Upstate New York, it's a privilege and an honor to welcome our colleague from the great State of New York, one who is a real leader on the issue of energy and on a clean environment, PAUL TONKO.

Mr. TONKO. Thank you, Representative MCMAHON. It's a pleasure to join with you and with our colleagues from Ohio and Maryland in dealing with the facts of the matter and not with the fiction.

I know that you had earlier gone through the mathematics and the calculations of the impact, as reported by the opposition in the House, as to what this is costing us. To take claim of \$3,100 and basing it on a study done where the author has said you have misapplied that information from the MIT study and to grossly inflate it at \$3,100 when, more appropriately, it's between the range of \$65 and \$80, it has an impact on a family. Then the author further addresses it by saying that it needs to be additionally calibrated to go toward the final package that was passed by the House, which has an even lesser impact. Yet leave that aside, and talk about the cost of doing nothing.

Many people will lament, I'm certain, in each one of our districts, as we travel through our districts, about the job loss, about the exportation, and about the offshore/across the shore of American jobs. Well, no one is there to talk about that same impact of sending \$400 billion a year to regimes that are unfriendly, that are terrorist in nature, that are certainly not the most secure or stable governments in the world, and we're supplying \$400 billion a year. That is the cost today. That is a tax. Call it what you want. It is a tax on the American public. We can go forward and address, in a more secure and energy-independent manner, the sort of solutions that will then grow American jobs. American clean energy jobs are what this whole proposal is about. So it speaks to our sustainable quality that we can encourage that which allows us to grow energy security.

How so?

Well, the Union of Concerned Scientists has said that the renewable electricity standards in our package in the House version will produce well over 300,000 jobs. Then we also have the American Council for an Energy Efficient Economy that is talking about energy efficiency standards that are, again, part and parcel to this package that will grow over 225,000 jobs.

So there, just in a sampling of what can happen, you see how American jobs begin to grow and how they get cultivated from this very aspect of legislation. Those are real jobs. Those are factual bits of information that need to be exchanged and shared with the American public.

People know that our destiny here is controllable by our own actions. They know that. They want us to go forward. They want us to grow this green energy market. They want us to be able to respond in analytical terms where we embrace the intellectual capacity of this Nation and where we grow those technical jobs. There are incentives in this legislation. There are those underpinnings of support to, again, foster those kinds of jobs so that we can stretch this innovation economy and so that we can enhance the number of jobs that are science-and-tech related or are coming through ancillary forces out there that further extrapolate the good outcome and that grow the jobs that are so essential.

American jobs producing American power to then retrofit all of that activity into the American job market: manufacturing, making it more efficient.

We want to keep jobs here. Let's produce a package that retrofits American manufacturing centers to allow them to produce a product wisely, more effectively, efficiently, and then, yes, more competitively in the global market. It all begins with sound energy policy.

They don't want to face those facts. They just want to use applications of

fear and say it will cost every family \$3,100 when they have been defied in that statement by the very author of the study they cite. That is unacceptable, and the public deserves better than that. They deserve the facts that show how we can grow jobs, how we can create United States' jobs—American jobs—and how we can make us a global technology leader. We need to do it so that we can compete globally. If we're not creating these products, if we're not implementing those sorts of changes, we're falling drastically behind places like China, Germany and Japan, and we can continue to list those countries. It's imperative that we do this.

Mr. McMAHON. I think it's rather telling—and before I defer to my colleague from Maryland—that, today, the other side of the aisle did 130 one-minute speeches, asking the question: Where are the jobs?

Quite clearly, as you have stated and from these independent studies, from the balance of the studies, by 2020, there will be either 250,000 or 300,000 green jobs created in this country, as shown on this map of our country. It shows where the jobs will be created all across this great Nation. Each circle indicates from 4,000 to 85,000 to 250,000. All of these jobs across this country will be created. This is where the jobs are. It is in doing legislation that is insightful, that is thoughtful, that takes some courage to stand up and to deal with difficult issues, and that doesn't run away from the fact that this is, indeed, an issue, not only of domestic financial security but of, first and foremost, national security.

Congressman KRATOVIL from Maryland, I yield to you, sir.

Mr. KRATOVIL. Thank you for yielding.

Mr. TONKO, thank you for your comments.

I want to follow up on something you said. You were talking about misstatements that were made in terms of the costs. I want to go back to that in a minute.

You know, one of the misconceptions that you hear when you're back in your districts and elsewhere across the country and that was played up nationally is that, you know, the status quo is acceptable, that Congress doesn't need to take any action, that we're good where we are, and that, at this time, we don't need to do anything. Of course, that is not accurate.

As you folks know, the Supreme Court ruled in 2007 that the Environmental Protection Agency has the authority to regulate greenhouse gas emissions under the Clean Air Act, meaning that the EPA today, without congressional action, could take action on their own to reduce greenhouse gases without any of the protections that were provided under the bill that we passed here in the House. So the ar-

gument that Congress could sit back and do nothing is clearly inaccurate simply based on the Supreme Court case in 2007 that demonstrated otherwise. So that ship, in a sense, has sailed.

Congress had an obligation to do it, not simply because of the Supreme Court case, but as we're talking about here, obviously we needed to do it in terms of national security and in terms of reducing our dependence on foreign oil, Mr. McMAHON, as you pointed out so clearly and also you, Mr. TONKO, in terms of moving us forward in these new green energy jobs that we need.

In terms of the cost issue that you raised, that is the best example of how in a national debate statements are made that are so clearly factually inaccurate. As you folks know, I spent 14 years as a prosecutor, and my life and profession were governed by facts. When you see a misstatement like that in terms of facts, it's somewhat overwhelming, particularly, as you said, in the study that was cited by our colleagues on the other side of the aisle. The author of that study that was cited came out publicly and said that he was being cited inaccurately and that that was not what he said.

The interesting thing is, in looking at it in terms of energy efficiency, not only, arguably, will it not cost our constituents more, but arguably, it will cost them less because of the energy-efficiency savings that will result from that bill. In Maryland, as an example, the study that you cited, Mr. McMAHON, indicates that Marylanders could arguably save \$8 per month as opposed to the arguments that they're going to pay \$3,900 more. So the facts that have been given are oftentimes inaccurate.

As you go around and as you're having this discussion with people on whether we should have the policies that were included in that bill, it's interesting from a Maryland perspective, because I heard quite frequently people saying, You know, Mr. KRATOVIL, we don't want cap-and-trade. Well, in Maryland, we've had cap-and-trade since 2007. Maryland has participated in a regional greenhouse gas initiative since 2007, so we already had that.

Again, the interesting thing is, in terms of the Federal standards that were set in terms of reducing greenhouse gas emissions by 17 percent, in Maryland, it's 25 percent. So, in many ways, in Maryland, the argument wasn't so much whether or not we should have these policies; the question was whether or not we should have these policies nationally so that we're all playing by the same rules.

So many of the facts that have been given are inaccurate. As I said, it is incredible when you think about the fact that, for the last 40 years, there has been a recognition among Presidents that, in terms of national security, we must reduce our dependence on foreign oil.

Ronald Reagan: The best answer, while conservation is worthy in itself, is to try to make us independent of outside sources to the greatest extent possible for our energy. 1981, Ronald Reagan.

President George H.W. Bush, October 25, 1991: When our administration developed our national energy strategy, three principles guided our policy—reducing our dependence on foreign oil, protecting our environment and promoting economic growth.

Arguably, this bill does all three.

Yet, despite that recognition dating back to Nixon, despite the fact, as Mr. BOCCIERI has correctly pointed out, that every major Republican Presidential candidate acknowledged the need for reducing our dependence on foreign oil and despite the fact, as was mentioned, that Senator MCCAIN specifically promoted cap-and-trade, when we take the vote in the House, we only have a few brave Republicans who are willing to cross party lines.

Now, why is that?

In my view, despite arguments that are made in terms of process, despite arguments that are made somewhat substantively related to the bills, the bottom line is, ultimately, the votes that are being taken on major issues facing this country are still predominantly based on politics and are not based on what is in the best interest of this country.

As we talked about after this vote, were we to have the vote tomorrow, I would make it again. It was a vote that was very important to this country. It is a vote that will move this country forward, and we need to do what we're doing tonight to convince the people of this country that we were right, as I think we were.

With that, I will yield back.

Mr. MCMAHON. Thank you, Mr. KRATOVIL. You did that very eloquently, and I think it certainly moved some of the people who are watching.

You know, before I yield to our great friend from Ohio (Mr. BOCCIERI), you had pointed out about how facts are so important for a prosecutor and about the author of that study and that the facts were being misused. Publicly, the author said, No, you're misusing my study. These are the real facts. I could see people would misuse it until he made that statement. Maybe they misunderstood it. Yet, when he clarified it and said that they were misstating it, can you imagine that I heard it cited on the floor of this House this evening just prior to our hour here? I find that incredible, and it's certainly something that speaks to the fact that, for some, unfortunately, it's more about politics here than it is doing what is right for the American people.

I yield to our colleague from the great State of Ohio, JOHN BOCCIERI.

Mr. BOCCIERI. Thank you, Congressman MCMAHON.

So let me get this straight: The pillars of this legislation are about creating jobs right here in America that can't be outsourced. When you build a brand new nuclear reactor, when you build an electric hybrid car, when you build an electric grid, those are jobs and those are materials that cannot be outsourced. So it's about creating jobs. Another pillar of this legislation is about national security and about moving away from our dependence on foreign oil. Who wouldn't be for that? Let's go over this again.

In 2003, a Department of Defense study suggested that the risk of abrupt climate change should be elevated beyond a scientific debate to a U.S. national security concern. The CIA and other intelligence experts said that the economic disruptions associated with climate change are projected to put pressure on weak nations that may be unable to provide the basic needs and maintain order for their civilians.

□ 2145

If we just invested in electric hybrid cars and 27 percent of our vehicles here in the United States were gasoline-electric hybrid models, the United States could stop importing oil from the Persian Gulf. 66.4 percent of our oil came from overseas last year, over 40 percent came from the Persian Gulf. We're fighting two wars there. Our Nation's military is there. It's time to bring our troops home safely, honorably and soon, end this addiction that we have to Middle Eastern oil.

Teddy Roosevelt, a great Republican, said this: In a moment of decision, the worst thing that you could do is nothing. What about drilling? In the Senate version, we're going to expand drilling here in the United States. Expand it in the Gulf of Mexico. We know that we can't sustain that, though, with 22 million barrels of oil consumed here in the United States every day and only 3 percent of the world's reserves here in the United States. After we consume 25 percent of the world's oil, we can't sustain it. Do the math.

What about jobs? Manufacturing, in 1950, accounted for over half of every job in America. We're at 10 percent now. Let's produce jobs here. Let's make solar panels so that they can recharge our batteries. Let's do things like fuel cell research like we're doing in the 16th Congressional District. Let's do electric hybrid vehicles, plug-in hybrids like we're doing in the 16th Congressional District. Let's research clean coal, and coal is an abundant and cheap source of energy. We're going to use it, we're going to make it cleaner, and we're going to make certain that it is a long and sustaining source of energy for us for years to come.

Let's talk about the 8,000 manufactured parts that go into a wind turbine. Can you imagine the Timken roller bearings being made in my district

making the roller bearings for these big wind turbines? Can you imagine SARE Plastics in my hometown making the molding and the plastic molding that would go in to making the fiberglass infrastructure. These are jobs that cannot be outsourced because we're going to use them. We're going to consume right here, consume that energy right here in the United States.

This is one of the most important issues that we have to tackle. This is about the longevity of our country, quite frankly, my friends. This is about what my four children will have to look forward to, a Nation where we've become, like Mike Huckabee said, a Nation that can't feed itself, that can't fuel itself, or produce the weapons to fight for itself will be a Nation forever enslaved. Are we going to be economic slaves to a condition that we can correct? I think not. We have the courage. We can make that happen if we can find 60 patriots in the United States Senate to make sure the United States is ending our addiction to foreign oil.

Mr. MCMAHON. Thank you, JOHN.

I now yield to the great gentleman from the great State of New York, Mr. TONKO.

Mr. TONKO. It is a pleasure to join with all of my colleagues in this colloquy.

Just yesterday and today in this Nation's Capital, a number of people got to meet the Apollo crew. They got to shake hands with astronauts that made history. They set foot on the Moon. We won a space race that took and demanded a huge investment by this Nation in science, technology, in growing our intellectual capacity, in creating a vision, in stating in bold measure how we were going to reach that goal.

We're at that same moment of challenge. Just think of it. If we had allowed defectors that perhaps divided us or shared misinformation or preached politics of fear, we perhaps wouldn't have won that race. And that was so critically valuable and important to the American Nation, to Americans at large.

That same sort of challenge, that sort of boldness of leadership, the demands for truthful exchange are upon us today, and to grow these opportunities, we'll deal with the facts. And I'm impressed by this House for the leadership and the membership that has really embraced that sort of factual information and advanced an agenda like the legislation that we're proposing and promoting here this evening.

You know, when we look at situations, as Representative BOCCIERI made comment, we can grow jobs but we can also grow intellect. We need to grow the brain trust of this Nation. This measure invests in that development of the human infrastructure. And certainly when Representative KRATOVIL talked about previous administrations

through the decades talking about reducing our demands on foreign importation of oil, 60 percent of what we consume today imported from some of the most troubled spots in the world with unstable governments, it's more than that. We have a gluttonous dependency.

Efficiency can reduce the demand side, and for far too long we did not have a comprehensive energy policy in this Nation. We addressed only the supply side and ignored the demand side. Well, now we're talking about both sides of that equation: producing our own supplies and reducing per capita usage of that precious resource. That's what this is about.

Now we talk about innovation. We talk about growing those jobs. All of us have cited moments in history that have inspired us. I represent the city of Schenectady in upstate New York, dubbed the city that lights and hauls the world. Just over a century ago, they were the epicenter of invention and innovation. They allowed the world to be changed by the simple dynamics of creative genius in that location and an outstanding workforce. Blue collar, white collar workers that rolled up their sleeves and got the job done.

Over a century later, we're at that same point where we need an energy revolution. This Nation is poised for that sort of development. Are we going to walk away? I don't think so. I think it's that boldness of leadership that will bring us to the point that we need to be.

And speaking of GE, as a center in that city of Schenectady, they are already inspired by this legislation because we have advanced within the framework and the multiple needs that are addressed by this legislation, battery innovation, advanced battery manufacturing, batteries that can respond to energy generation, batteries that can respond to storage of intermittent power like wind and solar, and batteries that can address transportation sectors, both heavy fleets and lighter fleets. They have a battery application that they believe can respond to those multiple needs.

And they have proposed, at a press conference, to be the site in my district to do advanced battery manufacturing. They are competing for the dollars that are part of this package if it is successful and certainly working on the input that came from the stimulus package, from the Recovery Act.

Working with those applications, they want to go forward and make certain that we can build in this State of mine, in New York State, and your State, MICHAEL, in a way that will have 350 to 400 jobs in the manufacturing sector of advanced batteries. That is progress. That is stability. That is security. That is a greening up of thinking. That is job growth. That is intel-

lectual capacity that is stretched to a far greater degree.

And think of it again. 40 years ago this week, we accomplished our goal because we committed to that goal. We didn't stand up in a House of Representatives and deny the facts or twist the facts or reject the truth. It all began with an honest exchange, and that's what we're doing here. We're going the make certain that the facts are addressed.

Mr. MCMAHON. Thank you, Congressman TONKO, and you put that eloquently. And certainly when the other side was engaged today in just long-winded speeches asking the question, "Where are the jobs?" you certainly will tell them with the stimulus package and with the ACES bill, with the Energy Security Act, we have jobs in Schenectady, New York, and Staten Island, New York, and anywhere else where we can build wind turbines and get back the technology that we invented and is now being used overseas.

Gentlemen, we have about 9 minutes left or so, so maybe I could ask you all to kind of make a final remark. And we'll start with certainly the most youthful member—that's a tough one to say.

Mr. KRATOVIL. I think Mr. BOCCIERI is younger than I. You certainly look younger.

Mr. MCMAHON. The person who lives the closest to Washington.

Mr. KRATOVIL. Since this will likely be my last round here as we go through this, let me thank the three of you for the courage to take the vote that you took on this bill. And as I mentioned in the last few discussions that I have had, I do think that it's important in moving our country forward that we do have people in this House that are willing to make difficult choices and to take difficult votes that ultimately are the best for this country even at times when it's politically difficult to do so. So I thank you for the courage to do that.

You know, people forget that just last year when we were running for office we had \$4-a-gallon gas, and people were looking at Congress and saying, What are you doing about \$4 in gas? And I mentioned when that was going on that what we do oftentimes in this country is we deal with the crisis but we don't always deal with the underlying issue that led to the crisis.

And so now as the gas prices have dropped, many have forgotten what we were facing just a year ago. Many have moved on. And yet my view is we should not forget the position we were in 1 year ago because we could, at any time in the future, be again paying \$4 a gallon, \$5 a gallon for gas as long as we are held hostage by those that control our energy. And until we make a decision, as we did in this vote, to move forward towards renewable energy, renewable fuel and ending our de-

pendence on foreign oil, we could, at any moment, face the same situation we faced last year. And none of us as Americans should forget the anger that we had last summer when we were doing that. Many have forgotten. We should not forget that.

We should deal with the underlying issue that led to the energy crisis that we faced last year, and that is reducing our dependence on foreign oil, moving towards renewable energy, and making positive steps in terms of our own national security.

Mr. MCMAHON. Thank you, Mr. KRATOVIL, for participating.

And Mr. BOCCIERI, before I yield to you, I hope you will accept my heartfelt apology for even thinking that Congressman KRATOVIL could be younger than you, sir.

Mr. BOCCIERI. You are forgiven this time.

Let me thank my colleagues for joining me tonight on this important dialogue about the course of this country. Now is not the time to let up off the accelerator. Now is the time to put the gas down, put the pedal to the metal to make sure we do this, because this is about our national security, my friends. The CIA is saying it. The Department of Defense is saying it. Both Democrats and Republicans alike running for President said it last year, and a whole host of Presidential candidates and Presidential minds before that said that this is a matter of our national security.

This is not an issue of partisan politics. It's about patriotism. This isn't an issue about Democrats or Republicans. It's about America and where will our course be in years to come.

Forty-four percent of our oil comes from the Middle East where my friends right now are putting their life on the line for our country and for our national security and because of our economic interests of oil in that region. Let's bring them home. Let's become independent. Let's create jobs here in this country. Let's protect our own national security and move away from our dependence on foreign oil.

Folks talk about the cost. What is the cost of doing nothing? What is the cost of doing nothing? We're going to outsource a trillion dollars of American taxpayer money, a trillion dollars, to enrich regions of the world that don't believe the same that we do when we can believe in Midwest innovation instead of relying on Middle East oil?

□ 2200

This is the time that we can make the decision. This is the time to move away from the politics of the past and look towards the future. We can't allow detractors to use fear as a tool of leadership when we know, as it's often been said, that it is a tool of the status quo.

We will be judged by action or inaction. I'm glad that we chose to act. Thank you for having me tonight.

Mr. McMAHON. Thank you. Congressman TONKO.

Mr. TONKO. I thank Congressman McMAHON.

Representative BOCCIERI asked what is the cost of doing nothing. Well, beyond the lack of progress that we should taste in this Nation, it is the denial of this generation's children and grandchildren who will need those career paths developed by us. We need to cultivate that thinking that will allow them to have these new energy jobs, these new environmental jobs, these new plans for economic recovery. That is what gets really lost in the discussion.

When China's now the number one producer of solar panels in the world, when Germany's number two export after cars is wind turbines, when six of the 30 top advanced battery-manufacturing solar and wind companies are American, we need to do better than we're doing today.

As I made mention, the space race of decades ago was an investment made by this Nation in robust fashion. Today, we're in a green energy race with far many more global competitors. Whoever wins this becomes the go-to nation. They will be the exporter of energy ideas, energy intellect, energy invention.

Do we want to deny this generation, future generations from those concepts, from that prize? I don't think so, and if we're going to deny them, let's at least deal with the facts. Let's talk factually. Let's not create a \$3,100 price tag when we've been warned over and over again by the author of that study that it is grossly inflated. Let's move forward factually. Let's move forward in green fashion. Let's provide for an innovation economy. Let's speak to the generations of Americans that are counting on us to do a job, do it thoroughly, do it directly.

Mr. McMAHON. I thank Congressman TONKO for those inspiring words, and thank you all.

You know, it's funny, but in conclusion, I think we all have hit on the very important themes.

Congressman KRATOVIL pointed out that it is about the domestic side, how much we pay for oil and gas, and what happened last summer, \$4 of gas, America was outraged, that somehow a year later we've forgotten that because there are those in the House of Representatives of the United States Congress who use misinformation and misstatement of facts to somehow take the American people's focus off what has to be done.

Just think about how many people you talk to at home who said, what, now I have to have an energy auditor in my house when I sell my home? We know that's not in the bill; yet, there are those who on the other side of the aisle have used that misrepresentation of fact to scare the American people, and that's wrong.

Congressman BOCCIERI is a great veteran, a great flyer of planes for the United States military service. We thank you for your service, and you remind us that right now there are young men and women wearing the uniform of our country in places like Iraq and Afghanistan and other places, standing in harm's way because we have not dealt forcefully and effectively with our energy policy, and it's time that we end that.

And as I said to you, coming from New York City and having lived firsthand the horrors of the acts of terrorism on our shores, in our country, we cannot forget the sacrifice that was made that day by those who lost their lives and those who got to the site and came to the rescue and continue to suffer the deleterious effects of their health.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2920, STATUTORY PAY-AS-YOU-GO ACT OF 2009

Mr. PERLMUTTER (during the Special Order of Mr. McMAHON), from the Committee on Rules, submitted a privileged report (Rept. No. 111-217) on the resolution (H. Res. 665) providing for consideration of the bill (H.R. 2920) to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, which was referred to the House Calendar and ordered to be printed.

PAYGO

The SPEAKER pro tempore (Mr. MAFFEI). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I find that our colleagues on the other side of the aisle are going a bit through revisionist history again. We hear them talk over and over again about the things that have happened, what was happening about gas prices last year. They never mentioned that the Democrats were in charge of the Congress when a lot of these things that they talk about were happening, but I think it's important that we always point that out.

A rule was just reported in by my colleague from the Rules Committee, and I've just come from the Rules Committee myself where we reported out a rule for a bill that's going to be heard on the floor tomorrow called the Pay-As-You-Go Act of 2009, and I thought it might be important to talk a little bit about that rule and that bill tonight because I know this is going to create some confusion in the minds of the American people as to why in the world are we passing something called Pay-

As-You-Go Act of 2009 here just before the August recess.

It's also a confusing thing I think to people because they don't understand why we have to pass legislation that says you should pay for things as you go. Most people in this country do that. That's what they expect us to do in the Congress, but that isn't what's going to happen and there's several things going on with that bill that I think need to be explained. Some will be explained tomorrow.

But first of all, that bill did not go to the committee, the Budget Committee, from which it is coming. And when I asked the chairman of the Budget Committee today, he said there just wasn't time to do it. We're dealing with the appropriations bills, we're dealing with the health care bill, and there simply wasn't time to do that. But just like the American public expects us to read bills before we vote on them, I think they expect our bills to go through committee and go through the process of legislating. That's what we're here for.

But, no, there's no time to do that. We keep hearing that from the majority party: there's no time to do what we're sent here to do. But we know that this is just another diversion on their part, and I think I have an appreciation for why that's happening.

Today, the headline in *Politico*: "Poll, Public Starts to Lose Trust in Obama; Health Timeline on Life Support; Obama Good for K Street; Energy, Health Care and Finance Agenda a Boon to Lobbying."

I think what the majority wants to do is sort of take some of the attention away from some of the headlines that are coming out. One of the interesting things about this bill that's going to be dealt with tomorrow, which is it's supposed to be PAYGO, you pay-as-you-go. However, it exempts 40 percent of our budget. So 40 percent of the budget is not going to be included in PAYGO, and yet they are increasing spending on that 40 percent of the budget at least 8 percent a year.

So how in the world are they going to control spending if 40 percent of the budget is exempt and you're allowing it to increase 40 percent a year? You simply ignore that. It's as though the family sits down—they're always comparing what we do here with what the family does. It's like you sit down at the family table to talk about your budget and you say, well, we're only going to deal with 60 percent of the budget; we're going to put 40 percent over here and just going to ignore it, and we're going to spend whatever we want to on that side of the budget. That's exactly what they are doing with this, and it just seems really ridiculous, and I think the American public needs to understand that a little bit.

Now, what they say is, well, this was all instituted in the past; we're exempting things Republicans exempted. But the very first PAYGO bill was passed under Democrats in 1990, a bipartisan effort to try to rein in spending. But what's happened since then is they've ignored it. They even had a PAYGO rule in the rules that the Democrats passed when they took over the Congress in 2007, but the rule is not strong enough for them so now they want to put it in statute.

I think it's simply to divert attention from the headlines. The President's approval ratings are going down. The health care bill is creating many, many problems. We asked today 134 times on this floor where are the jobs that were promised. The economy is going south, and what do the Democrats want to do? They want to divert the American public's attention away from all of those things and say but we passed a law that says we have to pay for these things as we go along. Passing this law is going to make no difference to them than their rule does.

You know, I find it just so interesting that when you say you're going to do something you don't do it, but that's normally the way the Democrats do it.

□ 2210

JOBS LOST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for half the remaining time until midnight.

Mr. CARTER. I thank my friend VIRGINIA FOXX for getting up here and kind of giving us some indication of what we mean by PAYGO. That's a very confusing word. Been hearing it a lot. I haven't seen anything, pay or go, since they've been talking about it. But we seem to be pretty good at spending money around here and don't seem to be very good at paying for it.

Just a thought here. We had a stimulus package that was over a trillion dollars, and I believe that was borrowed money. We have a budget that increased our taxes by \$1.4 trillion over the next 10 years. So, that's money they're coming after to pay for it. But I don't think that pays for that \$1 trillion.

Their appropriations request increased all the nondefense spending by 12 percent this year. The number of months that jobs have grown under the Democrats since we got started this year is a whopping zero.

So they were talking about why were we asking today on the floor of the House, Where are the jobs? I get really excited about green jobs and green energy and the things that people talk about.

I heard our colleagues in the previous conversation, one of them show us a

map of the United States and he said this would create 250,000 new green jobs. I think that's fabulous. It's just unfortunate in the last month and a half we've lost 1.2 million jobs in the United States. So they've got to have a comparison.

The conversation that was going on the previous hour was about energy independence. And I'm for energy independence. And any American that's got any sense at all is for energy independence.

I once asked a man how big an array of solar panels would it take to power Austin, Texas. This man was a physicist at the University of Texas—to power Austin, Texas, for a period of time, and what would that period of time be. He said a proper-sized panel in a non-air conditioned time—and you know in Texas it's hot, so air conditioning is our biggest problem, not heat—in a non-air conditioned time, a properly sized panel could power Austin, Texas, for about an 18-hour period of time before the Sun went down and the power went away. And then you would have to have an alternative power to power it during the night, or storage capacity, which our friends were talking about.

So I said, Well, that doesn't sound too big. How big would that panel be? He said, Approximately the size of the Panhandle of Texas, which is about 280, maybe 300 miles long and about 150 miles wide.

I'm not saying solar is not a solution. But are you going to replace the coal-produced power in Pennsylvania with a solar panel in today's world—and do it economically? No. But it will help, and we can help on an individual basis and we can power businesses with it.

Let's be realistic about energy, and let's go after every form of energy and clean up that energy. That's the solution to our problems. That's a real energy plan.

You know, we in Texas have been having an abundance of natural gas for a long time. We're real proud of our natural gas. We think it's good stuff. Burns clean and we like it. A lot of our folks up here on the East Coast, they didn't like our natural gas until they found some. All of a sudden, guess what? They found some gas shale, a lot of gas shale in the State of Pennsylvania, and I'm hearing an awful lot of colleagues that a year and a half ago were bad mouthing natural gas saying, Natural gas sounds good. I'm with Boone Pickens. Let's power our automobiles with natural gas. Let's produce natural gas.

And, rightfully so, they should be proud of their resources. I'm not knocking their resources. I'm proud they've got it. And I predict that there's shale gas that spreads from Pennsylvania all the way down to Fort Worth, Texas. And I think the geologists will prove it. There's a lot of nat-

ural gas in that shale. And we ought to use it. And that's how we free ourselves of foreign oil.

We free ourselves by drilling offshore in a clean drilling procedure, which we have. And we haven't spilled a drop of oil in a drilling procedure in 15 years in the seas. All of our spills you read about are shipping spills, not drilling spills.

So let's go out and seek our energy where it is, and let's create our alternative energy, wind and solar, and let's not forget nuclear, the cleanest energy out there.

Ms. FOXX. Would the gentleman yield?

Mr. CARTER. I certainly will.

Ms. FOXX. In having this energy debate that we were having a few weeks ago before the Democrats passed their national energy tax, which they call cap-and-trade, that CBO predicts will levy \$846 billion in new taxes on the American people, we talked a lot about this issue. We have been talking about different issues in the last couple of weeks.

But I heard during that debate that during the last 18 months of President Bush's term, that his administration doubled the use of wind and solar and that they did that in 18 months. But they went from about 1.5 percent to about 3 percent. Did the gentleman hear the same information I heard?

Mr. CARTER. Yes, ma'am.

Ms. FOXX. You know, President Obama has said he would double the use of solar and wind in his first 4 years. Yet, President Bush did it in 18 months—the last 18 months of his term, he did it. So, going ahead and doubling it again, going from 3 percent to 6 percent, doesn't seem to me it's going to be a terribly difficult job.

But I heard this also, and I'd like the gentleman to tell me—check my facts—that, at the most, we are going to be able to absorb 10 percent of wind and solar in our electric grid because wind and solar are not as dependable as other forms of energy, and that to put more than 10 percent into the grid would jeopardize the Nation's energy source. Have you heard that figure too?

Mr. CARTER. Yes. Reclaiming my time, I do not claim to be a physicist, but I have talked with people in the power industry, and because it is not a continuing flow of power but it is an alternating form of power, to make it effective over a 24-hour period, 365 days a year, the power has to be boosted. It's the only way it can be effectively done.

I'm not saying it's not going to be a good source of power. Actually, what's kind of interesting is most projections as to what percentage of our overall national power, wind and solar combined—actually, wind, solar, and hydroelectric combined, would be between 6 and 10 percent.

At maximum effectiveness—and, by the way, there's a lot of folks that have

a lot of Texas envy in this world, and they are always picking on us like we don't know anything but oil and gas. Let me make this very clear: We have the largest wind farm in America in the State of Texas. The city of Austin has the largest municipally-owned wind power farm of any municipality in the United States. And, by the way, they are very disappointed.

□ 2220

It was on the front page of the Austin American-Statesman less than 3 or 4 days ago that the wind farm seems to be an unreliable source of power for them. Even though it's a green source and they've been very proud of being the greenest city in America because of that wind, but over liability and this same different flux of power issue, the only way it can be reliable is you put a gas-powered generator right side by side to keep the flow going. So that's not saying I'm not for it, but I'm saying the reality is we're a long way from replacing the massive amount of power that it takes to run this machine called America from wind and solar power.

Ms. FOXX. Will the gentleman yield?

Mr. CARTER. Yes, ma'am. I yield.

Ms. FOXX. I think a lot of people don't realize one of the things that made us such a successful Nation has been the extremely reliable energy that we've had over the last 200 years. We developed energy and learned how to use it very, very well. I believe we are the smartest people and the most innovative people in the world, but what helped us become a manufacturing giant was not just our intelligence, not just our innovation, but our reliable sources of energy.

I worry a great deal about the pie-in-the-sky promises that have been made about alternatives. I, like you, want to see us use every alternative that we can, including foot power and walking a lot more, but I do think that we have a problem because we are hearing these unrealistic expectations of how we could go to alternatives and simply abandon carbon. I don't think we can do that.

You pointed out that our colleagues, who were here the hour before, talked about the creation of 250,000 new green jobs. I want to point out that I have heard that Spain, which went very much to green jobs and alternative energy, now has the highest unemployment rate in Europe. It appears that many of our colleagues have established Europe as the standard to which we should aspire, but when you start breaking down what the situation actually is there, you will see that simply making the goal of switching these jobs that we have now in manufacturing that are going to go away with this national energy tax, that are going to go away with the national health tax, all of these new taxes that

they want to put on are going to throw jobs out of this country.

We need to look a little bit deeper. I think that so much of what's happened, particularly in the last year and a half as promises were made, lots of promises were made—a lot of those promises were made in 2006, which have also not been lived up to—the American people are beginning to see that it's easy in a campaign to make promises. It's a lot more difficult once you're in office to fulfill those promises. I think that's one of the things that we're seeing now.

We've seen a tremendous change in our economy since the Democrats took control of the Congress. They keep talking about problems that they inherited, problems that President Obama inherited, but as I said earlier, they conveniently leave out the fact that in '07, '08 and up until this time, they have been in charge of the Congress, both Houses of the Congress. It's the Congress that establishes the budget. It's the Congress that appropriates the money, and much of the problems that we've had have come from the expenditure of money.

I wanted to point out something. I know that we talked today, as you said earlier, about jobs, jobs, jobs and that 134 of us came to the floor today. I think we should have had magnifying glasses to say that we're looking for the jobs that have been promised to us. That's what was promised by President Obama, promised by the majority in the House, but that we ought to talk about the fact that during the month of June alone, the national debt increased by \$223.7 billion, and as of June 30, 2009, the national debt had increased \$2.9 trillion since the Democrats took control of Congress on January 3, 2007. That works out to an increase of \$9,342.83 per person.

We know now that the American people are getting very, very concerned about that debt and about our deficit. And you pointed out the deficit earlier, but we have to keep pointing out to the American people who's in charge, who spends the money, and who's responsible for putting us into the situation that we're in.

Mr. CARTER. That's a good point to look at this chart that another one of my colleagues prepared. He calls it, "Oh, my," OMI, the Obama Misery Index. Those of us who have been around a while remember that the misery index was first created back during the Jimmy Carter administration and was about the misery that was coming upon people by the economic woes of the country. It's basically a combination of unemployment—that's the loss of jobs—and the accumulation of public debt.

Now, as my colleague from North Carolina pointed out, there seems to be an overwhelming trend in this House to blame everything on the Bush adminis-

tration. So let's just assume for the sake of assumption—because remember, Obama got elected and sworn in as President in the latter part of January, and so we'll just make February the leftover Bush stuff because that's the next month, and I would say it's a carryover. So the misery index was 11.6 percent. The blue indicates the unemployment numbers, and the red indicates the public debt, how much we owe to other people or to ourselves.

In March, the next month of the Obama administration, we see that our unemployment has risen to what looks to be about 13 percent and our public debt has increased by, I don't know, another 10 percent, something like that. So 21.7 percent in March, from 11.6 to 21.7. In April it jumps to 28 percent, and look at the public debt, and look at the unemployment that's there. The unemployment is the huge figure here. They wonder why we are saying, "Where are the jobs?"

Look. Wait a minute. Here is May. It has a 36.2 percent misery index. Look at the unemployment figures. They're getting off the page here. This month, 40.6 percent—oh, my, OMI, Obama Misery Index. And look at the unemployment figures, and look at the national public debt. This is just 5 months of the Obama administration. We have gone from a misery index of 11.6 to 40.6.

So somebody says, Why are you asking the question, "Where are the jobs?" Well, because unemployment went from 9 percent—it looks like about 9, wouldn't you say—right there to 30 percent, roughly, 31 percent on the index. That's not the percentage of unemployment, but that's the increase.

Now, there's a real good reason because we're asking, "Where are the jobs?" I did a telephone town hall tonight, and I got to talk to some real fine people. I actually had kind of an unusual thing.

Junction, Texas, is out west of San Antonio. It's not in my district. In fact, I believe it's in Congressman CIRO RODRIGUEZ's district or it's in LAMAR SMITH's district, but it's not in my district. But the lady who was talking to me, her phone was registered in Temple, Texas, but she was calling from Junction. How that happened on my telephone town hall is anybody's guess. I don't know. I didn't try to figure it out. But I called a number in my district, and I got a lady in Junction. You go figure. I don't know how it worked; all right?

□ 2230

But the lady had something interesting to say. She said, by some people's analysis, we'd probably be one of those rich small businesses that are going to have to pay taxes under this new health care plan.

But although we may handle a lot of livestock and a lot of cash temporarily, the reality is I'd say we're in the category of folks that are just barely

scratching through the drought to get by. And what we realize as something we can live on is very meager, along with me and my family and my boys, who are also in our ranching business with us. We get by on a meager amount.

She said, sir, I'm worried that somebody thinks we're rich enough that they're going to put a 1 percent surtax on our small business, which is a ranch.

Now, not everybody lives in Texas and lives in the Southwest, and they may hear the word "drought" and think they understand what drought means. But in Texas, we know what drought means because we've lived through a period of time, back in the late 1940s and early 1950s that they wrote a book about it, "The Time It Never Rained." And, in fact, it didn't rain. And cows ate prickly pear cactus, and ranchers went out with burning torches and burned the thorns off the prickly pear cactus so that the cattle would have something to eat, because there was no grass.

And the hard tack folks that settled west Texas and central Texas worked from sunup to sundown and into the night burning what we call burning pear, burning prickly pear so their cattle wouldn't get those thorns in their lips and get infected, and they wouldn't get screw worms and the other things that were the blight of the 1950s until we were able to eradicate that problem. We know what hard times is in Texas because we've been in hard times.

And right now, we're going through a drought. Lake Travis, which is just about 40 miles as the crow flies from my house, is a huge lake. Right now it's a pond. We've got islands everywhere on it. It's the lowest it's ever been in memory, they tell me. I haven't been out to see it because I'm afraid I'd get too upset looking at it. But the LCRA tells me they're in terrible shape for water.

That lady living out in Junction, Texas, she's in terrible shape for water. And so she says to me, sir, not only am I worried about them taking my health plan away from me, making me go on some government plan I don't want to be on, but they're talking about taxing me as if I'm rich, when I'm not. I've got a family, my family and my two boys, or three boys' families running out of this ranch operation, and we're fighting the drought, and we're short on water. And we're losing livestock.

And I said, ma'am, I understand.

She said, that's not all. What they're doing with the fuel of this country, what they're doing with their cap-and-tax scheme that they've got there, I think that's going to make the cost of my farm fuel and my ranch fuel go up, and I'm worried. We cannot survive our fertilizer going up and our fuel going up, all of which comes from the petroleum industry. We can't afford it. We just can't survive it.

And why do they want to do that to us? What did we do to them?

I said, ma'am, I hear you. I'm sorry. You know, all my life I've lived under a system that I believe in. I still believe in it. I think it's important that the rule of law prevail in a constitutional system of government. I think the rule of law is as sacred to democracy and to our Republic as the Constitution is to that Republic, and as the Holy Book is to the church.

And it is imperative to every American that we support the rule of law. It should be sacred to us that says—we say this, I think it is the Rotary Club, but it may be another one of the clubs that says, before their club—we are a Nation of laws, not of men. I think that is extremely important for us to remember as Americans. We are a Nation of laws.

These laws are created by this body and other bodies at the State level. Those laws are not to be circumvented; and no man, no matter how high a rate, how much of the population votes for him, how many people love him, or think he's the greatest, or her, and think they're the greatest thing since sliced bread, they don't have the right nor the ability, nor should we allow them to circumvent our laws because of their programs.

It is our American responsibility to uphold the law. For 20 years I served as a judge of the highest trial court in Texas, at the State level. I did my best to uphold the law. Those laws were written in books, and they were passed by the Texas legislature and they're passed by the United States Congress, and we tried our best to uphold those laws.

The Supreme Court and the court of criminal appeals told us, interpreted the laws for us in Texas and in the United States. And we, as a court, tried our best to follow that direction from our court system, because the rule of law has to prevail.

I am very concerned, and I express this tonight, that procedures and rules are as important to an institution as anything else that there is, because they are the standard by which a group of free men and women decided to govern themselves by law.

Thomas Jefferson, a man held in highest regard, and at least many Democrats call the Founder of their party, even though he called his party the Republican Party at the time. But times change. Thomas Jefferson wrote rules for this House. And one of the rules has been repeated by our President of the United States. We're going to give—and I would point out, our Speaker of the House, when she came in and took her oath and told us how this Congress was going to operate, she said, We will give this Congress every time at least 72 hours to examine a piece of legislation.

Thomas Jefferson said 3 days for any piece of legislation before it's voted on.

It should be given to both sides for their examination and preparation for debate. And that 3 days did not include Saturday and Sunday. That's what he—when he wrote the rules for this House, which were followed religiously, I guess you'd say for years and years and years, decades, that's the tradition of this House. And it has been waived for every major piece of legislation since Barack Obama has been elected President.

As was pointed out on the last piece of legislation we had by JOHN BOEHNER right here on the floor of this House, they dropped 350 pages of amendments to the cap-and-tax bill at 2 o'clock in the morning to be voted on the next day. And that meant that we hadn't seen a completed bill, even at that point in time. And we voted on it the next day.

I'm not here to cry about procedures. I play under the rules that their Rules Committee writes. But I want you to know, when your historical procedures, as American people, are circumvented by this House consistently, every time, you should be concerned about those who do not follow the established rule of law. This should be a concern of the American people.

When the President of the United States and his White House friends go strong-arm the automobile companies into making a deal that circumvents the laws of this land, there's something wrong. And creditors' rights are established laws of this land. And yet the bankruptcy court was perfectly willing to let the parties make an agreement. But the parties were strong-armed by the politicians in the White House, strong-armed and threatened to the point that preferred creditors gave up their rights under the law out of fear, and the preferred creditors became, their rights went to the unpreferred creditors, the labor unions.

□ 2240

Now we have the Government Motors—we used to call it General Motors—that is owned by the Federal Government and by the labor unions, and those people who loaned money as secured creditors for years to General Motors had to take pennies on the dollar because they were strong-armed beyond the rule of law.

I'm sorry. That's not right. If we don't stand for anything in this House, if we let our people down on every vote, if we don't try our best to stand up for the rule of law, then we ought to be ashamed of ourselves. I don't care what party you're in. I respect my colleagues on the other side of the aisle, and in fact, many of them stand up and speak out for many of the things that I stand up and speak out for. I'm not saying this to point the finger at politics. Let's throw politics out the door right now. Let's talk about what our Founding Fathers intended for us to do

if we are going to keep this Republic together.

They expect us to set rules and to follow them. They expect us to honor contracts between people. Now, you say to yourself, Well, sure, we honor contracts between people, but I don't know about those big corporations. You know, they're so evil. Maybe we shouldn't have to respect those people.

So, if at a time when the price of oil was \$6 a barrel, if the Clinton administration had said, We need to get some money into these coffers here, so we're going to sell some offshore leases, and we really will give you a good deal on these offshore leases if you'll buy them, even though we know you're not going to produce them at \$6 a barrel, oil companies would have said, Okay. We'll buy them. They'd buy these offshore leases, pay money for them, continue to pay money for them as the leases progress. Then, lo and behold, the price of oil goes to \$100 a barrel or to \$80 a barrel. Guess what? They start producing oil out there, and we have those people in this House who say that's an excess in profit, although the Federal Government got what it contracted for, and the oil companies got what they contracted for.

We believe in the sanctity of contracts whether they be between corporations, governments or people. It's what keeps the glue together in our society. Yet we are willing to say we don't care what the contract says; we want it renegotiated, and we're going to put economic pressure on you to do it. That's not the way we are supposed to act. We are supposed to hold the contract sacred, because, in reality, what created our Nation was a contract, a contract called the Constitution of the United States, where the States got together and said we will surrender our sovereignty in a bargain to protect us in our national defense, to work out our disputes of commerce and to make this country one Nation, gathered together from 13 colonies, from 13 States.

That contract is sacred, and every contract that comes therefrom is sacred. Now, if we don't like it, change the law. That's fine. We can do that. But I am concerned when we use the power of political might to strong-arm people out of their rights and out of the laws of our country. If the Republicans do it, I'm going to be just as mad at them as I am at anybody else. It's not a political thing. It's about what is right and what is wrong.

If we don't have rules, if we don't have rules we hold sacred, we are bound for destruction. We've got plenty of issues to keep us busy in worrying about our country without trying to change the rules of the game. Maybe people think that guy's half crazy, standing up there, talking about that stuff, but you know, I believe in this stuff. I believe passionately in the

American people, in the Constitution and in the history of this country. You can rewrite it all you want to. It is what it is, and what makes us noble, what makes us fine, what makes us exceptional is that we are willing, for the good of the Nation, to hold certain things important, and I would say the rule of law is what separates us.

I'll tell you a story. I had the opportunity to go with the Foreign Operations Committee down to a very lovely country, to Nicaragua in Central America. When I grew up, and in my college days, I lived with a bunch of ranching boys out in West Texas, and visited several of their operations out there. Being a native Texan, you know, we're all kind of caught up in the magic of ranch life, so I learned a little bit about what good-looking country looks like and what grass looks like and the cattle elite. I looked for how much water is out there that's available for livestock. I looked at Nicaragua and the part of Nicaragua that I went to, and I thought, man, this is some good-looking cattle country. Boy, a fellow could really raise a lot of nice cattle in this country. There's plenty of water. You could even irrigate because they've got water that's less than 18 feet under the ground. Now, you don't drink that water, but you could irrigate with it.

So I started asking the question: Why are these poor folks having such a hard time economically? Do you know why? Because they've never quite established the rule of law. In fact, they don't even have land titles in Nicaragua.

One of the things that they're trying to do with our foreign aid is to somehow establish a method of land titles, a method of saying you bought it; here is your title; you own it, and you can sell it to the next guy. Instead, they have to worry which regime is in power in Nicaragua as to whether or not they get to keep their land. So, after a while, after 100 years of a system like that, people start to not really invest too much in their land because you never know whose land it's going to be next year.

We have the rule of law. We have land titles. We know when we buy our homes, when we pay for them, when they're free and clear, and when our debts are off of them that we own that piece of ground and whatever's on top of it, and we can pass that on to our children. That can be part of our accumulated wealth, which makes the next generation healthier, richer and more prosperous. They don't have that ability, and yet they've got a beautiful place and the potential. What's missing? The rule of law.

It's sad. It's sad to think that a bunch of nice people who need to make that country work are limited by the fact that men and their political strengths are overpowering what they

should have, which is the rule of law. I do not mean this as any criticism of the country of Nicaragua, and I hope it's our goal as Americans to try to help them establish the rule of law, especially the rule of land titles. I think it's important. My point is, our forefathers gave us that blessing. When we count our blessings, sometimes we forget that some of it is right there in that constitutional document that we have.

□ 2250

You know, I had somebody from Dell Computer tell me that they—what they have to sell is what's in their minds, what they have created from their brains. Guess whose country wrote it into their founding document that your intellectual property belongs to you? The United States of America. It is in our Constitution that what you create with your creativity belongs to you and you have an ownership right in it and you can enforce it in a courtroom. The rest of the world is coming around to that.

But what we have been given are so many blessings by forward-thinking people in our past, and I'm here tonight, as we talk about all of these issues of the economy and what's going on, don't let us forget that that is not a country of men. This is a country of laws. And the way we operate on this floor of this House and the way we operate at the courthouse and the way we operate as human beings is governed by the rule of law. And if we ever lose that, we lose our country.

We've got lots of issues going on right now. We've got health care. We've got this cap-and-trade or cap-and-tax bill that's supposed to be protecting the environment. We've got runaway spending. We've got mounds of debt that's mounting up in every direction. The debt figure is unbelievable. And all of these things should be dealt with through this body and its democracy and its democratic principles. That's the way it should be dealt with, the rule of law. And if we do that, we will have met our obligations to the people who sent us here. And I challenge both sides to let the rule of law reign here. Let's don't change the rules. Let's don't stop debate. Let's talk.

Everybody says we need bipartisan ship. How can you have bipartisanship if one side writes a 2,000-page bill and the other side doesn't get to do anything but say, "Yes, I like it" or "No, I don't"? How in the world is that bipartisan?

I think our Founding Fathers really thought that you are going to have liberals over here and conservatives over here and you're going to try to address an issue and you're going to sit down at a table and you're going to talk about what you can and can't do, and you're going to come up with a solution. I think that's what they thought

we were going to do. We're not doing it right now. And I do honestly believe it would work, and I think there are an awful lot of people that sit in this room every day that feel the same way.

Let's have the courage to do that. Let's follow the direction of our Forefathers. Let's remember our history, and let's start talking to each other instead of imposing our will, one group of men and women imposing their will on another group of men and women. I really don't think that's what we intended when this House was created.

We like to say this is the greatest deliberative body in the world. It is the cradle of the democracy. It's the cradle of freedom, that liberty was born here and thrives here. Well, if liberty's born here and thrives here, it's up to us to continue to keep her breathing and keep her thriving. And I don't believe we do it by ignoring the rules or changing the rules. I believe we do it by working together to come up with solutions.

And probably kind of like the good verdict you get in the courtroom, if you give a verdict in the courtroom and both sides are not completely happy, you've probably got the best verdict you ever could create. But if you've got a verdict that only one side gets everything and the other side gets nothing, it probably wasn't the right thing, nine times out of ten. I was always happy if both sides walked out mad at me. I figured we did a pretty good job because at least both sides had some give-and-take in what happened in the courtroom.

That's where we ought to be in here. When it's over with, both sides ought to say, We didn't get all our way but at least we got something done and we didn't impose the will of man over the rule of law.

I guess I just felt like preaching this late at night. And that's probably enough of all of that.

I do ask that the people back home—I know we're not supposed to address the people back home, but I will say that every man and woman in this House are addressing life-changing issues now and will be in the very near future, that the amount of accumulated job loss and debt is getting critical for all of us whether we are in this House or whether we are at home, and let's all try to work together to come up with something that will work.

And with that, Mr. Speaker, I will yield back the balance of my time.

POPULIST CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. BRALEY) is recognized for 60 minutes.

Mr. BRALEY of Iowa. Mr. Speaker, I'm here tonight on behalf of the Populist Caucus, which is a caucus that I

founded this year, along with many of my colleagues, who felt that there was not enough emphasis in this Chamber on discussing values that promote and expand the middle class.

So one of the reasons that we founded this caucus was to find a voice that was going to be consistent in pursuing policies and adopting legislation that we're going to help promote opportunities for middle class families to survive, and also to expand opportunities for people to enter at the middle class because we all feel, and this country's history has shown, that this country does best when we have a large, robust middle class.

And that's why, when we passed the Populist Caucus values, these are the primary things that we wanted to focus on: good jobs, middle class tax cuts, affordable health care, quality education, fair trade, consumer protection, and corporate accountability.

Now, some of those basic values have been part of the ongoing discussion in terms of our health care reform bill that is currently pending in the House of Representatives. And as a member of the House Energy and Commerce Committee and the Health Subcommittee, much of my time this year has been consumed in making sure that the health care bill that we are putting forward addresses these values, particularly affordable health care, consumer protection, and corporate accountability.

So today, the Populist Caucus announced its health reform principles, and I'm going to spend some time tonight talking about those principles, talking about the importance of these principles to middle class families and those seeking to enter the middle class, and then sharing some stories from some constituents of mine back in Iowa's First District who are struggling right now to provide for their families, and address growing health care burdens that affect every American no matter where they live, no matter what they do.

As we have seen over and over and over again, health care costs continue to grow every year. They represent a larger and larger share of our gross domestic product. We see more and more families faced with the burden of bankruptcy because of unsustainable health care costs that aren't covered by their insurance plans. We see more and more Americans without any insurance at all, almost 50 million uninsured Americans. We also see many Americans who are underinsured; that is, they are taking policies out that don't provide them the type of coverage they need because they can't afford either to buy their own coverage if they're self-employed or if they're without employment, or many of them have insurance offered through their employers who are increasingly forced to put more and more of the burden of that insurance coverage on to their employees.

□ 2300

And so one of the reasons why we've been having this national conversation about health care reform is because we have to come up with a system that works for the American people and finally realizes the goal of universal coverage.

Now, some people who have health insurance and are sitting well in their own financial circumstances wonder why should I care about this; this doesn't affect me; this doesn't affect my family. But the reality is that each one of us in this country pays a hidden tax right now of \$1,200 a year so that people with no health insurance who go to the hospital emergency room and will be given treatment, because those hospitals cannot turn them away, somebody pays for that care, and we all pay for it in the form of higher tax burdens and in the form of higher insurance premiums for the coverage that we have.

So that's why this issue is so compelling, and it's something that we have to address, and the sooner we address it the better.

The reason why it affects us all is because 7 out of every 10 cents spent on health care goes to cover chronic diseases, things like diabetes and obesity and all of the complications that can come from them including congestive heart failure, high blood pressure, problems with vision and foot care and on and on and on.

Now, the thing about chronic disease is that most of them are preventable through education and early intervention, and that's why our system right now is broken, because we pay for health care on a fee-for-services basis, which means if you get sick and you seek medical treatment, we will pay for that treatment. But we don't provide incentives to individuals to get healthy before they need a doctor or have to go to the hospital.

And that's why a national health care policy that makes sense has to emphasize prevention and wellness. That has to be one of the cornerstones of how we reduce that enormous burden of chronic disease in this country.

So let me start by briefly reviewing the Populist Caucus health care reform principles, and then I will spend time talking more about the details of each one.

The first goal of the Populist Caucus in addressing health care is providing more affordable health care, and we recommend a values system in this health care bill that ensures that every American has access to affordable, quality health care coverage. Now, that sounds simple in theory. In reality, it is a challenge that has faced this country since its founding.

The second component of our health care reform principles for the Populist Caucus centers around choices for families, populist values. The first aspect

of our values for health care reform under choices for family is keep your coverage if you like it, and that is included in the House version of the health care reform bill. It allows consumers to keep their current coverage if they like it.

So if you have an employer who's currently providing you high-quality health care at an affordable price, like maybe a company like John Deere which employs many people in the First District of Iowa, nothing in this health care reform bill is going to change your ability to keep that coverage. If you like it, you get to keep it.

Second, one of the most important factors in choices for families is no discrimination, and you have to have a populist value that says, in insurance coverage, you have to eliminate discrimination that allows insurance companies to exclude people from coverage based upon preexisting conditions.

Now, we know this is an enormous problem in many different ways. There are millions of Americans who are denied health insurance coverage right now because of preexisting conditions.

I have a nephew who lives in Malcolm, Iowa. He has a young son named Tucker Wright, and when Tucker was a year and a half, he was diagnosed with liver cancer, and he was very, very fortunate that he was diagnosed and had an opportunity to have two-thirds of his liver removed at a very young age to save his life. But Tucker also faces a very bleak future because he has a long history, a long life of expensive medical care ahead of him.

Many of the existing health care policies have a cap on lifetime benefits; and once you meet that cap, you get no more coverage, no matter how sick you are, no matter how old you are, no matter what your medical needs are. And if you have been diagnosed with a serious disease like liver cancer, and your family wants to move or your parents want to look at other job opportunities right now, there's very little chance that you're going to be able to make that switch and get coverage because they will write an exclusion in the policy based upon preexisting conditions that say we're not going to cover you because you have this expensive treatment.

That's one of the major problems with health care in America today, and it's not just on access to care. It has enormous implications for employers and employees because right now in this country, literally hundreds of thousands, if not millions, of workers are working in jobs they don't like. And the only reason they're there is because those jobs offer them some level of health care coverage, and they know that if they leave the job they have, there's a very good chance that a family member, a loved one, won't be able to get coverage under a new plan at a new employer because of preexisting conditions.

And this bill that we are considering in the House right now eliminates discrimination in health care coverage based upon preexisting conditions.

One of the other very important elements of our Populist Caucus family values emphasis is including a robust and meaningful public health insurance option that operates on a level playing field with private insurance companies, increases consumer choice through a public option for insurance coverage that does these things—and these are critical achievements—one, competes on a level playing field; two, maintains minimal levels of coverage that ensure quality care for its enrollees.

And in the House plan, there are three basic forms of coverage that will be available: a basic plan, an enhanced plan, and a premium plan. And then there will also be something called the premium plus plan, and all of those plans will provide a minimal level of coverage designed to provide basic and emergency types of health care coverage for every person in America.

Another component that emphasizes these family values of the Populist Caucus is that this public plan option must reimburse health care providers adequately and equitably, and we're going to spend some time talking about what that means.

Another family value in the Populist Caucus health care package, it helps address current geographic disparities in health care. This is one of the most significant challenges that we face and one of the most significant problems with our health care delivery system.

Another key family value is that the existing infrastructure of Medicare which will be used under the current plan, a Medicare plus 5 percent reimbursement payment system, that that existing infrastructure has to be used to create a viable provider network; but it should only use Medicare as long as improvements are made in the way that Medicare's reimbursement structure and geographic disparity issues are addressed, and I'm going to be spending time talking about the challenges that we face and the problems we currently have in Medicare reimbursement.

Now, I want to move on to another key component of the Populist Caucus health care values: saving taxpayers money. Every medical economist who looks at our current health care delivery system is in agreement that the number one problem is a problem called overutilization, using too many medical services that aren't necessary, that waste money and result in worse outcomes. We have to address the problem of overutilization of care. It creates unnecessary costs and adds hundreds of billions of dollars and can lead to harmful medical errors.

Now, medical economists at the Dartmouth Atlas Project and places like the Commonwealth Fund who have

looked at this estimate that every year in our health care delivery system we lose between \$500 billion and \$700 billion every year due to overutilization, and they have also analyzed patient outcomes arising from that overutilization, and the figures are shocking.

They estimate that every year 30,000 people die in this country because of too much medicine that exposes them to risks and actually results in their death. There are hundreds of thousands more who are injured because of overutilization, and it's not achieving the desired goal of medicine, which is to cure patients who need help and to provide it in a meaningful fashion.

□ 2310

One of the other concerns about saving taxpayer money is emphasizing prevention and quality care. We have talked about that. We need to shift to a health care delivery system that moves toward incentives, toward high-quality care prevention, nutrition, and wellness. And we have to reform Medicare part D, the drug package for seniors and people on Medicare. One of the most essential components of that is to close the doughnut hole, give Medicare the ability to negotiate with drug manufacturers, and to seek rebates for all Medicare beneficiaries from those pharmaceutical manufacturers.

Now I want to talk for a moment about this problem that I mentioned called geographic disparities in payment for health care. This chart was prepared by The Commonwealth Fund to focus on the relationship between the quality of care and Medicare spending.

So, on this bottom axis it provides cost numbers to show annual Medicare spending per beneficiary in dollar amounts for every State in the country and places them on the chart according to that axis. The vertical axis has an overall quality ranking. And those quality rankings are taken directly from Medicare administrative claims data and the Medicare Quality Improvement Organizations Program data. So it's information already collected by Medicare.

The chart numbers are shocking in terms of showing the existing disparity in how we pay for Medicare and the direct correlation between how much we spend and the quality we get for our Medicare dollars.

Many of us who represent States who are up in the top 5 to 10—not top 5 to 10 percent, but the top 5 to 10 in rankings, these States right here inside this pink circle, States like New Hampshire, Vermont, Maine, North Dakota, Iowa, Wisconsin, Utah, Minnesota, Oregon, and Montana, are consistently providing the highest quality of care to Medicare patients at the lowest cost, because they also rank in the bottom 5 to 10 States in Medicare payments per beneficiary.

Then, contrast with what we see at this end of the chart. This chart reveals that the most expensive of States in terms of what we pay for Medicare per patient is the State of Louisiana, where we pay right now about \$8,500 per patient. Guess which State is also ranking 50th in terms of quality outcomes, according to Medicare data? Louisiana.

That is the hallmark of an inefficient payment system for health care delivery and it's a symbol of what is wrong with our health care payment system in this country. That's why we have to address this problem of over utilization, which is directly driving up these costs; rein in unnecessary and wasteful spending so we can use those savings to pay for a comprehensive health care reform package that provides access to care for all Americans.

So I want to move on and talk about some of the stories from my district that have shaped my commitment to making change in health care delivery.

Since I was elected to Congress in 2006, and was sworn in in 2007, I have received almost 12,000 letters and e-mails on health care. Health care is the number one issue that my constituents write to me about. And this year alone, I have received over 4,000 letters and e-mails relating to health care. In fact, this small stack represents just a small portion of my constituents who have had serious issues with our health care system. And just in my hand I have over 200 stories from constituents of mine who have taken the time to write to me and explain their frustrations and concerns with our health care system.

These stories are the backdrop and provide the compelling evidence on why we need true health care reform in this country.

So let me start with this compelling story from Sandy Ingram in Davenport, Iowa, which is right on the Mississippi River, beautiful old city in Iowa, largest city in the First District.

Sandy starts her story: My story is not unlike many others who are struggling with their health insurance problem. In August of 2007, I was diagnosed with stage III breast cancer. Until that time, I was rarely ever ill, and I looked forward to retiring, like most other women in their sixties.

Until January 31, 2009, I worked for a company and was employed as an executive assistant to the CEO. I raised three children, all now educators, as a single mom and I finished a four-year degree at St. Ambrose University.

In the spring of 2007, I had my usual mammogram, and I told the technician I had a sore spot, and she made note of it. It came back as no change. As the weeks went by, it became more pronounced and painful, and I went to a nurse practitioner, who sent me for another mammogram immediately.

Over time, it was discovered that my mammogram test was positive and I re-

ceived a call at my office with the news that every patient dreads: I'm sorry to tell you that you have cancer.

I set up an appointment with the surgeon and, with the help of my nurse practitioner, I found a wonderful young surgeon, Dr. Melinda Hass of Trinity Hospital. I met with her, went through all the necessary workup, and later received a followup phone call saying my cancer was much worse than they thought, and I could have cancer in both breasts. They found out the cancer had spread to my lymph nodes, and so I began chemotherapy.

The beginning of the third week, my hair began to fall out in the shower. I shaved my head, bought some caps and scarves, and moved on. I worked throughout the chemo by scheduling time off and going to work when I began to turn the corner from the side effects.

In December 26, 2007, I had bilateral breast surgery to remove both breasts. I made this difficult decision because I didn't want to have the chance of recurrence in the other breast. During the surgery, 22 lymph nodes were removed. However, 17 of the lymph nodes still had cancer. The feeling that I had that morning still gives me chills. My fight wasn't over yet.

I underwent another round of chemotherapy a few weeks after the surgery, followed by 36 radiation treatments. I was physically spent and took a medical leave of absence and returned to work in August of 2008, ready to hit the ground running. Needless to say, I love my job, the people that I worked with, and was looking forward to being there until I was old enough to retire.

I was so pumped up that I unlocked my office door and prepared for a busy day when I came back to work. About an hour later, I had a phone call from a friend in customer service saying their assistant had just been let go. A few minutes later, my phone rang and it was my boss, asking me to come to the conference room upstairs.

What happened is my boss greeted me with tears in her eyes, a big white envelope in front of her. Seated at the table was the VP of manufacturing and the two of them broke the news to me that my job had been eliminated. It was only weeks after I had been declared cancer free by the 60-day checkups.

I was stunned. They both assured me it had nothing to do with my performance. The response was predictable. They told me that I would have to leave the building immediately and could return to the office later to pack up my office. Everybody in the whole office was very shaken.

So now I'm unemployed. I have unemployment insurance and through COBRA continue to pay for health insurance on my own. That will last through July of 2010. At that point I will have to have some kind of insur-

ance until my 65th birthday in November of 2010.

□ 2320

I continued to look for a new position. I have applied for several and may try to work part time to help pay for the COBRA coverage. I have done research about getting further coverage, and I have found I cannot get coverage due to my preexisting condition. There is some kind of stopgap health coverage through HIP of Iowa; however, since I paid health insurance premiums for nearly 20 years, I feel I should be able to keep it until I am old enough for Medicare. Health care reform is essential to all Americans. The time is now, and I am willing to help tell my story to get the bill passed.

Here is another story. This one is from Elle in northeast Iowa. She is 1 year old and has been diagnosed with cystic fibrosis. Her family had COBRA insurance, which is an extension of your insurance after you leave your job until you find more employment, from her dad's former employer in Minnesota. Her dad's employer offered a more affordable plan to the family, but when they realized the family resided in Iowa, they reversed the offer. Because of Elle's diagnosis, this family was unable to get private insurance in Iowa.

Her mother quit her job so that their income would decrease enough to get Elle on Medicaid. Quite understandably, Elle's parents are frustrated because they believed they shouldn't have to quit their jobs to get health care coverage for their daughter. They believe that insurance needs to be accessible for all children, including those with chronic health conditions, and that is one of the number one objectives of the health care reform bill we're considering right now.

Here is another contact I got from Mark in Davenport. Mark was doing insulation in his mother's home so that she could take advantage of some energy savings rebates, which is something every American should be encouraged to do. Unfortunately, while Mark was putting the insulation in his mother's home, he fell through the ceiling and severely injured himself, suffering a collapsed lung, broken ribs, and dislocating most of the ribs from his vertebra. He was lucky to survive, but he had no health insurance because he was a self-employed private contractor. His medical bills were over \$20,000, and because of those high costs, he was forced to file for bankruptcy so he could get out from under his debts.

Here is another contact from Cynthia in Denver, Iowa, who 3½ years ago lost her husband to diabetes and heart disease. Since then, she's had to deal with major debts because they, like millions of Americans, did not have health insurance. When they tried to get coverage, they were told that because of

her husband's preexisting condition, they would have to pay for premiums for a year without coverage for those claims. She continues to be without coverage because she is still paying off the bills from her husband's doctor and hospital costs.

Here is another story from Gus in Waverly. His daughter Jamie lives in Des Moines and works for a life insurance company. Jamie, like many Americans, has cerebral palsy and is confined full time to a wheelchair. But even with her limitations, Jamie chooses to work, and the only type of insurance help that she gets is through a Miller Medical Trust that allows her to work, but she can't work full time.

Because of the limitations of that trust, she has lost a much-deserved promotion. She hasn't taken a pay raise in years so she can choose to work and be a taxpaying citizen. Many of her advisers and social workers have told her that she should just go on full disability and her benefits would increase and be easy to get since she qualifies as a quadriplegic; yet Jamie is a perfect example of the American spirit. She wants to work, and she continues to work and does everything she can.

Her father doesn't understand why we would punish people like Jamie who want to work but still need critical access to health care. Let them earn more money that pays more taxes and help them support their own services. Who could argue with that? And that's what we want to do with comprehensive, meaningful health care that addresses these Populous Caucus values.

Here is another letter from Julie in Cedar Falls, Iowa. Several years ago when Julie was mowing her lawn, she was severely injured when a bolt on the lawnmower cut her arm. She had to go to the emergency room for stitches. Later she learned that her emergency room visit was not covered by her health care coverage because, according to them, she should have waited to cut her arm when the doctor's office was open instead of visiting the emergency room. Given the severity of her wound, she couldn't have waited until Monday to see her doctor. The emergency room was the only option available for her at the time. Julie believes that the problem with health insurance companies is they look for any excuse to deny payment for an existing claim.

This is a letter from Mic inavenport who was born with congenital heart disease. Mic has had three open-heart surgeries, the first at age 3 weeks, the second at 16, and the last at age 45. He owns his own company, employs 11 people, and provides group health insurance to his employees because it's the right thing to do, but also because he can't buy an individual health insurance policy with his congenital heart disease because it would be a preexisting condition.

Mic says, We're charged at the highest rate possible, and our rates go up by the maximum amount allowed per year because of my heart disease. In the past 2 years, we've risen to 60 percent and 75 percent increases. In order to keep providing insurance to my employees, I will have to drop out of the program next year to keep the rates manageable.

This story is from Randal Wehrman from LeClaire, Iowa. His wife, Beth, died from pancreatic cancer in August 2008 at the age of 56. And like many couples, during her illness, Randal had his own health emergency. He was diagnosed with prostate cancer, and as he describes it, we were launched into a health care arena and were impacted dramatically by how our health insurance performed.

Randal, like many Americans, tells me that he was reasonably satisfied before this point with how his health care insurance carrier had functioned. His wife was a registered nurse, so she was a very good medical consumer. He was in the property and casualty insurance business and had been a certified paramedic in the State of Iowa for the last 25 years, and as he notes, this would suggest that Beth and I were above average medical consumers. It also means, according to his background and his business, including a BA with a business administration degree from Simpson College, that he would have been an above average medical insurance consumer.

Here is the problem: Even though the Wehrmans' health care plan said it had a maximum out-of-pocket of \$1,500 per person in network and \$3,000 per person out of network, we paid just over \$10,000 out of pocket during calendar year 2008 for our health care. Here is how Randal describes it:

"You see, one has to read the fine print to find out doctor office copays, prescription copays and emergency copays do not fall under the maximum out-of-pocket expenses referred to in the bold print. While Beth's care included an out-of-pocket network expenses, mine did not, which means that we spent an additional \$5,500 of out-of-pocket items that were not included in our limits. We are fortunate that we could pay the additional, although not easily, but some cannot. For some, this situation could be financially devastating. And we know that by the high number of medical expense-related bankruptcies we see every year. This should be clearer and more concise, as it can have a substantial impact on the financial futures of many citizens."

Well, Randal, you are absolutely right, and one of the reasons why I introduced a bill to incorporate plain language into every insurance policy sold under the national health insurance exchange that's part of this health care bill is because I have had

my own experience, not just as a consumer of health care, but helping clients, in the 23 years I practiced law before I came here, who had disputes with their insurance companies over coverage benefits.

One of the things I learned is that when you force insurance companies to write those policies in language that insureds can understand, you eliminate the type of confusion that highly sophisticated health care consumers, like Randal and Beth Wehrman, brought to the table and still wound up with unfair treatment based upon language in their policy that was difficult to understand and not part of the clearly stated coverage.

□ 2330

I'm very proud of the fact that my plain language amendment is incorporated in the American Health Care bill that we are currently considering in the House of Representatives. And I want American health consumers like Randall and Beth Wehrman to be able to look at that policy and see it written in language that is specifically intended to be understood by them so they have a deep appreciation for what they have, and they also have the ability to go into that National Health Insurance Exchange and compare it to other policies that provide the same basic types of coverage and say, is this policy a better policy for me than the one next to it? Does it provide better coverage? Does it have fewer exclusions? Does it cost less? And will it guarantee me the access to health care that my family needs? That's one of the major focuses of the populist values approach to health care reform.

So what else is important? Well, we spent time talking about how we can move from a system that rewards volume of medical care to a new model, a new system that rewards value outcomes. And we pay for performance.

And I am very proud to be introducing an amendment, along with my friends LEE TERRY from Nebraska, a Republican, and BART STUPAK from Michigan, who is the Chair of the Oversight and Investigations Committee on the Energy and Commerce Committee, the Medicare Payment Improvement amendment, which has a very simple goal, to increase the quality of health care in America and create long-term substantial cost savings.

So what will this amendment do? Well, it starts by restructuring the Medicare payment system that I talked about earlier, by finally adding an incentive for physicians to provide high-quality care and decrease costs. And the way the bill does it, it adds a figure that measures value and includes it in the Medicare reimbursement equation. That value figure measures both quality of care and the cost of care, two components that directly relate to the overutilization of medical services that dries up our national health care costs.

One of the things we know is that regions that provide high-quality care at low cost will see their Medicare reimbursements improve and increase because it's a reward for providing value in the system. In contrast, regions that provide low-quality care at high cost will see their reimbursements decrease.

Now, this may come as a shock to most people, but that's the way an economic system is supposed to work: you provide incentives so that people in a marketplace who provide the highest quality at the lowest cost will create the most demand and drive consumers to their product or services. Every student of economics 101 can tell you that's the way economic models are supposed to work in this country.

But our health care payment system is flawed and it's reflected in this chart, and it's reflected in the hundreds of billions of dollars of waste in the system.

Now, one of the things that we can do is to shift from a fee-for-service reimbursement model to one that rewards quality and shifts the focus to provide efficient care.

Now, a lot of people mistakenly believe that when you're talking about efficiencies, you're only talking about cutting cost. That is not what I'm talking about, and that is not what the Populist Caucus values are based upon, because true efficiency in a health care delivery system is a system that consistently provides the lowest possible cost for the highest possible value over the lifetime of a patient's care. That is efficiency in health care delivery.

So this bill, the Braley-Terry-Stupak Medicare Payment Improvement amendment accomplishes that and provides a transition from our current quantity-based system to a value-based system.

How do we do that? Well, here's how: our amendment instructs the Secretary of Health and Human Services to measure quality and cost for hospital fee schedule areas, which have already been established, or other more narrow areas if the Secretary deems that appropriate. That could include hospital referral regions or even on down to the individual provider.

Two, our amendment instructs the Secretary to create a quality component to measure quality and to do that in consultation with the already existing Agency for Health Care Quality and Research, and an advisory group consisting of health care providers, health care plans, and other government agencies and other knowledgeable entities, including consumer groups that have knowledge about how to build efficiency and reward value.

Three, the Braley-Terry-Stupak Medicare Improvement amendment ensures an open and transparent process in the development of this quality component. And during some of our conversations about how you could

possibly do this, we hear concerns expressed from people in this part of the country: you're not taking into account this factor. We hear concerns expressed from people in another part of the country: you're not taking into account this factor.

Well, the harsh reality is the medical economists who've been studying this issue for decades have already looked at every possible racial, ethnic, socioeconomic, regional, cost-of-living, cost-of-workforce factor and can find nothing to justify the reimbursement disparities we see right now.

To give you an example of that, one of the most significant factors contributing to overutilization in this country is what we pay for end-of-life care. And one of the things that researchers have discovered is spending more for end-of-life care does not yield better results and does not make people more satisfied and their families more satisfied with the care that they got. And, in fact, the exact opposite is true.

So let's talk about geographic disparities and how it relates to this problem of overutilization. Researchers and medical economists who looked at the last 2 years of spending in the life of Medicare patients at Garfield Hospital in Los Angeles, concluded that, on average, we were spending \$106,000 per Medicare patient in the last 2 years of their life. That was contrasted with the Mayo Clinic in Rochester, Minnesota, 2 hours from where I live, another world class medical facility, a teaching hospital. At the Mayo Clinic, patients in their last 2 years of life, Medicare paid, on average, \$33,000, a three-fold decrease from what's being spent in Los Angeles.

And you can look at all those other factors I laid out earlier, and none of them can justify that kind of a payment disparity. And, in fact, when you look at the regions of the country that are spending the most on those last 2 years of patient care in a patient's life, and you look at the quality assessments that are used, you'll learn that patients in the areas that spend much less are much more pleased with their quality of life at that end-stage phase because more attention is placed on providing hospice care, providing a way for those patients to interact with their family on a meaningful basis, to be able to return to their homes and spend as much time there as possible without a lot of unnecessary tests and medical procedures that are very costly and do very little to improve the length of the patient's life or the quality of their life.

□ 2340

That's why this bill, this amendment—the Braley, Terry, Stupak Medicare Payment Improvement amendment—focuses on how we motivate health care providers to get better outcomes, to spend less and to get better quality care.

So, going back to my example, according to the 17 existing quality factors that Medicare uses to assess facilities, the Mayo Clinic ranked above Garfield Hospital in every single one of those quality assessments. That is what we're focusing on—quality outcomes at the best possible price over the life of a patient. That is efficiency.

Another component of the Braley, Terry, Stupak Medicare Payment Improvement amendment is that it instructs the Secretary to create a cost component to measure cost based upon the hospital fee schedule area or upon other more narrow areas. That cost component is the cost per Medicare beneficiary compared to the national average, which should be a reasonable thing for anybody looking at how we spend money and at how we decide who is outside the norm, who is below the norm, and whether they're getting the types of results that they should.

The Braley, Terry, Stupak Medicare Payment Improvement amendment also includes a risk adjuster in determining the cost component. This ensures that any area with a significant at-risk population—high rates of obesity and other socioeconomic risk factors that bill into the system—shall have them taken into account when determining the cost for that area.

Then the sixth component is to provide a transitional period from 2012–2014 when this quality cost figure is applied to the Medicare part B reimbursement equation in place of the current work geographic practice index. The work gypsy, as it's known, is currently used to measure the value of a physician's work only through the amount of inputs. Our amendment shifts the emphasis to a measure of value that is quality and cost.

So you may be asking yourself: Well, how in the world do you measure for quality in a system that has so many variables? Here is how the Braley, Terry, Stupak Medicare Payment Improvement amendment measures quality:

First, we look at health outcomes and at the health status for the entire Medicare population. We also focus on patient safety, which could fill up another hour by itself. Why? Because the Institute of Medicine has published three seminal reports on patient safety, and it has identified the enormous problem in this country with patient safety. In fact, the Institute estimates that, every year, as many as 98,000 patients die because of preventable errors. This is the Institute of Medicine, which is not a partisan entity. They also estimate that, each year, over 1.5 million medication errors occur and that every hospital patient is subjected to some type of medication error every day they're in the hospital.

Patient satisfaction. This gets back to what we were talking about with end-of-life treatment. Increasingly,

how patients receive care and respond to care is directly related to how they perceive their access and quality of care. It also measures hospital readmission rates because we know that one of the biggest drivers of cost is that of patients who are discharged from the hospital and who are later readmitted for conditions that may have been prevented if there had been better information communicated to them or if there had been better coordination of care upon their discharge.

Another factor we look at is mortality related to health care. Are patients dying in greater numbers as a complication of a specific problem? We know, for example, that hospital infections are an enormous problem. They lead to many hospital readmissions, to prolonged patient stays, to increased costs of care, and in the worst outcomes, to death. We also know that many hospital infections are entirely preventable from standard, simple precautions like hand-washing procedures that are not only adopted but that are enforced.

Then other things that we use to measure quality are other items determined by the Department of Health and Human Services, and if the advisory group has other recommendations, we certainly want the Secretary to take those into account.

How do you measure cost? Well, the cost component is measured through the total annual, per-beneficiary Medicare expenditures under part A for that area, and it also allows the Secretary to use other methods if it's appropriate.

So how much cost savings are we talking about? Hundreds of billions of dollars. We know that, by changing the incentives away from a fee-for-service toward a fee-for-high-quality and low-cost model, we create incentives for health care providers to improve their outcomes and to decrease their costs. We can use those cost savings to build a health care system that truly is universal and that helps us all.

Nobody said this challenge would be easy. Yet those of us who are committed to comprehensive, universal health care that is paid for, that is reliable, affordable, efficient, and high quality are committed to spending the time necessary to improve this bill and to make it work the way it needs to work. It has to work if we are to function as a country.

So I ask you to join the Populist Caucus, to call your Representative or your Senator and to make sure that they know how important health care is to you, just the way my constituents called me, wrote me and sent me e-mails.

This is a challenge. The time has come for bold action. Americans deserve better. Americans demand better, and it is our responsibility in this Chamber, Mr. Speaker, to finally de-

liver on the promise of health care for all that is high in quality and that is low in cost.

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LUCAS (at the request of Mr. BOEHNER) for July 20 on account of bad weather and travel delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LYNCH) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, today.

Mr. JONES, for 5 minutes, July 28.

Ms. FOXX, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 11. Concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. BRALEY of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 22, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2745. A letter from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations, Basic Provisions (RIN: 0563-AC23) received July 1, 2009, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2746. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting notification that the Office has designated thirteen new counties in eight states as High Intensity Drug Trafficking Areas (HIDTA), pursuant to Public Law 109-469; to the Committee on Appropriations.

2747. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the System's annual report to the Congress on the Presidential \$1 Coin Program, pursuant to 31 U.S.C. 5112 Public Law 109-145, section 104(3)(B) (119 Stat. 2670); to the Committee on Financial Services.

2748. A letter from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Special Assessments (RIN: 3064-AD35) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2749. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Interest Rate Restrictions on Insured Depository Institutions That Are Not Well Capitalized — received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2750. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2751. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2752. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007; to the Committee on Foreign Affairs.

2753. A letter from the Inspector General, Department of Commerce, transmitting the Inspector General's semiannual report to Congress for the reporting period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2754. A letter from the President and Chief Executive Officer, Federal Home Loan Bank Seattle, transmitting the 2008 management report of the Federal Home Loan Bank of Seattle, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2755. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting the 2008 Statements on System of Internal Controls of the Federal Home Loan Bank of Topeka, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2756. A letter from the Inspector General, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending March 31, 2009,

pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

2757. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Elephant Trunk Scallop Access Area to General Category Scallop Vessels [Docket No.: 070817467-8554-02] (RIN: 0648-XP59) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2758. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XP60) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2759. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Catcher Processor Rockfish Cooperatives in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XP57) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2760. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Suspension of the Primary Pacific Whiting Season for the Shore-based Sector South of 42 degrees North Latitude [Docket No.: 090428799-9802-01] (RIN: 0648-XP43) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2761. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northern United States; Tilefish Fishery; Quota Harvested for Full-time Tier 2 Category [Docket No.: 010319075-1217-02] (RIN: 0648-XP65) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2762. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Designation of Critical Habitat for Atlantic Salmon (*Salmo salar*) Gulf of Maine Distinct Population Segment [Docket No.: 0808061060-9710-02] (RIN: 0648-AW77) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2763. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Determination of Endangered Status for the Gulf of Maine Distinct Population Segment of Atlantic Salmon [Docket No.: 0808191116-9709-02] (RIN: 0648-XJ93) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2764. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's activities regarding prison rape abatement during calendar year 2007, pursuant to 42 U.S.C. 15604 Public Law 108-79, section 5(b)(1); to the Committee on the Judiciary.

2765. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — July 20029 Revision of Patent Cooperation Treaty Procedures [Docket No.: PTO-P-2009-0025] (RIN: 0651-AC34) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2766. A letter from the Secretary, Department of Energy, transmitting an annual report concerning operations at the Naval Petroleum Reserves for fiscal year 2008, pursuant to the Naval Petroleum Reserves Production Act of 1976, pursuant to 10 U.S.C. 7431(C); jointly to the Committees on Armed Services and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 22. A bill to amend chapter 89 of title 5, United States Code, to allow the United States Postal Service to pay its share of contributions for annuitants' health benefits out of the Postal Service retiree Health Benefits Fund; with an amendment (Rept. 111-216). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 665. A resolution providing for consideration of the bill (H.R. 2920) to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration (Rept. 111-217). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FRANK of Massachusetts (for himself, Mr. PETERS, Ms. KILROY, Mr. WATT, Mr. CAPUANO, Mr. AL GREEN of Texas, Mr. SHERMAN, Mr. CARSON of Indiana, Mr. GUTIERREZ, Mr. ELLISON, and Mr. HINOJOSA):

H.R. 3269. A bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself and Mr. ISRAEL):

H.R. 3270. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add New York to the New England Fishery Management Council, and for other purposes; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mr. KIRK, and Mr. MCGOVERN):

H.R. 3271. A bill to amend the Internal Revenue Code of 1986 to improve commuting and

transportation options; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON:

H.R. 3272. A bill to amend the Securities Exchange Act of 1934 to add requirements for board of directors committees regarding risk management and compensation policies, to require non-binding shareholder votes on executive compensation, and for other purposes; to the Committee on Financial Services.

By Mr. HOLT (for himself, Mr. HIGGINS, and Mr. LEE of New York):

H.R. 3273. A bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HUNTER (for himself, Mr. MCCARTHY of California, Mr. WITTMAN, Mr. FLEMING, Mr. ROONEY, and Mr. FRANKS of Arizona):

H.R. 3274. A bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MARKEY of Colorado (for herself and Mr. SMITH of Nebraska):

H.R. 3275. A bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY of Massachusetts (for himself and Mr. UPTON):

H.R. 3276. A bill to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; to the Committee on Energy and Commerce.

By Ms. MOORE of Wisconsin (for herself, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Ms. EDWARDS of Maryland, Mr. FILNER, Ms. NORTON, Mr. MASSA, Mr. RANGEL, Mr. SESTAK, Mr. SIREs, and Mr. STARK):

H.R. 3277. A bill to amend the Child Nutrition Act of 1966 to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes; to the Committee on Education and Labor.

By Mr. OBERSTAR:

H.R. 3278. A bill to provide for a hospital in Cass County, Minnesota; to the Committee on Ways and Means.

By Mr. RODRIGUEZ:

H.R. 3279. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs centers of excellence for rural health research, education, and clinical activities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ:

H.R. 3280. A bill to direct the Secretary of Veterans Affairs to establish a grant program to assist veterans in highly rural areas by providing transportation to medical centers; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ:

H.R. 3281. A bill to direct the Secretary of Veterans Affairs to carry out demonstration projects related to providing care for veterans in rural areas; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ:

H.R. 3282. A bill to direct the Secretary of Veterans Affairs to provide certain veterans with readjustment and mental health care services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ:

H.R. 3283. A bill to amend title 38, United States Code, to allow for reimbursement of certain travel at a set rate, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHERMAN (for himself, Mr. ROYCE, and Mr. KLEIN of Florida):

H.R. 3284. A bill to prohibit the heads of executive agencies from entering into or renewing procurement contracts with persons that export certain computer or telecommunications technologies to Iran, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SNYDER:

H.R. 3285. A bill to amend that portion of title 28, United States Code, commonly called the Tort Claims Act, in order to assure that individuals accompanying Federal employees who are engaged in missions for the United States Government in foreign countries have legal recourse against the Government for certain tort claims, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Ms. SPEIER, Mr. BOUCHER, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Mrs. CAPPS, Ms. BALDWIN, Ms. MATSUI, Mr. MEEK of Florida, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. LOEBACK, Mr. YARMUTH, Mr. TIERNEY, Mr. INSLEE, Mr. ACKERMAN, Mr. FARR, Mr. LARSEN of Washington, Mr. SARBANES, Ms. DELAURO, Ms. ZOE LOFGREN of California, Mr. PETERSON, Mr. OLVER, Ms. WATSON, Mr. SHERMAN, Mr. KENNEDY, Mr. ELLISON, Ms. HIRONO, Ms. WOOLSEY, Ms. TSONGAS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON, Mr. FATTAH, Mr. CROWLEY, Mr. JOHNSON of Georgia, Mr. BRALEY of Iowa, Ms. HERSETH SANDLIN, Mr. ISRAEL, Mr. SIRE, Mr. EDWARDS of Texas, Mr. CLAY, Mr. MOORE of Kansas, Mr. WAXMAN, Mr. CARSON of Indiana, Mr. ENGEL, Mr. DINGELL, Mrs. BIGGERT, Ms. DEGETTE, Mr. LOBIONDO, Mr. HIGGINS, Mr. WEXLER, Mr. STARK, Mr. COHEN, Mr. GRAYSON, Mr. FILNER, Mr. CUELLAR, Ms. KILROY, and Ms. LORETTA SANCHEZ of California):

H.J. Res. 61. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MORAN of Kansas:

H. Res. 663. A resolution expressing the sense of the House of Representatives that any savings under the Medicare Program should be invested back into the Medicare Program, rather than creating new entitlement programs; to the Committee on Energy

and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Ms. KILPATRICK of Michigan, Mr. CUMMINGS, and Ms. FALLIN):

H. Res. 664. A resolution congratulating and honoring Barnes Jewish Hospital, Henry Ford Medical Center, Johns Hopkins Hospital, and Integris Baptist Hospital for the completion of a successful 16 person kidney transplant; to the Committee on Energy and Commerce.

By Mr. WOLF (for himself, Ms. BORDALLO, Mr. COOPER, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. RANGEL, and Mr. SESTAK):

H. Res. 666. A resolution recognizing Project HOPE for 50 years of exceptional service to improve and save the lives of millions of children and adults in developing nations through humanitarian assistance and health education; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. LYNCH.
H.R. 39: Mr. SARBANES.
H.R. 197: Mr. RYAN of Wisconsin.
H.R. 204: Mr. KENNEDY and Ms. CASTOR of Florida.
H.R. 275: Mr. BURTON of Indiana, Mr. REYES, and Ms. GIFFORDS.
H.R. 406: Ms. DELAURO.
H.R. 413: Ms. WASSERMAN SCHULTZ, Mr. RYAN of Wisconsin, Mr. WATT, Mr. REICHERT, Mr. LEVIN, and Mr. HODES.
H.R. 422: Mr. PETERS.
H.R. 450: Mr. OLSON.
H.R. 571: Mr. CONYERS, Mr. GUTIERREZ, and Mr. GONZALEZ.
H.R. 614: Mr. LATTI, Mr. CULBERSON, and Mr. TAYLOR.
H.R. 621: Ms. SCHAKOWSKY and Mr. YOUNG of Alaska.
H.R. 635: Mr. STARK.
H.R. 690: Mr. LATTI, Mr. STUPAK, Mr. BOREN, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 734: Ms. CLARKE and Ms. EDWARDS of Maryland.
H.R. 745: Mr. MASSA.
H.R. 816: Mr. KRATOVIL.
H.R. 840: Mr. BAIRD and Mr. MAFFEI.
H.R. 859: Mr. PLATTS.
H.R. 948: Mr. HODES.
H.R. 949: Mr. KRATOVIL.
H.R. 997: Mr. SESSIONS.
H.R. 1017: Ms. TITUS.
H.R. 1064: Mr. WU.
H.R. 1074: Mr. ISSA and Mrs. HALVORSON.
H.R. 1075: Mr. GINGREY of Georgia.
H.R. 1079: Mr. DEFazio and Mr. CARDOZA.
H.R. 1101: Mr. SIRE.
H.R. 1103: Mr. SIRE.
H.R. 1158: Mr. WEXLER.
H.R. 1188: Mr. ROTHMAN of New Jersey, Mr. MICHAUD, and Mr. LYNCH.
H.R. 1189: Mr. CARDOZA.
H.R. 1204: Ms. MCCOLLUM.
H.R. 1214: Mr. LEVIN.
H.R. 1324: Mr. PETERSON and Mr. CLAY.
H.R. 1327: Mr. LINDER, Ms. GRANGER, Mr. KRATOVIL, Ms. CORRINE BROWN of Florida, Mrs. BACHMANN, Mr. CHAFFETZ, Mr. HUNTER,

Mr. HASTINGS of Washington, Mr. LINCOLN DIAZ-BALART of Florida, Mr. RYAN of Wisconsin, Mr. HIGGINS, and Mr. OLSON.

H.R. 1361: Mr. SESTAK.
H.R. 1389: Mr. NADLER of New York.
H.R. 1392: Mr. SPRATT and Mrs. MYRICK.
H.R. 1402: Mr. UPTON and Mr. SESSIONS.
H.R. 1415: Ms. DEGETTE.
H.R. 1428: Mr. FORBES.
H.R. 1441: Mr. ROGERS of Kentucky.
H.R. 1458: Ms. SLAUGHTER.
H.R. 1546: Mr. GRAYSON.
H.R. 1588: Mr. BROWN of South Carolina.
H.R. 1614: Mr. LATOURETTE.
H.R. 1625: Mr. FARR, Mrs. CAPPS, Mr. SARBANES, and Mr. BERMAN.
H.R. 1693: Ms. WOOLSEY and Mr. ELLISON.
H.R. 1826: Ms. SLAUGHTER and Ms. ESHOO.
H.R. 1831: Mr. OLSON, Mr. RODRIGUEZ, Mr. GONZALEZ, and Mr. KIRK.
H.R. 1835: Mr. TIM MURPHY of Pennsylvania.
H.R. 1884: Mr. BOCCIERI, Mr. RYAN of Ohio, Mr. ROGERS of Kentucky, Mrs. MALONEY, Ms. TITUS, and Mr. HINOJOSA.
H.R. 1891: Mr. BURTON of Indiana.
H.R. 1992: Mr. NADLER of New York.
H.R. 2000: Mr. KILDEE and Mr. GARRETT of New Jersey.

H.R. 2055: Mr. ABERCROMBIE and Mr. KILDEE.
H.R. 2060: Mr. COHEN and Mr. SCHAUER.
H.R. 2061: Mr. KLINE of Minnesota.
H.R. 2072: Mr. WITTMAN.
H.R. 2081: Mr. WEXLER.
H.R. 2089: Mr. GRAYSON.
H.R. 2095: Ms. ZOE LOFGREN of California.
H.R. 2140: Mr. CHANDLER.
H.R. 2144: Mr. HOEKSTRA.
H.R. 2159: Ms. WASSERMAN SCHULTZ.
H.R. 2215: Mr. STUPAK.
H.R. 2222: Mr. MCGOVERN and Mr. GRIJALVA.
H.R. 2254: Mr. DOGGETT.
H.R. 2267: Ms. LINDA T. SANCHEZ of California.
H.R. 2476: Mrs. LUMMIS.
H.R. 2492: Mr. GORDON of Tennessee and Mr. GRAYSON.
H.R. 2499: Mrs. BLACKBURN.
H.R. 2502: Mr. KRATOVIL.
H.R. 2542: Mr. WEXLER.
H.R. 2558: Mr. STARK.
H.R. 2560: Mr. KENNEDY.
H.R. 2568: Mr. HALL of Texas.
H.R. 2573: Mr. PETERSON, Ms. HIRONO, Mr. MCGOVERN, and Mr. GRIJALVA.
H.R. 2626: Mr. BOUSTANY.
H.R. 2648: Ms. MCCOLLUM.
H.R. 2695: Ms. ZOE LOFGREN of California.
H.R. 2724: Ms. BALDWIN.
H.R. 2807: Mr. REICHERT.
H.R. 2815: Mr. CONNOLLY of Virginia.
H.R. 2870: Mrs. MILLER of Michigan, Mr. FILNER, Mr. PASTOR of Arizona, and Mr. NADLER of New York.
H.R. 2882: Mr. GRAYSON.
H.R. 2891: Mr. MASSA and Mrs. NAPOLITANO.
H.R. 2909: Ms. TSONGAS.
H.R. 2935: Mr. WILSON of South Carolina, Mr. PIERLUISI, Mr. BOUCHER, Mr. PASCRELL, Mr. LARSEN of Washington, Mr. OBERSTAR, Mr. FILNER and Mr. DICKS.
H.R. 2936: Mr. SCHAUER, Ms. FUDGE, and Mr. DEFazio.
H.R. 2941: Mr. BOOZMAN and Mrs. NAPOLITANO.
H.R. 3006: Mr. ABERCROMBIE.
H.R. 3011: Mr. BARROW.
H.R. 3040: Mr. GRAYSON and Mr. GONZALEZ.
H.R. 3042: Mr. VISCLOSKEY, Ms. SLAUGHTER, and Mr. DEFazio.
H.R. 3131: Mr. WITTMAN.
H.R. 3141: Mr. REHBERG.

H.R. 3154: Mr. CARDOZA and Mr. STARK.
 H.R. 3155: Mr. KLEIN of Florida and Mr. WOLF.
 H.R. 3166: Mr. MURPHY of Connecticut.
 H.R. 3169: Mr. CAO.
 H.R. 3193: Mr. PUTNAM.
 H.R. 3201: Mrs. LUMMIS.
 H.R. 3202: Ms. KILPATRICK of Michigan, Mr. FARR, Mr. JOHNSON of Georgia, Mr. HINCHEY, and Mr. WHITFIELD.
 H.R. 3203: Mrs. LUMMIS.
 H.R. 3226: Mr. BURTON of Indiana and Mr. SIMPSON.
 H.R. 3227: Mr. McCOTTER, Mr. WOLF, Mr. BOSWELL, and Mr. FILNER.
 H.R. 3233: Mr. ROONEY.
 H.R. 3245: Mr. GUTIERREZ.
 H.R. 3250: Mrs. MALONEY, Mr. ACKERMAN, Mr. ARCURI, Mr. SERRANO, Mr. ENGEL, and Mr. MURPHY of New York.
 H.R. 3252: Mr. FILNER.
 H. J. Res. 56: Mr. WELCH.
 H. Con. Res. 49: Mr. RUSH, Mr. SCALISE, and Mr. ADLER of New Jersey.
 H. Con. Res. 74: Ms. BERKLEY and Mr. GRIJALVA.
 H. Con. Res. 94: Mr. TANNER.
 H. Con. Res. 160: Mr. KANJORSKI.
 H. Res. 57: Mr. SKELTON.
 H. Res. 111: Ms. MARKEY of Colorado, Mr. COSTA, and Mr. LAMBORN.

H. Res. 270: Mr. DAVIS of Alabama.
 H. Res. 311: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROS-LEHTINEN, and Mr. MANZULLO.
 H. Res. 376: Mr. MASSA, Mr. MOORE of Kansas, Mr. BROUN of Georgia, Ms. BERKLEY, Mr. CAO, Mr. ARCURI, and Mr. FRANKS of Arizona.
 H. Res. 487: Mr. SCHAUER.
 H. Res. 508: Mr. EHLERS, Mr. BOYD, and Mr. SHERMAN.
 H. Res. 593: Mr. GRAYSON.
 H. Res. 605: Ms. BALDWIN, Mr. AKIN, Mr. DOGGETT, Mr. LANCE, Mr. ISSA, Mr. MICHAUD, and Mr. BARTLETT.
 H. Res. 619: Mr. LATHAM, Mr. TIM MURPHY of Pennsylvania, and Mr. ROYCE.
 H. Res. 620: Mr. GRIJALVA.
 H. Res. 630: Mr. WELCH, Mr. MORAN of Virginia, Mr. BERRY, Ms. MCCOLLUM, Mr. MURTHA, and Mr. MOLLOHAN.
 H. Res. 631: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of New Jersey, and Mr. BARTON of Texas.
 H. Res. 641: Mr. WEXLER, Mr. GALLEGLY, Mr. WILSON of South Carolina, Ms. BERKLEY, Mr. PENCE, Mr. BOEHNER, Mr. BLUNT, Mr. MANZULLO, Mr. CRENSHAW, Mr. CARTER, Mr. STEARNS, Mr. ROYCE, Mr. WOLF, Mr. CAO, Mr. BILBRAY, Mr. BOOZMAN, Mr. CHAFFETZ, Mr. PITTS, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 654: Mr. FILNER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. SPRATT

H.R. 2920, the Statutory Pay-As-You-Go Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. RYAN OF WISCONSIN

The amendment to be offered by Representative RYAN of Wisconsin, or a designee, to H.R. 2920, the Statutory Pay-As-You-Go Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. BOSWELL. Madam Speaker, I regret missing afternoon and evening votes from the House on July 20th. Had I been present, I would have voted "aye" on rollcall votes 593, 594, 595.

EARMARK DECLARATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. TURNER. Madam Speaker, I submit the following statement regarding Member Requests Associated with the following bills: The FY2010 National Defense Authorization Act, the FY2010 Military Construction/VA Appropriations Act, the FY2010 Department of Interior and Related Agencies Appropriations Act, and the FY2010 Department of Agriculture Appropriations Act

1. Project—Integrated Electrical Starter/Generator (IES/G)

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&E

Legal Name of Requesting Entity: GE Aviation Systems, Electrical Power

Address of Requesting Entity: 740 E. National Rd, Vandalia, OH 45377

Description of Request: The funding would be used to help develop a pre-prototype, sensor-less IES/G to demonstrate the feasibility of supplying both main engine start function and the electrical power necessary to operate all aircraft systems.

2. Project—Production of Nanocomposites for Aerospace Applications

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&E

Legal Name of Requesting Entity: NanoSpense, LLC

Address of Requesting Entity: 2000 Composite Drive, Kettering, OH 45420

Description of Request: The funding being requested will transition nano-materials technology into Air Force applications.

3. Project—Open Source Research Centers

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&E

Legal Name of Requesting Entity: Radiance Technologies

Address of Requesting Entity: 3100 Presidential Dr, Suite 200, Fairborn, Ohio 45324

Description of Request: The funding being requested will provide support to government

agencies that are already overburdened with classified research requirements and do not have resources to meet the open source requirements.

4. Project—Tactical Metal Fabrication System (TacFab)

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Army, RDT&E

Legal Name of Requesting Entity: BuyCASTINGS.com, Inc.

Address of Requesting Entity: 2411 Crosspointe Drive, Miamisburg, OH 45342

Description of Request: The funding being requested will help Tactical Metal Fabrication (TacFab) System design, develop and build a mobile, containerized foundry, deployable overseas as a companion to RMS, the Army's Rapid Manufacturing System.

5. Project—Replace West Ramp, Phase 2

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, Mil Con

Legal Name of Requesting Entity: Wright-Patterson Air Force Base

Address of Requesting Entity: Dayton, OH

Description of Request: The funding would be used to remove and replace existing concrete pavement, base, and adjacent paved shoulders at the West Ramp; also relocate underground utilities and warm-up pad. Provide taxiway lighting, blast deflector, drainage and markings, and all necessary support.

6. Project—Nano-Composite Structures Manufacturing Technology Development

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&E

Legal Name of Requesting Entity: Vector Composites, Inc.

Address of Requesting Entity: 3251 McCall Street Dayton, OH 45417

Description of Request: The funding being requested will enable the nano-composite materials and structures manufacturing technology development and demonstration from this R&D project to meet national defense needs by providing lighter weight and lower cost composite structures manufacturing processes for defense systems applications such as sensor and weapon platforms.

7. Project—Commercialization of High-Rate Polyimide Composites for Military and Commercial Aircraft

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&E

Legal Name of Requesting Entity: Renegade Materials Corporation

Address of Requesting Entity: 3363 South Tech Blvd. Springboro, Ohio 45342

Description of Request: The funding being requested will make it possible to complete the materials testing database which is essential to all aircraft qualifications that the new, high temperature, high-rate polyimide composite materials will have to successfully pass

in order to see use on military and commercial aircraft.

8. Project—Rapid Automated Processing of Advanced Low Observables

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&E

Legal Name of Requesting Entity: ATK Aerospace Structures

Address of Requesting Entity: 1365 Technology Court, Dayton, Ohio 45430

Description of Request: The funding being requested will make it possible to develop an automated, cost savings Frequency Selective Surfaces (FSS) process that military combat aircraft and naval vessels rely extensively on to provide situational awareness and threat termination.

9. Project—Technical Sensors Integrated Ground Station

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&E

Legal Name of Requesting Entity: Ball Aerospace & Technologies Corp.

Address of Requesting Entity: 2875 Presidential Drive; Suite 180 Fairborn, OH 45324

Description of Request: The funding being requested will enable the Air Force, through NASIC, to satisfy ODNI guidance to transition Tech Sensors into an operational environment.

10. Project—Advanced Technical Intelligence Center (ATIC)

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&E

Legal Name of Requesting Entity: Advanced Technical Intelligence Center for Human Capital Development (ATIC)

Address of Requesting Entity: 2685 Hibiscus Way, Suite 110, Beavercreek, OH 45431

Description of Request: The funding being requested will enable ATIC to continue and expand its mission to educate future technical intelligence experts while conducting basic research necessary to sustain technology advancements in support of the Intelligence Community and the warfighter.

11. Project—Advanced Meta Materials

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&E

Legal Name of Requesting Entity: Mound Laser & Photonics Center, Inc.

Address of Requesting Entity: 965 Capstone Drive, Suite 308, Miamisburg, OH 45342

Description of Request: The funding being requested will be used to design, model, and fabricate meta material systems that could be incorporated into aircraft antenna designs which could be used to significantly improve antenna technology and performance.

12. Project—The City of Vandalia for airport access road water and sewer extensions

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Legal Name of Requesting Entity: City of Vandalia, Vandalia, OH

Address of Requesting Entity: 333 James Bohanan Drive, Vandalia, OH 45377

Description of Request: Funding for this project will go toward the extension of water and sanitary sewer lines west from Peters Pike across the Airport Access Road. The installation of these utilities will increase the value of the property and pave the way for future economic development on the west side of Vandalia adjacent to the Dayton International Airport.

13. Project—Replace West Ramp, Phase 2
Requesting Member: MICHAEL TURNER
Bill Number: H.R. 3082

Account: Air Force, Mil Con

Legal Name of Requesting Entity: Wright-Patterson Air Force Base

Address of Requesting Entity: Dayton, OH

Description of Request: The funding would be used to remove and replace existing concrete pavement, base, and adjacent paved shoulders at the West Ramp; and also relocate underground utilities and warm-up pad. Provide taxiway lighting, blast deflectors, drainage and markings, and all necessary support.

14. Project—Dietary Intervention, OH
Requesting Member: MICHAEL TURNER
Bill Number: H.R. 2997

Account: RE/FA

Legal Name of Requesting Entity: Ohio Agriculture Research and Development Center

Address of Requesting Entity: 1680 Madison Ave., Wooster, OH 44691

Description of Request: This phase of the project is to initiate a trial to: (1) evaluate the ability of freeze-dried black raspberries (FBR) to prevent the recurrence of colorectal cancer; (2) initiate a trial to determine the ability of FBR to prevent gastric (stomach) cancer; and (3) investigate the metabolism of berry ellagitannins and anthocyanins and determine the bioactivity of the metabolites.

15. Project—Holes Creek, West Carrollton, OH

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3183

Account: Corps of Engineers Construction

Legal Name of Requesting Entity: The Miami Conservancy District

Address of Requesting Entity: 38 East Monument Avenue, Dayton, OH 45402

Description of Request: This project protects approximately 600 homes in West Carrollton, Moraine and Miami Township (Montgomery County) from flooding. Funds will go toward the construction of a levee and floodwall to also protect 13 commercial and industrial properties north of the creek, and purchase three flood-prone properties south of the creek and remove the structures, completing this flood protection project.

16. Project—Ohio Environmental Infrastructure, OH: City of Hillsboro, Highland County, OH

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3183

Account: Corps of Engineers, Construction

Legal Name of Requesting Entity: City of Hillsboro, Ohio

Address of Requesting Entity: 130 N. High Street, Hillsboro, Ohio 45133

Description of Request: Hillsboro, Ohio, located in rural Highland County is in need of

updating its Wastewater Treatment Facility and wastewater infrastructure. Specifically, the funds requested would be used for the construction of needed improvements to their wastewater treatment plant and the installation of additional equalization basins. Funds will also be used to upgrade aging water infrastructure for the treatment of waste.

17. Project—Ohio Environmental Infrastructure, OH: Village of Blanchester, Clinton County, OH

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3183

Account: Corps of Engineers, Construction

Legal Name of Requesting Entity: Village of Blanchester, Ohio

Address of Requesting Entity: 318 E. Main Street, Suite 302, PO Box 158 Blanchester, Ohio 45107

Description of Request: Blanchester, Ohio located in rural Clinton County, Ohio has a wastewater treatment system which is over capacity. Funds for this project will be used to increase treatment system capacity to assist this community in their compliance with state EPA standards.

18. Project—Miamisburg Mound Energy Park Redevelopment

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3183

Account: Department of Energy, Other Defense Activities

Legal Name of Requesting Entity: Miamisburg Mound Community Improvement Corporation

Address of Requesting Entity: 965 Capstone Drive, P.O. Box 232 Miamisburg, Ohio 45342

Description of Request: Funds for this project will go toward the redevelopment of the Miamisburg Mound, a former Department of Energy facility which is currently undergoing extensive environmental remediation. The site will be redeveloped into a science and technology business park.

INTRODUCTION OF THE "GREEN ROUTES TO WORK ACT OF 2009"

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. BLUMENAUER. Madam Speaker, Americans have made it clear that they want transportation options. In a recent study by the Pew Charitable Trusts, 52% of Americans support increased funding for bike, pedestrian and public transportation programs. On average, transportation costs are now Americans' second largest expense after housing. This impacts on business owners, as employees spend over 4.2 billion hours stuck in traffic each year—averaging up to almost a week per year per employee. If more Americans commute using alternative modes of transportation, we will see improvements in the economy, workplace productivity, and quality of life.

In order to help communities provide families with more choices and level the playing field for people who want to be less auto-dependent, the federal government must be a better partner in these efforts.

This is why I am introducing the "Green Routes to Work Act of 2009," which will pro-

vide consumers with commuting choices. The bill will help companies provide their employees with options, improve service to deal with increased demand and ensure that the federal government leads by example.

As gas prices increase, many Americans are already changing their daily behaviors to decrease fuel costs: taking fewer trips, keeping their cars tuned, even trading in their gas guzzlers for more fuel-efficient models. Through the incentives in this bill, the federal government can support consumers who wish to use environmentally friendly, active transportation modes that save them money in the long run, such as public transit, carpooling, biking, walking and telecommuting.

For too long, the federal government has supported commuters who drove to work, but has not helped those who use other methods of transportation. The passage of legislation last year to allow employers to provide transportation fringe benefits to bike commuters was a good first step. But with a changing climate, expanding waistlines and more congested roadways, it's time for the federal government to become more aggressive in helping to provide choices. This not only makes environmental and public health sense, it makes economic sense: at \$4 a gallon gasoline, American families can save \$5.6 billion each year on gasoline costs by using transit. Bicycle commuters annually save an average of \$1,825 in auto-related costs, conserve 145 gallons of gasoline, and avoid 50 hours of gridlock traffic.

I hope my colleagues will join me in supporting this legislation to support businesses in their effort to provide choices for commuting employees.

EARMARK DECLARATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. CONAWAY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

A request to Cooperative State Research, Education and Extension Service (CSREES), Special Research Grants Account, to the Animal Fiber Research Program. This funding would assist in the ongoing Wool Research Program. This program is a partnership between the Texas Agriculture Experiment Station in San Angelo, TX, New Mexico State University and Montana State University. This program helps enhance the quality and quantity of wool and mohair produced in this country. In addition, significant efforts are being made to work with small ruminants as a means to control invasive brush which is a major issue in many parts of Texas degrading rangelands and taking precious water. The project is located at 7887, U.S. Highway 87N, San Angelo, Texas, 76901.

A request to Cooperative State Research, Education and Extension Service (CSREES),

Special Research Grants Account to continue partial funding of the state-of-the-art multidisciplinary research approach at the International Cotton Center at Texas Tech University. The International Cotton Center conducts cotton research programs for cotton production systems and provides market and policy analysis for natural fibers (cotton, wool, and mohair) in an effort to increase profitability and maintain viability of all segments of the U.S. cotton industry in an increasingly competitive and volatile international market. The project research would be centrally located at Texas Tech University, located at 2500 Broadway, Lubbock, Texas 79409.

A request to Cooperative State Research, Education and Extension Service (CSREES), Special Research Grants Account, to continue partial funding for the Center for Food Industry Excellence at Texas Tech University. The Center for Food Industry Excellence is a federal and state supported program that conducts systematic development and evaluations of production, processing and preparation methods of food products to achieve a safer and more nutritious food supply. The project research would be centrally located at Texas Tech University, located at 2500 Broadway, Lubbock, Texas 79409.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 10 Energy and Water Development Appropriation Act.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3183

Project name: Wreck Pond Clean-Up

Account: Army Corps of Engineers—Investigations

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, NY 10278-0090.

Description of Request: Enable the Army Corps to continue and further its partnerships with state and local officials in the effort to fully clear toxic contamination from Wreck Pond. Overflow contaminants from Wreck Pond pollute the Ocean and such pollution has been responsible for more than 80% of all beach closings on the New Jersey shore. Planned remedies such as dredging will reduce flooding, ensure improved water quality, protect ocean swimmers and prevent beach closings.

Project name: Assunpink Creek Flood Mitigation in Hamilton Township

Account: Army Corps of Engineers—Section 205

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

Description of Request: Investigate flooding problems along the Assunpink Creek in Hamilton Township, NJ—an area which has frequent water control problems and environmental degradation—to save structures and contents from flood damage, alleviate cleanup costs for residents in this highly urbanized setting of the area.

Project name: Assunpink Creek Day Lighting Initiative in Trenton

Account: Army Corps of Engineers—Section 1135

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

Description of Request: The project seeks to day light Assunpink Creek along the Broad Street culvert—which connects various greenway areas and transportation facilities. The corps reports that this will improve anadromous fish migration along Assunpink Creek in Trenton. The project also benefits businesses adjacent to the site and provides recreational, historical and educational opportunities for the community.

Project name: Delaware River Bank Protection, Philadelphia to Trenton

Account: Army Corps of Engineers—Operation and Maintenance

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

Description of Request: Maintain and inspect bank protection works, provide bridge reconstruction and perform maintenance dredging of lower reach and turning basin. This project will restore safe and economical navigating depths in the Florence Township area. Funding will be used for maintenance dredging of lower reach and turning basin and to construct three upland disposal sites, and for disposal area maintenance & construction and placement of rip-rap material.

Project name: New Jersey Intracoastal Waterway

Account: Army Corps of Engineers—Operation and Maintenance

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

Description of Request: Provides a safe, reliable, and efficient navigation channel for the East Coast's largest and the 5th most valuable commercial fishing fleet in the US, as well as nine US Coast Guard Stations. This funding will be used to perform maintenance dredging of the entrance channel.

Project name: NJ Shore Protection for Sandy Hook to Barnegat Inlet

Account: Army Corps of Engineers—Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, NY 10278-0090.

Description of Request: Funding would be used to continue the renourishment phase of the Sandy Hook to Barnegat Inlet, NJ shore

protection project. Beach replenishment remedies have been extremely effective in the section of the Jersey shore and ongoing funding is needed to sustain the progress made through the initial successful federal/state shared investment. New Jersey's beaches are a vital recreational and economic resource. Replenishment and sustained maintenance of healthy beaches help protect residents, local businesses, tourist attractions and natural habitats.

Project name: Comprehensive Restoration of the Delaware River

Account: Army Corps of Engineers—Investigations

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

Description of Request: Continue the Delaware River plan formulation and evaluation of alternative solutions and mitigation remedies to the region's problems regarding flooding along the river and tributaries. This project will help alleviate significant flood damage for residents while providing ecosystem restoration, protection and enhancement and restoration of public lands.

Project name: Manasquan River Maintenance

Account: Army Corps of Engineers—Operation and Maintenance

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

Description of Request: Manasquan River connects the New Jersey Intracoastal Waterway with the Atlantic Ocean. This navigation project provides for 2 jetties; a channel 14 feet deep and 250 feet wide from the ocean to the inner end of the north jetty; and a channel 12 feet deep and 100 to 300 feet wide extending to within 300 feet of the railroad bridge. This funding will be used to perform maintenance dredging of the channel.

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. CARTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Requesting Member: JOHN R. CARTER

Bill Number: H.R. 3183

Account: Army Corps of Engineers—Investigations

Requesting entity: Brazos River Authority

Address of Requesting Entity: 4600 Cobb Drive, Waco, TX

Description: \$300,000 in funding from the Investigations account of the Army Corps of Engineers for the Middle Brazos River. This program will investigate increasing the water

supply of the Middle Brazos Basin. The COE and the Brazos River Authority (BRA) are evaluating the feasibility of increasing the water supply of the Middle Brazos basin by raising lake levels (reallocating flood pool storage to water supply). This is a long-term project aimed at developing additional water at existing reservoir sites for future needs. The \$300,000 will be spent by the COE on an interim feasibility study.

Requesting Member: JOHN R. CARTER

Bill Number: H.R. 3183

Account: Dept. of Energy—EERE

Requesting entity: City of Georgetown, TX

Address of Requesting Entity: 113 E. 8th Street, Georgetown TX 78626

Description: The City of Georgetown is a municipal electric power provider, dedicated to efficiently lowering the cost of energy to the customers within their service area. \$100,000 in funding is for the planning, engineering and development of a solar power project in partnership with GREX and the Life Sciences Center, Georgetown, Texas. This solar project will be used as a template type "pilot project" to encourage other commercial customers inside our service territory to consider installing similar renewable distributed power facilities to help the customer reduce the consumption of power generated by fossil fueled power plants and benefit the city power system by controlling voltage and maintaining power quality.

IN RECOGNITION OF CAPTAIN
ENRIQUE SADSAD UPON RECEIVING
THE 2009 MILITARY LEADER
OF THE YEAR AWARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Captain Enrique Sadsad, who has received the 2009 Military Leader of the Year Award, given by the Association of Defense Communities. Captain Sadsad's tireless pursuit of fostering community bonds, developing defense partnerships and effectively leading the Training Air Wing Five for the Naval Air Station Whiting Field has made a lasting difference in the lives of many in my district.

Captain Sadsad effectively fulfills his military mission through superior leadership of Training Air Wing Five. His duties include coordinating fixed-wing and rotary-wing aircraft pilot training for Navy, Marine Corps, Coast Guard, Air Force and pilots from over a dozen different countries. Under Captain Sadsad's direction, the Training Air Wing Five contributes to 10% of all Naval Flight hours flown worldwide. Captain Sadsad still finds the time to go above and beyond his call of duty to actively engage in the community exemplified through his involvement with numerous programs. Chief among them include; the Covenant Hospice Veteran program, American Cancer Society, Habitat for Humanity, Junior Reserve Officer Training Course, Partners-in-Education, Manna Food Bank, Big Brothers and Big Sisters, and the Drug Education for Youth program.

Moreover, Captain Sadsad's successful joint venture with County and State Encroachment Partnering has resulted in the acquisition of more than 1,000 acres of conservation easements contributing to the protection of the mission at NAS Whiting Field. In addition, Captain Sadsad has sought to diligently work with resource management to oversee the preservation of several rare, threatened and endangered wildlife species as well as overseeing 2,351 acres of forestland, 317 acres of wetlands, and 742 acres in Agricultural leases.

Madam Speaker, on behalf of the United States Congress, I would like to thank Captain Enrique Sadsad for his dedicated efforts of training our service men and women and conscientiously working to improve the community of Northwest Florida. Vicki and I send him our best wishes for continued success.

PERSONAL EXPLANATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. TURNER. Madam Speaker, on rollcall No. 595, had I been present, I would have voted "yea."

IN TRIBUTE TO OBIE V. BRANDON

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Ms. MATSUI. Madam Speaker, I rise today in tribute to Obie Brandon, a dear friend and community leader who passed away last week after a valiant fight against cancer. Obie was a prominent labor leader in the Sacramento Region, and his death leaves a great void in the fight for the rights of working families and the labor movement. As his family, friends, and labor brothers and sisters gather to honor and remember his wonderful life, I ask all my colleagues to join me in saluting one of Sacramento's most well-respected figures.

Obie was an admired advocate for the working class citizens and an unapologetic champion for the rights of the underserved and needy. Obie's roots in labor began early in his life with his first career beginning in 1962 as a flour miller for Pillsbury. After the plant closed, he continued his career with United Grocers until he was called for military service in Vietnam. After serving his country for two years in Vietnam, Obie returned to his position with United Grocers. He was a steadfast advocate of labor and continued his support of labor by becoming an active member of the International Longshoremen's Warehouse Union Local 17. He began as the Recording-Secretary for the ILWU Local 17 in 1970 and soon became the Local's President in 1973.

Obie was widely recognized as a tough negotiator and strong advocate for the rights of Union labor members. His ardent support for the labor movement soon caught the attention of Roy Mack of the United Food and Commercial Workers Local 498. Obie later joined Mack

on the staff of the Local 498, where only eight months into his membership he was elected Secretary-Treasurer, a position he would hold from 1982 to 1990. Later, along with other labor leaders, Obie helped form the Coalition of Organized Labor Board, an organization of 24 local Unions representing some 150,000 members and committed to bringing Unions together to provide mutual support. He served until his passing as the group's Secretary-Treasurer.

Through his advocacy at the local and state levels, Obie became an important ambassador between labor Unions and Commercial Enterprises. In addition to his work with the UFCW, Obie served as Vice President of the Sacramento Central Labor Council, AFL-CIO. He was a passionate supporter of working class citizens and their rights through labor Unions, and his ardor and commitment to these issues resonated in his advocacy. Obie contributed to the growth and maturity of countless people and was a true champion of the labor movement.

Madam Speaker, as Obie Brandon's wife Kathy, his children Tera Clizbe and Eric Brandon, his three grandchildren, Cameron, Brandon and Taylor, and his friends gather to honor his wonderful legacy and countless contributions, I am honored to pay tribute to him. I ask all my colleagues to pause and join me in paying respect to an extraordinarily loving man, Obie Brandon.

EARMARK DECLARATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. STEARNS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I have received in the Commerce, Justice, State Appropriations Act, the Homeland Security Appropriations Act and the Energy and Water Appropriations Act.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 2847

Account: Department of Justice, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Alachua County, FL

Address of Requesting Entity: 12 South East 1st Street, Gainesville, FL 32601

Description of Request: I have secured \$900,000 for Alachua County, FL. Alachua County will use the funds to provide an integrated, coordinated continuum of care using evidenced-based practices where there will be "no wrong door" to enter treatment. Persons will be assessed and provided with a level of treatment consistent with individual need. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 2847

Account: Department of Justice, OJP—Juvenile Justice

Legal Name of Requesting Entity: Devereux Kids Florida

Address of Requesting Entity: 1629 NW 4th Street, Suite 102, Ocala, FL 34475

Description of Request: I have secured \$200,000 for Devereux Kids Florida. The funding will be used by Devereux Kids Florida to provide support services and interdiction on behalf of children has been delegated to regional coordinating bodies and local community-based organizations. Devereux Kids has developed a successful model of providing information, family services and reunification services which currently serves 10 counties. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 2847

Account: Department of Justice, OJP—Juvenile Justice

Legal Name of Requesting Entity: ARISE Foundation

Address of Requesting Entity: 824 US Highway 1, Suite 240, North Palm Beach, FL 33408

Description of Request: I have secured \$550,000 for the ARISE Foundation. The funding will be used by the ARISE Foundation to provide Florida Juvenile Justice Staff on a state-wide basis with in depth training and specialized ARISE Life Management Skills lessons to conduct guided group discussions with incarcerated high-risk youth. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 2892

Account: FEMA

Legal Name of Requesting Entity: Lake County, FL

Address of Requesting Entity: 315 West Main Street, Tavares, FL 32778

Description of Request: I have secured \$800,000 for Lake County, FL. The funding will be used by Lake County, FL to provide a desperately needed full-time dedicated Emergency Operations Center for Lake County, FL. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 3183

Account: Corp of Engineers—Construction

Legal Name of Requesting Entity: The Jacksonville Port Authority

Address of Requesting Entity: 2831 Talleyrand Avenue, Jacksonville, FL 32206

Description of Request: I have secured \$1,000,000 for the Jacksonville Port Authority. The funding will be used by the Jacksonville Port Authority for continuing construction for dredging improvements due to both safety and economic risks posed by the narrowness of the channel, as recommended by the Army Corps of Engineers. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 3183

Account: DOE—EERE

Legal Name of Requesting Entity: Central Florida Community College

Address of Requesting Entity: Post Office Box 1388, Ocala, FL 34478

Description of Request: I have secured \$300,000 for Central Florida Community College. The funding will be used by Central Florida Community College to purchase and install equipment to reduce energy losses, use energy more efficiently, and capture energy from natural sunlight. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 3183

Account: DOE—Electricity Delivery and Energy Reliability

Legal Name of Requesting Entity: Florida Institute for Human and Machine Cognition

Address of Requesting Entity: 15 Southeast Osceola Avenue, Ocala, FL 34471

Description of Request: I have secured \$750,000 for the Florida Institute for Human and Machine Cognition. The funding will be used by the Florida Institute for Human and Machine Cognition to build upon proven, biologically-inspired technology to create a system-centric defense infrastructure for SCADA systems that will greatly improve their intrinsic resilience to environmental effects and malicious attacks. I certify that neither I nor my spouse has any financial interest in this project.

PERSONAL EXPLANATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. WITTMAN. Madam Speaker, I missed the following rollcall votes on July 20, 2009 because I was unavoidably detained while traveling in the district. Had I been present, I would have voted “nay” on rollcall vote 593 (motion to approve the Journal) and “aye” on rollcall votes 594 (a motion to suspend the rules and agree to H. Res. 607) and 595 (a motion to suspend the rules and agree to H.R. 2245).

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally-directed funding, I am submitting the following information regarding funding included in H.R. 3170—Financial Services and General Government Appropriations Act, 2010

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3170

Account: ONDCP

Legal Name of Recipient: National Alliance for Model State Drug Laws

Address of Recipient: 1414 Prince Street, Alexandria, VA 22314

Description of Request: As also requested by the President, provides \$1,250,000 in di-

rected funding to assist states with their efforts to address diversion of, abuse of, misuse of, and addiction to prescription drugs. The National Alliance for Model State Drug Laws (NAMSDL) is a non-profit organization that serves as a resource for governors, state legislators, drug and alcohol professionals, community leaders, and others striving for comprehensive and effective state drug and alcohol laws, policies and programs. NAMSDL's national network of drug and alcohol experts researches and analyzes model drug and alcohol laws, and facilitates working relationships among state and community leaders and drug and alcohol professionals. The proliferation of addictive pain-relief prescription drugs in Kentucky and across the country necessitates continued funding of NAMSDL programs.

PREVENTIVE MENTAL HEALTH AND SUBSTANCE ABUSE SCREENING

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. KENNEDY. Madam Speaker, as we continue to craft a meaningful, necessary reform of our health care system, we must continue to embrace prevention, the provision of whole-body care, and the reversal of the current “sick-care” system. With this in mind, I respectfully ask you to ensure that screening for mental health and substance abuse is included as one of the preventative services proposed by the America's Affordable Health Choices Act of 2009.

The pervasiveness of mental illness and substance abuse in our society continues to be disconcerting. In 2007, over 20 million individuals were diagnosed with substance dependence or abuse. However, less than 10 percent received treatment for their disorders. By some estimates, the societal health and economic costs of alcohol and drug abuse are estimated at \$366 billion per year. Conversely, screening has an estimated net savings of \$294 per person offered screening.

Extensive data documents that drug and alcohol addiction treatment is as effective as treatment for other chronic medical conditions such as cancer, diabetes, and heart disease. Substance addiction, like cancer, diabetes, and heart disease, is a preventable and treatable chronic disease. Likewise, mental illnesses are among the most expensive and disabling chronic diseases. Severe mental illnesses are estimated to cost the U.S. \$193 billion in lost wages in 2002. The World Health Organization has pronounced mental health disorders to be the leading cause of disability in the U.S. based on burden of disease. Moreover, mental illnesses often accompany and greatly increase the cost of treating other chronic conditions. Tragically, individuals with serious mental illness have a life expectancy of 25 years less than general population.

Currently, mental health and substance abuse screening tools, such as Screening, Brief Intervention and Referral to Treatment (SBIRT or SBI), are being used effectively in

many academic centers, hospitals, trauma centers and community health settings across the country. A cost assessment conducted of SBIRT in Washington State demonstrated a cost savings for the State of \$2 million in Medicaid costs for just 1,000 patients. SBIRT is already effectively being used by the Federal Employees Health Benefits Program, and the Center for Medicare Services has also allocated approximately \$300 million for states specifically for reimbursement of SBIRT. I look forward to continuing to work with my colleagues to ensure that this life-saving preventative strategy is included in the America's Affordable Health Choices Act of 2009.

INTRODUCING AG TRUCK WEIGHTS LEGISLATION

HON. BETSY MARKEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Ms. MARKEY of Colorado. Madam Speaker, today I am proud to introduce, on behalf of myself and my colleague ADRIAN SMITH of Nebraska, the House companion bill to S. 639—bill to help farmers and ranchers transport their commodities more easily.

Being a member of both the Agriculture and the Transportation Committees, I understand how critical it is that both sectors be able to work together to facilitate the movement of commodities. Representing a largely agricultural district, I know the struggles farmers go through to transport their crops, especially in this time of ever fluctuating gas prices. We need to be doing what we can to relieve farmers of unnecessary transportation rules and regulations when they follow safe and responsible procedures.

When a farmer drives goods of over 10,001 pounds across state lines, they become subject to the rules and regulations of commercial motor vehicles. Within their own State, the farmer is not violating any laws; however, once they become an "interstate carrier" the farmer is then responsible for all of the requirements of an operator of a commercial motor vehicle. These requirements include having a commercial driver's license, Department of Transportation certification on the vehicle, being subject to drug and alcohol testing in addition to having a medical examination certificate, and recording hours of service. For those farmers who are occasionally transporting their goods across state lines and are not driving trucks for a living, these requirements are an unnecessary burden. These costly regulations are taking an unfair toll on farmers and this legislation will correct that. This legislation would exempt farmers from the 10,001 pound definition of a Commercial Motor Vehicle when traveling between States and will reduce undue burdens on farmers.

HONORING COMMAND SERGEANT MAJOR NEIL RUSSELL FOR 38 YEARS OF SERVICE

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to honor a fellow Georgian, Command Sergeant Major (CSM) Neil Russell, on his retirement after more than 38 years of service in the Georgia Army National Guard. CSM Russell's dedication to duty and service throughout his career has led to numerous accomplishments that he will undoubtedly carry with him forever as he moves into the next phase of his life.

CSM Russell began his military career with the Georgia Army National Guard when he graduated high school in 1971, and he has been humbly serving our nation in this capacity ever since. His military education includes the Fire Direction Computer Course, the Equal Opportunity and Race Relations Course, the NCOES Advance and Senior Courses, the Battle Skills Course, the U.S. Army Sergeants Major Academy Course, the U.S. Army Command Sergeants Major Designee Course, and the Bradley Infantry Crewman Course at numerous military installations across the country. These experiences laid the course for an illustrious career for CSM Russell. He also holds an Associates Degree in Science from Brunswick Junior College and a Bachelor of Science from Excelsior College in Albany, NY.

CSM Russell served in the 118th Field Artillery Brigade in Savannah, GA as a Fire Direction Specialist and Operations NCO until August of 1981, when he was assigned to the Service Battery 2nd Battalion, 214th Field Artillery as the Battalion Supply Sergeant. In May of 1985, he was transferred back to the 118th Field Artillery Brigade. He remained there until September of 1992 when he was transferred to the 1st Battalion, 118th Field Artillery Battalion as the Battalion Operations NCO, and in May of 1999 he was selected and transferred to the 122nd Rear Operations Center (ROC) as the unit Operations Sergeant Major. Finally, in May of 2005, CSM Russell was selected and reassigned as the JFHQ Command Sergeant Major for the Georgia Army National Guard, and he has honorably served in this capacity until his retirement.

CSM Russell trained at the National Training Center in Ft. Irwin, CA with the 1st Battalion, 118th Field Artillery in 1996 and has participated in numerous OCONUS exercises while serving in the 122nd ROC. In November of 2000, he mobilized with the 122nd ROC in support of Operation Enduring Freedom. The 122nd ROC became the basis around which a task force was created to establish, coordinate, and manage the civil affairs mission in Afghanistan. In January of 2002, CSM Russell deployed with the task force to Kabul, Afghanistan, and he functioned as the Task Force Command Sergeant Major until June of 2002, when he re-deployed. This task force was awarded the Joint Meritorious Unit Award for exceptional achievement for the period between November of 2001 and July of 2002.

Throughout his illustrious career, CSM Russell has been presented the Georgia State Ac-

tive Duty Ribbon, the Georgia Commendation Medal, the National Defense Service Medal with Service Star, the Army Reserve Component Achievement Medal, the Armed Forces Reserve Medal, the Army Service Ribbon, the Army Reserve Component Overseas Training Ribbon, the Humanitarian Service Medal, the Joint Services Achievement Medal, the Army Achievement Medal, the Armed Forces Expeditionary Medal, the Army Commendation Medal, the Meritorious Service Medal, and the Bronze Star Medal. Each one of these medals and ribbons signify the admirable service that CSM Russell has graciously displayed in his career in the Georgia Army National Guard.

CSM Russell has made a lasting contribution to the capability of today's United States Army National Guard. His superior performance of duties highlights the culmination of more than 37 years of honorable and dedicated Army National Guard service. My home state of Georgia and our nation are proud of CSM Russell's exemplary professional competence, sound judgment, and total dedication to duty. He has reflected great credit upon himself and has always upheld the highest traditions of the Army National Guard. I wish Neil and his family all the best in their future endeavors as he enters into a well-deserved retirement after such a distinguished career of service.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I am having back surgery, which will require me to miss votes the last two weeks of July. I will be returning, stronger and better than ever, to do my work for the 4th Congressional District of NY when Congress reconvenes in September.

Yesterday, I missed two votes. Had I been present I would have voted.

Rollcall No. 593, on Approving the Journal, I would have voted "yea."

Rollcall No. 594, on the Motion to Suspend the Rules and Agree to H. Res. 607, I would have voted "yea."

Rollcall No. 595, on the Motion to Suspend the Rules and Pass H.R. 2245, I would have voted "yea."

THE LIBERAL SLIDE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. STEARNS. Madam Speaker, as the polls show disapproval for the Democrat health care up to 44 percent and now more than 43 percent of Americans now see the Obama Democrats as the old-style, tax and spend liberals. The President is starting to take note.

He has delayed the White House release of its mid-year budget review. The administration

officials have rescheduled its release to conceal record-breaking deficits. At the same time, the Democrat leaders rush to take over healthcare and they continue to push cap and tax legislation.

Both of these bills will push spending out of control.

The Democrats won't even listen to the CBO Director Elmendorf who said their healthcare bill won't save money but will add to the deficit.

Madam Speaker, the Democrats need to work in a bipartisan way to gain control of our spending to create jobs for the American people.

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. LEWIS of California. Madam Speaker, pursuant to Republican earmark guidance, I am submitting the following in regards to the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman JERRY LEWIS

Project Name: University of California, Riverside School of Medicine

Account: HRSA Health Facilities and Services

Legal Name of Requesting Entity: University of California, Riverside

Address of Requesting Entity: 900 University Avenue Riverside, CA

Amount: \$3.4 million

Description of Request: The funds will be used for renovation of an anatomy lab and a biomedical sciences building that will become part of the planned School of Medicine at the University of California, Riverside. The new School of Medicine will address the severe physician shortage in Inland Southern California, one of the most rapidly growing regions in the country. With the regional physician shortfall is forecast to be high as 53 percent by 2015, the Inland Empire faces a health care challenge of crisis proportions. The regional focus of the medical school's research and clinical enterprises will help mitigate that crisis and will improve health care for the many low- and moderate-income residents of Riverside and San Bernardino counties. The results will be a model that can be applied in areas throughout the nation.

Requesting Member: Congressman JERRY LEWIS

Project Name: Salvation Army of San Bernardino Family Services Program

Account: Administration for Children and Families—Social Services

Legal Name of Requesting Entity: Salvation Army of San Bernardino

Address of Requesting Entity: 746 W. 5th Street San Bernardino, CA

Amount: \$160,000

Description of Request: The funds will help the Salvation Army Family Services program provide a full spectrum of community services designed to assist families that struggle with

difficult challenges. The funds will also support emergency shelter services to families in crisis. The program serves families throughout the Inland Empire, which has one of the highest foreclosure and unemployment rates in the nation. The economic situation is causing increased demand for these services, at the same time that donations and State funding have declined creating a dire situation for providing services.

Requesting Member: Congressman JERRY LEWIS

Project Name: San Geronio Hospital Computed Radiography

Account: HRSA—Health Facilities and Services

Legal Name of Requesting Entity: San Geronio Memorial Hospital

Address of Requesting Entity: 600 N Highland Springs Ave, Banning, CA

Amount: \$340,000

Description of Request: The funds would help purchase a Computed Radiography system to replace x-ray film and create a digital image. San Geronio Memorial Hospital is a not-for-profit community hospital that is serving a rapidly growing area of Riverside County. As Riverside County struggles with high unemployment and foreclosure rates, the hospital is providing more unreimbursed medical care, making it difficult to meet payroll and impossible to purchase any new equipment. Computed Radiography is the standard of care in diagnostic imaging and has been shown to greatly increase patient safety.

Requesting Member: Congressman JERRY LEWIS

Project Name: Redlands Community Hospital PET/CT Scanner

Account: HRSA—Health Facilities and Services

Legal Name of Requesting Entity: Redlands Community Hospital

Address of Requesting Entity: 350 Terracina Boulevard, Redlands, CA

Amount: \$500,000

Description of Request: The requested funds would help support the purchase of combination Positron Emission Tomography, PET, "64 slice" scanner/Computed Tomography, CT, machine. Currently RCH rents a PET scanner 3 days a week to accommodate patient demand. Redlands Community Hospital is one of a handful of remaining independent nonprofit hospitals in Southern California, and provides annually over \$8 million in charity care to the community. The equipment will help insure access to diagnostic services in the face of rapidly increasing levels of demand.

Requesting Member: Congressman JERRY LEWIS

Project Name: St. Bernardine Medical Center Endovascular Suite

Account: HRSA—Health Facilities and Services

Legal Name of Requesting Entity: St. Bernardine Medical Center

Address of Requesting Entity: 2101 North Waterman Ave San Bernardino, CA

Amount: \$500,000

Description of Request: The funds requested will help the hospital renovate space and equip an Endovascular Surgical Suite, which is a specialized surgical room capable

of advanced imaging to view smaller, obscure vessels, which leads to minimally invasive surgical procedures. In 2008, the Medical Center performed over 800 vascular procedures and is ranked as one of the top ten by volume in heart diagnostic and interventional procedures within the state of California. St. Bernardine serves one of the fastest growing areas in the state and nation and is located in one of the most densely impoverished areas in Southern California. Current health care capacity and equipment cannot keep pace with the growing demand.

Requesting Member: Congressman JERRY LEWIS

Account: FIE

Project Name: We Care San Jacinto

Legal Name of Requesting Entity: We Care San Jacinto

Address of Requesting Entity: 300 West First Street, San Jacinto, CA 92583

Amount: \$100,000

Description of Request: Funds for this project will go toward continuing a program that provides tutoring, homework assistance and after-school classes for low income families at no cost. In the City of San Jacinto, low-income elementary and high school students are faced with gang-related and drug activity in the local community every day. The We Care tutoring program has influenced those who might very well be inclined to drop out of school or not seek secondary education, and is an important education program for our community.

Requesting Member: Congressman JERRY LEWIS

Account: IMLS

Project Name: Cabot's Pueblo Museum

Legal Name of Requesting Entity: City of Desert Hot Springs

Address of Requesting Entity: 65950 Pierson Boulevard, Desert Hot Springs, CA 92240

Amount: \$100,000

Description of Request: Funds will be used for preserving artifacts and modern museum collection care at the Cabot's Pueblo museum. Cabot's Pueblo is a unique Hopi-inspired structure handmade by local resident Cabot Yerxa over 24 years. It includes 35 rooms, 150 windows and 65 doors, all crafted from found materials. The museum houses Cabot's collection of Native American pottery, early 20th century photographs and artifacts from his Alaskan adventures. The museum grounds, including a picnic area, are landscaped with native plants and home to many rustic period items—early 1900's tools, machinery and household goods. Project goals also include development of diverse learning programs that provide a greater opportunity for appreciation of regional and natural heritage.

Requesting Member: Congressman JERRY LEWIS

Account: IMLS

Project Name: Yucaipa Library

Legal Name of Requesting Entity: City of Yucaipa

Address of Requesting Entity: 34272 Yucaipa Boulevard, Yucaipa, CA 92399-9950

Amount: \$100,000

Description of Request: In a time when residents are relying more on the city's public services, growth in the library usage calls for

enhancement of materials and technology. Funds will be used to expand library collections and upgrade technology.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. MANZULLO. Madam Speaker, on Monday, July 20, 2009, I was unable to return to Washington in time to vote because of flight delays at O'Hare International Airport. If I was here, I would have voted "no" on rollcall No. 593, "yea" on rollcall No. 594, and "yea" on rollcall No. 595.

HONORING DR. GRAY MULTER

HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. MASSA. Madam Speaker, I rise today to honor a friend and scientist, Dr. Gray Multer. Gray was a marine geologist who dedicated his life to the study and preservation of marine ecosystems.

Born in Syracuse, New York, Gray earned his Bachelor's and Master's degrees from Syracuse University. After receiving his Ph.D. from Ohio State University, he was a Professor of Geology for 30 years, first at the College of Wooster and then at Fairleigh Dickinson University as the chair of its geology department.

During his life, Gray authored or co-authored over 70 scientific publications, as well as several books. In 2008, he was awarded an honorary membership from the International Society for Reef Studies for his distinguished research and service to society.

Gray was known for his warm demeanor and strength of character, always a teacher dedicated to instilling a love of learning in his students. He also volunteered with Habitat for Humanity in his spare time.

It is to Gray's life and work that I would like to dedicate my sponsorship of the Ocean Conservation, Education and National Strategy for the 21st Century Act, as well as the Tropical Forest and Coral Conservation Act.

As Gray recognized, the protection and restoration of marine ecosystems is tremendously important in order to halt their irreversible loss. In his memory, I hope that my support for these bills will benefit the ecology of our oceans and help preserve them for future generations.

HONORING CEDAR HILL CITY COUNCILMAN GREG PATTON

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. MARCHANT. Madam Speaker, I rise today to honor a remarkable public servant

and friend of Cedar Hill, Greg Patton. Mr. Patton served on the Cedar Hill City Council from 2000 until 2009. Throughout his nine years on the council, Mr. Patton exemplified the true meaning of public service by always prioritizing the needs of others first. With his retirement from the council, Mr. Patton will be sorely missed but I am confident his presence will continue to shine in Cedar Hill.

In addition to his council duties, Mr. Patton served as a member and chair of the Southwest Dallas County Transportation Committee, served on the National League of Cities Steering Committee for Transportation and Infrastructure Services, and served as an active participant in the River of Trade Corridor Coalition.

Prior to his council tenure, Mr. Patton chaired the Joe Pool Lake Planning Council which resulted in the last lake built in North Texas and the creation of Lake Joe Pool State Park. During the same time, he also served as commissioner and then as chairman of the Cedar Hill Planning and Zoning Commission.

A familiar face in the Cedar Hill community, Mr. Patton is an active member of the Cedar Hill Church of Christ and a member of the Cedar Hill Lions Club. He is also a regular volunteer at the Cedar Hill Food Pantry and served for twenty years on the Cedar Hill Volunteer Fire Department from 1977 until 1997. Among his many other accomplishments, Mr. Patton was the chair of the 1975 City Charter Committee for Cedar Hill.

Mr. Patton's wife, Linda, and two children all deserve a special thank you for allowing him to spend so much time dedicated to the betterment of Cedar Hill. Mr. Patton also has one granddaughter and three grandsons.

Distinguished colleagues, please join me in honoring Greg Patton's tireless passion, proven commitment, and years of admirable service to the growth and success of Cedar Hill. I am proud to join the Cedar Hill community in saluting Greg for all of his hard work, and I wish him the best in the next chapter of his life.

HONORING HEIDI REITZ OF SARTELL, MINNESOTA AS AN ANGEL OF ADOPTION

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Heidi Reitz of Sartell, Minnesota, one of this year's Angels of Adoption. As you know, this prestigious award from the Congressional Coalition on Adoption Institute honors people who have given so much of themselves to help children and families find one another.

Even without this award, Heidi would deserve acknowledgment for her extraordinary work bettering the lives of orphans in China as Director of Programs for Love Without Boundaries. I am honored, as a foster mother myself, to make known her hard work to this Congress. Because of Heidi's volunteer efforts, more than 300 children are in loving homes.

The inspiration for her tireless dedication can be found in her own home. Her husband has helped Love Without Boundaries with cleft palate surgeries and two of her six beautiful children were adopted from China. As a volunteer, Heidi has arranged trips for two cleft-lip orphans and helped start a cleft healing home where children awaiting surgery to correct this difficult condition can be properly cared for. Heidi is working to make sure each of these special children are adopted into homes ready and prepared to care for them.

Madam Speaker, Heidi Reitz has done such a service for all of mankind through her tireless dedication to orphan children in China. As families from every country wait to be united with their adopted parents and children, Heidi is giving them every opportunity to complete their family. The Love Without Boundaries website uses the anonymous quote, "To the world, you might be one person . . . but to one person you might be the world." To the hundreds of children and families, Heidi is "the world" and an Angel in Adoption Award is just a small way we can show our appreciation for her efforts.

HONORING JUDY O'CONNOR

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. WU. Madam Speaker, I rise today to pay tribute to a woman who has dedicated 27 years to serving the labor community in Oregon.

Judy O'Connor joined the Northwest Oregon Labor Council as an office worker in 1982, and her skills and dedication to the union movement quickly led to her promotion to office manager. She joined the Office and Professional Employees International Union Local 11 and was an energetic advocate for office secretaries as part of OPEIU's executive committee.

Though she had no experience with the labor movement prior to joining the Northwest Oregon Labor Council, Judy became a tireless activist for union causes. She volunteered for political campaigns, coordinated the council's Speakers in the Schools program, and appeared before the Oregon legislature to testify for improved job safety. She also graduated from Union Counselor course at Labor's Community Service Agency and served as chair of the IBEW and United Worker's Federal Credit Union.

In 1998, Judy was the first woman elected to the position of the Northwest Oregon Labor Council's executive secretary-treasurer, heading the largest central labor council in Oregon. During her tenure as executive secretary-treasurer, she has led over 100 constituent unions in promoting workers' rights through times of economic growth and decline.

Judy will be retiring in September and plans to return to Montana, where she was raised. Oregon will be losing an important voice for workers, but I hope that Judy is able to have some well-earned relaxation. I want to thank her for her service to the labor community here in Oregon and wish her and her family all the best.

PERSONAL EXPLANATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. TURNER. Madam Speaker, on rollcall No. 594, had I been present, I would have voted "yea."

COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS ACT FOR FISCAL YEAR 2010

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. POE of Texas. Madam Speaker, as a former judge who has had the misfortune of observing the life-shattering effects of crimes of sexual violence on the victims as well as their friends and families, I rise today to highlight the importance of the National Sexual Assault Hotline programs in supporting the victims in their recovery from these terrible crimes. An estimated 1 in 6 women will become a victim of sexual assault or rape in her lifetime; and the FBI ranks rape as the second most violent crime (second only to murder, which is classified as the most violent crime).

According to the U.S. Department of Justice (DOJ), which conducts an annual crime survey of the nation's households, we have made some progress in the fight to end sexual and domestic violence over the last two decades. But statistics also suggest that we still have much work to do: at least 200,000 Americans are sexually assaulted each and every year, and only about 40 percent of rape victims ever come forward and report the attacks against them to the authorities, according to DOJ.

Research suggests that those who receive crisis intervention support and counseling services are more likely to cooperate with law enforcement in pressing charges against their attackers. That is why it is so important that we continue to support programs, such as the National Sexual Assault Hotline programs, which help ensure that rape victims (as well as their friends and family members) can receive the information and support services that are so vitally important in one's full recovery from an assault. The National Sexual Assault Hotline, accessible toll free around the clock at 800-656-HOPE, has helped more than 1.2 million callers since the Rape, Abuse & Incest National Network (RAINN) created the telephone hotline in 1994. RAINN continues to operate this telephone hotline today, in partnership with close to 1,100 affiliated rape crisis centers located in every state and the District of Columbia, as well as thousands of volunteers across the nation.

In 2006, RAINN also launched the National Sexual Assault Online Hotline, accessible at www.RAINN.org, which has helped close to 30,000 people since its inception. It is the first web-based hotline of its kind for rape victims, offering information and support to those who might be reluctant to pick up the telephone and dial for help. The online hotline, which

RAINN created and operates with the assistance of staff at its headquarters in Washington, D.C. and volunteers located around the nation, is designed to reach additional populations (particularly teenagers, males, and even people living in rural, sparsely populated areas) who might not otherwise seek out necessary information and support.

Our colleagues in the Senate specifically recommended \$300,000 for RAINN to carry out the National Sexual Assault Hotline programs, which are federally authorized under Section 628 of the Adam Walsh Child Protection and Safety Act, in fiscal year 2010. Appropriations leaders in this chamber, however, omitted to include a specific amount of funding for RAINN in the House version of the fiscal year 2010 Commerce, Justice, Science and Related Agencies Appropriations Act (H.R. 2847).

I will note, however, that the full House Appropriations Committee, during its consideration of H.R. 2847, did approve report language that is directed specifically at RAINN. This language, which is part of House Report 111-149, calls on the U.S. Department of Justice to continue supporting programs, including hotline programs, that facilitate the delivery of confidential recovery services to rape victims. The inclusion of this committee report language is significant, as it signals Congress' intention that victims of sexual violence should continue to be able to access the National Sexual Assault Hotline programs and the other programs that Congress has authorized RAINN to carry out, with the support of the Office of Justice Programs at the U.S. Department of Justice.

Madam Speaker, I want to thank the members of the Appropriations Committee for accepting this report language, at the request of myself, Congresswoman WASSERMAN SCHULTZ, and other members of this chamber. I also want to express my interest in continuing to work with the House and Senate leadership on a final version of the Commerce, Justice Appropriations Act that will ensure that RAINN receives the level of federal support that is necessary to continue operation of the National Sexual Assault Hotline programs in fiscal year 2010.

HONORING MARGARET SANGER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mrs. LOWEY. Madam Speaker, I rise today to submit an article highlighting the life and work of Margaret Sanger authored by Dr. Ellen Chesler, distinguished lecturer at Hunter College of the City University of New York and Director of the Eleanor Roosevelt Initiative on Women and Public Policy.

Margaret Sanger, who lived from 1879 to 1966, was a nurse, educator, birth control pioneer, women's health activist, and founder of the American Birth Control League which eventually became Planned Parenthood.

Her commitment to improving the health and lives of women was a testament to her belief that all women are entitled to basic health

care and the ability to plan their pregnancies, and ultimately control their own destiny.

Madam Speaker, I am proud to recognize Margaret Sanger for her tireless efforts on behalf of women and for fighting for those unable to fight for themselves.

MARGARET SANGER—SETTING THE RECORD STRAIGHT

(By Ellen Chesler)

Birth control pioneer Margaret Sanger went to jail in 1917 for distributing simple contraceptives to immigrant women from a makeshift clinic in a tenement storefront in the Brownsville section of Brooklyn, New York. When she died nearly fifty years later, the cause for which she defiantly broke the law had achieved international stature, and she was widely eulogized as one of the great emancipators of her time.

A visionary thinker, relentless agitator, and gifted organizer, Sanger lived just long enough to savour the historic 1965 US Supreme Court decision in *Griswold v. Connecticut*, which established privacy protections as a framework for legalizing basic reproductive rights. Elderly and frail, she watched Lyndon Johnson finally incorporate family planning into US public welfare and foreign policy programs. She saw the birth control pill developed and marketed by a team of doctors and scientists she had long encouraged and found the money to support. She saw a global family planning movement descend from her own international efforts.

The years since have not been as good to Sanger's reputation, even as they have witnessed measurable progress for women in achieving reproductive freedom. Today, outside of a small minority of countries in sub-Saharan Africa and in parts of the Muslim world that are now high-profile exceptions to the global norm, a typical woman bears no more than two children over the course of several years and spends another 30 to 40 years avoiding pregnancy. More than 60 million women around the world use oral contraception daily, a dramatic increase since organized interventions began. The right of women to plan their families remains at least for the time being enshrined in the US constitution and in international human rights law, where it is widely recognized as a necessary condition to improve women's status, and in turn to sustain democratic institutions, promote social and economic progress, and help sustain fragile environments.

Still, universal standards for women's human rights offer no sure cure for violations that persist with uncanny fortitude and often unimaginable cruelty in so many places around the world. Harsh fundamentalisms are resurgent in many countries, where women's bodies remain an arena of intense political conflict, as a perhaps predictable response to the social dislocations resulting from changing gender roles and to the larger assaults on traditional cultures from the many real and perceived injustices of modernization and globalization. Even back at home in the United States, decades of substantial progress by women have fuelled a fierce backlash.

With an intensity that few would have predicted in 1992 when Bill Clinton was elected as America's first pro-choice president, a powerful conservative minority has eroded abortion rights along with funding for family planning at home and abroad, while dollars have surged instead for abstinence programs known to be ineffective and often harmful. We have tolerated the impunity of daily

campaigns of intimidation and outright violence against courageous providers of contraception and abortion, culminating most recently in the tragic assassination of Dr. George Tiller of Kansas. Planned Parenthood affiliates have been repeatedly targeted, and Sanger herself has become a collateral victim of this frenzy, her reputation savaged by opponents who deliberately misrepresent the history of birth control and circulate scurrilous, false accusations about her on the Internet.

A particularly harsh example of this campaign of distortion and outright misrepresentation came in response to recent Congressional testimony by U.S. Secretary of State Hillary Rodham Clinton. Secretary Clinton was chastised for her unwavering support of comprehensive sexual and reproductive health rights and services for women and for having accepted with pride the highest honour of the Planned Parenthood Federation of America, its Margaret Sanger Award, a prize bestowed in the past on some of this country's most distinguished supporters of reproductive justice, beginning with the Reverend Martin Luther King, Jr.

This statement is offered in response to false accusations about Margaret Sanger made on that occasion. It investigates Sanger's core beliefs and major contributions and reexamines, in the face of so much continued controversy, her unquestioning confidence in the power of medicine and science to shape human conduct and alleviate suffering, a confidence that fuelled her interest in trying to make birth control serve as a tool of both individual liberation and social betterment.

SANGER'S CONTRIBUTION AND LEGACY

Margaret Sanger's fundamental contribution was in claiming every woman's right to experience her sexuality freely and bear only the number of children she desires. Following in the footsteps of a first generation of educated women who had proudly forgone marriage in order to seek fulfillment outside the home, she offered birth control as a necessary condition to the resolution of a broader range of personal and professional satisfactions. The hardest challenge in introducing her to modern audiences, for whom this claim has become routine, is to explain how absolutely destabilizing it seemed in her own time.

Even with so much lingering animus toward changes in women's lives around the world, it is difficult to inhabit an era in our own history when sexuality was considered more an obligation of women than an experience from which to derive contentment, let alone pleasure. It is hard to remember that well into Sanger's own time motherhood was accepted as a woman's principal purpose and primary role. It is even harder to fathom that American women just a century ago, were still largely denied identities or rights of their own, independent of those they enjoyed by virtue of their relationships with men, and that this principle was central to the enduring opposition they encountered in seeking access to full rights of inheritance and property, to suffrage, and most especially to birth control. This unyielding principle of male "coverture" defined women's legal identities even with respect to physical abuse in the family, which the U.S. Supreme Court condoned in 1910, denying damages to a wife injured by violent beatings on the grounds that to do so would undermine the peace of the household.

Re-examining this history in the context of the recent expansion of civil and human rights to incorporate women's rights under-

scored Sanger's originality as a feminist theorist who first demanded civil protection of women's claims to reproductive liberty and bodily integrity, in and outside of marriage. As a result of private arrangements and a healthy trade in condoms, douches, and various contraptions sold largely under the subterfuge of feminine hygiene, the country's birth rate began to decline long before she came on the scene. But it was she who invented "birth control" as a comfortable, popular term of speech, and in so doing gave the practice essential public and political currency. It was she who first recognised the far-reaching consequences of bringing sexuality and contraception out in the open and claiming them as fundamental women's rights. She won legal protection for birth control, and by winning scientific validation for specific contraceptive practices, she also helped lift the religious shroud that had long encased reproduction in myth and mystery, thereby securing medical and social science institutions—as much as houses of worship—as arbiters of sexual behaviours and values. And from this accomplishment, which many still consider heretical, a continuing controversy has ensued.

When Sanger opened her clinic and deliberately staged an arrest in 1916, she challenged anachronistic obscenity laws that remained on the books as the legacy of the notorious anti-vice crusader, Anthony Comstock, whose evangelical fervour had captured late 19th century Victorian politics and led to the adoption by the states and federal government of broad criminal sanctions on sexual speech and commerce, including all materials related to contraception and abortion. Her critique, however, was not just of legal constraints on obscenity, but also of legal constraints on women's place. In this respect, she also helped inaugurate a modern women's rights movement that moves beyond traditional civil and political claims of liberty to embrace social and cultural ones. She understood that to advance women's rights it is necessary to address—and the state has an obligation to protect—personal as well as public spheres of conduct. It must establish broad safeguards for women and intervene to eliminate everyday forms of discrimination and abuse.

FROM THE PAST TO THE PRESENT

Observing the contorted politics of sexuality in recent years only reinforces one's sympathy for Margaret Sanger's predicament as a wildly polarizing figure in her own day and clarifies the logic of her decision after World War I to mainstream her movement by identifying reproductive freedom, not just as a woman's right, but also as a necessary foundation for broader improvements in public health and social welfare. Her decision to adopt the socially resonant content of "family planning" over birth control, when the Great Depression encouraged attention to collective needs over individual ones and when the New Deal created a blueprint for bold public endeavours, was particularly inventive, and in no way cynical. Nor as some of her harshest critics have since charged, did she ever define family planning as right of the privileged, but as a duty or obligation of the poor, any more than we do so today when we call for increased public expenditure on it as a matter of simple justice.

To the contrary, Sanger showed considerable foresight in lobbying for voluntary family planning programs to be included among the benefits of any sound public investment in social security. Had the New Deal included public health and access to contracep-

tion in its social welfare package, as most European countries were then doing, protracted conflicts over welfare and healthcare policy in the years since in the United States might well have been avoided. Where she went wrong was only in failing to anticipate the force of the opposition her proposal would generate from a coalition of religious conservatives of her own day, including urban Catholics and rural fundamentalist Protestants to whom Roosevelt Democrats became captive, much as Republicans have become in recent years.

What is a good deal harder to deconstruct and understand is Sanger's engagement with eugenics during these years, the then still widely respectable and popular intellectual movement that addressed the manner in which biology and heredity affect human intelligence and ability. Like many well-intentioned secularists and social reformers of her day, Sanger took away from Charles Darwin the essentially optimistic lesson that men and women's common descent in the animal kingdom makes us all capable of improvement, if only we apply the right tools. Eugenics, in the view of most prominent progressive thinkers of this era, from university presidents, to physicians and scientists, to public officials, held the promise that merit would replace birthright and social status as the standard for mobility in a democratic society.

In this respect, the most enduring bequest of eugenics is standard IQ testing. Its most damning and unfathomable legacy is a series of state laws upheld by a 9 to 1 progressive majority of the U.S. Supreme Court in 1929, including Justices Oliver Wendell Holmes and Louis Brandeis, who in the landmark decision of *Buck v. Bell* authorised the compulsory sterilisation of a poor young white woman with an illegitimate child, on grounds of feeble-mindedness that were never clearly established. This decision, incidentally, was also endorsed by civil libertarians such as Roger Baldwin and civil rights advocates, including W.E.B. Dubois of the NAACP, both of whom Sanger counted among her supporters and friends.

For Sanger eugenics was meant to begin with the voluntary use of birth control, but many conservative eugenicists of the day actually opposed the practice on the grounds that the fit should procreate. Sanger countered by disdaining what she called a 'cradle competition' of class, race or ethnicity. She publicly opposed immigration restrictions which grew out of conservative interpretations of a eugenics that reinforced racial and ethnic stereotypes she opposed. She framed poverty as a matter of differential access to resources, including birth control, not as the immutable consequence of low inherent ability or poor character, a view some conservative eugenicists embraced. She argued for broad government safety nets for social welfare and public health, including access to safe and reliable contraception. And she proudly marshalled clinical data to demonstrate that most women, even among the poorest and least educated populations, embraced and eagerly used birth control voluntarily, when it was provided them.

At the same time, however, Sanger did on occasion engage in shrill rhetoric about the growing burden of large families among individuals of low intelligence and defective heredity. Her language had no intended racial, ethnic, or class content. She argued that all women, no matter where they are situated, should be encouraged to bear fewer, healthier children, but her words have since been lifted out of context and tragically misquoted to provoke exactly the kind of intolerance she opposed. Moreover, in endorsing

the Supreme Court's decision about compulsory sterilization, and also on several occasions the payment of pensions or bonuses to women of low intelligence who would with this inducement agree to the procedure, Sanger quite clearly failed to consider the fundamental rights questions raised by such practices or the validity of the aptitude assessments on which determinations of low intelligence were based. Living in an era indifferent to the firm obligation to respect and protect the rights of individuals whose behaviours do not always conform to prevailing mores, she did not always fulfill it.

The challenge for historians has been to reconcile these apparent contradictions in her views. Sanger was actually an unusually advanced thinker on race for her day, one who condemned discrimination and encouraged reconciliation between blacks and whites. She opened an integrated clinic in Harlem in the early 1930s and then facilitated birth control and maternal health programs for rural black women in the south, when local white health officials denied them access to the New Deal's first federally funded services . . . She worked on this project with the behind the scenes support of Eleanor Roosevelt, whose progressive views on race were well known but whose support for birth control was silenced by her husband's Catholic political handlers, at least until he was safely ensconced in the White House for a third term. Historically specific circumstances of this complexity, however, are hard to untangle and convey, and this in large part explains why Sanger's legacy has been so easily distorted by contemporary abortion opponents who believe they can advance their own ideological and political agendas by undermining her motives and her character.

America's intensely complicated politics of reproduction has long ensnared Margaret Sanger and all others who have tried to discipline it. Birth control has fundamentally altered private and public life over the past century. No other issue has for so long captivated our attention or polarized our thinking. As the psychologist Erik Erikson once provocatively suggested, no idea of modern times, save perhaps for arms control, more directly challenges human destiny, which alone may account for the profound social conflict it tends to inspire.

As many scholars of the subject in recent years have also observed, much of the controversy around birth control proceeds as well from the plain fact that reproduction is by its very nature experienced individually and socially at the same time. In claiming women's fundamental right to control their own bodies, Sanger always remained mindful of the dense fabric of cultural, political, and economic relationships in which those rights are exercised. And almost, if obviously not always, the policies she advocated were intended to facilitate the necessary obligation of public policy to balance individual rights of self-expression with the sometimes contrary social and political obligation to promulgate and enforce common mores, rule, and laws.

That Margaret Sanger failed to get this balance quite right in one important respect is certainly worthy of respectful disagreement and commentary, but it is no reason to poison her reputation or to abandon the noble cause of reproductive freedom to which she so courageously and indefatigably dedicated her life.

EARMARK DECLARATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. REICHERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

(1) \$750,000 for the M Street SE Grade Separation Project Requesting Entity: City of Auburn, 25 West Main Street, Auburn, WA 98001

Agency: Federal Highway Administration
Account: Surface Transportation Priorities
Funding Requested by: Rep. DAVE REICHERT

Project Summary: This request will allow the City to complete right of way acquisition. Once completed, the grade separation will provide indirect economic benefits to the regional Ports of Seattle and Tacoma, and the BNSF railroad; it will also allow continued growth and increased economic impact, which will proportionally increase the number of jobs in the region.

FINANCE PLAN:

Funding Source	Tracking (million)	Anticipated (million)	Secured (million)
City of Auburn			2.2
FY08 Appropriations			0.12
City of Auburn—PWTF	\$2.00		
2010 Appropriations	4.60		
FMSIB—State Funds			6.00
City of Auburn		\$1.20	
BNSF		1.10	
Ports		1.50	
TIB	2.00		
Federal STP Grant	1.70		
Total	10.3	3.8	8.3

Funding Need per Phase:

Phase	Dates	Projected cost (million)
Design and Environmental	10/8 to 1/10	\$2.4
Right-of-Way Acquisition	2/10 to 2/11	4.6
Construction	5/11 to 10/12	15.4
Total		22.4 million

(2) \$360,000 for the SE King County Commuter Rail and Transit Centers Feasibility Study

Requesting Entity: City of Covington, 16720 SE 271st St., Suite 100, Covington, WA 98042, and

City of Maple Valley, 22035 SE Wax Road, Maple Valley, WA 98038

Agency: Federal Transit Administration
Account: Alternatives Analysis
Funding Requested by: Rep. DAVE REICHERT

Project Summary: This project is a feasibility study for bringing commuter rail to one of the fastest growing areas in Southeast King County, Washington. A five-city coalition has formed to study the feasibility of utilizing existing infrastructure to handle the expected traffic growth, and to explore whether small commuter trains could run between Maple Valley-Covington-Auburn on the Burlington Northern Stampede Pass Line. Arriving in Auburn, com-

muters could connect with the Sounder trains and Metro bus service into Kent, Seattle, and Bellevue. The feasibility study will examine the capital and operating costs of such a service, design a business model, and examine rider-ship demand.

FINANCIAL PLAN

The funding source is the FY10 Appropriations request, as this public entity can only fund the feasibility study at this time with federal support. Depending upon the amount of funding received, the cities involved will seek submittals of qualifications from consultants experienced in multi-modal (particularly rail), inter-city transportation alternatives.

(3) \$150,000 for the Boys and Girls Clubs of Bellevue, Bellevue Community Center renovations

Requesting Entity: Boys and Girls Clubs of Bellevue, 209 100th Avenue NE, Bellevue, WA 98004

Agency: Housing and Urban Development (HUD)

Account: Economic Development Initiatives (EDI)

Funding Requested by: Rep. DAVE REICHERT

Project Summary:

This project will enable the Bellevue Boys and Girls Club to serve more children in three targeted low-income communities in Bellevue. Adding to the size, utility, and safety of these sites will not only increase the educational and recreational opportunities of youth living in these communities, but will also allow adults access to basic education, employment training and language skills that lead to increased self-sufficiency, self-esteem and economic wellbeing. Existing community facilities have been used extensively, are outdated, and simply too small to accommodate the growing number of youth that want to use the facilities at each site.

BELLEVUE COMMUNITY CENTER UPGRADE PROJECT FINANCE PLAN

Hidden Village Cost Estimate		
Building Renovation	\$171,000	
Site work	17,100	
Demo for Addition	7,500	
Subtotal	195,600	
Permits	3,912	
Contractor G.C.	29,340	
Total	228,852	
Eastside Terrace Cost Estimate		
Building Renovation	192,500	
Site work	19,250	
Demo for Addition	7,500	
Subtotal	219,250	
Permits	4,385	
Contractor G.C.	32,888	
Total	256,523	
Spirit Wood Manor Cost Estimate		
Building Renovation	284,000	
Site work	28,400	
Demo for Addition	7,500	
Subtotal	319,900	
Permits	6,398	
Contractor G.C.	47,985	
Total	374,283	
Total Community Center Upgrade Project		
Cost	859,658	
Requested EDI	750,000	87%
King County Housing Authority Matching Funds	109,658	13%
Total	859,658	

(4) \$250,000 for the City of Snoqualmie Historic Downtown Main Street infrastructure improvements

Requesting Entity: City of Snoqualmie, P.O. Box 987, Snoqualmie, WA 98065

Agency: Housing and Urban Development (HUD)

Account: Economic Development Initiatives (EDI)

Funding Requested by: Rep. DAVE REICHERT

Project Summary: This project is for improvements to SR 202/Railroad Avenue, three adjacent streets and four intersections within a two-block area of Snoqualmie's historic downtown business district. The project will: improve pedestrian safety and comfort by pro-

viding complete, wider sidewalks with curb bulbs and marked crosswalks at intersections; calm traffic by narrowing travel lanes; improve on-street parking for business livelihood; repair and upgrade utilities to support infill and expansion; improve access to transit.

FINANCE PLAN

A. Project Funding and Budget.

	Appropriation	Local funds	Total project
Design Engineering	\$385,000	\$475,000	\$860,000
Right of Way	100,000	120,000	220,000
Construction Management	190,000	445,000	635,000
Construction	2,325,000	2,660,000	4,985,000
Total	3,000,000	3,700,000	6,700,000

B. Local Funding Sources

Source	Public/private	Amount.
City of Snoqualmie	Public	\$1,800,000
Washington State Department of Transportation	Public	200,000
Developer Mitigation Funds	Private	300,000
Federal Economic Development Administration	Public	1,400,000
Total		3,700,000

(5) \$9,368,193 for the Bellevue-Redmond Bus Rapid Transit (BRT)

Requesting Entity: King County, King County Courthouse, 516 Third Ave., Rm. 1200, Seattle, WA 98104

Agency: Federal Transit Administration

Account: Capital Investment Grants

Funding Requested by: Rep. DAVE REICHERT

This project will construct and operate a 9.25-mile long street-running Bus Rapid Transit (BRT) line connecting downtown Bellevue, Crossroads Mall, the Overlake urban center, and downtown Redmond. The corridor already features substantial existing transit investment including three regional transit transfer centers. The Bellevue-Redmond BRT project is intended to complement these facilities. The scope of work includes 12 new stations, real-time bus arrival information, signal prioritization, and 18 low-floor hybrid vehicles. The Bellevue to Redmond RapidRide Bus Rapid Transit corridor will provide frequent all day service and faster travel times.

FINANCE PLAN

Phase	Federal	Local	Total
BRT Corridor	\$2,400,000	\$2,584,369	\$4,984,369
Rapid Ride Passenger Facilities	2,000,000	689,024	2,689,024
Real Time Information System	500,000	107,500	607,500
Bus Acquisition	15,300,000	4,230,676	19,530,676
Total	20,200,000	7,611,569	27,811,569

This office conducted site visits to meet with representatives from all five of the projects listed above.

THE BLAME GAME CONTINUES WITH REGARD TO CYPRUS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. BURTON of Indiana. Madam Speaker, Monday July 20, 2009 marked the 35th anni-

versary of the day in 1974 that Turkey intervened to stop an ethnic cleansing campaign against Turkish Cypriots by militant Greek Cypriots. And as usual, a number of my colleagues have come to the floor of this Chamber over the last few days and weeks to lament the so-called "invasion" of Cyprus by Turkey. For many years I have taken to the Floor to no avail to respectfully ask my colleagues to lay aside the inflammatory rhetoric and stop throwing barbs at the Turkish Cypriots and Turkey in an attempt to lay all the blame for this complicated issue at their doorstep. This year my call takes on an even more urgent ring. All of us in this chamber, Republicans and Democrats, want to see peace and prosperity come to all the people of Cyprus. We may be closer to peace on Cyprus today than at any time since 2004 when the U.N. plan for a settlement (the Annan Plan) won the support of Turkish Cypriots—by a clear majority of 65%—but failed to win the support of Greek Cypriots—who led by their leadership rejected it by even a larger majority of 76%. By continuing to distort the facts though we are potentially undermining our good faith efforts to see this conflict resolved.

Since the rejection of the Annan Plan, the Greek Cypriot side has been trying to argue that the plan "did not meet the interests of the country" and that "it did not provide for guarantees to ensure the complete implementation of commitments under the plan". However, the fact is that impartial European Union diplomats, closely associated with the reconciliation effort, have said publicly and very undiplomatically, that the Greek Cypriot people had been "lied to" by the Greek Cypriot government as to the details of the Annan plan.

As public servants I think the members of this House understand that no compromise worth its salt ever fully meets all of the demands of either side, nor could it do so or it wouldn't be much of a compromise. The fact is that the Annan Plan was a carefully balanced compromise that certainly from the Turkish Cypriot perspective represented immense sacrifices on the part of the Turkish Cypriots, on such key issues as land, resettlement, property and security. The Greek government and several former Greek government leaders fully supported the plan and the Turkish government was also pivotal in encouraging the Turkish Cypriots to approve the plan. In the end, the only people who were not willing to make the sacrifices necessary to bring peace to this troubled island were the Greek Cypriots. This is a critically important point to reiterate Madam Speaker; when of-

fered the chance to vote for peace which side rejected peace, Turkish or Greek? The answer is Greek.

To their credit, Turkish Cypriots continue to seek a settlement to the issue. This is testament to their hope for the future; and the latest round of direct negotiations between Turkish Cypriots and Greek Cypriots began in September 2008. These talks following a joint statement issued on May 23, 2008 where the two leaders reaffirmed their commitment to a bi-zonal, bi-communal federation with political equality, as defined by relevant United Nations Security Council resolutions. The statement adds "This partnership will have a Federal Government with a single international personality, as well as a Turkish Cypriot Constituent State and a Greek Cypriot Constituent State, which will be of equal status." As recently as June 2009 Turkish Cypriot President Talat declared his support to "find a comprehensive solution to the Cyprus problem as soon as possible and make Cyprus a full-fledged member of the European Union as a unified Cyprus. That is our main target and the ongoing negotiations I hope will lead to an ultimate solution."

Are negotiations proceeding as rapidly and as smoothly as everyone would like; no, but progress is being made. And it is important to remember that the Cyprus conflict is more complex and convoluted than portrayed by many of my colleagues. This conflict did not start in 1974 as many people want to believe. Instead, the origins of the conflict can be traced back to the Greek Cypriot drive for Union with Greece (Enosis), a movement with roots in the waning days of the Ottoman Empire. Even the more modern history of the conflict, stems from the 1950s and 1960s rather than 1974.

The fact is that when the Island of Cyprus gained its independence from Great Britain in 1960, the Republic's constitution specifically defined a power-sharing arrangement which required a Greek Cypriot president and a Turkish Cypriot vice-president, each elected by their constituency.

The fact is that in 1963 Greek Cypriot President Makarios proposed sweeping constitutional modifications which heavily favored the Greek Cypriot community. The changes removed most of the checks and balances which had been built into the constitution to ensure the safety and equal status of the Turkish Cypriots. The inevitable result was a serious deterioration of relations between the

two parties which came to a head in December 1963 when armed Greek Cypriots attacked and killed many Turkish Cypriots who were unable to escape. The armed conflict quickly spread with the Turkish Cypriots eventually being forced to withdraw into enclaves to defend themselves. For the next ten years, the campaign of the Greek Cypriots cost the Turkish Cypriots many lives and untold suffering, as well as their equal partnership status in the Cyprus government.

Former United States Undersecretary of State, George Ball, who, among others, was actively dealing with the crisis at the time, remarked in his memoirs entitled *The Past Has Another Pattern*, that Makarios has turned: "This beautiful little island into his private abattoir" (P. 341). Ball went on to say that: "Makarios' central interest was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring the Turkish Cypriots" (p. 345).

The fact is that in 1974, Archbishop of Cyprus Makarios—the Greek Cypriot leader at the time—escalated the crisis by embracing Enosis, or Union with Greece, as his election platform. Although Makarios won reelection he also created a power struggle between the military junta in control of mainland Greece and himself for the control over the Island. That power struggle culminated in a coup which forced Makarios to flee Cyprus and renewed ethnic cleansing of Turkish Cypriots.

In his address to the UN Security Council on July 19, 1974, Makarios himself described the coup as "a clear attack from the outside and a flagrant violation of the independence and sovereignty of the Republic of Cyprus".

The fact is that in the face of a bloody coup that not only threatened the independence of Cyprus but also resulted in renewed massacres of Turkish Cypriots, Turkey, which was treaty-bound to act as a Guarantor State, was compelled to undertake action on July 20, 1974. And the fact is that as a result of this legitimate and timely action, Turkish Cypriots were saved from imminent destruction, bloodshed among the Greek Cypriots was ended and the independence of Cyprus was protected.

The fact is that the Turkish intervention was legitimate and was internationally confirmed by, among others, the Consultative Assembly of the Council of Europe (CACE). CACE resolution 573, dated July 29, 1974, clearly states, "Turkey exercised its right of intervention in accordance with Article IV of the Guarantee Treaty of 1960."

The fact is that Greek Cypriots, having already forestalled UN efforts to resolve the Cyprus issue—and been inexplicably rewarded for it through EU membership—may not truly feel under pressure to seek a just solution as the status quo benefits Greek Cypriots significantly more than Turkish Cypriots.

Madam Speaker, facts are stubborn things; and as the facts in this case clearly show, the crisis on Cyprus is significantly more complex than the "blame Turkey" special interest groups would like people to believe. The facts also show it seems to me that if either side has an incentive to drag its feet at the negotiations; and I'm not suggesting necessarily that either side does, but if one side did, it would be the Greek Cypriots.

It's time for the "blame Turkey" groups here in the United States to end the 'blame game' and redirect their misspent energies towards the real work of reshaping Cyprus into a Cyprus that respects human rights and the fundamental freedoms for all Cypriots. And it's time for the Greek Cypriots and the Turkish Cypriots to demonstrate political will and negotiate in good faith for the future of all Cypriots.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. BRADY of Texas. Madam Speaker, I was unable to be present for several votes on Monday, July 20, 2009 due to obligations I needed to attend to in Texas. Nevertheless, I would request that the record indicate that I would have voted "yes" on both H. Res. 607, "Celebrating the Fortieth Anniversary of the Apollo 11 Moon Landing," of which I am a cosponsor, as well H.R. 2245, the "New Frontier Congressional Gold Medal Act." Each of these bills honors the historic achievement of man's first steps on the Moon, which today still stands as a testament to American ingenuity and an inspiration to millions. Countless young Americans have grown up looking to the stars wanting to be the next Neil Armstrong, Buzz Aldrin or Michael Collins. Though most will never set foot on the Moon, many followed their dreams and pursued careers in science and engineering, careers that have resulted in breathtaking technological advances that have improved the life of each and every American. As we look back on this great achievement, it is my hope that a new generation of Americans will again be inspired by the wonders of space travel and will lead our country into a new era of scientific discovery and space exploration.

IN HONOR AND REMEMBRANCE OF
MARJORIE HELEN KNOLL
PALLOTTA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Marjorie Helen Knoll Pallotta, whose unwavering devotion to family, friends, community and country has left an indelible imprint upon our society and has forever touched the hearts of all who knew and loved her well.

Mrs. Pallotta was born in Cleveland, Ohio on April 22, 1923 to George W. Knoll, Jr. and Marie C. Dolan Knoll. She graduated from Notre Dame Academy in 1941 and went on to study at the Cleveland Institute of Music, where she met Rico Pallotta. They were married on April 3, 1948 at St. Clair Catholic Church and moved into a duplex in Cleveland Heights. Together, they lovingly raised five children, Ward, Richard, Ann, Joy and Tom, in a home that radiated love, unity and music.

They bought their first house in 1955 in Beachwood village and several years later, the family moved to Bainbridge.

Although extremely busy raising five children, Mrs. Pallotta always found time to volunteer in the community. She was known for many beautiful talents, including her singing, prize winning rug hooking, Scottish Country dancing and Irish red hair. She lent her musical talents, especially her beautiful voice, as a singer in churches and at community events. She regularly sang at weddings, at Suburban Temple, and joined the choir of Grace Lutheran Church in Cleveland Heights for the production of a record album. Mr. and Mrs. Pallotta also sang together in the Cleveland Orchestra Chorus. At family reunions, Mrs. Pallotta thrilled family and friends with her incredible mezzo soprano voice, singing religious, classical and operatic selections along with Broadway show tunes, most often accompanied by Rico on accordion or piano. After singing the National Anthem at a July 4th reunion in New York, her cousin, Larry Dolan, owner of the Cleveland Indians, asked if she would sing at Jacobs Field. She accepted, and with power and perfection, on June 7, 2002 at the age of 79, Mrs. Pallotta sang a powerful and moving rendition of the National Anthem, as tens of thousands of baseball fans listened with pride.

Madam Speaker and Colleagues, please join me in honor and recognition of Marjorie Helen Knoll Pallotta, whose joyous and spirited life reflects unwavering dedication to family, friends and community—framed in love, music and song. I offer my heartfelt condolences to her children, Ward, Richard, Ann, Joy and Tom; to her grandchildren, and to her extended family members and many friends. Mrs. Pallotta's beautiful life brought joy to her family, friends and people in the community, and her love of life, and love she showed to others, will forever be remembered.

EARMARK DECLARATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. REICHERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Fiscal Year 2010 Energy and Water Development and Related Agencies Appropriations Act.

(1) \$2,600,000 for the King County, WA for Duwamish and Green River Basin

Requesting Entity: King County, 516 Third Ave, Rm 1200, Seattle, WA 98104

Agency: Corps of Engineers

Account: Construction

Funding requested by: Reps. DAVE REICHERT, NORM DICKS, JIM McDERMOTT, ADAM SMITH

This project supports the restoration of the Duwamish Green watershed by implementing a range of habitat restoration projects for the recovery of ESA listed Chinook in a high priority watershed. The projects are coordinated to the extent possible with flood protection

along the lower parts of the river where regional industrial and manufacturing centers are located. The watershed is the second most populous watershed in Puget Sound and encompasses 15 cities, including part of the city of Seattle, the water supply for the City of Tacoma, forest and agricultural production districts, as well as multiple natural resources and public parks and open space.

Finance Plan:

Project name	Phase	Federal share
Mill Creek	Design	\$250,000
Riverview Park	Construction	3,000,000
Upper Springsbrook Creek	Construction	1,000,000
Levee Bank Maintenance	Construction	2,250,000
Total		6,500,000

(2) \$400,000 for Mud Mountain Dam.

Requesting Entity: U.S. Army Corps of Engineers (CECS-C), Government Accountability Office Building, 441 G Street, NW, Attn: CECS-C, Washington, DC 20314

Agency: Corps of Engineers

Account: Construction

Funding requested by: Reps. DAVE REICHERT, JIM McDERMOTT, NORM DICKS, ADAM SMITH

A U.S. Army Corps of Engineers flood control dam on the White River, controlling floods in the lower White and Puyallup River valleys. The new dam will replace the 100-year old structure and enable the Corps to meet ongoing fish passage needs for Mud Mountain dam. Replacement of the current structure is necessary to ensure the Corps of Engineers' ability to meet existing and future fish passage responsibilities for its Mud Mountain Dam on the White River.

Finance Plan:

Since this is an Administration request, specifics on the funds and how they will be used will be available from the USACE Seattle District office, once they have arrived at a funding level for FY 2010.

(3) \$3,056,000 for Mud Mountain Dam.

Requesting Entity: U.S. Army Corps of Engineers (CECS-C), Government Accountability Office Building, 441 G Street, NW, Attn: CECS-C, Washington, DC 20314

Agency: Corps of Engineers

Account: Operations and Maintenance

Funding requested by: Reps. DAVE

REICHERT, ADAM SMITH

A U.S. Army Corps of Engineers flood control dam on the White River, controlling floods in the lower White and Puyallup River valleys. The new dam will replace the 100-year old structure and enable the Corps to meet ongoing fish passage needs for Mud Mountain Dam. The Corps of Engineers relies upon the White River diversion dam and trap and haul facilities to enable it to meet its fish passage needs for its Mud Mountain Dam on the White River.

Finance Plan:

Since this is an Administration request, specifics on the funds and how they will be used will be available from the USACE Seattle District office, once they have arrived at a funding level for FY 2010.

(4) \$500,000 for the City of Issaquah, WA for the Issaquah Highlands Zero Energy Affordable Housing.

Requesting Entity: King County, 516 Third Ave, Room 1200, Seattle, WA 98104

Agency: Department of Energy

Account: EERE

Funding requested by: Rep. DAVE REICHERT

To build a cutting edge, attached residential green building demonstration project which will be one of the most innovative green housing projects in the Pacific Northwest. The project involves the design, construction, and sale of 10 attached residential homes, built to an extremely green standard. Funding would be used to expand the zero emission project to include an adjacent 150-unit affordable housing project planned by a partnership of the YWCA of Seattle, King County, Snohomish County, and the City of Issaquah.

Finance Plan:

ISSAQUAH HIGHLANDS PROJECT FINANCE PLAN

Total Project Cost: \$55.4 million

Public Sources: \$16.6 million which includes City in-kind value of land and waived fees of \$7.1 million)

Private (individual, corporate, foundation) donations: \$12 million

YWCA Loan and Contributions: \$1.8

Debt via tax-exempt bonds: \$7.8

Low Income Housing Tax Credit Equity: \$17.2

Given the anticipated schedule, our contractor assumes the construction alone would take 457,000 man hours, which equals 114 FTE for the duration of the project (about 2 yrs). However, since most people would only be on the job for their scope of work, maybe 6 months average duration, it really would employ more like 450+ people. This number does not take into account the support-related positions such as accountants, bookkeepers, attorneys, architects, suppliers, concrete truck drivers, city inspectors, etc. (5) \$500,000 for the City of Redmond for research and development of liquid carriers for hydrogen energy.

Requesting Entity: Asemblon, Inc., 15340 NE 92nd Street, Suite B, Redmond, WA 98052

Agency: Department of Energy

Account: EERE

Funding requested by: Rep. DAVE REICHERT

For molecular carrier technology that allows hydrogen to be transported, stored and dispensed in liquid form at ambient temperature and pressure. This will allow the use of the currently available gasoline infrastructure to dispense hydrogen which will then be released on demand for automotive combustion. Existing internal combustion engines can be economically retrofitted for this purpose. With the requested funding we will fully demonstrate all aspects of this process. The ability to incorporate hydrogen into our National Energy schema has been impeded by the cost to store and transport it in refrigerated and pressurized form. We have overcome this obstacle. Their analysis shows that they can install hydrogen stations at ~1/10 the cost of conventional hydrogen systems thereby accelerating hydrogen adoption, more rapidly reducing our dependence on foreign oil, and reducing CO₂ emissions on a 1:1 basis hydrocarbon combustion is reduced.

Finance Plan:

FY10 PROJECT REQUEST DOE EERE ASEMBLON, INC.

HYDRNOL™ fueling station	Qty	Price	Extension	Total	Purchased equip.
20-Foot Shipping Container					
Design and Development Charges	1	10,000	10,000		
Fabrication to Specification	2	8,500	17,000		17,000
Painting and Graphics	2	3,500	7,000		
Shipment	2	1,200	2,400		
Site Preparation	2	6,500	13,000		
Regulatory, Inspection, Fire Marshall	2	4,500	9,000		
				58,400	17,000
Fuel Bladders					
Design and Development	1	12,500	12,500		
RFQ Prototypes	4	6,500	26,000		
Testing to Destruction for Pressure	4	3,000	12,000		
Redesign	1	5,000	5,000		
Production Bladders	8	5,500	44,000		
Installation and Testing	2	4,000	8,000		
Lifetime Cycle Testing (600 fill cycles)	2	12,500	25,000		
				132,500	0
Fueling Pumps					
Design and Development	1	12,500	12,500		
Prototypes	4	15,000	60,000		60,000
Testing	2	7,500	15,000		
Redesign	1	5,000	5,000		
Production Modifications	6	3,500	21,000		
Testing	1	8,000	8,000		
Human Factors	1	7,500	7,500		
Regulatory, Inspection, Fire Marshall	1	6,000	6,000		
Lifetime Cycle Testing (40,000 fills)	2	15,000	30,000		
				165,000	60,000
Battery Back-up Power System and Conditioner					
Design and Development	1	7,500	7,500		
RFQ Purchased Parts (batteries, inverter)	2	37,800	75,600		75,600

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FY10 PROJECT REQUEST DOE EERE ASEMBLON, INC.—Continued

HYDRNOL™ fueling station	Qty	Price	Extension	Total	Purchased equip.
Installation	2	6,500	13,000		
Testing	2	5,000	10,000		
Production Modifications	2	3,500	7,000		
Certification	1	8,000	8,000		
Regulatory, Inspection, Fire Marshall	1	7,500	7,500		
				128,600	75,600
Renewable Energy Power System					
Design and Development	1	5,500	5,500		
RFQ Purchased Parts (. .)	2	32,500	65,000		65,000
Installation	2	7,500	15,000		
Testing	2	4,500	9,000		
Production Modifications	2	3,500	7,000		
Certification	1	10,000	10,000		
Regulatory, Inspection, Fire Marshall	1	5,500	5,500		
				117,000	65,000
Self-Contained Security System					
Design and Development	1	7,500	7,500		
RFQ Purchased Parts (. .)	2	20,000	40,000		40,000
Installation	2	5,000	10,000		
Testing	2	4,500	9,000		
Production Modifications	2	3,500	7,000		
Certification	1	5,000	5,000		
Regulatory, Inspection, Fire Marshall	1	6,500	6,500		
				85,000	40,000
Roll-back Truck for Statewide Demonstrations					
Design and Development	1	7,500	7,500		
RFQ Purchased Parts (. .)	1	46,000	46,000		46,000
Testing	2	4,500	9,000		
Production Modifications	2	3,500	7,000		
				69,500	46,000
Sub-total Hydrogen Fueling Station				756,000	303,600

HYDRNOL™ Conversion and Compression	Qty	Price	Extension	Total	Purchased equip.
20-Foot Shipping Container					
Design and Development Charges	1	15,000	15,000		
Fabrication to Specification	1	8,500	8,500		
Painting and Graphics	1	3,500	3,500		
Shipment	1	1,200	1,200		
ND Site Preparation	1	85,000	85,000		
Regulatory, Inspection, Fire Marshall	1	10,000	10,000		
				123,200	0
Triple-stage Compressors					
Design and Development	1	12,500	12,500		
QTE Triple-stage Compressor to 12,000 ps	1	185,000	185,000		185,000
Plumbing, Valves, Controls	1	90,000	90,000		90,000
Testing	1	12,500	12,500		
Certification	1	10,000	10,000		
Regulatory, Inspection, Fire Marshall	1	10,000	10,000		
				320,000	275,000
Hydrogen Storage Tanks (12,000 psig)					
Design and Development	1	9,500	9,500		
Prototypes	2	30,000	60,000		60,000
Testing	1	7,500	7,500		
Regulatory, Inspection, Fire Marshall	1	10,000	10,000		
				87,000	60,000
Hydrogen Dispensers (5,000 + 10,000 psig)					
Design and Development	1	7,500	7,500		
Purchased Parts	1	90,000	90,000		90,000
Installation	1	6,500	6,500		
Testing	1	5,000	5,000		
Production Modifications	1	3,500	3,500		
Certification	1	8,000	8,000		
Regulatory, Inspection, Fire Marshall	1	7,500	7,500		
				128,000	90,000
Self-Contained Security System					
Design and Development	1	6,000	6,000		
RFQ Purchased Parts (. .)	1	20,000	20,000		20,000
Installation	1	6,000	6,000		
Testing	1	4,500	4,500		
Production Modifications	1	3,500	3,500		
Certification	1	5,000	5,000		
Regulatory, Inspection, Fire Marshall	1	4,500	4,500		
				49,500	20,000
Roll-back Truck for Statewide Demonstrations					
Design and Development	1	3,000	3,000		
RFQ Purchased Parts (. .)	1	46,000	46,000		46,000
Testing	1	4,500	4,500		
Production Modifications	1	3,500	3,500		
				57,000	46,000
Sub-total HYDRNOL Conversion and Compression Unit				764,700	491,000

HYDRNOL™ Fuel Delivery and Vehicle Mods	Qty	Price	Extension	Total	Purchased equip.
Fuel Delivery Truck					
RFQ Truck Works Incorporated Custom	1	80,000	80,000		80,000
Pillow Tanks	3	8,500	25,500		
Testing	1	5,000	5,000		

HYDRNOL™ Fuel Delivery and Vehicle Mods	Qty	Price	Extension	Total	Purchased equip.
Modification	1	4,500	4,500		
				115,000	80,000
HYDRNOL Retrofit Kit for Cars and Light Trucks					
Design	1	50,000	50,000		
Prototypes	4	15,000	60,000		60,000
Modification	1	5,000	5,000		
Testing	1	5,000	5,000		
Pre-production	4	10,000	40,000		
Testing	1	5,000	5,000		
Modification	1	7,500	7,500		
E Production	10	7,500	75,000		75,000
				247,500	135,000
Bellevue School Bus Modifications					
Design and Fabrication of Storage Tank	1	5,500	5,500		
Installation of HYDRNOL Retrofit Kit	1	4,000	4,000		
Engine/Air Cleaner Modifications	8	4,000	32,000		
Computer Ignition Timing Modification	1	5,000	5,000		
Testing	1	5,000	5,000		
				51,500	0
North Dakota Chevrolet Silverado Truck					
ND Delivery of Silverado from North Dakota	1	2,500	2,500		
Design and Fabrication of Storage Tank	1	8,500	8,500		
Installation of HYDRNOL Retrofit Kit	1	4,000	4,000		
Injector Modifications	8	4,000	32,000		
Computer Ignition Timing Modification	1	5,000	5,000		
Testing	1	5,000	5,000		
				57,000	0
1988 Corvette Modifications					
Design and Fabrication of Storage Tank	1	5,500	5,500		
Installation of HYDRNOL Retrofit Kit	1	4,000	4,000		
Injector Modifications	8	4,000	32,000		
Computer Ignition Timing Modification	1	5,000	5,000		
Testing	1	5,000	5,000		
				51,500	0
Sub-total HYDRNOL Fuel Delivery and Vehicle Mods				522,500	215,000

FY10 Project request summary DOE EERE Asemblon, Inc.	Total	Purchased equip.
HYDRNOL Fueling Station	756,000	303,600
HYDRNOL Conversion and Compression Unit ..	764,700	491,000
HYDRNOL Fuel Delivery and Vehicle Mods	522,500	215,000
Total	*****	*****
Overhead—30.0%	612,960	
Travel + Living	24,000	
Grand Total	*****	
“In-kind” Contributions		
Design + Development	40,000	
Overhead Expenses	612,960	
Travel + Living	24,000	
Total “In-kind”	676,960	

FY10 Project request summary DOE EERE Asemblon, Inc.	Total	Purchased equip.
Net Grant Request	*****	25.3%

(6) \$1,000,000 for the University of Washington for biofuels industry development.

Requesting Entity: University of Washington, Seattle, WA 98195

Agency: Department of Energy

Account: EERE

Funding requested by: Reps. DAVE REICHERT, JIM McDERMOTT, ADAM SMITH

Research and development to convert Washington mixed biomass sources into transportation fuels. The center is lacking critical equipment and lab facilities to do the comprehensive research that is necessary to design a commercial scale facility. Acquisition of the required equipment would provide for the establishment of a world class research laboratory and a comprehensive services laboratory that Washington state commercial operations will need to optimize and refine their processes.

Finance Plan:

Item priority	Cost	
Laboratory renovations and modernization	\$1,500,000	½A & ½B"
Processing equipment		
High-Throughput Catalyst Test Reactor	150,000	B
Catalytic Flow reactors (2)	80,000	B
Recirculation high temperature & high pressure	50,000	C
High pressure fuel injection system for fuel analysis	80,000	B
High pressure steam reactor with decompression capability and boiler	500,000	A
2L and 40L Fermenters	300,000	½B & ½C
Large scale autoclave	80,000	C
Large scale high speed centrifuge	40,000	C
Glove box and other miscellaneous supplies	75,000	C
Analytical Equipment		
Variable Temperature Atomic Microscope (STM-AFM)	250,000	B
Infrared spectrometer (including DRIFTS capabilities & IR microscope)	250,000	C
GC-Mass spectrometer	200,000	C
HPLC configured for catalysis research	75,000	B
On line mass spectrometer	50,000	C
GC and Micro GC for fast analysis	100,000	B
Liquid Chromatography Mass Spectroscopy LCMS	180,000	A
X-ray Diffractometry	190,000	C
Elemental Analyzer	80,000	C
Confocal microscope	300,000	B
Fast protein liquid chromatograph	125,000	C
Total	4,655,000	

This office conducted site visits to meet with representatives from all of the projects listed above.

35TH YEAR OF INVASION AND OCCUPATION OF CYPRUS

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 2009

Mr. SARBANES. Madam Speaker, today I rise, like so many have done before me for 35 years now, and lament the unjust division of the Republic of Cyprus.

For more than 60 years, the United States has extended the hand of friendship to Turkey, offering her material support, offering her military protection and most importantly, engaging our Turkish friend and ally with the respect, admiration, and dignity that emanate from our great Nation's democratic values.

Just a few months ago, President Obama paid a historic visit to Turkey where he called upon the European Union to embrace Turkey's application to join that body of peace loving, democratic nations, and as well, he called for a just and lasting settlement that reunifies Cyprus as a bi-zonal, bi-communal federation.

Last year, upon this remembrance, I commended the noble efforts exerted by the Greek Cypriot and Turkish Cypriot communities to reunify their island republic. Today, 1 year later, I again praise President Dimitrios Christofias and Turkish Cypriot Leader Mehmet Ali Talat for their commitment to peace and unity.

So why then, with Cypriot leadership committed to reunification, Turkey's NATO membership since 1952, United Nations' diplomatic initiatives and the appointment of numerous special American, British and E.U. envoys, does Cyprus remain divided and occupied for 35 years?

For three and a half decades, the international community has unequivocally called for the removal of the 45,000 Turkish troops garrisoned in the occupied north, so that the people of Cyprus may be relieved of the humanitarian hardship and injustice brought on by Turkey's hostile occupation.

In 1975, this Chamber imposed sanctions upon Turkey and refused to allow sales or aid of American military equipment to Turkey, because of its unlawful invasion and occupation of Cyprus. That embargo was lifted by the exigencies of the Cold War, because the Turkish military retaliated against the United States by denying use of strategic military assets located in Turkey.

From the outset of the Turkish invasion of Cyprus to this day, the United Nations has repeatedly called for the removal of Turkish occupation forces and for the respect of the sovereignty, independence and territorial integrity of Cyprus.

Following high level U.N. brokered talks in 1979, Turkey agreed as a confidence building measure to withdraw and handover the uninhabited city of Famagusta to its rightful inhabitants. In this regard, U.N. Security Council Resolution 550/1984 calls for the transfer of the occupied, but uninhabited, city of Famagusta to the United Nations for the orderly resettlement of the city by its rightful inhabitants. To this day, Turkey has reneged on its pledge to comply with the agreements achieved during the high level talks and has completely disregarded the U.N. resolutions on Famagusta.

As recently as May 2009, the U.N. Secretary General placed the blame for the failure to return Famagusta to its rightful inhabitants squarely upon the Government of Turkey. This Chamber has also enacted section 620C(a)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2373 (a)(5)) in support of the United Nations Secretary General's efforts to resettle the occupied, but uninhabited, city of Famagusta by its rightful inhabitants. Turkey, our NATO ally and beneficiary of significant American support, has ignored America's calls for compliance with the return of Famagusta, just as it has ignored the U.N.'s.

Today, Senator CARDIN and Congressman HASTINGS of the Helsinki Commission held a briefing on the destruction of the history, heritage and culture in the occupied north of Cyprus. As that briefing pointed out, despite clear international commitments on the importance of preserving religious and cultural heritage, hundreds of churches, chapels and monasteries in the northern part of Cyprus remain in peril. Thousands of icons, manuscripts, frescos, and mosaics have been looted from sites in northern Cyprus—many ending up on international auction blocks. The United States, the E.U. and the United Nations have all called on Turkey to honor its international obligations and cease and desist from this further hostility to the people of Cyprus. This begs the question, how can Turkey seek to join the European Union, all the while it is destroying the very existence of European history and culture in the north of Cyprus.

The European Union has also called on Turkey to honor its agreement to open its ports and airspace to Republic of Cyprus flagged vessels. Rather than comply with its commitments, Turkey demands that the E.U. engage in international economic activity with the unlawfully occupied north of the island republic. It is incredible that Turkey would refuse to open its ports and airspace and extend legal recognition to a member state of the European Union all the while it seeks to become a full fledged member of that Union.

The United States rightly places great importance in strategically mooring Turkey to the E.U. and America, but I am greatly concerned that Turkey does not share our vision or commitment to the liberal democratic processes that works to ensure global peace and stability. There are no greater advocates for Tur-

key's acceptance into the European Union, than Greece, Cyprus and the United States. Despite the fact that Turkey has bullied and beaten the small island Republic of Cyprus, Cyprus has shown great humanity by demanding of its fellow E.U. members that Turkey should be afforded the right to join the E.U.

The Republic of Cyprus has gone the extra mile to keep its Turkish speaking citizens engaged in its democratic and economic successes, it has gone the extra mile to engage Turkey and normalize relations, and it has gone the extra mile by becoming an advocate of Turkey's entry into the E.U. Unfortunately, Turkey has not responded in kind. To this very day, Turkey violates the territorial integrity of Cypriot seas and air space. It acts to limit the economic activities of the tiny republic and it subjects it to the menacing threat of a massively armed contingent of 45,000 soldiers.

The division of Cyprus is a matter of invasion and occupation, and not as Turkey claims, a matter of inter-communal conflict. On this very point, the European Court of Human Rights (ECHR) has held time and time again that Turkey exercises "effective overall control of northern Cyprus through its military presence there . . ." and stresses the point "that Turkey's responsibility under the [European] Convention could not be confined to the acts of its own soldiers and officials operating in northern Cyprus, but was also engaged by virtue of the acts of the local administration . . . , which survived by virtue of Turkish military and other support." There can be no doubt from the rulings of the ECHR that the division of the Republic of Cyprus continues because of the Turkish military occupation.

The Cyprus problem pits American allies against one another and impedes the orderly progress of NATO and the E.U. in a strategically vital part of the world. The time has come for us to ask ourselves, is the Government of Turkey part of the solution or is it the very heart of the problem. How Turkey resolves the division of Cyprus will work to define how Turkey will be engaged by Europe. Should Turkey continue to occupy Cyprus as a post-imperial power with no regard for its prior commitments to international agreements and with no sense of obligation to the very European heritage, history and culture that it must uphold as an aspirant member of the E.U., Turkey will by its own hand foreclose its chances of joining the European Union.

Madam Speaker, Turkey is gambling with more than even the democratic liberties of the people of Cyprus. I fear that should Turkey fail to honor democracy, human rights and the rule of law, Turkey will drift away from the United States and Europe and chart a course that will be openly adverse to the interest of NATO, America and the E.U. It is high time that we engage our ally, while we still can, and ensure a democratic resolution to the division of Cyprus.

HOUSE OF REPRESENTATIVES—Wednesday, July 22, 2009

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Rabbi Stephen A. Leon, Congregation B'Nai Zion, El Paso, Texas, offered the following prayer:

O Lord, "This is the day that God has made, on it may we rejoice."

These words from the Book of Psalms reflect the thoughts that are in my heart on this glorious day. Imagine if every person each day would arise and thank God for one more day of life, for one more precious moment to make a difference for good in this world.

How fortunate I feel to live in this blessed country of America where a rabbi from El Paso, Texas, is given the opportunity to offer a prayer before this historic assembly which represents the highest ideals of democracy.

May each of us here realize what awesome moments God gives us each day, and may we in partnership with the Almighty help speed that day when every person in the world will be privileged to live in peace and freedom.

Let us say, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. REYES) come forward and lead the House in the Pledge of Allegiance.

Mr. REYES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI STEPHEN A. LEON

The SPEAKER. Without objection, the gentleman from Texas (Mr. REYES) is recognized for 1 minute.

There was no objection.

Mr. REYES. Madam Speaker, it is a real honor and privilege to have Rabbi Leon here this morning in this great people's House.

I want to especially welcome not just the rabbi but members of his family

that are here. I know that back in my district, back in El Paso, people have gotten up extra early to see the rabbi give our opening prayer.

It's a real honor and a real privilege and pleasure.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

THE ECONOMY HAS NOT BEEN RESCUED

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Madam Speaker, American families and small businesses are hurting. The economy has been hurting; but this morning, in previewing the President's speech tonight, our former colleague, the President's chief of staff, said this: We've rescued the economy.

Now, I'm sure that the 9.5 percent unemployment rate that we have in our country today—and from most economic experts on its way up, don't believe that we've rescued the economy. The 11.1 percent unemployment rate that we have in Ohio, I'm sure those people are looking up today wondering, wait a minute, the President's going to say we rescued the economy? I don't think so.

Not only has the stimulus bill not worked and the economy not been rescued, the President continues to promote policies that will create more unemployment in America.

The national energy tax that went through this House last month will cause millions of Americans to lose their jobs over the next 10 years, like 2.5 million per year. And we're debating the health care plan, the government takeover of health care, which according to the President's Council of Economic Advisers' model will cost 5 million more Americans their jobs.

I don't believe that the economy has been rescued.

H.R. 1503 IS A SHAMEFUL PLOY TO STIR UP FEAR AND DISSENSION

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, I rise in strong opposition to H.R. 1503, the so-called "Birther Bill." You ought to read it.

H.R. 1503 is predicated on the vicious and false rumor that circulates among fringe elements of our society that Barack Obama is not a citizen of the United States and his Presidency is, therefore, illegitimate.

I bring you a copy—and I hold it up—of his birth certificate which has been authenticated in the State of Hawaii by the Department of Health, and I also hold up an announcement in the newspaper on August 14.

Yet, despite being proved categorically untrue time and time again, this rumor stays alive because of tacit acknowledgment embodied in this legislation from legislators in this room. Anything to bring the messenger down.

These rumors hurt America. They hurt the strength of our country. The fact that some Members of the minority would embrace this hateful rhetoric stuns me.

These allegations have no grounding in fact, and this bill is nothing more than a shameful ploy to stir fear and dissension in the minds of the American people.

BIPARTISAN SOLUTIONS ARE BEST

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Republicans agree we need to reform the health care system. Yet the Democrat leadership hide behind closed doors. They've chosen to go it alone; and as a result, they have a scheme of proposals that adds to the deficit, spends over \$1 trillion, enacts a government takeover of health care, and has garnered bipartisan opposition.

Democrats should sit down at the table with Republicans and work on a bipartisan plan of reform. Republicans have commonsense solutions that will help Americans afford insurance, regardless of preexisting conditions. We want to provide small businesses the resources and freedom to offer and keep insurance for their employees.

House Republicans and the American people do not believe we need to let Big Government take over our health care, ration out the taxpayer-subsidized care, and raise taxes on small businesses that will, according to the National Federation of Independent Businesses, cost 1.6 million jobs lost, in addition to the 2.6 million jobs lost since January.

In conclusion, God bless our troops and we will never forget September the 11th in the global war on terrorism.

GUARANTEEING HEALTH CARE FOR ALL AMERICANS

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, one of our core Democratic principles in seeking health care reform is gaining control over health care costs. Contrary to my friend, the minority leader, what he said a few minutes ago, this is not government takeover of health care. It's about guaranteeing health care for all Americans and reducing the costs of health care which are just spiraling out of control.

If we fail to control health care costs, families will continue to be burdened with higher premiums and unaffordable out-of-pocket expenses; businesses will be forced to drop coverage or lay off workers; and our national and State budgets will become unsustainable.

Without reform, the costs of health care for the average family of four are projected to rise \$1,800 annually for years to come.

In my home district of North Carolina alone, there were 400 health care-related bankruptcies last year, caused primarily by health care costs not being covered by insurance.

The reforms would cap out-of-pocket expenses at \$10,000 per year, ensuring that no American will have to face financial ruin due to health care costs.

Mr. Speaker, I urge my colleagues to work together to find solutions.

□ 1015

HEALTH CARE BILL

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the administration is demanding that Congress pass nationalized health care before we go back to our districts for the August work period. They said it's urgent, that we have to do it or it will be the end of health care in America forever.

That's what was said about the Wall Street bailout. Congress had to pass the Wall Street bailout in 24 hours or we were all going to die. And it passed. And it's a miserable failure.

Next came the so-called stimulus bill. It was over a thousand pages long, filed in the darkness of night. Nobody had a chance to read it. We were told we had to vote on it immediately or the world would end. Well, none of that happened. The stimulus bill, too, was a disaster for our country.

Hasn't Congress learned its lesson that quickly passing legislation because Presidents say so is a bad idea?

Most Americans don't like this health care bill. They don't want it. It's going to raise taxes. So what's the rush? We need to get health care right instead of just getting it done. The

very lives of the American people depend on it. Besides, the administration's current health care bill is a sick solution for America.

And that's just the way it is.

RETURN FISCAL DISCIPLINE TO CONGRESS

(Mr. HEINRICH asked and was given permission to address the House for 1 minute.)

Mr. HEINRICH. Mr. Speaker, I'm proud today to be an original cosponsor of the PAYGO legislation that we're going to see on the floor later today because it represents a return to the responsible budgeting principles that we saw in the 1990s.

During that time, the Federal Government made difficult fiscal decisions, but those tough choices took our country from record deficits to record surpluses. Yet, the Bush administration abandoned PAYGO in 2002, and our country has returned to record deficits that have since doubled our national debt.

Mr. Speaker, we owe it to the working families that elected us to match their tough household budgeting decisions during these difficult economic times. We must once again commit to reduce our national deficit and to tighten the purse strings here in Washington.

I urge my colleagues to vote for this legislation and to return fiscal discipline to the Congress.

GOVERNMENT SPENDING

(Mr. WITTMAN asked and was given permission to address the House for 1 minute.)

Mr. WITTMAN. Mr. Speaker, I come before you today to highlight exactly how out of control government spending has become. As some in Congress charge towards a more than \$1 trillion health care bill with little regard for our national debt, I think a reminder of how much we have already spent is in order.

This year's budget increased spending to \$4 trillion. That's 48 percent of GDP, the highest since World War II. For FY 2009 alone, we have a \$2 trillion deficit. This summer, we've been busy passing bills with double-digit increases in spending. Already, there have been mentions of tax increases to cover our financial obligations.

Where does all of this stop? Sadly, it would appear, not in this Congress.

We only have to look towards the West Coast to see a cautionary tale of a government with no fiscal discipline. In California, they've laid off thousands of workers, withheld tax refunds, and started paying contractors with IOUs. Their finances are in shambles.

We have a clear example of how reckless spending can paralyze a State. I hope all Members of this body learn from that important lesson.

LET'S GET IT DONE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, the time for health reform is now. The American people want it. The American economy needs it, and we will pass a comprehensive health care bill out of this Chamber before we break for August recess.

We will pass a bill to reform health care that ends the current system of insurance company executives lining their pockets by denying you the care you need. We will pass a bill that keeps your health coverage intact even if you lose your job or face a sudden illness, and we will pass a bill that brings health care spending under control.

It's easy to get caught up in the politics of Washington as we work on this legislation, but this is about so much more. It's about the American people. When we pass this legislation, when the President signs it into law, everyday families will finally be able to have access to reliable, affordable, quality health care.

Let's get it done.

SOLID SOLUTIONS

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Mr. Speaker, under the current health care proposal in the House, the health coverage of 16 million Americans who hold individual market health plans is in jeopardy.

We've heard, "If you like it, you can keep it," but this bill breaks that promise, takes away the freedom to choose, and drives up costs.

Under this bill, private providers of individual health plans will be prohibited from enrolling even one new member. It's simple economics. Without new enrollees, the existing members will only get older, get sicker. Costs will skyrocket and so will the premiums.

Cost will prevent the providers from providing quality coverage. Cost will force 16 million Americans out of their current health care coverage. This is not choice. This is not freedom.

Last week, I offered an amendment in the House Ways and Means Committee to stop this. The amendment was rejected.

I urge my colleagues to reject this bill so we can discuss solid solutions that will protect and strengthen health care of every American.

THE COST OF INACTION

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. I rise today because we cannot forget one important factor in the health care reform debate, that

the cost of inaction far outweighs today's price tag.

We believe that we can live with our health care system as is; yet we forget, until we show up in the emergency room at 1 in the morning with our daughter who is sick, that there is already a bureaucrat in the room: our health insurance company.

We believe that those who are uncovered are costing us nothing; yet they are overwhelming our emergency care facilities and costing you, the taxpayer, overwhelming amounts in fees that they cannot pay out of pocket.

We believe that health care reform is synonymous with rising costs; yet we forget that costs are already on the rise. We're paying more out of pocket, whether covered by an insurance plan or not, and getting less.

If health care costs continue to increase at the rate they have, most American households will be spending 45 percent of their income on health insurance by 2016. Premiums have doubled in 9 years, three times faster than wages.

Yes, Mr. Speaker, the cost of inaction far outweighs today's price tag.

INTERNATIONAL TAX PROPOSALS

(Mr. ROSKAM asked and was given permission to address the House for 1 minute.)

Mr. ROSKAM. Americans are seeing jobs sift through their fingers like so many grains of sand. We have seen 2 million jobs lost since the stimulus passed, millions more under the cap-and-tax scheme that moved through the House, and even millions more lost if the health care plan moves forward.

But our adventures don't stop there. The administration has proposed \$200 billion in tax increases on worldwide American companies in the form of changes to tax deferral rules.

A report released in June, coauthored by a former Clinton administration official, acknowledged that the deferral changes would cost as many as 2.2 million American jobs.

This isn't about big, bad American companies. This is about American companies and workers having the tools to compete overseas to pursue 95 percent of the world's customers who are living outside of the United States and our borders.

Deferral is one of these tools that we need to make sure that is in place over the long run to make sure that Americans can compete in worldwide markets.

CONGRATULATING DR. JIM NAVE

(Ms. TITUS asked and was given permission to address the House for 1 minute.)

Ms. TITUS. Mr. Speaker, I rise today to congratulate a dear friend and admired leader in our community of Las

Vegas, Dr. Jim Nave. Dr. Nave was recently recognized for his outstanding work as a veterinarian at the American Veterinary Medical Association's Annual Convention, where he received their award for his distinguished contributions to the advancement of veterinary medical organizations.

His achievements in the veterinary field are incomparable, both in quantity and in quality. He has served as president of the Nevada Veterinary Medical Association and on the Nevada Board of Veterinary Medical Examiners. He was also named Nevada's outstanding Veterinarian of the Year in 1988.

In addition, he has been both the chair of the AVMA executive board and president of that organization, where he helped establish a mentoring program, create the National Commission on Veterinary Economic Issues, and restore the rank of brigadier general to the leader of the Army Veterinary Corps, in which he served, earning the Bronze Star for his brave action in Vietnam.

Dr. Nave is an internationally respected leader in the field, and I congratulate him for receiving AVMA's most prestigious award. I also thank him on behalf of the people of Las Vegas and their beloved pets for all his compassion and his dedication.

SPENDING SPREE IN CONGRESS

(Ms. FALLIN asked and was given permission to address the House for 1 minute.)

Ms. FALLIN. American families have taken a hit time and time again, and they are hurting. The stock market has tanked, gas prices spiked, hundreds of thousands of jobs have been lost, and unemployment has soared.

It is no secret that we need to reform our Nation's health care system and provide relief to American families throughout this country by helping them with access to affordable health care and quality coverage for healthy living. But we can't do this unless we rein in the excessive costs and prevent an explosive deficit in spending.

In just 7 months, this House passed an energy bill that will cost American families \$846 billion in new taxes and a \$1 trillion economic stimulus bill that is yet to create the jobs it was predicted to do. Our national debt now stands at \$11.5 trillion.

House leaders now have been on a spending spree and are about to raise taxes even higher for this health care reform bill. This approach is wrong, and the American people know it.

Mr. Speaker, with all this spending in this bill, I cannot find a sincere attempt to rein in the cost and increase access to quality care. I only see more regulation, less choice, and major tax increases on families and businesses. There are market-based solutions to

provide affordable health care and to make it more portable and to have quality access to quality care.

Unless we are able to reform this health care system, it is going to be another spending spree here in Congress.

SOME HISTORICAL FACTS

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, people are entitled to their own opinions but not their own set of facts. The historical facts are that it was the Reagan-Bush administration that busted the budget year after year establishing unprecedented deficits.

But then the Clinton administration came in, passed the Balanced Budget Amendment, against Republican opposition, implemented the PAYGO concept, and generated \$5.6 trillion of projected surpluses. In fact, Alan Greenspan was worried about too much surplus.

Then, the Republican Bush administration comes in, rejected the PAYGO concept, passes two tax cuts, starts a war, not one dime of which were ever paid for, and now the Democrats will come back and pass statutory PAYGO because PAYGO is defining of the Democrat Party's commitment to fiscal responsibility and accountability.

DENY FUNDING TO PLANNED PARENTHOOD

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. The time has come to deny any and all funding to Planned Parenthood of America. The largest abortion provider in America should not also be the largest recipient of Federal funding under title X.

Today, I filed an amendment to block any funds under title X in the Labor-HHS Appropriations bill from going to Planned Parenthood again. It's the same amendment that was supported by 189 bipartisan Members in the year 2007, and I'm confident it would enjoy broad support again.

The Pence amendment would simply prevent funds under title X from going to Planned Parenthood. It would not reduce the total amount of funds available for ethical family planning services.

The truth is, title X clinics do important work in the underserved communities around this country. A number of federally funded clinics across the Nation offer beneficial services, including patient counseling, breast cancer screening, and ethical family planning.

By contrast, Planned Parenthood's annual report reports that it received \$350 million in revenue from government grants and contracts. In the same

annual report, they boast 305,000 abortions provided.

Title X money should go to meet the underserved community, not to provide offsetting resources for the largest abortion provider in America.

□ 1030

THE AMERICAN GRADUATION INITIATIVE

(Mr. SCHAUER asked and was given permission to address the House for 1 minute.)

Mr. SCHAUER. Today I want to tell you about Ray Roddy from Hillsdale, Michigan. Ray was laid off from his job making engine components and realized he would need further education to find another job. He enrolled at Jackson Community College and is working hard to become a nurse. Ray isn't alone. In the last 2 years, 6.5 million Americans have lost their jobs and many remain unemployed.

In today's economy with rising unemployment, it is critical to invest in our future by increasing the number of college graduates. That's why I support President Obama's American Graduation Initiative. This initiative will help prepare Americans for the jobs of the 21st century. It will help people like Ray gain the education and skills they need to compete in the global economy. It will also establish new grants to help community colleges improve access to education and build ties to businesses to increase graduates' chances of gaining employment. With the American Graduation Initiative, the number of unemployed Americans will be dramatically reduced in the next 10 years by helping 5 million people earn more college degrees. Ray Roddy needs a job, and he is going to get one. Thanks to this exciting initiative, so will 5 million other Americans.

URGING MEMBERS TO PASS HEALTH CARE REFORM BEFORE THE AUGUST RECESS

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)

Ms. PINGREE of Maine. Mr. Speaker, I rise today with tremendous hope and full confidence that we are finally moving forward with legislation that will put our health care system on the right track and bring quality, affordable health care to all Americans. I strongly support H.R. 3200, America's Affordable Health Choices Act. I believe that this is the right step for families, for small businesses, and for people in Maine and all across the country. But I also have a warning, a warning that comes from my experience in the Maine Legislature, a warning that comes from taking on the pharmaceutical companies, the insurance companies and the entrenched special in-

terests that have done everything they can to block health care reform for a generation.

Mr. Speaker, if we go home for recess without passing this bill, we will give the special interests and their lobbyists 5 weeks to dump millions of dollars into ad campaigns that spread misinformation, fear and confusion. We will give them 5 weeks to do everything they can to kill the best chance we have had in a lifetime to move forward on significant health care reform. We must pass this bill now. We absolutely cannot afford to wait. I look forward to going back to my district in August and telling the good people of Maine that we didn't let them down.

HEALTH CARE REFORM WILL MAKE INSURANCE COMPANIES COMPETE FOR CUSTOMERS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, we already know that the Republicans have committed themselves to doing everything possible to prevent this body from passing the health care reform that the American people desperately need and want. Yesterday and today, we've heard a Greek chorus of Republican talking points designed to misrepresent what we are trying to do to help the American people maintain and gain access to affordable quality care. Among the most glaring misrepresentations is that we're somehow going to force the American people to be insured in a public plan. Nothing could be further from the truth.

The essence of our proposal is to provide choice and competition so that insurance companies will have to compete for the American people's business rather than the American people having to beg for coverage, only to find that their coverage isn't adequate when they really need it. This is the type of reform that we need for this country, for the American people; and no Republican misrepresentations will prevent this body from acting.

AMERICANS DO NOT WANT BUREAUCRATS LIMITING HEALTH CARE OPTIONS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, on a daily basis we make our own choices. From decisions as simple as paper or plastic, diet or regular, decaffeinated or high-test to ones as profound as Republican or Democrat and temple or church as the place we choose to worship. We come from a Nation of freedom that has allowed us to make choices in our lives. But if Democrats have their way, government bu-

reaucrats will soon choose our health care. There is a television advertisement about a woman whose doctor told her to go get her affairs in order because she had cancer and less than 6 months to live. She then chose to go to a different provider, and several years later, she is still alive and healthy.

Under the Democratic proposal, an unelected official in Washington will be making health decisions for individuals and families across this Nation. Patient choice will be a thing of the past unless you are wealthy enough to go outside the system. When competition dies, so does quality.

Mr. Speaker, one of the reasons this Nation has the best health care in the world is competition and compassion. Let's choose not to lose that quality and to continue to be able to go to the physician who can best serve our needs.

AMERICANS WITH PREEXISTING CONDITIONS NEED HEALTH INSURANCE TOO

(Ms. KILROY asked and was given permission to address the House for 1 minute.)

Ms. KILROY. Mr. Speaker, as we have worked these last several months on the issue of health care, I have engaged my community in a variety of townhall meetings, forums and opportunities for them to let me know what they need out of the health care bill, to tell me their stories. I would like to share one of those with you. My constituent writes, This is not my story, but it is the story of a close friend who died last November at the age of 50. During his life, he was afflicted with diabetes and heart disease. He was self-employed and could not get health insurance because of his preexisting conditions. A few months prior to his death, he asked me to review a brochure advertising a plan to get discounts on various things, including medical services and drugs, but clearly stated it was not insurance. I told him the company was not promising anything, only a hope that discounts could be obtained. He was going to pay the \$178 per month premium anyway because he couldn't get insurance or any other kind of help. A few months later, he suddenly died.

Mr. Speaker, we have an opportunity here with H.R. 3200 to pass a bill of historic proportions to address issues such as this constituent and many Americans are facing, to have a health care plan that is affordable and accessible for all Americans, that will lower the cost of health insurance, to provide a public option that gives people a choice of doctors and plans, and puts an emphasis on prevention and wellness. I urge my colleagues to support this bill.

RESTORING FISCAL RESPONSIBILITY THROUGH THE STATUTORY PAY-AS-YOU-GO ACT

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today in strong support of H.R. 2920, the Statutory Pay-As-You-Go, or PAYGO, Act as a long overdue return to fiscal responsibility. We hear a lot from our colleagues and friends on the other side of the aisle talking about their newfound concern about deficits. But it was a Republican Congress that allowed PAYGO legislation to expire in 2002 even after, in fact, it worked to produce two consecutive surpluses in 1999 and 2000 under a Democratic President. Unfortunately the Republican-controlled Congress didn't renew PAYGO in 2002, leaving us, once again, with annual deficits that this year now reached \$1 trillion, most of it on their watch.

Mr. Speaker, the cure for deficits is not floor speeches, catchphrases or expensively produced charts. The cure is fiscal responsibility. This House, if it's going to be serious about fiscal responsibility, must return to statutory PAYGO. I support the bill.

A HEALTH INSURANCE COMPANY HORROR STORY

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. A health insurance company horror story about Robin Beaton, a 59-year-old woman who was a registered nurse for 30 years, healthy, with health insurance. She retired to set up her own small business and got an individual policy with Blue Cross/Blue Shield. She went to the dermatologist for acne. A word was written on her chart that, interpreted incorrectly, as meaning precancerous. Here are her words, Shortly thereafter, I was diagnosed with a very aggressive form of breast cancer and was told I needed a double mastectomy. The Friday before the Monday I was scheduled to have my double mastectomy, Blue Cross red-flagged my report due to the dermatologist's report. The dermatologist called Blue Cross directly to report I had only acne and pleaded not to hold up the surgery. Then Blue Cross called to inform her that they were launching a 5-year medical investigation into her medical history and that she would not be able to have the surgery. She was frantic. Then she found out that the insurance policy that she had been paying premiums on was canceled altogether. She says, The sad thing is Blue Cross took my premiums, and when I was suspected of having cancer, they searched for a reason to cancel me. This happened, and 7 months later the tumor doubled in size, went into her

lymph nodes; and now her prognosis is worse.

We have an opportunity today to bring peace of mind to all Americans and pass health insurance reform.

PAYGO LEGISLATION WILL HELP US MOVE FROM DEFICIT TO SURPLUS

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, the House will be taking up statutory PAYGO legislation which will restore the policy that led from deficits to surpluses under the Clinton administration. Statutory PAYGO is a necessary step to restore fiscal discipline and begin bringing down the deep deficits that face our Nation. Without reducing the deficit, we won't be able to invest in vital priorities, including health care, education and clean energy.

The bill on the floor this week requires all new policies that either reduce revenues or expand entitlement spending be offset over 5 and 10 years. Discretionary spending is not subject to PAYGO and exceptions can be made for emergencies. We also take into account the political reality that several policies will continue, as in past Congresses, and allow them to be extended without offsets. Medicare physician payments, alternative minimum tax, middle class tax cuts and the current estate tax rates. I hope that all Members will support our PAYGO bill.

HEALTH CARE WILL BENEFIT AMERICAN ENTREPRENEURIAL INITIATIVES

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, before I was elected to the House of Representatives, I was an entrepreneur. I started several technology companies. Entrepreneurs across this country are a constant source of creativity, of job creation, of unleashing their creative potential to create jobs and bring new products and services to the marketplace. There are people today, Mr. Speaker, that would love to be entrepreneurs but for the fact that they are wedded and trapped in jobs because of the nontransportability of their health care. Mr. Speaker, for them and their families, they have to keep their current jobs. They can't go off on their own. They can't start new companies. They might have great ideas that would unlock great value, and yet they are prohibited from doing so.

One of the great benefits of the Obama health care plan is that we will allow people to pursue their potential, to create jobs, to go off on their own without taking that risk of losing

health care for them and their families. By doing so, we can unleash the potential of the American people and entrepreneurs across the country to create value and create jobs.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 2245. An act to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

H. Con. Res. 164. Concurrent resolution recognizing the 40th anniversary of the Food and Nutrition Service of the Department of Agriculture.

The message also announced that pursuant to Public Law 111-25, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Ronald Reagan Centennial Commission:

Sig Rogich of Nevada.

Frank Fahrenkoph of Nevada.

PROVIDING FOR CONSIDERATION OF H.R. 2920, STATUTORY PAY-AS-YOU-GO ACT OF 2009

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 665 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 665

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2920) to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, modified by the amendment printed in part B of the report of the Committee on Rules, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget; (2) the amendment in the nature of a substitute printed in part C of the report of the Committee on Rules, if offered by Representative

Ryan of Wisconsin or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. For purposes of the concurrent resolution on the budget, the amounts specified in section 421(a)(2)(A) and section 421(a)(2)(C) shall be considered to be those reflected in section 314 and section 316, respectively, of the House companion measure.

The SPEAKER pro tempore (Mr. WEINER). The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1045

Mr. ARCURI. I yield myself such time as I may consume.

Mr. Speaker, I rise today as a member of the Rules Committee and of the fiscally conservative Blue Dog Coalition and as a proud supporter of this rule and H.R. 2920, the Statutory Pay-As-You-Go bill.

When the 110th Congress convened in 2007, I strongly supported the reinstatement of the pay-as-you-go principles in the rules of the House. Today, we will take up the next step toward reinstating the statutory pay-as-you-go rule. These statutory requirements helped turn deficits into surpluses in the 1990s under the Clinton administration. When the previous statute expired, Mr. Speaker, the result was a return to unchecked deficit spending, which doubled the national debt in less than a decade. This is not a Democratic problem. This is not a Republican problem. Rather, this is a problem for all of us.

The American people deserve better. We in Congress must be forced to balance our spending the same way that every American family does. We should not spend what we cannot afford. In order to spend a dollar, we must find a dollar either in savings or in new revenue.

Mr. Speaker, my colleagues on the other side of the aisle may try to argue semantics and say that this is an imperfect bill. If this is the case, I would simply remind my colleagues that every journey is completed one step at a time. This bill is just a first step. It

is part of a clearly delineated path toward fiscal responsibility.

To date, this Congress has passed critical pieces of legislation, like the expansion of the SCHIP, which provides health insurance to 11 million children, and we did so in a way that was completely paid for, showing our commitment to fiscal responsibility. Earlier this year, we adopted a budget resolution that placed the full cost of war spending on the books for the first time. These are steps in the right direction. This bill continues these important steps in the direction of fiscal responsibility.

This legislation will require that all new policies of reducing revenues or of expanding spending enacted during a session of Congress be offset over 5 and 10 years. It will require any future extension of upper-income tax cuts to be offset, and it will force a serious examination of wasteful subsidies in the budget and of tax loopholes that can be eliminated to offset more worthwhile programs.

Finally, the statute would not be complete without an enforcement mechanism. The Congressional Budget Office will continue to score legislation passed by Congress. The Office of Management and Budget will keep a running scorecard for all of the revenue generated in new spending enacted during a year. If we have not fully offset the legislation enacted during the session, it will trigger an automatic sequester of funds from mandatory spending programs.

Mr. Speaker, the American people have spoken, and they want a return to a fiscally responsible Congress that abides by pay-as-you-go principles. This is the legislation that will make that a reality. As a member of the Blue Dog Coalition, I have worked, since being elected to Congress, to reenact statutory PAYGO, and I strongly urge my fellow colleagues to vote for this rule on H.R. 2920.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, let me begin by expressing my appreciation to my Rules Committee colleague for yielding me the customary 30 minutes, and I yield myself such time as I might consume.

Mr. Speaker, today is the 22nd of July. We are just over halfway through calendar year 2009, and the Federal deficit has exceeded \$1 trillion. That's not with an M. That's not with a B. That's with a T; \$1 trillion. It's so much money that we can't even fathom exactly how much it is. You know, I've spent a while here, and I can't imagine \$1 trillion. It's the amount of money already that the Federal Government not has spent; it's the amount of money, Mr. Speaker, that the Federal Government has already overspent as we are just halfway through this year. At the rate that we're going, by the end of the year, the deficit will approach \$2 trillion.

Now, Mr. Speaker, if you think about that, about the amount that we have overspent and that we have spent more than was actually taken in, then actually, based on this annual number, it quite possibly could be larger than the entire Federal budget was just a decade ago.

The American people are paying attention. They're paying attention, and they don't believe that such wantonly irresponsible spending is ever justified. They're particularly outraged that it's coming at a time when they are revamping their own budgets, are cutting out every penny of waste and are saving every penny that they possibly can.

Our economic challenges have fundamentally changed Americans' budgeting habits. They're spending less; they're saving more; they're paying off their debts; and they're asking themselves, Why is my government doing precisely the opposite?

Well, the American families are spending less; they are saving more, and they are paying down their debts. We here in Washington, D.C. are doing the opposite, and they can't understand why that's continuing to happen. During very difficult and challenging economic times, why is Congress spending trillions on bailouts and proposing new taxes that will burden our families even more? Why is it racking up so much debt that our kids, grandkids and great grandkids won't even be able to pay it off?

So much concern is mounting over the profligate spending of this Congress that it comes as absolutely no surprise that the Democratic leadership wants to give the appearance of an interest in fiscal responsibility. Quite frankly, Mr. Speaker, as I go through the analysis of this, and the American people are going to understand, we will find that this is simply dealing with the appearance of trying to be fiscally responsible.

The leadership on the other side of the aisle wants to be able to send out a press release to say that they care about this \$1 trillion deficit spending that has taken place in the last 6 months and that they're doing something about it.

Unfortunately, rather than actually reining in the deficit, what has happened? They've proposed a bill that will do nothing to restore any semblance of responsibility and accountability to the Federal budget.

As any hardworking American knows, living within our means during tough economic times is painful, but it's not terribly complicated. You have to reduce your spending. It's very simple. The Democratic leadership will say that the bill before us today requires Congress to spend only what it can pay for, but this claim is not terribly accurate.

First of all, this bill does absolutely nothing to limit discretionary spending, which is 40 percent of the entire

Federal budget. Let me say that again, Mr. Speaker. If you think about a family who has to reduce its expenses and who has to rein in its own personal spending, this family doesn't have the luxury of saying, Oh, well, here is 40 percent that I will exempt. That is exactly what is happening with this measure.

This bill makes it virtually impossible for Congress to implement tax reforms that will get our economy growing again and that will increase Federal revenues. If the Democratic leadership were actually interested in reducing the deficit, they would simply implement spending caps, caps on spending. That's the way to do it. Instead, they have merely produced a fig leaf of a bill, a fig leaf so they can send out that press release and can then go right on spending this country into oblivion, which is exactly what has been happening. The proposal before us does nothing but mandate tax increases while leaving discretionary spending completely unchecked.

Now, Mr. Speaker, this is not a theoretical discussion that I am engaging in right now. We've been living under the Democratic leadership's so-called "PAYGO rules" for 2½ years. When they reinstated PAYGO at the start of the last Congress, they said it would eliminate deficit spending. Now what has actually happened? The deficit has skyrocketed from \$162 billion in fiscal '07 to, as I said, this estimated \$1.8 trillion. So from \$162 billion in 2007 to \$1.8 trillion. Again, that's just the deficit. That's a tenfold increase, and it all happened under this Democratic majority with these brilliant PAYGO rules that have been put into place.

This bill will not cut the deficit. This bill will not help to restore our economy. I will say quite frankly, Mr. Speaker, I am really quite concerned that some will believe, with the passage of this bill, that we have now addressed the problems and that it will lure many on the other side of the aisle to continue on the road that they've been going down for the past 2½ years.

The true purpose of this bill is a very, very unfortunate one. The first is to attempt to provide political cover for Members who want to have it both ways, carrying the mantle of fiscal responsibility while voting for trillion-dollar spending boondoggles.

The second is to make meaningful tax reform impossible to implement. If we abide by the plan that was laid out in this bill, we cannot offer tax relief to a single working American without raising one's taxes at the same time. This includes tax relief that has been proven to increase Federal revenues. We won't be able to do that under this measure. Tax relief that has proven to increase dramatically the flow of revenues of the Federal Treasury would not be allowed under this measure.

In 2003, we cut the capital gains tax rate by 5 percent. Guess what hap-

pened, Mr. Speaker? Capital gains tax revenues, that's revenues to the Federal Treasury. And we cut the capital gains rate by 5 percent, doubled in a 2-year period of time. This tax relief is set to expire next year. Guess what? Under this bill, we can't extend it without raising taxes.

So, if we double revenues by cutting the capital gains tax, it doesn't take a Ph.D. to guess what will happen if we are forced to raise taxes. This bill ties our hands where flexibility is necessary, and it fails to implement strict guidelines where accountability is desperately needed.

Even the Democratic leadership doesn't take this bill very seriously, adding in five pages of exemptions to an already worthless attempt at fiscal responsibility. I find it interesting that they would even bother with these exemptions, considering that they waive their own PAYGO rules all the time. In the last Congress alone, they waived these rules to allow for legislation that increased the deficit by \$420 billion. Now, in this Congress, they continue to use procedural gimmicks to get around their own budget rules, which is why it comes as no surprise that we've already passed the trillion-dollar deficit spending mark here on July 22.

Mr. Speaker, I urge my colleagues: don't be fooled by what is clearly an attempt to cover up the worst spending pattern that we have seen in the history of the United States of America. The American people are figuring this out. They know what it takes to make ends meet; and while they are reining in their spending and are dealing with the economic challenges that they're facing at this time, they know that we are moving in the opposite direction. Reject this rule and the bill. Instead, we must demand true accountability for our constituents' tax dollars.

With that, I am pleased and privileged to reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts, a member of the Rules Committee (Mr. MCGOVERN).

Mr. MCGOVERN. I thank my colleague for yielding.

Mr. Speaker, I rise in strong support of this rule and in support of the underlying statutory PAYGO legislation.

As a member of the Budget Committee, I am proud to be an original co-sponsor of this bill, and I want to thank our incredible chairman, JOHN SPRATT, for all of his hard work.

Now, some of my colleagues may be asking themselves, Why in the heck is a liberal Democrat from Massachusetts speaking in support of PAYGO? Well, it's true, Mr. Speaker, that I have never been mistaken for a Blue Dog. I support this legislation because I despise this debt just as strongly as any Member of this House. I support this legislation because I have two young

children, and I don't want to saddle them with a bankrupt Nation. I support this legislation precisely because it helps support the programs that I care most deeply about.

□ 1100

Every single dollar that we spend on interest on the debt is a dollar that we can't spend on health care. It's a dollar that we can't spend on education or environmental protection or on transportation projects or tax breaks for middle class Americans. It's a dollar we can't spend on supporting our servicemen and -women or ending hunger. In short, every dollar we spend on this debt is a dollar that we cannot invest in the American people, and that is why we need this bill.

I am also pleased that this bill before us today protects the most vulnerable Americans. The bill protects Social Security, veterans programs, food stamps, and child nutrition programs and other essential services.

Now, we hear a lot of rhetoric from the other side about how awful the deficit is, and they're right. But here's a question: Where were you for the last 8 years? Why did you allow PAYGO to expire when you were in the majority? Where were you when the Bush administration inherited a surplus and proceeded to squander it on tax cuts for the wealthy few?

Now, if someone wants to argue that bigger tax breaks for millionaires is good economic policy, that's fine, but under this bill, they will be forced to acknowledge the cost of those tax cuts and show how they would pay for them. I don't think that's too much to ask. This bill before us at long last will take a good long look at wasteful subsidies and special-interest tax loopholes.

Mr. Speaker, all of us, Democrats and Republicans, like to talk a good game about deficit reduction, but this is where the rubber meets the road. It's our time to put our votes where our rhetoric is.

It's time to pass statutory PAYGO. It's time to dig this economy out of the ditch that the Republican leadership created, and I urge my colleagues to support this good bill.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume to simply say to my good friend from Worcester, I absolutely look forward to the day when we will not be constantly looking backward and blaming the last Congress and President Bush for every ailment of society. We need to look forward. And the thing that's been happening in the last 6 months is we've seen this dramatic surge in spending and the idea of engaging in class warfare. Taxing those who are job creators, who have created opportunity for millions of working Americans, is, I don't believe, the best way to deal with the challenges that we have.

At this point, I'm happy to yield to our hardworking colleague from Jefferson, Louisiana (Mr. SCALISE).

Mr. SCALISE. I want to thank the gentleman from California for yielding time and for the comments that he made earlier against the bill and the rule. And I rise, as well, in opposition to the bill because this bill, this PAYGO bill as it's dubbed, does nothing to control spending. I strongly believe we need to get our fiscal house in order.

I think if you look at the actions of this administration since President Obama became President in January and Speaker PELOSI continued her reign, and she has been in office for 2½ years now as the Speaker, HARRY REID over in the Senate as well, you have seen spending get out of control here in this Congress, and it's done so under PAYGO.

The PAYGO rule that they are trying to put into law has gotten us to a point today where we're facing a \$1.8 trillion, with a "T," deficit.

Just last week the Federal deficit this year exceeded \$1 trillion. These are numbers that have never been seen before in the history of our country, and it all happened under this rule that we're hearing all of these Fourth of July speeches about how great PAYGO is and how PAYGO is going to require fiscal responsibility. We have PAYGO today, and it has given us a \$1.8 trillion deficit this year.

And so what I proposed in the Rules Committee last night was an actual ability to require some strict discipline on PAYGO by taking out the exemptions, the loopholes. You would ask yourself if we've got PAYGO, and if the people on the other side that are talking about it and they say how wonderful it's going to be, well, if it's so good, how could it have yielded us a \$1.8 trillion deficit?

That's because PAYGO is a hoax. PAYGO is waived every time they want to spend money that we don't have. So they simply waive it. In fact, in the stimulus bill earlier this year, the largest spending bill in the history of our country, \$787 billion of money that we don't have, it was rammed through Congress. Not one person who voted for it had the opportunity to read it, but the President said it had to be done quickly because it's going to create millions of jobs. Well, we've seen now that is a failure.

Where are the jobs? Two million more Americans have lost their jobs since the stimulus bill passed. And the bill passed without the funding in place, without any kind of offsets, no cuts at all; in fact, \$787 billion of new spending under the PAYGO rule.

So you would ask yourself if PAYGO is so good, how could a \$787 billion unfunded bill pass under that rule? Well, that's because they simply waived the rule. It's right here in the rule that

they passed on the stimulus bill. Many of the people that are coauthors of this bill were happy to vote to waive it, and they were able to waive it with a simple majority vote. And this bill that they're talking about today has the same language that still allows PAYGO to be waived any time they feel like looking the other way.

And you would say, Oh, they wouldn't do that. Well, sorry to tell you, in the last Congress, 12 times they waived PAYGO.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, I'm happy to yield my friend an additional 2 minutes.

Mr. SCALISE. So 12 times in the last Congress alone they waived PAYGO by a simple majority vote.

I had an amendment last night in the Rules Committee to require a three-fifths vote to say if you really want to install fiscal discipline, then put a high bar so you can't just waive it every time you want to spend money you don't have. Guess what? Not one person on the other side supported that amendment.

I've cosponsored a constitutional amendment that requires that we balance our Federal budget. Many States have a similar fiscal discipline that's placed in their constitutions. Unfortunately, we don't have anything like that here in Washington, and the results are that this Congress is spending at unprecedented levels that's led to these debts.

And one other hidden secret about PAYGO. It is allowed to cut spending. Some people around here don't know what cutting spending means; they just keep growing spending. But when PAYGO has been used, 34 times in the last Congress it was used not to cut spending but to raise taxes.

So once again, not only is PAYGO a hoax, it doesn't stop spending from being out of control at all because it's been waived every time they wanted to spend money, like in the stimulus bill, but 34 times in the last 2 years, PAYGO was used to raise taxes on American families.

And so if you wonder why your tax burden keeps going up and up and up and then you've got this thing called PAYGO that sounds really good and you hear all of these Fourth of July speeches on the other side about fiscal discipline, well, fiscal discipline to them means raising taxes on American families or just waiving it when you feel like spending money that you don't have.

The American people deserve better. They deserve honesty and transparency in their government, not some bill that purports to be about fiscal discipline and yet can be waived any time they want to just look the other way. And judging by history, they've waived it every time they wanted to spend money that this country doesn't have.

We can hear about George Bush all day and about Republicans. For the last 2½ years the Democrats have been running Congress. NANCY PELOSI has been the Speaker. HARRY REID has been the Senate President and Barack Obama today is the President, and in the last 6 months we've seen spending at unprecedented levels with a \$1.2 trillion deficit. PAYGO is a hoax. Let's get real fiscal discipline.

Mr. ARCURI. Methinks thou doth protest too much.

I listened to my friend from Louisiana, and all I hear are complaints about PAYGO. And then I see a sign that says, PAYGO equals tax increase, which actually means nothing at all, but it is a very nice sign. But, in fact, that's not at all what PAYGO is about. In fact, if PAYGO did nothing more than put a check on spending, I would say it's worth voting for. But my friend on the other side of the aisle says he doesn't support it.

You know, we see a lot of finger-pointing going on in Congress, everybody blames the other side, but the fact of the matter is, when they talk about spending, we are spending now because we are in the throes of a recession.

When the Republicans were in control of the House of Representatives, we see that they didn't reinstate PAYGO and they continued to spend. We have put the war on the books for the first time, which is a step in the right direction towards fiscal responsibility.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. ARCURI. When I finish, I will be happy to yield.

When we hear my friend from Louisiana talk about PAYGO and talk about all of the problems with PAYGO, he doesn't acknowledge the fact that PAYGO does require that we spend only what we have. And if it did nothing else, he should support it. Yet he doesn't support it because it's more of the finger-pointing that we see in Congress.

I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would simply like to inquire of my friend as he talks about how great this PAYGO—

Mr. ARCURI. Reclaiming my time, I never said PAYGO was great. I said PAYGO is a step in the right direction. PAYGO is a step that we need to take, and that is what I said.

I would be happy to yield.

Mr. DREIER. I thank my friend for yielding. I apologize profusely, Mr. Speaker, if I put words into my friend's mouth. He did not use the word "great" to describe it, but I will say—and this is probably not much of a stretch—that he is here propounding the benefits of this legislation that is before us.

And in light of that, I would like to ask my friend, Mr. Speaker, if, in fact, we were to see this statutory implementation of PAYGO, if it would have any way diminished the kinds of increases that we've seen in the appropriations process that have already taken place in the nine bills passed, one of which had a 22 percent increase in spending. And I'd appreciate it if my friend would respond as to whether or not this bill would in any way turn the corner on that spending that we've seen.

Mr. ARCURI. My friend knows full well what the purpose of PAYGO is. And the purpose of PAYGO is to ensure that whatever money we spend in the future, we have a way of providing for, either by creating cuts or by raising revenues in other ways. That's what PAYGO is all about, and it's about doing it over a 5-year and a 10-year period.

With that, Mr. Speaker, I would yield 3 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I rise today to support this bill, H.R. 2920. I rise because there are many Americans who are living paycheck to paycheck, dollar to dollar.

As I traveled around my south Texas district from Laredo through the Rio Grande Valley, my constituents, like those around the country, are gathering around the kitchen tables to figure out how to make those hard financial decisions. They're making tough choices about which basic needs they can afford. Many live by a very simple principle. If you have \$5, you spend \$5. We should expect Congress to do the same.

So, today, I stand in support of the statutory pay-as-you-go legislation because it will rein in national spending and help reduce our national debt during these very difficult times.

If we return to the fiscal responsibility philosophy that we had in the 1990s when PAYGO spending created record budget surpluses, we would change our economy. Americans can't spend their money recklessly right now, and Congress shouldn't either. Our children deserve more, and the people in Texas and the Nation deserve better.

Today's consideration of PAYGO is a golden opportunity to start getting this country's bank account out of the red. It's time to stop the borrow-and-spend mentality. It's time to return to pay-as-you-go, especially as we consider the health care reform bill. It's important that we spend taxpayers' dollars wisely.

I've always been supportive of good government efforts to increase fiscal responsibility to make sure that we have an accountable and effective government. This is why the Blue Dogs have been supporting the performance-based budgeting bill to make sure that

we have effective, accountable government. That increases government transparency and efficiency in spending.

Americans and Texans are doing their share to be fiscally responsible. Now it's time for Congress to do our part, and this is why we need to pass pay-as-you-go.

Mr. DREIER. Mr. Speaker, my friend from Laredo is a very thoughtful Member and very good personal friend of mine, and I will say that the opening statement, I think, really gets right to this point, talking about how families have to deal with the economic challenges that we are facing today.

The thing that concerns me greatly is that when I engaged in a colloquy with my friend from Utica on whether or not the implementation of PAYGO would in any way reduce the appropriation levels that we've seen, one of which had a 22 percent increase, he responded by saying that I understood the process and knew that this would not in any way be able to actually take place. So I guess the answer to the question that I posed to my friend from Utica was "no."

So I would say to my friend from Laredo that I think that it's very important, Mr. Speaker, for us to realize that what we all want to—

Mr. ARCURI. Mr. Speaker, will the gentleman yield?

Mr. DREIER. Of course. I'd be happy to yield to my friend from Utica.

□ 1115

Mr. ARCURI. Half of the nondiscretionary spending is on the military. Do you think that we should be cutting the amount of spending that we do for the military?

Mr. DREIER. If I could reclaim my time, Mr. Speaker, I will say that I believe we need to have a cost-effective national defense. I believe that when we can bring about reductions in the level of expenditures when it comes to waste, fraud and abuse within the military, absolutely. I want to bring about those reductions. But when you, Mr. Speaker, look at the dramatic increases, the \$1 trillion in deficit spending that has gone into a wide range of new areas into which the Federal Government has never ever been involved before, it is essential we recognize—

Mr. ARCURI. Will the gentleman yield?

Mr. DREIER. Yes, of course, I will yield.

Mr. ARCURI. Do you think that any increases in military spending that we have made should have been cut as well?

Mr. DREIER. If I can reclaim my time, Mr. Speaker, of course. I think that we have yet to deal, by the way, with the Department of Defense Appropriations bill. I know that it is going to be marked up. I anxiously look forward to seeing what this will consist of. But

frankly, in the proposed budget I believe that that has, as an increase, one of the smallest levels of increases compared to the 22 percent increase that we saw on other appropriations bills.

The fact is there is a role for the Federal Government. The number one priority of the Federal Government happens to be the national security of the United States of America. And so to say that because we might have an increase in the level of defense expenditures, as we live in a very dangerous world, and that somehow justifies a multi—now what we are headed towards—a multitrillion-dollar increase in deficit spending is apples and oranges when one looks at what should happen.

So I would like to engage, if I might, with my friend from Laredo and say, as I look forward to yielding to him, that as we look at this challenge that families face when they are at the kitchen table, recognizing that with the difficult economic times that we have, they have to rein in their spending. They have to pay down their debts. They have to increase their level of savings. How is it that we, in this measure, can exempt 40 percent the discretionary spending level that is here? How is it that we can say that reducing rates on things like capital gains, which doubled the flow of revenues to the Federal Treasury when reduced by 5 percent, how is it that we can't do that any longer under this so-called PAYGO provision? And I would be happy to yield to my friend if he would like to respond.

Mr. CUELLAR. Sure. And again, thank you very much. I appreciate the comments of the gentleman from California, a good friend of mine. First, to answer this question, we have to look at history. When the PAYGO was implemented back in the 1990s, it expired in 2002. The majority at that time decided not to put it back again or reimplement it. We saw from history in early 2000 there was a surplus that we got. And I believe part of the reason was because we had a statutory pay-as-you-go provision. When this was let go, and it expired in 2002, you saw that the deficit—and again this deficit that you're talking about, and I'm concerned about it just like you are, but this deficit didn't occur on January 20 of this year. It is something that has been happening for the last 4 or 5 years.

So if I can just finish my thought, what we need to do is, I know that we have some differences, but I hope we can get both the Democrats and Republicans and both sides of the aisle working together to come up with a way that we can go ahead and stop this deficit. Because as you very well know, if I can just finish this, look, this is what we have. We have over \$11 trillion in debt that we have right now. Forty percent of that is owned by foreign countries. And again, the gentleman from

California, if you had a business, imagine what would happen if one day you woke up and your neighbor, your friendly competitor, suddenly owned 40 percent of your mortgage. That would put us in a very difficult situation. And this is what we are facing in this country.

Mr. DREIER. Mr. Speaker, I thank my friend for his thoughtful remarks. If I could reclaim my time, I would simply say that as we look at the discretionary spending caps that were put into place in the 1990s with the PAYGO provision that were there, they were thrown out the window in the package that my friend is touting today. And my argument is that families don't have the luxury of saying, Oh, we will just exempt—let's go and buy a new car, we are going to purchase a new car.

You know what, we don't need to worry about how much the purchase of that new car is going to be. Let's just think about maybe the cost of some addition to the house, and we have to be concerned about that. Families don't have that luxury. And my argument, Mr. Speaker, is that as my friends on the other side of the aisle tout this PAYGO measure as somehow relating to the challenges that families are having to make today, it is preposterous to do that because there is no correlation with the ability of the Congress to simply waive these provisions and the necessity that families are facing today.

And with that, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I thank my friend from California for his comments. And I would just point out that we are in unprecedented times. We are in a time when we are conducting two wars overseas, one ending in Iraq and one continuing in Afghanistan. And that requires increases in military spending. It continues to require increases in veteran spending, which we have done. We have seen unprecedented natural disasters, which we have had to spend upon. We have seen an economy in a downturn. As a result of those things, it is necessary for spending to take place. I think my friend knows that.

With that, I will yield 3 minutes to the gentlewoman from South Dakota, a member of the Blue Dog Coalition, Ms. HERSETH SANDLIN.

Ms. HERSETH SANDLIN. Mr. Speaker, I thank the gentleman from New York, a fellow member of the Blue Dog Coalition, for yielding. I rise today in strong support of the rule on H.R. 2920, the Statutory Pay-As-You-Go Act of 2009. I would especially like to thank Speaker PELOSI and Majority Leader HOYER, whose steadfast support for PAYGO rules have been absolutely essential to the efforts of the Blue Dog Coalition and others across the spectrum in our caucus, including GEORGE

MILLER of California and PETER WELCH of Vermont, who have worked to restore this critically important budgetary tool, a tool that helped to move the Nation from dangerous deficits to surpluses in the late 1990s, a tool that was abandoned by the Republicans during the Bush administration.

In 2007, the new majority established House PAYGO rules in an effort to restore fiscal discipline to Congress. The House PAYGO rules and this statutory PAYGO bill stand for a simple principle: new entitlement spending and new tax cuts should be paid for. We can't have everything we want. We need to do what families in South Dakota and across the Nation do: make hard choices and budget responsibly. If not, make no mistake, our Nation will pay the price.

When OMB reports that we paid, as a Nation, \$249 billion in net interest to service government debt in fiscal year 2008, we know something is terribly wrong with our priorities. Think of what we could do with an extra quarter of a trillion dollars. We could invest in needed priorities, or we could pay down the debt. The House PAYGO rules are the first step in countering the bad habits throughout the 8 years of the Bush administration. The massive buildup of debt that occurred over that period not only threatens our economic future but puts our national security at risk. By August of 2008, foreign-held debt had grown more than 200 percent, increasing from \$1 trillion in January 2001 to \$2.7 trillion, which works out to be more than 80 cents of every dollar of new debt issued since 2001 being bought by foreign entities. China alone upped its holdings of Treasury securities by 850 percent.

Today, we finally have a President who is committed to PAYGO. The first bill he sent to Congress was a statutory PAYGO bill. Many of our friends on the other side of the aisle have suddenly become concerned about deficits. And I welcome that concern. We should all be concerned about the national debt as one of the most pressing and most consequential issues facing our country. And we should likewise recognize statutory PAYGO as one tool among many, but a very strong tool, in forcing the Congress to spend within its means. Statutory PAYGO, controlling both spending and tax policies, is absolutely critical in the long term for long-term growth and prosperity. And that is something that people across the political spectrum should be able to agree on.

Many people talk about a commitment to fiscal responsibility. But no one can be taken seriously in that claim if they do not support the strong, effective and proven tool of statutory PAYGO. So today, Mr. Speaker, on behalf of our Nation's children and grandchildren, I urge the House, for colleagues on both sides of the aisle, to

vote to restore this crucial tool of fiscal responsibility for the sake of the future of the Nation. I thank the gentleman from New York for the time.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding. I rise in strong support of this rule and the underlying PAYGO bill. For those who worry about hemorrhaging deficits and debt, this bill is for you. I was here in the early 1990s, in another century, and remember well casting a career-risking vote in 1993—it was a totally partisan vote—for the Clinton budget that I believe history will show put the country on a glide path to a balanced budget and created surpluses for the first time in a generation. Sadly, it was also the last time in a generation that we saw those surpluses.

Today is a proud moment for the Blue Dog Coalition in our dogged pursuit of bipartisan budget solutions. As a self-proclaimed "grandmother dog," I salute my colleagues in the group, and especially our former leader and colleague, Charlie Stenholm, for championing PAYGO. I know that many of us in this Chamber yearn for more bipartisanship. I would urge our colleagues to seize this moment to embrace a concept that makes absolute common sense, a concept that the government pays for the programs it enacts, including the defense programs that it enacts. One of the great promises of this legislation is that we will finally put predictable war costs on budget, as we should, and consider them in the context of a large budget at a time of deficits and debt that are much higher than any of us would like to see.

So, Mr. Speaker, with this bill, we have the opportunity to hit the reset button and to engage in more honest budgeting. Yes, some compromises had to be made, and I would support a tighter version of PAYGO than the one we are considering. But I also believe that the bill before us today makes an unequivocal statement by Congress that the delusional out-of-control spending of the past years is finally behind us. Surely, this is something that Democrats and Republicans alike can celebrate.

Mr. Speaker, millions of American families are swallowing hard, surely those families in my State of California are, and making tough financial choices right now. The Federal Government must do the same. I urge an "aye" vote on the PAYGO Act of 2009 and call on our friends in the Senate not to allow this much-needed legislation to languish.

Mr. DREIER. Mr. Speaker, I think I will continue to reserve the balance of my time in light of the fact that there

are other speakers on the other side. We have one other speaker, and then I plan to close.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Speaker, I thank the gentleman for yielding. I rise today to address this Chamber not as a Member of the House of Representatives but as someone who knows firsthand the balancing act that American families and small businesses have to negotiate in order to make ends meet. When raising our five children, my husband, Dan, and I had to make tough choices every day. We had to choose a smaller house so that we could put the food on the table and buy shoes and clothing for the five children. We had to choose to go camping in our State park rather than Disney World so that we could save enough for our children to go to college. And every day we had to make tough choices in running our small business to ensure we could make our payroll, pay the bills and grow our business all at the same time.

Mr. Speaker, this balancing act is not unique. Any parent who has shopped for dinner at the grocery store and any entrepreneur who has handled the books for their small business understands the importance of living within their means. So this begs the question: if families and small businesses across this country have to live within their means, why shouldn't Congress as well? That is why I rise today to support reestablishing statutory PAYGO to the House of Representatives. We have important work to do here in Congress, such as rebuilding our economy to create good-paying jobs and ensuring quality, affordable health care for all Americans.

However, it is simply irresponsible to build our children's and grandchildren's future upon a foundation of debt. If we do not begin to balance short-term deficit spending with long-term fiscal discipline, our children will face an even greater mountain of debt, even higher taxes, and cuts to Federal investments in priorities like education, health care and our national security. I thank my colleagues for making fiscal responsibility a priority. I urge passage of the rule and the important underlying legislation.

□ 1130

Mr. DREIER. Mr. Speaker, at this time I am very, very happy to yield 2 minutes to our good friend and hard-working colleague from Brentwood, Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I want to say thank you to our colleagues across the aisle for bringing forward a PAYGO statute.

I will tell you, it is of concern to me, though, that the statute, the way this is written, the way they're approaching PAYGO could lead to tax increases be-

cause what we are not seeing from our colleagues on the other side of the aisle is a willingness to reduce spending. And we know if you're going to have an effective PAYGO policy, that you have to be able to reduce what you're spending. That is a requirement.

On every appropriations bill that we have, I file a 5 percent, across-the-board reduction amendment for a spending cut. The reason I do that is because what we have learned from our States, what I learned as being a State Senator is that across-the-board spending reductions work. They work. They reduce what you are going to lay out, the amount of money that you are going to spend.

So, let's do this in a bipartisan way. Let's agree that we are actually going to reduce spending. Let's agree that we're going to have PAYGO enforcement, that we're not going to cry "emergency" every time we have a Katrina, every time we have a tsunami, every time we have a need for extra spending, that we don't go call for a special appropriation that allows us to circumvent the PAYGO rules. And let's be certain that we put all that spending on the table, that we put it all on the table, and that we agree we're going to reduce what we are going to spend.

What we have seen is the PAYGO rule, the way it is written, the way they've put it in place, has led to a deficit that has gone from \$162 billion to over \$1 trillion. That's over a 1,000 percent increase. And I think that this body would be well-served to make that 5 percent haircut; set a nickel aside out of every dollar that is going to be spent for our children and our grandchildren, their future and opportunity.

Mr. ARCURI. Mr. Speaker, before I yield, I would just like to say to my colleague from Tennessee that if Katrina was not an emergency and did not merit emergency spending, then I cannot, in my wildest imagination, imagine what would. That is the reason why we have an emergency spending exception to any PAYGO requirement, to allow government to do that which the voters sent us here to do, and that is to ensure that when a catastrophe and when an emergency strikes, that we are there to do everything that we possibly can to help the people who have been injured by it.

With that, Mr. Speaker, I would yield 3 minutes to the gentleman from Tennessee, a proud member of the Blue Dog Coalition, Mr. TANNER.

Mr. TANNER. Mr. Speaker, this bill today is not what some of us would like, but it is something that we think maybe can pass the Senate, which, after all, has a hand in this statutory approach. It is the first step to restore a rule that was allowed by this Congress to expire in 2002, which effectively removes a constraint, one con-

straint on what almost everybody wants to see happen, and that is, you want to vote against any taxes, and you want to vote for all the programs. This is one small step to try to address that urge that, I guess, all of us share from time to time.

If you look back at this decade, in the year 2000, revenue and expenditures were both around 19 percent of GDP. The country basically was breaking even. By 2002, when PAYGO was allowed to expire, and we had seen the economic policies of the country change dramatically in the summer of 2001, shortly before 9/11, we had a situation develop where, by 2003, the expenditures were over 20 percent of GDP, and the revenue coming in was less than 17, actually 16.3 percent of GDP. And without changing our economic game plan that was enacted in June of 2001, we began to borrow money, mostly, 75 percent of it, from foreign sources. What that has done is created a situation where we now are beginning to be more and more vulnerable to our foreign creditors who may or may not see the world as this country does. And secondly, we are transferring more and more of our tax base, whatever it may be, to interest, for which we get nothing.

As my friend from New York just said, the government has to do two things, in addition, of course, the first thing to keep our country safe. But the other two things it has to do is, first, invest in infrastructure. If you go anywhere in the world where there's no infrastructure, nobody's making any money. It's almost impossible to make money on a dirt road with no water, sewer, electricity and so on. The government has to invest in infrastructure.

And the second thing is human capital. If you read history, no country has been strong and free with an uneducated, unhealthy population. And so public education and health care, particularly preventive health care for children, is necessary for the government to invest in so that we can remain a strong and healthy society.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ARCURI. I yield the gentleman an additional minute.

Mr. TANNER. As we transfer more and more of our tax base to interest, we necessarily cripple our own ability as Americans, not as Members of Congress, our own ability to make those investments that are necessary for our country to be successful. And so, this is, as I said, the first step to restore some sort of constraint in the system where, when we change the law regarding mandatory spending or mandatory tax reduction, then we have to figure out a way to offset it. It is common sense.

We're going to demand, if we can, that it pass the Senate so we can have

a statutory backstop, a statutory constraint, not as strong as we'd like, but it is a first step.

And I would sure urge everybody who cares about the future of this country, and I know we all do—we may have different ideas about how to address it—but I wish you'd seriously consider voting for this.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman is recognized for 6 minutes.

Mr. DREIER. Mr. Speaker, this has been an interesting debate. And I have to say that my fellow Angeleno, Ms. HARMAN and I, join in a desire to deal in a bipartisan way with our challenges. I will acknowledge from the get-go, that everyone, Democrat and Republican alike, decries deficit spending. I mean, we all regularly talk about the fact that we need to get our fiscal house in order. That was a plank of the platform that President Obama ran on. And it's the plank of the platform of virtually every candidate for public office. And I believe that we should work in a bipartisan way to get our fiscal house in order.

The problem that I have with the measure that's before us is that, to me, it is the quintessential example of the effort that we often see on legislation. Sometimes we tend to do what makes us feel good, rather than doing good.

The reason I say that is as I listened to the thoughtful remarks of my Blue Dog friends, they talked about exactly what I raise, that being the challenge that families are facing at the kitchen table; recognizing that because of difficult economic times, it is essential for them to reduce their spending, to increase their savings, and to pay down their debts. Those are the three things that families across this country are doing today at the kitchen table.

And you know what, the notion of saying that the Federal Government is not going to expend dollars that it doesn't have, or able to offset, is something that does have a lot of appeal, and it makes us all feel very good. But that family sitting at the kitchen table, or a small business man or woman can't say, We're going to exempt 40 percent of our expenditures. Yes, we all want to get the auto industry going, but the idea of saying that we want to buy a nice new car, and we don't have to deal with any kind of offset for that.

It's essential for us to get the economy growing. And we know that, while it may sound counterintuitive, every shred of empirical evidence that we have going in recent history to John F. Kennedy or Ronald Reagan is that if we can bring about marginal rate reduction, we can increase the flow of revenues to the Federal Treasury. Most recently, it was done when we brought about that 5 percent reduction in capital gains.

Now I know that in the economy we're in, there are not many people who have capital gains today. But we know this, that if we were to bring about a reduction in the capital gains rate, we would have, as we've seen most recently, a doubling of the flow of revenues to the Federal Treasury. And yet, Mr. Speaker, under this measure, we're not able to do that.

So what we've got is an effort that can make us all feel good. And it is true. I mean, there have been a lot of great statements made juxtaposing the challenges that working families are facing and the challenges that we face here in Washington.

But implementation of this statutorily will in no way address the fact that, as of July 22, today, we have a Federal budget deficit that is \$1 trillion. And we're headed towards 1.8, maybe even beyond that, meaning that the deficit, the Federal Government this year alone will spend more than has brought in, and that level will be higher than the entire Federal budget was just 10 years ago.

And so it's wonderful to say that we're going to work in a bipartisan way; and it's wonderful to say that we all decry deficit spending. But because the American people are hurting, and we need to get our economy growing, I do not believe that this measure before us will do one thing, other than make a lot of people feel very, very good.

With that, Mr. Speaker, I'm going to say that I believe we can get it better. This is not only not a step in the right direction, it is, in many ways, something that will create a climate whereby people will say, we've taken care of this. And I'm afraid that it will send the wrong message to the American people, and it will send the wrong message in our quest to get our economy going, to create jobs and more opportunity for the American people.

So I urge a "no" vote.

I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I want to thank my friend from California for his management of this rule.

Mr. Speaker, since the beginning of 2007, the Democratic leadership of the House of Representatives has shown a strong commitment to the pay-as-you-go rules, first, by reinstating the PAYGO rule in the rules of the House on the opening of the 110th Congress, and now, in working to bring this important legislation before the House. I applaud the Blue Dog Coalition, my colleagues there, for their outspoken leadership on PAYGO.

When I explain to folks back home what PAYGO is, I ask them the question, if they have to balance their own books each month, if they have to ensure that they have enough income coming in to cover their expenses; and of course they respond that they do. And I then ask, shouldn't the Federal Government operate in the same way

when it involves spending your tax dollars? My constituents get it. The American people get it.

Mr. Speaker, unfortunately, there are still some Members of Congress who are steadfastly against the idea of being fiscally responsible and balancing the Federal books, the same way that our constituents balance their checkbooks each and every week.

The legislation we will consider later today will require Congress to balance the books or face the harsh consequence of automatic cuts to offset the shortfall in our spending.

Now I certainly appreciate the born-again Republican commitment to fiscal responsibility. But the real question is why the Republicans allowed PAYGO to expire in the first place under the last administration. Not only did they not advance the cap discretionary spending, which they are criticizing us for not coupling with the PAYGO statute, but they wouldn't even renew the PAYGO provision, which we are now doing.

My colleagues on the other side of the aisle criticize the majority for the increase in the deficit since the beginning of 2007. One of the reasons for this is that we have put the full cost of the war on the books for the first time. That is a hard thing to do, but it is the responsible thing to do. The Republicans kept this off their budget balance sheet, but the Democratic majority has taken the fiscally responsible approach and placed the entire cost of the war on the books, which adds nearly \$1 trillion to the deficit.

□ 1145

So to say that we have single-handedly raised the deficit over \$1 trillion since 2007 is disingenuous at best.

Furthermore, the budget adopted by Congress this year cuts the deficit by nearly two-thirds in 4 years and contains even deeper cuts in the deficit than were proposed by the President. Under the concurrent budget resolution adopted by the House and the Senate, the deficit will be cut by \$1.7 trillion, or 12.3 percent of GDP, in 2009 to 3 percent of GDP in 2014.

I strongly believe that we in Congress must balance our own books and maintain fiscal responsibility similar to what is asked of all taxpayers in dealing with their own personal finances. I urge all members to vote "yes" on the previous question, "yes" on the rule, and to vote "yes" on H.R. 2920.

Mr. CARDOZA. Mr. Speaker, I rise today in strong support of the rule and the underlying bill.

Since being elected to Congress, I have been a member of the fiscally conservative Blue Dog Coalition, fighting to rein in reckless federal spending and put an end to our spiraling deficit.

I believe we must get back on the road to fiscal responsibility before we pass the nation's keys—and our debt—onto our children and grandchildren.

You can spin this debate any way you want to, but these are the facts.

President Bush inherited a \$5.6 trillion surplus from President Clinton. This was squandered leaving a record deficit of \$1.8 trillion for 2009 alone.

In just 8 years under President George W. Bush, our Nation's debt—now more than \$11.6 trillion—nearly doubled meaning more debt was accumulated over the past 8 years than under all of the Presidents from George Washington to Ronald Reagan combined.

We are in tough economic times and these extraordinary times call for extraordinary measures.

But plain and simple, we cannot afford to continue writing blank checks and borrowing money from countries such as China to pay our bills.

The PAYGO legislation before the House today reinstates one of the fiscal discipline tools that worked so well throughout the 1990s, and that led to the first budget surpluses since 1969.

I would point out that it was the first President Bush, working with a Democratic Congress, that instituted the first PAYGO rules.

The Clinton Administration and Democrats in Congress continued to work with Republicans on a bipartisan basis and turned decades of exploding budget deficits into 4 straight years of budget surpluses with record economic growth through the continued use of PAYGO.

Under President Clinton, for the first time in 30 years, America actually began to pay down its debt to foreign nations.

It was only when President George W. Bush and the Republican Congress abandoned any sense of fiscal discipline and allowed the proven PAYGO rules to expire in 2002, that government spending spun out of control and we rang up the largest deficits in our Nation's history.

My point is that when both the Administration and the Congress are willing to cooperate and adhere to fiscal discipline, PAYGO works.

Our side knows it. The other side of the aisle knows it. There is absolutely no denying PAYGO has worked in the past, and with a new Administration with a strong commitment to reversing the reckless fiscal policies of the past 8 years, we have that willingness to cooperate again today.

Blue Dogs know that we should not be in this situation today.

And as we all know, despite the Blue Dogs' best efforts—and the efforts of many other members on both sides of the aisle—cutting spending and making tough choices is never easy.

But enough is enough. It's time to stop blaming. It's time to stop pointing fingers. It's time we return to the fiscal accountability measures that I and my fellow Blue Dog colleagues have long advocated. And it's high time we start doing the right thing and start paying for what this country buys.

I ask my colleagues on both sides of the aisle to support this common sense legislation.

Mr. ARCURI. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 667

Whereas, The Hill reported that a prominent lobbying firm, founded by Mr. Paul Magliocchetti and the subject of a "federal investigation into potentially corrupt political contributions," has given \$3.4 million in political donations to no less than 284 members of Congress.

Whereas, The New York Times noted that Mr. Magliocchetti "set up shop at the busy intersection between political fund-raising and taxpayer spending, directing tens of millions of dollars in contributions to lawmakers while steering hundreds of millions of dollars in earmarks contracts back to his clients."

Whereas, a guest columnist recently highlighted in Roll Call that "... what [the firm's] example reveals most clearly is the potentially corrupting link between campaign contributions and earmarks. Even the most ardent earmarkers should want to avoid the appearance of such a pay-to-play system."

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm: including questions related to "straw man" contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees the firm and its clients when it reported that they "have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill."

Whereas, The Associated Press highlighted the "huge amounts of political donations" from the firm and its clients to select members and noted that "those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests."

Whereas, clients of the firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

Whereas, after a cursory review, the fiscal year 2010 defense appropriations earmark list recently made available includes at least seventy earmarks worth hundreds of millions of dollars for former PMA clients.

Whereas, the Associated Press reported that "the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash."

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of the institution.

Now, therefore, be it: Resolved, That the Committee on Standards of Official Conduct shall immediately establish an investigative subcommittee and begin an investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

The SPEAKER pro tempore. The resolution presents a question of privilege.

MOTION TO TABLE

Mr. ANDREWS. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on adoption of H. Res. 665; and motions to suspend the rules on: H.R. 1675, H.R. 2938, and H. Res. 69.

The vote was taken by electronic device, and there were—yeas 224, nays 189, answered "present" 14, not voting 6, as follows:

[Roll No. 605]

YEAS—224

Abercrombie	Clarke	Eshoo
Ackerman	Clay	Etheridge
Adler (NJ)	Cleaver	Farr
Altmire	Clyburn	Fattah
Andrews	Cohen	Filner
Arcuri	Connolly (VA)	Frank (MA)
Baca	Conyers	Fudge
Baird	Cooper	Gonzalez
Baldwin	Costa	Gordon (TN)
Barrow	Costello	Grayson
Bean	Courtney	Green, Al
Becerra	Crowley	Green, Gene
Berkley	Cuellar	Griffith
Berman	Cummings	Grijalva
Berry	Dahlkemper	Gutierrez
Bishop (GA)	Davis (AL)	Hall (NY)
Bishop (NY)	Davis (CA)	Halvorson
Blumenauer	Davis (IL)	Hare
Boren	Davis (TN)	Harman
Boswell	DeFazio	Hastings (FL)
Boucher	DeGette	Heinrich
Boyd	Delahunt	Higgins
Brady (PA)	DeLauro	Hinchey
Braley (IA)	Dicks	Hinojosa
Brown, Corrine	Dingell	Hirono
Capps	Doggett	Holden
Capuano	Doyle	Holt
Cardoza	Driehaus	Honda
Carnahan	Edwards (MD)	Hoyer
Carney	Edwards (TX)	Inslee
Carson (IN)	Ellison	Israel
Chu	Engel	Jackson (IL)

Jackson-Lee (TX)
 Johnson (GA)
 Johnson, E. B.
 Kagen
 Kanjorski
 Kaptur
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 Kissell
 Klein (FL)
 Kosmas
 Kratovil
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 Lowey
 Lujan
 Lynch
 Maffei
 Maloney
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matsui
 McCollum
 McDermott
 McGovern
 McIntyre
 McMahon
 Meeks (NY)
 Melancon
 Michaud
 Miller (NC)
 Miller, George
 Mollohan

Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Nadler (NY)
 Napolitano
 Neal (MA)
 Nye
 Oberstar
 Obey
 Oliver
 Ortiz
 Pallone
 Pascrell
 Pastor (AZ)
 Payne
 Perlmutter
 Peters
 Peterson
 Pingree (ME)
 Polis (CO)
 Pomeroy
 Price (NC)
 Rahall
 Rangel
 Reyes
 Richardson
 Rodriguez
 Ross
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer

Schiff
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Sires
 Skelton
 Slaughter
 Snyder
 Space
 Speier
 Spratt
 Stark
 Stupak
 Sutton
 Tanner
 Taylor
 Thompson (CA)
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Wexler
 Wilson (OH)
 Woolsey
 Wu
 Yarmuth
 Young (AK)

NAYS—189

Aderholt
 Akin
 Alexander
 Austria
 Bachmann
 Bachus
 Barrett (SC)
 Bartlett
 Barton (TX)
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Blackburn
 Blunt
 Boccieri
 Boehner
 Bono Mack
 Boozman
 Boustany
 Brady (TX)
 Bright
 Broun (GA)
 Brown (SC)
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Burton (IN)
 Buyer
 Calvert
 Camp
 Campbell
 Cantor
 Cao
 Hunter
 Capito
 Carter
 Cassidy
 Castle
 Chaffetz
 Childers
 Coble
 Coffman (CO)
 Cole
 Crenshaw
 Culberson
 Davis (KY)
 Deal (GA)
 Diaz-Balart, M.

Donnelly (IN)
 Dreier
 Duncan
 Ehlers
 Ellsworth
 Emerson
 Fallin
 Flake
 Fleming
 Forbes
 Fortenberry
 Foster
 Foxx
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Garrett (NJ)
 Gerlach
 Giffords
 Gingrey (GA)
 Gohmert
 Goodlatte
 Granger
 Graves
 Guthrie
 Hall (TX)
 Heller
 Hensarling
 Herger
 Herseth Sandlin
 Hill
 Himes
 Hodes
 Hoekstra
 Hunter
 Inglis
 Issa
 Jenkins
 Johnson (IL)
 Johnson, Sam
 Jones
 Jordan (OH)
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kirkpatrick (AZ)
 Kline (MN)
 Lamborn

Lance
 Latham
 LaTourette
 Latta
 Lee (NY)
 Lewis (CA)
 Linder
 LoBiondo
 Loeb sack
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 Matheson
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McHugh
 McKeon
 McMorris
 Rodgers
 McNeerney
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Minnick
 Mitchell
 Moran (KS)
 Murphy (NY)
 Neugebauer
 Nunes
 Olson
 Paul
 Paulsen
 Pence
 Perriello
 Petri
 Pitts
 Platts
 Posey
 Price (GA)
 Putnam

Quigley
 Radanovich
 Rehberg
 Reichert
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Royce
 Ryan (WI)
 Scalise

Schmidt
 Schock
 Sensenbrenner
 Sessions
 Shadegg
 Shimkus
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Souder
 Stearns
 Sullivan

Teague
 Terry
 Thornberry
 Tiahrt
 Tiberi
 Turner
 Upton
 Visclosky
 Walz
 Wamp
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf

ANSWERED “PRESENT”—14

Bonner
 Butterfield
 Castor (FL)
 Chandler
 Conaway

Dent
 Diaz-Balart, L.
 Harper
 Hastings (WA)
 Lofgren, Zoe

Myrick
 Poe (TX)
 Walden
 Welch

NOT VOTING—6

Kennedy
 McCarthy (NY)

Meek (FL)
 Thompson (MS)

Thompson (PA)
 Young (FL)

□ 1216

Messrs. FORTENBERRY, KING of New York, and BRIGHT changed their vote from “yea” to “nay.”

Mr. LYNCH changed his vote from “nay” to “yea.”

Ms. CASTOR of Florida and Messrs. BUTTERFIELD and CHANDLER changed their vote from “yea” to “present.”

Mrs. MYRICK and Messrs. HASTINGS of Washington and WALDEN changed their vote from “nay” to “present.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BARRETT of South Carolina. Mr. Speaker, on rollcall No. 605, I inadvertently voted “nay.” Being a member of the Committee on Standards of Official Conduct, I meant to vote “present.”

PROVIDING FOR CONSIDERATION OF H.R. 2920, STATUTORY PAY-AS-YOU-GO ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 665, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 182, not voting 8, as follows:

[Roll No. 606]

YEAS—243

Abercrombie
 Ackerman
 Adler (NJ)
 Altmire
 Andrews
 Arcuri
 Baca
 Baird

Baldwin
 Barrow
 Bean
 Berkley
 Berman
 Berry
 Bishop (GA)
 Bishop (NY)

Blumenauer
 Boccieri
 Boren
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Braley (IA)

Bright
 Brown, Corrine
 Butterfield
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Castor (FL)
 Childers
 Chu
 Clarke
 Cleaver
 Clyburn
 Cohen
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Crowley
 Cuellar
 Cummings
 Dahlkemper
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Driehaus
 Edwards (MD)
 Edwards (TX)
 Ellison
 Ellsworth
 Engel
 Eshoo
 Etheridge
 Farr
 Fattah
 Filner
 Foster
 Frank (MA)
 Fudge
 Giffords
 Gonzalez
 Gordon (TN)
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Gutierrez
 Hall (NY)
 Halvorson
 Hare
 Harman
 Hastings (FL)
 Heinrich
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa

Hirono
 Hodes
 Holden
 Holt
 Honda
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Kagen
 Kanjorski
 Kaptur
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kosmas
 Kratovil
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maffei
 Maloney
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCollum
 McDermott
 McGovern
 McIntyre
 McMahon
 McNerney
 Meeks (NY)
 Melancon
 Miller (NC)
 Miller, George
 Minnick
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murtha
 Nadler (NY)
 Napolitano
 Neal (MA)
 Nye
 Oberstar
 Obey
 Oliver
 Ortiz
 Pallone
 Pascrell

Pastor (AZ)
 Payne
 Perlmutter
 Perriello
 Peters
 Peterson
 Pingree (ME)
 Polis (CO)
 Pomeroy
 Price (NC)
 Quigley
 Rahall
 Rangel
 Reyes
 Richardson
 Rodriguez
 Ross
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer

NAYS—182

Aderholt
 Akin
 Alexander
 Austria
 Bachmann
 Bachus
 Barrett (SC)
 Bartlett
 Barton (TX)
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Blackburn
 Blunt
 Boehner
 Bonner
 Bono Mack
 Boozman

Boustany
 Brady (TX)
 Broun (GA)
 Brown (SC)
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Burton (IN)
 Buyer
 Calvert
 Camp
 Campbell
 Cantor
 Cao
 Capito
 Carter
 Cassidy
 Castle

Chaffetz
 Clay
 Coble
 Coffman (CO)
 Cole
 Conaway
 Crenshaw
 Culberson
 Davis (KY)
 Deal (GA)
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dreier
 Duncan
 Ehlers
 Emerson
 Fallin
 Flake

Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)

Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg

Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

Bean
Becerra
Berkley
Berman
Berry
Bigger
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccheri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge

Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)

Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—51

Akin
Barrett (SC)
Bartlett
Barton (TX)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Burgess
Campbell
Carter
Chaffetz
Coffman (CO)
Conaway
Deal (GA)
Duncan
Flake
Foxy
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Hastings (WA)
Hensarling
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Linder
Lummis
McClintock
Myrick
Neugebauer
Olson
Paul
Pence
Poe (TX)
Price (GA)
Radanovich
Rohrabacher
Royce
Scalise
Shadegg
Sullivan
Thornberry
Westmoreland
Wilson (SC)

NOT VOTING—6

Hoyer
Kennedy
Luján
McCarthy (NY)
Thompson (MS)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1231

Mr. POE of Texas changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENDING DEADLINE FOR CONSTRUCTION OF PRICE DAM HYDROELECTRIC PROJECT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2938, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 2938.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

NOT VOTING—8

Becerra
Chandler
Kennedy
McCarthy (NY)
Meek (FL)
Rogers (AL)
Thompson (MS)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining on this vote.

□ 1224

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FRANK MELVILLE SUPPORTIVE HOUSING INVESTMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1675, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GRAYSON) that the House suspend the rules and pass the bill, H.R. 1675.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 51, not voting 6, as follows:

[Roll No. 607]

YEAS—376

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow

[Roll No. 608]

YEAS—418

Abercrombie	Dahlkemper	Jackson-Lee
Aderholt	Davis (AL)	(TX)
Adler (NJ)	Davis (CA)	Jenkins
Akin	Davis (IL)	Johnson (GA)
Alexander	Davis (KY)	Johnson (IL)
Altmire	Davis (TN)	Johnson, E. B.
Andrews	Deal (GA)	Johnson, Sam
Arcuri	DeFazio	Jones
Austria	DeGette	Jordan (OH)
Baca	Delahunt	Kagen
Bachmann	DeLauro	Kanjorski
Bachus	Dent	Kaptur
Baird	Diaz-Balart, L.	Kildee
Baldwin	Diaz-Balart, M.	Kilpatrick (MI)
Barrow	Dicks	Kind
Bartlett	Dingell	King (IA)
Barton (TX)	Doggett	King (NY)
Bean	Donnelly (IN)	Kingston
Becerra	Doyle	Kirk
Berkley	Dreier	Kirkpatrick (AZ)
Berman	Drieaus	Kissell
Berry	Duncan	Klein (FL)
Biggert	Edwards (MD)	Kline (MN)
Billbray	Edwards (TX)	Kosmas
Bilirakis	Ehlers	Kratovil
Bishop (GA)	Ellison	Kucinich
Bishop (NY)	Ellsworth	Lamborn
Blackburn	Engel	Lance
Blumenauer	Eshoo	Langevin
Blunt	Etheridge	Larsen (WA)
Boccieri	Fallin	Larson (CT)
Boehner	Farr	Latham
Bonner	Fattah	LaTourrette
Bono Mack	Filner	Latta
Boozman	Flake	Lee (CA)
Boren	Fleming	Lee (NY)
Boswell	Forbes	Levin
Boucher	Fortenberry	Lewis (CA)
Boustany	Foster	Lewis (GA)
Boyd	Fox	Linder
Brady (PA)	Frank (MA)	Lipinski
Braley (IA)	Franks (AZ)	LoBiondo
Bright	Frelinghuysen	Loeb sack
Brown (GA)	Fudge	Lofgren, Zoe
Brown (SC)	Gallely	Lowe
Brown, Corrine	Garrett (NJ)	Lucas
Brown-Waite,	Gerlach	Luetkemeyer
Ginny	Giffords	Lujan
Buchanan	Gingrey (GA)	Lummis
Burgess	Gohmert	Lungren, Daniel
Burton (IN)	Gonzalez	E.
Butterfield	Goodlatte	Lynch
Buyer	Gordon (TN)	Mack
Calvert	Granger	Maffei
Camp	Graves	Maloney
Campbell	Grayson	Manzullo
Cantor	Green, Al	Markey (CO)
Cao	Green, Gene	Markey (MA)
Capito	Griffith	Marshall
Capps	Grijalva	Massa
Capuano	Guthrie	Matheson
Cardoza	Gutierrez	Matsui
Carnahan	Hall (NY)	McCarthy (CA)
Carney	Hall (TX)	McCaul
Carson (IN)	Halvorson	McClintock
Carter	Hare	McCollum
Cassidy	Harman	McDermott
Castle	Harper	McGovern
Castor (FL)	Hastings (FL)	McHenry
Chaffetz	Hastings (WA)	McHugh
Chandler	Heinrich	McIntyre
Childers	Heller	McKeon
Chu	Hensarling	McMahon
Clarke	Herger	McMorris
Clay	Herseeth Sandlin	Rodgers
Cleaver	Higgins	McNerney
Clyburn	Hill	Meek (FL)
Coble	Himes	Meeks (NY)
Coffman (CO)	Hinche	Mica
Cohen	Hinojosa	Michaud
Cole	Hirono	Miller (FL)
Conaway	Hodes	Miller (MI)
Connolly (VA)	Hoekstra	Miller (NC)
Conyers	Holden	Miller, Gary
Cooper	Holt	Miller, George
Costa	Honda	Minnick
Costello	Hoyer	Mitchell
Courtney	Hunter	Mollohan
Crenshaw	Inglis	Moore (KS)
Crowley	Inslee	Moore (WI)
Cuellar	Israel	Moran (KS)
Culberson	Issa	Moran (VA)
Cummings	Jackson (IL)	Murphy (CT)

Murphy (NY)	Rogers (KY)	Speier
Murphy, Patrick	Rogers (MI)	Spratt
Murphy, Tim	Rohrabacher	Stark
Murtha	Rooney	Stearns
Myrick	Ros-Lehtinen	Stupak
Nadler (NY)	Roskam	Sutton
Napolitano	Ross	Tanner
Neal (MA)	Rothman (NJ)	Taylor
Neugebauer	Roybal-Allard	Teague
Nunes	Royce	Terry
Nye	Ruppersberger	Thompson (CA)
Oberstar	Rush	Thompson (PA)
Obey	Ryan (OH)	Thornberry
Olson	Ryan (WI)	Tiahrt
Oliver	Salazar	Tiberi
Ortiz	Sanchez, Linda	Tierney
Pallone	T.	Titus
Pascarella	Sanchez, Loretta	Tonko
Pastor (AZ)	Sarbanes	Towns
Paul	Scalise	Tsongas
Paulsen	Schakowsky	Turner
Payne	Schauer	Upton
Pence	Schiff	Van Hollen
Perlmutter	Schmidt	Velázquez
Perriello	Schock	Visclosky
Peters	Schwartz	Walden
Peterson	Scott (GA)	Walz
Petri	Scott (VA)	Wamp
Pingree (ME)	Sensenbrenner	Wasserman
Pitts	Serrano	Schultz
Platts	Sessions	Waters
Poe (TX)	Sestak	Watson
Polis (CO)	Shadeg	Watt
Pomeroy	Shea-Porter	Waxman
Posey	Sherman	Weiner
Price (GA)	Shinkus	Welch
Price (NC)	Shuler	Westmoreland
Putnam	Shuster	Wexler
Quigley	Simpson	Whitfield
Radanovich	Sires	Wilson (OH)
Rahall	Skelton	Wilson (SC)
Rangel	Slaughter	Wittman
Rehberg	Smith (NE)	Wolf
Reichert	Smith (NJ)	Woolsey
Reyes	Smith (TX)	Wu
Richardson	Smith (WA)	Yarmuth
Rodriguez	Snyder	Young (AK)
Roe (TN)	Souder	
Rogers (AL)	Space	

NOT VOTING—15

Ackerman	Kennedy	Melancon
Barrett (SC)	Kilroy	Schrader
Bishop (UT)	Marchant	Sullivan
Brady (TX)	McCarthy (NY)	Thompson (MS)
Emerson	McCotter	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

□ 1237

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING LATINO DIABETES AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 69, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and agree to the resolution, H. Res. 69. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 609]

YEAS—420

Abercrombie	Costa	Hoekstra
Ackerman	Costello	Holden
Aderholt	Courtney	Holt
Adler (NJ)	Crenshaw	Honda
Akin	Crowley	Hoyer
Alexander	Cuellar	Hunter
Altmire	Culberson	Inglis
Andrews	Cummings	Inslee
Arcuri	Dahlkemper	Israel
Austria	Davis (AL)	Issa
Baca	Davis (CA)	Jackson (IL)
Bachmann	Davis (IL)	Jackson-Lee
Bachus	Davis (KY)	(TX)
Baird	Davis (TN)	Jenkins
Baldwin	Deal (GA)	Johnson (GA)
Barrett (SC)	DeFazio	Johnson (IL)
Barrow	DeGette	Johnson, E. B.
Bartlett	Delahunt	Johnson, Sam
Barton (TX)	DeLauro	Jones
Bean	Dent	Jordan (OH)
Becerra	Diaz-Balart, L.	Kagen
Berkley	Diaz-Balart, M.	Kanjorski
Berman	Dicks	Kaptur
Berry	Dingell	Kildee
Biggert	Doggett	Kilpatrick (MI)
Billbray	Donnelly (IN)	Kilroy
Bilirakis	Doyle	Kind
Bishop (GA)	Dreier	King (IA)
Bishop (NY)	Drieaus	King (NY)
Bishop (UT)	Duncan	Kingston
Blackburn	Edwards (TX)	Kirk
Blumenauer	Ehlers	Kirkpatrick (AZ)
Blunt	Ellison	Kissell
Boccieri	Ellsworth	Klein (FL)
Boehner	Engel	Kline (MN)
Bonner	Eshoo	Kosmas
Bono Mack	Etheridge	Kratovil
Boren	Fallin	Kucinich
Boswell	Farr	Lamborn
Boucher	Fattah	Lance
Boustany	Filner	Langevin
Boyd	Flake	Larsen (WA)
Brady (PA)	Fleming	Larson (CT)
Brady (TX)	Forbes	Latham
Braley (IA)	Fortenberry	LaTourrette
Bright	Foster	Latta
Brown (GA)	Fox	Lee (CA)
Brown (SC)	Frank (MA)	Lee (NY)
Brown, Corrine	Franks (AZ)	Levin
Brown-Waite,	Frelinghuysen	Lewis (CA)
Ginny	Fudge	Lewis (GA)
Buchanan	Gallely	Linder
Burgess	Garrett (NJ)	Lipinski
Burton (IN)	Gerlach	LoBiondo
Butterfield	Giffords	Loeb sack
Buyer	Gingrey (GA)	Lofgren, Zoe
Calvert	Gohmert	Lowe
Camp	Gonzalez	Lucas
Campbell	Goodlatte	Luetkemeyer
Cantor	Gordon (TN)	Lujan
Cao	Granger	Lummis
Capito	Graves	Lungren, Daniel
Capps	Grayson	E.
Capuano	Green, Al	Lynch
Cardoza	Green, Gene	Mack
Carnahan	Griffith	Maffei
Carney	Guthrie	Maloney
Carson (IN)	Gutierrez	Manzullo
Carter	Hall (NY)	Markey (CO)
Cassidy	Hall (TX)	Markey (MA)
Castle	Halvorson	Marshall
Castor (FL)	Hare	Massa
Chaffetz	Harman	Matheson
Chandler	Harper	Matsui
Childers	Hastings (FL)	McCarthy (CA)
Chu	Hastings (WA)	McCaul
Clarke	Heinrich	McClintock
Clay	Heller	McCollum
Cleaver	Hensarling	McDermott
Clyburn	Herger	McGovern
Coble	Herseeth Sandlin	McHenry
Coffman (CO)	Higgins	McHugh
Cohen	Hill	McIntyre
Cole	Himes	McKeon
Conaway	Hinche	McMahon
Connolly (VA)	Hinojosa	McMorris
Conyers	Hirono	Rodgers
Cooper	Hodes	McNerney

Meek (FL)	Quigley	Smith (NJ)
Meeks (NY)	Radanovich	Smith (TX)
Melancon	Rahall	Smith (WA)
Mica	Rangel	Snyder
Micaud	Rehberg	Souder
Miller (FL)	Reichert	Space
Miller (MI)	Reyes	Speier
Miller (NC)	Richardson	Spratt
Miller, Gary	Rodriguez	Stark
Miller, George	Roe (TN)	Stearns
Minnick	Rogers (AL)	Stupak
Mitchell	Rogers (KY)	Sullivan
Moore (KS)	Rogers (MI)	Sutton
Moore (WI)	Rohrabacher	Tanner
Moran (KS)	Rooney	Taylor
Moran (VA)	Ros-Lehtinen	Teague
Murphy (CT)	Roskam	Terry
Murphy (NY)	Ross	Thompson (CA)
Murphy, Patrick	Rothman (NJ)	Thompson (PA)
Murphy, Tim	Roybal-Allard	Thornberry
Murtha	Royce	Tiahrt
Myrick	Rush	Tiberi
Nadler (NY)	Ryan (OH)	Tierney
Napolitano	Ryan (WI)	Titus
Neal (MA)	Salazar	Tonko
Neugebauer	Sánchez, Linda	Towns
Nunes	T.	Tsongas
Nye	Sanchez, Loretta	Turner
Oberstar	Sarbanes	Upton
Obey	Scalise	Van Hollen
Olson	Schakowsky	Velázquez
Olver	Schauer	Visclosky
Ortiz	Schiff	Walden
Pallone	Schmidt	Walz
Pascarell	Schock	Wamp
Pastor (AZ)	Schrader	Wasserman
Paulsen	Schwartz	Schultz
Payne	Scott (GA)	Waters
Pence	Scott (VA)	Watson
Perlmutter	Sensenbrenner	Watt
Perriello	Serrano	Waxman
Peters	Sessions	Weiner
Peterson	Sestak	Welch
Petri	Shadegg	Westmoreland
Pingree (ME)	Shea-Porter	Wexler
Pitts	Sherman	Whitfield
Platts	Shimkus	Wilson (OH)
Poe (TX)	Shuler	Wilson (SC)
Polis (CO)	Shuster	Wittman
Pomeroy	Simpson	Wolf
Posey	Sires	Woolsey
Price (GA)	Skelton	Wu
Price (NC)	Slaughter	Yarmuth
Putnam	Smith (NE)	Young (AK)

NOT VOTING—13

Boozman	Marchant	Ruppersberger
Edwards (MD)	McCarthy (NY)	Thompson (MS)
Emerson	McCotter	Young (FL)
Grijalva	Mollohan	
Kennedy	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TIERNEY) (during the vote). There are 2 minutes remaining in this vote.

□ 1243

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BOOZMAN. Mr. Speaker, on rollcall No. 609 on H. Res. 69 I am not recorded. Had I been present, I would have voted "yea."

REFERRAL OF H. RES. 631 TO COMMITTEE ON ENERGY AND COMMERCE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology be discharged from further consideration of House Resolution 631 and

that the resolution be referred to the Committee on Energy and Commerce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

STATUTORY PAY-AS-YOU-GO ACT OF 2009

Mr. SPRATT. Mr. Speaker, pursuant to House Resolution 665, I call up the bill (H.R. 2920) to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and ask for its immediate consideration.

The Clerk read the title of the bill.

□ 1245

The SPEAKER pro tempore. Pursuant to House Resolution 665, the amendment in the nature of a substitute printed in part A of House Report 111-217, modified by the amendment printed in part B of the report, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2920

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Statutory Pay-As-You-Go Act of 2009".

(b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Definitions.
- Sec. 4. PAYGO estimates and PAYGO scorecards.
- Sec. 5. Annual report and sequestration order.
- Sec. 6. Calculating a sequestration.
- Sec. 7. Current policy adjustment to the CBO estimates.
- Sec. 8. Application of BBEDCA.
- Sec. 9. Technical corrections.
- Sec. 10. Conforming amendments.
- Sec. 11. Exempt programs and activities.

SEC. 2. PURPOSE.

The purpose of this Act is to reestablish a statutory procedure to enforce a rule of budget neutrality on new revenue and direct spending legislation.

SEC. 3. DEFINITIONS.

As used in this Act—

- (1) The term "BBEDCA" means the Balanced Budget and Emergency Deficit Control Act of 1985.
- (2) The definitions set forth in section 3 of the Congressional Budget and Impoundment Control Act of 1974 and in section 250 of BBEDCA shall apply to this Act, except to the extent that they are specifically modified as follows:

(A) The term "outyear" means a fiscal year that occurs one or more years after the budget year.

(B) In section 250(c)(8)(C), the reference to the food stamp program shall be deemed to be a reference to the Supplemental Nutrition Assistance Program.

(3) The term "AMT" means the Alternative Minimum Tax for individuals under sections 55-59 of the Internal Revenue Code of 1986, the term "EGTRRA" means the Economic Growth and Tax Relief Reconciliation

Act of 2001 (Public Law 107-16), and the term "JGTRRA" means the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108-27).

(4)(A) The term "budgetary effects" means the amounts by which PAYGO legislation changes direct spending or revenues relative to the baseline and shall be determined on the basis of estimates included by reference in the PAYGO Act or prepared under section 4(d)(3), as applicable. Budgetary effects that increase direct spending or decrease revenues are termed "costs" and budgetary effects that increase revenues or decrease direct spending are termed "savings".

(B) For purposes of these definitions, off-budget effects shall be counted as budgetary effects unless such changes flow directly from amendments to title II of the Social Security Act and related provisions of the Internal Revenue Code of 1986 and debt service effects shall not be counted as budgetary effects.

(C) Solely for purposes of recording entries on a PAYGO scorecard, provisions in appropriations Acts are also considered to be budgetary effects for purposes of this Act if such provisions make outyear modifications to substantive law, except that provisions for which the outlay effects net to zero over a period consisting of the current year, the budget year, and the 4 subsequent years shall not be considered budgetary effects. For purposes of this paragraph, the term, "modifications to substantive law" refers to changes to or restrictions on entitlement law or other mandatory spending contained in appropriations Acts, notwithstanding section 250(c)(8) of BBEDCA. Provisions in appropriations Acts that are neither outyear modifications to substantive law nor changes in revenues have no budgetary effects for purposes of this Act.

(D) If a provision is designated as an emergency requirement under this Act and is also designated as an emergency requirement under the applicable rules of the House of Representatives, CBO shall not include the cost of such a provision in its estimate of the PAYGO legislation's budgetary effects.

(5) The term "debit" refers to the net total amount, when positive, by which costs recorded on the PAYGO scorecards for a fiscal year exceed savings recorded on those scorecards for that year.

(6) The term "entitlement law" refers to a section of law which provides entitlement authority.

(7) The term "PAYGO legislation" or a "PAYGO Act" refers to a bill or joint resolution that affects direct spending or revenue relative to the baseline. The budgetary effects of changes in revenues and outyear modifications to substantive law included in appropriation Acts as defined in paragraph (4) shall be treated as if they were contained in PAYGO legislation.

(8) The term "timing shift" refers to a delay of the date on which direct spending would otherwise occur from the ninth outyear to the tenth outyear or an acceleration of the date on which revenues would otherwise occur from the tenth outyear to the ninth outyear.

SEC. 4. PAYGO ESTIMATES AND PAYGO SCORECARDS.

(a) PAYGO ESTIMATES.—(1) A PAYGO Act shall include by reference an estimate of its budgetary effects as determined under section 308(a)(3) of the Congressional Budget Act of 1974, if timely submitted "for printing in the Congressional Record by the chairs of the Committees on the Budget of the House

of Representatives and the Senate, as applicable, before the vote on the PAYGO legislation". "The Clerk of the House or the Secretary of the Senate, as applicable, shall also incorporate by reference such estimate printed in the relevant portion of the Congressional Record under section 308(a)(3) of the Congressional Budget Act of 1974 into the enrollment of a PAYGO Act.". Budgetary effects that are not so included shall be determined under section 4(d)(3).

(2)(A) Section 308(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

"(3) CBO PAYGO ESTIMATES.—Before a vote in either House on a PAYGO Act that, if determined in the affirmative, would clear such Act for enrollment, the chairs of the Committees on the Budget of the House and Senate as applicable shall request from the Director of the Congressional Budget Office an estimate of the budgetary effects of such Act under the Statutory Pay-As-You-Go Act of 2009. If such an estimate is timely provided, the chairs of the Committees on the Budget of the House of Representatives and the Senate shall post such estimate on their respective committee websites and cause it to be printed in the Congressional Record under the heading 'PAYGO ESTIMATE'. For purposes of this section, the Director of the Congressional Budget Office shall not count timing shifts in his estimates of the budgetary effects of PAYGO legislation (as defined in section 3 of the Statutory Pay-As-You-Go Act of 2009)."

(B) The side heading of section 308(a) of the Congressional Budget Act of 1974 is amended by striking "REPORTS ON".

(b) Section 308 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(d) SCOREKEEPING GUIDELINES.—The Director of the Congressional Budget Office shall provide estimates under this section in accordance with the scorekeeping guidelines determined under section 252(d)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985. Upon agreement, the chairs of the Committees on the Budget of the House of Representatives and the Senate shall submit updates to such guidelines for printing in the Congressional Record."

(c) CURRENT POLICY ADJUSTMENTS FOR CERTAIN LEGISLATION.—For purposes of calculating budgetary effects under this Act, CBO shall adjust its estimates as described below for any provision of legislation designated as meeting the criteria in subsection (b), (c), or (d) of section 7 and which the chairman of the Committee on the Budget of the House of Representatives or the Senate, as applicable, designates as meeting those criteria. A single piece of legislation may contain provisions designated as meeting criteria in more than one of the subsections listed above. For appropriately designated provisions, CBO shall exclude from its estimates for purposes of this Act any costs of a provision to the extent that those costs, when combined with all other excluded costs of any other previously designated provisions of enacted legislation under the same subsection of section 7, do not exceed the maximum applicable current policy adjustment defined under the applicable subsection of section 7 for the applicable 10-year period, using the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 used in considering a concurrent resolution on the budget; or, after the beginning of a new calendar year and before consideration of a concurrent

resolution on the budget, using the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985. CBO estimates of legislation containing a current policy designation under this subsection shall include a separate presentation of costs excluded from the calculation of budgetary effects for the legislation, as well as an updated total of all excluded costs of provisions within the same subsection of section 7.

(d) OMB PAYGO SCORECARDS.—

(1) IN GENERAL.—OMB shall maintain and make publicly available a continuously updated document containing two PAYGO scorecards displaying the budgetary effects of PAYGO legislation as determined under section 308 of the Congressional Budget Act of 1974, applying the look-back requirement in subsection (e) and the averaging requirement in subsection (f), and a separate addendum displaying the estimates of the costs of provisions designated in statute as emergency requirements.

(2) ESTIMATES IN LEGISLATION.—Except as provided in paragraph (3), in making the calculations for the PAYGO scorecards, OMB shall use the budgetary effects included by reference in the applicable legislation.

(3) OMB ESTIMATES.—If legislation does not contain the estimate of budgetary effects under paragraph (2), then OMB shall score the budgetary effects of that legislation upon its enactment, based on the approaches to scorekeeping set forth in this Act.

(4) 5-YEAR SCORECARD.—The first scorecard shall display the budgetary effects of PAYGO legislation in each year over the 5-year period beginning in the budget year.

(5) 10-YEAR SCORECARD.—The second scorecard shall display the budgetary effects of PAYGO legislation in each year over the 10-year period beginning in the budget year.

(e) LOOK-BACK TO CAPTURE CURRENT-YEAR EFFECTS.—For purposes of this section, OMB shall treat the budgetary effects of PAYGO legislation enacted during a session of Congress that occur during the current year as though they occurred in the budget year.

(f) AVERAGING USED TO MEASURE COMPLIANCE OVER 5-YEAR AND 10-YEAR PERIODS.—OMB shall cumulate the budgetary effects of a PAYGO Act over the budget year (which includes any look-back effects under subsection (e)) and—

(1) for purposes of the 5-year scorecard referred to in subsection (d)(4), the four subsequent outyears, divide that cumulative total by five, and enter the quotient in the budget-year column and in each subsequent column of the 5-year PAYGO scorecard; and

(2) for purposes of the 10-year scorecard referred to in subsection (d)(5), the nine subsequent outyears, divide that cumulative total by ten, and enter the quotient in the budget-year column and in each subsequent column of the 10-year PAYGO scorecard.

SEC. 5. ANNUAL REPORT AND SEQUESTRATION ORDER.

(a) ANNUAL REPORT.—Not later than 14 days (excluding weekends and holidays) after Congress adjourns to end a session, OMB shall make publicly available and cause to be printed in the Federal Register an annual PAYGO report. The report shall include an up-to-date document containing the PAYGO scorecards, a description of any current policy adjustments made under section 4(c), information about emergency legislation (if any) designated under section 3(4)(D), information about any sequestration if required by subsection (b), and other data and explanations that enhance public understanding of this Act and actions taken under it.

(b) SEQUESTRATION ORDER.—If the annual report issued at the end of a session of Congress under subsection (a) shows a debit on either PAYGO scorecard for the budget year, OMB shall prepare and the President shall issue and include in that report a sequestration order that, upon issuance, shall reduce budgetary resources of direct spending programs by enough to offset that debit as prescribed in section 6. If there is a debit on both scorecards, the order shall fully offset the larger of the two debits. OMB shall include that order in the annual report and transmit it to the House of Representatives and the Senate. If the President issues a sequestration order, the annual report shall contain, for each budget account to be sequestered, estimates of the baseline level of budgetary resources subject to sequestration, the amount of budgetary resources to be sequestered, and the outlay reductions that will occur in the budget year and the subsequent fiscal year because of that sequestration.

SEC. 6. CALCULATING A SEQUESTRATION.

(a) REDUCING NONEXEMPT BUDGETARY RESOURCES BY A UNIFORM PERCENTAGE.—OMB shall calculate the uniform percentage by which the budgetary resources of nonexempt direct spending programs are to be sequestered such that the outlay savings resulting from that sequestration, as calculated under subsection (b), shall offset the budget-year debit, if any on the applicable PAYGO scorecard. If the uniform percentage calculated under the prior sentence exceeds 4 percent, the Medicare programs described in section 256(d) of BBEDCA shall be reduced by 4 percent and the uniform percentage by which the budgetary resources of all other nonexempt direct spending programs are to be sequestered shall be increased, as necessary, so that the sequestration of Medicare and of all other nonexempt direct spending programs together produce the required outlay savings.

(b) OUTLAY SAVINGS.—In determining the amount by which a sequestration offsets a budget-year debit, OMB shall count—

(1) the amount by which the sequestration in a crop year of crop support payments, pursuant to section 256(j) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year;

(2) the amount by which the sequestration of Medicare payments in the 12-month period following the sequestration order, pursuant to section 256(d) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year; and

(3) the amount by which the sequestration in the budget year of the budgetary resources of other nonexempt mandatory programs reduces outlays in the budget year and in the subsequent fiscal year.

SEC. 7. CURRENT POLICY ADJUSTMENT TO THE CBO ESTIMATES.

(a) PURPOSE.—The purpose of this section is to provide for adjustments of estimates of budgetary effects of PAYGO legislation for legislation affecting four areas of the budget—

(1) payments made under section 1848 of the Social Security Act (titled Payment for Physicians' Services);

(2) the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986;

(3) the AMT; and

(4) provisions of EGTRRA or JGTRRA that amended the Internal Revenue Code of 1986 (or provisions in later statutes further amending the amendments made by EGTRRA or JGTRRA), other than—

(A) the provisions of those two Acts that were made permanent by the Pension Protection Act of 2006 (Public Law 109-280);

(B) amendments to the estate and gift tax referred to in paragraph (2);

(C) the AMT referred to in paragraph (3);

(D) the 35 percent bracket and that portion of the 33 percent bracket that applies to taxable income greater than \$200,000 for an individual and \$250,000 for a couple; and

(E) provisions in those two Acts relating to taxes rates on capital gains and dividends.

(b) **MEDICARE PAYMENTS TO PHYSICIANS.**—

(1) **CRITERIA.**—Legislation that includes provisions amending or superseding the system of payments under section 1848 of the Social Security Act shall trigger the current policy adjustment required by this Act.

(2) **ADJUSTMENT.**—The amount of the maximum current policy adjustment shall be the difference between—

(A) estimated net outlays attributable to the payments made to physicians under that section of the Social Security Act (as scheduled on July 15, 2009, to be in effect); and

(B) what those net outlays would have been if the nominal payment rates and related parameters in effect for 2009 had been in effect thereafter without change.

(c) **ESTATE AND GIFT TAX.**—

(1) **CRITERIA.**—Legislation that includes provisions amending the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986 shall trigger the current policy adjustment required by this Act.

(2) **ADJUSTMENT.**—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on July 15, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of the legislation meeting the criteria in paragraph (1), estate and gift tax law had instead been amended so that the tax rates, nominal exemption amounts, and related parameters in effect for tax year 2009 had remained in effect thereafter without change.

(d) **PERMANENT EXTENSION OF MIDDLE-CLASS TAX CUTS AND AMT RELIEF.**—

(1) **CRITERIA.**—Legislation that includes provisions extending middle-class tax cuts or AMT relief shall trigger the current policy adjustment required by this Act if those provisions extend one or more of the following provisions—

(A) AMT relief for calendar year 2010 and subsequent years in such a manner that the number of AMT taxpayers is not estimated to exceed the number of AMT taxpayers in tax year 2008 in any year through the tenth year after enactment;

(B) the 10 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendments through July 15, 2009;

(C) the child tax credit as in effect for tax year 2010, as provided for under section 201 of the Economic Growth and Tax Relief Reconciliation Act and any later amendments through July 15, 2009;

(D) tax benefits for married couples as in effect for tax year 2010, as provided for under title III of the Economic Growth and Tax Relief Reconciliation Act and any later amendments through July 15, 2009;

(E) the adoption credit as in effect in tax year 2010, as provided for under section 202 of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendments through July 15, 2009;

(F) the dependent care credit as in effect in tax year 2010, as provided for under section 204 of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendments through July 15, 2009;

(G) the employer-provided child care credit as in effect in tax year 2010, as provided for under section 205 of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendments through July 15, 2009;

(H) the education tax benefits as in effect in tax year 2010, as provided for under title IV of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendments through July 15, 2009;

(I) the 25 and 28 percent brackets as in effect for tax year 2010, as provided for under section 101(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendments through July 15, 2009; and

(J) the 33 percent brackets as in effect for tax year 2010, as provided for under section 101(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendment affecting taxpayers with taxable income of \$200,000 or less for individuals and \$250,000 or less for couples in calendar year 2010 and increased in each subsequent year by an amount equal to the cost of living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year in which the taxable year begins, determined by substituting “calendar year 2008” for “calendar year 1992” in subparagraph (B) thereof.

(2) **ADJUSTMENT.**—The amount of the maximum current policy adjustment shall be the difference between what total revenues would have been under the Internal Revenue Code of 1986 (as scheduled on July 15, 2009, to be in effect) and what revenues would be if legislation—

(A) permanently extending the AMT exemption and brackets in effect in tax year 2009 but increased in tax year 2010 and each subsequent tax year as indicated under subsection (d)(2)(B), along with any additional amount necessary to prevent the number of taxpayers who must pay AMT from increasing; and

(B) permanently extending the provisions identified in paragraph (1),

were enacted on the same day as the legislation referred to in paragraph (1).

SEC. 8. APPLICATION OF BBEDCA.

For purposes of this Act—

(1) notwithstanding section 275 of BBEDCA, the provisions of sections 255, 256, 257, and 274 of BBEDCA, as amended by this Act, shall apply to the provisions of this Act;

(2) references in sections 255, 256, 257, and 274 to “this part” or “this title” shall be interpreted as applying to this Act;

(3) references in sections 255, 256, 257, and 274 of BBEDCA to “section 254” shall be interpreted as referencing section 5 of this Act;

(4) the reference in section 256(b) of BBEDCA to “section 252 or 253” shall be interpreted as referencing section 5 of this Act;

(5) the reference in section 256(d)(1) of BBEDCA to “section 252 or 253” shall be interpreted as referencing section 6 of this Act;

(6) the reference in section 256(d)(4) of BBEDCA to “section 252 or 253” shall be interpreted as referencing section 5 of this Act;

(7) section 256(k) of BBEDCA shall apply to a sequestration, if any, under this Act; and

(8) references in section 257(e) of BBEDCA to “section 251, 252, or 253” shall be interpreted as referencing section 4 of this Act.

SEC. 9. TECHNICAL CORRECTIONS.

(a) Section 250(c)(18) of BBEDCA is amended by striking “the expenses the Federal deposit insurance agencies” and inserting “the

expenses of the Federal deposit insurance agencies”.

(b) Section 256(k)(1) of BBEDCA is amended by striking “in paragraph (5)” and inserting “in paragraph (6)”.

SEC. 10. CONFORMING AMENDMENTS.

(a) Section 256(a) of BBEDCA is repealed.

(b) Section 256(b) of BBEDCA is amended by striking “origination fees under sections 438(c)(2) and 455(c) of that Act shall each be increased by 0.50 percentage point.” and inserting in lieu thereof “origination fees under sections 438(c)(2) and (6) and 455(c) and loan processing and issuance fees under section 428(f)(1)(A)(ii) of that Act shall each be increased by the uniform percentage specified in that sequestration order, and, for student loans originated during the period of the sequestration, special allowance payments under section 438(b) of that Act accruing during the period of the sequestration shall be reduced by the uniform percentage specified in that sequestration order.”.

(c) Section 256(c) of BBEDCA is repealed.

(d) Section 256(d) of BBEDCA is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (5), and (6);

(2) by amending paragraph (1) to read as follows:

“(1) **CALCULATION OF REDUCTION IN PAYMENT AMOUNTS.**—To achieve the total percentage reduction in those programs required by section 252 or 253, subject to paragraph (2), and notwithstanding section 710 of the Social Security Act, OMB shall determine, and the applicable Presidential order under section 254 shall implement, the percentage reduction that shall apply, with respect to the health insurance programs under title XVIII of the Social Security Act—

“(A) in the case of parts A and B of such title, to individual payments for services furnished during the one-year period beginning on the first day of the first month beginning after the date the order is issued (or, if later, the date specified in paragraph (4)); and

“(B) in the case of parts C and D, to monthly payments under contracts under such parts for the same one-year period; such that the reduction made in payments under that order shall achieve the required total percentage reduction in those payments for that period.”;

(3) by inserting after paragraph (1) the following:

“(2) **UNIFORM REDUCTION RATE; MAXIMUM PERMISSIBLE REDUCTION.**—Reductions in payments for programs and activities under such title XVIII pursuant to a sequestration order under section 254 shall be at a uniform rate, which shall not exceed 4 percent, across all such programs and activities subject to such order.”;

(4) by inserting after paragraph (3), as redesignated, the following:

“(4) **TIMING OF SUBSEQUENT SEQUESTRATION ORDER.**—A sequestration order required by section 252 or 253 with respect to programs under such title XVIII shall not take effect until the first month beginning after the end of the effective period of any prior sequestration order with respect to such programs, as determined in accordance with paragraph (1).”;

(5) in paragraph (6), as redesignated, to read as follows:

“(6) **SEQUESTRATION DISREGARDED IN COMPUTING PAYMENT AMOUNTS.**—The Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this part, for purposes of computing any adjustments to payment rates under such title XVIII, specifically including—

“(A) the part C growth percentage under section 1853(c)(6);

“(B) the part D annual growth rate under section 1860D-2(b)(6); and

“(C) application of risk corridors to part D payment rates under section 1860D-15(e).”; and

(6) by adding after paragraph (6), as redesignated, the following:

“(7) EXEMPTIONS FROM SEQUESTRATION.—In addition to the programs and activities specified in section 255, the following shall be exempt from sequestration under this part:

“(A) PART D LOW-INCOME SUBSIDIES.—Premium and cost-sharing subsidies under section 1860D-14 of the Social Security Act.

“(B) PART D CATASTROPHIC SUBSIDY.—Payments under section 1860D-15(b) and (e)(2)(B) of the Social Security Act.

“(C) QUALIFIED INDIVIDUAL (QI) PREMIUMS.—Payments to States for coverage of Medicare cost-sharing for certain low-income Medicare beneficiaries under section 1933 of the Social Security Act.”.

SEC. 11. EXEMPT PROGRAMS AND ACTIVITIES.

(a) DESIGNATIONS.—Section 255 of BBEDCA is amended by redesignating subsection (i) as (j) and striking “1998” and inserting in lieu thereof “2010”.

(b) SOCIAL SECURITY, VETERANS PROGRAMS, NET INTEREST, AND TAX CREDITS.—Subsections (a) through (d) of section 255 of BBEDCA are amended to read as follows:

“(a) SOCIAL SECURITY BENEFITS AND TIER I RAILROAD RETIREMENT BENEFITS.—Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act (title 42, United States Code, section 401 et seq.), and benefits payable under section 231b(a), 231b(f)(2), 231c(a), and 231c(f) of title 45 United States Code, shall be exempt from reduction under any order issued under this part.

“(b) VETERANS PROGRAMS.—The following program shall be exempt from reduction under any order issued under this part—

“All programs administered by the Department of Veterans Affairs.

“Special Benefits for Certain World War II Veterans (28-0401-0-1-701).

“(c) NET INTEREST.—No reduction of payments for net interest (all of major functional category 900) shall be made under any order issued under this part.

“(d) REFUNDABLE INCOME TAX CREDITS.—Payments to individuals made pursuant to provisions of the Internal Revenue Code of 1986 establishing refundable tax credits shall be exempt from reduction under any order issued under this part.”.

(c) OTHER PROGRAMS AND ACTIVITIES, LOW-INCOME PROGRAMS, AND ECONOMIC RECOVERY PROGRAMS.—Subsections (g) and (h) of section 255 of BBEDCA are amended to read as follows:

“(g) OTHER PROGRAMS AND ACTIVITIES.—

“(1)(A) The following budget accounts and activities shall be exempt from reduction under any order issued under this part:

“Activities resulting from private donations, bequests, or voluntary contributions to the Government.

“Activities financed by voluntary payments to the Government for goods or services to be provided for such payments.

“Administration of Territories, Northern Mariana Islands Covenant grants (14-0412-0-1-808).

“Advances to the Unemployment Trust Fund and Other Funds (16-0327-0-1-600).

“Black Lung Disability Trust Fund Refinancing (16-0329-0-1-601).

“Bonneville Power Administration Fund and borrowing authority established pursu-

ant to section 13 of Public Law 93-454 (1974), as amended (89-4045-0-3-271).

“Claims, Judgments, and Relief Acts (20-1895-0-1-808).

“Compact of Free Association (14-0415-0-1-808).

“Compensation of the President (11-0209-01-1-802).

“Comptroller of the Currency, Assessment Funds (20-8413-0-8-373).

“Continuing Fund, Southeastern Power Administration (89-5653-0-2-271).

“Continuing Fund, Southwestern Power Administration (89-5649-0-2-271).

“Dual Benefits Payments Account (60-0111-0-1-601).

“Emergency Fund, Western Area Power Administration (89-5069-0-2-271).

“Exchange Stabilization Fund (20-4444-0-3-155).

“Federal Deposit Insurance Corporation, Deposit Insurance Fund (51-4596-4-4-373).

“Federal Deposit Insurance Corporation, FSLIC Resolution Fund (51-4065-0-3-373).

“Federal Deposit Insurance Corporation, Noninterest Bearing Transaction Account Guarantee (51-4458-0-3-373).

“Federal Deposit Insurance Corporation, Senior Unsecured Debt Guarantee (51-4457-0-3-373).

“Federal Housing Finance Agency, Administrative Expenses (95-5532-0-2-371).

“Federal Payment to the District of Columbia Judicial Retirement and Survivors Annuity Fund (20-1713-0-1-752).

“Federal Payment to the District of Columbia Pension Fund (20-1714-0-1-601).

“Federal Payments to the Railroad Retirement Accounts (60-0113-0-1-601).

“Federal Reserve Bank Reimbursement Fund (20-1884-0-1-803).

“Financial Agent Services (20-1802-0-1-803).

“Foreign Military Sales Trust Fund (11-8242-0-7-155).

“Hazardous Waste Management, Conservation Reserve Program (12-4336-0-3-999).

“Host Nation Support Fund for Relocation (97-8337-0-7-051).

“Internal Revenue Collections for Puerto Rico (20-5737-0-2-806).

“Intragovernmental funds, including those from which the outlays are derived primarily from resources paid in from other government accounts, except to the extent such funds are augmented by direct appropriations for the fiscal year during which an order is in effect.

“Medical Facilities Guarantee and Loan Fund (75-9931-0-3-551).

“National Credit Union Administration, Central Liquidity Facility (25-4470-0-3-373).

“National Credit Union Administration, Corporate Credit Union Share Guarantee Program (25-4476-0-3-376).

“National Credit Union Administration, Credit Union Homeowners Affordability Relief Program (25-4473-0-3-371).

“National Credit Union Administration, Credit Union Share Insurance Fund (25-4468-0-3-373).

“National Credit Union Administration, Credit Union System Investment Program (25-4474-0-3-376).

“National Credit Union Administration, Operating fund (25-4056-0-3-373).

“National Credit Union Administration, Share Insurance Fund Corporate Debt Guarantee Program (25-4469-0-3-376).

“National Credit Union Administration, U.S. Central Federal Credit Union Capital Program (25-4475-0-3-376).

“Office of Thrift Supervision (20-4108-0-3-373).

“Panama Canal Commission Compensation Fund (16-5155-0-2-602).

“Payment of Vietnam and USS Pueblo prisoner-of-war claims within the Salaries and Expenses, Foreign Claims Settlement account (15-0100-0-1-153).

“Payment to Civil Service Retirement and Disability Fund (24-0200-0-1-805).

“Payment to Department of Defense Medicare-Eligible Retiree Health Care Fund (97-0850-0-1-054).

“Payment to Judiciary Trust Funds (10-0941-0-1-752).

“Payment to Military Retirement Fund (97-0040-0-1-054).

“Payment to the Foreign Service Retirement and Disability Fund (19-0540-0-1-153).

“Payments to Copyright Owners (03-5175-0-2-376).

“Payments to Health Care Trust Funds (75-0580-0-1-571).

“Payment to Radiation Exposure Compensation Trust Fund (15-0333-0-1-054).

“Payments to Social Security Trust Funds (28-0404-0-1-651).

“Payments to the United States Territories, Fiscal Assistance (14-0418-0-1-806).

“Payments to trust funds from excise taxes or other receipts properly creditable to such trust funds.

“Payments to widows and heirs of deceased Members of Congress (00-0215-0-1-801).

“Postal Service Fund (18-4020-0-3-372).

“Radiation Exposure Compensation Trust Fund (15-8116-0-1-054).

“Reimbursement to Federal Reserve Banks (20-0562-0-1-803).

“Salaries of Article III judges.

“Soldiers and Airmen’s Home, payment of claims (84-8930-0-7-705).

“Tennessee Valley Authority Fund, except nonpower programs and activities (64-4110-0-3-999).

“Tribal and Indian trust accounts within the Department of the Interior which fund prior legal obligations of the Government or which are established pursuant to Acts of Congress regarding Federal management of tribal real property or other fiduciary responsibilities, including but not limited to Tribal Special Fund (14-5265-0-2-452), Tribal Trust Fund (14-8030-0-7-452), White Earth Settlement (14-2204-0-1-452), and Indian Water Rights and Habitat Acquisition (14-5505-0-2-303).

“United Mine Workers of America 1992 Benefit Plan (95-8260-0-7-551).

“United Mine Workers of America 1993 Benefit Plan (95-8535-0-7-551).

“United Mine Workers of America Combined Benefit Fund (95-8295-0-7-551).

“United States Enrichment Corporation Fund (95-4054-0-3-271).

“Universal Service Fund (27-5183-0-2-376).

“Vaccine Injury Compensation (75-0320-0-1-551).

“Vaccine Injury Compensation Program Trust Fund (20-8175-0-7-551).

“(B) The following Federal retirement and disability accounts and activities shall be exempt from reduction under any order issued under this part:

“Black Lung Disability Trust Fund (20-8144-0-7-601).

“Central Intelligence Agency Retirement and Disability System Fund (56-3400-0-1-054).

“Civil Service Retirement and Disability Fund (24-8135-0-7-602).

“Comptrollers general retirement system (05-0107-0-1-801).

“Contributions to U.S. Park Police annuity benefits, Other Permanent Appropriations (14-9924-0-2-303).

“Court of Appeals for Veterans Claims Retirement Fund (95-8290-0-7-705).

“Department of Defense Medicare-Eligible Retiree Health Care Fund (97-5472-0-2-551).

"District of Columbia Federal Pension Fund (20-5511-0-2-601).

"District of Columbia Judicial Retirement and Survivors Annuity Fund (20-8212-0-7-602).

"Energy Employees Occupational Illness Compensation Fund (16-1523-0-1-053).

"Foreign National Employees Separation Pay (97-8165-0-7-051).

"Foreign Service National Defined Contributions Retirement Fund (19-5497-0-2-602).

"Foreign Service National Separation Liability Trust Fund (19-8340-0-7-602).

"Foreign Service Retirement and Disability Fund (19-8186-0-7-602).

"Government Payment for Annuity, Employees Health Benefits (24-0206-0-1-551).

"Government Payment for Annuity, Employee Life Insurance (24-0500-0-1-602).

"Judicial Officers' Retirement Fund (10-8122-0-7-602).

"Judicial Survivors' Annuities Fund (10-8110-0-7-602).

"Military Retirement Fund (97-8097-0-7-602).

"National Railroad Retirement Investment Trust (60-8118-0-7-601).

"National Oceanic and Atmospheric Administration retirement (13-1450-0-1-306).

"Pensions for former Presidents (47-0105-0-1-802).

"Postal Service Retiree Health Benefits Fund (24-5391-0-2-551).

"Public Safety Officer Benefits (15-0403-0-1-754).

"Rail Industry Pension Fund (60-8011-0-7-601).

"Retired Pay, Coast Guard (70-0602-0-1-403).

"Retirement Pay and Medical Benefits for Commissioned Officers, Public Health Service (75-0379-0-1-551).

"Special Benefits for Disabled Coal Miners (16-0169-0-1-601).

"Special Benefits, Federal Employees' Compensation Act (16-1521-0-1-600).

"Special Workers Compensation Expenses (16-9971-0-7-601).

"Tax Court Judges Survivors Annuity Fund (23-8115-0-7-602).

"United States Court of Federal Claims Judges' Retirement Fund (10-8124-0-7-602).

"United States Secret Service, DC Annuity (70-0400-0-1-751).

"Voluntary Separation Incentive Fund (97-8335-0-7-051).

"(2) Prior legal obligations of the Government in the following budget accounts and activities shall be exempt from any order issued under this part:

"Biomass Energy Development (20-0114-0-1-271).

"Check Forgery Insurance Fund (20-4109-0-3-803).

"Credit liquidating accounts.

"Credit reestimates.

"Employees Life Insurance Fund (24-8424-0-8-602).

"Federal Aviation Insurance Revolving Fund (69-4120-0-3-402).

"Federal Crop Insurance Corporation Fund (12-4085-0-3-351).

"Federal Emergency Management Agency, National Flood Insurance Fund (58-4236-0-3-453).

"Federal Home Loan Mortgage Corporation (Freddie Mac).

"Federal National Mortgage Corporation (Fannie Mae).

"Geothermal resources development fund (89-0206-0-1-271).

"Low-Rent Public Housing—Loans and Other Expenses (86-4098-0-3-604).

"Maritime Administration, War Risk Insurance Revolving Fund (69-4302-0-3-403).

"Natural Resource Damage Assessment Fund (14-1618-0-1-302).

"Overseas Private Investment Corporation, Noncredit Account (71-4184-0-3-151).

"Pension Benefit Guaranty Corporation Fund (16-4204-0-3-601).

"San Joaquin Restoration Fund (14-5537-0-2-301).

"Servicemembers' Group Life Insurance Fund (36-4009-0-3-701).

"Terrorism Insurance Program (20-0123-0-1-376).

"(h) LOW-INCOME PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

"Academic Competitiveness/Smart Grant Program (91-0205-0-1-502).

"Child Care Entitlement to States (75-1550-0-1-609).

"Child Enrollment Contingency Fund (75-5551-0-2-551).

"Child Nutrition Programs (with the exception of special milk programs) (12-3539-0-1-605).

"Children's Health Insurance Fund (75-0515-0-1-551).

"Commodity Supplemental Food Program (12-3507-0-1-605).

"Contingency Fund (75-1522-0-1-609).

"Family Support Programs (75-1501-0-1-609).

"Federal Pell Grants under section 401 Title IV of the Higher Education Act.

"Grants to States for Medicaid (75-0512-0-1-551).

"Payments for Foster Care and Permanency (75-1545-0-1-609).

"Supplemental Nutrition Assistance Program (12-3505-0-1-605).

"Supplemental Security Income Program (28-0406-0-1-609).

"Temporary Assistance for Needy Families (75-1552-0-1-609)."

(d) ECONOMIC RECOVERY PROGRAMS.—Section 255 of BBEDCA is amended by adding the following after subsection (h):

"(i) ECONOMIC RECOVERY PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

"All programs enacted in, or increases in programs provided by, the American Recovery and Reinvestment Act of 2009.

"Exchange Stabilization Fund—Money Market Mutual Fund Guaranty Facility (20-4274-0-3-376).

"Financial Stabilization Reserve (20-0131-4-1-376).

"GSE Mortgage-Backed Securities Purchase Program Account (20-0126-0-1-371).

"GSE Preferred Stock Purchase Agreements (20-0125-0-1-371).

"Office of Financial Stability (20-0128-0-1-376).

"Special Inspector General for the Troubled Asset Relief Program (20-0133-0-1-376).

"Troubled Asset Relief Program Account (20-0132-0-1-376).

"Troubled Asset Relief Program Equity Purchase Program (20-0134-0-1-376).

"Troubled Asset Relief Program, Home Affordable Modification Program (20-0136-0-1-604)."

The SPEAKER pro tempore. After 1

hour of debate on the bill, as amended,

it shall be in order to consider the

amendment in the nature of a sub-

stitute printed in part C of the report,

if offered by the gentleman from Wis-

consin (Mr. RYAN) or his designee,

which shall be considered read, and

shall be debatable for 30 minutes,

equally divided and controlled by the proponent and an opponent.

The gentleman from South Carolina (Mr. SPRATT) and the gentleman from Wisconsin (Mr. RYAN) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina.

GENERAL LEAVE

Mr. SPRATT. Mr. Speaker, at this point I would also like to ask unanimous consent that Members have 5 legislative days to revise and extend and insert material relevant to the consideration of H.R. 2920 in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SPRATT. Mr. Speaker, I rise in strong support of the Statutory Pay-As-You-Go Act of 2009. To understand this bill, it's important and useful to understand its short history.

At the outset of the 1990s, Congress passed the Budget Enforcement Act to ensure that the Budget Summit Agreement would be carried out. Among these provisions was a rule called pay-as-you-go, PAYGO for short. At the time, critics distained and belittled our resort to budget process. They accused us of dodging the hard choices we had to make if we were going to wipe out the end of the deficit. But by the end of the 1990s, the budget was in surplus for the first time in 30 years, and it was clear that PAYGO had played an important part in our success.

In 2002, the Budget Enforcement Act was allowed to expire, and the President, President Bush, and the majority, the Republicans at that time, chose not to reinstate PAYGO. Without the process rule in place, the budget plunged from a surplus of \$236 billion in the year 2000 to a deficit of \$413 billion in the year 2004.

In April of 2005, in his congressional testimony, Alan Greenspan said, "One of the real problems we had was allowing PAYGO to lapse in September of 2002, and were we to still be under a PAYGO regime, which I thought worked very well, I think we would have a lot fewer problems now."

When Democrats took back the House, the reinstatement of PAYGO was at the top of our agenda. To expedite its passage, PAYGO was made a rule of the House the day we convened. Without support of the Bush administration, there was no prospect of getting statutory PAYGO enacted in law, but now with the support of the Obama administration, indeed, the underlying legislation we are pushing and advancing today was originally sent to us for filing by request from the President, Mr. Obama.

With the support of the Obama administration, we're in a position now to take a longer stride towards budget discipline by enacting statutory PAYGO into law. The Obama administration has inherited a colossal deficit

swollen to accommodate massive recovery measures. As these measures pull us up out of the slump, we must focus attention on our longer-term fiscal fate.

By themselves, budget process rules cannot convert deficits into surpluses, but as in the 1990s, they can play a vital role. Statutory PAYGO works by reining in both new entitlement spending and new tax cuts. Both tend to be long lasting. They are easy to pass and hard to repeal. And by insisting in deficit neutrality for these new policies, PAYGO buffers the bottom line, holds it constant. Its terms are complex, but at its core, it's a commonsense rule that everybody can understand: When you are in deficit, don't make it worse. When you want to spend a dollar, save a dollar. Everybody can understand the commonsense logic of this bill.

I would add that PAYGO has not only been a commonsense idea that found its way into the rules of the House and the statute books, but it has traditionally received bipartisan support. Originally, it was enacted in 1990 under a Republican President and Democratic Congress. In 1997, it was extended under a Democratic President and a Republican Congress.

This is not a panacea—I wouldn't hold it out as that—but it is a significant step in the right direction. It was proven to work in the 1990s, and it needs to be reinstated for that purpose now.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I yield 4 minutes to myself.

Mr. Speaker, I wish the Budget Committee had an opportunity to mark up this bill; however, the decision was made to bypass the Budget Committee and go straight to the floor.

This bill is not a simple extension of current law. It bypasses the deliberate and transparent process, and we are rushing legislation to the floor. It's an ongoing trend of a disturbing trend, which is write legislation in the leadership offices, rush it to floor, ram it through Congress without legislators legislating. We have one of the most talented chairmen of the Budget Committee who knows more than anybody else how these laws work, Mr. SPRATT. It should have gone through his committee. Unfortunately, written in leadership, rushed to the floor, out it goes. That is a disturbing trend with how this Congress is working.

But let me talk about the need for fiscal restraint and fiscal discipline.

We concur, we agree that we have got to do some things to get our fiscal house in order. We need to equip Congress with more and better tools to get this budget under control. Unfortunately, this isn't the tool. This tool does not work. Let's look at PAYGO's track record thus far.

Since PAYGO was instituted as a rule here, the budget deficit under the

last Republican budget was \$161 billion. The budget today, the deficit is at \$1.8 trillion, more than a tenfold increase.

Let me show you how much spending last year in increases were subject to PAYGO for this year's spending. Two percent. Two percent of the spending that has gone out the door this year was subject to PAYGO, 98 percent was not. That's \$870 billion of new spending not subject to PAYGO.

Since the majority gave us this PAYGO rule, look at what has happened to deficits. \$161 billion up to \$1.8 trillion, deficits for as far as the eye can see never going below \$600 billion, and in 10 years, above a trillion dollars. PAYGO does absolutely nothing to arrest that development, to address that.

More to the point, Mr. Speaker, PAYGO exempts, already, 40 percent of the budget, forty percent. All of the money the Federal Government spends on government agencies, and all that discretionary spending isn't even touched by PAYGO.

More to the point, Mr. Speaker, is that all of those unfunded liabilities we have, according to the General Accountability Office, \$62 trillion of unfunded liabilities are already out there, due, promises made to taxpayers that the government right now doesn't have funded, to Medicare, to Medicaid, to Social Security. A mountain of debt is before us. And what does PAYGO do to address it? Absolutely nothing. PAYGO does nothing whatsoever to address the runaway entitlement problems we have today. It simply says if we're going to build new programs, new nondiscretionary, mandatory entitlement programs, then, and only then, should we pay for it.

We know the track record of something like this. Without spending caps, without reform to go after existing spending programs, this simply results in raising taxes.

So we believe that this is more or less a machine to raise taxes to pay for new and more costly government programs. It does nothing to attack the fact that we have trillions upon trillions of dollars of unfunded liabilities right now. It does nothing to attack the fact that just this year alone, discretionary spending is going up 8 percent, 11 percent for domestic discretionary spending. It ignores all of those things. It's really kind of like buying a fire extinguisher after your house has burned down. Congress is going to commit all of these fiscal crimes only to put PAYGO in place after they've been committed.

So, Mr. Speaker, this bill, as well intended as it may be, is not the solution. There are better ideas. And I only wished that we could have gone through the Budget Committee and collaborated in making this bill better.

With that, I will reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas,

a member of the committee, Mr. DOGGETT.

Mr. DOGGETT. As one economist concluded, it's easy to dodge your responsibilities but we cannot dodge the consequences of dodging our responsibilities.

For 8 long years, fiscal responsibility was abandoned by the Bush administration and its congressional enablers. When a difficult decision came along, they played a devastating game of dodgeball to the tune of, "Don't worry, be happy." Well, record surpluses turned into record deficits and the economy began to collapse. This did not happen by accident.

Republican ideologues urged the irresponsible approach of fiscal deficit with more borrow-and-spend and tax cuts as the best tactic to starve government and ensure that Democrats would never be able to address the other deficits in our society: educational deficits, health care deficits, and more.

This year, with only 7 months so far to correct 8 years of failure, as we clean up the mess that we were given, we reaffirm our commitment to pay-as-you-go. And we're already making it a reality in one of the most significant challenges of our time, the health care deficit. We correct it without adding to the fiscal deficit. We're paying for long neglected health care reform by cutting costs in the system and taxing the few at the top who benefited the most from the Bush era.

Fiscal responsibility, fiscal security is national security. Today's vote signals that we are abandoning the Republicans' fiscal model, which is straight out of the Magic Kingdom. Their rule, like the first law of Disney, is that "wishing will make it so." That may work well in the law of fairy tales, but it has been a budgeting disaster and an economic nightmare that we begin correcting today.

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to yield 2 minutes to the distinguished gentleman from Ohio, a member of the Budget Committee, Mr. JORDAN.

Mr. JORDAN of Ohio. I thank the gentleman for yielding and for his continuing efforts to try to bring some fiscal sanity to this town and this place.

Mr. Speaker, I rise in opposition to this so-called Pay-As-You-Go bill. Most Americans, frankly, would label this tax-as-you-go.

Families and businesses across the country are tightening their belts, but this Congress keeps spending like there is no tomorrow, putting our country on a path towards bankruptcy. Now they're trying to get the American people to look the other way with the smokescreen called PAYGO.

Earlier this year, we offered a balanced budget. That's pay-as-you-go. But this bill doesn't balance the budget. For 3 years, we've been offering

amendments both in committee and on this floor that would hold the line on spending. That's really pay-as-you-go. But this bill doesn't hold the line on any spending. In fact, this bill is just another facade to allow spending and spending and spending.

Just remember, last week, for the first time in American history, we hit a \$1 trillion deficit, and it's slated to go higher as we have a few months left in this fiscal year. Just to reiterate a couple points that the ranking member made in his opening comments.

Last year, with the pay-as-you-go rule that the majority had put in place, we exempted \$420 billion worth of legislation from that very rule, and the deficit increased by \$1.7 trillion. That's over a thousand percent increase over the current pay-as-you-go policy that the majority has had in place.

We need real pay-as-you-go. Our substitute offered by our ranking member, Mr. RYAN, is the right approach. It has spending caps. It has deficit targets. It takes the right approach to balance our budget. In fact, it's going to have a supermajority requirement, something we need to override the spending limits and caps in the bill. We don't need more of the smokescreens and empty promises that we always see from Washington. What we need is real fiscal responsibility.

Let me just say this. Over the next decade, the debt is slated to reach \$23 trillion. Now think about what it takes to pay that off.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield the gentleman an additional minute.

Mr. JORDAN of Ohio. So \$23 trillion. To pay that off, you first have to balance the budget, then you have to run a trillion-dollar surplus for 23 years, and that doesn't count the interest which is now approaching a billion dollars a day.

We need to get serious and not have these smokescreens and facades. We need real pay-as-you-go. We need real fiscal responsibility.

One of the things that makes this country great is the idea that parents make sacrifices for their children so they can have a better life than they did, and they in turn become adults and parents and do the same thing for their kids. And it's been that cycle that has allowed the United States to become the greatest Nation in history. When you begin to reverse that process and live for the moment and leave the debt to someone else, that is a real problem. Today we can do the right thing.

Vote this pay-as-you-go legislation down and enact the substitute version offered by Mr. RYAN. If we do that, we can start to move in the right direction and do what's right for our children and grandchildren.

□ 1300

Mr. SPRATT. Mr. Speaker, I yield 4 minutes to the gentleman from California, who claims paternity of this bill, having first introduced the legislation calling for the PAYGO rule, Mr. MILLER.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in very strong support of this legislation to help restore fiscal responsibility, and I salute President Obama and Majority Leader HOYER for their leadership on this important issue. Listening to this debate might leave the American people confused about Republican values. Republicans regularly declare their fidelity to controlling Federal spending, and they claim also that they want to fix our broken health care system. And yet Republicans oppose our common-sense pay-as-you-go legislation, and Republicans oppose our historic health care reform bill.

My question to the Republicans is simple: when they controlled the House, the Senate and the White House, all of our government, for 8 long years, why didn't they control Federal spending? Why didn't you reform the health care system? But what you did when you got power for the first time was you made your highest priority your tax cut to the richest people in this country without paying for it. The rest of us have been paying for it forever.

In 2001, you did it, and in 2002 you did it, turning the budget surpluses into massive deficits. Why is it they added a record number of earmarks to the appropriations bill, running the deficit up even further? And why is it that in 8 years, they never ever made health care reform a priority? Not ever. Not ever in those 8 years.

Meanwhile, Americans' health care bills keep rising, the insurance companies continue denials of care, and the number of the uninsured have continued to grow. Eight years of all-Republican government, spending the taxpayers' money like a drunken sailor, and, as Ronald Reagan said, with full apologies to the sailor, raising deficits to historic levels and inaction on health care of any kind of reform. But they have made rhetoric a priority. And they have made politics as usual a priority.

Now that they are out of power, they speak about controlling deficits and reforming health care, but they openly state that they hope our President fails. Their hope for our Nation is that our President fails. I have been a supporter for pay-as-you-go budgeting since 1982, when I introduced the first pay-as-you-go bill. When liberals and conservatives worked together with President Clinton to adopt the PAYGO rules, the Democrats reined in and erased the historic budget deficits that were left over from President Reagan and President Bush from the 1980s and

the 1990s. And we recorded record budget surpluses. We ran surpluses a number of years in a row. President Bush and the Republican-controlled Congress, when they gained power, they erased it. They repealed the law.

And now what we see is the interest payments on that debt crowding out the national priorities. In 2007, Democrats made PAYGO part of our rules again. Our legislation today strengthens those rules by making it part of the law so the Senate and the House will have to abide by it. Our bill says Congress could neither cut taxes nor increase entitlement spending without first deciding how you can afford to pay for these new costs. PAYGO requires difficult decisions about national priorities and how to afford them. If we can't pay for new tax cuts or entitlement spending, we can't have them. It's simple, it's common sense, and it helps reduce the deficit.

PAYGO will strengthen the economy by helping to reduce interest payments on our debt and by helping to address health care reform, modernizing energy policy and college affordability. Our health care bill, for example, will not increase the deficit one dime. It is paid for. Our new college affordability bill is not only paid for, it returns \$10 billion in deficit reduction to the American people. The Democrats are working hard to ensure that, going forward, we can exercise fiscal discipline that hard-working Americans need and expect from this Congress. I urge my colleagues to vote "yes" on PAYGO.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 30 seconds to simply comment on the last speaker's points.

He is right in saying the last majority did spend too much money. A number of us criticized that. A number of us, Mr. HENSARLING and I in particular, came to the floor with budget enforcement legislation. A minority of the majority at the time voted against it, and all but a few in the then-minority voted against it, supplied the votes to say "no" to any kind of budget enforcement. But more to the point, spending did grow by too much in the prior 8 years. But look at it now, Mr. Speaker. If you thought spending was fast then, holy cow, it is really fast now.

With that, Mr. Speaker, I would like to yield 2½ minutes to a member of the Budget Committee, Mr. MCHENRY.

Mr. MCHENRY. Mr. Speaker, I thank the ranking member for yielding. Today I rise in opposition to the Democrats' so-called PAYGO scheme. It sounds good, but the reality is far different from the sound of it. It does nothing to control out-of-control spending and reckless government spending. The proposal does nothing to hold accountable discretionary spending, which is 40 percent of the budget.

As American families face difficult decisions about every dollar they

spend, the majority of this Congress believes that 40 percent of their budget should be exempt from fiscal discipline. Because Congress must show the fortitude and resolve to rein in these spending issues and to control reckless spending, I support the Republican alternative. The Republican alternative sets discretionary spending caps for the next decade. The caps would not impact defense, veterans funding or Social Security. And to adequately fulfill our obligations, discretionary spending would be allowed to grow at the rate of inflation.

Unlike the majority of this Congress, our proposal would reduce budget deficits in the years to come. It's noteworthy that this PAYGO scheme has been the rule of the House for the last 3 years. Well, what has happened in the last 3 years? Federal spending went from \$2.7 trillion to \$3.6 trillion. That is a 25 percent increase, Mr. Speaker. Why? Well, simple. The Democrat majority chooses to waive the rule when it is inconvenient and simply spend like drunken sailors. It is unfortunate. In order to have fiscal discipline and in order to rein in reckless spending and the debt it fuels, we need to focus on these issues and have real spending caps.

It is counterproductive for this Congress to spend so much because it will hurt our economy, and yet the folks in charge of this Congress are spending, spending, spending. I think that is going to have a negative impact on our economy, small businesses and families alike. The Nation's finances are on an unsustainable path. Everyone knows that. The majority's reckless PAYGO scheme does nothing and misses a great opportunity for us to rein in spending.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS) who has been a prime mover behind this bill and is the originator of the idea that it should not be a 5- or 10-year bill, but a permanent law.

Mr. EDWARDS of Texas. Mr. Speaker, we have a moral obligation to not drown our children in a sea of national debt, and that is why I'm strongly supporting this pay-as-you-go legislation. I believe history will show that one of the worst mistakes made by the Republican-led Congress of the past decade was to not extend the Federal PAYGO rules in 2002. The facts speak for themselves. We went from a projected 10-year Federal surplus of \$5.6 trillion to a deficit of \$4.5 trillion, an astounding \$10 trillion fiscal u-turn. For the good of our children and our country's future, it is time to correct that mistake and to see that it never happens again.

The pay-as-you-go principle is one that American families and businesses understand. It's common sense, and they get it. Unfortunately, some of the Members of Congress who are the ar-

chitects of the largest deficits in American history, those who created the deficits they now rail against on a daily basis, don't get it. In speech after speech, they sing the siren song of fiscal responsibility, yet today they will vote against the commonsense pay-as-you-go law. I'm proud to have led the fight to make this new pay-as-you-go bill a permanent law, not a temporary one.

The PAYGO principle makes sense for this Congress and for all future Congresses. Had it been made permanent in the 1990s, our national debt today would be trillions less and our children's future far brighter. We cannot correct overnight the irresponsible fiscal decisions of the past decade, but with this PAYGO bill as the permanent law of the land, we will begin the important process of reducing deficits and balancing the Federal budget. That, more than any speech, is what our children and our country deserve.

Mr. RYAN of Wisconsin. Yielding myself 10 seconds, Mr. Speaker, I will simply say that the majority just passed a budget resolution under the current PAYGO regime that doubles the national debt in 5½ years and triples it in 10½ years.

With that, Mr. Speaker, I would like to yield 2½ minutes to the gentleman from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. I thank the gentleman for yielding. Our deficit will soar to \$1.8 trillion this year. The President's budget will triple our debt in 10 years and still under this bill be PAYGO-compliant. That is how disingenuous this bill is. This bill is so disingenuous that they didn't even allow it to go through the Budget Committee for fear, perhaps, that the distinguished chairman of the Budget Committee might come up with something more reasonable.

Instead, it is the ranking member that had to come up with something more reasonable. Families in Wyoming and across the Nation don't have the luxury of exempting 40 percent of their budget from balancing. But this PAYGO bill does. Forty percent of the budget is off the table. It doesn't have to play the PAYGO game. This is sleight of hand. I ask my colleagues on both sides of the aisle to reject this bill, which falls woefully short of its goals. Let's slow entitlement growth. Let's control Congress' insatiable appetite for spending. Let's pass the Paul Ryan alternative.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of this legislation. On the day he was sworn in as President, President Obama inherited huge deficits and exploding debt in this country. The previous administration wanted to put everything on our national credit card and ask future generations to pay for it.

It's time to put an end to this, and this bill today is the beginning of the end of irresponsible spending. It's the end of sweeping our problems under the rug and saying we're going to put them off to another day. And we have seen the impact this kind of budget mechanism can have. We saw it in the 1990s, during which we had a PAYGO rule in place and we saw our deficits and debts go from record deficits to record surpluses. And when we abandon that, when we abandoned that fiscal discipline rule in 2002, we saw our Federal debt explode.

As we dig ourselves out of this economic ditch we find ourselves in, it is important that we put our economy on a long-term, sustainable basis, and this legislation is part of doing that. It will require that policies that result in revenue reduction or increased mandatory spending be offset over the next 5 and 10 years. That will require us to take a hard look at our national priorities. It will require us to look at the tradeoffs that we have to make, just like every family in America has to make those hard decisions. We say let's apply that rule to the United States Congress.

Unfortunately, as we saw from the last administration, there was a lot of talk but no action. Mr. Speaker, what this does is say this isn't just going to be a House rule. This is going to be a matter of the law of the land. And while it can never be a total substitute for our ability to muster the political will to get things done, history has been a clear guide that this helps us get the job done.

So I want to commend Leader HOYER, Mr. SPRATT and the others for bringing this important legislation to the floor. Let's finally say to our children and our grandchildren, We're going to take some responsibility. The buck stops here. Let's stop passing on our problems to the next generation.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time, I would like to yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding. When I returned to this House Chamber in 2005, it was obvious to me that we were spending too much money on the Federal level. It was obvious to me that Uncle Sam needed a diet at that time. But at this time, it is even worse. We need what I would call a budgetary gastrointestinal bypass. And instead, what do you bring to the floor? You bring us cosmetic surgery. You give us a fiscal facelift. It looks good, but there is nothing behind the mask.

All you have to do is look at the figures. Since my friend from South Carolina has been chairman, he has been allowed to be called "chairman," since his colleagues on the Democratic side have been allowed to be called "chairmen," "chairwomen," "chairpersons,"

in other words, since they have been in charge of this place, what has happened with the spending in this place? It has gotten worse. You complained about overspending, and then you came in and you saw the patient and you put the patient on a diet of milkshakes.

We are in real trouble today, and everybody knows it. Now what did we do last week? We decided the fiscal situation in this country was so bad we needed to have a new program for wild horses at a cost of \$700 million. Seven hundred million dollars. Millions of more acres were closed up for that purpose, but \$700 million dropped on the laps of the American taxpayer. And this week you're trying to sell us a story that somehow you're concerned about overspending. The American people really are a little bit sharper than that. They understand that when you complain about overspending, and yet in the first opportunity you have to have your President in the White House to control both Houses, we pass the magic trillion-dollar mark. Yes, we had in the very same week for the first time in our dictionary "earmarks" listed as a word that is now conventional language. In that same week, we set the record \$1 trillion deficit in a single fiscal year.

So after a while, you can keep looking back, you can keep pointing to the mirror, you can keep saying, Look at what those guys did. But at some point in time, you have to use an old expression, "You've got to man up." You've got to actually say you're responsible for the actions taking place right now, and those actions have given us the largest deficit in the history of the world.

□ 1315

We are going to double all of the debt that we have garnered from George Washington to George W. Bush in 5 years, and we're going to triple it in 10 years. I know that's not the intent of the gentleman from South Carolina, for whom I have great respect. I know it's a heavy burden he has to try and carry this Democratic proposal and the administration's proposal. And I understand he would rather not be in this position. But he finds himself in this position, Mr. Speaker, and all I can say to my good friend on the other side of the aisle is, I'm so sorry. I'm so sorry you have to do this.

Mr. SPRATT. Let me simply respond by saying, I'm glad to bring this to the floor. I voted for it in the past, saw it work, and I think it's going to work again. As I said, it's not a panacea, but it's a useful device to have in our arsenal of weapons to deal with the recession we're in.

By the way, the recession that we're in, which has caused us to suffer a huge swelling in the deficit, started in December of 2007, on the Bush watch. Wall Street fell apart in September of

2008. The TARP program was initiated in response to that. That too happened during the Bush watch. We're in the backwash of many fiscal policies and economic policies which happened on their watch, and we're now suffering the consequences of them.

I now yield 3 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman from South Carolina, and I thank my colleagues on the other side.

You know, Mr. Speaker, sometimes the American people don't pay attention to an awful lot of what we say here. And frequently, when they don't, they're right. If this debate is really about accusations and counteraccusations about who's responsible, we're not going to get anywhere.

The American people know we have to pay our bills. We have to, as a government, just like they have to do individually. And we have some honest debates about what should be our priorities.

I've been an admirer of the gentleman from Wisconsin (Mr. RYAN) in his persistence in talking about fiscal responsibility. I disagree with the gentleman from Wisconsin that the way to fiscal prosperity is by radical reduction of taxes for very wealthy people. That's a fair and honest debate.

On our side, there are some folks who think that the worthiness of the goal of health care for all Americans is its own justification and a way to pay for it. I disagree with that. If it is a worthy goal, we have to turn aspiration into affordable reality by paying for it.

And on the health care bill, which is a major priority for President Obama and for Members of Congress, we are going to bring to the floor a health care bill that is paid for and does not add to the budget deficit.

One of the major reasons that we should do this legislation is so that there is discipline on those of us who are advocating, either for tax cuts, because they believe that will be good for the economy, or for reform in health care, so that before we spend an extra dollar of our taxpayer money, we kick the tires of the system that we're affecting, like health care.

And we have come to the conclusion, on our side, that to achieve one of our greatest goals, and that is health care for every single American, that we've got to kick the tires of the health care system and kick them hard to squeeze out savings that we can.

This legislation, where we're accepting the burden of responsibility to pay for those programs we think are absolutely essential to the welfare of the American people, that we have the obligation of paying for it. And before we even look at taxes, we want to look at how we're wasting money. A dollar saved by cutting down waste is a dollar avoided in taxes.

So this legislation, whatever it is characterized, as a machine for spend-

ing, which, frankly, is absurd, is a machine for responsibility. And whether or not our colleagues want to characterize this politically or not, there is a reason, on our side, that we believe fiscal responsibility is a burden we should accept, and we will, with this legislation.

I thank the Budget Committee for its leadership on this.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire as to how much time remains between the two sides?

The SPEAKER pro tempore. The gentleman from Wisconsin has 16 minutes remaining. The gentleman from South Carolina has 13½ minutes remaining.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I would like to yield 2 minutes to the senior member of the Budget Committee, Mr. GARRETT from New Jersey.

Mr. GARRETT of New Jersey. Mr. Speaker, I come to the floor today thrilled that the majority has finally decided to focus on their own recklessness, their out-of-control spending. So by bringing a statutory PAYGO bill now to the floor, we can definitely now conclude that, if they were left to their own devices, the Democrats would run this country's finances into the ground. I think it's basically an admission of guilt on their part that they simply cannot help themselves.

Frankly, I find it a little disingenuous that the majority is now raising the banner of fiscal responsibility, after hearing on this floor that the Republicans were the ones who were reckless when we were voting against their \$800 billion stimulus bill. It's a little hard to listen to their calls now for spending restraint 4½ months after the Democrats passed, and the President signed, a \$410 billion omnibus appropriation bill that contained over 9,000 earmarks.

So, lest we forget, earlier this year the House Democrats rammed a budget through this Congress that would double the national debt in 5 years, triple it in 10 years. This is spending that is already on the books, and PAYGO will do absolutely nothing to stop it.

Furthermore, their proposal now is seriously flawed. First of all, it only applies to increases or reductions in tax rates and any new or expanded entitlement programs. It basically does absolutely nothing, nothing to address the tidal wave of entitlement spending that we all know is coming in the very near future.

It also does absolutely nothing to address the waste, the fraud, the abuse of the taxpayer dollars that we have seen through the discretionary appropriation process.

So, basically, enacting their PAYGO at this point is really a little bit like closing the barn door after the horses have all gotten out.

Still, in conclusion, I want to come to this floor and say that I applaud the

Democrats for their newfound interest in spending restraint. And if we truly want to do this and work in a bipartisan consensus on this issue, then I think we will achieve what we all seek.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I rise to support this legislation, and I thank Leader HOYER and Chairman SPRATT and Chairman MILLER for their leadership on budget enforcement.

The issue is very simple. Congress must pay for what it spends. Pay-as-you-go budget enforcement rules in the nineties helped to balance the budget, realize consecutive surpluses, and project a 10-year, \$5.6 trillion surplus, all the while tough decisions were being made by the Congress and the Clinton administration during a decade of increasing defense, health care and infrastructure costs.

In 2007, our new majority immediately renewed PAYGO, a great step towards fiscal responsibility, but not enough by itself. We need statutory authority, as this legislation and the President proposes, to guarantee PAYGO is enforced.

While the minority is quick to blame the administration and our majority for the current state of the Federal budget, it is important to remember that we didn't get here overnight or by accident. When PAYGO was allowed to expire by the Republicans in 2002, so also did budget discipline. The administration and Republican Congress made conscious decisions to enact the 2001 and 2003 tax cuts for the wealthy, while fighting two wars and expanding entitlements without paying for them, except by increasing the deficit.

These fiscally irresponsible decisions, among others, turned the surplus into the \$1.3 trillion annual deficit President Obama inherited on the day he took office.

Over the last several months we have been forced to invest to arrest an economic collapse. But we must quickly return to sound fiscal discipline with PAYGO as a firm pillar of rebuilding our economy. This priority is already evident in commitments by the President and our leadership to pay for the health care reform, the highway bill, and other priorities that are currently working their way through the Congress.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 30 seconds.

Let me simply say I misspoke earlier when I had said that a few Democrats voted for the Budget Control Act. I was wrong. No Democrats voted for the Budget Control Act when we had it here on the floor. Not a single Democrat voted in 2004 when we had the opportunity to pass real budget reform.

Unfortunately, some members of my party at the time voted "no" as well, and that's why it didn't pass.

Mr. Speaker, this is a fiscal facade. Nothing can change the fact that what this bill does is it basically is a situation where we commit all the fiscal crimes, then we outlaw them after they've been committed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield myself an additional 10 seconds to say we simply sweep under the rug \$410 billion in spending, a \$1 trillion stimulus, a new cap-and-tax system, pass this facade, and then a brand new \$1 trillion health care bill.

This is a bitter pill to swallow for the American taxpayer, and we shouldn't swallow it.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I thank the gentleman for yielding and for the great work that he does on the Budget Committee.

Almost every economist today will tell you that they're very much concerned about the future viability of America, primarily because of the ever increasing debt that we face in this country. I am pleased today that we are simply here discussing PAYGO though, because it is such an important concept.

I would also point out that the reason that I am not supporting the Democrats' PAYGO recommendation is primarily because it exempts 40 percent of the budget, all of the discretionary spending, from PAYGO rules and requirements.

It's also important for us to realize that in the 110th Congress, the PAYGO rule was waived 12 times, exempting \$420 billion from non-offset deficit increases. I look forward to the gentleman from Wisconsin's substitute bill that will be debated later today.

But I would also like to point out that I introduced this afternoon a resolution that would change the House rules and require a point of order on any waiving of a PAYGO rule by the Rules Committee, so that if a bill comes to the floor and it has waived PAYGO, any Member could make a point of order, and it would require a vote on the House floor before that waiver could take effect.

In conclusion, I would simply like to say, I can't think of a more important subject to be debating today than PAYGO, because the major challenge that America faces today is our long-term debt and ever increasing debt that we face.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, ladies and gentlemen, I rise today in favor of the legislation before the House. This

PAYGO bill is a piece of legislation of which I've been an advocate for years. It brings me great satisfaction to see this bill with such broad support here in the House of Representatives.

I'm always intrigued, Mr. Speaker, by the language used here and the words and the rhetoric. And I heard the word used earlier by the gentlelady from Wyoming that some were disingenuous.

Mr. Speaker, I don't believe that my friend, Mr. RYAN, is disingenuous. I think he's a great American, and I think that he opposes this legislation because he believes it would create an automatic pay-for for tax cuts, and he just thinks that is wrong. I don't understand how we can consider paying for the great military we have, the Medicare programs, all of the issues that made this country a great place. I assume that they believe that we can go overseas and borrow that money from the Chinese, like we have for the last 6 or 8 years.

But, Mr. Speaker, sooner or later we will be buried under that mountain of debt. And when our creditors figure out that we can't pay it back, the house of cards will crumble.

My Blue Dog colleagues and I have, for years, introduced pay-as-you-go legislation that requires the government to pay for new programs that it creates. Throughout the Bush administration, however, it was difficult to get an audience. Thankfully, the very first bill that the Obama administration sent to this Congress was the PAYGO bill.

Furthermore, the leadership of this House, Speaker PELOSI and Majority Leader HOYER, have taken up this cause wholeheartedly. I also want to thank my chairman, the Budget Chairman, JOHN SPRATT, for his leadership, who worked with me during the creation of the fiscal 2010 budget that conditioned the enactment of some major policies this year on action of PAYGO in the House.

□ 1330

These leaders are responding to the deficit situation that we find ourselves in after years of reckless spending policies after the original bipartisan PAYGO was allowed to expire in 2002.

As you may have heard today, PAYGO was a tool used in the 1990s to help bring this country to record surpluses, Mr. Speaker. Given our current budgetary outlook, with the debt growing faster than our economy, we know we must act.

The President and our Democratic colleagues understand that we cannot continue business as usual the last 8 years in Washington on a number of levels, including our budget.

The enactment of this legislation is necessary to ensure our national security, our quality of life, and slow the drain on our economy. The world is

watching to see if we are serious about turning this country's fiscal sinking ship around.

We did it in the 1990s, and we can do it again with this tool. The enactment of PAYGO, Mr. Speaker, in the 1990s was a bipartisan act. PAYGO should not be a partisan issue. Fiscal responsibility should not be a partisan issue. We all have a vested interest in making sure that our fiscal policies are sound.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPRATT. I yield the gentleman 30 additional seconds.

Mr. BOYD. We know all too well that we cannot live on credit forever. This bill is the first step we need to take to ensure to restore fiscal sanity to Washington.

I believe that everyone here, Mr. Speaker, wants to leave a more prosperous country with a better standard of living for our children and grandchildren.

I urge my Republican colleagues, many of whom have stood up and supported the PAYGO concept in the past, to support this responsible legislation today. I, furthermore, challenge the Senate to share equally in our goal to balance our budget and ensure that new programs are paid for.

I urge a "yes" vote on this bill.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I'd like to yield 2 minutes to the distinguished gentleman from California (Mr. CAMPBELL), a member of the Budget Committee.

Mr. CAMPBELL. I thank the gentleman from Wisconsin for yielding.

Mr. Speaker, PAYGO is a sham. Now, that's a very strong word, but the facts that support it are equally strong. In the last Congress since Democrats took control and PAYGO was enacted, \$420 billion of new spending was exempted from its provisions. Over the last few weeks, this House has passed nine new spending bills. Every one of those new spending bills increased spending over the last year by as much as 22 percent, and not a single dollar of those spending increases was paid for. Every one will add to the deficit, add to the debt, and about 46 cents of every one of those dollars will be borrowed, primarily from the Chinese, Indians, and other foreigners.

The deficit has gone from \$160 billion to nearly \$2 trillion since PAYGO started. How does that make this a good thing? How is that an example of how this has worked to control spending and be fiscally responsible?

And in PAYGO, spending increases don't have to be paid for but tax cuts do, and there is nothing in here whatsoever to deal with our ballooning massive debt.

Mr. Speaker, PAYGO is nothing more than a public relations effort to make the most profligate Congress ever appear to be less profligate. The American people are not buying it.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. I thank Mr. SPRATT.

When I came to Congress in January 1999, our national debt stood at \$5.6 trillion. Our country faced a very different fiscal situation than the one we have today. At that time fiscal restraint and the use of budget enforcement tools had helped turn around a dire financial situation and produce budget surpluses during the last 2 years of the Clinton administration.

Unfortunately, the PAYGO requirements that had been so effective in bringing about responsible budgeting through the 1990s were allowed to expire in 2002 by the previous majority, and the results speak for themselves. Our national debt increased and almost doubled in the past 8 years. The \$5.6 trillion debt we had when I first came to office in 1999 now stands at \$11.4 trillion.

Today, with H.R. 2920 we have a chance to help restore fiscal discipline in Washington and put our country back on a sustainable fiscal path. Our country should live as do most American families, within a budget. I have nine grandchildren; and it's absolutely wrong, it's immoral to mortgage their future and the future of other children and grandchildren in our country.

We should vote and pass H.R. 2920 for future generations in our country.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I yield myself 3 minutes.

Let me recap what's happening here, Mr. Speaker. This bill has good intentions. The gentleman bringing the bill to the floor has the best of intentions. He's a good man. This bill, however, Mr. Speaker, is a fiscal facade. It doesn't work. It's not like the bill that occurred back in the 1990s.

This bill has no spending caps, for example. This bill exempts 40 percent of all the spending we have in place today. How can you say that this makes the Federal Government work just like the family budget when you get to exempt 40 percent of the budget? Families don't get to do that.

If a family is already living beyond its means, if a family is spending on credit card money, if a family is spending more than it takes in, that's an unsustainable budget. This does nothing to change that.

The Federal Government is already living beyond its means. The Federal Government already is on an unsustainable fiscal course. The Federal Government already has a \$1.8 trillion deficit this year. It's passing an 11 percent increase in all domestic agency spending. The Federal Government already has a \$62 trillion debt unfunded liability. What does this PAYGO do about it? Nothing. Not a single thing about all of those fiscal problems.

This is not a bill to get Congress to live within its means. This is a bill to

give Congress men and women an ability to put a press release out to make it look like they're being fiscally responsible in the most fiscally irresponsible Congress of all time.

Next week, Congress is going to create a new entitlement, a new unfunded entitlement that the Congressional Budget Office tells us will grow a lot faster than any spending cuts or revenue increases. We're going to create a new entitlement next week for health care on top of the other ones we already have, which are about \$58 trillion in debt. We're going to do this bill after we've already spent an 11 percent increase on domestic spending programs, after we borrowed \$1.1 trillion for a stimulus, after we passed a \$410 billion bloated omnibus appropriations bill.

This is PR politics. This is press release. This is not fiscal conservatism, fiscal responsibility; and what's so unfortunate about this, Mr. Speaker, is I'd like to think we could have had a bipartisan agreement to fix this. If we had actually brought the Blue Dog bill to the floor, which included spending caps like we're going to be proposing, we could have had something that we could have all supported. Unfortunately, the leadership bypassed the committee, as is usual these days, ran this thing to the floor so they can get their press releases out before they create a brand-new entitlement next week.

It's sad, it's cynical, it's wrong, and the American people aren't buying it, Mr. Speaker.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), the vice chairman of our committee.

Ms. SCHWARTZ. Mr. Speaker, I rise today in support of the Statutory PAYGO Act that we are hopefully going to pass today.

Pay-as-you-go, or PAYGO, rules as we talk about them are fairly straightforward. Congress should pay for any new spending. There is a strong bipartisan history of support for PAYGO. In fact in the 1990s, as a result of statutory PAYGO, this country saw record deficits transformed into record surpluses.

Sadly, when those statutory PAYGO provisions expired in 2002, the former administration, with support from a Republican-controlled Congress, ignored the common sense of paying for new spending and turned our surpluses into mounting national debt, doubling the debt in 8 years.

But Democrats are serious about fiscal responsibility. In 2007, the Democratically controlled House set PAYGO rules, making a commitment. Again, any new spending would be budget neutral. And this year, we have reaffirmed this commitment to our rules, and we are determined to meet the President's goal of cutting the annual deficit in half in 4 years.

And now with the support of the current administration, we are reinforcing our commitment to fiscal responsibility by giving PAYGO the force of law.

As vice chairman of the House Budget Committee, I know how important it is to make wise, targeted investments for our future in energy independence, in health care, and economic growth; but we must do so in a deficit neutral way. To do so, we must ensure that any new spending is paid for.

And that is what we have done when we passed the energy bill. That is what we're doing as we move forward on health care reform, and it is what we're doing as we move forward, of course, on spending bills.

The statutory PAYGO is smart budgetary policy. It is common sense, and most importantly, it will guarantee our Nation's fiscal security. I urge support for fiscal responsibility for the future of our country and for our debt reduction by voting "yes" on statutory PAYGO.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire of the chairman as to how many speakers he has remaining, as we have just one left.

Mr. SPRATT. We have one more speaker, and then I will close.

I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my chairman and friend for yielding.

The proposition before the House today I think is rather direct, and here's what it is. If the House is going to vote for automatic spending for a proposition that spends the taxpayers' money every year without a separate vote, then it must offset that spending either by raising more revenue or cutting other automatic spending. If the House is going to reduce taxes on people, if the House is going to say that we're going to ask less of the American people in a given tax, then we must either raise some other source of revenue or reduce some other automatic spending in order to pay for that.

Now, I don't know why this is controversial in the sense that it seems logical if we're locking ourselves into higher spending or locking ourselves into lower revenue, whatever the purpose of that may be, that we should only borrow the money to do that under extraordinary circumstances.

The Education Committee yesterday gave a good example of how this ought to work. A lot of Members of the House want higher Pell Grant college scholarships and less expensive student loans, and so we passed a bill yesterday that does that, but we paid for the bill by reducing spending that I believe is corporate welfare to the banking system.

So here's what we did: we reduced that corporate welfare, increased Pell Grant scholarships, lowered the cost of student loans, and did some other things in education and had \$10 billion

left over to reduce the deficit. That's what pay-as-you-go yields. Rather than simply spending the money and borrowing to cover it, rather than simply reducing taxes and borrowing to cover it, it forces us to do what the sensible and rational thing is to do, and that's pay for it as you go.

This is not a Republican or Democratic idea. It's a commonsense idea, and I think the Members should all vote "yes."

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I yield to the gentleman from Texas (Mr. HENSARLING), the vice ranking member of the committee, the rest of our time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 6½ minutes.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is a sad, sad day yet again on the House floor. I do want to add my voice, though, in agreement with so many of my other colleagues talking about the bipartisan respect that we have for the chairman of the Budget Committee. And I suppose it was because he has bipartisan respect, as opposed to partisan respect, that the Speaker of the House decided to bypass him and the Budget Committee in bringing this legislation to the floor. Perhaps it was an opportunity to actually enact commonsense legislation.

Unfortunately, we'll never know that. We'll never know that, Mr. Speaker. And so what I've heard is speaker after speaker on the Democratic side of the aisle tell us that PAYGO just means, When you spend a dollar, you save a dollar. I believe I heard the distinguished chairman say that. And the President of the United States, in adding his support for this proposition, said, Congress can only spend a dollar if it saves a dollar elsewhere.

Now, Mr. Speaker, the use of the term "PAYGO" suggests one thing. The practice of PAYGO is something completely different.

Mr. Speaker, you can see from this chart exactly what PAYGO means in practice. These are the spending increases that were subject to so-called PAYGO in the 2009 fiscal year: 2 percent. Two percent, Mr. Speaker, of all spending was subject to PAYGO, this commonsense proposal. I'm not sure it's common sense to the American people to tell them that you're going to be fiscally responsible and then exempt 98 percent of all spending.

□ 1345

I don't believe that's common sense, Mr. Speaker. I don't believe it's common sense at all and, once again, what it tells us is we don't have a serious policy for fiscal responsibility or fiscal sanity here. What we have is fiscal flimflam.

We have a bumper sticker slogan that substitutes for a policy that needs

to save our children and grandchildren from a sea of red ink, and so all of this spending is either exempt or somehow PAYGO gets magically waived.

Under this proposal, Mr. Speaker, nondefense discretionary spending is going to increase 9 percent. PAYGO is not subject to it. Overall discretionary spending increases 8 percent. PAYGO doesn't apply to it.

All our entitlement programs that are just exploding, exploding, Mr. Speaker, guess what? They're exempt as well. So Social Security grows almost 5 percent, Medicare grows almost 4.3 percent. So the slogan, the slogan doesn't match the policy.

I have the greatest amount of respect for the distinguished chairman. I have the greatest amount of respect for our President. But, Mr. Speaker, if you were a private company selling a product called PAYGO and you told the American people that it means "when you spend a dollar, you save a dollar," you'd get sued for false advertising. You would be fined. You would be fined for saying that. It is not a real policy.

Now, let's say if it was a real policy. We know it's not, but, Mr. Speaker, what if it was a real policy? What if those who brought this legislation really designed legislation that did what it said it was going to do? Well, unfortunately, under this Democratic Congress, we know that spending is out of control by any standard known in the history of mankind.

Already, since the Democrats have come to control the White House and Congress, we have seen an administration sign into law a \$1.1 trillion government stimulus plan, costing every American household \$9,810, including \$10 million for urban canals and \$100 million for a new after-school snack program.

We've seen them pass a \$410 billion omnibus bill, costing every American family \$3,534, including \$150,000 for lobster research, \$143,000 to develop and expand a comprehensive online encyclopedia.

We see them continue the cycle of bailouts: \$13 billion for Chrysler, \$47 billion for GM, another \$30 billion for AIG, and the list goes on.

And what we have seen, Mr. Speaker, is now a budget that is going to increase, increase the Federal debt by a factor of three. It's going to triple, triple the Federal debt in the next 10 years. More Federal debt in the next 10 years than in the previous 220.

And so we see all of the spending that is out of control and so we say, Okay, if you really want to control this spending or if you really want to have pay-as-you-go and you're unwilling to control the spending, well, Mr. Speaker, that just leaves us with one other option. That is a 60 percent increase of income taxes on the American people.

So either one. Which is it? Is it false advertising or do you really want to increase income taxes on the American people by 60 percent? Which is it?

Again, what's happened since we've had this vaunted PAYGO? What's happened to deficits?

Well, I don't know how they manage to do it, Mr. Speaker, but in just 2 years under Democratic control we've seen the deficit go from \$161 billion to now over \$1 trillion. The first time, the first time in our Nation's history over \$1 trillion, on its way to \$1.8 trillion. That's already with having PAYGO in place, before we get the statutory version. I can't imagine how much worse it's going to be once somehow this gets enshrined.

So, again, what this is is an effort to put a bumper sticker on a huge problem. It's the Democrats going to the American people and saying, Please, stop us before we spend again. We just somehow can't control ourselves. And so this is supposed to be a Band-Aid on a fiscal life-threatening wound.

The American people deserve better, Mr. Speaker. They deserve the Republican alternative that puts real caps on spending and will save the American people.

Mr. SPRATT. Let me respond to some arguments that have been made and not responded to during the course of this argument.

First of all, the sequestration base, the programs which are subject to across-the-board cuts or abatement in the event that there is a deficit on the scorecard, why is that a narrow selection of programs? Because it's a cross section of programs purposely intended to reach a number of different constituent groups so that we will not use sequestration. Neither the President nor the Congress would want to use a meat cleaver like that.

We've said, knowing that it could happen if we defaulted in doing anything else, young people, old people, farmers, miners, a huge cross section of our constituencies are represented in that sequestration base to make it certain, clear that we would never resort to that particular base for making across-the-board cuts to put PAYGO back in balance.

Secondly, there's been repeated talk about, You passed PAYGO in the last Congress and look what happened. The truth of the matter is our Republican colleagues have never wanted to vote for PAYGO because it was always double-edged the way we proposed it. Double-edged meant yes, it would apply to mandatory spending increases, but it would also apply to tax cuts, because both have an adverse impact on the deficit bottom line.

They would never vote for the second edge, the double-edged sword, and consequently they have to come up with another explanation as to why they do not support it.

So they fall back on the economy itself. Look what happened to the economy after the adoption of the PAYGO rule in the 110th Congress. But, come

on. This is a case where we have a coincidence, maybe, but not a correlation. The PAYGO rule had nothing to do with what happened to the economy. The Bush administration's economic and fiscal policies had a lot to do with what happened to the economy.

The fact that the Bush administration inherited a projected surplus of \$565.6 trillion and turned it into a projected deficit of \$3 trillion had an impact on the economy. The addition of \$5 trillion to \$6 trillion to our national debt had an impact on our economy. And don't forget the recession officially started during the Bush administration, December 2007. That's when it started.

And when it really got bad, when Wall Street nearly went under in September and October of 2008, that, too, was the Bush administration. And we voted up the TARP, and that's one of the reasons—the Troubled Asset Relief Program, a \$700 billion program. When we voted that up, the Bush administration was still in office.

So there's the answer to the charge that somehow or another the PAYGO rule didn't do anything to affect the economic situation we find ourselves in.

The reason we are seeing the largest deficits in the history is we're in the longest recession since the Great Depression. It's had a profound impact on us. The incubation of those conditions occurred during the Bush administration.

So, Mr. Speaker, the facts stand. All during the 1990s, when we had the budget process rules in place, they contributed mightily. We had a good budget and the convergence of a good economy, and we put the budget back in balance by the year 1998.

The facts speak for themselves, and facts are stubborn things. The budget process rules worked before. They will work again, if we vote for the statutory PAYGO.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the Statutory Pay-As-You-Go Act of 2009 to write into law the principles of fiscal responsibility brought about by the Democratic Congress.

H.R. 2920 requires Congress to offset the costs of tax cuts or increases in entitlement spending with savings elsewhere in the budget.

If the net effect of all legislation enacted during a session of Congress increased the deficit because Congress has not succeeded in paying for all the new costs that it has enacted, there would be an across-the-board reduction in certain mandatory programs.

In the 1990s, the Clinton Administration turned the deficits accumulated in the two previous presidencies into record surpluses. One of the key tools in this transformation was the PAYGO rule, which required Congress to find savings for the dollars it spent.

Unfortunately, after President Clinton left office, the next Administration and Congress regularly waived PAYGO rules and ultimately allow them to expire in 2002.

After waiving and allowing these rules to expire, we saw the surplus built by the Clinton Administration vanish, and deficit spending resume—spending that will have to be repaid by our children and grandchildren.

Today, the United States has a \$1.7 trillion deficit. A New York Times analysis attributes 90% of that deficit to the economic downturn, Bush Administration policies, and the extension of those policies. According to that analysis, only 7% of the deficit is attributable to the Economic Recovery Act passed earlier this year, which economists largely agree was a necessary emergency response to this recession.

Mr. Speaker, this is just good policy. For eight years, under the previous Administration, we saw deficit spending spiral out of control. Now many of those responsible for that spending are criticizing the majority and the current Administration for its spending policies, complaining that it is piling up debt for the next generation.

Today those individuals have a chance to vote for legislation that ensures any future programs are paid for, and reestablish the rules that led to control in government spending and budget surpluses in the 1990s.

I am an original cosponsor of this legislation, and I urge all my colleagues to join me in supporting H.R. 2920.

Mr. LEVIN. Mr. Speaker, I rise in support of the pay-as-you-go legislation before the House.

Across the length and breadth of this country, Americans are making some tough choices when it comes to their families' spending. They are tightening their belts and deferring major purchases. When they do buy something, consumers are increasingly choosing to pay for it with cash.

A similar choice is before the House today. Over the last eight years, Congress has dug itself a deep budget hole. The choice before us is whether to take a necessary step to stem the tide of red ink, or continue to pay lip service to the problem and dig the hole deeper.

It is disingenuous to suggest that the deficit problem began recently with the financial crisis and the recession. At the end of the 1990s, the federal government was balanced. We were actually running large budget surpluses and paying down the national debt. The pay-as-you-go rules that were in effect throughout the 1990s deserve a lot of credit. These rules simply said that Congress could only spend money for tax cuts and entitlement spending programs if they were fully paid for with savings elsewhere in the budget.

In 2002, the pay-as-you-go rules expired and the Republican-led Congress and the Bush Administration refused to extend them. Instead, the Administration and Congress went on a massive spending and tax cut spree. We all know the result. The public debt nearly doubled under the previous Administration, rising from \$3.4 trillion in 2001 to \$6.3 trillion on January 20, 2009.

We need to get back to commonsense budgeting. We know these rules work. Others will try and change the subject and say that runaway tax cuts are not the problem. The House needs to reject this argument and restore budget discipline where it is needed most.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, federal government spending is out of control. Adjusted for inflation, this Majority has increased federal spending at a greater rate than during FDR's implementation of the New Deal.

It's hard to imagine that the Majority could spend so much in such a short period of time. Unfortunately, there is even more spending on the way in the form of a trillion dollar government takeover of health care. So much for controlling rising health care costs.

In fact, in recent testimony before the Senate Budget Committee, CBO Director Douglas Elmendorf made it clear that the federal government's budget is on an unsustainable path.

That is why I rise today, in support of increased transparency and accountability in the budget process. Sadly, the federal budget process has become a complex shell game with dramatic and consequential long-term costs.

I believe the PAYGO legislation before the House today is a step in the right direction but it is only a step.

Unfortunately, this Majority has wavered in its commitment to PAYGO in the past, setting aside the PAYGO rule more than a dozen times since taking control of the House.

If the Majority continues to use budgeting gimmicks and adds more programs to the exclusion list, this legislation will not accomplish the goal of fiscal responsibility.

Mr. Speaker, Congress needs to make the tough choices that will put this country on the path towards fiscal responsibility and sustainability.

Mr. POSEY. Mr. Speaker, I rise in strong support of fiscal accountability and pay-go requirements. Unfortunately, the bill before us today misses the mark, will lead to higher taxes for all Americans, and it will allow federal spending and deficits to continue to grow unabated. Not only that, but this bill is totally unnecessary.

In 2007, House Democrats enacted a pay-go requirement in the House Rules. Their pay-go rules have been in place for more than two and a half years. Yet spending has grown out of control and taxes have been raised.

How could this be? Well, it's quite simple; all the majority has to do is include a provision that waives the House pay-go rules. It was done 14 times in the last Congress in order to approve \$410 billion in increased spending. Not only that, but pay-go was used as the excuse for raising taxes 34 times. Somehow, pay-go has been waived time and again to increase spending, but when it comes to taxes it is the convenient excuse to raise them. Over this same period of time the federal deficit has increased from \$162 billion to \$1.7 trillion this year.

If Congress is really serious about pay-go all they have to do is to follow the House Rules. The House Rules already say that Congress must pay for legislation that passes the House. If they really want to have pay-go all they have to do is follow the rules they have in place and stop waiving the rules. Passing another law will not add discipline. It will simply be another law that can be waived with a one line sentence in future legislation, or they can designate the spending as "emergency" spending. That is what has been done in the

past and there is no reason to believe it will be any different in the future.

Washington's problem is spending, yet H.R. 2920 exempts most government spending from the restrictions in this bill. The bill exempts from the pay-go requirements more than forty percent of the federal budget that is subject to annual appropriations bills, allowing discretionary spending to increase at levels exceeding the baseline level needed to simply keep up with inflation. Additionally, the bill exempts over 200 programs from the pay-go requirements including hundreds of billions of dollars in entitlement programs. When you add all these together there is very little to which pay-go applies.

So, what does this bill do? Not really much of anything. Already this year the Congress has passed a nearly \$800 billion stimulus bill that even the Administration says is not working as expected, a \$410 billion omnibus appropriation bill, a \$350 billion TARP bailout, a \$3.5 trillion federal budget, and nine appropriations bills that far exceed spending levels in last year's bills. And, somehow the American people are supposed to believe that the same ones who brought us this excessive spending are now getting serious about the budget deficit.

I am supportive of the substitute amendment that puts in place real spending discipline. Only with spending discipline will we lower the deficit. The alternative amendment sets a real cap on spending. Setting a spending cap is the only way to get spending under control. If H.R. 2920 is really about controlling the deficit, why does it not include a spending cap, at least curbing the rate of increase in spending? The alternative that I am voting for takes a serious step toward curbing spending by capping deficit spending at not more than 3 percent of Gross Domestic Product (GDP)—far below the 11 percent for the current year. Absent a real cap spending will continue to grow unabated.

Mr. THOMPSON of California. Mr. Speaker, today we are debating legislation that will establish in law the principle that our country should pay for what it buys.

I've been an advocate for Pay-as-you-go legislation, also known as PAYGO, since I was elected to Congress. It just makes sense—we shouldn't spend more money than we have.

PAYGO has a long history of success—in the 1990s it helped generate record surpluses.

However, when the Clinton administration left office, PAYGO was allowed to expire by the new administration. As a result, the record surpluses were wiped out.

We need to restore common sense to the Federal Government. While PAYGO is not a cure-all for deficits, it is a crucial first step toward reducing them. It puts our Nation on the road back to fiscal responsibility and restoring our Nation's fiscal health.

And, to make sure that future administrations can't change the PAYGO policy midstream, today we are enacting PAYGO into law.

Mr. DONNELLY of Indiana. Mr. Speaker, today I rise in strong support of H.R. 2920, the Statutory Pay-As-You-Go Act. As an original cosponsor of the bill, I urge all of my colleagues in the House of Representatives to

vote for this legislation which I believe is crucially important to restoring our nation's fiscal health and setting us on a path to a stronger future.

Mr. Speaker, the American people are rightly troubled by Washington's failure to adhere to fiscal discipline. Under the previous administration, surpluses inherited from the Clinton administration were turned into record deficits. These deficits—which are financed by foreign investors like China—add to a growing national debt that will need to be repaid by our children and grandchildren, by no fault of their own.

As a member of the Blue Dogs, I believe that getting our fiscal house in order must be one of our Nation's top priorities. The American government must stop living beyond its means.

Mr. Speaker, the old adage holds true: when you find yourself in a hole, the first thing you need to do is stop digging. If we are to restore fiscal responsibility in Washington, we need to "pay as we go" so that we stop adding to the national debt. Hoosier working families do this day in and day out. They tighten their belts, make a budget, and then stick to it by making tough choices.

Since I came to Congress in 2007, we have made some important progress in restoring budget discipline, including the restoration of a Pay-As-You-Go rule in the House that requires all legislation that increases mandatory spending or creates new tax cuts to be offset by equal reductions in spending or tax increases before that bill is eligible for a vote.

The legislation under consideration today goes one important step further than the current PAYGO rule—it would give PAYGO the force of law. H.R. 2920 would instate "statutory PAYGO" requiring that new spending increases or new tax cuts passed over a two-year Congress be paid for. Statutory PAYGO alone will not solve all of our fiscal problems, but it will be an important enforcement tool to help keep spending in check.

Statutory PAYGO is not a new idea. It has been used before, and to great success. In the 1990s, President Clinton worked successfully with the Congress to use statutory Pay-As-You-Go to turn deficits into surpluses. Unfortunately, in 2002, the law was allowed to expire.

Mr. Speaker, today we mark an important day, as the House considers restoring PAYGO as the law of the land. I urge my colleagues to vote for H.R. 2920, to support stronger controls on spending, and take one more step to achieving fiscal responsibility and a stronger, more secure future.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in opposition to H.R. 2920, the Statutory Pay-As-You-Go Act of 2009. While this legislation is well meaning, it would remove power from Congress for spending and give even more authority to the Executive Branch; it would not reduce spending or reduce the deficit; it removes the important role of the House Budget Committee and House Appropriations Committee in determining spending for the citizens and vital needs of the United States. Finally, Congress now has strong provisions ensuring that the budget is balanced. All we need to do is our job.

Why are we here? In 1990, Congress passed the bipartisan Budget Enforcement Act

of 1990 as part of the Omnibus Budget Reconciliation Act of 1990. This law included a version of “pay-as-you-go” (PAYGO) requirement for new laws affecting mandatory spending and revenues, as well as annual limits on discretionary spending. This law expired in 2002. However, both the House and Senate have enforced PAYGO requirements through our own respective rules. As a member of the Appropriations Committee in both the U.S. House of Representatives and in the State of Michigan, I am used to making difficult decisions. The Appropriations Committee has to balance its budget and it has to pass its legislation on time in order for the Nation to function. Since the Democrats have been in the majority, earmarks—which account for 1 percent of the budget—have been reduced in both number and total. Discretionary spending has gone down. The Democratic leadership has mandated more disclosure, more openness and more transparency to the appropriations process.

The bill removes power from Congress for spending and gives it to the Executive Branch. The non-partisan Congressional Budget Office (CBO) states that “the legislation would shift some control over the budget process from the Congress to the executive branch in ways that could effectively require lawmakers to vote on legislation without a clear indication of the potential impact of their decisions on the triggering of a future sequestration.” Congress alone has the Constitutional authority to protect and spend the people’s purse—not the Executive branch.

The bill would not reduce spending nor reduce the deficit. If the PAYGO system provided for by the bill was used in place of the current congressional rules, CBO projects that the legislation’s enactment could lead to larger future deficits. Compared with current PAYGO rules, CBO contends that the bill could lead to higher spending or lower revenues in future years by incorporating certain increases in spending and reductions in revenues into the baseline for budget enforcement purposes. According to CBO, the legislation could increase deficits through three different budgetary mechanisms—the proposed temporary rule to score certain changes in spending and revenues relative to “current policy” rather than current law; the bill’s modification of the baseline’s treatment of some expiring mandatory programs; and the bill’s proposed new system for scoring legislation to convert discretionary programs to mandatory ones.

The bill removes the important role of the House Budget Committee and House Appropriations Committee in determining spending for our constituents. By mandating across-the-board cuts, the bill removes the role of both the Budget Committee and Appropriations Committee to make precise, detailed revenue reductions or program changes. Mandatory across-the-board spending cuts and sequestration sounds good, but in mandating that all programs take a cut, inevitably hurts worthwhile, meaningful programs. This is the role of the authorizing and Appropriations Committees in Congress. This is the reason why members of Congress are elected—to make difficult, tough decisions. As a member of the House Appropriations Committee, this is what we do all of the time.

The bill is not as strong as current PAYGO rules in Congress today. According to the Congressional Budget Office (CBO), the bill could “enhance overall budget enforcement,” but only if combined with the Congress’ existing PAYGO rules. If the PAYGO system provided for by the bill was used in place of the current congressional rules, CBO projects that the legislation’s enactment could lead to larger future deficits. According to the Congressional Budget Office (CBO), the bill could “enhance overall budget enforcement,” but only if combined with the Congress’ existing PAYGO rules. If the PAYGO system provided for by the bill was used in place of the current congressional rules, CBO projects that the legislation’s enactment could lead to larger future deficits.

The bill’s mandatory across-the-board spending cut mechanism that is supposed to deter deficits is impractical. CBO believes that, under the bill, the power of mandatory cuts as a deterrent would be weakened for two reasons. First, the PAYGO scorecard would be based on the average annual budgetary effects of legislation over a 10-year period rather than “year-by-year effects.” Second, the sequestration mechanism would expire after FY 2014. According to CBO, those two factors would require less budgetary discipline than a requirement to fully offset increases in spending on a year-by-year basis or to continue the sequestration enforcement mechanism indefinitely.

Congress should not abdicate its role. We are all elected by the people of our congressional districts to do a tough job. Those same people can judge by our record how well we have served and represented them. I welcome the challenge that comes with balancing the budget. I refuse to balance the budget by further eliminating or reducing programs like the Low Income Home Energy Assistance Program; like Food Stamps; or like the hundreds of other domestic programs that help women, children, senior citizens and families survive. Congress needs to retain control of the people’s purse and not give the executive branch even more authority. We must make the difficult decisions on both revenue and spending cuts and increases and follow Congress’ current, stronger PAYGO rules.

During a time when our country and my home state of Michigan is witnessing record unemployment, business losses and home foreclosures, it is time for elected leaders to do their job—lead. This legislation, while well meaning, abdicates the role of Congress and does not protect meaningful programs for children, women and families.

Mrs. BIGGERT. Mr. Speaker, I rise in opposition to H.R. 2920.

This year, the budget deficit is projected to grow nearly ten-fold from last year, due to several costly spending measures enacted over the past two years by this Congress.

Despite this spending spree, I do believe enacting statutory PAYGO would be good policy. We need to set the tone for long-term fiscal responsibility and prevent costly tax burdens for future generations.

Unfortunately, the bill before us is not a responsible and comprehensive deficit reduction approach that will yield results.

Because H.R. 2920 includes broad exemptions for over one hundred and sixty pro-

grams, there will be no way to reform entitlement spending without enacting tax increases to make up the difference. And, there is no excuse for higher taxes.

Perhaps the most glaring error with H.R. 2920 is that discretionary spending would not be subject to PAYGO restrictions.

That’s why I supported the substitute amendment offered by Mr. RYAN of Wisconsin.

Mr. RYAN’s amendment sets a cap on overall spending and appropriated spending in an effort to prevent our deficit from growing faster and larger than our economy.

Restoring caps on discretionary spending is paramount to fiscal discipline. Discretionary spending represents forty percent of our budget and excluding it from PAYGO requirements, as the underlying bill does, would be fatally irresponsible.

I urge my colleagues to oppose this bill.

Mr. HOLT. Mr. Speaker, I rise today in support of our Nation’s fiscal future and for the passage of the Statutory Pay-As-You-Go Act of 2009, H.R. 2920.

During my time in Congress, I have always strived to be a good steward of taxpayer money. In fact during a previous session of Congress, the Concord Coalition, a non-partisan fiscal watchdog group, presented me with its Fiscal Responsibility Award for my votes to maintain fiscal discipline, reject irresponsible tax cuts, and eliminate corporate welfare.

In 2007, I was pleased that the House of Representatives restored the “pay-as-you-go” principle in the House rules when Democrats regained control of the House in the 110th Congress. This simple rule ensures that every new dollar of spending is offset and will not worsen the deficit. The House’s pay-go rule requires that legislation affecting direct spending or revenues must not increase the deficit (or reduce the surplus) over a six-year or eleven-year period. I strongly supported these efforts. While a PAYGO rule is a good first step, H.R. 2920 goes further by applying automatically to legislation and provides an automatic enforcement mechanism to ensure Congress follows fiscal discipline.

Fiscal discipline served us well in the past. In the 1990s with pay-as-you-go as the law, we turned the massive deficits of the 1980s into a record surplus under President Clinton. When President Bush came into office in 2001, he inherited a projected ten-year, \$5.6 trillion budget surplus. Over the first six years of the Bush administration, however, the President and Republican-controlled Congress turned that surplus into a projected ten-year, \$2 trillion deficit and allowed the statutory PAYGO requirement to lapse in 2002. This was followed by 6 years of unrestrained spending under President Bush and the federal debt held by the public doubled.

The most instructive gauge of the federal deficit is the federal debt as a percentage of our total economy or Gross Domestic Product (GDP). According to the Congressional Budget Office (CBO), the budget surpluses and fiscal discipline of the 1990s reduced the debt from 49.4 percent of GDP to 33 percent of GDP by 2001. During President Bush’s two terms, that figure rose back to 41 percent of GDP.

PAYGO is only one tool, but it is a strong one to return our Nation back to fiscal stability.

The PAYGO rule forces Congress to identify inefficient or ineffective programs whose funding can be cut to fund higher priorities, such as health care, education, and clean energy. This rule also sends a message to the American people that the government is committed to putting the country back on stable economic footing. I urge my colleagues to support this legislation.

Mr. ETHERIDGE. Thank, you Mr. Speaker, and thank you, Chairman SPRATT, for introducing this critical bill. As a Member of the House Budget Committee, I rise in support of H.R. 2920, the Statutory Pay-As-You-Go Act of 2009. This vote is one of the most important actions Congress can take towards ensuring fiscal discipline and restoring a balanced federal budget.

Our nation faces great challenges in our efforts to get our economy back on track. As we take steps in Congress to address short-term economic problems, we need to do so with an eye on the long-term impact of our decisions. As a former business owner, I know the importance of keeping your books balanced and your budget in order. You can't run a successful business by spending more money than you have and running up huge deficits. Careful budgeting often means making tough choices. But oftentimes the tough choices are the necessary ones. I remember the 1990s, when we turned large deficits into budget surpluses through a disciplined commitment to balancing the budget.

H.R. 2920 requires Congress to pay for any new policy that reduces revenues or expands spending. Under this bill, if the net effect of all new tax and entitlement legislation enacted during a session of Congress resulted in an increase to the deficit, there would have to be a corresponding cut in Federal spending. However, this balanced proposal protects our most vulnerable citizens by preventing cuts in certain designated initiatives like Social Security, Medicaid, and school nutrition funding. H.R. 2920 also represents a realistic approach that would make an exception for emergency spending and several current policies including Medicare physician payments, the Alternative Minimum Tax, middle class tax cuts, and the current estate tax exemption.

While we have heard a lot of rhetoric from our colleagues on the other side of the aisle about fiscal responsibility, all that they offer is "more of the same." In 2002, the Republican-controlled Congress allowed PAYGO rules to expire, which took us from a projected surplus of \$5.6 trillion to projected deficits of more than \$11 trillion. Their substitute amendment would have replaced PAYGO with discretionary spending limits and deficit targets. Targets are not enough, and have failed us in the past. We need statutory and automatic requirements to comply with PAYGO. The Republican proposal also exempted tax cuts from complying with PAYGO, which is part of how we ended up in the current economic crisis. More of the same will not solve our economic problems.

I cosponsored the Statutory Pay-As-You-Go Act because it is a crucial step towards returning to fiscal discipline, just as I have worked on the budget committee to pass responsible, disciplined spending plans. This commitment goes back to my first term in Congress, when

I crossed party lines to support the Balanced Budget Act of 1997. We need discipline now in order to make sure we can afford our most important priorities for future generations down the road. Mr. Speaker, I urge my colleagues on both sides of the aisle to commit to budget discipline and vote in favor of H.R. 2920.

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong support of H.R. 2920, the Statutory Pay-As-You-Go Act of 2009, which re-commits the Congress to the fiscal restraint and deficit reduction that produced budget surpluses and shared prosperity during the 1990s.

The Statutory Pay-As-You-Go Act, or "PAYGO," requires Congress to offset the costs of tax cuts or increases in entitlement spending with savings elsewhere in the budget. This proposal is enforceable and it is realistic because it allows Congress to maintain a select number of policies without offsets such as Medicare physician payments and the Alternative Minimum Tax that Congress votes overwhelmingly to extend every year.

H.R. 2920 is similar to the PAYGO law Democrats enacted under President Clinton to reverse the huge deficits created by the Reagan and George H.W. Bush Administrations. Unfortunately, another President Bush and a Republican-controlled Congress allowed these rules to expire in 2002 with devastating results. Reckless tax cuts for the wealthy and an Iraq war financed with deficit spending transformed a projected budget surplus of \$5.6 trillion into a projected deficit of \$4.5 trillion in only a few short years. The Bush Administration's uncontrolled deficit spending and total failure to regulate the financial sector produced an economic meltdown that pushed the U.S. economy to the brink of collapse by early 2009.

Thankfully, responsibility is again in fashion in Washington. President Obama and the Democratic Congress are focused on economic recovery and modernization. Statutory PAYGO is a crucial step to restore fiscal discipline, force difficult choices on taxes and spending, and begin reducing the deep deficits left by the previous Administration. As a member of the House Budget and Appropriations Committees, I know that deficit reduction will enable the Congress to make needed investments in priorities such as health care, education, and clean energy in the coming years.

I urge my colleagues to vote with me to pass the Statutory Pay-As-You-Go Act and make the Congress live with the same reality every Minnesota family faces: you cannot spend money you do not have.

Mr. PETERS. Mr. Speaker, I rise today as a proud co-sponsor of H.R. 2920, the Statutory Pay-As-You-Go Act of 2009. This important legislation will establish mandatory "pay-as-you-go" budget discipline, rein in deficit spending, and reduce the national debt.

This bill requires Congress to offset the cost of increases in most mandatory spending or tax cuts with savings elsewhere in the budget to avoid increasing the national budget deficit. If the net effect of legislation enacted during a session of Congress increases the deficit, there would be an across-the-board reduction in certain mandatory programs. This fiscally responsible legislation includes carefully crafted, necessary provisions allowing Congress to take emergency action exempt from PAYGO

rules in response to extreme circumstances such as war, economic crises, or other emergencies.

Establishing a pay-as-you-go law is critical to restoring fiscal responsibility and balanced budgets to Washington. We need targeted, responsible investments to get our economy back on track, but Congress must be required to determine how it will pay for new proposals. Pay-as-you-go legislation will ensure that Congress determines how to pay for new initiatives by searching out and cutting waste throughout the budget.

In the 1990s, pay-as-you-go budget discipline was enshrined in law and it led to record budget surpluses. After PAYGO was originally codified in 1990, total federal spending as a percentage of GDP decreased each year from 1991 through 2000. After Congress let PAYGO expire in 2002, projected surpluses of \$5.6 trillion were transformed into record deficits. Passing the Statutory Pay-As-You-Go Act of 2009 will require Congress to make the tough choices necessary to get unacceptably high budget deficits under control and avoid passing today's costs onto our children, grandchildren, and future generations.

I am proud to support the Statutory Pay-As-You-Go Act of 2009 because it is grounded in fiscal discipline and responsibility. Families make tough budget choices to live within their means, and the government should be forced to do the same thing. I urge passage of the Statutory Pay-As-You-Go Act of 2009.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Speaker, I have an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute printed in part C of House Report 111-217 offered by Mr. RYAN of Wisconsin:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Budget Control Act of 2009".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—DISCRETIONARY SPENDING LIMITS

Sec. 101. Discretionary spending limits.

Sec. 102. Adjustments to discretionary spending limits.

Sec. 103. Conforming amendments.

TITLE II—TOTAL SPENDING LIMITS

Sec. 201. Total spending limits.

Sec. 202. Effective date.

TITLE III—DEFICIT LIMITS

Sec. 301. Deficit limits.

Sec. 302. Effective date.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Spending reduction orders for total spending limits and deficit limits.

Sec. 402. Enforcement procedures under the Congressional Budget Act.

Sec. 403. Definitions.

Sec. 404. Amendments to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE I—DISCRETIONARY SPENDING LIMITS

SEC. 101. DISCRETIONARY SPENDING LIMITS.

Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking paragraphs (1) through (13) and inserting the following new paragraphs:

“(1) For fiscal year 2010—

“(A) for the general purpose category, \$1,048,000,000,000 in new budget authority and \$1,302,000,000,000 in outlays;

“(B) for the overseas contingency operations category, \$130,000,000,000 in new budget authority and \$67,000,000,000 in outlays;

“(2) For fiscal year 2011—

“(A) for the general purpose category, \$1,058,000,000,000 in new budget authority and \$1,233,000,000,000 in outlays;

“(B) for the overseas contingency operations category, \$50,000,000,000 in new budget authority and \$70,000,000,000 in outlays;

“(3) For fiscal year 2012—

“(A) for the general purpose category, \$1,069,000,000,000 in new budget authority and \$1,171,000,000,000 in outlays;

“(B) for the overseas contingency operations category, \$50,000,000,000 in new budget authority and \$54,000,000,000 in outlays;

“(4) For fiscal year 2013—

“(A) for the general purpose category, \$1,079,000,000,000 in new budget authority and \$1,161,000,000,000 in outlays;

“(B) for the overseas contingency operations category, \$50,000,000,000 in new budget authority and \$50,000,000,000 in outlays;

“(5) For fiscal year 2014—

“(A) for the general purpose category, \$1,094,000,000,000 in new budget authority and \$1,161,000,000,000 in outlays;

“(B) for the overseas contingency operations category, \$50,000,000,000 in new budget authority and \$50,000,000,000 in outlays;”.

SEC. 102. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

Section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(b) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

“(1) CONCEPTS AND DEFINITIONS.—When the President submits the budget under section 1105 of title 31, United States Code, OMB shall calculate and the budget shall include adjustments to discretionary spending limits (and those limits as cumulatively adjusted) for the budget year and each outyear to reflect changes in concepts and definitions. Such changes shall equal the baseline levels of new budget authority and outlays using up-to-date concepts and definitions minus those levels using the concepts and definitions in effect before such changes. Such changes may only be made after consultation with the Committees on Appropriations and the Budget of the House of Representatives and the Senate and that consultation shall include written communication to such committees that affords such committees the opportunity to comment before official action is taken for such changes.

“(2) ADJUSTMENTS.—

“(A) EMERGENCY DESIGNATION.—If appropriations for discretionary accounts are enacted that the President designates as emergency requirements and that the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all fiscal years from such appropriations.

“(B) OVERSEAS CONTINGENCY OPERATIONS DESIGNATION.—If appropriations for discretionary accounts are enacted that the Presi-

dent designates as overseas contingency operations related to the global war on terrorism that the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as overseas contingency operations and the outlays flowing in all fiscal years from such appropriations.

“(3) SPECIAL OUTLAY ALLOWANCE.—If, in any fiscal year, outlays for a category exceed the discretionary spending limit for that category but new budget authority does not exceed its limit for that category (after application of the first step of a spending reduction described in subsection (a)(2), if necessary), the adjustment in outlays for a fiscal year is the amount of the excess but not to exceed 0.5 percent of the sum of the adjusted discretionary spending limits on outlays for that fiscal year.”.

SEC. 103. CONFORMING AMENDMENTS.

(1) Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “2002” and inserting “2019” and by striking “2006” and inserting “2019”;

(2) Sections 254(c)(2)(A) and (f) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by striking “2002” and inserting “2014”.

TITLE II—TOTAL SPENDING LIMITS

SEC. 201. TOTAL SPENDING LIMITS.

TOTAL SPENDING LIMITS.—After section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985, add the following new section:

“SEC. 253A. ENFORCING TOTAL SPENDING LIMITS.

“(a) PROJECTIONS.—

“(1) LONG-TERM PROJECTIONS.—For each of at least 10 fiscal years within the guideline period:

“(A) OMB shall prepare a report of the projected spending amount and the guideline spending amount (as defined in section 250(c)) and include such report in the budget as submitted by the President annually under section 1105(a) of title 31, United States Code.

“(B) CBO shall prepare a report of the projected spending amount and the guideline spending amount (as defined in section 250(c)) and include such report in the CBO annual baseline and reestimate of the President's budget.

“(2) INCLUSION IN SPENDING REDUCTION ORDERS.—Reports prepared pursuant to subsection (a) shall be included in the spending reduction report set forth in subsection (b).

“(b) SPENDING REDUCTION REPORT.—Within 15 calendar days after Congress adjourns to end a session and on the same day as a spending reduction order (if any) under sections 251 and 253A, but after any spending reduction required by section 251, OMB shall issue a spending reduction report to reduce an excess spending amount (if any).

“(c) SPENDING REDUCTION ORDER.—A spending reduction ordered pursuant to subsection (b) shall be implemented using the procedures set forth in section 256A.

“(d) GUIDELINE PERIOD.—The guideline period shall be as follows:

“(1) Fiscal year 2010: 24.6 percent.

“(2) Fiscal year 2011: 23.2 percent.

“(3) Fiscal year 2012: 21.7 percent.

“(4) Fiscal year 2013: 21.7 percent.

“(5) Fiscal year 2014: 21.8 percent.

“(6) Fiscal year 2015: 21.8 percent.

“(7) Fiscal year 2016: 21.7 percent.

“(8) Fiscal year 2017: 21.7 percent.

“(9) Fiscal year 2018: 21.7 percent.

“(10) Fiscal year 2019: 21.7 percent.

“(11) Fiscal year 2020 and each subsequent fiscal year: 21.7 percent.”.

SEC. 202. EFFECTIVE DATE.

This title shall apply to fiscal year 2010 and subsequent fiscal years.

TITLE III—DEFICIT LIMITS

SEC. 301. DEFICIT LIMITS.

Amend section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 to read as follows:

“SEC. 253. ENFORCING DEFICIT LIMITS.

“(a) ENFORCING DEFICIT LIMITS.—In this section, the term ‘deficit limit’ means an amount, as estimated by OMB, that equals—

“(1) 8 percent of GDP for 2010;

“(2) 6 percent of GDP for 2011;

“(3) 4 percent of GDP for 2012;

“(4) 3 percent of GDP for 2013;

“(5) 3 percent of GDP for 2014;

“(6) 3 percent of GDP for 2015;

“(7) 3 percent of GDP for 2016;

“(8) 3 percent of GDP for 2017;

“(9) 3 percent of GDP for 2018; and

“(10) 3 percent of GDP for 2019.

“(b) SPENDING REDUCTION REPORT.—Within 15 calendar days after Congress adjourns to end a session and on the same day as a spending reduction order (if any) under sections 251 and 253A, but after any spending reduction required by section 251 and 253A, OMB shall issue a spending reduction report to reduce an excess spending amount (if any).

“(c) SPENDING REDUCTION ORDER.—A spending reduction ordered pursuant to subsection (b) shall be implemented using the procedures set forth in section 256A.”.

SEC. 302. EFFECTIVE DATE.

This title shall apply to fiscal year 2010 and subsequent fiscal years through fiscal year 2019.

TITLE IV—GENERAL PROVISIONS

SEC. 401. SPENDING REDUCTION ORDERS FOR TOTAL SPENDING LIMITS AND DEFICIT LIMITS.

The Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 256 the following:

“SEC. 256A. SPENDING REDUCTION ORDERS FOR TOTAL SPENDING LIMITS AND DEFICIT LIMITS.

“(a) APPLICATION.—A spending reduction order issued pursuant to this part shall apply to eliminate breaches of the limits set forth in sections 253 (deficit limits) and 253A (total spending limits) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(b) SPENDING REDUCTION ORDERS.—

“(1) ELIMINATING A SPENDING EXCESS.—OMB shall include in its spending reduction order a requirement that each spending account shall be reduced by an amount of budget authority calculated by multiplying the baseline level of budgetary resources in that account at that time by the uniform percentage necessary to reduce outlays sufficient to eliminate an excess spending amount.

“(2) EXEMPTIONS.—The following shall be exempt from reduction under any order issued under this part:

“(A) NET INTEREST.—Payments for net interest (set forth in function 900).

“(B) SOCIAL SECURITY.—Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

“(C) VETERANS PROGRAMS.—Benefits payable by the Department of Veterans affairs and other programs providing benefits to veterans.

“(D) OBLIGATED BALANCES.—Obligated balances of budget authority carried over from prior fiscal years shall be exempt from reduction under any order issued under this part.

“(E) CONSTITUTIONAL OBLIGATIONS.—Any obligations of the Federal Government required to be paid under the U.S. Constitution or contractual obligations as determined by OMB shall be exempt from reduction under any order issued under this part.

“(F) UNEMPLOYMENT INSURANCE.—Benefits payable under unemployment insurance payments.

“(G) EMERGENCY LEGISLATION.—Provisions of spending legislation the President designates as an emergency requirement and the Congress so designates in statute.

“(H) OVERSEAS CONTINGENCY OPERATIONS DESIGNATION.—Provisions of spending legislation the President designates as overseas contingency operations related to the global war on terrorism and the Congress so designates in statute.

“(I) DISCRETIONARY SPENDING.—Discretionary spending if the discretionary spending limits set forth in section 251(c) are not exceeded.

“(3) APPLICATION TO FAST GROWING PROGRAMS.—Any program whose growth in the budget year is less than the rate of inflation as determined by OMB shall be exempt from a spending reduction issued under this title.

“(4) LIMITATION ON SPENDING REDUCTIONS.—No program shall be subject to a spending reduction of more than 1 percent of its budgetary resources.

“(5) UNIFORM PERCENTAGE.—The percentage required to produce a spending reduction, as ordered by a spending reduction order, shall be calculated by OMB by adding all budgetary resources of the Government, and reducing that amount by an amount sufficient to reduce the total amount of outlays of the Government to equal, or lower, a level of outlays than the amount set forth in the guideline period.

“(6) EFFECT OF A SPENDING REDUCTION ORDER.—Upon the issue of a spending reduction order, a spending reduction shall be ordered for all nonexempt spending accounts. The spending reduction shall be effective as follows:

“(A) Budgetary resources subject to a spending reduction to any discretionary account shall be permanently cancelled.

“(B) The same percentage spending reduction shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

“(C) Administrative regulations implementing a spending reduction shall be made within 120 days of the issue of a spending reduction order.

“(D) Budgetary resources subject to a spending reduction in revolving, trust, and special fund accounts and offsetting collections subject to a spending reduction in appropriation accounts shall not be available for obligation during the fiscal year in which the spending reduction is issued, and shall be available in subsequent years only to the extent as provided by law.

“(7) INAPPLICABILITY OF SECTIONS 255 AND 256.—Sections 255 and 256 shall not apply to spending reduction orders under this section.”.

SEC. 402. ENFORCEMENT PROCEDURES UNDER THE CONGRESSIONAL BUDGET ACT.

(a) ENFORCEMENT.—Title III of the Congressional Budget Act of 1974 is amended by adding after section 315 the following new section:

“SEC. 316. ENFORCEMENT PROCEDURES.

“(a) DISCRETIONARY SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 to be exceeded.

“(b) TOTAL SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the total spending limits set forth in section 253A of the Balanced Budget and Emergency Deficit Control Act of 1985 to be exceeded.

“(c) DEFICIT LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the total deficit limits set forth in section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 to be exceeded.

“(d) WAIVER OR SUSPENSION.—

“(1) IN THE SENATE.—The provisions of this section may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

“(2) IN THE HOUSE.—The provisions of this section may be waived or suspended in the House of Representatives only by a rule or order proposing only to waive such provisions by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

“(e) POINT OF ORDER PROTECTION.—In the House, it shall not be in order to consider a rule or order that waives the application of paragraph (2) of subsection (c).

“(f) MOTION TO SUSPEND.—It shall not be in order for the Speaker to entertain a motion to suspend the application of this section under clause 1 of rule XV.”.

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Enforcement procedures.”.

SEC. 403. DEFINITIONS.

Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking paragraph (4), redesignating the succeeding paragraphs accordingly, and adding the following paragraphs:

“(19) The term ‘spending reduction’ refers to the cancellation of budgetary resources provided by discretionary appropriations or mandatory spending.

“(20) The term ‘GDP’, for any fiscal year, means the gross domestic product during such fiscal year consistent with Department of Commerce definitions.

“(21) The term ‘total spending’ means the total aggregate outlays of the Federal Government.

“(22) The term ‘guideline period’ means the period of fiscal years set forth in section 253A(d).

“(23) The term ‘projected spending amount’ means the amount of total outlays of the Federal Government for a fiscal year within the guideline period.

“(24) The term ‘guideline spending amount’ means the amount of total outlays of the Federal Government for a fiscal year as a percentage of GDP for such fiscal year within the guideline period.

“(25) The term ‘excess spending amount’ means the amount by which a projected

spending amount exceeds the guideline spending amount for a fiscal year within the guideline period.

“(26) The term ‘spending reduction order’ means a spending reduction order as defined in section 253A(c).

“(27) The term ‘advance appropriation’ means appropriations that first become available one fiscal year or more beyond the fiscal year for which an appropriation Act making such funds available is enacted.

“(28)(A) The term ‘emergency requirement’ means any provision that provides new budget authority and resulting outlays for a situation that poses a threat to life, property, or national security and is—

“(i) sudden, quickly coming into being, and not building up over time;

“(ii) an urgent, pressing, and compelling need requiring immediate action;

“(iii) unforeseen, unpredictable, and unanticipated; and

“(iv) not permanent, temporary in nature.

“(B) An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.”.

The SPEAKER pro tempore. Pursuant to House Resolution 665, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, as we mentioned earlier in the debate, we're offering better ideas. We think it's incumbent upon us on the big issues of the day, if we don't think the majority is going in the right direction, if we don't think they're offering the right ideas, it's not just enough for us to criticize and say we're against what they're doing. We owe it to our employers, the American people, our constituents, to offer an alternative. That's what we're doing right here today.

And I want to first say thank you to the majority leader and to the chairman for making it such that we can offer this alternative. Normally, in the minority one would naturally expect to offer a substitute. Unfortunately, that is not the norm these days, and I appreciate the fact that the majority leader and the chairman were true to their word and made it so that the minority could offer a substitute so that we, too, can say we think we have a better way forward.

Let me explain what our bill does, three basic components to our substitute bill. Caps on spending. So what we think ought to happen here is let's fix the problem. Let's focus on the problem. And what is the problem, Mr. Speaker? Spending, deficits, and debt are out of control.

First off, we propose caps on discretionary spending. Yes, caps on discretionary spending. When this was combined with PAYGO in the 1990s, it worked. It helped pave the way for surpluses. It's an idea that has enjoyed bipartisan support, until now.

So if you take a look at who really controls the deficits, the deficits under

our substitute or the deficits under the majority's plan, our deficits are far lower. Still higher than I would like, but our deficits take this deficit down to no more than 3 percent of gross domestic product, which is what all economists say is a minimum. If your deficits are above 3 percent, then the debt spirals out of control. Unfortunately, under the Democrats' plan, their PAYGO bill, the deficits always stay above 3 percent, spiraling out of control, according to any economists if you ask them.

Second, we think we ought to have caps on total spending. Let's keep in mind just how big the Federal Government is relative to our constituents and the economy's ability to pay it.

So we propose a cap to keep the size of the Federal Government relative to where it has been in history, and no larger, meaning don't let the government grow faster than the economy. Don't let the government grow faster than our constituents have an ability to pay for it. Don't let the Federal budget grow faster than the family budget. And so what we also do is we have a cap on Federal spending as a percentage of GDP, gross domestic product.

What we are showing here is, yes, spending not only goes down and then stays in control, we keep spending historically where it has been, slightly above 20 percent of gross domestic product.

What does the Democratic PAYGO bill do? Nothing. It allows spending to grow far in excess of where it has been before, meaning what this Democratic PAYGO plan does is it locks in place the growth of the Federal Government so that it will grow faster and higher than it ever has in the history of this Republic.

What does the future look like under their version of fiscal control versus our version of fiscal control? Here's what the Federal Government looks like. Under the Democratic PAYGO bill, the Federal Government keeps growing forever and ever and ever.

Look at the moment in the middle of this chart. That's the moment when my three children who are 4, 6, and 7 years old are my age. And what the Democrat PAYGO bill says is the government will literally be twice as big as it is today for them at that time. Under our bill, we put the Federal Government on the pathway of sustainability.

It's really about this. The question is: Are we going to fulfill the American legacy or not? Are we going to face up to the challenges confronting this generation so that we can make the next generation better off? That is, after all, the lessons we were taught as Americans. We own up to the challenges confronting us so that our children and our grandchildren can have a better tomorrow.

Unfortunately, under the Democratic PAYGO bill, that's not the case. The Democratic PAYGO bill severs that tie. It breaks the American legacy.

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Here's what I mean when I say that: For the last 40 years, the size of our government has been relatively the same in that it's been consistent. About 20 percent of GDP has gone to the government. About 20 cents out of every dollar made in America has been spent by the Federal Government to run the Federal Government. Well, by the time my kids are my age, according to the current plan that we are on, 40 cents of every single dollar made must go to the Federal Government just to keep this government going for my kids at that age.

I asked the Congressional Budget Office, what would the tax rates on my three children, who are 4, 6 and 7 years old, have to be when they are my age, in their late thirties, if they are going to have to pay taxes to pay for all of this government we're consigning them to? Here's what the Congressional Budget Office said. They said the lowest tax bracket, the low-income Americans that pay 10 percent bracket, must go up to 25 percent. They said the middle-income tax brackets that middle-income Americans pay will have to go to 66 percent. And they said the top income tax bracket in America, the one that all the small businesses pay, the one that all the job creators pay, would go to 88 percent.

If we don't fix this problem these are the tax rates that will have to occur for the next generation. These are the tax rates that will occur on the next generation if you pass the Democratic PAYGO bill. If you pass the Republican substitute, we are putting the kinds of tools, the kinds of tools in place, the kind of enforcement and discipline in place to make sure that doesn't happen, to make Congress face up and fix these problems. We have three different spending caps enforced by sequesters to make sure it actually happens, belts and suspenders to make sure Congress actually fixes this fiscal train wreck.

The question before us, Mr. Speaker, is: Will this generation, will the people right now elected by Americans face up to this reality? And this is the key question, Mr. Speaker. The sooner we do it, the better off everybody in America is. The sooner we tackle the spending that's out of control, the sooner we take ourselves off the reliance of debt purchases by China, India, Japan and everybody else, the sooner Americans can be in control of their own destiny and their own economy. The sooner we reform government and the entitlement programs that are presenting us with this \$62 trillion unfunded liability, the more likely we can prevent those people in and near these pro-

grams, depending and counting on these programs, will not have severe disruption in their lives.

The more likely the kinds of changes that must happen can be phased in gradually. But every year we delay, every year we punt, every year we pass bills like this Democratic PAYGO bill, the more likely people will see severe disruption in their lives, the more likely you will have crushing tax increases, massive borrowing, unsustainable deficits, the more likely we will not be able to sell our bonds, the more likely our interest rates will go up, the more likely our tax rates will go up, the more likely we lose jobs and competitiveness.

Every year we delay fixing just the entitlement problem, we add about \$4 trillion of debt to our children and grandchildren. So we are saying, let's fix what's broken; and what is broken is spending. What is broken is that spending is out of control. Both parties contribute to that. Let's face up to that. Both parties should come together to fix it, and that's what we are proposing to do.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I rise in opposition to the amendment and yield myself 3 minutes.

Mr. Speaker, so that everyone will understand, what the gentleman is proposing is that we rewrite the budget resolution, which we wrote and passed in both the House and Senate months ago, to go back to square one and basically begin all over again because we will have to change 302(a) and all the work we've done to get the appropriation bills passed by the end of July. We would have to go back and take at least \$48 billion out of all those bills to comply with the numbers that Mr. RYAN proposes in his alternative budget resolution today.

I will have to say that when I told Mr. RYAN we were not going to have a hearing, that we were not going to have a markup, we were going to bring this matter straight to the floor, I also told him out of a sense of fairness that he could have a substitute, that I would support a substitute. He deserves one. I had no idea that he would offer a brand-new budget resolution as a substitute. I thought it would be a substitute, maybe a cap on discretionary spending. So this came as a surprise. There is a cap on discretionary spending here; but as I read it, there is no cap, there is no PAYGO provision. He has left it out of there completely. That's the way we read over here. I can't find anything in there.

In addition, I thought ours was pretty dense; and then I read some of your draftsmanship, if I can share with everyone. Try this on: The percentage required to produce a spending reduction, as ordered by a spending reduction order, shall be calculated by OMB by

adding all budgetary resources of the government, and reducing that amount by an amount sufficient to reduce the total amount of outlays of the government to equal, or lower, a level of outlays than the amount set forth in the guideline period.

If we are dense, this is turgid, I am telling you. I'm not quite sure what this says, except that it does propose a new budget resolution. It would become a statutory budget resolution if we passed it as part of this particular bill because this is—

Mr. RYAN of Wisconsin. Would the chairman yield just for a quick clarification?

Mr. SPRATT. I will.

Mr. RYAN of Wisconsin. I will just be quick and brief. Three caps: The discretionary cap is set at inflation; the percent of GDP cap brings us back to trend historical growth and the size of our government; and the deficit targets bring our deficits down to being no higher than 3 percent of GDP, and that is the result of what you are reading.

Mr. SPRATT. It is similar to the PAYGO rule here.

Mr. RYAN of Wisconsin. That's correct. We think this is better than PAYGO. We think instead of having a PAYGO system in place, which puts the bias in favor of raising taxes, we ought to have the bias in favor of controlling and cutting spending. That is just the difference we have between the two of us.

Mr. SPRATT. You set levels for all of those things and then also provide—I believe if they turn out to be wrong, if we had a downturn in the economy and wanted to change those numbers, you would have to have a two-thirds vote in each House in order to do that.

Mr. RYAN of Wisconsin. That's correct.

Mr. SPRATT. That loads some cumbersome conditions on the House or the Senate if we find ourselves faced with economic reversal.

Mr. RYAN of Wisconsin. If the gentleman will continue to yield, we believe we need to have a tough enforcement regime so that a simple majority cannot waive these kinds of spending caps.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. May I inquire as to how much time remains?

The SPEAKER pro tempore. The gentleman from Wisconsin has 22 minutes remaining. The gentleman from South Carolina has 27 minutes remaining.

Mr. RYAN of Wisconsin. Mr. Speaker, I will yield myself 1 minute just to continue this dialogue.

The reason we have a super-majority vote in Congress to break these caps is because we want to make it very difficult—you can never fully tie the hands of a future Congress. We want to make it very difficult for Congress to avoid this budget discipline. We want

to make sure that we put a system in place with binding caps that are tough to circumvent, that are backed up with sequesters so that, you know what, Congress actually makes the tough choices; Congress actually prioritizes spending and that we live within our means and that we have a process in place that forces us to focus on the problem.

The problem is, spending is out of control; deficits are out of control; borrowing is out of control. We do not want a process, which we believe your PAYGO system does, to simply always go to raising taxes. The American people are taxed too much. The American people are paying more taxes than they have in the history of this country. We don't need to raise their taxes any more. We will sacrifice our economic livelihood. We will make ourselves less competitive to foreign countries if we keep raising taxes. Spending is a problem. That's why our substitute focuses on spending.

With that, Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I thank the gentleman from Wisconsin. Americans know they should save for their retirement, but it's tough because you've got to put money away now for later, and there are things to spend it on now. You know, there is a nice dinner to go to; there is a vacation to take, maybe a TV or a car to buy or something like that. So what do we do? I do it. Probably many people listening to this do it. Your employer takes it out of your paycheck so that you kind of never see it, and it goes straight to your retirement so you can save it so that you know it will be there when you need it.

What that is is an external discipline, making us do the thing we know is right for us to do but that, as human beings, we have a hard time doing ourselves without that external discipline.

Mr. Speaker, this bill is that external discipline. Because Members of Congress are no different than anybody else. When we have money, we spend it. When Republicans were in charge, we spent too much money. We overspent by hundreds of billions of dollars. Now the Democrats are in charge. They're overspending by trillions of dollars. But whether it's hundreds of billions or trillions, whichever majority has been in this Congress, we have spent more than we have taken in. I can't remember the exact figure; but I think that for 43 out of the last 45 years this Congress has spent more money than revenue that has come in and has run a deficit, regardless of who was in the White House or who was in charge. We can't do that.

What this bill says is you can't increase spending faster than people's incomes. It's that simple. Because if you do, if the Federal Government spends more money, increases spending by

more than people's incomes have increased, there's only two ways to do it, borrow it or increase taxes. And if we continue to do it, we continue to borrow and we continue to increase taxes until we will have no economy and no growth left. Mr. Speaker, that's where we are right now.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional 30 seconds.

Mr. CAMPBELL. Mr. Speaker, that is where we are right now. We don't have to wait 10 years, 15 years or 20 years. We are in that position right now. The American people are taxed too much, and we are borrowing way, way too much. This bill, this discipline, this Republican substitute will bring that to an end; and I urge us all to support it.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. SCHRADER).

Mr. SCHRADER. Mr. Speaker, I am a proud original cosponsor of this statutory PAYGO legislation. The passage of statutory PAYGO will show our commitment to fiscal responsibility once again. I am a little surprised that my Republican colleagues are not interested in renewing this bipartisan work and to help stop the bleeding that's occurring in our great Nation. Respectfully, I think we've lost our way a bit there.

In January 2001, the United States had a projected 10-year budget surplus of \$5.6 trillion. Eight years later the 111th Congress opened to face a national debt in excess of \$10 trillion and a single-year budget deficit we inherited of \$1.5 trillion. What has changed? Lack of bipartisanship. During the 1990s a Democratic President and Republican-controlled Congress worked together to balance the budget, to produce record deficit-reducing surpluses by the end of the Clinton administration. However, in 2002 the Bush administration chose to allow PAYGO to lapse and moved away from that bipartisan fiscal discipline. It's important for PAYGO to be enacted to make sure that we live up to our fiscal responsibilities.

Unlike the mere rules that we currently have, the statutory PAYGO bill now before the House does not expire, cannot lapse, and is not easily waived. I am very concerned about the alternative offered here by the good gentleman from Wisconsin because it moves away from the pay-as-you-go principles. Indeed, it gets rid of PAYGO all together, as the Chair pointed out; and frankly, it's an abrogation of our legislative responsibilities to make the tough decisions.

The alternative does establish the bipartisan PAYGO measures that gave us great results not too many years ago. The arbitrary deficits limits are a return to the failed policies of the past,

the Gramm-Rudman-Hollings bill that led to the PAYGO legislation in the first place. And frankly, with the non-specific and arbitrary spending limits, it leads to probably the Republican budget's version of what we should do to reduce spending; and that means cuts to education, health care and public safety. Frankly, it virtually eliminates all opportunity to do the health care reform, declare our energy independence and build on a 21st century education system that we so greatly campaigned on and fought here to do in the United States Congress.

Mr. Speaker, as a small business owner and father of five, I know how important it is to live within your means. As Oregon's chief budget writer, I worked hard to make sure my State spent only what it paid for. The American people expect the same responsibility from their Federal Government. While American families are tightening their belts, the message sends a strong signal that Congress plans to do the same. However, as the ranking member asserts, statutory PAYGO is not a panacea by itself for our fiscal health. Our choices remain. As our economy recovers, we must cut spending, return to budget surpluses and pay down the national debt.

I support statutory PAYGO as a critical first step towards fiscal responsibility, and I invite my colleagues, Democrats and Republicans alike, to support statutory PAYGO.

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana, Mr. BARON HILL.

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Mr. HILL. I thank the gentleman from South Carolina for yielding me this time on PAYGO.

Mr. Speaker, this is a proud day, especially for people like me, who is a member of the Blue Dog Coalition and who has this issue of PAYGO as a signature issue. After literally years of working towards compromise, we finally have this day before us. We are actually going to be voting on statutory PAYGO.

There are a lot of people to thank. One person I would particularly like to thank is former Congressman Charlie Stenholm. I hope he is listening today. Charlie was a member of the Blue Dog Coalition when he was a Member of this body, and he worked tirelessly day in and day out to make sure that this day would finally arrive.

Charlie, if you're listening out there, I'm sure that you have a big smile on your face right now.

I want to thank the Speaker, the majority leader and the entire leadership in the Democratic Party for embracing the concept of PAYGO as well, and I would like to thank the President of the United States, who has also embraced the concept of PAYGO.

Now, PAYGO, as has already been mentioned, is not a panacea. It is not a complete solution, but it worked one time. What we're voting on today was in place during the 1990s, and we will recall that it was those PAYGO rules that were in place that finally got us to a point where we actually had surpluses for the first time in over 40 years. So it works. It has a history of working.

To the detractors who say that this is not the solution, it was a solution back in the 1990s, and it has a history of working. If it worked then, it can work now. When we had it back in the 1990s, we also had discretionary spending caps, so PAYGO is just a start. We must finish the job.

I have a granddaughter who is a little over 30 days old, and I don't want to be passing on this debt that we've accumulated here recently and in the last 10 years to her.

When this decade began, we had a sour economy, and we've had to do some unusual things in order to try to revive this economy. It has caused spending to go up, but I, along with the President and Members of Congress, now feel like this is the first step toward getting us back on track and making sure that we get this spending under control.

I have heard from the other side. They have a different idea of what PAYGO should look like, but as I said before, this PAYGO that we have now was in place in the 1990s, and it worked. It provided surpluses for us, and it will work in this century as well.

So I applaud the authors of the bill. I applaud the people who have introduced this today. It is a happy day. Let's pass PAYGO, and let's get on with the task of making sure that we get spending under control.

Mr. RYAN of Wisconsin. May I inquire as to how much time remains between the two sides.

The SPEAKER pro tempore. The gentleman from Wisconsin has 17½ minutes remaining. The gentleman from South Carolina has 21 minutes remaining.

Mr. RYAN of Wisconsin. Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, it is my honor to yield to the Speaker of the House, the gentlewoman from California, Madam Speaker (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his masterful leadership of the Budget Committee. He is, indeed, a great American. He put forth earlier this year a budget which is a statement of our national values, about what is important to the American people as being manifested in our priorities in that budget. It's a budget that is designed to reduce the deficit, to create jobs, to give tax cuts to the middle class, and to have as three of its pillars

to turn the economy around: education, health care and energy. And today, as part of that framework of fiscal responsibility under his leadership, this legislation is coming to the floor.

I would also like to acknowledge our distinguished majority leader, Mr. HOYER, for being relentless in his pursuit of this legislation. He has long supported it, and I don't think we would be here today without his determination. We just heard from Mr. BARON HILL, an author of the legislation, a leader of the Blue Dog Coalition in the House.

The Blue Dog Coalition came together with the organizing principle of fiscal responsibility. We all owe them a debt of gratitude because it has become the mantra of the Congress: we will not increase the deficit.

Mr. HILL spoke as a policymaker and as a new grandfather, and that is a very important perspective, a new grandfather. As a grandmother of many grandchildren for a long period of time, I know that we have a moral responsibility not to heap mountains of debt onto our grandchildren; and, today, we will be able to put this into place as a statute, not just as a rule of the House, which we did when we took control of the House as Democrats, but now as a statute.

I want to pay, also, homage to Mr. GEORGE MILLER, a Progressive Democrat, a leader in the Congress for many years. Long before I came to Congress, I was reading about Mr. MILLER introducing PAYGO legislation in the Congress. Now I'm talking about 30 years ago.

And I do remember going in 1982, not as a Member of Congress, to the Democratic Convention in Philadelphia. This was a midterm conference in between nominating conventions for President; and Mr. MILLER at that 1982 convention introduced as a resolution a PAYGO resolution, which succeeded at that convention. It became part of the Democratic platform, and then again, as I say, he introduced that legislation into the Congress. It wasn't until a number of years later that it was implemented.

During the Clinton years, that PAYGO formula was what took us out of the debts of the Reagan-Bush years and into a trajectory of surplus into the future. The last four Clinton budgets were in surplus. Now we're back in deficit from the excesses of the reckless economic policies of the Bush years. We must dig our way out again; we must sweep up behind, and this is a way. Statutory PAYGO legislation is a way to get that done.

I reiterate: when the Democrats took control of the Congress, we made it a rule of the House that we had to abide by pay-as-you-go. Now we have a President of the United States committed to signing this legislation, and we are able to pass it, not as a rule of the

House but as a statute, as a law of the land.

I thank Mr. HILL, Mr. BARON HILL; Mr. GEORGE MILLER; STENY HOYER; and you, Mr. Chairman, for making all of this possible.

It's a very important day for our country because it is a day when the Congress of the United States says to the American people: we will be accountable. We have said it. We have done it, and now we will make it a statute of the law of the land.

So, again, I urge our colleagues. I hope we have a good, strong vote across the political spectrum, in the Democratic Party from right to left and, hopefully, across the aisle, so that we can have all of those who claim to support fiscal responsibility placing their vote behind this important legislation.

If the idea is that you want to persuade the Nation that cutting taxes is a way to grow our economy, those tax cuts must be paid for. If we want to say that we want to increase entitlement spending, we must pay for that, and if we do not, there are consequences. There are consequences, and that is what is important about this legislation. We either pay as we go or, as we say, go into sequestration, have across-the-board cuts, a draconian measure that must be avoided, and here is the way to do it.

So I urge all of my colleagues on the other side of the aisle to support statutory PAYGO and as a tribute to those who fought the fight for so many years and as an obligation to our children and our grandchildren.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I would like to yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding.

Mr. Speaker, I rise this afternoon to speak in support of the Ryan substitute and against the underlying bill, the Statutory Pay-As-You-Go Act of 2009. The actual name of the underlying bill should be "how to give cover for spending like a teenager with an unlimited credit card."

Now, Congress receives a lot of criticism for not reading the bills before we vote on them. This isn't a very heavy list. This bill is 23 pages. You can print it off and have a read through it. In fact, the first two pages are just a list of cosponsors and the table of contents. Then, in the underlying bill, you've got about eight pages of actual regulation. Then the last half of the bill, over 10 pages, are exceptions to this statutory law that the Speaker just described to us—yes, a statutory law.

In the statutory law are statutory exceptions. The long list of exceptions in the underlying bill gives the Democrats a talking point of saying they're going to address the wild spending of Congress without actually having to

make any choices, not just the hard choices. They don't have to make any choices at all.

Now, some of the exceptions are necessary. Some of them are acceptable. We should be concerned about our veterans; we should be concerned about our seniors; we should be concerned about our children. There are exceptions to PAYGO to ensure that our veterans get the health care they need, that the seniors get the long-term care they have earned, that our children are healthy and educated and are not going hungry should be protected and should not be subject to politics.

For those Members who grew tired of reading the bill, on the last page of those exceptions, the second to the last third of the sentence are exceptions to PAYGO for TARP. Now, we all remember TARP. It failed last September, and it passed last October under a Democratic Congress, I might add.

We're going to validate that vote for TARP today by now elevating TARP to the same level of protection as Medicare, Medicaid, Social Security, veterans, and child hunger.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional minute.

Mr. BURGESS. Yesterday, Neil Barofsky, the Special Inspector General of TARP, testified before a committee that TARP could ultimately cost the American taxpayer \$23 trillion. Most of us can't even begin to fathom that number. TARP was authorized by Congress for \$700 billion. As of yesterday, the cost to the American taxpayer from TARP was \$2 trillion, \$2 trillion that we don't have and which we borrowed from China and from foreign countries that don't have America's best interests at heart. We gave it to banks that have recently recorded record profits. Goldman Sachs is going to take out \$2 billion in bonuses this quarter after taking nearly \$10 billion of the TARP money. Mr. Speaker, they don't need to be protected in this PAYGO statute.

In the past few weeks, I've been involved in the greatest debate of my elected career. I've been working on a commonsense approach to health care to lower costs and to reform medical liability laws in this country. We've spent exactly 1½ days marking that bill up in my committee. The health care bill has been scored to cost \$2.3 trillion, and that's about what we've given TARP, \$2 trillion.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I am proud to be here today to associate myself with the comments of Speaker PELOSI, who spoke just a few moments ago in strong support of this pay-as-you-go legislation.

I do rise in opposition to the Republican substitute that's offered by my colleague, Mr. RYAN, which I see completely abolishes the pay-as-you-go rules contained in the base bill, and it replaces them with unrealistic and infeasible restrictions that do nothing to address the long-term budgetary challenges that we face.

The Statutory Pay-As-You-Go Act, offered by Majority Leader HOYER, will restore fiscal discipline through the most basic principle of responsible accounting. Every dollar spent must be offset by a dollar earned or saved. This is the way that American families balance their checkbooks, and it's the way that we should balance the Federal budget.

Statutory pay-as-you-go governed our budgetary policies in the 1990s. As we saw, it helped turn deficits into record surpluses. Unfortunately, when the Republican majority allowed the law to expire in 2002, our fiscal accountability went with it.

Well, today, we have a chance to turn that around. We saw what happened when we had these kinds of fiscal disciplines in place. The country was on much more sound fiscal footing. This bill is not a panacea, of course, for our budgetary challenges. The fiscal health of our Nation will ultimately depend on a thriving economy. However, this is an important step to restoring budgetary discipline, to forcing tough choices on taxes, on spending, and on bringing down the deep deficits that we face.

We have a moral obligation to pass this legislation, and instill the kind of fiscal discipline that we need to see, not only for now but for the future. We have an obligation to do this, not only for our children today but for the children of tomorrow. Without reducing the deficit, we cannot invest in vital priorities like health care, education and clean energy, which are critical to our economic future. Mr. Speaker, it's time to get our fiscal house in order.

I would like to thank Leader HOYER, Chairman SPRATT, and my colleagues on the Budget Committee for their exceptionally hard work on this legislation.

I urge my colleagues to reject the Ryan substitute and to support the passage of the Statutory Pay-As-You-Go Act in its current form. It's the right thing to do, and its time has come.

□ 1430

Mr. RYAN of Wisconsin. Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentlelady from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Thank you, Mr. Chairman, for yielding to me.

As a member of the Budget Committee, I know that PAYGO is critical to putting us back on the path to fiscal responsibility.

I cosponsored the President's PAYGO bill in June and am happy to say that the bill before us today is even stronger. Instead of sunseting in 5 years, our bill is permanent. It closes certain loopholes making it harder to use budget gimmicks to hide true costs. It also prioritizes tax relief for the middle class.

Unfortunately, instead of attempting to further strengthen the bill, the Republican substitute would gut it.

While the underlying PAYGO bill addresses both sides of the equation, spending and taxes, the Republican substitute takes a dangerously lopsided approach focusing only on one part of the problem. While our bill makes a permanent change for fiscal responsibility, the public substitute makes a temporary show of responsibility without limiting Congress' ability to pass reckless tax cuts in the future.

With the recent economic downturn, cities in my district have been devastated by high unemployment. The communities of Lowell and Methuen have unemployment in the double digits, while in Lawrence, the unemployment is over 17 percent, almost twice the national average.

Yet in the middle of a deep and painful recession in which families are struggling to make ends meet and many are dependent on the social safety network to survive, the Republican substitute employs a freeze guaranteed to stall the economic recovery in its tracks. But the Republican substitute does more than undermine our economic security, it threatens our national security as well.

As a member of the Armed Services Committee, I have strong concerns that the Republican substitute, if enacted, would create large gaps in our defense budget at a crucial time when we face numerous threats to our security from around the world. Some critics have argued that PAYGO doesn't go far enough, and they're right. It does not. PAYGO alone won't balance the budget and restore responsible government, but it is a critical first step towards fiscal responsibility.

Gutting PAYGO and replacing it with a short-term, one-sided approach offered by the Republican substitute is a step backwards. During one of the worst economic crises in our Nation's history, we must take the needed steps to put our financial house in order.

I urge a "no" vote on the Ryan substitute.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I would like to yield 3 minutes to the House Republican Conference chairman, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I'm sorry I missed Speaker PELOSI's remarks on this PAYGO debate, but I do have a copy of what she said in January of 2007. She said, "After years of historic deficits, this new Congress will commit itself to

a higher standard: pay-as-you-go, no new deficit spending. Our new America," da-da-da-da-da. I quote with great respect.

Under the Democrat majority, we have seen a Congress that has presided over the most unprecedented spending spree in American history. Since Democrats took over, the Nation's deficit has exploded by a factor of 10: \$162 billion in fiscal year 2007, we're at a trillion now, and we're headed for \$1.8 trillion in fiscal year 2009. Public debt has doubled from \$4.8 trillion in 2006. The national debt is set to triple by 2019 under the Democrats' budget, including PAYGO, I understand.

You know, I heard the President had to move his press conference from 9 o'clock to 8 o'clock tonight because the popular television show *America's Got Talent* is on at 9, so the President is going to have his press conference tonight at 8. So the TV lineup tonight should be *America's Got Talent* at 9, and *America's Going Broke* at 8. And there is nothing in this PAYGO rule that's going to do anything about it.

The truth is, under this PAYGO deal, discretionary spending, which amounts for 40 percent of all of the spending, is being increased at 8 percent in this year. It's completely excluded from this. Emergency legislation, mandatory spending is not subjected. Hundreds of mandatory programs are not subjected.

We're hearing a lot about fiscal discipline, putting our fiscal house in order. When Democrats say PAYGO, they mean you pay and they go on spending. Well, as usual, Republicans have a better plan to restore fiscal sanity to Washington, D.C., thanks to the great leadership of Congressman PAUL RYAN of Wisconsin.

The Republican substitute will focus on spending. The fundamental problem of the government's fiscal policy is spending and deficit. It targets problem areas by sequestering certain discretionary spending that grows faster than inflation, protects retirees, troops and veterans, no automatic tax increases. It actually reduces the deficit, takes a very straightforward approach, and I commend my colleague for bringing it forward.

I urge my colleagues to get real. No more slogans. No more prepackaged bumper sticker talk about fiscal discipline and reform. The American people want us to come together in real and meaningful and bipartisan ways to get spending under control here in Washington, D.C., and the Ryan substitute is a powerful and important step in that direction, and I urge its support.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend from South Carolina for yielding me this time.

Mr. Speaker, as a former member of the Budget Committee, I rise in proud support of the statutory pay-as-you-go rule. It is time to get real, as my colleague before me just stated, and it's time to get real with the realities we face today. We can argue all day long and point accusatory fingers back and forth about who caused what, but the fact remains that we face a huge American challenge that's going to require a unique American solution to pull ourselves out of the fiscal hole that we find ourselves in today.

This legislation that we have before us today has history on our side. When we had pay-as-you-go budgeting rules in effect in the 1990s, it helped instill fiscal discipline. And then with the help of the American people by growing the economy, it led to 4 years of budget surpluses. We were actually paying down the national debt. We were having a conversation about a lockbox for Social Security trust funds. And then for whatever reason, in 2001 it expired, and the discussion then was whether to reinstitute it—and the fear at that time was that we may end up paying down our national debt too fast, which would be destabilizing. Oh, how I would love to see a return of those days. But instead, it led to a fiscal course of action that doubled the national debt in 8 short years.

Now, this legislation isn't going to be the cure-all. We have a lot of serious work to do. We have an opportunity before us today to reform the health care system, to deliver system reform that will rein in rising costs, which, if it goes unchecked, will bankrupt everyone from families to businesses to public budgets. The fastest growing area of Federal spending today, rising health care costs. We have work to do to make that change.

I also still believe in the merits of an outside independent commission on entitlement reform that would report back with recommended changes so we can address the rising costs of entitlement.

But today let's go back to what works to address the fiscal crisis that we face. The 1990s shows us the way to do that, with 4 years of surpluses where we were able to turn the corner and provide a more stable financial system for our country. That was squandered over the last 8 years, unfortunately.

So I would encourage my colleagues to reject the proposed amendment, to support the underlying bill, and let's get to work making some tough but necessary decisions for future generations so we don't end up leaving a legacy of debt for my two little boys or to future generations.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield at this time 3 minutes to the vice ranking member of the Budget Committee, Mr. HENSARLING of Texas.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, we were certainly honored earlier when the Speaker of the House came to speak on this legislation. I tried to listen to her very carefully. I think I heard, "We will not increase the deficit is now the congressional mantra."

That's interesting. I really haven't studied mantras in the past, but what I do note is that since the Democratic majority has been the majority in this institution, the Federal deficit has gone from \$161 billion to over \$1 trillion for the first time in our Nation's history, on the way, according to the Congressional Budget Office, to a \$1.8 trillion deficit, a tenfold increase in just 2 years. So I would say, with all due respect to the Speaker of the House, apparently the mantra is not working very well.

I also believe I heard the Speaker of the House say, "We have a moral responsibility not to heap deficits on our children." Well, I take that very seriously. As a father of a 7-year-old girl and a 5-year-old boy, I think every single day about the deficits that are being heaped on our children and grandchildren.

So I guess I would ask the Speaker of the House, who is no longer present on the floor, if we have a moral responsibility not to do it, why did you do it? Why have you increased the deficit tenfold? Why is it that you brought a budget to the floor and passed it with the Democratic majority that will triple the national debt in the next 10 years and create more debt in the next 10 years than the previous 220? I would say, Madam Speaker, why did you do it?

Now, I know she also spoke with great pride of reinstituting the PAYGO rule when the Democrats became the majority. Well, it sounds nice. Again, it makes for a very good bumper sticker slogan, but, Mr. Speaker, facts are kind of pesky things. So when we look at when the Democrats came into Congress and reinstituted the PAYGO rule, all we see is a sea of red ink for as far as the eye can see. Deficit upon deficit upon deficit. Trillions of dollars of deficits. It's not exactly a plan, Mr. Speaker, I would take great pride in.

I must observe that the only thing that exceeds the Federal deficit is the credibility deficit that Democrats have on the issue of fiscal responsibility.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I follow a member of the Republican Party who just said that the Democrats have a credibility problem on budget. I would remind the gentleman that it was indeed under Republican control of this Chamber and the Senate Chamber and the executive branch that pay-as-you-go discipline on budget deficits was ended. Why did they end? Because they had no intention of living within their means. Don't

take my word for it. Look at the record.

The national debt tripled. Percentage of the national debt we had to borrow from other countries tripled. I earlier meant national debt doubled. Percentage financed by other countries tripled. That's the record of the minority party. In fact, I believe it's that record that got them from the majority to the minority.

You might think that given the economic crisis that their very fiscal policies brought about, we would have an opportunity today to work together in a bipartisan fashion to put in place this foundation of fiscal stability, pay-as-you-go. It has happened before.

In 1991, President George H.W. Bush convened a budget summit, he was so alarmed at budget deficits, Deficits much smaller than what President Obama inherited from his predecessor. They agreed that across the party aisle to install pay-as-you-go.

In 1993, I was a Member of this body when we passed it on a party-line vote. But in 1997, that pay-as-you-go budget discipline was enshrined in a bipartisan budget agreement and continued for another 5 years.

It's time for us to work together. It's time for us to rein in these out-of-control deficits.

□ 1445

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, our distinguished Speaker of the House came to the floor 1 minute ago and gave a nice speech and said with passage of this PAYGO bill, the deficit won't go up any more. Wow. Let me just simply say that is not true. Here is what the deficit path is by the Democratic budget that passed earlier. It is up to \$1.8 trillion now, and that admittedly is for some unforeseen circumstances, the TARP and the financial crisis and other things. It goes back down, and then just like a rubber band, it springs right back up. And under the deficit path that the majority passed with their own budget resolution, the deficit goes right back up to over \$1 trillion, a huge, huge increase in the deficit, to the point where the deficit stays above 3 percent of our economy the entire time, above \$600 billion.

Unsustainable deficits, unsustainable borrowing. Here is the problem, Mr. Speaker. One of these days, we are not going to be able to keep borrowing all this money. One of these days, our bond financiers, 48 percent of whom, these days, are foreign governments, China, Japan and India, one of these days they are not going to keep lending us all this money because we are not getting our fiscal house in order. We already have a \$62 trillion unfunded liability. That means we are making promises to spend \$62 trillion for people in this country today that we don't have.

And so when people lend us money—this year, we are borrowing half of our budget. Borrowing. I went to the Bureau of Public Debt last week, and I watched a bond auction. I watched the Treasury Department borrow \$40 billion in about 4 minutes. We had very talented people sitting around a room of flat-screened TVs and laptop computers sipping coffee as if it were just another day at the office. Forty billion dollars, forty minutes.

We are doing something like this every day these days. Two trillion dollars of our \$4 trillion budget, effectively, is being borrowed just this year. There is going to come a moment when they are not going to keep lending us all this money. There is going to come a moment when we may not be able to have an auction succeed. There is going to come a moment when we are going to have to pay these people, these governments, a lot more money to lend us their money. That moment is a fiscal day of reckoning for America. That moment is a moment when our interest rates go up. That moment will happen faster, sooner, rather than later, if we don't fix these problems.

What is the problem? Spending is the problem. Spending in excess of what we tax is what creates deficits. It is what is creating this unprecedented level of debt. And so what does this PAYGO bill do? It just says raise taxes, effectively, if we want to build more programs, if we want to spend more money. What are we proposing? Let's cut spending. Let's control spending. Let's cap spending. Let's make the American Federal budget work like a family budget so that we actually control and cap how much money we spend. I know around here that sounds like a novel idea, but it isn't. Every American family inevitably must do this.

If you live beyond your means, sooner or later you are going to have to make up for that fact. The question is whether this Congress will do that so that the next generation doesn't get hit with this tab, so that the next generation doesn't have this inferior standard of living that we know quantifiably, irrefutably and demonstrably we are consigning to the next generation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield myself 1 additional minute only to say, Mr. Speaker, we have real solutions here that have real spending control so we get to real deficit reduction, so we really get on to the process of paying off our debt by reforming how much money we spend.

That is not what the Democrats are doing. They are passing a fiscal facade so that they can do so with the right hand while in the left hand they pass more spending out the door. A trillion-dollar cap-and-trade bill a couple of

weeks ago, a \$410 billion omnibus appropriations bill, a trillion-dollar stimulus package, next week a \$1 trillion new health care entitlement, which even the Congressional Budget Office is telling us is going to grow at unsustainable rates, faster than even Medicare and Medicaid.

Let's stop this fiscal insanity. Let's pass real spending control. Let's pass the Republican substitute that actually controls and caps spending.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Mr. Speaker, as I listened to this debate, two words echo in my mind, and those words are "history" and "chutzpah." Let's talk history for a moment in this historic Chamber. As I listened to the minority talk about cutting spending and it being a novel idea, darn right it's a novel idea—because they've never done it. In the last 10 years when they controlled the White House and they controlled this Chamber, they did three big things. They put in place one of the largest entitlement programs ever with the pharmaceutical benefit in Medicare, they fought two wars at the cost of hundreds of billions of dollars, and they cut taxes on the very wealthiest people in this country.

Two massive increases in spending and a severe reduction in revenue. Guess what? Structural deficits. Facts are stubborn things. The fact is the minority took a \$5.6 trillion surplus, and while they controlled this Chamber, they turned it into a \$1.3 trillion deficit. And now they have the chutzpah to look to this side of the room and to criticize our efforts to bring that under control.

The PAYGO legislation we're talking about today is a restoration. It is a restoration of the discipline that prevailed when Bill Clinton was in the White House, and we had real statutory PAYGO and we created those surpluses. And we're trying again. Is it perfect? No, it's not perfect. Does it have some exceptions I would rather not see as exceptions? Yes, it does. But it is a very, very constructive step in the right direction. And it will take us back to where we were in the 1990s when we actually got the budget deficit under control. It's a step in the right direction.

The amendment that they are proposing that we support is not a serious effort. It would impact severely our armed services and many of the people who rely on this government for their education, for their housing and for all the things that, as a decent society, we feel the obligation to provide. I'm proud to be one of the cosponsors of this bill and to say it is imperative that we pass this legislation today.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire of the chairman how many more speakers he has remaining?

Mr. SPRATT. I plan to use the time left, and Mr. HOYER will speak as well and share part of the time.

Mr. RYAN of Wisconsin. So the chairman and the majority leader are remaining?

Mr. SPRATT. If I may inquire of the Chair, how much time is remaining?

The SPEAKER pro tempore. The gentleman from South Carolina has 8½ minutes remaining. The gentleman from Wisconsin has 4 minutes remaining.

Mr. RYAN of Wisconsin. I will reserve the balance of my time.

Mr. SPRATT. I yield myself 6 minutes. Mr. Speaker, let me make everyone aware of what is at stake here. What the minority has proposed is to take this resolution, this bill, and add to it a budget resolution for 2010 and years thereafter, way outside of the established procedure of the House to do at this point in time. We have strived mightily to finish up all of the appropriations bills by the time we adjourn for the August vacation. And it looks as though we are going to be successful in our pursuit. And I think we all deserve credit for having accomplished that.

Were we to adopt this resolution, we would have a completely different set of numbers. At least \$48 billion would have to be reallocated within section 302(a), because there is a cut immediately in discretionary spending. If you hold constant and inflate the amount of money provided for overseas contingency operations, military operations, the amount of money that would have to be extracted from other programs that has basically already been distributed, already been allocated, already been cut, would be around \$70 billion.

That is a lot of work that would have to be done again. We would have to basically go back to square one and start over again. So that is the first problem we have with this bill. And that basically is enough reason for anyone who is concerned with finishing timely business here in the House for the summer before adjourning, that is enough to vote against the substitute that the gentleman is offering.

But if that's not enough for you, read onward. Get a copy of this resolution and read the language to see what is being proposed here, because what the gentleman proposes to do is to fix spending, total spending, discretionary spending and deficit as a percentage of gross domestic product for a period of 5 years, after which it will be fixed at the levels it reaches at the end of the 5-year period of time. This would have profound consequences for the budget. We have never budgeted like that, not over that period of time.

Furthermore, the gentleman says we are going to put these in place—this is

a resolution that he understandably, under the circumstances, has cobbled together in a few days—he is going to impose something that would be binding for 5 years. And if there were a reversal in the economy for the worse, and we needed to engage in countercyclical economic intervention, this would be a huge stumbling block, because two-thirds of the House would have to agree to any deviation from the spending limits that this resolution or this substitute would impose, two-thirds of the House. A determined minority of one-third could block any kind of salutary action we wanted to take.

That's not good policy. It's not good policymaking. We have never done it before. It would be a mistake to do it now. So for those reasons, I would say to all of my colleagues on both sides of the aisle, read the resolution, read the substitute, and I think you will see this is something we do not want to do at this particular point in time. We don't want to go back to square one and do the appropriations bills all over again. We don't want to cast a rigid cast around the budget resolution so that if we do have a downturn in the economy the budget resolution itself would actually be, the budget would actually be procyclical. We try to have countercyclical economic policies built into our budget. This budget resolution, this budget substitute would actually be procyclical. It would worsen the downturn in the economy if it were to take that turn at this point in time.

So for all of these reasons, I would urge Members on both sides of the aisle, mine particularly, but the other side as well, to look carefully before you cast this vote and vote "no" on the substitute that has been offered by Mr. RYAN.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Wisconsin has 4 minutes remaining.

Mr. RYAN of Wisconsin. I yield myself the remainder of our time. The gentleman from South Carolina rightfully says that our substitute would involve rewriting the budget resolution. Yes. We think we should rewrite the budget resolution. What does the incumbent budget resolution the majority passed do? It doubles the national debt held by the public in 5½ years, triples it in 10½ years. It raises taxes by \$1.5 trillion. It chases ever-higher spending with ever-higher taxes, and those tax increases never catch up with the spending increases, thus an unprecedented level in debt increases.

So, yes, we think we should go do something else and go a different path. What are we proposing? We're proposing instead of the system in place that ignores discretionary spending, instead of putting a system in place that

ignores the current unsustainable trajectory of entitlement spending, instead of putting a system in place that will inevitably lead to higher taxes, we want spending discipline. We want to cap spending.

And here is what our bill accomplishes that the majority bill does not. Under our bill, the deficits go down. Under the majority's bill, the deficits go up. Under our bill, for future generations, we keep the size of our government in check so that we can give the next generation a higher standard of living so that we don't send to them an unsustainable burden of debt and taxes.

□ 1500

Under the majority's bill they don't do that. They increase debt. They increase taxes. They increase spending. They decrease the standard of living for the next generation.

Now, I find it fairly ironic, and almost comical that the gentleman from Massachusetts just came through here and filed an appropriations bill. The appropriations bill, TTHUD, increases this year, this year, by 25.1 percent. So during this debate on PAYGO, during this debate on fiscal responsibility, this fiscal facade press release debate we're having right now, they just filed a bill to increase discretionary spending on one bill for just 1 year by 25 percent. You know what? PAYGO doesn't apply to that. PAYGO has nothing to do with that. So we can bring a bill here to increase spending on these few government agencies in this bill by 25 percent, and this PAYGO has nothing to do with it. You know why, Mr. Speaker? Because 40 percent of the budget, including where this spending comes from, is exempt from PAYGO. We just don't think that's the right way to go.

And I've heard all these talks about the 1990s and how successful they were, and yes, there were absolutely periods of success. You know why? Because we had spending caps. We had discretionary caps in place that the Blue Dogs themselves have been advocating, time and again, which we agree with, which we're going to be advocating later in this debate that were part of the reason for that success. Success in 1997 was because Republicans and Democrats came together and put together a budget agreement which led to those surpluses. Wouldn't it be nice to get back to those kinds of days where we come together, not bypassing committees, rushing bills to the floor, cramming things through Congress and actually came together for real fiscal discipline? Unfortunately, the PAYGO bill the majority is offering is a fig leaf. It's not true. It's not real. It doesn't work. It doesn't even affect discretionary spending. It doesn't even deal with the unsustainable pathway of our current entitlement programs which, right now, give us a \$62 trillion

unfunded liability. We say, let's tackle those problems. You need to have, unfortunately, artificial budget enforcement on Congress. I would love to see that Congress, under our own discipline, would be able to control spending, but you know what? We can't. Both parties can't. That's why you need artificial discipline. That's why you need spending caps. That's why you should pass the Republican substitute.

Mr. SPRATT. Mr. Speaker, one question to the distinguished ranking member. Where were you when we had, first, Iraq and then Afghanistan, and it came to paying for those endeavors which account for by far the biggest growth in spending in the discretionary accounts. There were no spending caps at that particular point in time.

I yield for a brief response.

Mr. RYAN of Wisconsin. Working in the Budget Committee to make sure that the war was inside of the budget, not outside of the budget, as the Bush OMB was proposing. We were proposing that that funding be done within the budget, not outside the budget.

Mr. SPRATT. I now yield 1 minute to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding. I also want to thank the gentleman from Wisconsin (Mr. RYAN) for whom I have a great deal of respect. I said the other night that he was my friend, but friends have disagreements. And on this, on fiscal policy, we clearly have had a very significant disagreement.

I've heard a lot of speakers on this floor talk about how this bill doesn't get us to where we want to get. I've heard a lot of people talk about how we have four exceptions in this bill. Most of the people that have talked about the four exceptions in this bill have repeatedly talked, over the last 4 or 5 years, as to how this was current baseline spending, and certainly we didn't have to pay for current baseline spending, i.e., continuing tax cuts that were in place. Your side of the aisle has argued strenuously that that was current baseline funding and we didn't need to pay for it. We have taken the position that we needed to pay for it. In fact, we paid for the AMT through the House. We paid for the tax extenders through the House. Unfortunately, our brethren on the other side of the Capitol did not pay for them, sent them back. I voted against the AMT extension. I voted against the AMT extension. I was one of a small minority in the House, because it wasn't paid for. If we're going to have discipline, we need extrinsic discipline.

There's only one real discipline—having to pay for what you buy. During the nineties, we paid for what we bought. During the eighties we didn't. And during the 2000s we didn't. And there was an inevitable result; deficits

exploded for the 20 years that Republican Presidents were in office, and we didn't pay for things. In fact, the gentleman talks about spending, and he talks about caps in his substitute. The gentleman knows full well that during the Clinton years, spending rose at about 3½ percent per year, on average, discretionary spending. The gentleman knows full well that for the 8 years of the Bush administration, it rose at the average of about 7 percent, or twice as high as it rose during the nineties. So, in terms of caps, spending, which are in the budget, we ought to have budget caps. We ought to stick with those budget caps. And, in fact, the Democrats, under the rule that he said we adopted, stuck with that rule, even when it had consequences that were tough for us. He remembers the District of Columbia vote. By adding a Member, it cost a little over \$1 million; we had to pay for it, even though it caused us a problem, then opened it up for an MTR that was a problem.

But, let me speak to the substance of this bill. The gentleman is correct. Other Republicans are correct. We've incurred extraordinary debt during the first 6 months. Why? Because the economic program and the fiscal policies that were argued for by the Republicans and put in place by the Republicans, with little, if any, Democratic support—but they had the Presidency, they had the House, and they had the Senate—led to the worst economy that this country has seen in 75 years. So, according to Mr. Bernanke and others, we had an economic crisis confronting our country; and if we did not act, we could possibly be in a depression, not just a severe recession. So, we inherited the worst recession in 75 years when we took office, having been urged by the Republican administration to put \$700 billion on the fiscal tab in the last Congress, urged by the President, by Secretary Paulson and by Ben Bernanke. The gentleman and I voted together on that bill. It was a tough bill. Nobody wanted to vote for it. But we believed that there was a crisis and it was necessary.

So we find ourselves having passed, because we were still, and frankly, falling into a deeper recession in January and February of this year, and responding to that with the Recovery and Reinvestment Act, and we borrowed \$787 billion to do that. I believe it's been helpful. The stock market's up 1,000 points since the start of this administration. Housing starts have now been higher for the last 3 months. The Dow is up. NASDAQ is up very substantially. In addition, we've lost 200,000 less jobs per month, on average, over the last 3 months than we lost during the last 3 months of the Bush administration. Is that what we want? No. Is it progress? I suggest to you it is. It's 33 percent less loss of jobs than we had in the last 3 months of the Bush administration. Now, that's not where we want

to be. We want to be at zero and growing.

The economic policies that were pursued by my friend and on the Republican side of the aisle created 4,240 jobs per month over a 96-month administration of the policies pursued by my friends on the other side of the aisle. The economic policies that were pursued in the nineties, with the opposition, to a person, of the Republicans, created an average of 216,000 jobs per month. That's a pretty stark difference. As a matter of fact, 2 million jobs created during the last year of the Clinton administration and 3 million jobs lost during the last year of the Bush administration. That's a 5 million turn around. Is there any wonder why there's so much stress among families and individuals?

Now, ladies and gentlemen, maybe you've heard the first rule of holes. When you're in one, stop digging. That's what this bill does. It says stop digging. The fact is that our Nation is in a deep hole. The deficit for this fiscal year is \$1.7 trillion. That ought to be of great concern to every one of us. We differ on why we have that deficit. We believe we have it because the economic program supported by the Republicans was such a failure, demonstrably, factually, in terms of every indication. Our debt has never been higher. Unless we do something to remove ourselves from this hole, the future of our children and grandchildren will be severely constrained, and interest payments will crowd out nearly all of the investment Americans know are vital to their future, from education to clean energy to health care.

The energy bill. There's no tax in the energy bill. There is no tax in the energy bill. But so many of you come and say there's a tax in this bill. That's not honest. You ought to know that. There's one thing to make a mistake. There's another thing to not tell the truth.

Mr. RYAN of Wisconsin. Would the gentleman like me to respond?

Mr. HOYER. No. But I will yield to you if you want. But I am not particularly interested in your responding. If you, on your own time, want to say at some point in time that there is a tax in the bill, you can point it out to me. Are there consequential costs in actions we take? There are. The worst-case scenario, a fiscal meltdown, has a nightmare to offer both parties. For Republicans, the prospect that taxes will be forced through the roof, I understand that concern. I suggest to you there's a constraint on that: Voters throwing people out of office who do that to them. Hopefully, voters will return to office, however, people who have the honesty to say, you want us to buy something, then we will pay for it. You didn't do that. You didn't do it for the war. I understand that. I voted for that funding. For Democrats, the

prospect that the programs we value will be slashed and that the weakest and least powerful will suffer most. But there is a way out, reclaiming the principles of responsibility that have served our country so well.

I fully believe that we are in this hole because the last administration set responsibility by the wayside. They waived PAYGO. It was inconvenient to pay for things, and you couldn't do your tax cut and pay for them. That's why we waived PAYGO, because you wanted to do something that you could not and would not and did not pay for. In fact, a recent New York Times analysis tells us that 90 percent of our deficit can be attributed to Bush administration policies, the extensions of those policies, and the economic crisis that the administration left behind.

But whatever we think brought us to this point, I'm confident that we can agree on a tried and tested plan for a new beginning. It is a simple one; the principle that from here on out, this country will pay for what it buys. It's called pay-as-you-go or PAYGO for short. It was a key part of turning deficits into surpluses once, and it can be a part of that objective again. Essentially, this PAYGO bill requires Congress to find savings, to balance out the dollars it spends so that all new policies that reduce revenues or expand entitlement spending are fully offset over five and 10 years, an improvement over the President's bill.

In 1990, a similar PAYGO rule was enacted as part of a budget agreement between a Republican President and a Democratic Congress. In other words, in a bipartisan agreement, we reached a consensus on paying as we go. What was the result? The result was an administration that, for the first time and only time in the lifetime of anybody in this Chamber, we had 4 years of surplus. Now, it wasn't the President alone. It wasn't Democrats alone, because in 1997, we reached another bipartisan agreement to extend this principle of PAYGO when Speaker Gingrich and President Clinton, which I voted for, reached agreement. And by forcing Congress to make difficult choices between taxes and spending, to scrutinize wasteful subsidies and loopholes, and to fully weigh the real cost of tax cuts, PAYGO was instrumental in creating a projected 10-year surplus of \$5.6 trillion.

□ 1515

That was squandered. The economy that was supposed to grow so well under your economic policies didn't do so. It created less than 2 million jobs, less than 10 percent of what was created during the 1990s. Its repeal in 2002 paved the way for the fiscal excesses of the last administration.

On winning the congressional majority in 2006, as the ranking member has pointed out, Democrats made it part of

the House rules; and today we have the chance to give PAYGO the force of law.

With this law in place, advocates of spending will have to find ways to offset the new costs. That's the discipline. That's the extrinsic constraint. Advocates of tax cuts will no longer be able to finance them with debt. Instead, they will have to tell us which programs they would cut. I make that statement knowing full well that if there's a crisis, if there's an emergency, if there's a war, if there's a Katrina, if there's an economic meltdown, yes, we will waive this, and we will borrow money to try to stem the existing crisis. However, generally speaking, we won't do that.

PAYGO won't make those debates go away and won't make those decisions for us. It means hard choices for all of us and for the citizens whom we represent, but continuing to shun hard choices is the road to fiscal ruin.

Exempted from this bill's PAYGO requirements are extensions of current policy on the alternative minimum tax, estate and middle class income tax cuts passed in 2001 and 2002, and Medicare payments to doctors. As a result, some have criticized this bill for not going far enough; but supporters of PAYGO, including President Obama, see exemption as a crucial concession to political reality and to the votes on your side of the aisle, by the way, who on at least three of those instances don't want to pay for them because they are current policy. You've made that argument over and over and over again. I've disagreed with it, but it is reality.

It is clear that there is bipartisan support in Congress for extending those current policies without offsetting savings. I've told my friend Senator CONRAD that if he sends back from the Senate any one of those four bills paid for, I will fight for them. I will advocate for them being paid for. I hope he can do that.

That gives us two choices. On the one hand, we can pass an all-encompassing bill that is waived again and again, one that turns into what the nonpartisan Center on Budget Priorities calls "a transparently phony fiscal responsibility promise," because we've waived them. I think that's unfortunate, but that's what we do. That's what we have done. A promise, I would add, that would weaken the cause of responsibility as a whole.

On the other hand, we can make a promise we are prepared to keep, and we're prepared to keep that to the extent that the Speaker and I have both indicated we will not put a bill on this floor coming out of conference on health care or any other issue dealing with those four unless statutory PAYGO is in the bill, statutory PAYGO has been passed, or it is paid for. The Speaker and I have both indicated we will not put a bill on this floor coming

out of conference unless one of those three criteria is met.

In other words, we have the choice between a satisfying, but weak, statement of ideals or of action in the real world of politics. This bill takes the latter path. It draws a line before future budget busting plans, this far but no further.

Is that enough? No, Mr. Speaker, it is not nearly enough. Even if this bill is passed and signed, we will still be in our hole. There will still be years of hard work ahead of us. Hopefully, we can do that on a bipartisan basis. Before our heads can be above ground, we need to deal with entitlements further. We need to deal with spending further. We need to make sure that we have vigorous efforts to rid ourselves of waste, fraud and abuse in the Federal Government on spending and other efforts that we can take to put us on the path, again, of fiscal responsibility to once again get back to an era where we had Clinton surpluses and Clinton 216,000 job-per-month creation.

That's where we want to go. Does this bill get us there? It does not. Does this bill take a critical step towards that end? It does.

I urge my colleagues to reject the substitute, to pass this bill, and to put us once again on the road to fiscal responsibility.

I congratulate Mr. SPRATT for his leadership. I want to thank Mr. WELCH and Mr. MILLER, who is one of the early leaders on PAYGO, and Mr. BARON HILL of the Blue Dogs for cosponsoring this, along with literally 180 or more Democrats supporting this important step.

I will tell my friends, I would hope this was bipartisan, but the economic program we adopted in 1993 was not bipartisan either, and it led to the best economy I have seen in my lifetime in this country. The principal reason for that economic well-being in America was the chip, not government, the chip where the information technology age exploded and provided extraordinary revenues for our country.

It is the private sector that drives our economy. It is the private sector that will give us wealth and that creates jobs, not the government; but the government can create policies within which the private sector and particularly venture capitalists can have the confidence that we are managing our finances responsibly. That's what this bill does.

Vote for this important piece of legislation.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPRATT) has 3 minutes remaining. The time of the gentleman from Wisconsin (Mr. RYAN) has expired.

Mr. SPRATT. I would say once again, Mr. Speaker, using the balance of my time, that every Member in voting on this substitute should understand its consequences. Its consequences would

be to undo completely the bill that we're trying to move now that a lot of us believe is a useful measure, useful tool in disciplining our budget. It will be a shame to see us come this far only to falter on a resolution like the substitute offered by the gentleman from Wisconsin. It will not be consistent at all.

And it's interesting to note that while he makes elaborate provisions for limiting spending and limiting deficits, there's no provision whatsoever made for incorporation of the PAYGO rule, which has proved itself in the past to be successful.

So I say vote for the resolution, but vote first against the substitute that is being offered by the gentleman from Wisconsin because, if it is adopted, it will not adapt to, will not fit into the base bill before the House. Instead, it would undo its effectiveness altogether.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. As a general matter, all Members are reminded to direct their remarks to the Chair and not to others in the second person.

Pursuant to House Resolution 665, the previous question is ordered on the bill, as amended, and on the amendment in the nature of a substitute printed in part C of House Report 111-217 offered by the gentleman from Wisconsin (Mr. RYAN).

The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 259, not voting 5, as follows:

[Roll No. 610]

AYES—169

Aderholt
Adler (NJ)
Akin
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan

Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cassidy
Castle
Chaffetz
Clay
Coble
Coffman (CO)
Conaway
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin

Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam

Jones
Jordan (OH)
King (IA)
King (NY)
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)

Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise

Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—259

Abercrombie
Ackerman
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocchieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt

DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur

Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Holt
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey

Oliver	Sánchez, Linda	Sutton
Ortiz	T.	Tanner
Pallone	Sanchez, Loretta	Teague
Pascarell	Sarbanes	Thompson (CA)
Pastor (AZ)	Schakowsky	Tierney
Payne	Schauer	Titus
Perlmutter	Schiff	Tonko
Peters	Schrader	Towns
Peterson	Schwartz	Tsongas
Pingree (ME)	Scott (GA)	Van Hollen
Polis (CO)	Scott (VA)	Velázquez
Pomeroy	Serrano	Visclosky
Price (NC)	Sestak	Walz
Quigley	Shea-Porter	Wasserman
Rahall	Sherman	Schultz
Rangel	Shuler	Waters
Reyes	Simpson	Watson
Richardson	Sires	Watt
Rodriguez	Skelton	Waxman
Ross	Slaughter	Weiner
Rothman (NJ)	Smith (WA)	Welch
Roybal-Allard	Snyder	Wexler
Ruppersberger	Space	Wilson (OH)
Rush	Speier	Woolsey
Ryan (OH)	Spratt	Wu
Salazar	Stark	Yarmuth
	Stupak	

NOT VOTING—5

Conyers	McCarthy (NY)	Thompson (MS)
Kingston	McHugh	

□ 1548

Messrs. LARSON of Connecticut, DRIEHAUS, RANGEL, CARTER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. TITUS, Ms. WOOLSEY, Messrs. YARMUTH, ALEXANDER, ISRAEL and Ms. CLARKE changed their vote from “aye” to “no.”

Messrs. ROSKAM and ROHR-ABACHER changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. RYAN of Wisconsin. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RYAN of Wisconsin. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ryan of Wisconsin moves to recommit the bill H.R. 2920 to the Committee on the Budget with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill add the following new sections:

SEC. 12. EXTENSION OF THE DISCRETIONARY SPENDING CAPS.

(a) IN GENERAL.—Paragraphs (1) through (13) of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended to read as follows:

“(1) with respect to fiscal year 2011 for the discretionary category: \$1,126,000,000,000 in new budget authority and \$1,189,000,000,000 in outlays;

“(2) with respect to fiscal year 2012 for the discretionary category: \$1,150,000,000,000 in new budget authority and \$1,193,000,000,000 in outlays;

“(3) with respect to fiscal year 2013 for the discretionary category: \$1,177,000,000,000 in new budget authority and \$1,220,000,000,000 in outlays;”.

(b) EXPIRATION.—(1) Section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended by striking subsection (b).

(2) Sections 254(c)(2)(A) and (f) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by striking “2002” and inserting “2013”.

SEC. 13. DISCLOSURE OF INTEREST COSTS.

Section 308(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a)(1)) is amended—

(1) in subparagraph (B), by striking “and” after the semicolon;

(2) in subparagraph (C), by striking the period and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) containing a projection by the Congressional Budget Office of the cost of the debt servicing that would be caused by such measure for such fiscal year (or fiscal years) and each of the four ensuing fiscal years.”.

SEC. 14. CBO SCORING OF CONFERENCE REPORTS.

(a) The first sentence of section 402 of the Congressional Budget Act of 1974 is amended as follows:

(1) Insert “or conference report thereon,” before “and submit”.

(2) In paragraph (1), strike “bill or resolution” and insert “bill, joint resolution, or conference report”.

(3) At the end of paragraph (2) strike “and”, at the end of paragraph (3) strike the period and insert “; and”, and after such paragraph (3) add the following new paragraph:

“(4) A determination of whether such bill, joint resolution, or conference report provides direct spending.”.

(4) At the end, add the following new sentence: “The Director shall also prepare such estimates for any bill or resolution of a public character that has not been reported by a committee before it may be considered in the House of Representatives or Senate.”

(b) The second sentence of section 402 of the Congressional Budget Act of 1974 is amended by inserting before the period the following: “, or in the case of a conference report, shall be included in the joint explanatory statement of managers accompanying such conference report if timely submitted before such report is filed”.

Mr. RYAN of Wisconsin (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) is recognized for 5 minutes in support of his motion.

Mr. RYAN of Wisconsin. Mr. Speaker, the Republican motion to recommit adds three germane provisions from the Fiscal Honesty and Accountability Act of 2009, which is the Blue Dog PAYGO bill introduced by Mr. HILL and 53 Democratic cosponsors. It adds this to the underlying bill. This motion to recommit does not strike or amend any provision in the underlying bill. The

three provisions taken verbatim from the House Blue Dog bill and added to the underlying PAYGO bill are: Number one, discretionary caps from FY 2011 through FY 2013 at the very levels the Blue Dogs set out in their bill; number two, a requirement that CBO report the interest costs of legislation; number three, a requirement that CBO score conference reports.

Let me read from the minority views of the Spending Control Act of 2004 presented by then the minority ranking member Mr. SPRATT on behalf of House Democrats with respect to discretionary spending caps: “Democrats believe that a set of discretionary spending caps arrived through bipartisan negotiation is an important part of an effective budget enforcement.”

“If discretionary spending caps are to work effectively, they must be established as part of a bipartisan negotiation that also includes a balanced PAYGO provision encompassing both mandatory spending levels and revenues. This balanced approach worked in the 1990s, and it should serve as a model for efforts to reform the budget process today.”

Well, we agree. We agree that this bill will be far more effective if discretionary spending caps were added to it. So given that this bill was bypassed from committee, we want to offer our colleagues yet one more chance at bipartisan success here. We are saying to those who are here who call themselves Blue Dogs, we want to work with you. You hold the keys. You control the fate of not only this provision, but you will also hold the keys of next week’s provision, which will create a new unfunded liability in health care. Messrs. ADLER, ARCURI, BARROW, BISHOP, BOSWELL, BRIGHT, CARNEY, CHILDERS, COOPER, CUELLAR, DONNELLY, FATTAH, GORDON, Ms. HARMAN, Messrs. HOLDEN, MARSHALL, MCINTYRE, MICHAUD, MITCHELL, MURPHY, PETERSON, ROSS, Ms. SANCHEZ, Messrs. SCOTT, SPACE, TAYLOR, WILSON, ALTMIRE, BACA, BERRY, BOREN, BOYD, CARDOZA, CHANDLER, CONNOLLY, COSTA, DAVIS, ELLSWORTH, Ms. GIFFORDS, Mr. GRIFFITH, Ms. HERSETH-SANDLIN, Messrs. KRATOVIL, MATHESON, MELANCON, MINNICK, MOORE, NYE, POMEROY, SALAZAR, SCHIFF, SHULER, TANNER and THOMPSON.

All we’re asking you to do is to vote for the bill you cosponsored. That’s all this does. Vote for what you’ve cosponsored. Put your votes where your cosponsors are. We can make this bill better. We can make it bipartisan. We will help you deliver the margin of victory. Let’s do this together. Let’s have that vote.

I yield back the balance of my time. Mr. SPRATT. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 5 minutes.

Mr. SPRATT. This resolution is too clever by half. Our colleagues across the aisle have not had some sudden epiphany and decided this bill, after all, was something they could embrace. This is an effort not to push the bill across the finish line, but to kill it before it finally gets passed here from the House. We have worked for months to get statutory PAYGO to the point where we can now put it over the top and put it in the statute books of the United States of America. If we vote for the resolution, if we vote for the motion to recommit, we will put that at jeopardy because this is a procedural device to defeat a bill that they cannot defeat on the substance of the merits of the bill itself. We won the argument on the substantive merits. They want to take it back now by a procedural device. Their aim is to insert in this bill numbers that were inserted and used in a Blue Dog publication that was issued last January, 7 or 8 months ago. The numbers have changed. They're dramatically different from what they are in the conference report, the concurrent resolution we finally adopted.

As I said, we've been through an arduous budget process to determine these details. If we now begin undoing those details, everything will come unraveled, including the bill before us. So I would urge every Member on this side to stick together. We're on the verge of passing it.

I yield to the gentleman from Indiana (Mr. HILL), who is one of the authors of the bill.

Mr. HILL. I want to award an "A" to the Republicans over here for cleverness because this is a very clever thing to do, but it's not the right thing to do based upon what Mr. SPRATT has already talked about. These are old January numbers. This bill is now outdated. The practical thing to do is to do what we were just about to do with Mr. SPRATT in that bill. Now look, we finally are to a point where we can have PAYGO. There has been a very delicate balance to get to where we are right now, including some negotiations with people over in the Senate.

So I urge my colleagues to vote "no" on an outdated motion to recommit and vote "yes" for Mr. SPRATT.

Mr. SPRATT. Mr. Speaker, I yield the balance of my time to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from South Carolina. I rise in opposition to the motion to recommit. This motion is designed, obviously, to kill the bill. Generally speaking, my friends on that side of the aisle don't support the underlying bill. I understand that. It constrains you in cutting taxes because it makes you pay for that, just as it makes us pay for any increases. That's why this is so good, because it affects both sides of the proposition—the spending side and the

revenue side. This constrains all of us. None of us like constraints; but if we don't have constraints, our grandchildren will look to us and say that we did not do a good job.

I want to say to Ed Lorenzen, who has worked with Charlie Stenholm on this proposition for over a decade, thank you for the work that you have done. I want to say to my Blue Dog friends, thank you for your leadership. And I want to say to my progressive friends, who understand the ramifications of spending deficits that adversely affect the most vulnerable in our country, vote against this MTR. Vote for this statutory PAYGO. Let us get back on the road of fiscal responsibility.

Mr. SPRATT. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. RYAN of Wisconsin. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; motions to suspend the rules on H.R. 3119; H. Res. 534; and H.R. 2972.

The vote was taken by electronic device, and there were—ayes 196, noes 234, not voting 3, as follows:

[Roll No. 611]

AYES—196

Aderholt	Capito	Gohmert
Adler (NJ)	Carter	Goodlatte
Akin	Cassidy	Granger
Alexander	Castle	Graves
Austria	Chaffetz	Griffith
Bachmann	Childers	Guthrie
Bachus	Clay	Hall (TX)
Barrett (SC)	Coble	Harper
Bartlett	Coffman (CO)	Hastings (WA)
Barton (TX)	Cole	Heller
Biggert	Conaway	Hensarling
Bilbray	Crenshaw	Herger
Bilirakis	Culberson	Hodes
Bishop (UT)	Davis (KY)	Hoekstra
Blackburn	Deal (GA)	Hunter
Blunt	Dent	Inglis
Boehner	Diaz-Balart, L.	Issa
Bonner	Diaz-Balart, M.	Jenkins
Bono Mack	Dreier	Johnson (IL)
Boozman	Duncan	Johnson, Sam
Boustany	Ehlers	Jones
Brady (TX)	Emerson	Jordan (OH)
Broun (GA)	Fallin	King (IA)
Brown (SC)	Flake	King (NY)
Brown-Waite,	Fleming	Kingston
Ginny	Forbes	Kirk
Buchanan	Fortenberry	Kirkpatrick (AZ)
Burgess	Foster	Kline (MN)
Burton (IN)	Fox	Kosmas
Buyer	Franks (AZ)	Lamborn
Calvert	Frelinghuysen	Lance
Camp	Gallegly	Latham
Campbell	Garrett (NJ)	LaTourette
Cantor	Gerlach	Latta
Cao	Gingrey (GA)	Lee (NY)

Lewis (CA)	Neugebauer	Sensenbrenner
Linder	Nunes	Sessions
LoBiondo	Nye	Shadegg
Lucas	Olson	Shimkus
Luetkemeyer	Paul	Shuster
Lummis	Paulsen	Simpson
Lungren, Daniel	Pence	Smith (NE)
E.	Perriello	Smith (NJ)
Mack	Peters	Smith (TX)
Maffei	Petri	Souder
Manzullo	Pitts	Stearns
Marchant	Platts	Sullivan
Matheson	Poe (TX)	Taylor
McCarthy (CA)	Posey	Teague
McCaul	Price (GA)	Terry
McClintock	Putnam	Thompson (PA)
McCotter	Radanovich	Thornberry
McHenry	Rehberg	Tiahrt
McKeon	Reichert	Tiberi
McMahon	Roe (TN)	Turner
McMorris	Rogers (AL)	Upton
Rodgers	Rogers (KY)	Walden
Mica	Rogers (MI)	Wamp
Michaud	Rohrabacher	Westmoreland
Miller (FL)	Rooney	Whitfield
Miller (MI)	Ros-Lehtinen	Wilson (SC)
Miller, Gary	Roskam	Wittman
Mitchell	Royce	Wolf
Moran (KS)	Ryan (WI)	Young (AK)
Murphy (NY)	Scalise	Young (FL)
Murphy, Tim	Schmidt	
Myrick	Schock	

NOES—234

Abercrombie	Donnelly (IN)	Larson (CT)
Ackerman	Doyle	Lee (CA)
Altmire	Driehaus	Levin
Andrews	Edwards (MD)	Lewis (GA)
Arcuri	Edwards (TX)	Lipinski
Baca	Ellison	Loeb sack
Baird	Ellsworth	Lofgren, Zoe
Baldwin	Engel	Lowe
Barrow	Eshoo	Lujan
Bean	Etheridge	Lynch
Becerra	Farr	Maloney
Berkley	Fattah	Markey (CO)
Berman	Filner	Markey (MA)
Berry	Frank (MA)	Marshall
Bishop (GA)	Fudge	Massa
Bishop (NY)	Giffords	Matsui
Blumenauer	Gonzalez	McCollum
Bocciari	Gordon (TN)	McDermott
Boren	Grayson	McGovern
Boswell	Green, Al	McIntyre
Boucher	Green, Gene	McNerney
Boyd	Grijalva	Meek (FL)
Brady (PA)	Gutierrez	Meeks (NY)
Braley (IA)	Hall (NY)	Melancon
Bright	Halvorson	Miller (NC)
Brown, Corrine	Hare	Miller, George
Butterfield	Harman	Minnick
Capps	Hastings (FL)	Mollohan
Capuano	Heinrich	Moore (KS)
Cardoza	Herseht Sandlin	Moore (WI)
Carnahan	Higgins	Moran (VA)
Carney	Hill	Murphy (CT)
Carson (IN)	Himes	Murphy, Patrick
Castor (FL)	Hinchey	Murtha
Chandler	Hinojosa	Nadler (NY)
Chu	Hiron	Napolitano
Clarke	Holden	Neal (MA)
Cleaver	Holt	Oberstar
Clyburn	Honda	Obey
Cohen	Hoyer	Olver
Connolly (VA)	Inslee	Ortiz
Conyers	Israel	Pallone
Cooper	Jackson (IL)	Pascarell
Costa	Jackson-Lee	Pastor (AZ)
Costello	(TX)	Payne
Courtney	Johnson (GA)	Perlmutter
Crowley	Johnson, E. B.	Peterson
Cuellar	Kagen	Pingree (ME)
Cummings	Kanjorski	Polis (CO)
Dahlkemper	Kaptur	Pomeroy
Davis (AL)	Kennedy	Price (NC)
Davis (CA)	Kildee	Quigley
Davis (IL)	Kilpatrick (MI)	Rahall
Davis (TN)	Kilroy	Rangel
DeFazio	Kind	Reyes
DeGette	Kissell	Richardson
Delahunt	Klein (FL)	Rodriguez
DeLauro	Kratovil	Ross
Dicks	Kucinich	Rothman (NJ)
Dingell	Langevin	Roybal-Allard
Doggett	Larsen (WA)	Ruppersberger

Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman

Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Tierney
Titus
Tonko
Towns

Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—3

McCarthy (NY) McHugh Thompson (MS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remaining in this vote.

□ 1619

Mr. JOHNSON of Georgia changed his vote from “aye” to “no.”

Mrs. KIRKPATRICK of Arizona, Messrs. MURPHY of New York and NYE changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 265, noes 166, not voting 3, as follows:

[Roll No. 612]

AYES—265

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Butterfield
Capps

Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro

Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Gutierrez
Hall (NY)
Hall (TX)
Halvorson

Hare
Harman
Hastings (FL)
Heinrich
Herseht Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowe
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter

McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Payne
Pelosi
Perlmutter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar

Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Napolitano
Spratt
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Watson
Watt
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—166

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Guthrie
Harper
Hastings (WA)
Heller

Clay
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Grijalva
Guthrie
Harper
Hastings (WA)
Heller

Hensarling
Herger
Hinchey
Hoekstra
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)

Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg

Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Stupak
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Walden
Wamp
Waters
Weiner
Westmoreland
Wilson (SC)
Wittman
Young (AK)

NOT VOTING—3

McCarthy (NY) McHugh Thompson (MS)

□ 1627

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LIM POON LEE POST OFFICE

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3119, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3119.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 613]

YEAS—426

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner

Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)

Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.

Diaz-Balart, M.	Kind	Ortiz	Thompson (PA)	Velázquez	Westmoreland	Cuellar	Jackson (IL)	Moran (VA)
Dicks	King (IA)	Pallone	Thornberry	Visclosky	Wexler	Culberson	Jackson-Lee	Murphy (CT)
Dingell	King (NY)	Pascarell	Tiahrt	Walden	Whitfield	Cummings	(TX)	Murphy (NY)
Doggett	Kingston	Pastor (AZ)	Tiberi	Walz	Wilson (OH)	Dahlkemper	Jenkins	Murphy, Patrick
Donnelly (IN)	Kirk	Paul	Tierney	Wamp	Wilson (SC)	Davis (AL)	Johnson (GA)	Murphy, Tim
Doyle	Kirkpatrick (AZ)	Paulsen	Titus	Wasserman	Wittman	Davis (CA)	Johnson (IL)	Murtha
Dreier	Kissell	Payne	Tonko	Schultz	Wolf	Davis (IL)	Johnson, E. B.	Myrick
Driehaus	Klein (FL)	Pelosi	Towns	Waters	Woolsey	Davis (KY)	Johnson, Sam	Nadler (NY)
Duncan	Kline (MN)	Pence	Tsongas	Watson	Wu	Davis (TN)	Jones	Napolitano
Edwards (MD)	Kosmas	Perlmutter	Turner	Watt	Yarmuth	Deal (GA)	Jordan (OH)	Neal (MA)
Edwards (TX)	Kratovil	Perriello	Upton	Weiner	Young (AK)	DeFazio	Kagen	Neugebauer
Ehlers	Kucinich	Peters	Van Hollen	Welch	Young (FL)	DeGette	Kanjorski	Nunes
Ellison	Lamborn	Peterson				Delahunt	Kennedy	Nye
Ellsworth	Lance	Petri				DeLauro	Kildee	Oberstar
Emerson	Langevin	Pingree (ME)	Buchanan	Markey (CO)	Thompson (MS)	Dent	Kilpatrick (MI)	Obey
Engel	Larsen (WA)	Pitts	Cleaver	McCarthy (NY)	Waxman	Diaz-Balart, L.	Kilroy	Olson
Eshoo	Larson (CT)	Platts	Gordon (TN)	Schakowsky		Diaz-Balart, M.	Kind	Oliver
Etheridge	Latham	Poe (TX)				Dicks	King (IA)	Ortiz
Fallin	LaTourette	Polis (CO)				Dingell	King (NY)	Pallone
Farr	Latta	Pomeroy				Doggett	Kingston	Pascarell
Fattah	Lee (CA)	Posey				Donnelly (IN)	Kirk	Pastor (AZ)
Filner	Lee (NY)	Price (GA)				Doyle	Kirkpatrick (AZ)	Paul
Flake	Levin	Price (NC)				Dreier	Kissell	Paulsen
Fleming	Lewis (CA)	Putnam				Driehaus	Klein (FL)	Payne
Forbes	Lewis (GA)	Quigley				Duncan	Kline (MN)	Pence
Fortenberry	Linder	Radanovich				Edwards (MD)	Kosmas	Perlmutter
Foster	Lipinski	Rahall				Edwards (TX)	Kratovil	Perriello
Fox	LoBiondo	Rangel				Ehlers	Kucinich	Peters
Frank (MA)	Loebach	Rehberg				Ellison	Lamborn	Peterson
Franks (AZ)	Lofgren, Zoe	Reichert				Ellsworth	Lance	Petri
Frelinghuysen	Lowe	Reyes				Emerson	Langevin	Pingree (ME)
Fudge	Lucas	Richardson				Engel	Larsen (WA)	Pitts
Gallegly	Luetkemeyer	Rodriguez				Eshoo	Larson (CT)	Platts
Garrett (NJ)	Lujan	Roe (TN)				Etheridge	Latham	Poe (TX)
Gerlach	Lummis	Rogers (AL)				Fallin	LaTourette	Polis (CO)
Giffords	Lungren, Daniel	Rogers (KY)				Farr	Latta	Pomeroy
Gingrey (GA)	E.	Rogers (MI)				Fattah	Lee (CA)	Posey
Gohmert	Lynch	Rohrabacher				Filner	Lee (NY)	Price (GA)
Gonzalez	Mack	Rooney				Flake	Levin	Price (NC)
Goodlatte	Maffei	Ros-Lehtinen				Fleming	Lewis (CA)	Putnam
Granger	Maloney	Ross				Forbes	Lewis (GA)	Quigley
Graves	Manzullo	Rothman (NJ)				Fortenberry	Linder	Radanovich
Grayson	Marchant	Roybal-Allard				Foster	Lipinski	Rahall
Green, Al	Markey (MA)	Royce				Fox	LoBiondo	Rangel
Green, Gene	Marshall	Ruppersberger				Frank (MA)	Loebach	Rehberg
Griffith	Massa	Rush				Franks (AZ)	Lofgren, Zoe	Reichert
Grijalva	Matheson	Ryan (OH)				Frelinghuysen	Lowe	Reyes
Guthrie	Matsui	Ryan (WI)				Fudge	Lucas	Richardson
Gutierrez	McCarthy (CA)	Salazar				Gallegly	Luetkemeyer	Rodriguez
Hall (NY)	McCaul	Sánchez, Linda				Garrett (NJ)	Lujan	Roe (TN)
Hall (TX)	McClintock	T.				Gerlach	Lummis	Rogers (AL)
Halvorson	McCollum	Sanchez, Loretta				Giffords	Lungren, Daniel	Rogers (KY)
Hare	McCotter	Sarbanes				Gingrey (GA)	E.	Rogers (MI)
Harman	McDermott	Scalise				Gohmert	Lynch	Rohrabacher
Harper	McGovern	Schauer				Gonzalez	Mack	Rooney
Hastings (FL)	McHenry	Schiff				Goodlatte	Maffei	Ros-Lehtinen
Hastings (WA)	McHugh	Schmidt				Gordon (TN)	Maloney	Roskam
Heinrich	McIntyre	Schock				Granger	Manzullo	Ross
Heller	McKeon	Schrader				Graves	Marchant	Rothman (NJ)
Hensarling	McMahon	Schwartz				Grayson	Markey (CO)	Roybal-Allard
Herger	McMorris	Scott (GA)				Green, Al	Markey (MA)	Royce
Herseth Sandlin	Rodgers	Scott (VA)				Green, Gene	Marshall	Ruppersberger
Higgins	McNerney	Sensenbrenner				Griffith	Rush	Rush
Hill	Meek (FL)	Serrano				Grijalva	Matheson	Ryan (OH)
Himes	Meeks (NY)	Sessions				Guthrie	Matsui	Ryan (WI)
Hinche	Melancon	Sestak				Gutierrez	McCarthy (CA)	Salazar
Hinojosa	Mica	Shade				Hall (NY)	McCaul	Sánchez, Linda
Hirono	Michaud	Shade				Hall (TX)	McClintock	T.
Hodes	Miller (FL)	Shea-Porter				Halvorson	McCollum	Sanchez, Loretta
Hoekstra	Miller (MI)	Sherman				Hare	McCotter	Sarbanes
Holden	Miller (NC)	Shimkus				Harman	McDermott	Scalise
Holt	Miller, Gary	Shuler				Harper	McGovern	Schakowsky
Honda	Miller, George	Shuster				Hastings (FL)	McHenry	Schauer
Hoyer	Minnick	Simpson				Hastings (WA)	McHugh	Schiff
Hunter	Mitchell	Sires				Heinrich	McIntyre	Schmidt
Inglis	Mollohan	Skelton				Heller	McKeon	Schock
Inslie	Moore (KS)	Slaughter				Hensarling	McMahon	Schrader
Israel	Moore (WI)	Smith (NE)				Herger	McMorris	Schwartz
Issa	Moran (KS)	Smith (NJ)				Herseth Sandlin	Rodgers	Scott (GA)
Jackson (IL)	Moran (VA)	Smith (TX)				Higgins	McNerney	Scott (VA)
Jackson-Lee	Murphy (CT)	Smith (WA)				Hill	Meek (FL)	Sensenbrenner
(TX)	Murphy (NY)	Snyder				Himes	Meeks (NY)	Serrano
Jenkins	Murphy, Patrick	Souder				Hinche	Melancon	Sessions
Johnson (GA)	Murphy, Tim	Space				Hinojosa	Mica	Sestak
Johnson (IL)	Murtha	Speier				Hirono	Michaud	Shade
Johnson, E. B.	Myrick	Spratt				Hodes	Miller (FL)	Shea-Porter
Johnson, Sam	Nadler (NY)	Stark				Hoekstra	Miller (MI)	Sherman
Jones	Napolitano	Stearns				Holden	Miller (NC)	Shimkus
Jordan (OH)	Neal (MA)	Stupak				Holt	Miller, Gary	Shuler
Kagen	Neugebauer	Sullivan				Honda	Miller, George	Shuster
Kanjorski	Nunes	Sutton				Hoyer	Minnick	Simpson
Kaptur	Nye	Tanner				Hunter	Mitchell	Sires
Kennedy	Oberstar	Taylor				Inglis	Mollohan	Skelton
Kildee	Obey	Teague				Inslie	Moore (KS)	Slaughter
Kilpatrick (MI)	Olson	Terry				Israel	Moore (WI)	Smith (NE)
Kilroy	Oliver	Thompson (CA)				Issa	Moran (KS)	Smith (NJ)

NOT VOTING—8

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. POLIS) (during the vote). Two minutes remain on this vote.

□ 1634

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL CHILDREN AND FAMILIES DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 534, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 534.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 429, nays 0, not voting 4, as follows:

[Roll No. 614]
YEAS—429

Abercrombie	Blumenauer	Capps
Ackerman	Blunt	Capuano
Aderholt	Boccheri	Cardoza
Adler (NJ)	Boehner	Carnahan
Akin	Bonner	Carney
Alexander	Bono Mack	Carson (IN)
Altmire	Boozman	Carter
Andrews	Boren	Cassidy
Arcuri	Boswell	Castle
Austria	Boucher	Castor (FL)
Baca	Boustany	Chaffetz
Bachmann	Boyd	Chandler
Bachus	Brady (PA)	Childers
Baird	Brady (TX)	Chu
Baldwin	Braley (IA)	Clarke
Barrett (SC)	Bright	Clay
Barrow	Brown (GA)	Cleaver
Bartlett	Brown (SC)	Clyburn
Barton (TX)	Brown, Corrine	Coble
Bean	Brown-Waite,	Coffman (CO)
Becerra	Ginny	Cohen
Berkley	Burgess	Cole
Berman	Burton (IN)	Conaway
Berry	Butterfield	Connolly (VA)
Biggett	Buyer	Conyers
Bilbray	Calvert	Cooper
Bilirakis	Camp	Costa
Bishop (GA)	Campbell	Costello
Bishop (NY)	Cantor	Courtney
Bishop (UT)	Cao	Crenshaw
Blackburn	Capito	Crowley

Smith (TX)	Thornberry	Waters	Cooper	Inglis	Mitchell	Sires	Terry	Waters
Smith (WA)	Tiahrt	Watson	Costa	Inslee	Mollohan	Skelton	Thompson (CA)	Watson
Snyder	Tiberi	Watt	Costello	Israel	Moore (KS)	Slaughter	Thompson (PA)	Watt
Souder	Tierney	Waxman	Courtney	Issa	Moore (WI)	Smith (NE)	Thornberry	Waxman
Space	Titus	Weiner	Crenshaw	Jackson (IL)	Moran (KS)	Smith (NJ)	Tiahrt	Weiner
Speier	Tonko	Welch	Crowley	Jackson-Lee	Moran (VA)	Smith (TX)	Tiberi	Welch
Spratt	Towns	Westmoreland	Cuellar	(TX)	Murphy (CT)	Smith (WA)	Tierney	Westmoreland
Stark	Tsongas	Wexler	Culberson	Jenkins	Murphy (NY)	Snyder	Titus	Wexler
Stearns	Turner	Whitfield	Cummings	Johnson (GA)	Murphy, Patrick	Souder	Tonko	Whitfield
Stupak	Upton	Wilson (OH)	Dahlkemper	Johnson (IL)	Murphy, Tim	Space	Towns	Wilson (OH)
Sullivan	Van Hollen	Wilson (SC)	Davis (AL)	Johnson, E. B.	Murtha	Speier	Turner	Wilson (SC)
Sutton	Velázquez	Wittman	Davis (CA)	Johnson, Sam	Myrick	Spratt	Upton	Wittman
Tanner	Visclosky	Wolf	Davis (IL)	Jones	Nadler (NY)	Stark	Van Hollen	Wolf
Taylor	Walden	Woolsey	Davis (KY)	Jordan (OH)	Napolitano	Stearns	Velázquez	Woolsey
Teague	Walz	Wu	Davis (TN)	Kagen	Neal (MA)	Stupak	Visclosky	Wu
Terry	Wamp	Yarmuth	Deal (GA)	Kanjorski	Neugebauer	Sullivan	Walden	Yarmuth
Thompson (CA)	Wasserman	Young (AK)	DeFazio	Kaptur	Nunes	Sutton	Walz	Young (AK)
Thompson (PA)	Schultz	Young (FL)	DeGette	Kennedy	Nye	Tanner	Wamp	Young (FL)
			DeLauro	Kildee	Oberstar	Taylor	Wasserman	
			Dent	Kilpatrick (MI)	Obey	Teague	Schultz	
			Diaz-Balart, L.	Kilroy	Olson			
			Diaz-Balart, M.	Kind	Olver			
			Dingell	King (IA)	Ortiz			
			Doggett	King (NY)	Pallone			
			Donnelly (IN)	Kingston	Pascrell			
			Doyle	Kirk	Pastor (AZ)			
			Dreier	Kirkpatrick (AZ)	Paul			
			Driehaus	Kissell	Paulsen			
			Duncan	Klein (FL)	Payne			
			Edwards (MD)	Kline (MN)	Pence			
			Edwards (TX)	Kosmas	Perlmutter			
			Ehlers	Kratovil	Perriello			
			Ellison	Kucinich	Peters			
			Ellsworth	Lamborn	Peterson			
			Emerson	Lance	Petri			
			Engel	Langevin	Pingree (ME)			
			Eshoo	Larsen (WA)	Pitts			
			Etheridge	Larson (CT)	Platts			
			Fallin	Latham	Poe (TX)			
			Farr	LaTourette	Polis (CO)			
			Fattah	Latta	Pomeroy			
			Filner	Lee (CA)	Posey			
			Flake	Lee (NY)	Price (GA)			
			Fleming	Levin	Price (NC)			
			Forbes	Lewis (CA)	Putnam			
			Fortenberry	Lewis (GA)	Quigley			
			Foster	Linder	Radanovich			
			Fox	Lipinski	Rahall			
			Frank (MA)	LoBiondo	Rangel			
			Franks (AZ)	Loeb	Rehberg			
			Frelinghuysen	Loeb	Reichert			
			Fudge	Lofgren, Zoe	Reyes			
			Gallegly	Lowey	Richardson			
			Garrett (NJ)	Lucas	Rodriguez			
			Gerlach	Luetkemeyer	Roe (TN)			
			Giffords	Lujan	Rogers (AL)			
			Gingrey (GA)	Lummis	Rogers (KY)			
			Gohmert	Lungren, Daniel	Rogers (MI)			
			Gonzalez	E.	Rohrabacher			
			Goodlatte	Lynch	Rooney			
			Gordon (TN)	Mack	Ros-Lehtinen			
			Graves	Maffei	Roskam			
			Grayson	Maloney	Ross			
			Green, Al	Manzullo	Rothman (NJ)			
			Green, Gene	Marchant	Roybal-Allard			
			Griffith	Markey (CO)	Royce			
			Grijalva	Markey (MA)	Ruppersberger			
			Guthrie	Marshall	Rush			
			Gutierrez	Massa	Ryan (OH)			
			Hall (NY)	Matheson	Ryan (WI)			
			Hall (TX)	Matsui	Salazar			
			Halvorson	McCarthy (CA)	Sánchez, Linda			
			Hare	McCaul	T.			
			Harman	McClintock	Sanchez, Loretta			
			Harper	McCollum	Sarbanes			
			Hastings (FL)	McCotter	Scalise			
			Hastings (WA)	McDermott	Schakowsky			
			Heinrich	McGovern	Schauer			
			Heller	McHenry	Schiff			
			Hensarling	McHugh	Schmidt			
			Herger	McIntyre	Schock			
			Herseth Sandlin	McKeon	Schrader			
			Higgins	McMahon	Schwartz			
			Hill	McMorris	Scott (GA)			
			Himes	Rodgers	Scott (VA)			
			Hinchee	McNerney	Sensenbrenner			
			Hinojosa	Meek (FL)	Serrano			
			Hirono	Meeks (NY)	Sessions			
			Hodes	Melancon	Sestak			
			Hoekstra	Mica	Shadegg			
			Holden	Michaud	Shea-Porter			
			Holt	Miller (FL)	Sherman			
			Hoyer	Miller (MI)	Shimkus			
			Hunter	Miller (NC)	Shuler			
				Miller, Gary	Shuster			
				Miller, George	Simpson			
				Minnick				

NOT VOTING—4

Buchanan McCarthy (NY)
Kaptur Thompson (MS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on the vote.

□ 1642

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONRAD DEROUEN, JR. POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2972, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2972.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 615]

YEAS—424

Abercrombie	Bishop (UT)	Camp
Ackerman	Blackburn	Campbell
Aderholt	Blumenauer	Cantor
Adler (NJ)	Blunt	Cao
Akin	Boccieri	Capito
Alexander	Boehner	Capps
Altmire	Bonner	Capuano
Andrews	Bono Mack	Cardoza
Austria	Boozman	Carnahan
Baca	Boren	Carney
Bachmann	Boswell	Carson (IN)
Bachus	Boucher	Castle
Baird	Boustany	Castor (FL)
Baldwin	Boyd	Chaffetz
Barrett (SC)	Brady (PA)	Chandler
Barrow	Brady (TX)	Childers
Bartlett	Braley (IA)	Chu
Barton (TX)	Bright	Clarke
Bean	Broun (GA)	Clay
Becerra	Brown (SC)	Cleaver
Berkley	Brown, Corrine	Clyburn
Berman	Brown-Waite,	Coble
Berry	Ginny	Coffman (CO)
Biggert	Burgess	Cohen
Bilbray	Burton (IN)	Cole
Bilirakis	Butterfield	Conaway
Bishop (GA)	Buyer	Connolly (VA)
Bishop (NY)	Calvert	Conyers

NOT VOTING—9

Arcuri Cassidy McCarthy (NY)
Buchanan Granger Thompson (MS)
Carter Honda Tsongas

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1648

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. OLIVER, from the Committee on Appropriations (during consideration of H.R. 2920), submitted a privileged report (Rept. No. 111-218) on the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

HONORING OSCE MEDITERRANEAN PARTNERS FOR COOPERATION

Mr. KLEIN of Florida. Mr. Speaker, I move to suspend the rules and agree to

the resolution (H. Res. 654) honoring the Organization for Security and Cooperation in Europe Mediterranean Partners for Cooperation, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 654

Whereas the 1975 Helsinki Final Act and subsequent agreements and the work of the Organization for Security and Cooperation in Europe (OSCE), as well as its Parliamentary Assembly and affiliated institutions, encompass what is referred to as the Helsinki Process;

Whereas the 1975 Helsinki Final Act included a specific section on "Questions relating to Security and Cooperation in the Mediterranean" in recognition of the interrelationship between security in Europe and security in the Mediterranean region;

Whereas the long-standing relationship between the participating states of the Organization for Security and Cooperation in Europe and the Mediterranean Partners for Cooperation, currently Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia, dates back to the origins of the Helsinki Process and is rooted in the important geographical, historical, cultural, economic, and political links between them and the states of the Mediterranean region;

Whereas the OSCE participating states have declared their intention to promote the development of cooperative relations with the Mediterranean Partners and to encourage the development of mutually beneficial cooperation in various fields of economic activity and have sought to increase mutual confidence so as to promote security and stability in the Mediterranean region as a whole;

Whereas, since its establishment by the 1990 Charter of Paris, the Parliamentary Assembly of the OSCE has called for enhanced engagement with the Mediterranean Partners for Cooperation and their constituent assemblies in the pursuit of improved economic cooperation, and security and stability in the Mediterranean region;

Whereas in the 1992 Helsinki Document, the leaders of the OSCE participating states committed to widening cooperation and increasing dialogue with the Mediterranean Partners as a means to promote social and economic development in order to narrow the prosperity gap between Europe and its Mediterranean neighbors and to protect the Mediterranean ecosystems;

Whereas in the 1999 Istanbul Document, the OSCE participating states encouraged the Mediterranean Partners for Cooperation to draw on the expertise of the participating states in setting up structures and mechanisms in the Mediterranean region for early warning, preventive diplomacy, and conflict prevention;

Whereas the 2003 Maastricht Ministerial recognized that threats originating or evolving in adjacent regions are of increasing importance, and therefore the OSCE will intensify its cooperation with its Mediterranean and Asian Partners for Cooperation, and also encouraged the Partners for Cooperation to embrace the principles and commitments of the OSCE;

Whereas the Mediterranean Partners for Cooperation participate as observers in the annual meetings of the OSCE Ministerial Council as well as the regular meetings of

the OSCE Permanent Council and Forum for Security Cooperation;

Whereas, the Mediterranean Partners for Cooperation actively participate in the work of the Contact Group within the Permanent Council, as well as OSCE yearly events, including the Annual Security Review Conference, the Economic Forum, the Human Dimension Implementation Meeting, and the Annual, Fall and Winter Sessions of the OSCE Parliamentary Assembly;

Whereas since 1995, the OSCE and the Mediterranean Partners for Cooperation have organized annual Mediterranean Conferences to provide the opportunity for the OSCE participating states and the Mediterranean Partners to exchange views on matters of mutual interest and to strengthen their cooperative relationship;

Whereas in 2001, the President of the OSCE Parliamentary Assembly appointed the first Special Representative on Mediterranean Affairs, Mr. Michel Voisin of France, in order to enhance engagement of members of parliament from the 56 participating states of the OSCE with members of parliament from the Mediterranean Partner states;

Whereas since 2001, successive OSCE Parliamentary Assembly Special Representatives on Mediterranean Affairs have been appointed by former Assembly Presidents, Mr. Bruce George of the United Kingdom, and Mr. Goran Lennmarker of Sweden, as well as by current President, Mr. Joao Soares of Portugal, reaffirming the OSCE Parliamentary Assembly's commitment to the Mediterranean Partners for Cooperation;

Whereas, under the leadership of then-President of the OSCE Parliamentary Assembly, Mr. Bruce George of the United Kingdom, the Parliamentary Assembly convened its first conference dedicated to ensuring peace, democracy, and prosperity in the region of the Mediterranean in Madrid in 2002; and

Whereas the OSCE Parliamentary Assembly has convened Mediterranean Seminars at its fall meetings since 2003, with the active participation of members of parliament representing the Mediterranean Partners for Cooperation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the People's Democratic Republic of Algeria, the Arab Republic of Egypt, the State of Israel, the Hashemite Kingdom of Jordan, the Kingdom of Morocco, and the Tunisian Republic for their participation in the Organization for Security and Cooperation in Europe (OSCE) as Mediterranean Partners for Cooperation;

(2) welcomes the representatives of the OSCE Mediterranean Partners for Cooperation to Washington, DC, on the occasion of the Commission on Security and Cooperation in Europe Seminar on OSCE Mediterranean Partner Engagement, July 22-23, 2009;

(3) encourages the OSCE to re-evaluate its past practices and ongoing activities in the Mediterranean dimension in order to further empower the OSCE Mediterranean Partners for Cooperation in the work of the OSCE, and to support the Partners' leadership on matters which impact their citizens, their governments, and the region; and

(4) encourages the OSCE Mediterranean Partners for Cooperation to continue to work with the OSCE participating states to enhance trade, economic development, security, and stability in the Mediterranean region, and to embrace existing OSCE commitments, including those in the Human Dimension.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KLEIN of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 654, which honors the Organization For Security and Cooperation in Europe for its cooperation with Mediterranean partners. I wish to thank my good friend from Florida (Mr. HASTINGS) for introducing this resolution. I would also like to commend him for his excellent leadership for many years in the Helsinki Commission, both as past President of the Parliamentary Assembly, and as the current Special Representative on Mediterranean Affairs. The important relationship between the OSCE and its Mediterranean Partners dates back to the founding of the organization in 1975. The Helsinki Final Act rightly recognized the connection between European and Mediterranean security, as well as the deeply rooted geographical, historical, cultural, economic and political ties between the states in this region. In particular, Algeria, Egypt, Israel, Jordan, Morocco and Tunisia have been active partners in this OSCE partnership.

Since the OSCE Parliamentary Assembly was established in 1990, it has called for enhanced collaboration between Members of Parliament from the participating states of the OSCE and Mediterranean legislators in order to promote regional stability and economic cooperation. The House of Representatives is pleased to welcome the representatives of the OSCE Mediterranean Partners for Cooperation to Washington, D.C. later this week for a seminar on further strengthening ties between OSCE and this region.

In addition to the European Union's Euro-Mediterranean partnership and NATO's Mediterranean dialogue, this OSCE initiative provides another valuable forum in which Israel and its Arab neighbors can discuss issues of common regional concern, both formally and informally. It also gives these Mediterranean and Middle Eastern states an opportunity to learn firsthand about neighboring Europe's ongoing security needs and to benefit, through example, from Europe's hard-won success in establishing viable security structures,

looking to the day when a peaceful Middle East will perhaps want to establish its own OSCE-like security architecture.

In closing, Mr. Speaker, I wish to commend the OSCE for its efforts to engage more closely with the Mediterranean region and to encourage the Partners for Cooperation to further their efforts to enhance trade, security and economic development. I strongly support this resolution and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this resolution, which highlights the efforts of the Organization for Security and Cooperation in Europe and its Mediterranean Partners for Cooperation. Twenty years ago the OSCE and its Mediterranean Partners for Cooperation recognized that, in an increasingly globalized world, the security challenges confronting them in their respective regions were increasingly linked. As a result, they agreed to formalize a diplomatic mechanism to facilitate closer cooperation on a range of issues, including the development of a model strategy to address 21st century security threats and improve stability in the Mediterranean region. The efforts toward this cooperation have already borne fruit, with the Partnership addressing issues such as migration and integration and exchanging information on "best practices" in order to develop strategies which reduce feelings of exclusion and estrangement among immigrant populations which, as we've all seen, can contain the potential to motivate some individuals to embrace extremist ideologies.

I note that representatives of the OSCE and its Mediterranean Partners will meet in Washington this week to discuss further expansion of relations and to hold a dialogue on shared concerns. Dialogue on these complex but critical issues is a meaningful way to enhance the stability and economic growth of both the OSCE member-states and the countries of the Mediterranean region. I support the resolution which underlines the worthy endeavors being undertaken by the OSCE and its Mediterranean Partners for Cooperation.

I reserve the balance of my time.

Mr. KLEIN of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Florida. There are two distinguished gentlemen from Florida, the manager of this particular legislation, H. Res. 654, and my dear friend who has been leading the Organization for Security and Cooperation for a number of years.

I rise to support this resolution in honor of the efforts by the Organiza-

tion for Security and Cooperation in Europe Mediterranean Partners for Cooperation because I believe, as a member of the Foreign Affairs Committee, the efforts of collaboration that we have addressing the questions of peace and security are crucial.

I'd like to acknowledge some of the aspects of the OSCE's work. The 1999 Istanbul document, the OSCE participating states encourage the Mediterranean Partners for Cooperation to draw on the expertise of the participating states in setting up structures and mechanisms in the Mediterranean region. As well, you can also believe or manage to see that the OSCE provides the kind of bridge of cooperation that is very, very important. We welcome the representatives of OSCE that are here. I want to thank Mr. HASTINGS for his great leadership in this effort.

Mr. POE of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of the resolution today which honors the OSCE's Mediterranean Partners of Israel, Egypt, Jordan, Morocco, Tunisia and Algeria. And I do want to express deepest respect and gratitude to ALCEE HASTINGS for his groundbreaking work with each of those six partners. Mr. HASTINGS is the former President of the Parliamentary Assembly, and now serves as Special Representative on Mediterranean Affairs, and is trying to bring the Helsinki process, the three baskets of the Helsinki Final Act, which emphasize economic issues, human rights issues and security issues and, really, to bring that good, positive process that has worked wonders over the years in election reform. Mr. HASTINGS has observed—how many is it now, ALCEE?

Mr. HASTINGS of Florida. Eleven.

Mr. SMITH of New Jersey. Eleven different elections overseas, usually as the head of the delegation. And we're trying to inculcate those kind of values and to say to our partners, learn from the Helsinki process. It works. It has yielded tremendous results and progress in the area of human rights. And so I want to, again, thank him for his work and again for this resolution.

I'd also like to welcome the President of the Parliamentary Assembly, Joao Soares, as well as Goran Lenmarker, who is the immediate past President of the Parliamentary Assembly; Jerry Grafstein, our good friend from Canada, who's also here, who has done yeoman's work again.

Everybody knows about NATO, Mr. Speaker. They don't necessarily, at least in the United States, know about the good work that the OSCE has done all these years. The Parliamentary Assembly was formed in the early 1990s to be, really, the voice of Members of Parliament and Congresses around the 56

countries that make up the OSCE. And we have really become friends. I was Chairman of the Helsinki Commission for 12 years. I've been on it since my second term in 1983, and now serve as ranking member. And Mr. HASTINGS and BEN CARDIN are serving as co-chairs. This is a remarkable organization that, again, far too few people know the contributions that it makes, particularly in the area of human rights.

So again, I want to thank Mr. HASTINGS and wish him great success with the conference that's underway, but especially for the hard work and very under-appreciated work in reaching out to those partners in the Mediterranean to say, learn from the OSCE and maybe even provides some insights also as to how we can improve our work as well.

Mr. POE of Texas. Mr. Speaker, I ask unanimous consent that Mr. SMITH from New Jersey may manage the rest of this resolution and the remainder of the Foreign Affairs resolutions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POE of Texas. I reserve the balance of my time.

Mr. KLEIN of Florida. Mr. Speaker, I yield 4 minutes to the sponsor of the bill, the gentleman and my good friend from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my good friend and geographic soul mate. Our districts abut each other in South Florida. And I am especially grateful to my good friend from New Jersey for his kind remarks regarding not only the OSCE, but his compliment to me and the work that I've done that could not have been done but for the extraordinary work that he and others that are Members of the CSCE referred to as the Helsinki Commission here in Washington undertake. CHRIS has been the Special Representative on a subject of vital concern to the world, and that is human trafficking. And he has no peer, not only in this institution, but in the 56 participating states he is fully recognized in that regard.

□ 1700

Mr. Speaker, I rise today with great pleasure to honor the OSCE Mediterranean Partners for Cooperation.

My good friend, Majority Leader STENY HOYER, and I introduced H. Res. 654 with 16 other colleagues to recognize the contributions of a unique partnership of the OSCE which engages Algeria, Egypt, Israel, Jordan, Morocco and Tunisia in supporting security and stability in the Mediterranean region.

I would truly like to thank my friends of the Committee on Foreign Affairs, especially Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN, and Subcommittee Chairs GARY ACKERMAN, ROBERT WEXLER, DONALD PAYNE, BILL DELAHUNT,

and ENI FALEOMAVEGA, as well as Ranking Members CHRIS SMITH and DANA ROHRABACHER, who all supported this resolution and demonstrated the pivotal geopolitical importance of positive partnerships with North Africa and the Middle East.

Mr. Speaker, it is also my pleasure to welcome representatives of these states to Washington, D.C., for the Commission on Security and Cooperation in Europe Seminar on OSCE Mediterranean Partners. As I speak, a reception is ongoing, being hosted by the Speaker of the House for these members who are here for this seminar, and I thank our Speaker as well.

High-level delegations from all of the Mediterranean partner countries are participating in this seminar, along with the president of the OSCE parliamentary assembly, representatives of the Greek chairmanship of the OSCE in office, and other OSCE participating states, including Kazakhstan has representatives here. They're the next chair in office.

Mr. Speaker, for the past several years, I have served as parliamentary assembly special representative for Mediterranean affairs, and it's through this work that I have sought, along with others, to enhance the long-standing relationship between the OSCE participating states and the Mediterranean partners.

In the interest of time, I would put my full statement in as a part of the RECORD, but I would point out since 1975 much has been accomplished. However, much more needs to be done.

The commission seminar seeks to support these efforts and reprioritize the potential of this essential partnership.

Mr. Speaker, I thank my friends again for their support and urge my colleagues to vote for H. Res. 654 to truly sustain vital diplomatic instruments and partnerships which bring greater stability and prosperity to our world.

Mr. Speaker, I rise today with great pleasure to honor the Organization for Security and Cooperation in Europe (OSCE) Mediterranean Partners for Cooperation.

My good friend Majority Leader STENY HOYER and I introduced H. Res. 654 with 16 other colleagues to recognize the contributions of a unique partnership of the OSCE which engages Algeria, Egypt, Israel, Jordan, Morocco and Tunisia, in supporting security and stability in the Mediterranean Region.

I would truly like to thank my friends of the Committee on Foreign Affairs especially Chairman HOWARD BERMAN, Ranking Member ILEANA ROS-LEHTINEN, Subcommittee Chairs GARY ACKERMAN, ROBERT WEXLER, DONALD PAYNE, BILL DELAHUNT, ENI FALEOMAVEGA, as well as Ranking Members CHRIS SMITH and DANA ROHRABACHER who all supported this resolution and demonstrated the pivotal geopolitical importance of positive partnerships with North Africa and the Middle East.

Mr. Speaker, it is also my pleasure to welcome representatives of these States to

Washington, DC for the "Commission on Security and Cooperation in Europe Seminar on OSCE Mediterranean Partner Engagement," which will take place tomorrow and Thursday, here in the Capitol.

High-level delegations from all of the Mediterranean Partner countries will participate in the seminar, along with the President of the OSCE Parliamentary Assembly, representatives of the Greek Chairmanship of the OSCE and other OSCE participating States. I invite all of my colleagues to attend and actively participate in the proceedings.

Mr. Speaker, for the past several years, I have served as OSCE Parliamentary Assembly Special Representative for Mediterranean Affairs and it is through this work that I have sought to enhance the long-standing relationship between the OSCE participating States and the Mediterranean Partners for Cooperation.

This relationship dates back to the origins of the Helsinki Process with the signing of the 1975 Helsinki Final Act of the Conference on Security and Cooperation in Europe, now the OSCE. The Final Act recognized this unique and important relationship in a specific section on "Questions relating to Security and Cooperation in the Mediterranean."

In the succeeding decades the OSCE Participating States and their Mediterranean Partners have worked to increase mutual confidence and develop economic and environmental cooperation in order to promote security and stability throughout Europe and the Mediterranean basin. It is through this unique forum that Algeria, Egypt, Israel, Jordan, Morocco and Tunisia continue to develop their capacity for leadership in the region, all the while exchanging expertise with the OSCE participating States.

Since 1975 much has been accomplished, however, much more needs to be done. The Commission's seminar seeks to support these efforts and reprioritize the potential of this essential partnership.

Mr. Speaker, I thank my friends again for their support and urge my colleagues to vote for H. Res. 654 to truly sustain vital diplomatic instruments and partnerships, which bring greater stability and prosperity to our world.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 654.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ENCOURAGING SELECTION OF CHICAGO AS THE 2016 OLYMPIC HOST CITY

Mr. KLEIN of Florida. Mr. Speaker, I move to suspend the rules and agree to

the resolution (H. Res. 538) supporting Olympic Day on June 23, 2009, and encouraging the International Olympic Committee to select Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 538

Whereas Olympic Day, June 23, 2009, celebrated the Olympic ideal of developing peace through sport;

Whereas June 23 marks the anniversary of the founding of the modern Olympic movement, the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics;

Whereas for more than 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States and Chicago, Illinois, advocate the ideals of the Olympic movement;

Whereas hundreds of local governments from across the United States are joining together to show their support for bringing the Olympic Games to Chicago, Illinois, in 2016;

Whereas Olympic Day will encourage the development of Olympic and Paralympic Sport in the United States;

Whereas Olympic Day encourages the participation of youth of the United States in Olympic and Paralympic sport;

Whereas Olympic Day will encourage the teaching of Olympic history, health, arts, and culture among the youth of the United States;

Whereas Olympic Day will encourage the youth of the United States to support the Olympic movement and the selection of Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games; and

Whereas enthusiasm for Olympic and Paralympic sport is at an all-time high: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports Olympic Day and the goals that Olympic Day pursues; and

(2) encourages the International Olympic Committee to select Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KLEIN of Florida. Mr. Speaker, I rise in strong support of this legislation and yield myself as much time as I may consume.

Mr. Speaker, let me begin by thanking the gentlelady from Illinois (Ms. SCHAKOWSKY) for introducing this resolution supporting Olympic Day and encouraging the International Olympic Committee to select Chicago as the host city for the 2016 Olympic and Paralympic games.

H. Res. 538 provides an opportunity for the House to celebrate the Olympic ideal of peace through sport and to recognize Olympic Day, the founding anniversary of the modern Olympic games. For over a century, the modern Olympic games have brought together athletes from all around the world and in the process has helped forge countless relationships found by friendship, solidarity and fair play.

Olympic Day promotes the Olympic ideal by encouraging the teaching of Olympic history, health, arts, culture to students across the country. It also encourages a new generation of American athletes to take part in Olympic and Paralympic sports.

As we support the ideals of Olympic Day, it is only fitting that we also urge the International Olympic Committee to support the City of Chicago's bid to host the 2016 Olympic and Paralympic games. Last year, the IOC named Chicago one of the finalist cities to host the games, and the winning city will be selected this October.

Hosting the 2016 games would bring significant benefits to Chicago, one of our Nation's truly world-class cities, and would provide an excellent opportunity for American athletes to compete in the summer Olympic and Paralympic games in front of a home crowd for the first time since 1996.

I congratulate the gentlelady from Illinois for her tireless efforts, along with the other members of the delegation, to promote their city's bid to host the 2016 summer games and to urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 538, supporting Olympic Day and encouraging the International Olympic Committee to select Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic games, and I congratulate my good friend and colleague Ms. SCHAKOWSKY for sponsoring this, bringing it to the floor today. I think it sends a very clear message of the solidarity that we have that this be the venue for the 2016 Olympic games.

Last month, the world observed the 61st annual Olympic Day, a celebration commemorating the creation of the International Olympic Committee. Olympic Day was first observed in 1948,

54 years after the founding of the International Olympic Committee. As the only annual, worldwide event of the Olympic movement, Olympic Day is a fitting tribute to the ideals of the Olympic charter.

These are: "to create a way of life based on the joy of effort, the educational value of good example and respect for universal fundamental ethical principles," and "to place sport at the service of the harmonious development of man," and I would add woman, "with a view to promoting a peaceful society concerned with the preservation of human dignity."

The theme of this year's Olympic Day is "Move, Learn and Discover," and it was celebrated last month with the 22nd annual Olympic Day run sponsored in various locations around the world by over 150 national Olympic committees.

This resolution also encourages the selection of Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic games.

Selected in April of 2007 as the United States bid city for the summer Olympics in 2016, Chicago is a thriving example of our Nation's heartland, its urban vitality, and its remarkable diversity.

The contributions of international sport to personal fitness and international understanding deserve our recognition, and I thank again my distinguished colleague from Illinois for introducing this resolution which deserves our unanimous support.

I reserve the balance of our time.

Mr. KLEIN of Florida. Mr. Speaker, I yield 2 minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY), one of the sponsors of the bill and a great fan of Chicago and who is ready to go.

Ms. SCHAKOWSKY. I thank the gentleman.

Mr. Speaker, I rise today in support of House Resolution 538, a bipartisan resolution I introduced to express the support of the House of Representatives for the City of Chicago's bid to host the summer Olympics in 2016.

Mr. Speaker, in the summer of 2016, athletes from all over the world will come together to compete in a modern Olympiad, a series of games that has represented peace and hope since it first began more than 100 years ago. In April 2007, Chicago was selected by the United States Olympic Committee as the one and only United States bid city; and on June 4, 2008, the International Olympic Committee named Chicago as one of the four finalists to host the 31st Olympiad, and I can't think of any better place to host these games.

On the edge of the Great Lakes, Chicago boasts a magnificent skyline and a diverse population that prides itself not only on its history but on what will be achieved in the future. Chicago has overcome adversity to rise up as the

crown jewel of the Midwest, embracing hard work and hospitality as cornerstone values.

The United States and the White House have each taken unprecedented steps to express support for the 2016 Olympics to be hosted in Chicago. Mayor Richard Daley has organized an incredible group of civic and political and business leaders in support of our bid, and it is my hope that my colleagues in the House will join in this cause by supporting this important resolution.

The bipartisan resolution recognizes June 23 as Olympic Day and supports the City of Chicago's bid to host the 2016 summer Olympics. I realize that that day has passed, but I think that when we join together to support this resolution, we'll be expressing our support for our great City of Chicago, and I strongly urge my colleagues to support it.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I'm just standing to commend my colleague, Congresswoman SCHAKOWSKY, for this great effort and just reaffirm the fact that this is true bipartisan support from the Illinois delegation and, more importantly, not just bipartisan but the entire Illinois delegation, both up State and down State. Sometimes our State, which is very large, like many other States, and so we have our differences regionally, but this is one where we're truly united, and we've signed a letter in support.

We see the benefits to show off not just the State of Illinois but really the great City of Chicago, the city that does work, and we invite the world community there and the rest of the State during this. And we hope that we're very successful in landing eventually the Olympics, and it will be great for the country. It will be great for the State of Illinois, and it will be great for the City of Chicago.

So I want to commend my colleague.

Mr. KLEIN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I rise in strong support of H. Res. 538, a resolution supporting Chicago, my hometown's bid to host the summer Olympics and Paralympics in 2016, and to congratulate Congresswoman SCHAKOWSKY for rallying the Congress behind this important effort.

Chicago, with its diverse culture and international flair, is an ideal host for these games. Since the World's Fair in Chicago in 1893, the city and its people have been internationally recognized for hosting magnificent events on a global stage. With world-class museums, outstanding restaurants, numerous accommodations and stadiums, the

city would provide a resounding welcome, hearty embrace and ideal environment to host Olympic athletes and visitors from around the world.

Chicagoans are also known for their passion for sports: the world-famous Chicago Bulls, the Chicago Bears, the Chicago Blackhawks, the Chicago Cubs and the Chicago White Sox.

Furthermore, the Olympic games will bring many needed jobs, economic opportunities, and infrastructure investments to our Nation.

Chicago 2016 has worked with more than 75 community groups to ensure that opportunities in construction, procurement and jobs will be shared by everybody. The games will create the equivalent of 315,000 full-time jobs for at least 1 year and generate \$7 billion in wages.

Chicago's bid uses existing facilities, the lakefront and parks so no residents will be displaced as a result of construction related to the games. The new permanent venues that are proposed will serve communities after the games, providing sports facilities, pools, tennis courts and recreational spaces in our parks and on our lakefront.

The International Olympic Committee will make a decision on October 3. I can't think of a better way to demonstrate the House's support for Chicago's bid and America's bid than voting for this resolution.

□ 1715

I urge all my colleagues to vote "aye," and I thank the gentleman for yielding.

Mrs. BIGGERT. Mr. Speaker, I rise today in support of H. Res. 538 and in strong support for Chicago's bid for the 2016 Olympics.

On June 23, 2009, we will celebrate Olympic Day and recognize one hundred years since the International Olympic Committee was created. Olympic Day encourages universal participation in athletic activities and demonstrates global unity in support of the Olympic Games.

Furthermore, I would like to encourage the International Olympic Committee to select Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games.

The 2016 Olympic Games will feature athletes from across the globe, coming together with respect for their teammates and competitors alike.

The city of big shoulders is ready to welcome the Olympics with big open arms. As the host city of the 1893 World Columbian Exposition and the 1933 Century of Progress Exposition, Chicago has a long tradition of showcasing America's greatness, peace, and understanding to the world.

Daniel Burnham, the famous Chicago architect of the World Columbian Exposition in Chicago and Union Station here in Washington, once said, "make no little plans; they have no magic to stir men's blood . . . make big plans, aim high in hope and work."

To this day, Chicago embodies this principle. That's one of the many reasons Chicago

would be the ideal city in which to hold the Olympic and Paralympic games, marking the century-old tradition of the modern Olympic movement.

I encourage my colleagues to support this resolution and show their support for the 2016 Olympics in Chicago!

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to begin by thanking Congresswoman JANICE SCHAKOWSKY for introducing this legislation. It is with great pride that I encourage the International Olympic Committee to select the fine city of Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games.

Since World War II, at least eighty-one athletes who were either born in Texas or lived in the state at the time of their competition, have won Olympic gold medals. From Michael Johnson to Tara Lipinski, from Nastia Liukin to Sheryl Swoopes, the list is filled with the world's best athletes. These great athletes represent eleven different sports, with track and field, the premier Olympic sport, having the largest number. Therefore, I know the value that the Olympic spirit can have on the citizens of a city and country, and I fully support Chicago in their efforts to bring this worldwide event to their city. Chicago, Illinois, advocates the ideals of the Olympic movement and governments from across the United States, including Houston, are joining together to show their support for bringing the Olympic Games to Chicago, Illinois, in 2016.

The Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play. June 23rd, Olympic Day, is a unique, global event held every year. National Olympic Committees (NOCs) around the world share this universal festivity with their respective communities, making it the most celebrated Olympic event after the Olympic Games.

On June 23, 2009, Houston celebrated Olympic Day with a special event featuring former Olympian Leigh Barczewski at the NFL Youth Education Town #2 at James Driver Park Boys and Girls Club facility. Leigh presented on one of the 4 Olympic values, Respect, as well as shared with the children his experience as an Olympic cyclist in the 1976 games. Olympic Day has greatly impacted the youth of the world and is teaching them important lessons that they will use for a lifetime.

In a world where many nations are still choosing conflict over cooperation, Olympic Day is a venue through which countries all over the world are exhibiting the Olympic values and choosing friendship and respect over conflict and discord.

I would like to congratulate the city of Chicago on its many accomplishments over the years and hope that they will be awarded the great honor of hosting the 2016 Olympics.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further speakers, so I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 538.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONGRATULATING LITHUANIA ON 1,000TH ANNIVERSARY

Mr. KLEIN of Florida. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 285) congratulating the people of the Republic of Lithuania on the 1000th anniversary of Lithuania and celebrating the rich history of Lithuania.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 285

Whereas the name "Lithuania" first appeared in European records in the year 1009, when it was mentioned in the German manuscript "Annals of Quedlinburg";

Whereas Duke Mindaugas united various Baltic tribes and established the state of Lithuania during the period between 1236 and 1263;

Whereas, by the end of the 14th century, Lithuania was the largest country in Europe, encompassing territory from the Baltic Sea to the Black Sea;

Whereas Vilnius University was founded in 1579 and remained the easternmost university in Europe for 200 years;

Whereas the February 16, 1918, Act of Independence of Lithuania led to the establishment of Lithuania as a sovereign and democratic state;

Whereas, under the cover of the Molotov-Ribbentrop Pact, on June 17, 1940, Latvia, Estonia and Lithuania were forcibly incorporated into the Soviet Union in violation of pre-existing peace treaties;

Whereas, during 50 years of Soviet occupation of the Baltic states, Congress strongly, consistently, and on a bipartisan basis refused to legally recognize the incorporation of Latvia, Estonia, and Lithuania by the Soviet Union;

Whereas, on March 11, 1990, the Republic of Lithuania was restored and Lithuania became the first Soviet republic to declare independence;

Whereas, on September 2, 1991, the United States Government formally recognized Lithuania as an independent and sovereign nation;

Whereas Lithuania has successfully developed into a free and democratic country, with a free market economy and respect for the rule of law;

Whereas Lithuania is a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe,

the European Union, and the North Atlantic Treaty Organization;

Whereas, in 2007, the United States Government and the Government of Lithuania celebrated 85 years of continuous diplomatic relations;

Whereas the United States Government welcomes and appreciates efforts by the Government of Lithuania to maintain international peace and stability in Europe and around the world by contributing to international civilian and military operations in Afghanistan, Iraq, Bosnia, Kosovo, and Georgia; and

Whereas Lithuania is a strong and loyal ally of the United States, and the people of Lithuania share common values with the people of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of the Republic of Lithuania on the occasion of the 1000th anniversary of Lithuania;

(2) commends the Government of Lithuania for its success in implementing political and economic reforms, for establishing political, religious and economic freedoms, and for its commitment to human rights; and

(3) recognizes the close and enduring relationship between the United States Government and the Government of Lithuania.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KLEIN of Florida. Mr. Speaker, I rise to support H. Res. 285, which recognizes the 1,000-year anniversary of Lithuania, and I yield myself such time as I may consume.

I wish to thank my good friend from Illinois (Mr. SHIMKUS) for introducing this resolution. It allows the House to add its voice to the Senate's in congratulating the Lithuanian people on this momentous occasion.

In the year 1009, the name Lithuania first appeared in European records when it was mentioned in a German manuscript. The gentleman from Illinois would note that a number of us, Democrats and Republicans, were in Lithuania earlier this year and had the opportunity to meet with the government and talk about the history. It was a great opportunity.

Since that time, the country has had a long and distinguished history. The state of Lithuania was established by Duke Mindaugas in 1236; yet his official coronation as King was on July 6, 1253, a date that is still celebrated as a national holiday in Lithuania.

By the end of the 14th century, Lithuania had become the largest country in Europe. On February 16, 1918, Lithuania was established as a sovereign and democratic state.

In June 1940, Lithuania, along with its Baltic neighbors, was forcibly incorporated into the Soviet Union. On March 11, 1990, Lithuania became the first Soviet Republic to declare its independence.

Lithuania has since become an active member of the national community, helping to strengthen Euro-Atlantic relations through its participation in NATO and the European Union.

Lithuania has helped secure peace and stability through its many contributions to international and civilian military operations in Afghanistan, Iraq, and the Balkans.

Lithuania has also been a strong ally of the United States, as our countries marked 85 years of continuous diplomatic relations in 2007.

The subject of Lithuanian-American relations came up during our recent participation in the Transatlantic Legislators' Dialogue. Members of Congress felt it was important to urge Lithuania to enact property restitution laws in order to bring some sense of justice and closure to the families of victims of the Holocaust, and I look forward to working with our colleagues in Lithuania to resolve this issue. This will surely continue to strengthen our relationship.

While we Americans celebrate our national independence on July 4th, the people of Lithuania commemorated their day of statehood on July 6. It is therefore appropriate, during this festive month, that the House passes a resolution to congratulate Lithuania on its 1,000th anniversary and reaffirm the close ties between our peoples and countries.

Mr. Speaker, I strongly support this resolution and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the author of the resolution, the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I come to the floor humbly as a fourth-generation immigrant family of Lithuania. Of course, I, like many Americans today, are really a Heinz 57 mutt, also having German ancestry and Irish ancestry, and we think some American Indian ancestry. But "Shimkus" is ethnically Lithuanian.

So I always kid and joke that it's only in Washington, D.C., that you automatically become an expert in a region of the world based upon the ethnicity of your last name. But it's a labor of love that I've taken, and, hence, I bring this resolution to the floor to place Lithuania in the spotlight.

Before I do that, I want to read a letter from three friends and former leaders of the Baltic countries and 22 total leaders: Valdas Adamkus, a former President of the Republic of Lithuania; Vaira Vike-Freiberga, former President of the Republic of Latvia; and Mart Laar, who is the former Prime Minister of Estonia.

I'm not going to read the whole letter. I'm going to highlight a few sections, and then I'm going to transition to state why resolutions like this are important, because sometimes we go, Oh, why do we do these resolutions? I think the letter that they have written highlights the importance of us continuing to mention our friends and allies and talk about the strengths of the relationships.

This letter is about three pages long, but I just highlight a few short snippets in each one. Again, these are 22 leaders of not just the Baltic areas, but the Central and Eastern European democracies. Most of these are now no longer in public service but are former leaders.

They say, "Twenty years after the end of the cold war, however, we see that Central and Eastern European countries are no longer at the heart of American foreign policy."

"Americans have largely stopped worrying about. . ." Now, that's positive about some of our successes, but it also raises concerns.

"There is a growing sense of nervousness in the region."

"NATO today seems weaker than when we joined." They also say, "The region's deeper integration in the EU is of course welcome and should not necessarily lead to a weakening of the transatlantic relationship."

Also stated is "there are fewer and fewer leaders who emerged from the revolutions of 1989 who experienced Washington's key role in securing our democratic transition and anchoring our countries in NATO and EU. A new generation of leaders is emerging who do not have those memories and follow a more 'realistic' policy."

I think that's important for us to understand. These countries fought for freedom, but the leaders who fought for freedom are now leaving power. And this new generation needs to be reminded of the strength of the U.S. relationship to the former captive nations from the Eastern European countries.

They also, in here, talk about, "We welcome the 'reset' . . . 'but there is also nervousness in our capitals.'"

"Our region suffered when the United States succumbed to 'realism' at Yalta. And it benefited when the United States used its power to fight for principle." And that's what I hope we continue to do.

"We believe this is a time both the United States and Europe need to reinvest in the transatlantic relationship."

So I appreciate the committee allowing the resolution to come to the floor

because this is another way in which we can talk about the important relationship that we have.

The resolution, itself, talks about the 1,000 years which they're celebrating in Lithuania, the 1,000 years when the name Lithuania first appeared in written documents. Lithuania was around before that, but that makes us look like little kids here in the United States; hence, the world is much older than our great Constitutional Republic.

There's a lot of "whereas" in the resolution. Whereas, under the cover of the Molotov-Ribbentrop Pact, on June 17, 1940, Latvia, Estonia, and Lithuania were forcibly incorporated into the Soviet Union in violation of preexisting peace treaties.

Another whereas: Lithuania is a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization.

Full partners—full voting partners and full participants in the defense organization known as NATO and the article 5 guarantee to both themselves and other NATO countries.

Another whereas: As contributing to international civilian and military operations in Afghanistan, Iraq, Bosnia, Kosovo, and Georgia, which are all important aspects that they have stepped up to the plate to be part of this commitment to securing democracy and freedom in the war on terror.

So we, as a country, get a chance, through this resolution, to congratulate the people of the Republic of Lithuania for this historical timeframe. We commend the Government of Lithuania for their commitment to democracy, freedom, the rule of law, and being allies in the campaigns that we, in connection with our treaty obligations and the greatest organization that's kept peace and stability that the world has known, which is NATO, their role in that. And we want to continue to recognize that this relationship is strong now and we will do all we can in our part to make it strong in the future.

I think my colleague from Florida mentioned, also, challenges that we've addressed, and we will continue to work on those so that our relationship becomes stronger in a world where democracy and freedom needs to flourish for people to live the lifestyles that they will grow and flourish individually.

I thank the committee for allowing this to the floor, and I thank Congressman SMITH for allowing me this time.

AN OPEN LETTER TO THE OBAMA ADMINISTRATION FROM CENTRAL AND EASTERN EUROPE

We have written this letter because, as Central and Eastern European (CEE) intellectuals and former policymakers, we care deeply about the future of the transatlantic relationship as well as the future quality of relations between the United States and the countries of our region. We write in our per-

sonal capacity as individuals who are friends and allies of the United States as well as committed Europeans.

Our nations are deeply indebted to the United States. Many of us know firsthand how important your support for our freedom and independence was during the dark Cold War years. U.S. engagement and support was essential for the success of our democratic transitions after the Iron Curtain fell twenty years ago. Without Washington's vision and leadership, it is doubtful that we would be in NATO and even the EU today.

We have worked to reciprocate and make this relationship a two-way street. We are Atlanticist voices within NATO and the EU. Our nations have been engaged alongside the United States in the Balkans, Iraq, and today in Afghanistan. While our contribution may at times seem modest compared to your own, it is significant when measured as a percentage of our population and GDP. Having benefited from your support for liberal democracy and liberal values in the past, we have been among your strongest supporters when it comes to promoting democracy and human rights around the world.

Twenty years after the end of the Cold War, however, we see that Central and Eastern European countries are no longer at the heart of American foreign policy. As the new Obama Administration sets its foreign-policy priorities, our region is one part of the world that Americans have largely stopped worrying about. Indeed, at times we have the impression that U.S. policy was so successful that many American officials have now concluded that our region is fixed once and for all and that they could "check the box" and move on to other more pressing strategic issues. Relations have been so close that many on both sides assume that the region's transatlantic orientation, as well as its stability and prosperity, would last forever.

That view is premature. All is not well either in our region or in the transatlantic relationship. Central and Eastern Europe is at a political crossroads and today there is a growing sense of nervousness in the region. The global economic crisis is impacting on our region and, as elsewhere, runs the risk that our societies will look inward and be less engaged with the outside world. At the same time, storm clouds are starting to gather on the foreign policy horizon. Like you, we await the results of the EU Commission's investigation on the origins of the Russo-Georgian war. But the political impact of that war on the region has already been felt. Many countries were deeply disturbed to see the Atlantic alliance stand by as Russia violated the core principles of the Helsinki Final Act, the Charter of Paris, and the territorial integrity of a country that was a member of NATO's Partnership for Peace and the Euroatlantic Partnership Council—all in the name of defending a sphere of influence on its borders.

Despite the efforts and significant contribution of the new members, NATO today seems weaker than when we joined. In many of our countries it is perceived as less and less relevant—and we feel it. Although we are full members, people question whether NATO would be willing and able to come to our defense in some future crises. Europe's dependence on Russian energy also creates concern about the cohesion of the Alliance. President Obama's remark at the recent NATO summit on the need to provide credible defense plans for all Alliance members was welcome, but not sufficient to allay fears about the Alliance's defense readiness. Our ability to continue to sustain public sup-

port at home for our contributions to Alliance missions abroad also depends on us being able to show that our own security concerns are being addressed in NATO and close cooperation with the United States.

We must also recognize that America's popularity and influence have fallen in many of our countries as well. Public opinions polls, including the German Marshall Fund's own Transatlantic Trends survey, show that our region has not been immune to the wave of criticism and anti-Americanism that has swept Europe in recent years and which led to a collapse in sympathy and support for the United States during the Bush years. Some leaders in the region have paid a political price for their support of the unpopular war in Iraq. In the future they may be more careful in taking political risks to support the United States. We believe that the onset of a new Administration has created a new opening to reverse this trend but it will take time and work on both sides to make up for what we have lost.

In many ways the EU has become the major factor and institution in our lives. To many people it seems more relevant and important today than the link to the United States. To some degree it is a logical outcome of the integration of Central and Eastern Europe into the EU. Our leaders and officials spend much more time in EU meetings than in consultations with Washington, where they often struggle to attract attention or make our voices heard. The region's deeper integration in the EU is of course welcome and should not necessarily lead to a weakening of the transatlantic relationship. The hope was that integration of Central and Eastern Europe into the EU would actually strengthen the strategic cooperation between Europe and America.

However, there is a danger that instead of being a pro-Atlantic voice in the EU, support for a more global partnership with Washington in the region might wane over time. The region does not have the tradition of assuming a more global role. Some items on the transatlantic agenda, such as climate change, do not resonate in the Central and Eastern European publics to the same extent as they do in Western Europe.

Leadership change is also coming in Central and Eastern Europe. Next to those, there are fewer and fewer leaders who emerged from the revolutions of 1989 who experienced Washington's key role in securing our democratic transition and anchoring our countries in NATO and EU. A new generation of leaders is emerging who do not have these memories and follow a more "realistic" policy. At the same time, the former Communist elites, whose insistence on political and economic power significantly contributed to the crises in many CEE countries, gradually disappear from the political scene. The current political and economic turmoil and the fallout from the global economic crisis provide additional opportunities for the forces of nationalism, extremism, populism, and anti-Semitism across the continent but also in some of our countries.

This means that the United States is likely to lose many of its traditional interlocutors in the region. The new elites replacing them may not share the idealism—or have the same relationship to the United States—as the generation who led the democratic transition. They may be more calculating in their support of the United States as well as more parochial in their world view. And in Washington a similar transition is taking place as many of the leaders and personalities we have worked with and relied on are also leaving politics.

And then there is the issue of how to deal with Russia. Our hopes that relations with Russia would improve and that Moscow would finally fully accept our complete sovereignty and independence after joining NATO and the EU have not been fulfilled. Instead, Russia is back as a revisionist power pursuing a 19th-century agenda with 21st-century tactics and methods. At a global level, Russia has become, on most issues, a status-quo power. But at a regional level and vis-à-vis our nations, it increasingly acts as a revisionist one. It challenges our claims to our own historical experiences. It asserts a privileged position in determining our security choices. It uses overt and covert means of economic warfare, ranging from energy blockades and politically motivated investments to bribery and media manipulation in order to advance its interests and to challenge the transatlantic orientation of Central and Eastern Europe.

We welcome the “reset” of the American-Russian relations. As the countries living closest to Russia, obviously nobody has a greater interest in the development of the democracy in Russia and better relations between Moscow and the West than we do. But there is also nervousness in our capitals. We want to ensure that too narrow an understanding of Western interests does not lead to the wrong concessions to Russia. Today the concern is, for example, that the United States and the major European powers might embrace the Medvedev plan for a “Concert of Powers” to replace the continent’s existing, value-based security structure. The danger is that Russia’s creeping intimidation and influence-peddling in the region could over time lead to a de facto neutralization of the region. There are differing views within the region when it comes to Moscow’s new policies. But there is a shared view that the full engagement of the United States is needed.

Many in the region are looking with hope to the Obama Administration to restore the Atlantic relationship as a moral compass for their domestic as well as foreign policies. A strong commitment to common liberal democratic values is essential to our countries. We know from our own historical experience the difference between when the United States stood up for its liberal democratic values and when it did not. Our region suffered when the United States succumbed to “realism” at Yalta. And it benefited when the United States used its power to fight for principle. That was critical during the Cold War and in opening the doors of NATO. Had a “realist” view prevailed in the early 1990s, we would not be in NATO today and the idea of a Europe whole, free, and at peace would be a distant dream.

We understand the heavy demands on your Administration and on U.S. foreign policy. It is not our intent to add to the list of problems you face. Rather, we want to help by being strong Atlanticist allies in a U.S.-European partnership that is a powerful force for good around the world. But we are not certain where our region will be in five or ten years time given the domestic and foreign policy uncertainties we face. We need to take the right steps now to ensure the strong relationship between the United States and Central and Eastern Europe over the past twenty years will endure.

We believe this is a time both the United States and Europe need to reinvest in the transatlantic relationship. We also believe this is a time when the United States and Central and Eastern Europe must reconnect around a new and forward-looking agenda. While recognizing what has been achieved in

the twenty years since the fall of the Iron Curtain, it is time to set a new agenda for close cooperation for the next twenty years across the Atlantic.

Therefore, we propose the following steps:

First, we are convinced that America needs Europe and that Europe needs the United States as much today as in the past. The United States should reaffirm its vocation as a European power and make clear that it plans to stay fully engaged on the continent even while it faces the pressing challenges in Afghanistan and Pakistan, the wider Middle East, and Asia. For our part we must work at home in our own countries and in Europe more generally to convince our leaders and societies to adopt a more global perspective and be prepared to shoulder more responsibility in partnership with the United States.

Second, we need a renaissance of NATO as the most important security link between the United States and Europe. It is the only credible hard power security guarantee we have. NATO must reconfirm its core function of collective defense even while we adapt to the new threats of the 21st century. A key factor in our ability to participate in NATO’s expeditionary missions overseas is the belief that we are secure at home. We must therefore correct some self-inflicted wounds from the past. It was a mistake not to commence with proper Article 5 defense planning for new members after NATO was enlarged. NATO needs to make the Alliance’s commitments credible and provide strategic reassurance to all members. This should include contingency planning, prepositioning of forces, equipment, and supplies for reinforcement in our region in case of crisis as originally envisioned in the NATO-Russia Founding Act.

We should also re-think the working of the NATO-Russia Council and return to the practice where NATO member countries enter into dialogue with Moscow with a coordinated position. When it comes to Russia, our experience has been that a more determined and principled policy toward Moscow will not only strengthen the West’s security but will ultimately lead Moscow to follow a more cooperative policy as well. Furthermore, the more secure we feel inside NATO, the easier it will also be for our countries to reach out to engage Moscow on issues of common interest. That is the dual track approach we need and which should be reflected in the new NATO strategic concept.

Third, the thorniest issue may well be America’s planned missile-defense installations. Here too, there are different views in the region, including among our publics which are divided. Regardless of the military merits of this scheme and what Washington eventually decides to do, the issue has nevertheless also become—at least in some countries—a symbol of America’s credibility and commitment to the region. How it is handled could have a significant impact on their future transatlantic orientation. The small number of missiles involved cannot be a threat to Russia’s strategic capabilities, and the Kremlin knows this. We should decide the future of the program as allies and based on the strategic pluses and minuses of the different technical and political configurations. The Alliance should not allow the issue to be determined by unfounded Russian opposition. Abandoning the program entirely or involving Russia too deeply in it without consulting Poland or the Czech Republic can undermine the credibility of the United States across the whole region.

Fourth, we know that NATO alone is not enough. We also want and need more Europe

and a better and more strategic U.S.-EU relationship as well. Increasingly our foreign policies are carried out through the European Union—and we support that. We also want a common European foreign and defense policy that is open to close cooperation with the United States. We are the advocates of such a line in the EU. But we need the United States to rethink its attitude toward the EU and engage it much more seriously as a strategic partner. We need to bring NATO and the EU closer together and make them work in tandem. We need common NATO and EU strategies not only toward Russia but on a range of other new strategic challenges.

Fifth is energy security. The threat to energy supplies can exert an immediate influence on our nations’ political sovereignty also as allies contributing to common decisions in NATO. That is why it must also become a transatlantic priority. Although most of the responsibility for energy security lies within the realm of the EU, the United States also has a role to play. Absent American support, the Baku-Tbilisi-Ceyhan pipeline would never have been built. Energy security must become an integral part of U.S.-European strategic cooperation. Central and Eastern European countries should lobby harder (and with more unity) inside Europe for diversification of the energy mix, suppliers, and transit routes, as well as for tough legal scrutiny of Russia’s abuse of its monopoly and cartel-like power inside the EU. But American political support on this will play a crucial role. Similarly, the United States can play an important role in solidifying further its support for the Nabucco pipeline, particularly in using its security relationship with the main transit country, Turkey, as well as the North-South interconnector of Central Europe and LNG terminals in our region.

Sixth, we must not neglect the human factor. Our next generations need to get to know each other, too. We have to cherish and protect the multitude of educational, professional, and other networks and friendships that underpin our friendship and alliance. The U.S. visa regime remains an obstacle in this regard. It is absurd that Poland and Romania—arguably the two biggest and most pro-American states in the CEE region, which are making substantial contributions in Iraq and Afghanistan—have not yet been brought into the visa waiver program. It is incomprehensible that a critic like the French anti-globalization activist Jose Bove does not require a visa for the United States but former Solidarity activist and Nobel Peace prizewinner Lech Walesa does. This issue will be resolved only if it is made a political priority by the President of the United States.

The steps we made together since 1989 are not minor in history. The common successes are the proper foundation for the transatlantic renaissance we need today. This is why we believe that we should also consider the creation of a Legacy Fellowship for young leaders. Twenty years have passed since the revolutions of 1989. That is a whole generation. We need a new generation to renew the transatlantic partnership. A new program should be launched to identify those young leaders on both sides of the Atlantic who can carry forward the transatlantic project we have spent the last two decades building in Central and Eastern Europe.

In conclusion, the onset of a new Administration in the United States has raised great hopes in our countries for a transatlantic renewal. It is an opportunity we dare not miss. We, the authors of this letter, know firsthand how important the relationship with

the United States has been. In the 1990s, a large part of getting Europe right was about getting Central and Eastern Europe right. The engagement of the United States was critical to locking in peace and stability from the Baltics to the Black Sea. Today the goal must be to keep Central and Eastern Europe right as a stable, activist, and Atlanticist part of our broader community.

That is the key to our success in bringing about the renaissance in the Alliance the Obama Administration has committed itself to work for and which we support. That will require both sides recommitting to and investing in this relationship. But if we do it right, the pay off down the road can be very real. By taking the right steps now, we can put it on new and solid footing for the future.

Valdas Adamkus, Former President of the Republic of Lithuania; Martin Butora, Former Ambassador of the Slovak Republic to the United States; Emil Constantinescu, Former President of the Republic of Romania; Pavol Demes, Former Minister of International Relations and Advisor to the President, Slovak Republic; Lubos Dobrovsky, Former Minister of Defense of Czechoslovakia, former Czech Ambassador to Russia; Matyas Eorsi, Former Secretary of State of the Hungarian MFA; Istvan Gyarmati, Ambassador, President of the International Centre for Democratic Transition in Budapest; Vaclav Havel, Former President of the Czech Republic; Rastislav Kacer, Former Ambassador of the Slovak Republic to the United States; Sandra Kalniete, Former Minister of Foreign Affairs, Latvia; Karel Schwarzenberg, Former Minister of Foreign Affairs, Czech Republic; Michal Kovac, Former President of the Slovak Republic; Ivan Krastev, Chairman of the Centre for Liberal Strategies in Sofia, Bulgaria; Aleksander Kwasniewski, Former President of the Republic of Poland; Mart Laar, Former Prime Minister of Estonia; Kadri Liik, Director of the International Centre for Defense Studies in Tallinn, Estonia; Janos Martonyi, Former Minister of Foreign Affairs, Hungary; Janusz Onyszkiewicz, Former Vice-president of the European Parliament, former Defense Minister, Poland; Adam Rotfeld, Former Minister of Foreign Affairs, Poland; Alexandr Vondra, Former Minister of Foreign Affairs and Deputy Prime Minister, Czech Republic; Vaira Vike-Freiberga, Former President of the Republic of Latvia; Lech Walesa, Former President of the Republic of Poland.

Mr. KLEIN of Florida. I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of my friend and colleague's resolution celebrating the rich history of Lithuania.

I was recently back in Lithuania just a couple of weeks ago, Mr. Speaker, for the July meeting of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe, and saw, once again, the beautiful city of Vilnius, a city with an historic history.

But more importantly than the city and its physical attractiveness is the

people themselves, the kindness, the generosity, and a goodness, innate goodness, which is truly remarkable.

The Lithuanians, as we know, were occupied. They were often called a captive nation, one of the Baltic captive nations. In 1940, they were brought into the Soviet Union by force, a grave injustice that this Congress has never recognized and thankfully now, since 1990, they were the first of the so-called Soviet Republics to declare its independence.

Since securing their independence from the Soviet Union, Lithuanians have won the world's admiration by making Lithuania a free country that truly respects fundamental human rights. The Lithuanian Government conducts democratic and fair elections, respects the rule of law, and the Lithuanian economy is free.

Mr. Speaker, the United States owes Lithuania a debt of gratitude, but the United States has not freed Lithuania from Soviet domination—they did that themselves. Lithuania has recognized the common values it shares with the United States and has deployed its soldiers to do duty alongside ours in Afghanistan, Iraq, Bosnia, Kosovo, as well as in Georgia.

Let me also point out that back in the early 1990s, I was part of a delegation led by Steny Hoyer. When the Soviets looked like they were about to take over the Parliament and rush it with the black berets, several of us traveled to Vilnius to be there to be in solidarity with President Landsbergis, who was under siege. And the belief was that if sufficient numbers of parliamentarians were there as witnesses, it might have a chilling effect on Soviet ambitions and they might not storm that Parliament.

What we found in Vilnius was people who were literally praying night and day, people outside the parliament saying rosaries, offering up prayers and, hopefully, acting as shields themselves to the Soviet aggression.

□ 1730

I will never forget visiting a TV tower that had been attacked by the Soviets. There were candles burning where people dropped as they were fired upon by Soviet troops; but they were still there in defiance, standing up to this world power that was seeking to crush them. One of the incidents I will never forget. Don Ritter, one of our Members of the House who was then the ranking member of the CSCE, stepped across the line, and there was a Soviet tank there at the TV tower which all of a sudden began turning its turret towards him. Several of us who were there said, Don, you'd better step across. This is truly a volatile situation. And nothing came of it. But again, the Lithuanians were there protesting against tyranny and the domination that was coming out of Moscow

but did so with such class and such courage that it was truly inspiring.

Our delegation was matched by delegations from Poland and other countries, recently emerging democracies; and they too were saying, We're not going to stand idly by and watch this great people conquered once again—conquered but never really conquered in their hearts and minds. So I, again, want to thank Mr. SHIMKUS for bringing this to the floor. I also thank my friends on the other side of the aisle for posting it for debate and consideration. Again, this says to the people of Lithuania, You are a tremendous people. We recognize and admire your goodness and your courage, because you certainly demonstrated it under fire.

Mr. LIPINSKI. Mr. Speaker, I rise in strong support of H. Res. 285, and urge its immediate adoption. This resolution, introduced by friend and home state colleague, Chair of the House Baltic Caucus, Congressman JOHN SHIMKUS, congratulates the people of the Republic of Lithuania on the one thousandth anniversary of their country, celebrates the rich history of this nation and its people, and highlights the valuable relations Lithuania maintains with the United States.

As Co-Chair of the Central and Eastern European Caucus, and representative of a large Lithuanian community, I have a special pride in being a cosponsor of this measure, and rising in its support. The Balzekas Museum of Lithuanian Culture, which is a major player in Lithuanian cultural life and scholarship in the United States, is located in my district. And Chicago is home to more Lithuanians outside their native home than any other location.

As few know, the name "Lithuania" first appeared in Europe in the year 1009—a historical timeline unfathomable to many Americans. The state of Lithuania was established as early as 1236, and became at times the largest country in Europe. The modern establishment of Lithuania as a sovereign and democratic state occurred in 1918.

While Lithuania, along with Latvia and Estonia, were forcibly incorporated into the Soviet Union in 1940, this did not diminish Lithuanians' national pride, their valor or spirit. Despite Soviet persecution and barbaric assaults on their freedoms, Lithuanians persisted, aided by the support and prayers of millions of Lithuanians in the United States and elsewhere.

In 1990, after decades of oppression and occupation, Lithuania became the first Soviet-controlled republic to break away and declare its independence.

Since that time, Lithuania has developed into a free and democratic society. Its free market economy has experienced strong growth, and has joined the United States in pursuing knowledge-driven opportunities, including biotechnology and other high-tech sectors.

The United States has and continues to maintain a strong and positive relationship with Lithuania. Our nations have held 85 years of continuous diplomatic relations. Lithuania has supported international peace and security efforts, and has contributed to civilian and military operations in Iraq, Afghanistan, Georgia,

and elsewhere, for which the United States government is highly appreciative.

In that vein, I would like to extend the warmest congratulations to Ms. Dalia Grybauskaitė, who was elected as the new President of Lithuania in May of this year with over two-thirds of the vote. The first female President of Lithuania, Ms. Grybauskaitė was sworn in on July 11, 2009. A former European Union Budget Commissioner, finance commissioner in Lithuania and a diplomat in Lithuania's U.S. Embassy, I congratulate her and wish President Grybauskaitė success in her new role.

I look forward to joining my constituents and other Chicago-area Lithuanians in celebrating this 1000th anniversary in September. Lietuvių Dienos Chicago 2009, a community celebration led by Mr. Andrew Bucas—owner of Grand Duke's Lithuanian restaurant—and the Chicago Consul General of the Republic of Lithuania, will be held at Summit Park, in the Village of Summit located in my district, on September 20, 2009. Prominent Lithuanian-American Joe Kulyš has been instrumental in organizing this celebration and has been a key leader in the Lithuanian-American community.

I wish Lithuanians and Lithuanian-Americans alike the best wishes and hearty congratulations in the celebration of 1000 years of Lithuanian history and progress.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H. Res. 285, congratulating the people of the Republic of Lithuania on the one-thousandth anniversary of Lithuania and celebrating the rich history of Lithuania. I congratulate Lithuania on this important anniversary and extend many happy returns to the Lithuanian people. I thank my esteemed colleague, Congressman SHIMKUS, for introducing this important legislation.

As co-chair of the House Baltic Caucus I have worked to advance the strong ties that exist between the United States and Lithuania. I look forward to strengthening diplomatic ties through the promotion of democratic values that support both social and economic justice. The Baltic people have a proud history that shows their dedication to these values as well as the values of liberty and democracy. I am proud that our two nations share such a strong commitment to democracy and diplomacy.

Lithuania's history is long and laudable. In recent years Lithuania has advanced its status as an international citizen. Lithuania declared independence from the former Soviet Union on March 11, 1990. Along with the other Baltic States, Latvia and Estonia, Lithuania became a member of NATO in March of 2004. Just two months later in May 2004 Lithuania joined the European Union with her Baltic counterparts.

On July 12, 2009, Lithuania made history once again by swearing in their first female president, Dalia Grybauskaitė. President Grybauskaitė has reaffirmed Lithuania's commitment to our many shared values. Under her leadership, Lithuania continues to show a clear commitment to uphold equality, freedom of speech and human rights.

She has stated her intention to amend a controversial censorship law scheduled to enter force on March 1, 2010. The law has been criticized by gay rights activists and others for discriminating against homosexuals by

prohibiting references to homosexuality in media available to children.

I commend President Grybauskaitė for her commitment to uphold equality and human rights for all people. I congratulate Lithuania on its one-thousandth anniversary and will continue to celebrate Lithuania's rich history. I strongly support this legislation and urge my colleagues to do so as well.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to begin by thanking Congressman JOHN SHIMKUS, for introducing this legislation. I would like to congratulate the people of the Republic of Lithuania on the 1000th anniversary of Lithuania. Lithuania, a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization, has proved resilient in overcoming many obstacles and has achieved many great accomplishments: Lithuania founded Vilnius University in 1579; in 1990, the Republic of Lithuania was restored and Lithuania became the first Soviet republic to declare independence; in 1918, Act of Independence of Lithuania led to the establishment of Lithuania as a sovereign and democratic state; in 2007, the United States Government and the Government of Lithuania celebrated 85 years of continuous diplomatic relations.

I commend Lithuania for successfully developing into a free and democratic country, with a free market economy and respect for and adherence to a rule of law. The U.S. welcomes and appreciates efforts by the Government of Lithuania to maintain international peace and stability in Europe and around the world by contributing to international civilian and military operations in Afghanistan, Iraq, Bosnia, Kosovo, and Georgia. Since 2005, Lithuania has been leading a Provincial Reconstruction Team (PRT) of Ghor Province in Afghanistan. They have worked to help Afghanistan become a secure, democratic and self-sufficient state. Lithuania has been dedicated to the success of the UN-mandated ISAF operation and to working with the international community in Afghanistan motivates our involvement.

The vast Lithuanian community in the United States has preserved its spiritual, cultural and family ties with their historical motherland during the long years of living overseas, which translated into active cultural and business cooperation between Lithuania and the United States. The activities of Lithuanian Americans have greatly contributed to the restoration of Lithuania's independence and to the membership of Lithuania in NATO. Today their active participation greatly adds to the promotion of Lithuania's foreign policy goals and the strengthening of cooperation between Lithuania and the U.S. As a senior member of the House Foreign Affairs Committee, I recognize firsthand the importance of Lithuania's global foreign policy efforts, and they are to be commended.

The Lithuanian American Community, Inc., (LAC) is the network that keeps Lithuanians connected in the U.S. They have 60 chapters in 27 states and the District of Columbia. The Houston, Texas chapter is an active and vibrant group, and they remain engaged in the community and strive to educate their fellow Houstonians on the rich culture of Lithuania.

Lithuanian American community maintains regular contacts with the Lithuanian Embassy and other Lithuanian Government institutions.

Lithuania is a strong and loyal ally of the United States, and the people of Lithuania share common values with the people of the United States. I would like to congratulate Lithuania on its many accomplishments over the years and remain appreciative and grateful for their long history of friendship and cooperation with the people and Government of the United States.

Mr. SMITH of New Jersey. I yield back the balance of my time.

Mr. KLEIN of Florida. If there are no other speakers, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 285.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 2009

Mr. KLEIN of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1511) to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Torture Victims Relief Reauthorization Act of 2009".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.

Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2010 and 2011, there are authorized to be appropriated to carry out subsection (a) \$25,000,000 for each of the fiscal years 2010 and 2011."

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.

Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

“(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 2010 and 2011 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President to carry out section 130 of such Act \$12,000,000 for each of the fiscal years 2010 and 2011.”

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CONTRIBUTION TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.

Of the amounts authorized to be appropriated for fiscal years 2010 and 2011 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture \$12,000,000 for each of the fiscal years 2010 and 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KLEIN of Florida. Mr. Speaker, I rise in strong support of this legislation and yield myself as much time as I may consume.

I'd like to thank the distinguished ranking Member of the Africa and Global Health Subcommittee, my friend CHRIS SMITH, for his longstanding leadership in the fight against torture; and I am proud to stand with him unequivocally in this crucial human rights fight. I would also like to thank the distinguished chairman of the Committee on Energy and Commerce, Chairman WAXMAN from California, and the distinguished ranking Member on the committee, Mr. BARTON from Texas, for their excellent collaboration in bringing this important piece of legislation expeditiously to the House floor.

Mr. Speaker, the underlying legislation which we are reauthorizing today, the Torture Victims Relief Act of 1998, is the practical expression of our deeply held values. Americans abhor and condemn the use of torture wherever it may occur, including at the hands of our own citizens. This bill demonstrates the commitment of the United States to stand squarely with the victims of this barbaric and illegal practice, not only fighting against the use of torture but also providing hope and relief to those who survive it, wherever and whoever they may be. Mr. Speaker, according to Amnesty

International, over 117 countries around the world still engage in torture. Amidst allegations of our own government's possible involvement in torture, President Obama and the American people have reaffirmed our policy that the United States will not torture. An estimated 500,000 foreign torture survivors reside in the United States and over 100 million may exist worldwide. The personal ramifications of torture are beyond the realm of our comprehension. Torture leaves no victim unscarred. It shapes the remainder of lives. While physical wounds may ultimately heal, torture survivors need ongoing psychosocial services and therapy to cope with the post-traumatic stress that afflicts them daily. Recovering from torture is a long-term process. It can take years before torture survivors can once again feel emotionally comfortable in society. More than 200 treatment programs operate internationally to provide crucial medical, psychological and social services to torture survivors. The legislation before us supports international programs through grants which are administered by the United States Agency For International Development, USAID, through its Victims of Torture Fund, otherwise known as VTF. H.R. 1511 authorizes \$12 million for each of fiscal years 2010 and 2011 for this important purpose. In the United States, the Center For Victims of Torture in Minnesota was the first multidiscipline treatment center of its kind in the United States and the third torture victims treatment program in the world. Currently there are 25 programs for the treatment of survivors of torture operating in the United States, most of them financially assisted through the Office of Refugee Resettlement of the Department of Health and Human Services. H.R. 1511 makes a critical investment in this crucial work. In addition, this legislation authorizes critical funds for the United States' contribution to the multilateral U.N. Voluntary Fund for Victims of Torture. Through the United Nations' mechanism, the UNVF supports torture treatment centers all over the world, including within the United States. Mr. Speaker, the funds authorized in the legislation before the House are urgently needed. I strongly support this legislation and urge my colleagues to do the same.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COM-
MITTEE ON ENERGY AND COM-
MERCE,

Washington, DC, June 19, 2009.

Hon. HOWARD L. BERMAN,
Chairman, House Committee on Foreign Affairs,
Washington, DC.

DEAR CHAIRMAN BERMAN: I am writing to confirm our understanding regarding the “Torture Victims Relief Reauthorization Act of 2009,” H.R. 1511. The Committee on Energy and Commerce has jurisdictional interest in provisions of the bill relating to torture victim relief.

In light of the interest in moving this bill forward promptly, I do not intend to exercise the jurisdiction of the Committee on Energy and Commerce on H.R. 1511. I do this, however, only with the understanding that foregoing further consideration of H.R. 1511 at this time will not be construed as prejudicing this Committee's jurisdictional interests and prerogatives on the subject matter contained in this or similar legislation. In addition, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COM-
MITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 23, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of June 19, 2009, regarding H.R. 1511, the “Torture Victims Relief Reauthorization Act of 2009.”

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce. I acknowledge that the Committee will not seek a sequential referral of the bill and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill which fall within your Committee's Rule X jurisdiction.

Further, as to any House-Senate conference on the bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within your Committee's jurisdiction, and I agree to support a request by your Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I will ensure that our exchange of letters is introduced in the Congressional Record during consideration of the bill on the House floor. I look forward to working with you on this important legislation.

Sincerely,

HOWARD L. BERMAN,
Chairman.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself as much time as I may consume.

I thank my friend and colleague for his kind remarks and for his strong support for this humanitarian legislation. It's deeply appreciated. Mr. Speaker, many Americans and perhaps a few Members of Congress may be shocked to learn that nationwide, there are an estimated 500,000 torture survivors in the United States, men and women who came, in most cases, to the U.S. as refugees. Worldwide, it's impossible to count the numbers, but the numbers are in the several millions. As chairmen of the Human

Rights Subcommittee in prior Congresses, we put together a large number of hearings on the issue of torture. Numerous torture survivors testified at those hearings about the paralyzing scars from the physical as well as psychological wounds of torture that remain for years and usually for a lifetime.

I'm happy to say that Chairman McGovern of the Tom Lantos Congressional Human Rights Commission under the able leadership of Hans Hognefe—thank you, Hans for having that hearing just recently, where we heard again about the need for this kind of approach but also the horror that these people had faced and the ongoing scars that they endure. Their painful memories make it all too clear that torture impacts not only the individual victims but, as we know now, the families themselves, the families who have to deal mostly with post-traumatic stress disorder, which manifests itself with such agony in the lives of these people.

Mr. Speaker, in 1998 Congress took a historic step towards attempting to repair the broken lives of torture victims with the passage of the Torture Victims Relief Act of 1998. I was a prime sponsor of that legislation and subsequent reauthorizations. Despite all of those efforts, however, there continues to be an enormous need and, I would submit, an escalating need for us to reach out to the victims of torture who oftentimes have no other recourse for their suffering.

Over the years, as I said, and now to current day with the Tom Lantos Commission, we've had hearings with the torture victims from the Soviet Bloc, Africa, Asia as well as Central and South America. One of the witnesses at the last hearing that I chaired on this issue was Mr. Sheikh Sackor, the founder of Humanist Watch Liberia and a survivor of torture in Liberia. Mr. Sackor testified to the brutal physical treatment, including the use of electrical shocks and the psychological abuse that he suffered at the hands of the regime of Charles Taylor.

Mr. Sackor was finally released from prison with the help of the United States embassy in Liberia. He fled to the U.S. and was admitted to the Bellevue Hospital Program for Survivors of Torture where he received medical and psychiatric care, evidentiary support for his asylum application and eventually, assistance finding employment with the Federal Reserve Bank of New York.

Mr. Sackor concluded his testimony at the hearing by stating, "Mine is a story like so many other individuals around the country cared for by the torture treatment centers funded by the Torture Victims Relief Act. But I know from my fellow torture victims," he went on, "now living in the United States that the need for more services

is enormous. I urge you to do whatever you can to increase funding for the centers doing this important work. For survivors of torture, this is truly a matter of life and death."

It is to help people like Mr. Sackor that I and so many others, 26 cosponsors who bring this bill today, including JIM OBERSTAR, who has been a leader for so many years on these issues. The organizations in Minnesota, New Jersey, Florida, all over the country doing heroic work in assisting refugees and asylees within our own country, such as the International Institute of New Jersey, need the funding that would be authorized under this legislation to help individuals overcome the scars of torture so that they can finally, at long last, integrate successfully into our society.

The Institute of New Jersey, for example, provides refugee resettlement services in New Jersey that include medical care, English language training, housing, employment, vocational referrals, mental health counseling, and social adjustment services. The benefits of such programs far outweigh any cost. It's an investment in people who have been harmed in most cases by despotic regimes.

H.R. 1511 has three components. The domestic aspect is designed to ensure that particular attention is given to torture victims in regions within the U.S. that have significant immigrant and refugee populations. The measure authorizes \$25 million for each fiscal year 2010 and 2011 to the Department of Health and Human Services to assist domestic treatment centers. There are over 20 programs in 15 States assisted by the Department of Health and Human Services' Office of Refugee Resettlement.

In addition to direct assistance to survivors of torture and their families, many of these centers are also engaged in training mainstream organizations and personnel in the specialized treatment that is required for torture victims. The Department of Health has said over 3,200 individuals were assisted during the 6-month period in '06 to '07; and the primary countries of origin to grant beneficiaries included Cameroon, Ethiopia, Iran, DR Congo, Iraq, Sudan and Togo.

It is important, Mr. Speaker, that the United States also express concrete concern for victims overseas. H.R. 1511, therefore, authorizes \$12 million for fiscal years 2010 and 2011 for foreign treatment centers and programs administered through USAID's Victims of Torture Fund. The funding is intended to give particular emphasis to supporting centers and programs abroad in emerging democracies and in post-conflict environments. I would note parenthetically that as I travel on human rights missions abroad, Mr. Speaker, I often visit those centers to see the good work that's being done to help people,

like in Bucharest, where—the legacy of Nicolae Ceausescu, the brutal tyrant of Romania—people are being assisted tangibly who spent time suffering torture under the Securitate, his secret police.

Lastly, Mr. Speaker, the measure encourages international cooperation and awareness of this issue by authorizing \$12 million to the U.N. Voluntary Fund For Torture Victims. The type of humanitarian assistance provided by organizations that receive grants from the fund, including organizations in the U.S., consists mainly of, again, psychological, medical, social and legal assistance. I hope my colleagues can support this legislation.

Mr. KLEIN of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and pass the bill, H.R. 1511.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING APPRECIATION OF CANADIAN FRIENDSHIP AND COOPERATION

Mr. KLEIN of Florida. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 519) expressing appreciation to the people and Government of Canada for their long history of friendship and cooperation with the people and Government of the United States and congratulating Canada as it celebrates "Canada Day".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 519

Whereas the United States has a long-cherished economic, social, and political partnership with Canada;

Whereas the United States and Canada share not only a 5,500-mile border, but also common ideals and cultural affinities;

Whereas in this era of heightened security, the United States and Canada have renewed cooperative efforts to safeguard the movement of people and goods, improve information-sharing, and strengthen border infrastructure and technology; and

Whereas July 1st of each year is officially celebrated in Canada as "Canada Day" in recognition of the anniversary of the establishment of the union of the British North American provinces in a federation called Canada: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation to the people and Government of Canada for their long history of friendship and cooperation with the

people and Government of the United States; and

(2) congratulates Canada as it celebrates its annual "Canada Day".

□ 1745

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KLEIN of Florida. Mr. Speaker, I rise in strong support of this legislation, and I yield myself as much time as I may consume.

Let me begin by thanking the gentleman from Michigan, BART STUPAK, for introducing this important resolution and for his steadfast leadership in support of a strong U.S.-Canada relationship.

H. Res. 519 congratulates the Canadian people and their government on Canada Day, the anniversary of the establishment of the union of the British North American provinces in a federation called Canada. It also expresses the appreciation of both the people and the Government of the United States for the longstanding cooperation and shared history with their Canadian counterparts. This provides an important opportunity for all Americans to recognize the common ideals and beliefs that unite our two nations economically, socially and politically.

Canada's sacrifices in Afghanistan are only the latest examples of the strong bond between our two nations. Since their initial deployment in 2002, Canadian troops have worked tirelessly to maintain security and to rebuild in Afghanistan, particularly in Kandahar province.

Canada has also been a leader in the global effort to promote a solution to worldwide carbon reduction, an issue which affects us all and which draws us even closer together as nations that share a common border. Canada's plan to reduce carbon emissions and their work through the United Nations' Framework Convention On Climate Change has been a significant step in the right direction.

The recent negotiations that took place between Canada and the United States concerning the water quality in the Great Lakes region further solidifies the bond between us as we must work collectively to improve the condition of that shared natural resource.

My district in south Florida benefits from a strong U.S.-Canadian relationship. Canada is Florida's top trading partner, and it is Florida's number one source of inbound tourism. According to a recent Canadian Government study, the Canada-Florida relationship is responsible for 432,000 direct and indirect jobs in Florida, representing 5.4 percent of all of Florida's employment.

This resolution advances the continued partnership that the United States hopes to maintain with the Canadian people and with their government. I would like to extend my personal congratulations and gratitude to the Canadian people, and I would urge all of my colleagues to do the same by supporting H. Res. 519.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 519. I am happy to be one of the cosponsors, but it was introduced by my good friend and colleague, BART STUPAK, expressing appreciation to Canada for its long history of friendship with the United States and congratulating Canada on its celebration of Canada Day.

Canada Day, otherwise known as "Canada's birthday," celebrates the 1867 enactment of the British North America Act, which united Canada as a confederation of four provinces. One of our closest friends and allies, I would like to thank the people of Canada and the government for their friendship and steadfast support of this country over many, many years.

The relationship between the U.S. and Canada is among the closest and most extensive in the world. Our two countries maintain the world's largest trading relationship, exchanging the equivalent of \$1.5 billion in goods each day. Canada is the single largest foreign supplier of energy to the U.S., including oil, uranium, natural gas, and electricity. In 2008, the U.S. imported energy from Canada worth \$111 billion, and every day about 300,000 people cross our shared border.

In both the First and Second World Wars, we fought on the same side against tyranny and fought for freedom and peace and against threats to international security. When the U.S. was faced with the horrors of 9/11, Canada, who also lost lives in the attack, stood by our side. In Afghanistan, Canada is our key NATO ally and is the leading contributor of combat forces to the alliances' International Security Assistance Force. The friendship and partnership between the countries is warm and enduring, and this resolution tries to recognize that, so I thank Mr. STUPAK for authoring it.

I yield back the balance of my time. Mr. KLEIN of Florida. I request just 1 minute of time to close.

Mr. Speaker, again, I would like to thank Mr. STUPAK. Also having grown

up in Cleveland, Ohio, and right over the border from Canada, I had the opportunity to spend many great years visiting.

I would also like to acknowledge the consul general from Miami, Marcy Grossman, who I had the opportunity to visit with recently before she left to return.

This is a wonderful opportunity to celebrate our two countries on this special Canada Day.

Mr. LARSEN of Washington. Mr. Speaker, I rise today to express my support for H. Res. 519 and join with our neighbors to the North in celebration of Canada Day.

On July 1st, 1867, the British North America Act went into effect, officially uniting the British North American colonies into one self-governing federation called Canada.

Earlier this month, Canadians across North America celebrated the anniversary of their country's birth, their long tradition of democracy, and their national achievements.

The United States shares in the celebration of this special day because we have strong economic, political and cultural ties with Canada.

Washington State's 2nd Congressional District, which I represent, contains over 60 miles of our common border with Canada. As a member of the Northern Border Caucus, I view our partnership with Canada as one that is vital to both of our countries' national security and economic prosperity.

With nearly \$600 billion in goods and millions of people crossing the border each year, Canada is not only the United States' largest trading partner, but also a key international ally.

In addition to sharing a common border that spans more than 5,500 miles, the United States and Canada share a deep commitment to democratic principles. It is because of this commitment that our governments have worked so closely to address the common challenges we face, such as narcotics and terrorism. And it is in defense of these same democratic principles that our servicemen and women have fought side by side in Afghanistan and throughout the world.

I congratulate Canada on the occasion of the 142nd Canada Day and I look forward to celebrating with them for many years to come.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Res. 519, Expressing appreciation to the people and Government of Canada for their long history of friendship and cooperation and congratulating Canada as it celebrates Canada Day. I'm proud to be an original cosponsor of this resolution, and I'd like to thank my good friend BART STUPAK for offering it.

On July 1st, 1867 with the enactment of the British North America Act, Canada was united as a single country. Over the next 142 years, Canada has become one of our closest friends, our largest trading partner and a steadfast ally.

And in the wake of 9/11, Canada has been a stalwart partner, sending troops to Afghanistan as part of the NATO coalition. They have stood shoulder to shoulder with us as we conduct our difficult mission to rid Afghanistan of the Taliban and give the Afghans hope for a life free from tyranny and repression.

Our Canadian friends have been vital as we work to secure the homeland on our shared waterways and long land borders. Cooperation is the key to securing the homeland along the Northern Border, and I'm pleased to say that we have a great partner in Canada.

In southeast Michigan, cross-border communities symbolize the relationship we share with our Canadian neighbors. Detroit, Michigan and Windsor, Ontario jointly celebrate Canada Day and the United States' Independence Day with the International River Days.

This festival lasts several weeks, culminating in one of the largest and most spectacular fireworks displays in North America.

I want to wish our neighbors and friends in Canada a happy and prosperous Canada Day.

I urge my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to begin by thanking Congressman BART STUPAK, for introducing this legislation. Every year on July 1st, I look forward to officially celebrating the establishment of Canada and all of its wonderful accomplishments. Canada has proven to be one of our nation's most trusted allies and as a member of the Homeland Security Committee, I personally work closely with Canadian officials to ensure the 5,500-mile border that we share remains secure. In this era of heightened security, the United States and Canada have renewed cooperative efforts to safeguard the movement of people and goods, improve information-sharing, and strengthen border infrastructure and technology across the border.

In a world in which too many nations still choose conflict over cooperation, and erect barriers instead of bridges, the U.S.-Canadian partnership has been and must ever be a model for others, and the foundation on which to build a common future. Indeed, our relationship is centered on a shared continent, shared values, shared aspirations, and real respect for our differences.

Over the years, our nations have forged the most comprehensive ties of any two nations on Earth. They bind not only our governments, but also our economies, our cultures, and our people. From NORAD to NAFTA, Canadians and Americans have seized opportunities to provide for our common security and prosperity. We've tackled tough problems from acid rain and water pollution to differences over beer and grain in the spirit of friendship and in pragmatism.

Addressing the Canadian parliament 50 years ago, President Truman declared that the success of the U.S.-Canadian relationship was due to "one part proximity, and nine parts goodwill and common sense." Goodwill and common sense remain the foundation of our friendship.

In Texas, the territory of the Consulate General in Dallas and the Canadian Consulate in Houston encompasses five states with over 36 million people. Bilateral trade with the region is over \$30 billion each year; therefore I am very aware of how important a strong trade relationship is for both countries.

Specifically the cities of Alberta and Houston share a number of distinguishing features which make them sister cities. Over the past 10 years Alberta has had the strongest economy in Canada, with an average rate of

growth of 3.7 per cent per year, while Houston continues to thrive as the energy capital of the United States. Canada is the U.S.'s most important trading partner, with over \$570 billion dollars in goods and services being traded between the two countries in 2006. Canada and the U.S. enjoy an interdependent energy relationship, trading oil, natural gas, coal, and electricity. Canada has a reported 178.8 billion barrels of oil reserves as of 2006, second only to Saudi Arabia. Over 95% of these reserves are in oil sands deposits in Alberta. Moreover, Canadian oil sands in Alberta have made Canada the largest exporter of oil to the U.S. and has helped alleviate our dependence on foreign sources of oil from parts of the world which geopolitically face much more risk than our neighbor to the North. Recent proposals by Canadian companies such as Enbridge and Altex to build oil pipelines from Alberta to Houston seem very promising, and I look forward to the progress they make. These 2,000-mile pipelines, which are targeted to be in service by 2010, will send over 500,000 barrels of oil per day.

I would like to congratulate Canada on its many accomplishments over the years and remain appreciative to the people and Government of Canada for their long history of friendship and cooperation with the people and Government of the United States.

Mr. KLEIN of Florida. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 519.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CELEBRATING THE LIFE OF FRANK MICKENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Mr. Speaker, I would like to recognize a great educator who passed away just a few days ago. This man was a tremendous leader. He was

the principal of Boys and Girls High School in the borough of Brooklyn, a gentleman by the name of Frank Mickens.

Frank Mickens really, really provided the leadership that we need so desperately today, and he did it with grace. He would insist that his students wore neckties. Of course, the board of education and people were very concerned about that fact, and they said he was not following the rules and regulations of the board of education.

But Frank's argument was, if a youngster had on a shirt and a tie, his behavior would be different, and he would be more eager to learn. Of course, Frank proved to everybody that what he was saying was right. He proved to everybody that this made sense. He also said, if a youngster were in a suit and a tie, that he would not be too interested in gangs and in gang life, because gangs would wear colors and all of that. If a youngster did not have a tie, Frank Mickens provided a tie. He had a closet with shirts and ties and with all of that in it to make certain that youngsters who came to school did not have to worry about whether they had ties or not, because he would provide ties for them.

It was so interesting because, when he took over the Boys and Girls High School, it was viewed as one of the worst schools in the City of New York. I remember on many occasions how parents would come to me and would say, Help me to make certain that my child does not have to attend Boys and Girls High School. I remember one family in particular. The mother came to me, trying to make certain that her daughter did not attend the high school. Then just a few years later, after Frank Mickens turned the school around, of course everybody wanted their children to go to Boys and Girls. Then there were no seats available.

She said to me, If you really are strong and if you're my Congressman, then I want you to be able to get my son into Boys and Girls High School. Here was the same lady who did not want her older child to go to Boys and Girls. Now she was fighting to get her son into Boys and Girls.

That points out the kind of leadership that Frank provided. He did not always go by the guidelines and by the rules and regulations of the education board, but the point was that they could not say that he was not effective.

He was also effective as a coach. He coached at Boys and Girls High School. As the coach of Boys and Girls High School, he won the city championship, and that was a very exciting time for a school that had not done that in many, many years.

He was a natural educator. He had the ability to pull teachers together and to get them to work extra hours and to do all kinds of things to make certain that the youngsters were able

to learn. He had the youngsters from that school going to some of the best colleges and universities in the Nation. This was a school that people had basically written off, but now they were going to all of the top schools because these teachers were working very closely with Frank to make certain that Boys and Girls High School was one of the top schools in the City of New York.

We're going to miss Frank because he was considered the person who motivated everybody, who got things done, who was able to get scholarships for his young students, and he was respected in the neighborhood. People would just come to him, looking for leadership, looking for advice and all of that.

He is going to be missed because Frank truly made a difference, and I would say that I am just so happy that I had an opportunity to know him and to work with him and to live during his lifetime.

Frank, we will miss you, but I'll tell you that your work is something that will live on and on and on. You were truly a leader. You provided educational leadership in a way that will never, never, never be forgotten.

So let me say to your family that I know that they will miss Frank dearly as well, but here again, I think we can be proud of the fact that the legacy that Frank leaves and the life that he lived are things that we should never, never forget. So I would say to all of the people, not only in Brooklyn but throughout this Nation, that we should commit ourselves to try to be the kind of educational leaders that Frank Mickens was.

□ 1800

EXONERATING LIEUTENANT COLONEL JOHN A. BROW AND MAJOR BROOKS S. GRUBER

The SPEAKER pro tempore (Mr. SCHAUER). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, on July 16 of 2009, I spoke on the House floor to express my thanks to the United States Marine Corps for their help in exonerating the late Lieutenant Colonel John A. Brow and the late Major Brooks S. Gruber, who was a resident of Jacksonville, North Carolina. On April 8, 2000, these men were the Marine pilots of the MV-22 Osprey that crashed in Marana, Arizona. The mishap occurred during a training mission as part of a test phase to determine the aircraft's suitability for the Marine Corps. Seventeen other Marines were killed in the crash.

From that day until today, I've worked with many aviation experts in the Corps and outside the Corps who helped me reach the conclusion that

these pilots were not at fault for the crash. Over the past 9 years, many times, both on TV and in the print media, inaccurate reports have spread misinformation by faulting the pilots and calling the crash as pilot error. That's why it's so important to set the record straight.

So in 2009, I asked the Marine Corps to include in the official military personnel files of Lieutenant Colonel Brow and Major Gruber a memo which exonerates them from any responsibility for the mishap. The memo includes 17 facts regarding the crash which were developed based on my review of official investigations and public records as well as extensive discussions with aviation experts.

The evidence shows that the fatal factor in the crash was the aircraft's lack of a vortex ring state warning system and the pilots' lack of critical training regarding the extreme dangers of VRS onset in the Osprey.

Mr. Speaker, Lieutenant Colonel Brow and Major Gruber and their families are dishonored by the assertions that the air crew were at fault for this fatal crash. That's why I am grateful that the Marine Corps has accepted the relevance of these facts, and on February 20 of 2009 they included my memo in the personnel files of these two Marines.

To finally bring this tragedy to a conclusion and to remove the stigma that has been unfairly attached to these two pilots, I have written the Navy to ask that they do the same thing as the Marine Corps did in doing the right thing by including this memo in the official safety investigation report of this mishap.

Mr. Speaker, I am entering into the record my letter to Rear Admiral A.J. Johnson, dated June 11 of 2009, which includes my request and the 17 facts about the crash.

As of this afternoon, I am very disappointed to say that I still have not received a response to this letter. Again, Mr. Speaker, the letter was dated June 11 of 2009. My request to the Navy is simple and the facts have not been disputed.

We have just over a week until the House adjourns for the August work period. I will have to consider pursuing other options if the Navy fails to approve my request. If necessary, I will ask that the crash investigation be reopened, and I will take legislative action to clear the names of these two pilots.

Mr. Speaker, I sincerely hope that the Navy will follow the example of the Marine Corps and help properly honor the sacrifice of these pilots who bravely gave their lives in service of this country.

And with that, Mr. Speaker, as I do frequently, I will ask God to please bless our men and women in uniform in Afghanistan and Iraq. I will ask God to

bless the families of our men and women in uniform. I will ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan or Iraq. And, Mr. Speaker, as I do in closing, three times I will ask God, please God, please God, please God, continue to bless America.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 2009.

Rear Admiral ARTHUR J. JOHNSON,
Commander, Naval Safety Center,
Norfolk, VA.

DEAR REAR ADMIRAL JOHNSON: Thank you for your response to my letter of April 21, 2009. Notwithstanding your regulations regarding the purpose of the Naval Aviation Mishap Safety investigations, I am convinced that the Memorandum of the Record (Memorandum) must be included in the AMB report and JAGMAN investigation as a matter of public record.

Over the last several years, numerous articles and stories referencing the April 8, 2000 crash of the V-22 Osprey have incorrectly identified Lieutenant Colonel Brow and Major Gruber as the cause of the accident and have brought unmerited mental hardship on their families. I outlined two of these incidents in my previous letter. As a reminder, the press release issued by the Marine Corps attributed the accident to the pilot's "extremely rapid rate of descent." Statements such as this and the incomplete nature of the AMB report and JAGMAN investigation have formed the basis for the public's perception of the role of the pilots in this unfortunate accident and must be supplemented with clarifying language.

For example, the JAGMAN stated that the aircraft found itself in vortex ring state (VRS) condition with no apparent warning to the aircrew. It was not until after the accident that Naval Air Systems Command called for a new flight limitation, pilot procedures, and a cockpit warning system for VRS. Clearly, the record must reflect this reality.

Your response stated that safety investigations "are conducted to determine root causes and identify corrective actions, not to assign blame or document accountability." In the case of the Osprey accident, the process of determining root causes and identifying corrective actions led to assigning blame to the pilot and co-pilot by outside organizations because the role of VRS has not been given its proper emphasis. If investigations undertaken after completion of the accident report place the root cause of the accident on other causes, there is reason to acknowledge that and include such a finding in the AMB report and JAGMAN investigation.

There were many subsequent investigations into the safety of the Osprey and the dangers of VRS. Therefore, the process of investigating this accident is not "closed to outside influences." Insights gained after the completion of an accident report can appropriately be appended to an official safety or investigative report.

Everyone can appreciate the desire to close an official investigation. However, subsequent developments clearly demonstrate that the accident report was incomplete. There is a legitimate basis for correcting what was determined in order to promote public justice and remove the stigma attached to the pilot and co-pilot.

In discussions with experts within and outside of the military, additions to closed investigations happen frequently. If you do not

agree to place the Memorandum in the AMB report and JAGMAN investigation, I request that you specifically identify whether any of the 17 facts contained in the Memorandum are inaccurate. Inclusion of the Memorandum in the Official Military Personnel Files of these brave Marines is insufficient.

Thank you for your service to our nation. I look forward to your response.

Sincerely,

WALTER B. JONES,
Member of Congress.

MEMORANDUM FOR THE RECORD

Based on my review of official investigations and public records regarding this mishap as well as extensive discussions with aviation experts, I, U.S. Congressman Walter B. Jones, have concluded that the fatal factor in the crash of an MV-22 Osprey on April 8, 2000 in Marana, Arizona was the aircraft's lack of a Vortex Ring State (VRS) warning system as well as the pilots' lack of critical training regarding the extreme dangers of VRS onset in the Osprey. I also believe the Marine Corps has blamed the mishap on the pilots' drive to accomplish the mission and a combination of aircrew human factors. Lieutenant Colonel Brow and Major Gruber and their families are dishonored by the assertion that the aircrew was in any way responsible for this fatal accident. Therefore, I request that the following findings be included in all official records relating to this mishap:

1. The fatal crash of an MV-22 on April 8, 2000, in Marana, Arizona, was not a result of aircrew human factors or pilot error that can be attributed to the late Lieutenant Colonel John A. Brow or the late Major Brooks S. Gruber who competently and professionally performed their duties as United States Marine Corps aviators.

2. The fatal factor in the crash of an MV-22 on April 8, 2000, was the aircraft's lack of a Vortex Ring State (VRS) warning system and the Department of the Navy's failure to provide the pilots with critical training regarding the extreme dangers of VRS onset in the MV-22.

3. Because of inadequate High Rate of Descent (HROD) and VRS developmental testing, the pilots of the MV-22 involved in the accident on April 8, 2000, were not trained or able to recognize, avoid, or recover from VRS onset in the MV-22.

4. Had adequate HROD and VRS developmental testing been conducted prior to the Operational Evaluation of April 8, 2000, and had a VRS warning system been installed in the aircraft, Lieutenant Colonel Brow and Major Gruber would have been better able to avoid or recover from VRS.

5. LtCol Brow and Maj Gruber were in formation behind another MV-22. The lead aircraft had overshot its intended approach angle and therefore steepened the approach angle. Unaware of the extreme dangers of VRS onset in the MV-22, LtCol Brow and Maj Gruber slowed their airspeed and descended even quicker, to maintain position on the lead aircraft. Twenty three seconds prior to the crash, the co-pilot of the lead aircraft stated "If you want you can take it long if you need to or you can wave it off. It's your call. You're hanging dash two out there." The lead aircraft pilot decided to continue his rapid descent at a slow forward airspeed, clearly oblivious of the extreme dangers of VRS onset in the MV-22.

6. Numerous reviews and investigations following the mishap have documented that the pilots of the mishap aircraft were not provided with the necessary and critical knowledge and training to recognize, avoid,

or recover from the extreme dangers of Vortex Ring State (VRS) onset in the MV-22 and the potential for sudden loss of controlled flight in the MV-22 following VRS onset.

7. After the mishap, Naval Air Systems Command (NAVAIR) called for a thorough investigative flight test program to find the boundaries of VRS, characterize its handling qualities, and establish the basis for a new flight limitation, pilot procedures, and a cockpit warning system.

8. As a result of testing following the fatal accident, a visual and aural cockpit warning system was developed to alert the aircrew when the aircraft exceeded the NATOPS flight manual's rate-of-descent limit.

9. On July 27, 2000, the Marine Corps publicly announced in a press release that a combination of "human factors" caused the April 8, 2000 crash. The press release went on to implicate the mishap aircraft pilots by stating that "deviations from the scheduled flight plan, an unexpected tailwind and the pilot's extremely rapid rate of descent into the landing zone created conditions that led to the accident." The release also stated that "although the report stops short of specifying pilot error as a cause, it notes that the pilot of the ill-fated aircraft significantly exceeded the rate of descent established by regulations for safe flight." In this Official USMC press release, Marine Corps Commandant Gen. James L. Jones is quoted as saying: "the tragedy is that these were all good Marines joined in a challenging mission. Unfortunately, the pilots' drive to accomplish that mission appears to have been the fatal factor."

10. This clearly damaging language is inaccurate, based on the fact that at the time of the crash, adequate testing of the MV-22 in the High Rate of Descent/Vortex Ring State (HROD/VRS) regime had not been conducted, the MV-22 did not have a VRS warning system, and the pilots did not have adequate knowledge and training to recognize and avoid the extreme dangers of Vortex Ring State (VRS) onset in the MV-22 and the potential for sudden loss of controlled flight in the MV-22 following VRS onset.

11. According to the Government Accountability Office (GAO), the Commander, Operational Test and Evaluation Force's V-22 Operational Evaluation (OPEVAL) report indicated that the MV-22 "Naval Air Training and Operating Procedures Standardization (NATOPS) manual lacked adequate content, accuracy, and clarity at the time of the accident. Additionally, because of incomplete developmental testing in the High Rate of Descent (HROD) regime, there was insufficient explanatory or emphatic text to warn pilots of hazards of operating in this area. The flight simulator did not replicate this loss of controlled flight regime." Also, the preliminary NATOPS manual and V-22 ground school syllabus provided insufficient guidance/warning as to high rate of descent/slow airspeed conditions and the potential consequences.

12. The Judge Advocate General Manual (JAGMAN) Investigating Officer stated that "the fact that the aircraft found itself in VRS condition with no apparent warning to the aircrew, but also departed controlled flight is particularly concerning."

13. On December 15, 2000, after a second crash of the V-22 that year, then-Secretary of Defense Bill Cohen determined that the accident history of V-22 aircraft and other testing issues required an independent, high-level review of the program. He established a Blue Ribbon Panel to review the safety of the V-22 aircraft and to recommend any proposed corrective actions.

14. This panel was briefed by the Government Accountability Office (GAO) and the contents of this brief were incorporated into a subsequent GAO report. The GAO report cited concerns about the adequacy of development tests conducted prior to the aircraft entering the operational test and evaluation phase and that completion of these tests would have provided further insights into the V-22 Vortex Ring State phenomenon. In particular, the GAO found that developmental testing was deleted, deferred or stimulated in order to meet cost and schedule goals.

15. The original plan to test the flying qualities of the flight control system included various rates of descent, speeds, and weights. This testing would have provided considerable knowledge of MV-22 flight qualities especially in areas related to the sudden loss of controlled flight following VRS onset. To meet cost and schedule targets, the actual testing conducted was less than a third of that originally planned." In addition, MV-22 pilots did not understand the optimum use of nacelle tilt to recover from VRS onset. In my opinion, this testing clearly could have prevented this tragic accident by providing the pilots the knowledge and training to either avoid or recover from VRS.

16. The GAO presentation also revealed that the JAGMAN Investigating Officer opined that the MV-22 Program Manager (PMA-275), Naval Aviation Training Systems (PMA-205) and the Contractor "needed to expedite incorporation of Vortex Ring State and Blade Stall warnings and procedures into the MV-22 NATOPS. The preliminary NATOPS manual and V-22 ground school syllabus provided insufficient guidance/warning as to high rate of descent/slow airspeed conditions and the potential consequences."

17. The GAO report also revealed that the Director, Operational Test & Evaluation (DOT&E) stated that "while the possible existence of VRS in the V-22 was known when flight limits for OPEVAL were established, the unusual attitude following entry into VRS was not expected." DOT&E goes on to say "thus, the first indication the pilot may receive that he has encountered this difficulty is when the aircraft initiated an uncommanded, uncontrollable roll."

THE HEALTH OF OUR ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, our whole economy has been in trouble for a long time. We can no longer look at foreclosure rates but ignore our trade deficit, or discuss high gas prices without mentioning the billions spent on Wall Street and the growing U.S. debt that results from an economy not in charge of itself.

Mr. Speaker, the health of our economy is not just one number, like Wall Street profits. It's not just our budget deficit. There are so many more aspects to our economy that weigh heavily on how prosperous America could be. Those aspects include having grown more dependent year after year on foreign products.

This first chart shows since the 1970s how deeply into debt we have fallen in

terms of more imports coming into our country than exports year after year for so much of what drives this economy. Three quarters of a trillion dollars more imports in here than our exports out. More foreign imports into the United States means less U.S. jobs. More of our exports out means more jobs here.

Our trade deficit has been driven up to nearly 5 percent of what's called the gross domestic product—a shocking number by any measure—by this growing dependence on foreign goods starting with oil, which consumes over half of this deficit, and bad trade deals. In fact, when you look at this chart, it's hard to imagine that almost half a trillion dollars is related to imports of energy.

With high gas prices and bad trade deals have come growing legions of the unemployed with climbing rates higher and higher. There's been a steady pattern of this deepening crisis over the last several years. In fact, it's interesting to look at this chart which shows the relationship between unemployment, rising oil prices, and unemployment.

And going back to the 1970s, with the first embargo of oil from the Middle East, we saw a huge peak in price and then a huge peak in unemployment. And the same is true in every succeeding decade in the 1980s, in the 1990s, and certainly now. There has been a steady pattern of this deepening crisis over the last 20 years.

In 1993, when NAFTA was rammed through this Congress, they said it would create jobs. It did just the reverse. There's been a huge net job loss for our country.

In the late 1990s, when they passed PNTR for China, they said, Oh, that will create more jobs here. Well, no. It did exactly the reverse net; more jobs were outsourced.

At home, in places like Toledo, Ohio, 15.6 percent of our people are officially unemployed as foreclosures continue, deep, huge payouts to Wall Street continue, and now 12 percent of our housing stock foreclosed. The gap between the super-super rich and the rest of us is getting wider all the time, and those numbers threaten the future of our Republic.

At a recent job fair in Toledo, unemployed workers were able to post video resumes courtesy of local television stations. One man, a CVL licensed truck driver in his early sixties, said he was looking for anything, “even something in fast food.”

We don't lack for a work ethic in our area, we lack for jobs. But with so many outsourced jobs, from televisions to clothing to automotive to call centers, for heaven's sake, American consumers are abdicating their buying power abroad and losing millions of jobs. Unemployment benefits are starting to run out. Food pantries are see-

ing record increases, and people are getting desperate. The wealth disparity grows larger every day.

Don Monkerud wrote in the Capital Times in Madison, Wisconsin, the 400 richest Americans, who now own more than the bottom 150 million Americans, increased their net worth by \$700 billion during the 8 years of the Bush administration. I think one can ask, isn't that enough? Are they filled up yet?

In 2005, the top 1 percent claimed a quarter of our national income and the top 10 percent of earners in this country took fully half of the entire national income. It's even worse now. The super rich taking the largest share of our national income since—are you ready for this?—since 1928, the year before the Great Depression started, the wealth gap.

And yet we're listening to the super-super rich whining because they want them to help pay for a health care system that will help make our Nation competitive in the global marketplace so we can help recapture some of the lost jobs.

We can't fix our country by simply fixing things on Wall Street for those who are super rich or pandering to the complaints of the richest of the rich or the Wall Street bankers that have outsourced so many of our jobs. That's how we got here in the first place.

We need to fix this country by reducing our trade deficit, cutting our dependence on foreign oil, helping hard-working Americans who are doing their best to make ends meet and who want to work and putting our accounts back in order.

Listen to the over 250 million Americans, not just the top few, who are asking us to make America, all of us, rich again as a result of our hard work. It's time. Our people have earned it.

HEALTH CARE DEBATE—QUOTES TO REMEMBER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. There's been an awful lot of misinformation about the Democrat health care proposal, Mr. Speaker, and so I would like to take just a couple of minutes tonight to talk to my colleagues about what's really happening and what will happen if this bill becomes law.

According to the Lewin Group, there will be 114 million Americans who could lose their current coverage under the bill according to this organization. 4.7 million is the number of the jobs that could be lost as a result of taxes on businesses that cannot afford to provide health care insurance coverage according to a model developed by the Council of Economic Advisors; \$818 billion in total new taxes on individuals

who cannot afford health care coverage and employers who cannot afford to provide coverage that meet the Federal bureaucrat standards; \$1.28 trillion in new Federal spending in the next 10 years, but some believe it will be as much as \$3 trillion. And then there are 33 entitlement programs the bill creates, expands, or extends in an increase from where we are right now.

This is the organizational chart of the health care plan the Democrats are proposing. The white spots are new agencies that will be created or will be added to the plan, and it's going to be a real maze for Americans to go through in order to get health care. It will result, in my opinion, in most people's opinions who study this, in rationing of health care and additional cost to the taxpayers of this country to the tune of between \$1 trillion and \$3 trillion over a decade.

Now, I just want to quote some of the things that have been said by our leaders over the past few days about this plan.

Yesterday, President Obama, when he was talking about this, said that this bill will not add to the deficit. He said: I will not sign a bill that adds to the deficit. Period. That is a direct quote from the President yesterday.

According to the Congressional Budget Office, the House bill, this bill, will add \$239 billion to the deficit. So either the Congressional Budget Office or the President is wrong because it is going to add to the deficit, according to CBO.

Representative CHARLIE RANGEL, one of my good friends here in the Congress, was commenting on President Obama and Speaker PELOSI by saying he thought they were moving too fast. He was overheard to say yesterday or day before yesterday: No one wants to tell the Speaker that she's moving too fast and they darn sure don't want to tell the President. He was on his way to a closed door meeting about this because there is an awful lot of concern about this bill, even among Democrats.

Speaker PELOSI, in a front page interview in USA Today, said: Many Members think that there's more to be squeezed from the hospitals, the pharmaceutical companies and the docs. Squeeze them. And I hope all of those institutions are listening.

JOE BIDEN, the Vice President, said: We're going to go bankrupt as a Nation, he warned at an event in Virginia last week. He continued: People, when I say that, look at me and say, What are you talking about, JOE? You're telling me we have to go spend money to keep from going bankrupt? And he says, yes, we do have to spend more money to keep from going bankrupt.

□ 1815

Now that's something that is new to me. I have never heard that you can spend your way out of bankruptcy. And the White House Chief of Staff, Rahm

Emanuel, told the New York Times that Obama intends to use tonight's press conference, that is going to happen this evening, as a "6-month report card," and he is going to talk to the American people about "how we've rescued the economy from the worst recession" and that we're moving forward with our legislative agenda.

Now if they've rescued us from the worst recession, I'd like to know how we're going to explain to the American people that we are very rapidly approaching 10 percent unemployment when just a month or so ago they said it wouldn't go above 8 percent, and how when they said they weren't going to spend us into the red anymore, and we're looking at trillions of dollars of additional spending. So tonight I hope everybody watches the President and listens to him. But I hope they ask themselves, are things better today than they were 6 months ago, when you took office, or are they worse? Because he's going to tell you everything is coming up roses.

H.R. 1933, A CHILD IS MISSING ALERT AND RECOVERY CENTER ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Speaker, I rise today to commend my colleagues for passing H.R. 1933, the A Child Is Missing Alert and Recovery Center Act. I introduced this bipartisan legislation with my good friend from Texas (Mr. GOHMERT), who is the distinguished ranking member of the Crime Subcommittee and a former Texas State judge. I should also thank the distinguished chairman and ranking member of the Judiciary Committee, Mr. CONYERS of Michigan, Mr. SMITH of Texas, and Mr. SCOTT, the chairman of the Crime Subcommittee, for their leadership in moving H.R. 1933 out of committee and to the floor.

Mr. Speaker, H.R. 1933 would expand the widely praised A Child Is Missing nonprofit organization into a national program with regional centers under the Department of Justice. It would accomplish this expansion through annual grants from the Attorney General in the amount of \$5 million from 2010 through 2015. The funds would allow for the purchase of future technologies and techniques, centralized and onsite training, and for the distribution of information to Federal, State and local law enforcement agency officials on the best ways to utilize the round-the-clock services provided by the A Child Is Missing Alert and Recovery Center.

Currently, A Child Is Missing is the only program of its kind that assists in all missing cases involving abduction, children who are lost, wander or run away, or adults with special needs such

as the elderly who suffer from Alzheimer's or dementia, which is a major problem in my district in south Florida. When a person is reported missing to law enforcement, A Child Is Missing utilizes the latest technology to place 1,000 emergency telephone calls every 60 seconds to residents and businesses in the area where the person is last seen. It works in concert with the AMBER Alert system which you see on the highways, on those billboards or radio announcements, also known as the Silver Alert, and all child-safety programs, and has the support of law enforcement agencies all over the country.

A Child Is Missing also fills a critical gap in time in the most dangerous cases. Although the AMBER Alert has been an extremely successful program, there is still a crucial void in time when a child is first reported missing and when an AMBER Alert, which is activated only in cases of criminal abduction, can be issued, which is sometimes 3 to 5 hours later. This critical period of time can be the difference between whether a child lives or dies.

Recently, a Washington State Attorney General's office study showed that among cases involving children abducted and murdered, 74 percent were slain in the first 3 hours. So it is the first hours, the first minutes that are critical. And to the extent we can alert people in the local area by this telephone system to businesses and residences, we get the information about the potential child or abductor to the law enforcement as quickly as possible.

Adding to the problem is the resource and manpower limitations facing many local law enforcement agencies. Roughly half of these offices in the United States had 25 or fewer officers, and an average 12-hour search for a missing child can cost up to \$400,000 in law enforcement expenses. That is a great fiscal burden during these difficult times of shrinking budgets. A Child Is Missing helps to fill this critical gap in time as well as complement the AMBER Alert during its ongoing search. We have heard this over and over again from law enforcement agencies that have received this; the real issue is that not enough communities have access to the program.

The founder and president of A Child Is Missing in Florida, Sherry Friedlander, who has done a remarkable job spreading the program to all 50 States, says that we're going to bring this program to every community, but we need there to be the leverage and logistics and some minor amount of resources that can help make it do so. And that is exactly what H.R. 1933 does. It has broad bipartisan support in Congress. I count cosponsors from all over the United States. On the Senate side companion legislation was introduced by Senator MENENDEZ and Senator HATCH, the distinguished former chairman of the Senate Judiciary Committee.

Because we are so proud of this great effort, we understand that children are not Democrats or Republicans, they are Americans, and they are our children and our responsibility. And their protection requires all of us to work together to do what is best for their continued safety. So as a result of all this, I appreciate this support we have got, and I urge our colleagues to support H.R. 1933.

WHERE ARE THE JOBS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CARTER) is recognized for 5 minutes.

Mr. CARTER. Mr. Speaker, jobs, jobs, jobs. Americans are asking, where are the jobs? With the unemployment rate at 9.7 percent, Democrats continue to push job-killing bills. First cap-and-tax, and now a plan to socialize health care. We all agree our health care system is clearly in need of reform. Health care costs too much. Families and individuals are seeing their premiums rise, and businesses are having to drop or significantly reduce their coverage to make ends meet. Employees are wondering why their plan no longer covers things like dental or vision.

The answer is, the costs are forcing employers to reduce coverage. However, the Democrat government-controlled health care bill actually makes things worse. The nonpartisan Congressional Budget Office says it will raise prices even higher and increase taxes. The Democrats' health care bill also hurts the quality of health care, cuts thousands of jobs, and devastates State economies.

There are just too many problems with the Democrat health bill to use a 5-minute speech, so I'm going to focus on one job-killing section, section 1156, which would be the death of physician-owned hospitals, which are a huge job creator and a medical innovator in Texas and throughout the country. Texas has more existing and planned physician hospitals than any other State. To be exact, Texas has 50 physician-owned hospitals that provide 22,000 jobs and contribute \$2.3 billion to the Texas economy annually. So let me repeat. This little provision in the Democrat government health plan kills tens of thousands of jobs, tens of millions of tax dollars paid, and over \$1 billion of economic activity for the State.

If section 1156 becomes law, 104 physician-owned hospitals currently under construction would be lost. This would cost Texans 20,000 jobs and \$5 billion in investments. Constituents in my district are letting me know how devastating this provision is for Texas. Hospitals like the Heart Hospital of Austin, rated the number one hospital in America for heart attacks, would not be able to build new hospitals and

could only expand after going through several layers of bureaucracy.

This is only one small portion in the Democratic government-run health care plan, and it kills jobs. And others kill jobs. In a poll of 5,097 of my constituents, 82 percent oppose the Democrat plan. Nationwide polling indicates the majority of Americans are opposed to the Democrat plan. Let's listen to our constituents and defeat this government-run takeover of our health care.

HONORING TOMAS AGUON CAMACHO OF THE NORTHERN MARIANA ISLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Northern Mariana Islands (Mr. SABLAN) is recognized for 5 minutes.

Mr. SABLAN. Mr. Speaker, I rise to honor one of the Northern Mariana Islands' finest individuals, Tomas Aguon Camacho. The Most Reverend Tomas Aguon Camacho is the first bishop of the Diocese of Chalan Kanoa, Commonwealth of the Northern Mariana Islands. Born to Maria Borja Aguon and Vidal Palacios Camacho on September 18, 1933, Bishop Camacho was ordained a priest on June 14, 1961, and was given the honorary title of Monsignor in 1974. On January 13, 1985, he was installed as Bishop, the same time that the Northern Mariana Islands became a separate ecclesiastic jurisdiction from the Archdiocese of Hagatna, Guam, to what was and is now the Diocese of Chalan Kanoa.

As a shepherd to Catholics in the Northern Mariana Islands, which total approximately 80 percent of the general population, Bishop Camacho is looked upon by the people as a compassionate pastor, a humble servant and a concerned teacher to his flock. He recently finished translating into the vernacular the books of the New Testament, making the Word of God available in Chamorro, an indigenous language unique to the Northern Mariana Islands and to Guam. He is now working on the books of the Old Testament. Additionally, the Bishop has commissioned a group to translate the Bible in the Refalauwasch, the other indigenous language of the Northern Mariana Islands.

Bishop Camacho is not only a strong spiritual leader, but he is also a compassionate father who tries his best to address the needs of his people. Bishop Camacho initiated and founded various diocesan commissions that, up to the present time, provide invaluable services to the people.

KARIDAT Charity, for example, is a social service provider under the diocese serving the islands of Saipan, Tinian and Rota. It provides youth and family counseling, emergency food and shelter assistance, hotline and out-

reach assistance to victims of crime. Founded on May 5, 1980, KARIDAT has to this day served thousands of residents. Moreover, in the early 1990s, through the leadership of Bishop Camacho, the diocese has maintained a Human Rights Advocacy Office. This office was instrumental in protecting the rights of foreign workers and upholding the church's social teachings.

However, due to founding constraints, the office was closed in the late 1990s. Over the years, Bishop Camacho has guided the faithful in facing major community issues by releasing pastoral letters on casino gambling, human trafficking, substance abuse, abortion and their impact on individual and family values. Mr. Zaldy Dandan, the editor of a local newspaper, *The Marianas Variety*, described Bishop Camacho as "the island's most trusted, most revered and most beloved public figure, an exemplary representative of the One, Holy, Catholic, and Apostolic Church. He is the soul of Saipan, the conscience of the island, and the pride of the Northern Marianas."

In October of 2008, the Northern Mariana Islands Council for the Humanities presented Bishop Tomas A. Camacho its Lifetime Achievement in the Humanities award for his efforts in preserving the Chamorro language. Having tendered his resignation last year at the age of 75 as required by the law of the church, Bishop Camacho is now waiting for Pope Benedict XVI's appointment of our next bishop, pastor and friend.

Forty-eight years a priest and now 24 years in the Episcopacy, Bishop Camacho, the Diocese of Chalan Kanoa, and the people of the Northern Mariana Islands will have to look back at the years and hear the Master say, "Well done, good and trustworthy servant; you have shown you are trustworthy in small things, I will trust you with greater, and join your Master's happiness," Matthew chapter 25 verse 21. Only God knows what greater things there are that are beyond what Bishop Tomas A. Camacho has attained. Only God knows.

□ 1830

REFORMING OUR HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Arizona (Ms. GIFFORDS) is recognized for 5 minutes.

Ms. GIFFORDS. Mr. Speaker, I rise today to talk about the most important domestic policy issue that faces our country, and that is the reforming of our health care system, this great debate that this country is having right now.

Before coming to the United States Congress, I served as a State Legis-

lator, both in the House and in the Senate in the State of Arizona, so I had a chance to hear from people all over, from Tombstone all the way up to Flagstaff about the challenges that they faced with health care.

Before I was a State Legislator, I was the CEO of my family's tire business. And running El Campo Tires, I had a chance to make some important decisions for my employees, and that included making sure that they had good health benefits. Unlike many of my competitors, I offered health care upon hire. But year after year I saw double-digit increases when it came to paying for our insurance premium. Now, we weren't a very large company, but I thought it was important to provide those health care benefits. It was probably detrimental to the company, but I thought that was really critical.

We see right now in the United States, as a country, that we spend too much for health care per capita. We spend well more than any other country. Yet we have 47 million Americans right now that have no health insurance. We have probably 20 million additional Americans that are underinsured, and millions and millions every day that worry that the insurance that they have won't cover them, that it won't be enough. Nationwide, premiums have doubled in the last 9 years, which have basically increased three times faster than real wages across the United States.

I represent Arizona's Eighth Congressional District and it's unique because it's burdened in different ways than other parts of the country. This is a border district, one of 10 border districts. A large amount of the geography is rural, where it's very hard to get physicians or nurses to go out there. Many parts of the district are low income. We also have fewer doctors per capita than other parts of the country. From 2001 to 2006, the out-of-pocket expenses in my district went up by 32 percent; and in 2008, there were 950 health care related personal bankruptcies in my district. So we cannot continue to perpetuate the status quo. The time for health care reform is right now. Arizonans need reform that's going to protect us from being denied coverage based on a pre-existing health condition that they might have. Arizonans need reform that guarantees care, even if we lose our job or if we move or if our spouse loses his or her job. Arizonans need reform that fosters competition, which is critical to our free market system, across the insurance companies and delivers us, the customers, the consumers, the lowest cost and the best service available. Arizonans need reform that puts the power of health care decisions back into the hands of the patient and back into the hands of their physicians. Reform is not an option, and most Americans simply know that.

As the health care legislation is being crafted and being discussed right now, we know that it has to be done responsibly. We know we need to pay for it. We can't continue to put today's expenses on to the shoulders of our children and our grandchildren. It is also critical that Americans know that if you like your plan, you can keep your plan. You should be able to make sure that your costs go down and not go up like they're continuing to do. There are savings to be had in our current system. We all know that. So we have to focus on squeezing those costs, every drop. We can do this, and we must do this. So it's really time to make sure, not that we do it fast, but that we do it right because our economy's at stake. Our children, our grandchildren, and America's prosperity are at stake right now with this health reform issue.

So thank you, Mr. Speaker, for the time, and for my constituents back home, the importance that they know that we're going to work to make sure we get this health care legislation right.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Last week, Democratic leaders in Congress introduced the "America's Affordable Health Choices Act," which sets the tone for a Washington takeover of the health care system, one defined by Federal regulation, mandates, a myriad of new big government programs, and a significant increase in Federal spending. A recent poll, which was released at the beginning of July, indicates that Americans by a margin of 2-1 think a government takeover of health care would be a bad thing. Unfortunately, the Democratic leadership is not listening to the American people and they are pushing legislation which only offers more of what is wrong with the current system.

At least two different independent analyses of the House Democrats health care legislation estimate that more than 100 million Americans would lose their current health care coverage. In addition to losing their health insurance, Americans are going to lose control over their health care decisions. Under the Democrats' vision, Washington would have ultimate control over what is best for patients, what treatments are acceptable, and how long patients wait for needed care. Additionally, this misguided health care legislation is estimated to cost the Federal Government as much as \$1.5 trillion. In fact, Congressional Budget Office Director Douglas Elmendorf testified before the House Ways and Means Committee that the coverage

proposals in this legislation would expand Federal spending on health care to a significant degree. He went on to say that in CBO's analysis so far, they didn't see other provisions in the legislation reducing Federal health spending by a corresponding degree.

To pay for this massive new government expansion, the legislation contains \$820 billion in new job-killing tax increases imposed on certain income filers, a majority of whom are small businesses, even while the country remains in a serious recession. Struggling middle class families need jobs and small businesses cannot afford to hire more workers while paying higher taxes. It's simple. People want to focus on creating jobs, not raising taxes. For this reason, the National Retail Federation, which represents the employers of one in five American workers, the National Federation of Independent Business, which represents over 350,000 small and independent businesses, the United States Chamber of Commerce, and the National Association of Manufacturers all strongly oppose the current health care reform legislation.

Rather than creating a massive government-managed health care bureaucracy that will dictate medical decisions from Washington, we should be concentrating our efforts on making health care more affordable for all Americans and giving them the freedom to choose the health care and health insurance plans that best fit their needs. Some important first steps toward real health care reform include creating health insurance tax credits, which will increase the affordability of health care for those who do not have access to employer-based health insurance, expanding health savings accounts, creating association health plans which allow employers to band together to purchase insurance coverage at lower rates for their employees, medical malpractice reform, which would discourage the practice of defensive medicine, and encouraging the establishment of a nationwide health information technology network which can reduce medical errors, save time, money and, most importantly, save lives.

While we can all agree that our current health care system is flawed, there are many different ideas about how to fix it. Republicans have solutions that will empower patients with choices, make high quality coverage more affordable, and protect and preserve the doctor-patient relationship. The most important principles in health care reform are holding down costs and preserving consumer choices. We already spend far more per person than any other country in the world. Reform must mean using the health care dollars we now spend in a smarter, more effective way. We should be preserving and enhancing the ability of people to choose the plans that are tai-

lored to their needs and the doctors that they trust to guide them, not putting more power in the hands of Washington bureaucrats.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COURTNEY) is recognized for 5 minutes.

Mr. COURTNEY. Mr. Speaker, I also rise tonight to discuss the issue of health care. And again, we've just heard remarks which are part of a campaign really to try and, I believe, and I say this respectfully, mislead and scare people about what it is that the committees of this Congress are taking up and deliberating on. I'm on one of those committees, the Education and Labor Committee. And what my message would be here tonight is that Americans should not be alarmed. In fact, they should feel reassured about the fact that we are finally, in a serious, coherent way, trying to address a broken system. I know it's broken. I come from the State of Connecticut. Earlier this week, on Monday, there was a hearing at the State of Connecticut Department of Insurance where Blue Cross/Blue Shield came in asking for a 32 percent rate increase for its individual health insurance policies that they sell in the State of Connecticut. That's the status quo. That's the so-called patient-driven health care system that we have right now. Thirty-two percent increase. You can't blame that on Barack Obama. You can't blame that on a government-controlled system. That's the marketplace that exists today, and it is bankrupting individuals and families at an alarming rate. Twelve thousand Americans a day are losing their health insurance. What the bill is that we are offering and as part of this effort which the President will be talking about tonight is a way of trying to control those costs and to try and create some sort of stable system for individuals and American families.

Let me give you an example. For a single woman, working at a convenience store, earning about \$25,000 a year, if she went out today, before the 32 percent rate increase that Blue Cross is asking for, and tried to buy an individual insurance policy in Connecticut, it would be \$381.22 a month for a premium through the Blue Cross plan. It has a \$1,500 deductible, 20 and \$30 copays for primary care and specialist physicians, respectively, and an annual prescription drug benefit of only \$500. The bill that we're working on, which was reported out by the Education and Labor Committee on Friday, for an individual who's earning \$25,000 a year, their monthly premium would be \$158, less than 50 percent of what an individual is paying today, and that's without some kind of outrageous

skyrocketing premium increase which Blue Cross is asking for today under our broken system.

How do you do this? Well, the answer is very simple. And Members of Congress can answer it better than anybody because they should just look in the mirror and see the system that we have today for Members of Congress. We have the opportunity to be part of a purchasing exchange, a purchasing allowance which allows millions of Federal employees across the country to spread risk, to spread cost, and to offer a broader range of choices, private plans which Members of Congress have that opportunity to pick from. And that moderates, it stabilizes the cost of the system and allows the system to operate without these harsh pre-existing condition exclusions which if a person has a heart condition or a diabetic condition, which today in the individual market completely and totally excludes them from buying insurance at all.

Now if you ask your Member of Congress about their health insurance plan and the cost of increase which took place over the last year, you could ask a Member from Ohio, where the minority leader comes from, and what it would show is that there were increases from 2008 to 2009 of only \$10 a month for many of the plans. One of the Ohio plans which was offered to Members of Congress actually reduced its monthly payment. And this is because it's just a basic market principle, and that is what the Democratic plan is proposing for all Americans, which is that we will create a large purchasing exchange which will spread risk, which will protect individuals from pre-existing condition exclusions, and which will moderate and stabilize premium costs so that you would not face the 32 percent rate increases that insurance companies like Blue Cross are asking for back home in my State, the State of Connecticut.

We also add a public option as one of the choices that can be selected by Americans who participate in this purchasing exchange. Private plans and a public option as a way of keeping the system honest and making sure that we get every efficiency possible. But no one has to choose that public option. And no provider, no doctor, or hospital has to participate in it.

You would think, from the descriptions on the other side, that people are going to be marched at gunpoint into a government plan. The opposite is completely true. There will be open choice. There will be private plans that will be offered under that purchasing exchange and it will, again, allow people the benefits of spreading risk and spreading costs just like Members of Congress have today. Every taxpayer and every citizen of this country should ask that question of their Member when the time comes to vote: Are you prepared

to stand up and vote for a plan which will give us what we give you?

□ 1845

35TH ANNIVERSARY OF INVASION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today to recall an anniversary that for the past 35 years has plagued the Cypriot and Hellenic communities, as well as all freedom-loving people. Mr. Speaker, even though the tragic events of the Turkish invasion took place so long ago on July 20, 1974, the pain and suffering is still felt because the divisions of the invasion still exist, unfortunately.

This week is a time for this body to solemnly remember the Turkish military invasion of the island of Cyprus, to mourn those who lost their lives in the invasion, and to condemn the ongoing Turkish occupation.

On July 20, 1974, in flagrant violation of international law, Turkey invaded Cyprus and violently captured the northern part of the island Cyprus' territory. As a result of the Turkish invasion and occupation, 160,000 Greek Cypriots, 70 percent of the population of the occupied area, were forcibly expelled from their homes. In addition, 5,000 Greek Cypriots were killed, and more than 1,400 Greek Cypriots, including four Americans of Cypriot descent, remain missing since the Turkish invasion, and their fate is still unknown.

As a result of the invasion and occupation, Greek and Turkish Cypriots were forcibly divided along ethnic lines and remain so to this day.

The United Nations has adopted numerous resolutions which reflect the universal condemnation of Turkey's invasion. Moreover, the European Court of Human Rights has found the Government of Turkey responsible for gross and systematic violations of human rights in Cyprus.

Cypriots should have the right to return to their homes, and the illegal settlers who were transported from Turkey to the occupied parts of Cyprus should relinquish their homesteads and properties to the rightful owners. Thirty-five years is 35 years too long for the island and people of Cyprus to endure an illegal occupation and division.

Negotiations that began with President Christofias and Turkish Cypriot leader Mehmet Ali Talat last year have provided some measure of hope. Negotiations are moving forward. The key to a successful outcome of the negotiating process and reunification of the island remains with Ankara. A solution to the Cyprus problem cannot be reached without Turkey's full and constructive cooperation. It is essential

that Turkey exhibit the necessary political will that would enable the negotiations between the two communities in Cyprus to move forward. A solution must come from the Cypriots themselves and must serve the interests of the Cypriots.

Secretary Clinton promised me in a recent hearing that the administration would support a solution of the Cyprus problem and, specifically, a bicommunal, bizonal federation. The U.S. should use its influence toward Turkey to also actively and publicly support the process and the reunification of the island as a bicommunal and bizonal federation.

Mr. Speaker, let's hope the people of Cyprus won't have to suffer another year longer. Let us hope that Cyprus will once again be a unified nation where all freedom-loving Cypriots can live together in peace.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Mr. Speaker, we're here for the next 60 minutes to talk about the need to get health care, affordable accessible health care to all Americans; but before we do, I want to yield to my good friend from Ohio who's going to join us for this hour to share with us some pretty exciting news about his home district.

Mr. RYAN of Ohio. Well, we have in Youngstown, Ohio, we have a Youngstown business incubator, and we've had some debates on this floor about a variety of issues, earmarks, different things. And one of the issues that I have been pushing, and I know a lot of Members, is reinvestment back into communities in the Midwest that were once steel or rubber or industrial cities to invest in new technologies.

And we have been doing that in Youngstown, Ohio. We have a great business-to-business software incubator there. And recently in the latest edition or latest issue of Entrepreneur magazine, you may or may not be able to read, the 10 best cities to start a business, and down here in parenthesis: Youngstown, Ohio, Anyone? So we're in there with some major metropolitan areas across the country who have been doing great things, but in Youngstown, Ohio, in the Mahoning Valley we're emerging, I think, from years and years of steel-making into advanced manufacturing and business-to-business.

It's great. To the gentleman from Connecticut and the gentlelady from Maryland, this is the best issue of Entrepreneur magazine they've ever put out. And I commend to you this issue

and read with great excitement, as we have.

And we have a local convention center there that's doing great and has made money for the first time in the second quarter and they're doing tremendous. We have got a lot of great shows. We've got downtown living. Anyway, it's happening like a lot of cities in Connecticut, I think, that have made comebacks.

So I wanted to just plug our local business incubator, thank Jim Costner who runs the incubator; Michael Brokerage who ran the company that was highlighted in here and look forward to our health care discussion as well, so that these small businesses can prosper in the future because we have a sane health care policy going here in the United States.

Mr. MURPHY of Connecticut. If you pick up that issue, you can also read about pet airways and the shiny object of the month as well.

Mr. RYAN of Ohio. Absolutely. Whatever you need, it's all in here.

Mr. MURPHY of Connecticut. It's a good issue.

Mr. RYAN of Ohio. This is "the" issue. In fact, they may just wrap it up and say we're never going to have a better issue than the one we just issued so we're done.

Mr. MURPHY of Connecticut. Well, congratulations, Mr. RYAN of Youngstown, on a very well-deserved accolade, and you know, in some way it's a good segue to what we're going to talk about tonight, which is the need for this Congress to pass health care reform that revitalizes our economy, that cuts the cost of providing health care to employees for the thousands of businesses in Youngstown, Ohio; in Connecticut; in Maryland that are right now struggling to match revenue with expenditures to cut the cost of health care for the millions of Americans who don't have it today and desperately need it, you know, cut the cost of health care for the Federal Government that right now is about to bankrupt itself through major increases every year in the amount of money that we have to put out for health care.

So, listen, families in my district, they didn't figure out that this economy was in trouble when the banks did and the investment houses did last October, November. You know, they knew this economy was in crisis long before that when they saw their wages stay flat over the last 10 years while their employer heaped more and more of the cost of health care on their backs.

They figured out that this economy was in trouble when they showed up to get an MRI and they were charged a \$200 deductible. They found out this economy was in trouble when they went to get health insurance in the new town, new State that they moved into and found out because their

daughter had a complicated preexisting condition that they were uninsurable and that they were going to bear the full cost of care for their family.

Health care costs in this country, whether it be for individuals or businesses, have been weighing this economy down for way too long, and this health care conversation that we're having today, this bill that we hope to pass that we're going to talk a little bit about over the course of the next hour, is certainly about getting health care out to the people that don't have it in a country that is the richest and claims to be the most powerful in the world. There's just no reason why some little kid goes to bed at night sick just because his mom can't afford to get him to a doctor. That's just not right.

But this is just as much beyond the moral considerations of conscience for a country that doesn't provide health care to those kids. This is about economic revitalization of this country, realizing that we are going to be forever at a competitive disadvantage, vis-a-vis the rest of the world, so long as we have a health care system that costs twice as much as every other country health care system.

And what we need to talk about is, yes, the cost of the bill that we're proposing and the cuts that are in the bill to providers and what that means, but we're also going to talk about the cost of doing nothing. We're also going to talk about the cost of the Republican proposal which is to sit on our hands for another 10 years and let this health care system spiral out of control for families and businesses.

We cannot afford as an economy to continue to allow health care costs to strangle us. It is a tough issue to take on.

There's a reason why this Congress has gone 30 years without passing major structural health care reform. It's tough. There are a lot of special interests involved in this thing, but for families and for businesses in Youngstown, in New York, in Connecticut, in Maryland this is the right thing to do and the right time to do it.

So I hope that over the course of the next hour we're going to talk about the need for health care reform, and we're going to talk a little bit about the specifics, and we're going to push back on not the myths that have been created from the other side, but frankly the outright fabrications that have come from our colleagues on the other side of the aisle and the pundits who talk on the air waves and radio waves at night and try to clear the record as to what this means for our constituents.

So, with that, let me welcome my friend from Maryland, Representative EDWARDS, for joining us here this evening for this Special Order hour.

Ms. EDWARDS of Maryland. I thank my colleagues because I think there is probably no more important issue to

talk about than health care, and not for us but for the American people.

I thought about it for a bit, and before I came into the Congress, I started out the year 2000 working at a small nonprofit, and they paid all my health care, and the cost was about \$12,000 per employee. Well, by the time I had been elected to Congress and came in in 2008, the cost for me and my son, you know, same network, was about \$20,000. And that's true for people across the country, that premiums have skyrocketed about 114 percent over a decade.

And I think that if you think of those wages, whether they worked for small or large employers or they're self-employed, there are few among us whose salaries have skyrocketed to 114 percent in the same time frame. And that's what we're talking about with health care.

And so I know that we often speak a lot about those who are uninsured; and, clearly, the moral imperative for us to insure the 47 million to 50 million people who don't have any health care coverage at all is really important. But tonight I want to spend some time actually talking about the 250 million people or so who have health care coverage and sometimes it's inadequate. Sometimes it doesn't meet the need when the time comes, and then other times the premiums and deductibles are going up, the copayments are going up, out-of-pocket costs are going up, and what began as an affordable plan has become really unaffordable for so many Americans.

And it's a system anymore that's unsustainable. We think often about what it means to be sick as an individual, what it means to have a family member who's sick. Well, there's something that is really sick, and it's our health care system. It's really sick. It's on its last leg, and our job in the United States Congress is really, I think, to do some truth-telling about this system and to let the American people know that we really do have a plan that is going to lower costs, that is going to make health care really affordable for ordinary Americans, that is going to ensure that if you have coverage and you like it you can keep it and if you want to have other choices you can have those, too, and that the government is not going to be out there choosing your doctor. You get to choose your doctor.

You will have a system in which, you know, if you have an illness like my father had kidney disease, well, he wouldn't be able to be turned down by an insurance company because he had a preexisting condition.

There are some insurance companies that turn women down who have experienced domestic violence because they define domestic violence as a pre-existing condition. This is unacceptable, and so I think for the American people we are creating a plan that is

indeed fiscally responsible. It is the moral imperative to do what's right by the American people, and we know that the kind of investment in prevention in community health and ensuring that we take care of primary practice, we will in fact achieve the kind of goals that we set out for the American people and invest in that competitiveness that we talk about all the time for the 21st century.

And so I'm excited to be with my colleagues this evening because we have a task ahead of us, and it's a difficult one, and putting it off is not going to make it less difficult. And the enemy, those people who don't want reform at all, will try to say anything or do anything to kill reform, and we can't that let happen for the American people.

□ 1900

With that, I'd yield to my colleague from Connecticut.

Mr. MURPHY of Connecticut. Thank you, Representative EDWARDS. I think you're exactly right. There are just a lot of forces of "no" here. Frankly, it's not the first time we've seen it. When we tried to free this country of dependence on foreign oil, there were a whole bunch of people in this House of Representatives who said "no."

When we tried just 2 years ago—I mean, forget health care reform in the way we're talking about today. A couple of years ago in this House we just tried to extend health care coverage to 4 million more kids. Just 4 million more poor kids out there who just deserve a chance to get up healthy, on two feet, and learn every morning. We couldn't even get it to them. So there are a lot of people in this House who are against any change.

Mr. RYAN of Ohio. Will the gentleman yield?

I want to accentuate that point a little bit. We tried to provide 10 million kids health care coverage through the State Children's Health Insurance Program, and President Bush vetoed it twice, with the support of a lot of people who come to this floor tonight and are fabricating things about this bill, talking about we're going to cover illegal aliens and this is a government-run operation that we're trying to promote here, that we're trying to drive small business out.

This bill doesn't even start until 2013. What we pass, no matter what it is, doesn't even get implemented until 2013. And there's no coverage for illegal immigrants in this bill. That's why it doesn't cover everyone. It only covers 97 percent of folks here, and there may be an argument about that.

But the fact of the matter is there is institutional support to undermine and sabotage health care reform, and someone's going to win and someone's going to lose. And who's been winning have been the big insurance companies, the people who like the system just the

way it is, and the people who have been losing are the men and women and children that the gentlelady from Maryland was speaking about a few minutes ago.

So, yes, this is a big fight. This is a pretty big deal that we're having. But the scare tactics—and it's funny, because our friends on the other side of the aisle, they're like a stable full of one-trick ponies, man. If there's not fear coming out to scare you, to make you so afraid of what is happening, but the problem they have now is everyone's already afraid. Everyone's already scared. Everyone's already anxious about their kid and the middle of the night, if something happens, they've got to go to the emergency room because they don't have the kind of coverage that we want to provide here.

So they can keep coming with the fear, but what we want to do is provide a little bit of hope for the American people and some sanity, and this chart, itself, shows it.

We pay twice as much per person for health care in the United States than they do in France and Germany and in Canada. We have a lower life expectancy. We continue to spend more and more and more and more and not reap the benefits of it because we don't spend the money in the right areas.

We need to put the money in the front end so that we have prevention and we stop a lot of these problems from happening in the first place.

If you look in the United States from 1995 to 2006, we had an 83 percent increase in health care spending. Public, private, all health care all together, 83.64 percent increase in health care spending; that is not sustainable. It goes on the backs of the small businesses. It goes on the backs of the individuals. We just can't continue to do it.

Mr. MURPHY of Connecticut. I thank the gentleman from Ohio. I do now want to welcome to the floor a good friend, Representative TONKO from New York, who is joining us, a new Member, and just been a great proponent of trying to get more people in his district insured and lower costs for the folks as well.

Mr. TONKO.

Mr. TONKO. Thank you, Representative MURPHY. Thank you for bringing us together in what is a very good exchange so that we can exchange for the sake of the American public the facts on a situation that finds us meeting a wonderful challenge that can pull us to a new day for health consumers in this country.

With the leadership of President Obama and certainly with the leadership in the House, with the Speaker here in the House of Representatives and the respective Chairs, we're now developing that dialog that is long overdue, that needs to speak to the dignity of health care for each and every individual in this country.

You know, I listened to the statements made by my friend Representative EDWARDS about those who are insured today. What is startling is to look at the business community and understand that in the last 15 years we went from a statistic where 61 percent of our small businesses offered employee health care coverage. Today, that number has dropped below 40 percent. Some 38 percent of our small businesses offer that. It's not that they have grown less compassionate or less sensitive to those needs. They simply cannot afford this system.

So a plan that embraces universal insurance reform, that sharpens the pencils for our consumers, that drives the bottom-line bargain whereby it is affordable, where there's an exchange developed, where there is a plan, a customer, a consumer choice plan that will be actuarially sound, that will incorporate all of the basic health care measures essential for our families in this country, will compete with that private sector market in that exchange.

That separate consumer choice plan will be sustained by premiums, not by government taxes. It will be a plan that will be modeled in a way to compete, and I believe effectively, so as to produce a market-driven outcome that is far better than what we see today.

The cost of providing health care insurance by our business community is said to be about \$430 billion today. In 10 years, doing nothing, we all know that that's been projected to grow to some \$880 billion. We can't afford that. The plan of inaction is unacceptable.

And you're right, Representative MURPHY. When you talk about some of the similarities in the energy debate, there are those in this House that want to feed that discussion with facts. There are others who are happy to play with figures, and that fix has denied progress.

Just this week, we celebrated the 40th anniversary of the Apollo mission, of landing a person on the Moon, being able to invest as a Nation because of a boldness of vision.

Well, the boldness of vision here that we're now asked to respond to is about providing quality health care with reduced costs and equal access for everyone. With this exchange, there's the potential of having groups migrate toward that opportunity in areas of need, in elements of need, where 10 or fewer employee firms can join up, then moving to 20 or more, then moving to that universal system where we grow this opportunity to provide universal coverage. That is an important part of the equation.

It also impacts our State governments and our Federal Government. When people talk about taxes they say, Cut that budget. Well, we can take \$56 billion today of health care coverage that is provided for those who are uncompensated, \$56 billion paid for by

Federal and State sources, so as to allow for the care for those who simply do not have a plan.

Well, we can avoid all of that. This is called preventative maintenance. We offer prevention in these plans. We provide the incentives to encourage people to move into these preventive models that will provide for outstanding benefits.

This is a great opportunity to reform a system that has long been asking for reform, and we do it in a way that is consumer friendly, consumer driven, and the government stays out of that equation, as was made mention. They're not going to choose. The government is not going to choose your doctor.

There are plans that empower our families and respond in a way that won't penalize them for catastrophic care, won't penalize them for pre-existing conditions, won't penalize based on age, and will take care of our children in a way that shows us to be the compassionate Nation that I truly believe we are.

This is a way to express it. This is a way to also be economically sound in moving forward with health care delivery so that our businesses can compete in that global marketplace, not strapped with the burdens of this system. But we do take what is good about the American system, keep it in place, and reform those elements that need to be reformed.

It's a great opportunity for us to do academically sound work. And I applaud the efforts of leaders in town that are doing this with their eyes wide open, with their heart in the right place, and with the boldness of vision that they're sharing with the American public.

Mr. MURPHY of Connecticut. Mr. TONKO, I think that if the Democrats had introduced a one-page bill that was a nice, pretty picture of a flower, the Republicans would have claimed that it was socialist medicine. It just didn't matter, right? It doesn't matter what is in the bill.

A lot of our friends—not all of our friends, but a lot of our friends on the other side are going to scream, "Government-run medicine and socialism" because their pollsters have told them—and we got a 28-page memo from the top Republican pollster, Frank Luntz, who's laid it all out for them that if you want to kill health care reform, all you've got to do is go out there and shout, "Government-run. Government takeover."

And so there are friends on the other side of the aisle and those outside this House who want to stop health care reform who've never read the bill, who have just decided to shout some slogans to try to stop it.

Mr. TONKO. I think you're absolutely right. The issues of energy reform, energy security, the issues of

health care reform cannot be resolved or determined by sound bites, by bumper sticker slogans, by billboards. They need to be done in a way that establishes a healthy dialogue, academically driven, and where facts rule and fiction is set aside.

What I'm proud of is that the majority here has approached this situation in a way that allows us to push forward a very, very strong bit of reforms, including those in the insurance industry.

Mr. MURPHY of Connecticut. Let me ask our good friend from Maine, Representative PINGREE, to join us, somebody that I knew about long before she got here as a tireless advocate across this country and in her home State of Maine for health care reform.

So I'm happy you're here to join us.

Ms. PINGREE of Maine. Well, thank you so much for letting me say a few words here and thank you for convening us all here on the floor to counter some of what we hear on the other side, as you mentioned, that this would be the worst thing we could ever do and what is wrong with this. I'm glad to be here for a while to talk about what is right about this.

You mentioned that I have been working on this for a little while. I often tell people I may be a freshman in Congress—and I truly am one of the freshmen and proud to be here—but I've been working on this since I was first elected to the State legislature in 1992, which was also a year we all thought we were running on health care and when we promised the American public we were going to do something about this.

And what I would say is most significant about talking about the issue now when I'm back in the district—and I, like most of my colleagues, have held forums of doctors and businesspeople and individuals who have health care, individuals who can't afford their health care, everyone across the spectrum.

What is different is, when I first ran in 1992, I would sit down with a group of the doctors in my home county, Knox County, and they would say, Keep your hands off medicine. Don't want socialized medicine. Leave this alone.

And when I meet with the doctors today, they say, How soon are you going to fix this system? They tell me, We can't work anymore. We can't provide our patients with the care that they need.

This will be surprising, but they took a poll of the doctors in Maine—and, look, we're not a completely liberal State. We've got two Republican United States Senators. But our doctors said, with a 50 percent margin, that they wanted single-payer health care now. Now, we're not voting on single-payer today. We are working on a bill that is an excellent bill. But that just shows you how far the medical

profession has come. Doctors, nurses, alternative providers, they're all saying that.

Certainly, my Chambers of Commerce, when I sit down with them, it's same thing. They don't say to me anymore, Keep your hand off medicine. They say, How soon are you going to do this? We can't afford to cover the cost of our employees. And they want to. They know that it's better to have your employees covered.

These aren't people trying to run away from the bill. These are people who are saying, with the costs going up, with a limited number of providers, We cannot not afford to be in the system any more.

Recent figures in Maine show, if you have health care insurance—and you all may have mentioned this before I came into the room—but if you have health insurance today, \$1,200 of your payments are going to a cost shift to cover everybody else. When people say to me, Don't tax me to cover health care, you're already paying a tax if you have health care coverage.

□ 1915

One other thing I want to say and then get back into the dialogue. My good friend from New York mentioned the challenges of being a State legislator. Certainly States today, as we all know, are struggling under the weight of trying to cover the uninsured, the charity care in hospitals. I am fortunate to have a daughter who is the Speaker of the House in the State of Maine.

I can guarantee you, as they made budget cut after budget cut after budget cut, every time she could pick up the phone and call me, she would say, Mom, when are you guys in Washington sending the money back to our State because we can't afford this anymore? And I am one of those who have valiantly tried health care reform. We have many of the insurance reforms that we are talking about in this bill, but frankly, they don't go far enough. You can't count on the insurance companies just to do it out of the goodness of their hearts.

We've tried it all in our State. States are struggling under the weight of this. We need a Federal plan, just like the bill we're working on today. It's an excellent piece of legislation. It's a very good start, and I am very excited to be here with all my colleagues tonight.

Mr. MURPHY of Connecticut. It's amazing to me how we can all represent districts as different as they may be who are all struggling with the same problem. There are uninsured folks in every single one of our districts, whether they be affluent districts or poor districts, African American districts, Caucasian districts, whatever it may be. And the fact that some of the Members of this House come with no solution at all, no answer

for their thousands, if not tens of thousands, of constituents who don't have health care, whose families who are amongst the 50 percent of bankruptcies that are caused by health care costs. We can have a constructive debate as to what the best solution is. But the debate right now, which is between something and nothing, Mr. RYAN, is just unbelievable to a lot of us that are hearing these stories back home.

Mr. RYAN of Ohio. We do have a chart of the Republican health care plan. You may be able to see it from where you are. But it is a series of question marks with arrows pointing in all kinds of different directions because they've had no plan. So it becomes very easy to come down here and be critical and scare people about what the Democrats want to do. But the one key statistic that everyone needs to remember is from 1995 to 2006, per person, there was a \$3,000 increase in health care spending per individual in the United States of America. An 85 percent increase under the do-nothing plan.

Our people did not elect us to come down here and just continue to let problems compound and compound and compound. We're trying to do something. We all know the problems. We all have the uninsured in our communities. We all have the underinsured in our communities. In my district almost 1,600 families go bankrupt just because of health care. How do you go back and say, Well, you know, we couldn't really get the political muscle to push something through? How do you tell this to these families in America today?

And with all the changes going on in the economy—and earlier I showed communities converting from industry to high-tech businesses. There's a lot of unseemly transition going on here from people who have worked in the auto industry and steel industry that eventually will get retrained and may eventually work their way into a newer part of the economy—hopefully the green economy that we tried to deal with a couple weeks ago. But shouldn't we say in America that you at least have some basic level of health care, you at least don't have to worry about that as you go about getting retrained or your kids are in college or your kids are in school?

When you look at what we would save—we went back and we did a little research—if we spent on health care at the level that France spends, we would save \$805 billion a year. That's how much we would save. And we could take a portion of that savings—which is what we want to do, which is how we're paying for half of this to begin with, savings in Medicaid and Medicare—and put it on the front end so we have preventive care. That's why these other countries are saving money, because people don't end up in an emer-

gency room, costing us hundreds of thousands of dollars. They have some card so they can go or some plan so they can go and get a prescription. That is common sense. That is basic common sense.

Our plan is very uniquely American. It takes the best of what happens around our States and our communities, blends them together, and makes them work by driving down costs, focusing on prevention, and making sure if something happens to you and you have heart disease and you lose your coverage and then try to go to another insurance company or another plan, who say, Whoa, you've got heart disease. Sorry, you can't come in here. Oh, you have got diabetes? Sorry, you can't come in here. Cancer? Sorry. Too bad. You can't come in.

That's not right. So what we're saying is, everyone will be covered. Everyone. And we have a lot of the money within the current system that we have now to do it. When you look at the statistics in all of our own districts with the doughnut hole and a lot of other things, this bill is going to be in the best interest at the end of the day for businesses in the United States of America. They're going to have a more healthy, more productive workforce and, quite frankly, when you talk to some of these—and I just want to share one story.

I was at a wedding last week and was talking to someone who employs about 150 people, but he was also a provider. He does equipment and different services, so he sees this from both sides. His insurance rates went up over the past 5 years 42 percent. So the insurance companies were making more money off him. But on the provider side, he got the goose egg for any increase. So he felt the insurance companies raise his rates on his 150 employees; but they didn't say, Okay, we're raising your rates, but here's a little bit more reimbursement for you. That's not how it works. They squeeze the providers; they increase your rates; they make a lot of money at the expense and on the backs of a lot of the American people.

I yield to my friend from Maryland Ms. EDWARDS of Maryland. I thank the gentleman from Ohio.

You raise an interesting point and it really has to do with what small employers need, small businesses. I know I have them in my congressional district out in Maryland. When I talk to the barber shop owners and the small IT firms and the engineering firms, they want to be able to provide health care for their employees. But you're right. They're being squeezed. The irony of it is that because they're so small, they have no capacity to negotiate with these big insurers. So their rates, if they do choose to provide health care, those premiums actually really, really go up in comparison to

even premiums for the larger employers. So we've created a system here where there are disincentives even for the smaller employers to provide health care for their employees, despite the fact that they want to.

Now what is it that we do in this plan to go at lowering some of those costs? Well, I think one of those things that's really important to me, and I know important to so many people in my congressional district and in my State, is providing a robust public plan that really is going to drive competition. I'm often amazed because the same people who argue for the free market, when it comes to talking about a robust public plan option that competes in the marketplace on a level playing field with a doctor network, those same folks actually don't want competition.

So I say, bring on the competition. Bring on the competition with a robust public plan that relies on a recognized provider network and that makes sure that reimbursement rates really reflect care delivery so we can bring in more patients and then competes on a level playing field. I think that, in fact, will bring down costs for all of us who are insured—our premiums, our deductibles, our copays, all of those out-of-pocket costs that really burden average families.

And for our small businesses, we give them some options. Folks talk all the time about choice. I want to talk about the choice that people don't have right now under the current system. You know, if you have an employer that just has a set plan, whether it's good or not, you don't have a choice. You may be in a plan where your doctor is not part of that network. You don't have a choice. So there are a lot of things that you don't get to choose about. And guess what, we now are actually opening up a system that provides average consumers with far greater choices than they have under the current system.

So I think it's actually an exciting time for the American people. I think that when it's all said and done, the naysayers will be out there trying to beat this plan down; but I know that there's not a single person in my congressional district who doesn't have a horror story to tell about their insurer, about their neighbor, about a family member, about the potential loss of a home or a bankruptcy because this system is so broken. In the future, whether it is 5 years down the line or 10 years down the line, we'll have a story to tell about healthier people because we've invested in prevention. We'll have a story to tell that's about small businesses who can provide the insurance and the coverage that they want for their employees. And we'll have a story to tell about the American people who aren't enduring the ever-skyrocketing costs of health care.

With that, I yield to my good friend from New York (Mr. TONKO).

Mr. TONKO. I thank the gentleman from Maryland, Representative EDWARDS.

You know, you talk about the choice that empowers the consumer, that empowers families and children across the country. But there's also continuity that is important. As we look at this recession that this administration has inherited, as they struggle with it, we've been told, Go to Washington and fix the health care system. Go to Washington and provide for energy security and green up our thinking and, oh, yes, fix the economy.

Well, in order to fix the economy, the health care situation is a key ingredient in the equation for success. So just why do we need to do that? Well, since this recession began, which may be one of the most devastating economic crises faced in our given lifetime, 4 million additional Americans have lost insurance. The stats are indicating that some 11,000 people per day, workers per day are losing insurance coverage.

So the continuity in the equation, in the outcome is an essential ingredient, because when people lose a job or if they even choose to change a job for better opportunities or are relocating as a family, they'll have opportunity to continue in a system. That's key. That is critical. And again, not held back if they're in the midst of a catastrophic illness or have some sort of pre-existing conditions. Those sort of factors are incredible. When we're fixing the economy, again, we need to hold off that \$880 billion balloon, which will expand in 10 years, that the business community will pay if it tries to keep its insurance coverage for its employees. That's a huge catastrophe waiting to happen.

So this is about prevention. This is about choice. It's about continuity. And it's about utilizing our resources. The \$2.4 trillion that we are historically willing to invest in a system can be used in a better way. Otherwise, that \$2.4 million, Representative MURPHY, turns to \$4.4 million in just a matter of a decade. It is unacceptable.

Mr. MURPHY of Connecticut. Will the gentleman yield?

Mr. TONKO. I yield to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. I want to talk about choice. In half the States in this country, there is one insurer that controls 50 percent or more of the market. In about 75 percent of the States, there are two insurers that control about 75 percent of the market. As Representative EDWARDS pointed out, for a lot of employees, they only have one option to begin with, even if their employer offers them insurance. I mean, this mythology that we've got a really competitive marketplace out there is just that, mythology.

I think about my small employers in Connecticut. They just got notice about 2 weeks ago that the big gorilla in the room in our State, Blue Cross/Blue Shield, is going to increase their rates this year—get this—by 32 percent, a 1-year increase for individuals and small employers of 32 percent.

Well, those small employers are going to look at Medicare, which this year will increase its costs by about 3 percent. They'll look at the health care plan that we're all on, the Federal Employees Health Benefits Program, which is going to raise its rates by 3 or 4 percent. Some of the plans in our network are actually lowering costs this year. And they're going to scratch their heads when they hear the Republicans saying that they shouldn't have the option to buy into a publicly sponsored plan. They're going to say to themselves, What kind of choice is that for me if all I can do is stay on a plan that's going to raise my rates 30 percent, and these Members of Congress are on a plan whose rate of increase is 10 times lower? I want that choice. I want to be able to buy into that.

And that's what it is, choice. Listen, we can talk about a lot of myths, a lot of fabrications that come from the Republican side. But one of them is this notion that anyone is going to be forced on to a particular health care plan by the Democrats' plan—that we hope will get some Republican votes in the end—just isn't true. We are simply saying to people that you get to keep the coverage you want, but if you want to go on to a cheaper plan that might be sponsored by the government, you have the option to do that. There is absolutely nothing in this bill that forces one single person in this country to make that choice.

I'm going to tell you, faced with a 30 percent increase in Connecticut, there are going to be tens if not hundreds of thousands of people in my State who are going to be clamoring to get access to the same kind of health care that Members of Congress have, if it can save them some money.

Ms. PINGREE of Maine. Will the gentleman yield?

Mr. MURPHY of Connecticut. Absolutely.

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Ms. PINGREE of Maine. You know, it's interesting. I want to just talk about this point for a minute.

I was doing a Statewide radio talk show the other day, and I got the question that, I think, a lot of us get when we talk about the public plan, and I completely agree with you about this issue of choice.

In my State, two insurance companies control 88 percent of the market, and one of them is controlling 78 percent of the market. So, you know, we've tried all kinds of alternative, and insurance companies just don't want to

participate. You're right. There is no choice. A lot of States are faced with the same kind of increases.

Somebody asked me on the call-in show, Well, how are you going to make sure there is a level playing field? Is this going to be fair to insurance companies? I said, Wait a minute. It's not my job to support insurance companies that are declaring 32 percent increases or 15 percent increases or whatever is going on in your State. It's not my job to make sure insurance companies can pay CEOs huge salaries and have huge administrative costs. My job is to make sure that everybody in my State and in this country has access to affordable health care. The hospitals can keep operating. The doctors can keep seeing patients. It's not my job to make sure insurance companies make huge profits. It's my job to make sure that everybody has access to health care.

The reason we have a public plan, as my colleagues have so eloquently stated, is so that there is some choice in competition out there. Isn't that what we're here for? When people say to us, Government should act more like a business, well, that's what we're doing. We're trying to create a more business-like atmosphere out there so there really is choice and competition.

I just want to read a couple of interesting facts and then turn it back to my colleagues.

You know, in looking at some of the numbers in my own State—and I know we've all been doing this—it is really fascinating. I think a lot of people don't know how amazing this bill can be if and when we get it passed, and I believe we will soon. In my district alone, there are 87 seniors in the district who are hitting the doughnut hole in that they are forced to pay full drug costs. Well, under this plan, we're going to do something about that doughnut hole. That's a huge difference in our State. The legislation also cuts brand name costs in the doughnut hole. This is a huge change for all of us and for many seniors who are already struggling.

You know, I looked at another interesting fact. In my district in 2008, there were 690 health care-related bankruptcies. How many times do we hear a story about somebody who has put his health care bills on his credit card, about somebody who just can't afford to get by anymore because he couldn't pay for his health care costs? Well, this bill not only will provide health insurance for almost every American, but it will cap your annual out-of-pocket costs with \$10,000 a year. That ensures that no citizen is going to get to that position. It's going to make a huge difference. We're talking about things that people will feel in the economy in their daily lives.

If we want to talk about, as many of my colleagues have said, the economy

and what could make it a lot better, I know in my State it would be by lowering the costs of health care and by making sure everyone has access and by making sure everyone is covered from lowering those costs.

Mr. RYAN of Ohio. If the gentlelady would yield.

Ms. PINGREE of Maine. Absolutely.

Mr. RYAN of Ohio. We hear a lot about this—run your government like a business. That's exactly what we're trying to do here, which is to make a decision as we look at the facts as they're presented to us, as we look at the costs that have gone up 84 percent over the last, you know, 10 or 12 years. A businessperson looking at this would say, Hmm, we wait until someone gets really, really sick. Then we provide universal health care as opposed to saying, As a businessperson, if I just spent a little bit of money up here on the front end, we would save all of this money on the back end.

Look at all of these hospitals, whether they're in the cities or whether they're in the rural communities, that spend enormous amounts on charity care. Somebody is paying for that. We're paying for that. Taxpayers are paying for that already, and that's the problem here.

Everyone says, Well, why are you asking the rich to pay for it? It's the top 1 percent that we're going to ask to pay a surcharge. The rich are already paying for it. They're already paying. These people don't have health care, so they show up in the emergency rooms, and they get public money to help the hospitals so that the hospitals don't go belly up.

So what we're trying to say with the business mind is let's put a little bit of money up here and give these people preventative care, and let's make sure that they get prescriptions instead of ending up in the emergency rooms a week later and costing everybody \$100,000 or \$200,000. Let's make sure you have a mammogram instead of ending up, you know, in the hospital after being diagnosed with breast cancer. Let's make sure you have a cervical screening so you don't end up with cancer weeks or months later because you don't have preventative care.

This is common sense, and I think that's what frustrates the American people. It's like get your act together, and get this done. We can do this.

As you said, there will be more choice with a public option, and the public option will then, as it competes, drive costs down. When there's a public option hanging out there, Blue Cross-Blue Shield will not be able to get away with a 32 percent increase. It just will not happen. People will flock somewhere else. So, inherently, this public option will drive down the costs of health care.

Again, the idea of doing nothing, which basically has been the case over

the past 10 or 15 years, and of saying we hope this all just goes away and that we hope the free market works, has led to an 85 percent increase from 1995–2006 per person, almost a \$3,000 increase. We can't sustain it. We are going to build the political coalition here and exercise the political muscle necessary to make sure that our small businesses that can thrive under this plan get the kind of benefits that they deserve, and the people and the increase in productivity will increase, too, in the United States.

Mr. MURPHY of Connecticut. Will the gentleman yield?

Mr. RYAN of Ohio. I would be happy to yield.

Mr. MURPHY of Connecticut. I just wanted to add a statistic here. You mentioned about how a public option is going to provide competition. There have been those critics of the bill, those proponents of the "do nothing" strategy, who have said, Well, you know, if you have this public option, it's going to mean all of these people are going to lose their private insurance, and the private insurers are going to go out of business.

Well, you know, we have this thing here in Congress called the Congressional Budget Office. Do you know what? Sometimes we like them and sometimes we don't because they play it pretty straight. They're nonpartisan. They provide analysis of the bills that we do, and they've said it pretty clearly on this issue of whether or not people are going to lose their private health care insurance.

They actually show, over the course of this bill, over the 10 years that this bill will be in implementation, that more people will be insured through their employers at the end of this 10-year period than when we started and that 2 million more people will be insured through their employers than when this bill started. They also show that the price of insurance is going to come down over time.

So, yes, there are going to be some people who will choose the public option, but what will really happen is that everybody's insurance is going to get less costly and that more employers are going to be able to provide it and will provide it to their employees because their costs will have been brought down.

With that, I am so glad that our good friend from New Mexico has joined us on the floor. He is another new Member who has been a great champion in his district for affordable health care.

Mr. LUJAN. I thank my friend as well.

I will tell you and my colleagues here on the floor that, as I was sitting in the office, watching the discussion that was taking place, I felt compelled to come down because, in my office, we were looking at some of the letters that have been sent to my office. I'll

tell you there is story after story, whether it's in writing or by e-mail or by phone or in person, as we talk to our friends in the district, of the concerns that we have of those who have insurance but who say when that bill comes in and when they see that denial on there, Well, I was paying into the system. I was working hard, I was paying my bills. I thought I had coverage. I went to go see the doctor because I was sick. Then they get the rejection letter and denial after denial.

There is something that's not being talked a lot about today. Some of those who are opposed to health care reform, to the public option and to the legislation that we're working on aren't talking about some of the protections that are in this legislation, even to those who have coverage today. As we've been talking about this and as we've been advocating for a strong public option to give competition and to provide choice for our patients out there for those who are so in need of good care today, the other element of this is, if they like the coverage they have, they can keep it.

One of the problems that exists therein, though, is how insurance companies are denying these claims one after another. This whole idea and this notion that government is going to get in the way of people being able to make decisions about their health care with their physicians couldn't be more wrong. The problem that exists today is that the bureaucrats who are in place today within some of the insurance companies and who review these claims one at a time are not your physicians. They get this submittal from a doctor, and they ask, Well, should we provide coverage or not? Then they reject that letter.

You know, before I came to Congress, I was part of a commission that had the State superintendent of insurance under it. It was where the State regulatory reform took place. We had the responsibility of having to work with patients to look at some of those denials. I'll just share one little story with you.

There was one young lady whom I ran into who asked, Ben, don't you do something with insurance? I explained to her, yes, I did. What was going on? Well, she and her husband were trying to have a baby, and they were not having much luck. They had a 1-year-old son, but they weren't having much luck. So she went to see the doctor, and the doctor diagnosed her, and said, Well, there may be something wrong here.

Well, it turns out what they diagnosed her with was related to something that wasn't included in her coverage. They were trying to say, Well, we diagnosed you with this illness about 2 years ago, but now that they were trying to have a son, to grow their family and to live the American

dream in their home that they had just purchased, the insurance company said, Well, we're not going to cover this. As a matter of fact, you have to go back and pay 2 years of bills that we've been treating you for.

Well, the family was in dire need because, when they tried paying this bill, they were going to have to sell their home. They were going to be out on the street. There was no telling what was going to happen to them. Well, it turns out that the insurance company wrongfully denied this claim.

Now, how many more millions of people are out there who have coverage today who are getting those claims denied?

One of the strong elements of this piece of legislation is all of the consumer protections that are built in. It's important that we talk about those because, as we talk about building a strong public option and about providing protections, about extending coverage, and about lowering costs, it's important that those who have coverage today are going to get the protections they deserve. Those who are opposed to this legislation aren't talking about those protections.

It's important that we continue to advocate for them because people across this United States and across my district, I'll tell you, want coverage and need coverage, and they're crying out every day. It's about time that we start listening to them. That's why I had to come down here to my colleagues, to my good friends who are all down here visiting with the American people about the importance of this legislation that we're working on as we advocate for lower costs, for squeezing what we can out of the system to make sure that we're looking after the general welfare of the American people and to make sure that we're providing the consumer protections that Americans deserve.

So, with that, I yield back. It's an honor to be here with you, and we'll continue working day in and day out to make sure we're able to advocate for the well-being of the American people. Health care reform is what we need.

Mr. MURPHY of Connecticut. I thank my friend.

You know, I'm feeling pretty good. Something Mr. RYAN said must have really galvanized folks because we're getting a crowd down here.

We've got a few minutes left, and I want to yield to my good friend from Virginia to kick in to help end our discussion here.

Mr. PERRIELLO. Well, I was listening to some very important conversation about the choice that we're going to give to patients under this plan, but I also want to talk a little bit about the choice we're giving the doctors. I come from a family of pediatricians, and the thing that I hear over and over again from our primary care doctors in

particular is that they will prescribe something to a patient, and will be told by the insurance company that it's not all right. We have insurance companies invading this relationship between the doctor and the patient.

So many people got into medicine because they wanted to make people well or, better yet, because they wanted to prevent them from getting sick in the first place, but they get zero reimbursement in many cases for doing the very preventative medicine that we should be encouraging. So, when my sister takes a call late at night from a patient who's sick or when she follows up a couple of weeks later to make sure a person is doing whatever routine she has prescribed to him, she gets reimbursed zero for that.

We are literally bankrupting our primary care doctors for doing the very things they got into medicine to do, which is to take care of people and to help cure people. So I think this is also about trying to re-empower our doctors and to protect that relationship and to get the insurance companies to not be standing there every second between that doctor and that patient.

With that, I yield back.

Mr. RYAN of Ohio. I think it's important to know that one of the major endorsements is the AMA. The American Medical Association has endorsed this bill.

If you go back 40-50 years when we tried to do something, they'd put the kibosh on it. You talk about health care reform in the early 1990s. The docs did not want anything to do with it. They have endorsed this bill. It has gotten that bad.

I would yield to my friend.

Mr. TONKO. Representative RYAN, I want to go back to what you talked about earlier, which is common sense. I know we have to close our hour here, so I'll make this quick.

There is another aspect I'd like to underscore, which is that of economic justice. When you see since 2000 that the premiums have more than doubled on average for working families in this country and that the salaries have stayed on a flat line, there is a need for us to step in and to fix a broken system. When 60 percent of bankruptcies in this country are due to medical costs, we need to step in and do something.

Representative MURPHY, I want to thank you for bringing us together so we can share together with the American public our messages of enhancing the quality of services, of reducing costs and of providing access for everyone as we move forward in this health care discussion and reform. Thank you so very much, Representative.

Ms. EDWARDS of Maryland. Thank you.

Before we close out, I do want to say before we get out of this that we've been about clearing up the mythology

about what is and is not in our health care bill, and one of those myths really has to do with our seniors.

So, Mr. Speaker, I want to say to all of our seniors across this country that we're protecting you, that we are going to make sure that we phase in completely by filling in that doughnut hole that has left you covering the brunt of your costs for prescription drugs. We're going to eliminate co-payments and deductibles for preventative services under Medicare, and we're going to limit cautionary requirements in Medicare Advantage plans to the amounts that are charged for the same services in traditional Medicare coverage. This is really important for our seniors. We're going to improve low-income subsidy programs in Medicare by increasing asset limits for programs that help Medicare beneficiaries pay premiums and cost-sharings.

So let's be really clear with the American people and especially with our seniors. Don't let them scare you out of supporting this plan for our seniors. This is a good plan for our seniors. It is a good plan for middle-income families. It is a good plan for working families. It is a good plan for people who have insurance, and it surely is a good plan for all of those who don't.

With that, I'll yield back.

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Mr. MURPHY of Connecticut. Let me just close our hour here with a quick story.

A guy came to me at one of the supermarket office hours that I hold. He's a wallpaper hanger. He lost his job, and he's got diabetes. He can't afford his medication. He's just waiting for the day when he gets so sick that he's going to end up in the emergency room, cost his family a fortune, go into bankruptcy, and have their lives forever altered. We've got to have an answer for that guy and his family.

And over the course of the next weeks and months, it's time for this Congress to step up to the plate and get health care for this country.

Mr. RYAN of Ohio. If I could add one thing.

So the American people, every time our friends on the other side sold something to the American people when they were in charge, it was fear-based. You know, it was fear. We have to implement this policy. Here's the fear, we have to implement this policy. Here's the fear, we have to implement this policy. And so the only play in their playbook they have is to try to scare the American people. And now they're trying to do it again.

Big government-run health care plan. Not true. You're going to lose your choice. Not true. You are going to have more choices. Everyone is going to be forced, 100 million people forced into this public option. That's not true. Even the CBO, which is nonpartisan,

says maybe 10 million people will access the public option. There will be an increase in the employer-based. All of these things aren't true.

So I think it's important, as we close out, to say when you hear the fear, you know some bad policy is tracking right behind it.

Mr. MURPHY of Connecticut. I thank my colleagues for the time. We will be back here as soon as we can to continue to push forward.

With that, I yield back the balance of our time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. CARDOZA, from the Committee on Rules (during the Special Order of Mr. MURPHY of Connecticut), submitted a privileged report (Rept. No. 111-219) on the resolution (H. Res. 669) providing for consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it's a pleasure to be able to join you tonight and my colleagues and friends to talk about some things that are of tremendous significance to us here in this country. And in order to do our discussion tonight, I'm going to back up just a little bit and answer an interesting question. It was about—I guess it was about 3 weeks ago, and it was a situation that occurred here on the floor of the U.S. Congress.

If you go back from the day that we actually voted on the bill, what's going on was that at 3 o'clock in the morning, we had an 1,100-page bill called cap-and-tax or cap-and-trade. It was the largest tax increase in the history of our country, and that bill was going to be coming up for a vote. Well, at 3 o'clock in the morning, a major committee that was influencing that legislation at 3 o'clock in the morning passed a 300-page amendment to this 1,100 page bill.

Now, this amendment was not just one amendment but was a whole series of amendments that went into the bill. So starting at 3 o'clock, or whenever the staff got here, they started to put

each page of those 300 pages of amendments into the bill as we were just finishing the debate and going to vote on the bill. So before we even voted on the bill, the question was asked, Do we have a copy of the bill that we're going to be voting on? And the funny thing was we're supposed to have a copy of it here on the floor before you vote on a bill, and there wasn't any copy here. In fact, the clerk was still turning the pages trying to get these 300 pages passed in the dark of night into the bill. And then, of course, the thing was rushed forward and was voted almost a straight party-line vote.

It was the largest tax increase in the history of our country, but it also had a lot of other component parts which were very onerous. For instance, it put the Federal Government basically into the building code business telling local communities that, for instance, if you have a garage, you've got to have an outlet for your electrical car. So it was very intrusive from a red tape point of view.

But the reason that I wanted to introduce our discussion on health care tonight in this context is why in the world would the U.S. Congress be voting 300-page amendments into a bill at 3 o'clock in the morning and we don't even have a copy on the floor and rush it to a vote?

Now, to an average person, an average American, that would seem like not much transparency, not much time for people to read 1,400 pages of bill and know what they're voting on. So why would you do something like that? The logic is simple. If people don't know what it is in the bill, it's easier to get them to vote for it. You may say, Well, that's not a very honest or fair tactic, but that's what we do on this floor over the last 6 months. That's what has been going on.

And that's what the attempt is going to be on this great big bill of basically taking 20 percent of the U.S. economy, that is the entire medical sector, and putting it under government control. This is a very, very big change in America. You wanted change. Boy, when you see 20 percent of our economy going to be run by bureaucrats in Washington, D.C., I guarantee you there is change.

This bill, we've been talking about it a number of weeks, but the same idea. People don't really want you to know what's in the bill, so we're going to talk about what is in the bill.

Now, on the surface—and I have been joined by a doctor from Louisiana, a fantastic guy, a medical doctor. He knows something about medicine. He spent his life practicing medicine.

What I would like to do is to say, to begin with, that on the surface this looks like a pretty good deal. Well, what's being promised here? First of all, you are going to get free health insurance and free health care. Free

health insurance, free health care. That sounds pretty good. What else are we gonna get? Well, I just heard Democrats on the television this morning saying any kind of health insurance you have now you get to keep it. So if you've got something you like, don't worry, you can keep what you've got. You can keep it the way you have it, but there are other people who are going to benefit from this. So you can get free health insurance but you could also keep what you have.

And also, the other thing about this proposal is it's going to save money. In fact, we've heard the President say, If you pass this, it's going to help us get the economy going and get jobs going and help America get going because of the fact it's going to save so much money.

Well, I suppose if those three things were true, everybody would be for it. The fact of the matter is an awful lot of people are not for this bill because those things are not all what they appear to be on the surface.

So let us take a look, first of all, at the free health insurance question and also the fact that you are going to save money. Well, one of the things when government starts to do things, particularly stuff that they're not very good at doing, when the government starts to do too much, we notice these things happen. First of all, it gets expensive. You have a lot of bureaucracy and rationing. You also have an inefficient allocation of resources. We've seen this in many other departments of government and you see degraded quality.

Now, do we have any evidence to suggest that what the Democrats are saying, that this is so efficient it's going to save money and it's going to be free and you can keep what you have, is there any evidence to suggest otherwise? Well, there certainly is, but this is something to think about. If health care is expensive now, just wait until it's free.

We have, joining us on the floor tonight, a doctor that I have come to respect deeply from Louisiana, Dr. FLEMING. I would like to yield to Dr. FLEMING in a moment or two. I would like to talk a little bit about these claims. Is this an efficient way to be running medicine? And what is your impression about these claims that this is going to be something where you get to keep whatever care you have?

Mr. FLEMING. I thank my friend, Mr. AKIN.

And as you know, I have been a family physician for 33 years, and I've also been in the private business segment apart from my medical practice for over 30 years. And I've come to learn both inside and outside of health care, looking from the outside in and the inside out, that government does just what you suggest; it tends to bloat things. It has difficulty dealing with the inefficiencies in the system.

And I will just give you one quick example that I deal with every day in my medical practice, and I do still practice, and that is take Medicare, for instance. In a government system like that, if there is fraud or abuse or waste going on, the government has to throw out a wide net, a very expensive net. It has to put a lot of resources in to catch a few people doing very egregious things and maybe doing a little bit to them, maybe a few months or a couple of years in jail.

Mr. AKIN. So things like Medicaid, you always hear about a tremendous fraud level in Medicaid. Would that be an example of what you are talking about?

Mr. FLEMING. Correct. The reason why it's so tremendous is because only a scratch of it is ever detected.

Mr. AKIN. So people get away with a lot of fraud in Medicaid, and that runs the cost up to make it less efficient.

Do you have other examples?

Mr. FLEMING. If you take a private organization, let's say a health maintenance organization, Mayo Clinic, which has been in the headlines lately, or Kaiser, they track their providers very closely. And if they're going off the scale, it doesn't matter whether they are doing something illegal or not. If they're just simply overusing—or in some cases underusing or inappropriately using—or doing things that are not within what we consider a good standard of care, then they're going to be reeducated or they're going to be terminated. You don't have to go through all of the expense to get very few people and really get very poor results.

Mr. AKIN. How many people get busted for Medicaid fraud? Does that happen a lot?

Mr. FLEMING. I don't have a number on that, but I think it's a handful.

Mr. AKIN. A very small number.

Mr. FLEMING. A very small number compared to the literally billions of dollars each year where Medicaid and Medicare fraud occurs.

Mr. AKIN. Another thing that we could take a look at—because this is an assertion that we're hearing the President make that this thing is going to help our economy, and yet the Congressional Budget Office took a look at the first bill that the Democrats trotted out here, and they were looking at \$2 trillion.

Now, that's spending \$2 trillion. It's hard to make a case that that's going to save money because we're not spending that \$2 trillion now, and yet they're saying this is going to be \$2 trillion.

Well, they went back to the drawing board, came back and with a little hocus-pocus, and taking some money from some other places, they got it down to \$1 trillion. But that doesn't seem like that's spending less. It's a trillion more than we're spending right now.

Mr. FLEMING. Absolutely. And incidentally, where they found the savings was to deeply gut Medicare, which is already underfunded.

Mr. AKIN. So they're going to take the money out of Medicare in order to make it look like it's not really \$2 trillion, it's more like \$1 trillion.

Mr. FLEMING. Yes.

Mr. AKIN. Now that big cap-and-tax bill that we just passed, which was the biggest tax increase in the history of our country, was only about 780-something billion dollars. So that's less than 1 trillion. So that huge tax increase won't be enough to pay for the system, I suppose.

Mr. FLEMING. That is correct.

Mr. AKIN. Now, the other thing is it's not like we're flying without instruments on this course that we're taking because various States have tried to do what the Democrats are proposing. It's not new; it's just new to do it at the whole Federal level. Various States have tried it. Tennessee was one, Massachusetts was the other. We've got some of the results right here on this chart about what happened in Massachusetts.

In 2006, Massachusetts required universal health care coverage, which is what's being proposed here by the Democrats much like the current Democrat plan. People were required to purchase specific levels of coverage. Now, what was the result of doing that? It's not like this is new. This is something we tried. Health care costs were up 42 percent since 2006. That doesn't look like that's going to save any money. That's where that \$2 trillion is talking about. This is very, very expensive. Health care access is down. That is, patients had to wait almost 70 days to see a doctor in Boston. And so are those the kind of results that we want?

Now, health care costs are 133 percent of the national average. So this jacked the cost of health care by a third over what it was before. So it's not like it hasn't been tried. What we're doing is nationalizing a failure.

Now, the results in Tennessee were not much better.

Doctor, do you recall that?

Mr. FLEMING. If the gentleman will yield for a moment.

It's very interesting that the Democrats claim that we need a government-run system to compete with the private system to drive costs down, but if you dig into that, what you find out is just the opposite is happening today. Medicaid, and in the case of TennCare, was putting tremendous pressure on the private insurers and making their costs go up.

So the first thing we could ever do, if this were possible, to slow the rise in costs in private insurance, and that would be to remove the burden of Medicare and Medicaid on them.

Mr. AKIN. In other words, are you saying that the private medical insur-

ance people that are writing medical insurance plans are subsidizing Medicare and Medicaid?

Mr. FLEMING. Absolutely. And if I could give you an example in my own practice, the typical Medicare or Medicaid patient reimbursement is under my cost. So I have to see a certain number, hopefully twice as many private insurance, just to break even. And typically in a medical practice, particularly in a rural area—and this is why you see doctors closing up—as their patient mix of Medicare and Medicaid grows—and again, that's single-payer, government, you know, so-called public plan that exists today. As that percentage grows, their chance of going out of business grows as well.

□ 2000

Mr. AKIN. So in other words, what is going on then is in order to fix the part of health care that the government is already meddling in, which is in terms of medical payments overall, the government handles half the money that is going through health care. If you take Medicaid and Medicare and you add that much money up, I think that's about half of the total of all the money spent. So we already have the government meddling in half of it, and now what's happening is you're asking the privates to support all this public stuff, right?

Mr. FLEMING. Yes.

Mr. AKIN. And that then is adding to the cost of everything. So we have already, talking about nationalizing health care, Tennessee just about crashed their economy trying to do the same thing, is that correct?

Mr. FLEMING. Yes, that's correct.

Mr. AKIN. So it isn't like all of these promises that this is such a wonderful health insurance, in other words, the thing that strikes me a little bit would be, let's say somebody said to you, It sounds like what they are selling sounds pretty good. The government is going to give you free health insurance, free health coverage, not just insurance, but even health care access. If somebody said, would you like the government to give you a free home? I mean we would be crazy to say no. Of course, I would like a free home.

Then they would follow it up with a followup question, do you want to live in government housing? Oh, that's a different question, isn't it? And isn't that the parallel that we're talking about now? We're going to give you free medical insurance, except that you've got to wait a whole lot longer, and it is a whole lot more expensive. Wait just a minute. I like the idea of free medical insurance. But is that really what we're getting? You have to take a look a little bit below the surface. So we have seen it didn't work in Massachusetts. It didn't work in Tennessee.

We are joined by another doctor, a good friend of mine. It is interesting

that doctors are coming out to talk about this plan, isn't it? We have got a Dr. BROWN from Georgia, another medical doctor. He has a great reputation and is bold in just laying things out and telling it like it is. It is terrible English but it is a good phrase. Dr. BROWN, please join us.

Mr. BROWN of Georgia. Thank you, Mr. AKIN. I appreciate your yielding me some time. As you know, I just walked in a moment ago. I wanted to bring out something that you may or may not have talked about. The American people need to understand something. They've been promised that if they like the private health insurance that they have today, they can keep it.

Mr. AKIN. Now, just butting in for a minute, I heard a congresswoman from this Chamber on television this morning, walking past a TV set in the gym of all places, and she was saying, if you like what you have, you can keep it. And yet we had copies of the bill that was proposed, the Democrat plan, on the floor, and it didn't say that, did it? Go ahead, please.

Mr. BROWN of Georgia. No. In fact, that's what I wanted to bring up. If you like what you have today, you're going to lose it. Thank you, Dr. FLEMING, for giving me this chart. But if you like what you have today, the American people are going to lose it.

Mr. AKIN. Say that again? In other words, today, you have got some insurance, you have a doctor you like, and if you like that, what the Democrat said is you can keep it, and, in fact, what the bill says is you're going to lose it? Now that is really a radical difference.

Mr. BROWN of Georgia. Well, that's correct. And the reason that people are going to lose their private health insurance that they have today is because the bill requires the health care czar, they call it a "commissioner" in the bill, is going to set the health care plan for every single individual in this country.

Mr. AKIN. Wait a minute. You're saying there is some high level government bureaucrat and they call him a "czar" or a "commissioner?"

Mr. BROWN of Georgia. They call him a "commissioner."

Mr. AKIN. He could be a czar. A commissar?

Mr. BROWN of Georgia. No, they don't call him a "czar." They call him a "commissioner" in the plan, but this fits the pattern of the czars that the President has established. The funny thing is this President has set up more czars than Russia did throughout its history through 200 years. We have more czars in the last 6 months than Russia has ever had.

Mr. AKIN. But this is not a czar, this is a commissioner though?

Mr. BROWN of Georgia. Well—

Mr. AKIN. But maybe you call him a commissar. We can compromise. Go ahead.

Mr. BROWN of Georgia. The bill calls him a "commissioner." But he fits the pattern of this health care czar because he is not confirmed by the Senate. He has no one to answer to but the President of the United States. Congress has no control over what he does.

Mr. AKIN. So he's independent, and he can do whatever he wants.

Mr. BROWN of Georgia. Absolutely.

Mr. AKIN. So what does the section say of the bill?

Mr. BROWN of Georgia. Absolutely. It is kind of like a dictatorship.

Mr. AKIN. It sounds a lot like a dictatorship. What does the section say? Does this contradict what I just heard a congresswoman saying on television today?

Mr. BROWN of Georgia. Absolutely, because what it is going to do is this health care commissioner, I won't use the word "czar," but that's what he is going to be, this health care commissioner is going to set every single private plan in this country, and the employer is not going to have a choice about it, and neither is the employee. If the employee doesn't want that plan that's set by this health care commissioner, established by the President, appointed by the President, then that individual is going to be fined through the Tax Code, and they're going to be fined by having to pay higher taxes for just not accepting the mandated coverage that this health care commissioner and this administration is going to put upon them.

Mr. AKIN. So what you're saying is this bill literally says that by the end of a 5-year period, a group health plan must meet the minimum benefit requirement under section 12, 121. So in other words, what we're saying is that you could have a plan you might like now, you have got private health insurance, but if it doesn't meet the government plan, then at the end of 5 years at the longest you just can't have it, because your plan has to be exactly like the Federal one, or at least has to have all of the things that the Federal one has.

Mr. BROWN of Georgia. Let me point out a specific here. Particularly with this administration, which is the most pro-abortion administration that we have ever seen, obviously what this plan is going to include, if Barack Obama has anything to say about it, is taxpayer-funded abortions. And people are not going to have a choice. They're going to have to be buying a plan and help support a plan, even if they disagree with abortions, that will pay for abortions.

And it may be, there's a very high potential that that plan to cover everybody within an employee of a particular business, it may be that a single male is going to have to pay for OB coverage. It may be that a person who is past, a couple, for instance, who works for a particular company who is

past the childbearing ages are going to have to pay for OB coverages, because this health care commissioner is going to mandate to every single business, every single private insurance company, whether it's individually purchased or whether it's purchased through the company that they work for, this health care commissioner is going to mandate coverage to every single human being in America.

Mr. AKIN. I would like to stop for a minute just as I started out this evening, Doctors, the whole secret of bringing something to the floor really fast, do it at 3 o'clock in the morning, get that 300-page amendment—they haven't even got the bill together—and quick, quick, vote on it before anybody knows what is in it is great strategy if you want people who are voting not knowing what they are voting for, especially if you're trying to hide stuff in the bill.

And what I would like to do is, I would like to just take a moment and just go around and let's start thinking about the people that if they understood this bill, which you're going to have to be pretty smart, because this is an organizational chart of the bill.

But let's start talking about the people who might want to vote against it if they knew what were in here, because the promise is it's all free, you can keep what you have. It's all free except what? A couple trillion dollars, or if you cheat with the numbers, a trillion dollars more than the biggest tax hike. You can keep what you have except you can't keep what you have, and you're supposedly going to get good health insurance and good coverage. And there's, of course, a difference between insurance and whether you get coverage or not.

I would like to start categorizing who are the people, if they were us, they would be voting, "No, by golly, darn it all, we don't want it, no, no, no." Who is going to vote "no" on this thing? Because I think as we look at this, we'll see that there's a lot of hidden stuff here, and there's a lot of people that have good reason to encourage every one of us to vote "no" on it. Let's just start talking about some of the groups, and you brought the first one up, Dr. BROWN, and that is the people who let's say they are pro-life.

In America, you have constituents, I have constituents, we have some who are pro-life, and some who believe in abortion and that people should have a right to abortion. Those are deeply held views. But what is going to happen in this bill—and if this were not going to happen, there could be an amendment offered to make sure that it doesn't happen—and that is that the government plan is going to include that you could get free abortions. We did that for a while in America. We had subsidized abortions.

So if you're pro-life, or let's say you're pro-abortion, but you think it's

unfair to make people who have deep religious convictions that think that killing the unborn is a wrong thing to do, are you going to make them pay taxes to fund something that you think is fundamentally wrong? So if you're pro-life, you're not going to vote for this thing unless there's some amendment that says we want a guarantee that this government plan doesn't give people a right on government money to abort their kid. So if you're pro-life, that is one group that will say "no," I think. But go ahead, Dr. BROUN.

Mr. BROUN of Georgia. The American people need to understand that, that this plan, though it is silent on abortions, amendments to the plan have been presented to make sure that the plan does not make taxpayers pay for abortions.

Mr. AKIN. Amendments were offered where? In committees?

Mr. BROUN of Georgia. It has been offered in the committees. And those amendments have been defeated. In other words, the Democrats, and it has been pretty much party line—

Mr. AKIN. Party line vote, the Democrats are saying they don't want that amendment that says you can't get a free abortion?

Mr. BROUN of Georgia. That's exactly right.

Mr. AKIN. So if you're pro-life, first off, that is one group of people if this weren't in the dark of night and all were known about this bill, certainly the pro-lifers wouldn't vote for it, is that right?

Mr. BROUN of Georgia. That's correct.

Mr. AKIN. I would like to go to Dr. FLEMING. Do you have another group?

Mr. FLEMING. Well, of course, physicians.

Mr. AKIN. Okay, two doctors are here.

Mr. FLEMING. You heard tonight the Democrats talk about how the AMA has come out in support of this. Well, that's true and it's not true. What really happened was last month, the rank-and-file physicians across the country met with the AMA, and they voted not to support it and then after—

Mr. AKIN. So the doctors voted "no" about supporting this. So you guys are both doctors, and the other doctors said, No, this isn't a good idea, right?

Mr. FLEMING. Exactly. And then, again, one of those behind-the-scenes, in-the-backroom deals, a deal was cut over the sustained growth rate, the SGR, that would be cast aside if the AMA would sign on to it. And so without consulting physicians, the board of trustees of the AMA cut the deal with the President in the wee hours of night, and then sent them a letter in support. Thus far, 18 State chapters of the AMA and a growing number have come out saying that they do not support this. And I would really I think

say with confidence a majority of the physicians across this country do not support government taking over.

Mr. AKIN. We have two groups. I'm going to keep score. First of all, if you're pro-life, you're not going to like this bill. Second of all, in general, the doctors don't like the bill. Even though the AMA cut some deal, their membership told them, We really don't support this thing.

Mr. FLEMING. Absolutely.

Mr. BROUN of Georgia. There have been two other medical groups that have endorsed ObamaCare. One is the American College of Surgeons, and the other one is the American College of Obstetrics and Gynecology. Well, ACOG, the American College of Obstetrics and Gynecology, have been promoting abortion. So go back to your pro-life group; they wouldn't sign on to a plan if we pay, with taxpayers' funds, abortions. That's one thing. Secondly, back to the AMA; I don't think they represent but about 20 percent of doctors here in this country.

Mr. AKIN. So the AMA doesn't represent all doctors, just only 20 percent. Even the 20 percent wasn't in favor of it?

Mr. BROUN of Georgia. That's right. In fact, AMA represents very few doctors in this country. I'm a member of the Association of American Physicians and Surgeons. Dr. Jane Orient is the executive director. It has very ardently opposed a government takeover of health care for years and years, and looking to the marketplace, has presented ideas about how to lower the cost of health care for everybody in this country to make it more affordable. But the liberals in Congress won't hear of that type of philosophy. So the AMA's endorsing this plan, actually I think they have been very shortsighted, because as Dr. FLEMING said, they cut a backroom deal by just a little handful of the leadership in they AMA.

They didn't consult any doctor here in Congress that I can find. Neither did any of the other two groups. They didn't consult any of us who serve here in Congress, and cut these backroom deals on the SGR, sustained growth rate, or what we have called "doc fix" here.

□ 2015

But they're being very shortsighted because, the thing is, the taxes for all those doctors is going to go up above what they have been promised to be given in not cutting their fees. And so net income for the doctors is actually going to go down, and the doctors ought to understand that the AMA has sold them out.

Mr. AKIN. I'd just like to keep going on the list because we've got one. The people who are pro-life, they don't want this thing. The doctors don't like this thing. We have two doctors here that don't like it.

I want to bring up another category because, when I wake up in the morning sometimes, I'm feeling a little older and achier. I just hit 62. I want to talk about old geezers like me. Seniors. If you were a senior citizen in America, what do you think about the government running health care? Do you think you're going to like that idea very much?

Mr. FLEMING. If the gentleman would yield.

Mr. AKIN. I do yield to Dr. FLEMING.

Mr. FLEMING. I would say for two reasons they will not like this. First of all, you heard me just say that part of this plan is to gut Medicare to a great extent, which the elderly depend on. Medicare's already going bankrupt in less than 10 years and is heavily subsidized by private insurance. And so what we're looking at is taking away the subsidy.

Mr. AKIN. So we're going to gut Medicare first. So if you're a senior you're not going to like gutting Medicare.

Mr. FLEMING. Yes. And if I could also add, one other problem is this Comparative Effectiveness Committee that's being created—

Mr. AKIN. Okay. So there's a committee somewhere in this chart that's a Comparative Effectiveness Committee. And what is it going to do?

Mr. FLEMING. Well, it's tasked with the job of deciding who deserves what or what is really too expensive for whom and what sort of diseases. And if you look at the other countries that do this already, the United Kingdom, Canada and others, the elderly are the first ones that are counted out under this program.

Mr. AKIN. So let's say you're a smart bureaucrat, and you've got an awful lot of money being spent on health care in America, and the budget is going bust, and you're thinking, oh, my goodness, how am I going to fix this. And so you find that the old 80/20 rule is working just fine right here in health care; that is, that 20 percent of the people have 80 percent of the cost. And guess who the people that have 80 percent of the costs are—it's old geezers like me. And so you're going to say, hey, we're going to need to regulate this system, and so we're going to deny care. In other words, what we're going to do is we're going to say that the doctor and the patient don't make the call. We're going to say some bureaucrat in Washington, D.C. decides whether you get treatment or not. That may seem pretty outlandish or harsh, but the fact of the matter is that's what's going on in Canada.

And this is personal to me because I've got a bad hip. And people keep saying, Akin, how come you're limping? I fell on some ice 10 years ago. Well, the reason that I'm limping is that I'm postponing getting a hip replacement. In Canada, if you're my age, at 62 you

can't get a hip replacement. In fact, if you're later fifties in Canada you can't get a hip replacement. Guess where you get your hip replacement? You come to the good old USA. And so if you're an old person, what's going to happen is there's going to be rationing of care, and you're not going to get taken care of because the bureaucrats say you're too old, it's not a good financial investment, but we'll give you some pain killers. So if you're an old person, first of all, Medicare is going to get taken. But the second thing is you've got the problem of somebody coming between you and your doctor, and that's the bureaucrat from D.C. So if I'm an older person I'd say, if I'm a senior I sure don't want to touch this thing.

I want to yield to my friend from Georgia.

Mr. BROUN of Georgia. Thank you, Mr. AKIN.

I just want to talk a little bit more about something that Dr. FLEMING brought up is this comparative effectiveness research that was funded through the stimulus bill; got a ton of money to set up this commission or study group to look at comparative effectiveness research. Age is one of the parameters. What happens in Canada today, if you need coronary bypass surgery, you just go on a waiting list and you just stay there till you die, if you're past a certain age. If you're diabetic and develop renal failure and need dialysis, I think the age is 55. I'm not certain of the age up there. In Great Britain it's the same way. They say, well, that's fine. We'll put you on the list for a renal transplant, or even for dialysis. You just never get off the list. You just die there. And very quickly.

Mr. HOEKSTRA. Will the gentleman yield?

Mr. AKIN. I yield to my good friend who has joined us at this time, not a medical doctor, but known for his seniority on the Intelligence Committee. So we have a guy who is intelligent. Please join us, Congressman HOEKSTRA.

Mr. HOEKSTRA. I thank my colleague for yielding.

I hate to correct my colleagues, but that's not what happens to everybody in Canada. Being a border State, we know another thing that happens in Canada—that when a Canadian goes to their doctor or their hospital, or it is determined that they need treatment, and that they're going to be down the list, instead of hoping to some day go to the hospital, in Canada, when you get sick, a lot of people go to the airport or they go to the bridge or they go to the tunnel or they go to the border crossing. In Michigan they go to the bridge or the tunnel, and they come from Windsor and other places in Canada because they come to the United States for excellent health care.

So they do have another option, and it's called American health care.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. HOEKSTRA. Absolutely.

Mr. BROUN of Georgia. Well, you're not going against what I was saying. In Canada, it happens that way. But they have a relief valve, and that's called the United States and the excellent quality of care that they can get here on demand. But in the Canadian system, in the British system, if they stay there, they just die. They don't get the care that they need to save their lives.

And so you and I agree. You, in Michigan, have seen that first and foremost in your communities in places like the University of Michigan in Ann Arbor.

Mr. HOEKSTRA. But reclaiming my time, the problem is, you know, if we implement this kind of national health care plan, my colleague will have an advantage.

Mr. BROUN of Georgia. How's that?

Mr. HOEKSTRA. America's escape valve will become Cuba, and you're closer to Cuba than what we are.

Mr. AKIN. That's not exactly an encouraging thought. We've had a guy who's the top guy in intelligence and two doctors, and I don't know what I'm doing in this conversation at all. But I know one thing. I've had some experience with health care in the sense that I'm a cancer survivor. I was one of those guys in my early fifties. I came to Congress, bulletproof, and I'd had a very lousy insurance plan provided by the State of Missouri, and I hadn't had a physical for a long time. I thought I was bulletproof. But somebody told me, hey, when you get to be over 50 you need to go get yourself a physical checkup. So I waltzed down to the doctor's office right here in this Capitol building run by the Navy doctors. They said yeah, Todd, you are bulletproof and you're doing great, except one little detail. You have cancer. You have prostate cancer. I'm going, oh my goodness. Let me tell you—doctors, you know—that gets your attention when they use the big C word.

We've talked about people who are pro-life. They're going to hate this bill. We've talked about older people because their care is going to be rationed. They're going to hate this bill because Medicare is going to be decimated and they lose their insurance, in spite of the promises. The bill says everybody's insurance is going to be government insurance. But let's talk about somebody who gets cancer. If you go over to the United Kingdom, they've got this kind of socialized medicine. And let's take a look at the United States. The survival rate for cancer in men—that's got my attention—62.9 percent in America. In the United Kingdom, 44.8. That says you have an 18 percent greater probability you're going to die in the U.K. because of their socialized medicine. If you're a woman it's a little bit better. Cancer survivors in women in the U.S.,

66.3. They're doing a little better than the men. And in the U.K. a little better still. Fourteen percent greater chance you're going to die over there.

So if you're a cancer person, you don't want this plan. You don't want this socialized medicine. If you're pro-life, you don't want this thing. If you're an older person, you don't want this thing.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. I do yield.

Mr. BROUN of Georgia. I want to point out a chart that Dr. FLEMING pulled up. The one that Mr. AKIN is looking at here is about all cancers. But if you look at prostate cancer and breast cancer, it's absolutely phenomenal at the difference in the rate. For instance, in the U.S., which is the purple bar here—

Mr. AKIN. That's breast on that side. I can tell a breast from a prostate, gentleman. But go ahead.

Mr. BROUN of Georgia. I was looking at the word prostate, so I apologize. But breast cancer, actually, with the new technology we have of imaging and the diagnosis to try to diagnose this early, as well as some of the new drugs that are coming out on the market today that will all be denied actually under care because it's not cost effective. But 5-year survival rate for women is way over 90 percent in the United States. But look in England, it's hard to tell, but it's much lower.

Mr. AKIN. I can see the chart maybe better than you can, gentleman, from where I'm standing. What I see, the purple is the United States. Prostate cancer, I'm seeing somewhere between 90 and 100 percent survival rate, and I'm seeing the sort of greenish bluish color is England. I'm seeing something about the 50 or 40 percent survival rate. So you're saying this generalized cancer statement, it's a lot different with prostate. It's almost 2-1 difference. In other words, in Canada, it's a flip of a coin whether you're going to live, whereas the United States, it's a good chance you're going to live fine.

Mr. HOEKSTRA. Will the gentleman yield?

Mr. AKIN. I do yield.

Mr. HOEKSTRA. Let's personalize this because those are the statistics.

Mr. AKIN. It's personal to me. It was my prostate, gentleman.

Mr. HOEKSTRA. I called one of my constituents today and we were just talking about some different issues. And then he shared with me that his daughter was just diagnosed with cancer.

Mr. AKIN. Breast cancer?

Mr. HOEKSTRA. No. I think it was the prostate cancer.

Mr. BROUN of Georgia. Not in his daughter.

Mr. AKIN. Not in the daughter.

Mr. HOEKSTRA. I don't know.

Mr. AKIN. You've got five doctors here. You better be honest.

Mr. HOEKSTRA. I'll give him a call back. But what he told me is they've taken her to Mayo, and the survival rate is pretty good.

Mr. BROUN of Georgia. Almost 100 percent. Five years.

Mr. HOEKSTRA. And what he said is, I'm thankful that in the United States I can take my daughter to a place like Mayo because Mayo, they're always testing, they're always improving, because that's the vision I think that we, as Republicans, have. This is not about going to the lowest common denominator. We believe that in America we ought to have high quality health care for everybody. And that's symbolized by Mayo because they always do the research and they do these time studies over people.

Mr. AKIN. Just to interrupt a minute. Now, isn't America really known for innovation in health care?

Mr. HOEKSTRA. People from all over the world go to Mayo Clinic, they go to the Cleveland Clinic. They go to Ann Arbor. They come to the United States because of the excellence in health care.

Mr. AKIN. Don't we have a lot of new drugs that are developed in America?

Mr. HOEKSTRA. Absolutely.

Mr. AKIN. And do we have new procedures as well, doctors?

Mr. BROUN of Georgia. Yes. I was going to talk about that with prostate cancer in a minute or two.

Mr. HOEKSTRA. What I found interesting, and I shared it with him, I said, the next time you go to Mayo, give one of the administrators a hug and write them a check for the work that they do there, because the Mayo Clinic recognizes what this is going to do to them. They came out foursquare opposed to this plan.

Mr. AKIN. So not just doctors now, but the Mayo Clinic is opposed to this scheme that we have seen concocted here.

Mr. HOEKSTRA. Because I think what they recognize is the scheme up there will take a Mayo and, rather than allowing Mayo to continue to lead the world, along with these other institutions in the United States to provide quality, excellence, innovation and research and treatments that are then shared with doctors and hospitals around the country and around the world, I think what they say is, well, that threatens us at Mayo and we're no longer going to be able to provide that.

So I think we need to make it real clear what Republicans are for and against. We are against that, that chart up there. We are for high quality health care.

Mr. AKIN. I think that's a very strong point.

I was just starting out our discussion, gentlemen, this evening talking about why in the world would you bring up something at 3 o'clock in the morning, a bill hasn't even been read

and you want to push it through in a great big hurry? And the reason is you don't want people to know what's in the bill because it's easier to pass it.

Mr. HOEKSTRA. Will the gentleman yield? I need to correct my earlier statement. Colon. She has colon cancer.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. Yes, I do yield.

Mr. BROUN of Georgia. I'd like to go back to what Governor HOEKSTRA, PETE HOEKSTRA, our friend, just said from Michigan about Mayo Clinic and the innovative techniques that they're developing. And they're being developed at the Medical College of Georgia in Augusta, Georgia that I represent. Innovative techniques are being developed all over this country for all sorts of health problems.

□ 2030

But now let's take the cancer that you have, prostate cancer. That's the most common cancer in men. With the new techniques that we've done and the stereotactic surgery and some of the things that go on today, we have developed surgical techniques to take care of prostate cancer that by and large will prevent men who have prostate cancer from having what in medicine we term incontinence which means urine leaks out and they don't have any control of the urine and have to wear a condom catheter with a bag on their leg to catch the urine because they can't control it. That is almost a thing of the past because of these new techniques that have been developed.

Mr. AKIN. That's part of the innovation that's practical for people, isn't it?

Mr. BROUN of Georgia. Absolutely. And in the past, people who had prostate cancer, there are many of them following that surgery were sexually impotent and could not perform sexually. With these new techniques, we've developed these new surgeries that prevent the impotence, prevent the incontinence, but the types of research and the innovative efforts that doctors make in this country today are going to be totally—

Mr. AKIN. Those different technologies and developments, were those a product of the government coming up with those things?

Mr. BROUN of Georgia. Government does fund some research through NIH and other entities, and thus there is—

Mr. AKIN. It is the private sector that comes up with things?

Mr. BROUN of Georgia. Yes, sir. It's private sector and it's doctors all over this country; but when we go to rationing care, then what we're going to do is demand the lowest quality of care for everybody in this country.

Mr. AKIN. It goes back to that phrase, you know, it would be nice if the government gave you a free home,

but do you want to live in government housing.

Mr. BROUN of Georgia. So those techniques will not continue to be developed.

Mr. AKIN. Let's talk about people who would be against this bill. We've already said people who are pro-life are not going to like it. If you're an older person, you don't want rationed health care. You don't want Medicare savaged financially. If you think that it's important to have innovation and new technologies, if you're a cancer person or someone else, you're going to want that new technology marching along to hopefully protect you there, and so those are people that are not going to want this full government takeover of health care.

Let's talk about people in this country, I mean, we all have constituents. Don't you have some constituents that don't like illegal immigration?

Mr. BROUN of Georgia. Absolutely.

Mr. AKIN. And is this bill basically going to give illegal immigrants free health care?

Mr. FLEMING. About 10 million.

Mr. AKIN. About 10 million?

Mr. FLEMING. Yes, approximately 10 million illegal immigrants are in the United States today, and they, of course, are here working, many of them, most of them, but there's nothing that the government derives to pay for the social services, education, health care for them. And of course that's 10 million people that either should be here legally and then paying into the system and paying their way or they should go back home because they're here illegally to begin with, and that would not be a cost or a burden.

Mr. AKIN. So if you came to America before—and we had some people coming in with the drug traffic and they also smuggled individuals into our country through illegal immigration. If before we had trouble with people coming here illegally, if we give them free health insurance and health coverage, that's going to make it more attractive for them to come, right? So if you don't like illegal immigration then you are not going to like this bill either, are you?

Mr. FLEMING. Exactly.

Mr. AKIN. Okay. So I'm just trying to think of people who would want to vote "no" on this bill. Go ahead. I yield to Dr. BROUN.

Mr. BROUN of Georgia. We don't know how many illegal aliens are here. They're not immigrants. They've committed crimes so they're criminals. They not only come here illegally, which means they're criminals, but virtually all of them have illegal documents, forged documents so they're guilty of many law infractions. But this health care plan, ObamaCare, is going to give every single one of those illegal aliens in this country free

health insurance at the cost of taxpayers.

And what that means is as we ration care to everybody in this country, that means American citizens, American taxpayers are going to have less care provided to them because we're funding these illegal aliens. And when we hear this number that 47 million people don't have health insurance—they say don't have health care. Everybody has health care. They have access to health care in this country today. Everybody has access—that 47 million people don't have health insurance, of that is at least 10, if Dr. FLEMING's right, it could be up to 15, even 20 million illegal aliens in this country. So it's a huge part of that 45, 47 million people that don't have insurance.

Mr. AKIN. So part of the reason for doing this bill, at least supposedly, other than just this uncontrollable desire for the government to run that, but aside from that, there's some 40 million people that don't have health insurance, and this is supposed to help fix that problem. But you are saying 10 of those 40 at least are illegal, and the way the bill is set up there's nothing in there that says that the illegals don't get free health insurance.

Mr. BROUN of Georgia. They will get free health insurance.

Mr. AKIN. They will get it?

Mr. BROUN of Georgia. They will get it, yes, absolutely.

Mr. AKIN. So if you don't like the idea of illegal immigrants, you're having to pay for their health insurance, then you wouldn't like this bill either; is that right?

Mr. FLEMING. That's correct.

Mr. BROUN of Georgia. Let me bring up another category of folks if you don't mind, if you will yield just for a second, and that's employees.

Mr. AKIN. Okay.

Mr. BROUN of Georgia. If you work for a company, you shouldn't like this, and the reason for that is that mandated coverage directed by the health commissioner—

Mr. AKIN. Or is it the czar? It was commissioner.

Mr. BROUN of Georgia. The health czar, the health commissioner that is going to mandate to the employee's employer what kind of care that they're given, it's going to do two things at least to the employee and maybe even more.

Number one, the employee has to accept the insurance provided by the employer. Now, of the 47 million people who are not insured today, some of those are eligible for insurance through their employer, but they just choose not to take it. But they're going to be mandated to take the insurance through their employer, and if they don't, they're going to be fined through the tax system. It's a 2 percent tax or fine for them not taking employee-mandated—

Mr. AKIN. Wow, you've got another category. So let's keep this list going.

If you're an employee in a company and you're currently not taking that particular insurance, you're going to be forced to do it. So you're not going to like this bill because it's going to force you to do something you didn't want to do.

Mr. BROUN of Georgia. That's correct. And another thing that's going to happen to that employee, because the employer is going to be taxed or have to pay more for the plan—in fact, a lot of companies are saying already that it would be better for them to just pay the 8 percent tax on those employers than it is to continue to giving them the insurance.

So it's going to force those employees off of their private health insurance that the employer's giving and force them on this so-called public option, the socialized medicine, Medicare-lite or Medicaid-lite that already has huge problems, but they're going to be forced into that. And a lot of them aren't going to want to do that either.

Mr. AKIN. So we already know that people who have a private plan that they like are going to lose that. So if you have a private plan you like, certainly you don't like this.

Mr. BROUN of Georgia. That's correct.

Mr. AKIN. If you are an employee and you don't have a plan that an employer offers because you don't like it, you're going to be forced into that plan. So you are not going to like it. How about if you are the employer? I'd like to go to my friend, Mr. HOEKSTRA.

Mr. HOEKSTRA. I've got another category that I think may not be on your list. I just had the opportunity to watch the President deliver his speech on health care and then answer some questions, and I found it very interesting that the plan that the President was describing is not the plan that we find in the House of Representatives today.

Mr. BROUN of Georgia. Or the Senate.

Mr. HOEKSTRA. Or the Senate. And so then, you know, in the questions the President said, well, let me tell you about the new areas where we have agreement, and this was agreement among the Democrats, not the Republicans. And I think you know that the Energy and Commerce Committee is going to go back to work tomorrow marking up the bill, this health care bill; but it looks like there are now massive changes that are being negotiated that are being feverishly written into law tonight and over this coming weekend because this House is on a mad dash because there's an artificial deadline. It has to be done by August 1.

Mr. AKIN. So by August 1, we're going to take 20 percent of the U.S. economy and turn it over to some czar or commissioner or commissar or

something, and this is the flowchart of what's going to happen.

Mr. HOEKSTRA. No, it's not the flowchart anymore. That's the flowchart today. The other people that won't like this—because that flowchart is changing as we speak—the other people who won't—

Mr. AKIN. You've already given me a headache.

Mr. HOEKSTRA. The people who won't like this are people who are saying it is 16 to 20 percent of the economy. Let's go through this in a professional way as we write this legislation. Let's make sure that we deliberate it. Let's make sure we understand these consequences that just magically appeared today and give us some time to digest this, because at the same time that the President is saying this group likes it, that group likes it, this group supports it, all of the sudden it's a whole new plan.

And so by tomorrow afternoon there will be, I expect, a new plan on the floor of the Energy and Commerce Committee that nobody in the committee will know what's in it except for maybe one or two people. So people who believe that we shouldn't rush into messing around with their health care and with our doctors and our hospitals and that we ought to be very deliberate and that they would like us to know what's in a bill before we vote on it, and they would like to know what the bill is so they can call us and tell us what they like—

Mr. AKIN. Are you trying to tell me our constituents actually want us to read the bill and know what's in it before we vote on it? Now that's a novel—

Mr. HOEKSTRA. I did a tele-town hall meeting tonight, and there were two areas of questions all night. Number one is, where are the jobs? I am from a State that has 15.2 percent unemployment. They've seen that we have spent \$800 billion. They are saying, PETE, where are the jobs, where are the jobs, where are the jobs, because the impact that it's having on their families, on their kids and those kinds of things.

And the second category was, don't mess with my health care, or don't mess with my health care until I have an opportunity to review it and see what it's going to do to my health care, and, you know, don't vote on anything that you haven't had the opportunity to read and review and to explain to us what it will do.

Mr. AKIN. Well, reclaiming my time, going back to the whole premise, if you do it really fast and nobody knows what's in it, you don't have as many people that are going to say don't vote for this thing, because they don't know what's there.

We've been joined by another fantastic Congressman from Louisiana, a man who's not spent that much time in the House, has distinguished himself

already for being articulate and a very penetrating questioner of some of these different schemes that we see, my good friend Congressman SCALISE from Louisiana.

Mr. SCALISE. I want to thank my friend Mr. AKIN from Missouri for yielding and for hosting this hour to talk about health care.

Just earlier tonight, we heard President Obama talking about the latest rendition of his story to the American people about what this bill does and doesn't do. I think what you're seeing across the country, though, is people have now started to see the details of the bill.

I serve on the Energy and Commerce Committee where we've been debating this bill for a few weeks now. We finally got the text of the bill just a few days ago. In fact, we had a hearing with the Congressional Budget Office last week. The day after the chairman of the committee finally released to the public the details of the bill, when we were talking to the head of the CBO about what the cost of this is to the American people, the head of the CBO acknowledged he didn't even have the opportunity to read the bill, but as he started to go through it—

Mr. HOEKSTRA. If the gentleman will yield, you think that's the bill you're going to be working on tomorrow afternoon?

Mr. SCALISE. Well, you know, I think it is changing every day, and the sad part of it is what's not necessarily changing are the details. What is changing is the rhetoric.

Every day they seem to come out and say something just to try to appease the American people. When the American people start looking at the details of this bill, they realize this bill gives a government bureaucrat, this new health care czar they're creating—we're not even talking about Cabinet Secretary post, somebody who is actually confirmed by the Senate. We're talking about a Federal bureaucrat, a health care czar, gives this health care czar the ability to take away your insurance if you like it. And so the President will go give a speech and say if you like what you have, you can keep it. The problem is his bill gives the bureaucrat the ability to take your health care away.

□ 2045

Their bill allows this health care czar to ration health care on Americans, and so American people are looking at this—and small business. And I talk to small business all the time. I just talked to one a little while ago who watched the President's speech and he said, One of the things that we're sick and tired of is all of these new taxes that they keep adding onto the backs of working people and all of these new mandates that government keeps adding onto the backs of people that are

taking away their rights, taking away their health care.

And they see it in this bill. And they give all the speeches they want and all the assurances. The problem is, in the bill, they take away those rights.

Mr. HOEKSTRA. I think the gentleman hits it right on the nose, because the alternative to that chart is freedom, is freedom by the American public to be involved in their health care, and if we vote in this massive health care, what we are doing is giving up exactly what the gentleman described. We are giving up our freedom and we are turning it over to this town, to this building, and to that bureaucracy.

Mr. AKIN. The gentleman was just talking a minute ago. You said you're talking to your constituents. A powerful tool that we have is to have a computer call a lot of our constituents and we just can sit and have a conversation for an hour or two. I did that last night with my constituents. You know what I heard about? Jobs. Where are the jobs? You know who's really not going to like this program here is people that are looking for jobs.

Let me connect the dots here. Where do 80 percent of the new jobs in America come from? They come from small business. That is 500 or less employees, 500 or less employees. That's where we make 80 percent of our new jobs. And who's going to pay for this mess? Guess what?

Mr. HOEKSTRA. Small business.

Mr. AKIN. Small business. You take their money away so they can't invest in new buildings, new pieces of machinery, and guess what happens? They don't make the jobs. So if you're unemployed, you're not going to like this very well, are you?

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. I yield to Congressman BROUN.

Mr. BROUN of Georgia. Even if you're employed, you won't like this bill, because what's going to happen is millions of people are going to be put out of work. They're going to lose their jobs because of this ObamaCare plan.

Mr. AKIN. Why are they going to lose their jobs?

Mr. BROUN of Georgia. They're going to lose their jobs because of the increased taxes and burden.

Mr. AKIN. A whole lot more burden on the small business man, and guess what happens? It doesn't create the jobs. In fact, you start to lose jobs.

Mr. BROUN of Georgia. It's going to lose millions of jobs. And those that are working are actually going to have a lower take-home pay because of the increased cost and the mandates on the individual as well as on their business.

So incomes literally are going to go down if you're employed and you keep your job, but there are millions of Americans that are going to literally lose their jobs because of ObamaCare.

Mr. AKIN. This is interesting because our constituents have been telling us jobs are a problem, unemployment is a problem. Now we've set some records. In the last 6 months, we have lost more jobs than ever in any time period since the Great Depression in America. We've lost more jobs in the last 6 months than have ever been lost since the Great Depression. So this is a serious thing.

NATIONAL HEALTH CARE PLAN

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. I anticipate we're going to have a seamless transition here this evening. It looks as though there wasn't anybody from the other side to appear down here to defend themselves or advocate for this policy. I'm wondering if some of the people haven't gone underground that have advocated for this national health care plan.

But as the gentleman from Missouri had said, we lost more jobs in the last 6 months than since the Great Depression. I think there's something here to illustrate.

Mr. HOEKSTRA. If the gentleman would yield for just a second as you get your chart ready.

Mr. KING of Iowa. I would make my point and then yield, and that is this is a direct contradiction to what the gentleman from Missouri has said. This is the White House Chief of Staff, Rahm Emanuel, who said—what day is today?

Mr. HOEKSTRA. The 22nd.

Mr. KING of Iowa. So it would be today. He said, "We rescued the economy."

Mr. AKIN. I hope they don't rescue it much more.

Mr. KING of Iowa. That's the gentleman I intended to yield to. If we rescue the economy, lost more jobs in 6 months than we have since the Great Depression, unemployment has 14.5 million, 14.7 million people unemployed and there are another 5.8 million people who are looking for a job that have exhausted their unemployment benefits, that no longer qualify under the definition of unemployed, which takes us up over 20 million people in America that are looking for work.

According to a study that was done by one of the lead thinkers in this, they went to 25 million effectively unemployed because many have had their hours cut down so they no longer are truly a full-time employment.

Rescued the economy? I don't think so. Let's hope they don't rescue health care the same way.

Mr. HOEKSTRA. Will the gentleman yield?

Mr. KING of Iowa. The gentleman from Michigan.

Mr. HOEKSTRA. Just before you took over and joined us in this Special Order, my colleague was saying that this doesn't do much for the unemployed. I think we have to recognize that it does. For those people that are in the unfortunate circumstance today of being unemployed, one of the things that they are concerned about is that they don't have access to health care. That plan may provide it.

But the other thing that I think has been pointed out, this plan will hurt the economy and hurt more jobs, and what these people want is they want the opportunity to get back to work. And I think under the Republican proposals that we have out there, we have ways for people who are in that unfortunate situation of being unemployed there a tax credit or whatever to be able to go out and to buy and to have the freedom to choose a health care plan.

I think that's now becoming a selling point of this new plan. It says if you're unemployed—and they're creating a lot of them—we're going to be able to provide you health care. But the Republican plan will do the same thing because we do believe it's important that everybody have the security of having access to health insurance. We just don't think you have to create this bureaucracy to do it.

So let's not forget about the people who are hurting, who are unemployed. But just because they're unemployed doesn't mean this system is what they need. There are better alternatives.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. HOEKSTRA. I will yield.

Mr. BROUN of Georgia. Well, I'd like to tell you, my dear friend from Michigan, Mr. HOEKSTRA, that everybody in this country has access to health care. Today. Everybody, whether they're employed or unemployed. The reason they have access to health care is because anybody can walk into any emergency room anywhere in this country and they can get evaluation and treatment for any problem that they have.

I used to work full time as a director of emergency services at Georgia Baptist Hospital in Sylvester, Georgia, and anybody that walked in the door for any problem was evaluated and treated, whether they had health insurance or not. And that's true all over the country.

So everybody in this country, whether they have health insurance, whether they're employed, whether they're unemployed, whether they're legal immigrants, whether they're illegal aliens, whether they're American citizens, whether they're taxpayers or nontaxpayers, everybody in this country today has access the health care system.

The thing that they don't have, the 45 million or 47 million, is they don't have a health insurance card or policy in their pocket to pay for it.

Mr. HOEKSTRA. And we want to be able to provide them with that opportunity because we believe that is a more effective and more cost-efficient way and a better way to get health care to Americans. And so that is one proposal to do it. But Republicans also have a proposal and ways to make that available that move away from this extraordinarily expensive and job-killing bureaucracy.

Mr. BROUN of Georgia. You're exactly right. We have been, as Republicans, by our Democratic colleagues, have been described as the Party of No, N-O. But the reality is we are the Party of Know, K-N-O-W, because we know how to lower the cost of health care. We know how to get those uninsured people so that they can be insured.

In fact, even the ObamaCare plan, the director of the CBO said that even in 10 years there's still going to be millions and millions of people uninsured even under the Obama plan.

So we are the Party of Know to know how to solve these problems, to put people back to work, to give them lower cost for insurance. We have multiple plans on our side. I hope the American people understand that.

Mr. KING of Iowa. Reclaiming my time, I'd like to pose a question here that is at the bottom of this. And there are a lot of different numbers out there and we know this is a moving target, so we're trying to shoot at a moving target because we know, once it's completed, it's going to come through here like a lightning bolt and it's going to be over.

So I'm seeing numbers that show this as high as \$2 trillion, but I can see CBO numbers that come to about \$1.2 trillion and I can see tax increases that are in the area of \$800 billion to \$900 billion and deficits that are about \$239.1 billion.

Now, whatever these numbers are, we know that the calculations and predictions are different than what it's actually going to be. Programs always cost more money in reality than when they're actually estimated.

But here's the point. President Obama has said we can't fix the economy unless we first fix health care. Health care is broken.

Well, if you have a company that's broken, you don't go out and borrow more money and lower your revenue stream and increase your deficit. So if health care costs too much money, why do we have to add \$1 trillion or \$2 trillion to it to fix the program? That's the rhetorical question that I ask. It's more than rhetorical. Hopefully, we'll be able to get to that.

I see the gentleman from Louisiana was leaning forward and I'd be happy to yield to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Again, I thank my friend for yielding. When we really talk

about the numbers, there are lots of big numbers being thrown around, billions and billions of dollars. The CBO, Congressional Budget Office, has already said that the promises of savings—and President Obama has promised lots of savings—as he's read the bill, he's said the promises of savings don't exist.

So you hear the President talking about we're going to squeeze all these savings out. The problem is the bill doesn't yield any savings. What it yields is an increase in Federal spending to the tune of hundreds of billions of dollars, over \$800 billion in new taxes. But this is the bureaucracy that they create.

I think when you really start talking about why the American people, as they're looking at this plan, are turning against this government takeover of health care, this is what really I think offends the American people. This is an organizational chart of President Obama and Speaker PELOSI's proposal to have a government takeover of health care, and I think what frightens people the most—and there are a lot of things about this bill that frighten people across America. The fact that you would have a bureaucrat to ration care.

But I think what is the most offensive, even above the tax increases and above the hundreds of billions of dollars in spending of money that we don't have, is the fact that they're proposing in their bill—this is the doctor and this is the patient. Look at all of the bureaucracy that their bill is placing in between you, the consumer, the patient, and your doctor.

We've got two doctors here tonight joining us from Georgia and Louisiana, and when you look at this organizational chart of President Obama and Speaker PELOSI's proposal to have a government takeover of health care, what offends people the most is the fact that they're placing all of these new Federal bureaucracies, including a health care czar, in between you and your doctor.

And people know, when you look at Canada, when you look at England, people know what that led to. And in fact, just Monday of this week, Monday of this week, a tragic story. A 22-year-old man, 22-year-old man in England died because of England's government-run health care system, very similar to this proposal, denied the ability for that 22-year-old to get a liver transplant. His 44-year-old mother testified how horrible the system is that they have in England, a system that would allow a 22-year-old man to die because they denied him treatment.

This is the exact same structure. All these Federal bureaucrats unelected here in Washington, D.C., coming in between you, the patient, and your doctor. This is offensive. This is why this is such a horrible idea. We need reforms, but we surely don't need this.

I yield back.

□ 2100

Mr. AKIN. Could I just jump in for a minute? There are different categories of people who aren't going to like this bill; but there are people who just hate government redtape. Genetically, I don't like government redtape. Can you picture trying to get a health care decision and something that's messed up, and you have got a wife or kid that needs health care, and you've got to deal with this to try to get health care, and these people are going to tell you whether or not you can get it?

You know the one thing in my telephone townhall meeting people said that they want more than anything else, they want health care decisions made between the doctor and the patient. We offered that amendment in committee, and it was voted down on a party-line vote. The Democrats saying that they want the redtape bureaucrats to make health care decisions, and they voted against an amendment that said that the doctor and the patient should make the health care decisions. Now that's not where the mainstream of America is, and that's not why you doctors are practicing medicine—to have a bureaucrat tell you how to practice medicine. It gets me upset.

Mr. KING of Iowa. Reclaiming my time, and letting the gentleman from Missouri relax for a minute. I wanted to bring this up. We see the flow charts that are today in color, and when you look at the color flow charts, those that are in white are the old existing programs that are there; and those in color are the new programs that are laid on top of the existing bureaucracy. This is the HillaryCare flow chart from back in 1993; and this is the flow chart that is, I believe, a replica of what hung on the office in my construction office throughout that entire decade and probably past the change of the millennium. It hung there because it scared the living daylights out of me, as an employer who was providing health insurance for my employees and, of course, my family as well.

When I looked at this chart—I had an aversion and anybody who has ever been in business has an aversion to redtape—this was a redtape chart. This chart being put up back in 1993 was enough, I think, that added enough weight on that it sunk HillaryCare, because the people in this country did not want to create all of this bureaucracy and give all of this control and authority over to the government. They wanted to maintain their own independence, their own freedom. In the end, it was a freedom argument that won out, that killed HillaryCare.

Now we have ObamaCare. The difference is, it's in color. It probably takes not quite as much freedom as this one might have. But I would point out on the gentleman's chart that the

part that concerns me the most are these two purple circles down here at the bottom. The white square is the existing private health insurance, traditional health insurance. All of those insurance policies of those 1,300 or so insurance companies that are competing right now for the dollar for health insurance would have to flow through and become qualified health insurance plans. They would only be qualified if right here the health insurance czar decided that he had written the regulations in such a way that the newly created public health benefits plan—the Federal health insurance plan that's designed to compete against the private sector—could stay in business.

So they will set the regulations and establish the mandates and determine what these private health insurance policies offer. Then when they write those standards, then they'd be competing directly against the public; and at some point the public swallows up private. This is where it gobbles it up right here. This is where you lose your freedom. This is where President Obama cannot make the promise that if you like your health insurance plan, you can keep it.

You don't get to keep it. You don't get to keep it because the people that make the decisions, those who are employers that are providing health insurance, are going to look at the premium that's here, the rules that are set by the government; and they will decide whether you keep it. You will not, even if you're a happy employee.

I yield to the gentleman from Georgia who has a statement to make.

Mr. BROUN of Georgia. Well, Mr. KING, I am glad you brought this up because the American people have been promised by this President over and over again. He's saying, if you like your insurance, you can keep it. But nothing could be further from the truth. It's not factual. It's just totally falsehood. If you like the policy that you have today, you will not be able to keep it under ObamaCare. The other thing that you're talking about there—let me just tell you what happens to me as a physician with Medicare payments.

Mr. HOEKSTRA. Before you go there, can I just add a point?

Mr. BROUN of Georgia. You bet.

Mr. HOEKSTRA. There will be some people who keep their health care. Who will that be?

Mr. AKIN. The wealthy.

Mr. BROUN of Georgia. Congress.

Mr. HOEKSTRA. It will be Federal employees and Congressmen and Senators will keep their health care. I believe in the Senate there was an amendment that was voted on, and I hope we have the opportunity to vote on this in the House. In the Senate there was a vote that said, We're going to put all Federal employees, including Members of Congress, into the public

health plan, the plan that we will force millions—what was the number, 73 million in the first 5 years or something?

Mr. BROUN of Georgia. It was over 100 million nationally.

Mr. HOEKSTRA. We're going to force 100 million people into the public health plan. I'm not sure if they had a vote in the Energy and Commerce Committee on this amendment yet, but I think it's coming. When that vote was held in the Senate, the Senate said, We're not going into the public health plan. We're going to keep what we have. So it's fascinating for the Senate to say, We're ready to force 100 million people in the public into the public health plan, but we ain't going there. That tells you what the Senate thinks of what will be the public health plan. I thank my colleague for yielding.

Mr. BROUN of Georgia. Let me tell you where I was going to begin with. Say a Medicare patient comes in with some chest pain, and I decided that they needed an x-ray of the chest or an MRI of the chest, I have to call a Federal bureaucrat to get permission for that patient to have those studies done right now today. In fact, even with a lot of the HMOs that are privately administered, if I prescribe an anti-hypertensive, something to control blood pressure, I have to call a pharmacy benefits manager to get permission and approval to prescribe a medication, which I am totally against that.

In my office we're writing a health care reform plan that will put patients in the position where they make the decision, not a pharmacy benefits manager, not a Federal bureaucrat. It's one of the plans that's going to be offered as a bill. But right now today, that Federal bureaucrat tells me, as a doctor, what kind of x-rays that I can do on my patients if they're on government plans, Medicare and Medicaid. It's already a broken system. Care is already being rationed in the government-supplied insurance programs today, in Medicare and Medicaid. It's going to get a lot worse under ObamaCare, a lot worse. We'll have more rationing of care, more denial of care. There will be longer waiting periods.

Mr. AKIN. Just a moment now because I think you are making a point. The Democrats were here about an hour-and-a-half ago. They were saying, Hey, we don't like the idea that an insurance company rations your care, an insurance company gets between a doctor and a patient. As a Republican, I don't like that idea either; but the solution isn't to put an even bigger bureaucrat in the way. The solution is to get back to the doctor-patient relationship, which is why you practice medicine.

Mr. HOEKSTRA. Can I offer a little history lesson? I'm not sure any of were you here in 2001. One of you was here in 2001.

Mr. AKIN. It was my first year here.

Mr. HOEKSTRA. You know what this reminds me of, remember we passed a bill—I'm thankful I voted against it—No Child Left Behind.

Mr. AKIN. I voted "no" on that too.

Mr. HOEKSTRA. Why did we vote "no"? Because what it did, it put the Department of Education between a parent and their local school and their local administrators. That thing passed with all of this promise because the promise was, We're not going to leave a single child behind.

Well, you and I felt passionately. We don't want to leave a child behind. But the way to fix that isn't to put a government bureaucracy in charge of that kid's education. Guess what, here we are 8 years later; and who now agrees with us? A lot of folks on the other side of the aisle; and most of the folks on this side of the aisle who voted for that bill now recognize that No Child Left Behind was a huge mistake because what it did is it took local control, parental control of your child's education away from parents, away from local administrators and moved it here to Washington. We're leaving more kids behind, even though we're spending more money than ever.

A lesson from history from those of us that saw that No Child Left Behind wasn't going to work; this is a monstrosity that is 10 times bigger and will have 10 times more impact than No Child Left Behind will because No Child Left Behind only impacted our kids. This will impact every single one of us. It is the same model of moving away from the concept of freedom, which my colleague talked about earlier, the concept of freedom, freedom to raise our kids, freedom to choose our health care, freedom to make our own health care decisions, moving them to Federal bureaucracies and bureaucrats who don't know the names of our kids, who don't know the names of our doctors, and who don't know the hospitals that we want to go to. That's the problem with the approach that we are seeing today.

Mr. KING of Iowa. Reclaiming my time, and as the gentleman raised the issue of about who will be making the decisions on health care, whether it will be the doctor and the patient or whether it will be the bureaucrat, we have on record, before the committee in the markup 2 days ago, an amendment that was offered by Republicans—and I believe it was Dr. GINGREY from Georgia who offered the amendment. I happen to have the text of it right here handy; and it is this, Nothing in this section shall be construed to allow any Federal employee or political appointee to dictate how a medical provider practices medicine. That was a simple amendment that preserved the doctor-patient relationship and cut the bureaucrat out of it.

Mr. HOEKSTRA. That passed, right?

Mr. KING of Iowa. It failed. It failed on a party-line vote, save one. Only one Democrat would defend the doctor-patient relationship in the entire committee. It was shot down as a partisan vote, and that would be a clear principle that you would think Democrats and Republicans could agree upon.

Mr. AKIN. And yet every Republican standing here tonight, we all stand behind that doctor-patient relationship. That's what medical care should be about. It was a straight party-line vote, with the exception of only one Democrat.

Mr. KING of Iowa. That's correct.

Mr. BROUN of Georgia. Would the gentleman yield?

Mr. KING of Iowa. The gentleman.

Mr. BROUN of Georgia. I would like to tell you a story that I recently heard about a patient that actually helped my friend from Michigan's economy. Mr. HOEKSTRA, you might be very interested in this because it actually provided some funds into your State, from what I understand.

A patient in Canada had severe knee pain, such severe knee pain that he required narcotics. He went to see his family doctor, the gatekeeper to the health system up there. The doctor told him that he was just going to treat him with some physical therapy and give him narcotics. This went on for over a year before he could get in to see an orthopedic surgeon. It took him over a year to be on the list to see the orthopedic surgeon for evaluation of this severe knee pain.

When he finally got to see the orthopedic surgeon after a year—of course here in this country if a family doctor, like me, wants to get a patient to the orthopedic surgeon, we can do it within a matter of days and certainly weeks, if the orthopedist is extremely busy. But it took him over a year to see an orthopedic surgeon that was mandated by the government. He had to see this particular one. It took him over a year to see him. The orthopedic surgeon finally did some x-rays on him and told the patient, Yes, you've got such and such a condition in your knee; and you need an operation.

This patient said, Fine. Let's go to the hospital. I want to get rid of this pain. I want to get off the narcotics. The orthopedic surgeon said, No, no, no, no. You can't do that. We'll have to put you on a waiting list to get in the hospital for your surgery. The patient said, Well, how long is that going to take? We don't know, is what he was told. So the patient left Canada and came to the United States—I think to Michigan—to get his much-needed simple knee surgery that was denied immediate care, may even have made him a narcotic addict because he was put on those narcotics that he had to take for the severe pain. So he had to deal with that too because the government delayed his evaluation and his treatment.

That's exactly what's going to happen to people here in America under this plan that's being presented by the Democrats.

Mrs. BACHMANN. If the gentleman will yield.

Mr. KING of Iowa. The gentlelady from Minnesota.

Mrs. BACHMANN. Well, you know, it's very interesting. I think the gentlemen that are here in the Chamber tonight—I think probably everyone here considers themselves pro-life. And you remember during all of the arguments and debates that there has been on this issue of women making a decision about whether or not to have an abortion, one of the main arguments that was proffered was, No government should get between a woman and her doctor. The government should not get between the woman and her doctor when she comes to making that decision.

Yet it's so curious. When you look at these 33 new bureaucracies that are created, when it comes to that decision about an abortion, you've got 33 new bureaucracies now that are created. I recognize those who are here are probably pro-life in this Chamber. But for those women who aren't pro-life, that's something that they need to consider very seriously. The government is going to be between them and their doctor in a whole new way, a big way, a 33-bureaucracy way. That's one thing women understand. Women consume health care. They purchase most of the health care in this country. They take care of their elderly parents. And women will be the ones that are stuck filling out the paperwork, making call after call after that call.

We all know what it's like if you call the Department of Motor Vehicles and you have a problem, or you call some other government department if you have a problem. You know what you have to go through. We still have gentlemen who have served valiantly in World War II who still can't get medals. They're still trying to get through to get access.

□ 2115

Now we're looking at women having the hassle factor of having to get through to a bureaucrat.

There is one thing I wanted to mention. I just finished watching President Obama in his press conference when he was talking to the Nation about his health care reform and about his health care proposal. I listened to every question that was asked by all of the reporters. I found it very curious. President Obama was adamant. He said his health plan, his government takeover, will not add to the deficit in the next 10 years. He made it as a guarantee, as a promise. He will not add to the deficit in the next 10 years. Not one reporter who asked a question brought up the independent Congressional

Budget Office, the testimony by Doug Elmendorf, where he stated unequivocally that we will see rising costs and a rising deficit if President Obama's plan goes into effect. There was not one question by the reporters. Not one question contradicted President Obama's statement.

The other thing that surprised me was that President Obama has not given to the public what every previous President gives out, which is, in mid-July, a budget update about where the budget is. Well, guess what. President Obama said he's going to delay putting that mid-budget assessment out until mid-August when all of the Members of Congress are back home, presumably after we take this vote on health care. Is this the most transparent Presidency that we've had? That's the claim.

Mr. BROUN of Georgia. No.

Mrs. BACHMANN. This is transparent.

Mr. BROUN of Georgia. No.

Mrs. BACHMANN. But he doesn't even want us to see the budget numbers. He doesn't even want to be asked about the CBO estimate. He said, Where are we going to find the money, and how is this not going to cost more by adding millions more?

Mr. KING of Iowa. If the gentlelady will yield to a question.

Mrs. BACHMANN. He said it's from waste. We're going to wring waste out of the system. Well, if that's so, why do we have a chart equal to this one showing all of the specifics of how they're going to take waste out of the system? Let's go ahead and start with that. Let's start getting these hundreds of billions of dollars out of the system by wringing out waste.

It's because he knows. He knows what's going to happen. Doctors are going to turn into GS-15s, government employees. Doctors are going to take drastic reductions in payments. Nurses will take drastic reductions in payments. Hospitals will take drastic reductions in payments. What does that mean for the American people? Drastic reductions in quality of care if you can get care. That's what we need to consider.

Mr. KING of Iowa. Reclaiming my time, if I could just make the point that President Obama might have told the truth tonight when he said that he wasn't going to increase the deficit with his national health care plan. We already know there are \$800 billion or \$900 billion in tax increases that are written into this, and they're only about, maybe, \$239 billion from making their books balance. Imagine that. It's \$239.1 billion by one set of measure. It might be a lot more. So all they really need to do is raise taxes another \$239 billion and accept the estimates they have—and they might have already arrived—and he just simply uses his little rhetorical trick of giving you a defini-

tion. Well, he gives America the definition, and people hear what they want to hear. He speaks in a way that people hear what they want to hear. Again, I think that's the deal.

I yield to the gentleman from Louisiana.

Mr. SCALISE. There's one other thing that the President will do with his government takeover of health care if he truly does want to make it revenue-neutral, which it's not. Right now, this bill adds hundreds of billions of dollars to the deficit, and the number grows every day. The number is in the \$200 billion range right now, but we know, by the end of this week, it's probably going to be higher.

What the President will do is ration care. In this bill, he has got this health care czar—it's in his bill—with the power to ration care. So if he is going to control costs to make sure that it doesn't cost any more, well, we already know he added about \$800 billion in new taxes, so every American family and every small businessperson knows they're going to see massive tax increases. That's bad enough. That's going to lead to millions of jobs lost in this country.

Even with all of that, his bill costs so much over \$1 trillion that he still doesn't have enough money to make the two ends meet. So, if he truly lives up to his word, then the way he does that is the same way that Canada, England and any other country that has a government-run system does it. They ration care.

Mrs. BACHMANN. Will the gentleman talk about what "rationing" is? Talk about what "rationing" is. What does that mean?

Mr. HOEKSTRA. I was going to talk about the rationing.

I used to be in the private sector, and I used to be in the marketing world. We all know that these forecasts aren't actual numbers; they're predictions. One of the things that we have learned from these predictions is that—what? Does government forecast conservatively where, you know, if everything goes bad, we're going to be \$800 billion short? No. The government forecasts optimistically.

I think it's pretty safe to say that, if you take a look at the assumptions and the predictions that the deficit or that the amount that this program will add to the deficit over this period of time, it is probably at least double what the CBO is predicting.

Mr. BROUN of Georgia. Tell me it's not so.

Mr. HOEKSTRA. Yes. It's what the CBO is predicting.

The other things it is based on are reimbursements to the States. To get people and some of the States to buy off on Medicaid reimbursements, what they do is they bump them up in the first 3-4 years of this program, and then they cut them dramatically. We

all know that those cuts will never take place in future years, so the deficit, most likely, of this proposal will be significantly higher than the numbers we see today. I think that has been true for just about every Federal program we've seen.

Mr. AKIN. I would like to talk a little bit about the President's ability to predict the future in terms of his numbers because, as I recall, just 3 months ago, we were taking a look at what was supposed to be called a "stimulus bill." Some of us called it a "porkulus bill." Anyway, it was about a tremendous amount of spending. I think it was \$787 billion in spending. The President gave us a number that we could take to the bank.

He said, Look, if you guys do not pass this stimulus bill, why, we might have unemployment as high as 8 percent in America. So we passed this tremendous spending bill. Let's see. What's our unemployment now?

Mr. KING of Iowa. 9.5.

Mrs. BACHMANN. 9.5 percent.

Mr. AKIN. 9.5 percent.

Mr. BROUN of Georgia. It's almost 14 percent in many of my counties in Georgia.

Mr. HOEKSTRA. Well, actually, I hate to take the lead on that, but we're at 15.2 percent. We have a lot of people hurting.

Mr. AKIN. This bill isn't going to cost anything. The Congressional Budget Office first comes out and says it's \$2 trillion, and then they whittle some numbers by some little fancy stuff, and it comes down to \$1 trillion, and he says this is going to help the economy and is not going to cost anything. That's a little bit like his promise when he said, Listen to me now. He said, If you're making under \$250,000, there won't be any tax on you, except we've got this little deal that, when you flip on a light switch, you're going to get taxed. Who doesn't flip on a light switch?

Mrs. BACHMANN. But it's going to cost jobs. That's the other problem. By President Obama's own estimates, this health care plan will cost nearly 5 million jobs. His porkulus bill has cost us 2 million jobs. The takeover of GM/Chrysler cost another 150,000 jobs. The energy bill you just talked about is 2.5 million jobs every year. This alone is 5 million jobs. So it's already a huge cost in terms of job loss out of the United States.

Mr. KING of Iowa. Well, let me take us back to that original question again, which is, when the President says that the economy is a disaster and that we can't fix the economy unless we first fix the broken health care system in America and that the only way you can fix the broken health care system in America is to add to the spending by \$1 trillion or \$2 trillion, depending on how you want to evaluate the proposal, and to add to the taxes by

\$800 billion or more. If we end up with a huge deficit of \$2 or \$5 or \$7 or \$800 billion created in all of that and if something is broken and if you have to fix it, how can it be, if we're spending too much money on health care today, that we're going to spend more on health care tomorrow and add to the deficit and to the unemployment and fix the problem?

This proposal exacerbates the problem. That's the flaw in the President's logic. So this is similar to the things that came out a couple of generations ago on another continent. If you repeat the same thing over and over again and if after a while people are afraid to challenge you, then some begin to believe it's true. It can't be true.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. KING of Iowa. First the gentleman from Georgia and then back over to Louisiana.

Mr. BROUN of Georgia. Well, I want to bring up that we hear all of these grandiose promises from the President, but I want to remind the Speaker and my colleagues here in the House—I can't speak to the American people—but if I could speak to them, I'd remind them, too, that the President just recently said that his non-stimulus bill is working just like he thought it would. Yet we have more people out of work today, and the promises made have been broken, and I was coming to that very point. The Chief of Staff of the President, Rahm Emanuel, who used to be a Member here in this House—

Mr. KING of Iowa. Could we direct the attention down here to the Chief of Staff for the White House? "We rescued the economy," said today, Rahm Emanuel.

Mrs. BACHMANN. The President said that tonight, too.

Mr. KING of Iowa. I'm emphasizing the gentleman's point.

Mr. BROUN of Georgia. The point being that the President and his administration give us all of these grandiose promises, and they use all this sleight of hand, shell game of words to try to tell people what they want to hear, but the reality is what they say is not factual. It's just absolutely not factual, and the American people need to understand that.

Mrs. BACHMANN. But the President did say something that I think, perhaps, we should listen to.

He said tonight in his press conference that the United States spends about \$6,000 more per person on health care. He wants to reduce that. So we need to listen to that now. He wants to reduce that by about \$3,000 per person. Well now, how is he going to do that? Let's take him at his word. If he is going to reduce health care expenses by \$3,000 per person, that goes back to how we define "rationing."

"Rationing" means if your baby daughter were born with a heart condi-

tion, would she get the pacemaker? If your 85-year-old mother had a problem with her hip, would she get a replacement? If, perhaps, your daughter had kidney problems, would she get the help?

That's the way you reduce the costs by something as dramatic as by half per person. Let's face it, President Obama's plan for Americans is that we're getting less health care, not more.

Mr. KING of Iowa. Under President Obama's health care proposal, somehow I just can't imagine ladies waiting in line to get an abortion. I just can't imagine they're going to do that.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. I try to picture that you can get a free C-section as long as you're willing to wait a year for it, you know? That's really going to be helpful.

Mr. KING of Iowa. The gentleman from Louisiana has been patiently waiting.

Mr. SCALISE. There are a lot of statements that have been made by the administration, all of which contradict each other. I think the American people are catching on to the fact that the administration has these focus groups and that they say things that people want to hear. Yet they do the opposite.

Just last week, Vice President BIDEN said we have to spend money to keep from going bankrupt. Now, any American who balances his budget, which is every American family, knows that's a ludicrous statement; but it's the way that they're governing, and it's the way that this bill approaches this.

In fact, as we've been talking about how much will this bill cost, how much will this government takeover cost, in the Energy and Commerce Committee earlier this week, they had amendments to the bill to actually add even more costs. What are those costs? What is that additional spending that the Vice President talks about that they need to implement to keep from going bankrupt?

They added another \$250 million. There was one amendment that a Member on the Democratic side offered in the committee which would create a program that would allow the Federal Government, through this government takeover of health care, to create a new program to allow for individual organizations like Planned Parenthood—and we asked if Planned Parenthood and if groups like ACORN would be able to access this program, and they said yes. It would allow groups like Planned Parenthood to have access to \$250 million in a new Federal program—money we don't have—to teach teenage girls how to use condoms. By the way, this would be without the permission of their parents.

So imagine you're looking at this budget deficit spiraling out of control

and at this spending in Washington spiraling out of control, and the President brings this government takeover of health care and says, We're not going to pass a bill that doesn't control costs. Yet there was an amendment that they passed. Not one Republican voted for this amendment. Those of us who are pro-life were highly offended by it, but the amendment passed. It's in the bill. It creates a separate \$250 million taxpayer-funded program to allow groups like Planned Parenthood to teach your daughter, without your permission, how to use condoms. It's in their bill to take over health care. That's what's going on with this bill.

The American people are seeing this. That's why they're trying to ram this bill through by the end of next week, without the American people being able to read the bill, because they know when people read this stuff, they're going to revolt. They should because this is a horrible idea.

I yield back.

Mr. AKIN. That's the whole point of doing these things at 3 o'clock in the morning with 300-page amendments. There's not even a copy of the bill on the floor. Why do you want to do it in the dark? Because how many Americans are going to vote to spend \$250 million to teach your daughters how condoms work? There are not too many American people who want to vote for something like that. That's why you want to do it in the dark of night.

The other thing they don't want you to do is to understand the difference. They want to say, Our health care system is so bad. Hey, there are some problems, but take a look at this compared to this socialized mess over in England or in Canada. Take a look at people like me. I'm a cancer survivor. Take a look at your survival rate for men with cancer: 18 percent better in the United States. We want to trash our system to go to something that has worse numbers? It doesn't make sense.

I yield back.

□ 2130

Mr. KING of Iowa. Reclaiming my time, in recognizing there are folks that are lined up to speak, the gentleman from Louisiana mentioned ACORN as one of the huge machines that drives the Democrat turn-out-the-vote effort that has produced over 400,000 fraudulent voter registration forms that seems to be behind a lot of the things that are going on that are pushing the hard-core, left-wing agenda.

And by the way, they are registered—I have it as a 501(c)(3) not-for-profit, nonpartisan organization. This is a picture of their headquarters at 2609 Canal Street, New Orleans. And there I stood across the street right before the Fourth of July, put my little camera up there, and here's a picture of the window at the headquarters at New Orleans where there is at least 174 or 175

corporations affiliated with ACORN, and here are the Obama posters inside the glass. This is your not-for-profit organization. Here's the ACORN logo hanging and the flag outside. You can draw your own conclusions, but there is the get-out-the-vote machine that's funded by your Federal tax dollars, funding abortions with your tax dollars.

Mrs. BACHMANN. Remember, it's a good time for ACORN. They've received \$53 million in direct Federal grants since 1994, but now they've hit it big. The slot machine is paying off now because now they have access to \$8.5 billion. Fifty-three million was chump change for ACORN. Now they have potentially access to \$8.5 billion.

Mr. KING of Iowa. I would like to kick this over to Louisiana. I yield to the gentleman.

Mr. FLEMING. I just wanted to mention that I know you gentlemen and lady know that the President spoke on this very subject tonight while we were actually talking ourselves, and I just got some input, some interesting things he said here.

Number one, he acknowledges that the people of America are becoming skeptical because there haven't been any laws lately that have positively affected them. I think that's an understatement from our President. Also, he makes the claim that there is no bureaucracy. There will be no gap between the patient and the doctor, the sacred doctor-patient relationship.

Well, we've seen slide after slide of these—if the camera can show here with what Mr. AKIN has that there are so many steps between the doctor and the patient. There are many now. But now it really goes crazy when we get into this system.

And then finally he was asked—you may recall that we submitted House Resolution 615 that says if you vote for government takeover of health care that you are willing to sign up for it and forego a waiver which is built into these bills that doesn't put you into this automatically, that you can stay with your private health plans, and the President was asked this question tonight. And he basically gave no answer to the question. He dodged the question altogether, which we know he's so skillful to do.

So it's pretty obvious that if this gets passed, that we're looking at a situation where the average American out there, the average working American, will be subject to all of the bureaucracy of a government-run system just like in England and in Canada. And the only ones who will be exempt, as Mr. HOEKSTRA mentioned a moment ago, will be the ruling elite: Congress, Senate and the President, and perhaps some wealthy, the Rockefellers and the Bill Gates and families such as that.

I just thought these were some interesting comments that were going on

while we were holding this session tonight.

Mr. KING of Iowa. I thank the informed gentleman from Louisiana.

I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I think we've had a pretty good discussion about, you know, people want to help. This is hard. But what's the real motive for moving this all under a government health care? And the gentlelady from Minnesota helped point out this moves \$250 million into ACORN. Because what it does is, when you move all of this spending from the private sector to government, we have control. That bureaucracy has control. The President has control to direct policy.

And what many of us would think is a personal policy that is between me and my doctor, our family and our doctor, and all of those kinds of things, and what we're doing when we move that amount of money—remember, we're moving basically 20 percent of the economy. With one vote we're going to move it from the private sector where we each have some influence—and we don't like more control, and that's what the Republican proposals do is give us more control in that equation.

But instead of us having more control, we're going to give it up or there are people in here who, the American people I don't think know they're giving it up. But there are people in this House, in this Senate, and in this town who are willing to take it and want to take it because they want that kind of control over social policy, health care policy, economic policy in this country, because they don't trust the American people to make those decisions for themselves. They believe that the economy, they believe that everything begins in Washington.

And as Republicans, we know and we believe that it begins with the people at the grassroots. They are the ones that drive America. They are the ones that drive our communities, our States, and our country; not this town and not our State capitals. And that's the fundamental difference. We're uncomfortable taking that responsibility or moving that responsibility to Washington. We're not only uncomfortable with it, we think it's wrong. My Democrat colleagues think it's right, it's appropriate, and it's necessary.

Mr. KING of Iowa. The gentleman from Michigan, he's absolutely correct. And the people that generate these kinds of flowcharts—and they are liberal elitist utopianists, but they believe they are smarter than your average person. They don't believe the average person is capable of taking care of themselves. They believe they can devise the perfect flowchart that will make everything work out perfectly.

And the only thing that gets in the way of all of this is because there are

some people in the world that try to give people their freedom, and they will always trade off American freedom for security. It happened in Western Europe.

I took a trip down to Cuba here a few years ago, a legal trip to Cuba. This is what occurs to my mind. As I listened to Mr. HOEKSTRA speak, how in the world do we ever balance a budget if we swallow up the private sector by growing government to eat up the private sector. Eight huge entities have been swallowed up and nationalized by President Obama. A large percentage of our GDP is now run by the government, by the White House, some of it directly, some by Rahm Emanuel.

If the Federal Government continues to take over huge sections of the economy, like this 17 percent or whatever that number is, I don't know how you balance the budget. You do like they do in Cuba. You take a cut out of all commerce, because Castro has an investment in all things, and that's where this Nation is heading if we don't get a grip and get our freedom back.

Mr. AKIN. I would like to jump in a little bit about this whole idea about our trust for different bureaucracies.

Let us take a look at the track record. We're talking about a health care system that's going to have the good heart of the IRS and the efficiency of the postal system. Let us take a look at some of these different government agencies and how much—do we really want to trust them with our personal health care? Let's think a little bit about the Department of Energy. The Department of Energy was chartered with a mission. The mission was that we were going to make sure that we're not dependent on foreign sources of energy.

Now, we have had a lot of employees and we're more dependent on foreign energy than we've ever been. So how good is the Department of Energy?

Let's talk about the Department of Education. There was a Presidential commission studying the Department of Education. They came to the conclusion that if a foreign country had done to us what the Department of Education has done, we would consider it an act of war. But we have a lot of faith in government bureaucracies.

Let's talk about your favorite bureaucracy. I shouldn't pick on your pet, the CIA. We go into gulf war I and they give us this intelligence. They say, Look, Iraq is 10 years away from making a nuclear device. We get in there; they're a year-and-a-half away. So they go to gulf war II. They say they're a year-and-a-half away. We get in there, they're 10 years away. I mean, why do we have so much faith in all of these?

I guess FEMA did a wonderful job on Hurricane Katrina, and yet we want to turn our personal health care over to

all of these government agencies? I don't get it. It doesn't seem to make any sense at all.

Mr. KING of Iowa. The best thing we have going for us is these government bureaucrats aren't always on the job. Sometimes they're on the job but they're not always paying attention to the job.

This is the President's economic adviser Larry Summers, who back about the turn of the administration—which seems eons ago around January 20 of this year—made the statement that what we need to do to bring the economy back around was everybody's got to go out and spend, spend, spend. And some of us, myself included, said, Wait a minute. Saving this economy is about increasing our production. You can't spend your way into prosperity. You have to go out and produce something that has value and marketability and you can earn your way into prosperity.

Just this week this gentleman woke up and said we need to produce now; the spending era is over. It's time to produce. I don't know if he went back to sleep or not, but he was right the second time, not the first time.

I yield to the gentlelady from Minnesota.

Mrs. BACHMANN. The gentleman from Iowa was talking a few moments ago about how much the Federal Government is getting more and more control over our private economy. Two weeks ago there was a front page story in the Washington Times written by an economist from Arizona State University, and he said this. I found it astounding. He said since bailout Nation began, since the inception, just at the end of 2008 with the United States going in and owning banks, AIG, mortgage companies, Chrysler, and GM, and the various things that have been nationalized, just since that time—we're talking a matter of months—today the Federal Government, the economist said, either owns or controls 30 percent of the American economy.

So if you take that 30 percent and then do what President Obama hopes to accomplish, have the Federal Government take over 17 percent of the wealth of this country that is created by private health care, that's the Federal Government taking over nearly half of the American economy either through owning it or through controlling it.

How do we remain a free market capitalist country? This is the deconstruction of free market capitalism. And the President's only been in office about 6 months, and we're already looking potentially at half of our economy owned or controlled by the Federal Government. How do we ever get it back again?

This is nothing more than an all-out war against private wealth creation. And not only a war against private

wealth creation, but an all-out war and assault against retaining and owning the private wealth that we created. At that point, we lose the incentives. At that point we lose the American Dream.

Why would we want to do that? Why would we want to encourage the next generation of 19- and 20-year-olds to go out, succeed, take risks, sacrifice, work hard in medical school? Are we going to see the best and brightest go to medical school? We have the best and brightest here—Dr. BROWN, we have numerous doctors here. The best and brightest. Will we see that in this country?

Those are questions we will have to answer.

Mr. KING of Iowa. Twenty years ago this coming October 9, the wall in Berlin came crashing down. It was literally the Iron Curtain crashing down. And when it crashed down, within a few short months, almost bloodlessly, freedom echoed across Eastern Europe and all the way to the Pacific Ocean. We all knew what that was. That was free enterprise, capitalism, destroying a managed economy. The Soviet Union couldn't keep up. Ronald Reagan kept raising the stakes, and the question was, Will the Soviet Union checkmate us militarily before we bankrupt them economically?

That was the equation, and nobody wondered in 1990, 1991, 1992 what was the dominant economy, what had proven, without any question, was the most powerful civilization in the world based on free-market economics.

And here we are not quite 20 years later, the stock market takes a dip, and the people over here on the Democrat side of the aisle begin the chant: That proves capitalism has failed. Reconstruct the Soviet Union and tell me that.

Mr. HOEKSTRA. We know that markets are imperfect and that markets are tough but that markets correct themselves and that they do that because people are provided with freedom to innovate and to be creative.

I think one little last lesson from No Child Left Behind. In 2001, when that was passed, it said we're going to measure this year's third graders versus last year's third graders in the same school. And you say that makes no sense. But in 2001, that was the measurement tool that they were going to use.

It's now 8 years later. And for 8 years, for the last 5 or 6 years, people said that doesn't make any sense because this group of kids this year could be very different than the very group of kids last year. So why measure the performance of those kids? We have the tools to be able to measure the individual achievement of every child every year, and that's what we should be measuring from the first day of school to the last day of school, how much learning took place. But because

it is in a bureaucracy, and to change that, we have to pass a law. We have to pass a law through the House and the Senate, and the President has to sign it to change that.

So our schools in our local communities are still being judged as being what? They are a failing school—that's the label that the Federal Government puts on them—a failing school because we are using a failed measurement which everybody understands is a failed measurement but we can't change it.

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In a market system, in a market dynamic, it would have changed a long time ago.

Mr. KING of Iowa. Dr. BROWN.

Mr. BROWN of Georgia. I would like to come back to something that my friend, Mr. HOEKSTRA from Michigan, was just saying about the government bureaucracy. And I want to remind all my colleagues that Mr. HOEKSTRA was talking about that putting the bureaucrats in charge of this gives us more power. But we won't have any control because the commissioner, or the health czar, is going to be making these decisions, and we won't.

As Members of Congress, as the duly elected representatives of each of our districts, we won't have any say whatsoever on what that commissioner does. And coming back to what my friend, MICHELE BACHMANN, was talking about and my friend STEVE KING was talking about, we have got a clear picture of what is going on here, about taking over the economy by this President. Because he is doing exactly the same thing that his Marxist buddy, Hugo Chavez, is doing in Venezuela. We have a very clear picture long term of where that leads.

And that leads to what another one of our President's good buddies, Fidel Castro, has done to Cuba. We are headed down that same road. The American people can look at Cuba, at their health system, at their economic system, and see that that is exactly the direction that this administration is taking us. I'll yield back.

Mr. KING of Iowa. Reclaiming my time, and I thank the gentleman from Georgia, I would point out that as I saw our President stand next to Hugo Chavez in that photo-op, that glad-handed, double handshake that took place down there, it occurred to me that in the last month, our President had nationalized far more businesses than Hugo Chavez had. He had only taken out one Cargill rice-processing plant in the previous 30 days, and President Obama took over billions in our national economy in the same period of time.

So they are going in the same place, and if anybody would like to know what the strategy is, they just need to go to www.dsusa.org. That is the

Democratic Socialists of America dot org, the socialist Web site. There they will tell you their legislative arm is the Progressive Caucus here in the House of Representatives. It has 75 Members, and they say on their Web site we want to nationalize. It is happening under our very nose. And in the last minute, I yield to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. I was thinking about that Berlin Wall example. We think about the Soviet Union and what was their basic theory. Well, the theory is the government is going to basically give you food, the government is going to give you housing, the government is going to give you education, the government is going to give you health care. And let's see, what are we doing in America? The government is going to give you an education, the government is going to give you food, the government is going to give you a place to live, and the government is going to give you health care.

We didn't seem to learn a whole lot, did we? Well, thank you very much gentlemen.

Mr. KING of Iowa. And reclaiming my time, and just to briefly conclude, and that is I would like to thank all the Members that have come here tonight and made this 2-hour special order primarily on health care, on this national health care plan, this socialized medicine plan, and our budget and our economy. You are leaders in this Congress, and you are all to be commended.

Madam Speaker, I thank you, and I yield back the balance of my time.

REPORT ON H.R. 3293, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. OBEY, from the Committee on Appropriations (during the Special Order of Mr. KING of Iowa), submitted a privileged report (Rept. No. 111-220) on the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KLEIN of Florida) to revise and extend their remarks and include extraneous material:)

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SALAZAR, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

Mr. SABLAN, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Mr. COURTNEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 28 and 29.

Mr. JONES, for 5 minutes, July 29.

Mr. GOODLATTE, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, July 27, 28, and 29.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. GIFFORDS, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Thursday, July 23, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2767. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule — Definitions; Disclosure to Shareholders; Accounting and Reporting Requirements; Disclosure and Accounting Requirements (RIN: 3052-AC35) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2768. A letter from the Secretary, Acquisition and Technology, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities in Fiscal Year 2008. The report separately identifies the dollar value of items waived for which the Buy American Act was waived, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

2769. A letter from the Secretary, Acquisition, Technology and Logistics, Department of Defense, transmitting the National Defense Stockpile (NDS) Annual Materials Plan (AMP) for Fiscal Year 2010, along with proposed plans for FY 2011 through 2014, pursuant to 50 U.S.C. 98h-2(b); to the Committee on Armed Services.

2770. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Restriction

on Acquisition of Specialty Metals (DFARS Case 2008-D003) (RIN: 0750-AF95) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2771. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

2772. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Iranian Transactions Regulations — received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2773. A letter from the Acting Associate General Counsel for General Law, Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2774. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Recovery Act National Institute of Standards and Technology Construction Grant Program [Docket No.: 090306286-9288-01] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2775. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2009-22] received July 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2776. A letter from the Director, Office of Insular Affairs, Department of the Interior, transmitting the Department's report on the Impact of the Compacts of Free Association on Guam for fiscal years 2004 through 2008, pursuant to Public Law 108-188, section 104(E)(8); jointly to the Committees on Natural Resources and Foreign Affairs.

2777. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1840-DR for the State of Florida, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OLVER: Committee on Appropriations. H.R. 3288. A bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-218). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 669. Resolution providing for consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-219). Referred to the House Calendar.

Mr. OBEY: Committee on Appropriations. H.R. 3293. A bill making appropriations for

the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-220). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY of Massachusetts (for himself, Mr. SMITH of New Jersey, Mr. CARNAHAN, Mr. GENE GREEN of Texas, Mr. KIND, Mr. LATOURETTE, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mr. MURPHY of Connecticut, Mr. PLATTS, Mr. RAHALL, Mr. RUSH, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. WEXLER, and Mr. YARMUTH):

H.R. 3286. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Energy and Commerce.

By Ms. MOORE of Wisconsin (for herself, Ms. GRANGER, and Ms. SCHAKOWSKY):

H.R. 3287. A bill to require a criminal background check for a child care staff member of any child care provider in a State that receives funds from the Child Care and Development Block Grant Program, and for other purposes; to the Committee on Education and Labor.

By Mr. HUNTER (for himself, Mr. ROYCE, Mr. RYAN of Ohio, Mr. STUPAK, Mr. MCINTYRE, Mr. BILBRAY, Mr. ROHRBACHER, Mr. SHULER, and Mr. GARY G. MILLER of California):

H.R. 3289. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to authorize the Secretary of Homeland Security to construct not less than 350 miles of reinforced fencing along the United States-Mexico border and to gain operational control over such border; to the Committee on Homeland Security.

By Mrs. MALONEY (for herself, Mr. KING of New York, Mr. NADLER of New York, Mr. WEINER, Mr. ACKERMAN, Mr. ENGEL, Mr. ISRAEL, Ms. CLARKE, Mr. SIREN, Mr. HOLT, and Mr. GRIJALVA):

H.R. 3290. A bill to provide the spouses and children of aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence; to the Committee on the Judiciary.

By Mrs. MALONEY:

H.R. 3291. A bill to protect the rights of public shareholders of mutual holding companies by promoting fair corporate governance procedures when considering management or employee stock benefit plans, and for other purposes; to the Committee on Financial Services.

By Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. COBLE, and Mrs. BIGGERT):

H.R. 3292. A bill to amend title 28, United States Code, to provide for a 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Mr. YOUNG of Florida, and Mr. PUTNAM):

H.R. 3294. A bill to amend title 10, United States Code, to authorize the Department of Defense to support the Ocean for Life Program of the National Marine Sanctuaries under the National Oceanic and Atmospheric Administration, including covering the cost of participants in the Ocean for Life Program; to the Committee on Armed Services.

By Mr. FRANK of Massachusetts (for himself, Ms. EDWARDS of Maryland, Mr. PAUL, Mr. COHEN, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. CONYERS, Mr. BERMAN, Ms. WATERS, Mr. SERRANO, Ms. DELAURO, Mr. WAXMAN, Mr. ACKERMAN, Mr. STARK, Mr. RUSH, Mr. HONDA, Mr. BOUCHER, Ms. ESHOO, Mr. MASSA, Mrs. CAPPS, Mr. HASTINGS of Florida, Mr. DEFazio, Mr. ABERCROMBIE, Mr. FATTAH, Mr. GRIJALVA, Mr. MCGOVERN, Ms. CLARKE, Ms. NORTON, Mr. FILNER, Ms. ROYBAL-ALLARD, Mr. KUCINICH, Ms. HIRONO, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, and Ms. LEE of California):

H.R. 3295. A bill to amend the Higher Education Act of 1965 to repeal the provisions prohibiting persons convicted of drug offenses from receiving student financial assistance; to the Committee on Education and Labor.

By Mr. GUTHRIE:

H.R. 3296. A bill to suspend temporarily the duty on cellulose nitrate; to the Committee on Ways and Means.

By Mr. GUTHRIE:

H.R. 3297. A bill to suspend temporarily the duty on 3,3'-dichlorobenzidine dihydrochloride; to the Committee on Ways and Means.

By Mr. JORDAN of Ohio:

H.R. 3298. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H.R. 3299. A bill to require persons who seek to retain seed harvested from the planting of patented seeds to register with the Secretary of Agriculture and pay fees set by the Secretary for retaining such seed, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCMAHON (for himself, Ms. BEAN, Mr. MOORE of Kansas, Mr. HIMES, Mr. CROWLEY, Mr. KIND, Mr. SMITH of Washington, Mrs. MCCARTHY of New York, Ms. SCHWARTZ, Mr. ADLER of New Jersey, Ms. KOSMAS, Mr. PETERS, and Mr. MURPHY of New York):

H.R. 3300. A bill to provide increased transparency and regulatory requirements for the trading of certain derivative financial instruments; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Mr. RYAN of Wisconsin):

H.R. 3301. A bill to amend the Internal Revenue Code of 1986 to increase the alternative tax liability limitation for small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Mr. REICHERT, and Mr. MCDERMOTT):

H.R. 3302. A bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. FLAKE:

H. Res. 667. A resolution raising a question of the privileges of the House.

By Mr. JACKSON of Illinois (for himself, Mr. COHEN, Mr. RUSH, Mr. LIPINSKI, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. SHIMKUS, Ms. FUDGE, Mrs. DAVIS of California, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. THOMPSON of Mississippi, and Ms. NORTON):

H. Res. 668. A resolution honoring the life, contributions, and achievements of Koko Taylor and expressing the condolences of the House of Representatives on her passing; to the Committee on Education and Labor.

By Mr. DENT (for himself and Mr. HOLDEN):

H. Res. 670. A resolution congratulating and saluting the Hawk Mountain Sanctuary for celebrating its 75th anniversary, commending the Hawk Mountain Sanctuary for its contributions to the preservation of wildlife and the native ecology of the Appalachian Mountains and eastern Pennsylvania, and commending the Hawk Mountain Sanctuary for its dedication to educating the public and the international community about wildlife conservation; to the Committee on Natural Resources.

By Mr. WHITFIELD:

H. Res. 671. A resolution amending the Rules of the House of Representatives to promote fiscal responsibility by requiring the application of the House PAYGO rule; to the Committee on Rules.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

126. The SPEAKER presented a memorial of the House of Representatives of the State of Maine, relative to HOUSE JOINT RESOLUTION 1044 MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT NATIONAL GUARD FACILITIES; to the Committee on Armed Services.

127. Also, a memorial of the House of Representatives of the State of Colorado, relative to House Joint Resolution 09-1023 urging the United States Congress to provide the necessary funding for the ongoing development, operation, and sustainment of the Ground-based Midcourse Defense System; and encouraging Congress to direct the United States Department of Defense to continue such development, operation, and sustainment of the Ground-based Midcourse Defense System; to the Committee on Armed Services.

128. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE RESOLUTION NO. 131 memorializing the Congress of the United States to address the escalating electronic payment interchange rates that merchants and consumers are assessed; to the Committee on Financial Services.

129. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 47 memorializing the Congress of the United States to enact the Credit Card Accountability, Responsibility, and Disclosure Act; to the Committee on Financial Services.

130. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 49 urging and requesting support and assistance in providing funding for the Wood to Electricity Program being developed by the Wood Products Development Foundation; to the Committee on Energy and Commerce.

131. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 2 memorializing the Congress of the United States of America to affirm Louisiana's sovereignty under the Tenth Amendment to the Constitution of the United States of America and to demand that the federal government halt the practice of assuming powers and imposing mandates upon the states for purposes which are not enumerated by the Constitution of the United States of America; to the Committee on the Judiciary.

132. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 4 memorializing the Congress of the United States and to urge and request the Attorney General of the United States and the Federal Bureau of Prisons to refrain from sending detainees released or transferred from the facilities at Guantanamo Bay Detention Facility (GTMO), Cuba to prisons in Louisiana; to the Committee on the Judiciary.

133. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 8 memorializing the Congress of the United States to adopt and submit to the states for ratification a proposed amendment to the Constitution of the United States to require a federal balanced budget; to the Committee on the Judiciary.

134. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE RESOLUTION NO. 123 memorializing the Congress of the United States to establish an additional classification for airports; to the Committee on Transportation and Infrastructure.

135. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 2 expressing continued support for the Coastal Restoration and Enhancement Through Science and Technology (CREST) Program for its role in providing new research and scientific information for coastal restoration and protection; to the Committee on Science and Technology.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. JACKSON of Illinois.
H.R. 39: Mr. JACKSON of Illinois.
H.R. 176: Mr. WEXLER.
H.R. 303: Mr. LEE of New York, Ms. EDWARDS of Maryland, and Mr. WU.
H.R. 424: Mr. PLATTS.
H.R. 426: Mr. WITTMAN.
H.R. 502: Mr. TURNER.
H.R. 555: Mr. COSTELLO.
H.R. 571: Mr. WITTMAN, Mr. ROGERS of Michigan, and Mr. EHLERS.
H.R. 614: Mr. POSEY, Mr. COFFMAN of Colorado, and Mr. ISSA.

H.R. 634: Mr. AUSTRIA.
H.R. 646: Mrs. NAPOLITANO and Mr. SCHIFF.
H.R. 690: Mr. LATHAM, Mr. PAUL, Mr. BUCHANAN, and Mr. MCHENRY.
H.R. 734: Mr. COSTELLO.
H.R. 795: Mr. PIERLUISI.
H.R. 832: Mr. GRIJALVA.
H.R. 840: Mr. KILDEE.
H.R. 984: Mr. QUIGLEY.
H.R. 1054: Mr. TEAGUE.
H.R. 1075: Mr. SCHIFF.
H.R. 1101: Mr. DEFazio.
H.R. 1103: Mr. ACKERMAN.
H.R. 1193: Mr. COHEN.
H.R. 1207: Mrs. DAHLKEMPER.
H.R. 1283: Ms. TITUS.
H.R. 1293: Mr. BRIGHT.
H.R. 1327: Mr. RODRIGUEZ, Mr. THOMPSON of Pennsylvania, and Mr. SMITH of Texas.
H.R. 1339: Mr. TURNER.
H.R. 1441: Mr. SIREs and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1443: Ms. BALDWIN.
H.R. 1451: Mr. SCALISE.
H.R. 1454: Mr. WEXLER, Mr. DAVIS of Kentucky, and Mr. MICA.
H.R. 1466: Mr. WEXLER.
H.R. 1548: Mr. CONAWAY and Mr. BURTON of Indiana.
H.R. 1619: Mr. HODES.
H.R. 1625: Mrs. BONO MACK.
H.R. 1646: Mr. MCCARTHY of California.
H.R. 1670: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1700: Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, and Mrs. DAVIS of California.
H.R. 1723: Mr. NADLER of New York.
H.R. 1766: Mr. GRIJALVA.
H.R. 1776: Mr. KRATOVL.
H.R. 1826: Mr. GRIJALVA and Mr. GEORGE MILLER of California.
H.R. 1831: Ms. ROS-LEHTINEN, Mr. ROGERS of Kentucky, and Mr. MASSA.
H.R. 1881: Mr. LEVIN and Mr. QUIGLEY.
H.R. 1944: Mr. BOUSTANY.
H.R. 1977: Mr. LEWIS of Georgia.
H.R. 1995: Mr. UPTON.
H.R. 2017: Mr. KILDEE.
H.R. 2038: Mr. FRANK of Massachusetts.
H.R. 2115: Mr. MCGOVERN.
H.R. 2143: Ms. JENKINS.
H.R. 2215: Mr. CONYERS.
H.R. 2227: Mr. MCCOTTER.
H.R. 2243: Mr. FLEMING.
H.R. 2251: Mr. McDERMOTT.
H.R. 2266: Mr. TONKO and Mr. CONYERS.
H.R. 2267: Mr. CONYERS.
H.R. 2275: Mr. ACKERMAN, Ms. SHEA-PORTER, Mr. SESSIONS, Mr. RUSH, Mr. BISHOP of New York, Mr. TAYLOR, Mr. SIREs, Mr. MILLER of North Carolina, Mr. KENNEDY, Mr. KUCINICH, Mr. MOORE of Kansas, Mr. TIM MURPHY of Pennsylvania, and Mr. KIRK.
H.R. 2304: Mr. MARSHALL.
H.R. 2329: Mr. WITTMAN, Mr. SHIMKUS, Mr. GRAYSON, Mr. MASSA, and Mr. DEFazio.
H.R. 2345: Mr. GINGREY of Georgia, Mr. CONAWAY, and Mr. CAMPBELL.
H.R. 2350: Mr. SCHAUER and Mr. LOBIONDO.
H.R. 2365: Mr. LATOURETTE.
H.R. 2373: Mr. ABERCROMBIE.
H.R. 2406: Mr. HUNTER and Mrs. EMERSON.
H.R. 2425: Mr. CONNOLLY of Virginia.
H.R. 2443: Mr. MCGOVERN.
H.R. 2452: Mr. VAN HOLLEN, Mr. SMITH of Texas, Mr. BOUCHER, and Mr. MORAN of Virginia.
H.R. 2483: Mr. WEXLER.
H.R. 2492: Mr. DEFazio and Mr. ROTHMAN of New Jersey.
H.R. 2517: Mr. OLVER.
H.R. 2568: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2597: Mr. GRAYSON, Mr. LEWIS of Georgia, Mr. PASTOR of Arizona, and Mr. BISHOP of Georgia.
H.R. 2617: Mr. OLVER.
H.R. 2697: Mrs. NAPOLITANO.
H.R. 2733: Mr. KISSELL and Mr. WAMP.
H.R. 2743: Mrs. DAHLKEMPER, Mr. BOEHNER, Mr. PITTS, Mr. HALL of Texas, and Mr. DENT.
H.R. 2782: Ms. BALDWIN.
H.R. 2811: Mr. WEXLER.
H.R. 2835: Mrs. CAPPS.
H.R. 2846: Mr. MORAN of Kansas.
H.R. 2852: Mr. KILDEE.
H.R. 2866: Mr. MARSHALL.
H.R. 2882: Ms. ZOE LOFGREN of California.
H.R. 2920: Mr. CUMMINGS and Mr. KENNEDY.
H.R. 2936: Mr. KILDEE.
H.R. 3001: Mr. SHERMAN.
H.R. 3006: Mr. KILDEE, Mr. LUJÁN, and Mr. HONDA.
H.R. 3011: Mr. TONKO.
H.R. 3025: Ms. GIFFORDS.
H.R. 3044: Mr. MORAN of Kansas, Mr. BILBRAY, Mr. MCINTYRE, Mr. YOUNG of Florida, Mrs. CAPITO, Mr. YOUNG of Alaska, and Mr. DEFazio.
H.R. 3056: Mr. QUIGLEY, Mr. PAUL, and Mr. KAGEN.
H.R. 3068: Mr. KUCINICH.
H.R. 3075: Mr. RANGEL.
H.R. 3076: Mr. GRIJALVA and Mr. WEXLER.
H.R. 3105: Mr. CALVERT.
H.R. 3116: Mr. INGLIS.
H.R. 3129: Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. BROWN of Georgia, Ms. FALLIN, Mr. PITTS, Mr. LAMBORN, Mrs. BACHMANN, Mr. PRICE of Georgia, Mr. BROWN of South Carolina, Mr. AKIN, Mr. MANZULLO, and Mr. POSEY.
H.R. 3141: Mr. YOUNG of Alaska.
H.R. 3149: Ms. WOOLSEY and Mr. FATTAH.
H.R. 3165: Mrs. MALONEY.
H.R. 3167: Mr. SAM JOHNSON of Texas.
H.R. 3178: Mr. KAGEN.
H.R. 3212: Mr. FRANK of Massachusetts.
H.R. 3216: Mr. DAVIS of Tennessee and Mr. MCINTYRE.
H.R. 3221: Mr. TONKO, Mrs. MCCARTHY of New York, and Ms. CASTOR of Florida.
H.R. 3227: Mr. KILDEE and Mr. ETHERIDGE.
H.R. 3238: Mr. CONYERS.
H.R. 3246: Mr. KILDEE and Mr. DAVIS of Alabama.
H.R. 3254: Mr. HEINRICH.
H.R. 3263: Mr. PAUL.
H.R. 3273: Mr. PAYNE.
H.R. 3274: Mr. LATTI, Mr. ROGERS of Kentucky, Mr. BURGESS, and Mr. THORNBERRY.
H.J. Res. 44: Ms. FALLIN, Mr. CARNEY, Mr. TAYLOR, Mr. FARR, Mr. COHEN, Mr. LAMBORN, Mr. PETERSON, Mr. LOBIONDO, Mr. BRIGHT, Mr. SNYDER, Mr. ROONEY, Mr. LOEBSACK, Mrs. MCMORRIS RODGERS, Mr. CONAWAY, Mr. KRATOVL, Ms. SHEA-PORTER, Mr. ABERCROMBIE, and Mr. PLATTS.
H. Con. Res. 50: Mr. MCCOTTER.
H. Con. Res. 74: Mr. AL GREEN of Texas, Mr. WAXMAN, and Ms. KILPATRICK of Michigan.
H. Con. Res. 126: Mr. COSTA, Mr. ROYCE, Mr. MEEKS of New York, and Mr. SIREs.
H. Con. Res. 159: Ms. MCCOLLUM, Mr. MORAN of Virginia, and Mr. ENGEL.
H. Con. Res. 163: Mr. RANGEL, Mr. RODRIGUEZ, Mr. EHLERS, Mr. JACKSON of Illinois, and Mr. SNYDER.
H. Con. Res. 167: Mr. SCOTT of Virginia, Mr. GENE GREEN of Texas, Mr. MANZULLO, and Ms. KILPATRICK of Michigan.
H. Res. 6: Mr. SHULER and Mr. MCGOVERN.
H. Res. 111: Mr. BRIGHT.
H. Res. 441: Mr. LUCAS, Mr. MICHAUD, Mr. MORAN of Kansas, and Mr. SCHAUER.
H. Res. 445: Mr. MARSHALL.
H. Res. 452: Mr. GRIJALVA, Mr. LYNCH, Mr. OLVER, Mr. LANGEVIN, and Mr. KENNEDY.

H. Res. 554: Mr. ADERHOLT, Mr. ALEXANDER, Mr. ARCURI, Mrs. BACHMANN, Mr. BARTLETT, Mr. BONNER, Mr. BOREN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. CAO, Mr. CARTER, Mr. CHAFFETZ, Mr. COSTA, Mr. DAVIS of Tennessee, Mr. DEFAZIO, Mr. DUNCAN, Ms. FALLIN, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mr. HERGER, Mr. JACKSON of Illinois, Ms. JENKINS, Mr. JONES, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KRATOVIL, Mr. LANCE, Mr. LIPINSKI, Mr. MAFFEI, Mrs. MALONEY, Mr. MARCHANT, Mr. MCCAUL, Mr. McKEON, Mrs. McMORRIS RODGERS, Mr. MEEK of Florida, Mr. MILLER of Florida, Mr. OLSON, Mr. PAUL, Mr. PITTS, Mr. PLATTS, Mr. REHBERG, Mr. NEUGEBAUER, Mr. ROGERS of Alabama, Mr. ROONEY, Mr. ROSS, Mrs. SCHMIDT, Mr. SHULER, Mr. SESSIONS, Mr.

SHADEGG, Mr. SMITH of Texas, Ms. SPEIER, Mr. STEARNS, Mr. TAYLOR, Mr. TIAHRT, and Mr. WAMP.

H. Res. 558: Ms. BORDALLO.

H. Res. 611: Mr. WILSON of South Carolina, Ms. JACKSON-LEE of Texas, Mr. PRICE of North Carolina, Mr. GERLACH, Mr. MOORE of Kansas, Mr. JACKSON of Illinois, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. TURNER.

H. Res. 615: Mr. ROE of Tennessee, Mr. OLSON, Mr. MCCARTHY of California, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. HOEKSTRA, and Mr. LEE of New York.

H. Res. 630: Ms. DELAURO and Mr. VIS-CLOSKY.

H. Res. 654: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 659: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 660: Mr. ETHERIDGE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Olver, or a designee, to H.R. 3288, the Transportation, and Housing and Urban Development, and Related Agencies Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

SENATE—Wednesday, July 22, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Spirit of God, descend upon our hearts and bless the Members of this body in their ministry of legislative work. Give them the ethical and spiritual insight to see beyond the faulty and superficial so that they will accomplish Your will on Earth. Lord, turn their weights into wings by increasing their strength and gladdening their spirit. Open doors of opportunity for them to render service that will empower the powerless and unshackle the oppressed. Make them eager to extend the helping hand of kindness and friendship that will send rays of hope far down the future's broadening way. Give them Your wisdom to make creative decisions and Your power to offset the pressures of the demanding life they are called to live.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 22, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the Department of Defense authorization bill. The time until 12 is for debate on the Thune amendment, with the time equally divided and controlled between Senators THUNE and DURBIN or their designees. At 12 today, the Senate will proceed to a rollcall vote in relation to the Thune amendment. Under an agreement reached a couple of days ago, there will be 60 affirmative votes required for the adoption of the amendment.

As a reminder to all Senators, there will be a live quorum at 2 p.m. today for the Court of Impeachment of Samuel Kent. Senators should be in the Chamber at that time. There will be a delegation from the House that will appear at that time.

Additional rollcall votes are expected throughout the afternoon as the Senate considers amendments to the Defense authorization bill. Yesterday, the managers, Senators LEVIN and MCCAIN, asked for an 11 a.m. filing deadline for first-degree amendments. We hope this will be accomplished with a consent agreement this morning.

I will later today meet with the distinguished Republican leader and make some decisions as to how we will finish our work the rest of this week and the next 2 weeks and to find out if we will have to work any weekends. We have a number of things we are required to do. I gave the Republican leader last week an idea of what I think we need to accomplish. Without going into detail now, I will be meeting with him later to see if we can figure out a way to do it as easily as possible. We have two weekends until the August recess. I hope it is not necessary that we work weekends, but it is certainly possible. I hope we can end when we need to end. We have some things we have to do before we leave. I hope that can be accomplished. I am confident that with some cooperation it can.

HEALTH CARE REFORM

Mr. REID. Mr. President, the choices in this health care debate should be about which ideas contain the best solutions to fix a severely broken system. The choices in this health care debate should be about how best to lower costs while increasing quality of care and how best to bring security and stability back to health care. The choices in this health care debate should be about how to make it easier to stay healthy. But for some, the choice seems to be whether we should do any-

thing, whether to act at all. This is a false choice. That is not a choice we have. Not acting is not an option.

A week or so ago, the Republican leader in the House of Representatives said:

I think we all understand that we've got the best health care system in the world.

Unlike the vast majority of Americans, he seems pretty content with the status quo.

Just this week, the junior Senator from South Carolina said that we just need to "get out of the way and allow the market to work." In other words, he says: Let's do nothing. Let's repeat the same mistakes of the past and dig ourselves deeper and deeper into this hole the Obama administration inherited.

That is not responsible and is not legislating. That approach does nothing to help the millions of Americans who live just one accident, one illness, or one pink slip away from losing their health coverage. That posture certainly does nothing to help the millions of Americans who have no health insurance to begin with. If we just get out of the way, as the Senator suggests, health care costs will get higher and more people who have health care this year will not be able to say the same next year. Today, 14,000 people in America will lose their health insurance. Yesterday, 14,000 people already lost their health insurance. Tomorrow, 14,000 people will lose their health insurance. No weekends off, no holidays—14,000, 7 days a week.

If we let the market work its will, as the Senator suggests, less than a decade from now you will have to spend almost half of the family's income on health care. That is not sustainable. If we sit this one out, as the Senator suggests, more parents will decide they can't take their children to the doctor when they are hurt or sick because it simply costs too much to pay the medical bills, and more small businesses will lay off more of their workers because it simply costs too much to give them health coverage. If, as the Senator suggests, we do nothing, we will keep our economy from recovering, keep businesses from growing, and keep families from getting the doctor visits and medicine they need to stay healthy. Allowing the market to work is code for letting the greedy insurance companies, companies that care more about profits than people, continue to deny coverage because one has a pre-existing condition or they have gotten a little too old or maybe they have even changed jobs.

We have already seen what happens when we do nothing. Over the past 8

years of inaction, the costs of health care rose to record levels and the number of Americans who cannot afford insurance did the same. Right now in Nevada, far more than 100,000 people already lack coverage, the coverage they need to have adequate care when they get sick or hurt. We can't afford to treat these people in emergency rooms, which is where the uninsured go for treatment. That is the only place they can go in many instances. If we don't act, many more Nevadans will lose their coverage and many around America will also lose their coverage.

There are a lot of good ideas about how to fix the health care system in America. At this critical time for our economy's health and our citizens' health, it is important we exhaustively determine what those changes should be. The question is not whether we should explore any of them; our job is to determine which of these paths will lead us back to recovery, prosperity, and good health.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE WEEK VII, DAY II

Mr. McCONNELL. Mr. President, yesterday, the President, to his credit, acknowledged what the American people have been telling us for weeks: that the Democratic health care proposals currently making their way through Congress aren't where they need to be. I couldn't agree with him more.

All of us recognize the need for reform. That is not in question. And that is why day after day, I have come to the floor of the Senate and proposed concrete, commonsense reforms that all of us can agree on, reforms that would increase access, decrease costs, and guarantee that no one in this country would be forced to give up the care they currently have.

As I have said repeatedly, we should reform malpractice laws; encourage wellness and prevention programs that encourage healthier lifestyles like quitting smoking and fighting obesity; promote more competition in the private insurance market; and address the needs of small businesses in a way that doesn't kill jobs in the middle of a recession.

Unfortunately, the administration seems bent on its own proposal for a government-driven plan that costs trillions of dollars and asks small businesses and seniors to pay for it.

Once this plan is implemented, the American people could be left with a system that none of them would recognize and that most of them would regret—a system in which health care is denied, delayed, and rationed, a system

which delivers worse care than Americans currently receive at an even higher cost. Americans want reform. But they don't want this. And they don't want either of the two proposals we have seen so far.

Both proposals could lead to a government takeover of health care, increase long-term health care costs, and cost trillions of dollars—on the backs of seniors, small businesses, and by adding hundreds of billions of dollars to the already-staggering national debt.

The President has said that both of these bills need work. And in my view, Democrats in Congress should listen to the President and come up with something Americans really want. This may take time. But Americans would rather that we get these reforms right than just get them written. When it comes to health care, Americans are sending a clear message: slow down and get it right. It is a message many of us have been delivering for weeks, and it is a message one of the Senate's top Democrats in the health care debate seemed to echo yesterday when he said that the critical test isn't whether we meet a certain deadline but whether we get this reform right, whether it stands the test of history.

We know Americans reject an artificial deadline on closing Guantanamo without a plan on what to do to keep us safe from the detainees who are housed there. And they regret accepting a rushed and artificial deadline on the stimulus. Health care is simply too important to rush, just to meet a date someone picked out of the air.

The arguments we have heard in favor of rushing just don't square with reality.

The administration and some in Congress say that we have to pass these bills right away because rising health care costs are an imminent threat to the economy. Yet the Democrat plans we have seen so far would make the problem worse. According to the independent Congressional Budget Office, the Democrat proposals would very likely increase overall health care spending, not reduce it. There goes that argument.

Others say we need to pass these bills right away because people can't live under the current system a day longer. Yet many of the proposals we have seen wouldn't even go into effect for at least another four years. There goes that argument.

Some say that under the proposals we have seen Americans won't lose the coverage they have. Yet independent studies show that millions would be pushed off plans they currently have and like. There goes that argument too.

The only possible explanation for passing a bill in 2 weeks that could hand over one-sixth of the U.S. economy to the government is that the

longer this plan sits out in the open, the more Americans oppose it. Already, Americans are shocked at the idea of funding a government takeover of health care on the backs of seniors through cuts to Medicare or through taxes on small businesses in the middle of a recession. They are shocked to hear that the final proposal could force taxpayers to fund abortions. They have serious concerns about adding to the national debt. And they are worried about the prospect of being forced off the plans they currently have. These concerns are serious. They should be taken seriously, not brushed aside in the service of some artificial deadline.

No one in Washington wants to block health care reform. But many of us do want to take the time that is needed to deliver the kinds of reform that Americans actually want, not a so-called reform that leads to a government takeover of health care that leaves people paying more for worse care than they currently have.

The President was right. The proposals we have seen are not where they need to be—not even close. But that does not mean reform is not possible, that reform is not coming, or that anyone does not want reform. What it does mean is we need to take the time to get the health care reforms the American people want. That is what they expect, and we should do no less.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1390, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Thune amendment No. 1618, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

Brownback amendment No. 1597, to express the sense of the Senate that the Secretary of State should redesignate North Korea as a state sponsor of terrorism.

AMENDMENT NO. 1618

The ACTING PRESIDENT pro tempore. The time until noon will be

equally divided and controlled between the Senator from South Dakota, Mr. THUNE, and the Senator from Illinois, Mr. DURBIN, or their designees on amendment No. 1618, offered by the Senator from South Dakota.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, amendment No. 1618 is a very simple amendment. It is tailored to allow individuals to protect themselves while at the same time protecting States rights.

My amendment would allow an individual to carry a concealed firearm across State lines if they either have a valid permit or if, under their State of residence, they are legally entitled to do so.

My amendment does not create a national concealed carry permit system or standard. My amendment does not allow individuals to conceal and carry within States that do not allow their own citizens to do so. My amendment does not allow citizens to circumvent their home State's concealed carry permit laws.

If an individual is currently prohibited from possessing a firearm under Federal law, my amendment would continue to prohibit them from doing so. When an individual with a valid conceal and carry permit from their home State travels to another State that also allows their citizens to conceal and carry, the visitor must comply with the restrictions of the State they are in.

This carefully tailored amendment will ensure that a State's border is not a limit to an individual's fundamental right and will allow law-abiding individuals to travel, without complication, throughout the 48 States that currently permit some form of conceal and carry.

Law-abiding individuals have the right to self-defense, especially because the Supreme Court has consistently found that police have no constitutional obligation to protect individuals from other individuals.

The Seventh Circuit explained this most simply in their 1982 *Bowers v. DeVito* decision where they said:

[T]here is no Constitutional right to be protected by the state against being murdered by criminals or madmen.

Responsible gun ownership by law-abiding individuals, however, provides a constitutional means by which individuals may do so, and responsible conceal and carry holders have repeatedly proven they are effective in protecting themselves and those around them.

Reliable, empirical research shows that States with concealed carry laws enjoy significantly lower crime and violent crime rates than those States that do not.

For example, for every year a State has a concealed carry law, the murder rate declines by 3 percent, rape by 2 percent, and robberies by over 2 percent.

Additionally, research shows that "minorities and women tend to be the ones with the most to gain from being allowed to protect themselves."

The benefits of conceal and carry extend to more than just the individuals who actually carry the firearms. Since criminals are unable to tell who is and who is not carrying a firearm just by looking at a potential victim, they are less likely to commit a crime when they fear they may come in direct contact with an individual who is armed.

This deterrent is so strong that a Department of Justice study found that 40 percent of felons had not committed crimes because they feared the prospective victims were armed. Additionally, research shows that when unrestricted conceal and carry laws are passed, not only does it benefit those who are armed, but it also benefits others around them such as children. In addition to the empirical evidence, there are anecdotal stories as well.

A truckdriver from Onida, SD—a long-haul trucker—10 years ago, on a trip to Atlanta, stopped at a truck stop in Georgia. He shared this story recently. It is a more dated story. But a strange man suddenly jumped on the hood of his truck, showed a gun, and started demanding all the cash this truckdriver had. Working on instinct, he pulled out the firearm he always kept in his cab and showed the gun to the perpetrator, who jumped off the hood and ran away as soon as he saw it.

That story, while one that may not make it into the crime statistics or the newspapers, is the type of story that demonstrates how my amendment will help individuals—law-abiding individuals, who travel from State to State either for work or for pleasure.

So it is very straightforward. The amendment, as I said, simply allows those who have concealed carry permits in their State of residence to be able to carry firearms across State lines, respectful of the laws that pertain in each of the individual States.

So it is not, as some have suggested, a preemption of State laws. There are a couple States where their individuals are precluded from having concealed carry, and in those States this amendment would not apply. Obviously, we are, as I said before, very respectful of States rights and State laws that have been enacted with regard to this particular issue.

But I might say, too, in my State of South Dakota, we have a national reciprocity understanding, national reciprocity concealed carry understanding, with all the other States in the country. So of the other 47 States where concealed carry is allowed, any of the residents of those States who have concealed carry permits can carry in the State of South Dakota. There are 10 other States that also fit into that category.

I believe if we check the records and look at the data, it is pretty clear the

States that have enacted national concealed carry reciprocity agreements have not seen, as has been suggested by opponents of this amendment, any increase in crime rates.

I believe this is something that is consistent with the constitutional right that citizens in this country have to keep and bear firearms. We have, as I said, 48 States currently today that have some form of concealed carry law that allows their individuals in their States, residents of their States, to carry. This simply extends that constitutional right across State lines, recognizing that the right to defend oneself and the right to exercise that basic second amendment constitutional right does not end at State borders or State lines.

So, Mr. President, I hope my colleagues in the Senate will adopt this amendment. I think it is a common-sense approach to allowing more people across this country to have the opportunity to protect themselves when they are threatened. As I said before, the statistics bear out the fact that when that is the case, when people have that opportunity—States that have enacted concealed carry laws have seen actually crime rates, particularly violent crime rates, go down.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the Thune amendment. The Senator from South Dakota tells us this is a very simple amendment. He tells us his amendment is consistent with self-defense and the reduction of crime.

What the Senator from South Dakota cannot explain is why 400 mayors, the International Association of Chiefs of Police, the Major Cities Police Chiefs Association, and the bipartisan association known as State Legislators Against Illegal Guns oppose this so-called very simple amendment.

Here is why they oppose it. The Thune amendment provides that if a State gives a person a permit to carry concealed weapons, then that person is free to carry concealed weapons in 47 other States and the District of Columbia. Those other States would be required to let this visitor carry a concealed loaded weapon in their State, even if their laws in that State would not currently allow that person to carry a gun.

Let's be clear about the effect of this amendment. There are 36 States with laws governing who can carry concealed weapons, including which out-of-State permits that State will accept, if any. The States already have laws. Under the Thune amendment, those laws can be ignored. So if the Thune amendment becomes law, people who are currently prohibited from carrying concealed guns in those 36 States are free to do so.

It is absurd that we are considering this amendment today. We know nothing about the impact this amendment is actually going to have across America. How many Senators from the 36 States that already have laws governing concealed carry have had a chance to talk to their State law enforcement officials about this amendment and what it means?

Apparently, those who support this amendment want to move it very quickly. We scheduled a hearing—it is supposed to take place tomorrow—on this amendment before the Senate Judiciary Subcommittee on Crime. But the Senator from South Dakota did not want to wait for a hearing before the committee. He has asked the Senate to take up this measure today before the hearing date.

Here are some of the reasons this amendment is so troubling. As my colleagues know, we have a federalist system—a government in Washington, a national government, and in each State and the District of Columbia State government and local control. States have adopted different standards in their State with regard to who the State will permit to carry concealed weapons. Each State has considered this issue and decided what is safe for their residents. Elected representatives, elected by the people, have made that decision State by State.

Some States have very rigorous standards. If you want to carry a concealed weapon, for example, a number of States will not allow you to if you are an abuser of alcohol, if you have been convicted of certain misdemeanor crimes or if you have not completed a training course to show you know how to use a gun. The States have established that standard. If you want to go “packin’” in these States, you better not be a habitual drunkard; you better not be in a position where you have committed these misdemeanor crimes, and you have to prove by test and sometimes on the range that you can safely use this gun that you want to carry.

In Iowa, you cannot have a permit to carry a weapon if you are addicted to alcohol or if you have a history of repeated acts of violence.

In Pennsylvania, individuals convicted of certain misdemeanor crimes, such as impersonating a police officer, cannot have a concealed carry permit.

In South Carolina, any person who is a member of a subversive organization or a habitual drunkard cannot carry a handgun.

In California, you cannot carry a firearm for 10 years after being convicted of misdemeanors, including assault, battery, stalking, threatening a judge, victim, or witness.

Other States, in contrast, have minimal or no concealed carry standards beyond the baseline of the Federal law which applies to all States.

For example, a number of States, including Georgia, do not require any firearms training for a concealed carry permit. In 2008, a spokesman for the Georgia Bureau of Investigation told a newspaper: “A blind person can get a permit in Georgia since all you have to do is pass a background check.”

Two States—Alaska and Vermont—do not even require a permit to carry a concealed weapon. Those States let anyone carry a concealed weapon. Under the Thune amendment, people from those States—with virtually no standards for concealed carry or no requirement to prove they know how to use a gun—those people could visit States where they have established standards for the safety of their residents and under the Thune amendment legally carry a gun.

In other words, the visitors can ignore the law of the State—a law the elected representatives of the people in that State have enacted. Some States do little oversight on the concealed carry permits they have issued. In the year 2007, the South Florida Sun Sentinel newspaper found that 1,400 people in Florida had active concealed carry licenses even though they had received sentences—criminal sentences—for major crimes, including assault, sexual battery, child abuse, and manslaughter.

So even in the States where they have established standards for concealed carry, many of them are not keeping an eye on them. There is no oversight. As a consequence, people may be legally carrying in one State which has lax standards in obtaining the permit and no review—virtually no review when it comes to the people who end up with the permits—and that person can travel to another State which has established standards for the safety of their own citizens and under the Thune amendment legally carry a gun.

If the Thune amendment is enacted, States with carefully crafted concealed carry laws must allow concealed carry by out-of-State visitors who may not meet their own State’s standards, who may even have sexual battery, child abuse, or manslaughter convictions.

Is that going to make us safer? Do we want in my State—well, Illinois would be an exception because we do not have a concealed carry law. We are one of two States that do not. But for the other 48 States, do we want people traveling across the border who do not meet the basic requirements of knowing how to use a firearm, who do not meet the basic requirements in terms of their own criminal background? Is it so important that everybody carry a gun everywhere or do we want to respect States rights—States rights to determine what is safe in their own State? Why would we want to override some States’ standards to allow questionable concealed carry permit holders from States with lower standards or virtually no standards?

It is not necessary for us to adopt this amendment to give individual States the ability to recognize each other’s concealed carry permits. The Senator from South Dakota has said his State welcomes all people who have concealed carry permits. But that was their decision. They made that decision in their State. States are free to form concealed carry reciprocity agreements with other States. Twelve States have already decided to honor conceal and carry permits issued by every other State, obviously including South Dakota. However, 25 other States look carefully at each of the other States and make this decision selectively. They have decided that some States have acceptable standards and some do not. Eleven States and the District of Columbia have chosen not to grant concealed carry reciprocity to any other State. They want their own laws to govern the protection of their own people.

The Thune amendment is a direct assault on those States that have chosen not to allow reciprocity. They are California, Connecticut, Hawaii, Iowa, Maryland, Massachusetts, Nebraska, New Jersey, New York, Oregon, and Rhode Island. Over all, the Thune amendment would override the selective reciprocity or no reciprocity laws of each of the 36 States I have mentioned.

There are good reasons a State might want to be careful with who they allow to carry concealed weapons within their borders. Let me give some examples of what has happened with concealed carry. Washington State resident Clinton Granger obtained a concealed carry permit despite his history of drug addiction and schizophrenia. In May of 2008, Granger was in a fight at a public festival, fired a shot that hit one person in the face, the second person in the wrist, and then lodged in a third person’s leg.

Cincinnati resident Geraldine Beasley obtained an Ohio concealed carry permit, even though she had been previously fined for unlawful transportation of a firearm. In August 2007 she shot and killed a panhandler who asked her for 25 cents at a gas station.

In Moscow, ID, resident and Aryan Nation member Jason Kenneth Hamilton was given a concealed carry permit even though he had a domestic violence conviction. In May 2007, Hamilton went on a shooting spree, killing his wife, a police officer, and a church sexton, and wounding three others.

According to the Violence Policy Center, from May 2007 to April 2009, at least seven law enforcement officers were shot and killed by concealed carry permit holders—these are law enforcement officers—and concealed carry holders were charged in the shooting deaths of at least 43 private citizens during that time.

In light of incidents such as these, it is perfectly reasonable for States to decide what the standards will be for concealed carry. The Thune amendment would override this authority of the States and basically say that visitors from States with a concealed carry law don't have to meet the State's standards where they are visiting.

The Thune amendment is troubling because it leaves law enforcement agencies in the dark about the concealed carry population in their own area. In many States, law enforcement plays a key gatekeeper role, an oversight role on the concealed carry population. Under the Thune amendment, that is impossible. The first person who drives in out of State under the Thune amendment may carry a gun and the law enforcement officials wouldn't even have knowledge of it.

When you look at the Thune amendment, along with the amendment offered earlier this year by Senator ENSIGN that repeals the DC government's local gun laws, we see a disturbing trend. We see Members from that side of the aisle leading an organized effort to strip State and local governments of their ability to keep their own communities safe. There is no justification for this. The Supreme Court's decision in *Heller* made it clear that although the second amendment right is to be respected in terms of the rights of individuals, there was still authority to deal with this issue of concealed carry. Justice Scalia in the *Heller* opinion specifically discussed the lawfulness of prohibitions on carrying concealed weapons.

Congress should not require one State's laws to trump another's. New York should not have to let visitors on its city streets be governed by the laws of Alaska when it comes to carrying guns, and it should be up to the State to decide who it will permit to carry concealed weapons within their borders.

This is not a good amendment. America won't be safer if the Thune amendment passes. It has not gone through a hearing in the Senate. The Senator decided to call it up the day before that hearing was set. It guts State laws in 36 States. It will leave law enforcement with no knowledge of who is carrying concealed weapons in their State. It puts guns in the hands of dangerous people who could easily misuse them.

This amendment is opposed by law enforcement organizations, mayors, and State elected officials. I have received letters in opposition to what Senator THUNE calls a very simple amendment from the International Association of Chiefs of Police, the Major Cities Police Chief Association, the U.S. Conference of Mayors, a coalition of 400 mayors called Mayors Against Illegal Guns, Chicago Mayor Richard Daley, a group of State attorneys general, including my own Lisa Madigan,

the bipartisan Association of State Legislators Against Illegal Guns, and many others.

The amendment has been criticized in many newspapers, including *USA Today*, the *Miami Herald*, the *Philadelphia Enquirer*, the *New York Times*, the *Washington Post*, and *Baltimore Sun*.

This amendment should be defeated. I urge my colleagues to reject it.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, let me, if I might, point out some of the statistics, and I will also add in response to the comments of my colleague from Illinois that the amendment was not applied to the District of Columbia.

With respect to the issue of federalism, I think it is important to note that back in 2003, there were 70 cosponsors in the Senate for a piece of legislation that allowed retired law enforcement and current law enforcement officers to carry across State lines—obviously an infringement on this notion of federalism that the Senator from Illinois has raised.

I also would point out that we do know the impact. The Senator from Illinois said we don't know what the impact of this is going to be. Any suggestion about what impacts could occur are very hypothetical. What we do know is that there are a number of States that have already enacted national concealed carry reciprocity agreements. In those States, we also know what the impacts have been. The impacts have been that clearly there has been less crime rather than more.

Studies have shown that there is more defensive gun use by victims than there are crimes committed with firearms in this country. In fact, researchers have estimated that there are as many as 2.5 million defensive uses of firearms in the United States each year, though a lot of those go unreported because no shots are ever fired. There are lots of examples, and I have a list of them here I could go through anecdotally too. These are those that have been recorded by the press where actually the defensive use by a firearm, someone with a concealed carry permit, has actually helped prevent crimes. There are countless examples of those that have been documented and reported by the press, not to mention, as I said, the estimated 2.5 million defensive uses of firearms in the United States each year.

There are estimated to be about 5 million concealed carry permit holders in the United States today. Assuming that every instance reported by gun control groups of improper firearm use by individuals with a concealed carry permit is true—something that can be debated, but assuming that it is true—over an entire year, for over 142,857 permit holders, there would be one—one—improper use of a firearm.

Put another way, concealed carry permit holders would be 15 times less—15 times less—likely than the rest of the public to commit murder.

There are some States—and some large States, frankly—that have issued concealed carry permits, and probably one of the largest States is the State of Florida. They have had a concealed carry permit law in effect in the State of Florida going back to 1987. Yet if you look at the 1.57 million concealed carry permits that people have in the State of Florida, there have only been 167 of those revoked. That is less than one-tenth of 1 percent.

As of 2008, Utah, which allows both residents and nonresidents to acquire concealed carry permits, had 134,398 active concealed handgun permits. Over the past year they have had 12 revocations or .009 percent because of some type of violent crime, but none of those crimes, incidentally, involved the use of a gun. During the 1990s and through the decade of 2000 so far, independent researchers have found 11 cases where a permit holder committed murder with a gun.

I would simply point out to my colleagues that the points that are being made by the Senator from Illinois are largely speculative. If you go back to 1991, the number of privately owned guns has risen by about 90 million to an all-time high. Over that same timeframe, the Nation's murder rate has decreased 46 percent to a 43-year low, and the total violent crime rate has decreased 41 percent to a 35-year low. This at a time—as I said, since 1991, the number of privately owned guns has increased by about 90 million to an all-time high. Also, as I said before, the number of permits that are issued across the country is about 5 million nationally. My State of South Dakota has about 47,000, but it is a small percentage of the overall number of Americans who actually could access or could get a concealed carry permit who do it. Most of them have a reason for doing it. Most of them are going to be people such as truckdrivers who are going across State lines such as the example I mentioned. There are lots of people who travel.

For example, as another case in point, I have two daughters who are in college. My oldest one will graduate next year. Currently she is in the safe confines of a college campus, but she attends college several States away from our State of South Dakota. When she is out of college next year, I fully expect—and we have discussed this—that she may get a concealed carry permit in the State in which she resides, to have a firearm in order to protect herself, because I think a lot of single women in this country do, particularly those who live in large cities and she would be living in a large city. When she comes home to South Dakota she, of course, traverses several States and

during the course of that, she crosses two States where it would be illegal to have a firearm in her possession in her car to protect her as she travels those vast distances across several States.

There are lots of examples I think of people—law-abiding citizens—who, for purposes of self-defense, simply want the opportunity to, in a legal way, transport that firearm and they have concealed carry permits. They have gone through their State's background check—and by the way, all but three States that issue concealed carry permits require background checks, so it is the same thing you would go through in order to buy a firearm.

So the suggestion that all of these people are going to be able to get firearms: The Federal law prevents some of the very examples the Senator from Illinois mentioned from having access to firearms in the first place. Of course, the background checks, with the exception of those three States—as a practical matter those three States, which are New Hampshire, Rhode Island, and Delaware, also go through the background checks. They don't have it as a requirement to get a conceal and carry permit. But background checks are going to be conducted. You are going to find out if there is criminal behavior in the background, mental illness, all of those things which under Federal law would prevent that person from possessing a firearm in the first place.

I reserve the balance of my time. The Senator from Louisiana is here and I assume the Presiding Officer will recognize the other side.

Mr. DURBIN. Mr. President, I yield 6 minutes to the Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mrs. GILLIBRAND. Mr. President, some would suggest that a permit to conceal a gun in one State should provide authority for a legal and valid concealment in another State. I strongly believe that what gun laws are right for New York are not necessarily right for South Dakota and vice versa. States should be able to make decisions and pass reasonable constitutional safety standards based on their public safety requirements, traditions, population, crime rates, and geography.

It is wrong for the Federal Government to overrule a State's ability to enact reasonable, constitutional gun laws designed to prevent alcoholics, criminals, domestic abusers, those with documented grave mental illness, and other potentially violent and dangerous people from carrying guns in our cities.

In fact, Senator THUNE's amendment creates a double standard in recognition of States rights with regard to conceal and carry laws. By allowing exemptions, this amendment validates

the laws of States that ban concealed weapons but then strikes down the laws of a State such as New York that maintains basic safety standards for concealed carry permits. At a minimum, New York should be allowed to opt out and have an exemption.

This legislation would eviscerate concealed carry permitting standards, moving to a new national lowest common denominator. This bill would even allow individuals ineligible to obtain a permit in their own State the means to shop around for a lower standard in other States that offer permits to out-of-State residents, undercutting laws that would otherwise render the applicant ineligible.

A study by the Brady Center to Prevent Gun Violence using FBI crime statistics demonstrates that relaxing conceal and carry laws may have an adverse effect on a State's crime rate. Between 1992 and 1998, the violent crime rate in States which kept strict conceal and carry laws fell by an average of 30 percent, whereas violent crime rates dropped by only 15 percent in States with weak conceal and carry laws.

A second concern is a lack of acceptable safety standards in all States. According to the Washington Post, in at least two-thirds of all States some form of safety training is required in order to receive a permit. Abusers of alcohol are prohibited from getting a permit. Those convicted of certain misdemeanors are prohibited.

In many States, statutory requirements are minimal and do not go much beyond the Federal Brady law requirements for purchasing firearms, meaning that some people get conceal and carry permits despite criminal convictions for violent or drug-related misdemeanors, assault, or even stalking.

It is not completely evident what a national overrule of State concealed carry laws might do to local crime numbers, but trends in national crime suggest that State and local governments understand what works in protecting their citizens.

I spoke with our NYPD Commissioner Ray Kelly, who said:

The Thune amendment would invite chaos in our cities and put the lives of both police officers and members of the public at risk by enabling anyone with an out-of-State permit, including gun traffickers, to carry multiple handguns wherever they go. New York City's strict requirements as to who can carry a concealed weapon have contributed to the city's unparalleled public safety. Our effort, indeed our entire mission, would be severely undercut by this bill. In a city where 90 percent of all guns used in crimes come from out of State, it is easy to see how S. 845 would pose a danger to New Yorkers by greatly increasing the availability of illegal handguns for purchase.

In 2008, New York had the lowest crime rate of the 25 largest cities in the country, and of the 261 cities with more than 100,000 residents, New York's crime rate ranked 246th.

Mayor Michael Bloomberg attributed this success to "using innovative policing strategies and a focus on keeping guns out of the hands of criminals."

This week, the Washington Post cited similar success at reducing crime in big cities across the country, stating that New York, Washington, DC, and Los Angeles are on track for fewer killings this year than in the last four decades. This is part of a larger trend in many big cities across the country.

Local and State elected officials and law enforcement officers across the country, such as the International Association of Chiefs of Police and Major Cities Chiefs Association, are speaking out in opposition to this amendment.

Mayors Against Illegal Guns, a bipartisan coalition of more than 450 mayors—including of New York City, Albany, Binghamton, Buffalo, Rochester, and Syracuse—representing more than 56 million Americans, has stated a strong opposition to this amendment.

I stand here today with law enforcement and these cities and States across this country. They know what is best in keeping their communities safe. Commonsense gun laws focused on training, and keeping guns out of the hands of criminals and other dangerous people, are reducing crime, and we should be supporting their efforts, not gutting such basic safety standards.

I strongly believe in our Constitution and the second amendment and Americans' right to defend themselves, but I also strongly support the States' and cities' right to provide basic constitutional and reasonable regulation of firearms.

I urge my colleagues in the Senate to stand up for our local communities and the commonsense gun safety laws.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. THUNE. Mr. President, I yield to the Senator from Louisiana such time as he may consume.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I rise in strong support of amendment No. 1618.

I am a proud cosponsor of this amendment, along with dozens of other Senators on a bipartisan basis. I urge all of my colleagues to support this amendment.

The second amendment is a valued constitutional right. Thank God, the courts, particularly in recent years, have expressly recognized that. Of course, the Supreme Court, in the landmark Heller decision, ruled that "the individual right to possess and carry weapons in case of confrontation" is a protected fundamental constitutional right. Even the very liberal Ninth Circuit Court, based in California, ruled that the second amendment right to keep and bear arms is "deeply rooted in this Nation's history and tradition" and has long been regarded as the

“true palladium of liberty.” That court also wrote that “nothing less than the security of the nation—a defense against both external and internal threats—rests on the provision [second amendment].”

That is why this amendment is a fundamental right. What does that mean in everyday terms? It means the ability of citizens, particularly those more vulnerable in our society, such as women, to protect themselves, people such as Sue Fontenot in Louisiana, who told me:

When my family and I go out at night, it makes me feel safer just knowing I am able to have my concealed weapon.

It is personal safety and security. It is a fundamental ability to protect one's self, one's family, and one's property. So if that is a fundamental right, and if we have reasonable laws and reasonable permitting processes, why shouldn't Sue Fontenot have that freedom, right, and security when she visits other States, which also allow concealed carry?

This isn't just anecdotal quotes, this is also backed up by criminological studies. Studying crime trends around the country in the United States, John Lott and David Mustard concluded:

Allowing citizens to carry concealed weapons deters violent crimes. . . . When State concealed hand gun laws went into effect in a county, murders fell by 8.5 percent and rapes and aggravated assaults fell by 5 and 7 percent.

In the 1990s, Gary Kleck and Marc Gertz found guns were used for self-protection about 2.5 million times annually. That number, of course, dwarfs these tiny numbers and anecdotal evidence of limited, very tiny numbers of improper use of guns by folks with concealed carry permits.

Responding to the Kleck and Gertz study, the late Marvin Wolfgang, self-described “as strong a gun control advocate as can be found among criminologists in this country,” said he agreed with the methodology of the study.

Our amendment will simply allow law-abiding Americans to exercise their fundamental right to self-defense, by using the full faith and credit clause of our U.S. Constitution.

As we do this, as we protect that fundamental individual right, we also protect States rights. I think it is very important to address some of the arguments with regard to States rights that have been made by the other side.

We do not mandate the right to concealed carry in any State that does not allow the practice. Some States, such as Illinois and Wisconsin, fall into that category. We do not mandate a concealed carry right in those States. In addition, our amendment does not establish national standards for concealed carry. It does not provide a national concealed carry permit. It simply allows citizens who are able to

carry in their home States to also carry in other States, but only if those other States have concealed carry permits.

We also respect the law of those other States, in terms of where guns can be carried and where they cannot be carried. So we explicitly respect that State law by requiring that State laws concerning specific times and locations in which firearms may not be carried must be followed by the visiting individual, and that is very important.

Finally, we absolutely protect and enshrine current Federal law, in terms of background checks and people with criminal problems or mental problem, who cannot carry guns. If an individual is prohibited by current Federal law from carrying a firearm, we absolutely protect and enshrine that. Let me say that again. If under current Federal law an individual is prohibited from carrying a gun, that is fully protected.

At the end of the day, this is, again, a fundamental debate about what is the problem in terms of violent crime? Is the problem law-abiding citizens who follow the law, who take all of the time and all of the trouble needed to get concealed carry permits, go through background checks, fill out forms, and do everything that is required by their home States? Is that class of people the fundamental cause of violent crime or is the dominant, 99.9 percent fundamental problem in the violent crime arena people who don't follow the law, who ignore the law, who ignore a concealed carry law, ignore those requirements, as well as every other law on the books—unfortunately, including laws against murder and armed robbery and other violent crime?

Clearly, in the minds of common-sense Americans, it is the latter category of folks that is the problem, not the former. The statistics and the evidence and the history bear that out. So concealed carry is a useful and essential tool for law-abiding citizens to be able to protect themselves and stop and deter violent crime. It is not any significant source of violent crime whatsoever. We have the numbers that bear that out. We have some States that allow reciprocity now. Ten States now allow reciprocity under their State law.

Have they seen incidents of problems with concealed carry permits from other States? No. Have they seen spikes in violent crime because of this reciprocity? No. Again, because this is a fundamental right, and because it goes to people's security, because criminological and other studies are on our side and don't show any spike in violent crime by this but in fact show crimes prevented and deterred by concealed carry, I urge all of my colleagues to support this important reciprocity amendment.

Groups around the country who respect the second amendment and find

that a fundamental and important right are certainly supporting this amendment. The National Rifle Association, NRA, is a strong supporter of this amendment. I thank them for that and for their leadership. They are also specifically scoring this amendment in terms of Member votes. Gun Owners of America, another leading gun rights second amendment group, is a strong supporter of this amendment and is specifically pushing for passage and scoring Members' votes. The Owner-Operator Independent Drivers Association, the Passenger-Cargo Security Group, and many other groups around the country are strong supporters of this amendment, because the second amendment is a fundamental right because concealed carry does work, because it prevents crimes and deters crime and doesn't significantly add, in any meaningful way, to the crime problem.

Again, like with a lot of gun control debates, this comes down to a pretty fundamental question: Do you think the big problem with regard to violent crime is the law-abiding citizen, the one who takes the time and goes to the trouble of filling out the forms and following all the rules for concealed carry? I don't. Or do you think the fundamental problem—99.99 percent of the problem—is the criminal who doesn't respect that law, because he doesn't even respect laws against murder, armed robbery, and other violent crimes? That is the problem. Common-sense Americans know that.

This amendment will protect law-abiding citizens and provide another effective and important tool against those criminals who are the problem.

I yield the floor.

Mr. DURBIN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Illinois has 47 minutes 34 seconds.

Mr. DURBIN. I yield 10 minutes to Senator SCHUMER from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank all my colleagues who are working with us on this amendment. The Senator from California, who will speak after me, has been such a leader on these issues. She and I were commenting that this is probably the most dangerous piece of legislation to the safety of Americans when it comes to guns since the repeal of the assault weapons ban, which she led the charge on to pass. I thank my colleague from New Jersey, Senator LAUTENBERG, who has been a leader on gun issues and has done such a great job; also, Senator MENENDEZ, Senator GILLIBRAND, Senator DURBIN, and so many others who are working with us today on this issue.

Today we are here to urge all our colleagues to oppose this legislation. The

legislation would do nothing less than take State and local gun laws and tear them up. It would take the carefully crafted gun laws in New York and tear them up. It would do the same in 47 other States.

The great irony of this amendment is that the pro-gun lobby has always said: Let the States decide. Now they are doing a 180-degree turn and saying: Let the Federal Government decide and impose the lowest common denominator, when it comes to carrying concealed weapons, on all the States, except Illinois and Wisconsin which do not have any carry laws.

We know the gun lobby is strong. We know there are many Members on both sides of the aisle who believe strongly in an individual's right to carry arms. But this legislation goes way beyond the previous pro-gun laws we have voted on this session. It is a bridge too far. It threatens the safety of millions of Americans, particularly in urban and suburban areas. It directly threatens the safety of millions of New Yorkers. Let me illustrate.

Our neighboring State of Vermont—it is a beautiful State; I have great respect for it and its two Senators—is a rural State. It has a strong libertarian belief, and it has a very lenient concealed carry law. The Vermont law says that if you are 16 years of age, you can apply for a gun license and you automatically get a concealed carry permit and you get the gun. That is all you have to do.

Can you imagine if this law passed what would happen? Known gun runners would go to Vermont, get a gun license, get a concealed carry permit, and they could get 20, 30, 50 guns concealed in a backpack, in a suitcase, and bring them and sell them on the streets of the south Bronx or central Brooklyn, bring them to Central Park or Queens, and our local police would have their hands tied.

One of the points I would like to make to my colleagues about this amendment is it endangers not only the citizenry but our police officers. Today, at about this time, the mayor of the city of New York and our police commissioner will be speaking out against this proposal. Our police commissioner is particularly upset because his job is the safety of police officers. When a police officer stops someone in a car, they now have the safety and sanctity of mind to know that if that person has a gun in their car, it has been approved by the New York City Police Department. There are people who need to carry guns for self-defense or other purposes. After this law passes, they have no such peace of mind, no such safety. Imagine you are a police officer and you stop someone. They could be from 47 different States with 47 different requirements, and you are responsible to figure out if that person has a gun in his car and has the

right to carry a gun in his car. It is impossible to do in our larger urban areas.

For that reason, each State has carefully crafted its concealed carry laws in a way that makes the most sense to protect its citizens. Clearly, large urban areas, such as New York, merit different standards than rural areas, such as Wyoming. To gut the ability of local police and sheriffs to determine who should be able to carry a concealed weapon makes no sense. It could reverse the dramatic success we have had in reducing crime in most parts of America.

That is one point I wish to stress. One of the things I am proudest of, what our government has done over the last 20 years—Federal, State, local—is greatly reduce crime. My city of New York gained 1 million people, I think, in large part because people were no longer afraid to come and live in New York. If you ask the experts—not me, not Senator THUNE, not any of us who have political beliefs that might differ—ask the police experts: What is one of the top reasons we have been able to reduce crime in our cities, it is that we have had reasonable laws on guns, and we have allowed our larger urban, more crime-ridden areas to have stricter laws than our rural areas.

I understand in my State of New York that guns are a way of life in large parts of the State, and I respect that. The Heller decision is a decision I welcomed. I talked about the right to bear arms in the Constitution. I believed in it even before Heller. But you know—and this is what I would like to say to my friends on the other side of the aisle and in the NRA—no amendment is absolute. You are right when you say: Why should the first, third, fourth, fifth, and sixth amendments be expanded as far as we can and the second amendment be seen through a pinhole of militias? You are right. But similarly, no amendment is absolute.

Most of my colleagues on both sides of the aisle support laws preventing the spread of pornography. That is an infringement of the first amendment but a reasonable one because there is a balancing test. Most of my friends on both sides of the aisle would support libel laws. If somebody says something very defamatory about a citizen, they should have the right to sue, of course. That is a limitation on the first amendment. We don't rail against it.

The concealed carry laws of the States are reasonable limits on the second amendment. If you are to believe the second amendment should have no limits, of course, you would vote for this amendment. But then I ask you the contrary question that some who are pro-gun ask those of us who believe in more gun control. How is it that the second amendment should have no limits but the first, third, fourth, fifth, sixth, seventh, and eighth should have

limits? Of course, if reasonable limits in a balancing test exist, and if there is any balancing test that makes sense, it is the one of allowing each State to come up with its concealed carry law.

I don't think this is an amendment of which anyone can be proud. I understand the power of the gun lobby. I understand we have different beliefs and represent different States. But we are not trying to say what South Dakota should do. Why should South Dakota say what New York or California should do?

When I spoke—and I have great respect for the sponsor of this amendment—when we were speaking in the gym yesterday morning, he said one of the problems he hears about in his area—and I understand it—is a truckdriver in the cab of his truck carries a gun and is allowed to carry a gun. Why should that truckdriver, when he crosses State lines, goes from South Dakota to North Dakota, be limited? I can understand that argument. But this amendment goes way beyond that. It doesn't talk about one weapon. It doesn't talk about a person who has been granted a license because he needs it for protection as he commences across State lines. It is unlimited based on whatever the lowest common denominator State would do.

THE PRESIDING OFFICER (Mr. BEGICH). The Senator's time has expired.

The Senator from South Dakota.

Mr. THUNE. Mr. President, a couple quick observations, if I may. First, I need to correct for the record the State of South Dakota has reciprocity agreements with 27 States. It does not have national reciprocity, which I think gets at the very point I am making; that is, anybody who has a concealed carry permit in one State is so confused by this patchwork of laws we have that they cannot determine which State is legal and which State is not legal. That is a very serious problem for people such as truckdrivers, such as individuals who want to protect themselves when they travel across the country.

In terms of the arguments made to individuals who have access to firearms, the 1968 Gun Control Act prohibits individuals from even possessing a firearm if the individual is under indictment or convicted of a crime punishable by more than a year, is an unlawful user or addict of a controlled substance, has been adjudicated to be mentally ill or committed involuntarily to a mental institution, is subject to a court order restraining him or her from domestic violence or has been convicted of a domestic violence misdemeanor.

My amendment does nothing to change Federal law. But if individuals are not allowed to possess a firearm, they certainly are not going to be able to conceal and carry one.

I might add, with regard to the issue taking multiple guns in a sack and transporting them, there are Federal laws that prevent trafficking in firearms already. We do nothing to address that issue. What we simply do is allow those law-abiding citizens who have concealed carry permits in their home States and choose to defend themselves when they travel around the country to do that.

Florida is a case in point. Florida is a big State that has had concealed carry permits for over 20 years and has agreements with multiple States. There is no evidence whatsoever in the State of Florida that there has been any suggestion of increasing crime.

Rather, I suggest the opposite would be true. I say to my colleague from New York that if someone who has a concealed carry permit travels to the State of New York, and I will say anybody who has a concealed carry permit from the State of South Dakota goes to New York and is in Central Park, Central Park would be a much safer place.

I yield 10 minutes to the Senator from South Carolina.

Mr. SCHUMER. Will my colleague yield for a question?

Mr. THUNE. I yielded time to the Senator from South Carolina. I will be happy to yield for a question later on the time of the Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 30 seconds to ask the Senator a question.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. I object, Mr. President. The Senator from South Carolina has been yielded time.

The PRESIDING OFFICER. Objection is heard. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I always thought this debate kind of went down the side of liberal versus conservative until I got to understand during the confirmation hearings of Judge Sotomayor that Senator FEINGOLD is probably one of the strongest gun guys in the Senate. So I have had to recalibrate where I stand on this issue in terms of trying to pigeonhole people.

The point of the amendment, No. 1, is it should not be on the Defense bill. I think we all agree with that. We are talking about a Defense authorization bill to protect our troops and provide them the equipment they need and give them a pay raise. Now we are talking about guns and hate crimes. I don't know how we got here as a body, but we are here.

If you had to pick a nongermane amendment to talk about that makes some sense, that most Americans, I think, would like us to be talking about, it would be something fundamental to our country. I think most Americans are a little bit right to center on an issue such as this, for lack of

a better phraseology. Most Americans believe in lawful and responsible gun ownership. Quite frankly, that is what this is trying to bolster.

I make an observation that if you take the time to get a concealed carry permit in South Carolina or any other State that allows it, you let the law enforcement authorities know you are interested in owning a gun, you go to a training seminar that most States have to be able to get the permit or you have to go through whatever hoops the State set up to be able to carry a weapon in a concealed fashion, that you are probably not high on the list of people who want to use a gun to commit a crime. You would be incredibly stupid. You are pointing out to the whole State: Hey, I have a gun. I argue that the people who go through the exercise of getting a concealed carry permit are the ones you probably want to have a gun because they seem to understand the responsibility that goes with owning it.

The idea of does this make us less safe by allowing reciprocity nationwide makes no sense to me. I think of all the people we need to worry about committing gun crimes and violence unlawfully, the people with concealed carry permits are probably last on the list.

Americans do object to guns being used in the commission of crimes, and a lot of States have enhanced punishment whereby if you use a firearm in the commission of a crime your incarceration time can go up. In other words, we want to deter people from using a gun in the commission of a crime, and I think most Americans agree with those laws. I think the city of Richmond was one of the first cities in the Nation to have enhanced punishment for the use of a weapon. It is true that some people do misuse a weapon. Some people misuse a car. But it is a fundamental right under our Constitution, according to our Supreme Court, to possess a gun.

This amendment makes sense at every level. If I go through the process of getting a concealed carry permit in South Carolina and I go to another State that has a similar law, I automatically get the benefit of that law—no more than that law. So I don't know what the law is about carrying a gun in Central Park in New York. I know this: If you have a permit to carry a gun in South Dakota or South Carolina and you go to New York, you don't have any greater rights than the people in New York. And I also understand that whatever Federal restrictions on gun ownership that exist are not changed by this.

So this is pretty common sense to me. If someone goes through the process of getting a permit to carry a weapon in their own State and they choose to go to another State, they automatically get the benefit of that State's law

when it comes to concealed carry. They do not get any more, they do not get any less, and it may be less than I would have in South Carolina. But because we are a group of people who travel around and visit among ourselves, this Federal legislation allows us to go from one State to the next and get the benefit of any law that may exist when it comes to concealed carry. But the precondition is that you would have to have that permit in your own State and you have to go through the rigors of getting that permit in your own State.

To anybody who says this makes America less safe or more dangerous, again, that just makes no sense to me. Whatever gun crimes are being committed out there, they are not being committed, as an overwhelming general rule, by the people who have gone through the process of getting a permit and who carry a weapon. So, to me, it makes sense.

I congratulate my friend from South Dakota and tell him he has done something I think most Americans would agree with. He has allowed the American public to be able to travel and get the benefit of whatever law exists in a State when it comes to carrying a weapon—no more, no less. And this argument that people are somehow going to start carrying a weapon across the border makes no sense because whatever Federal restrictions there are on arms trafficking still stand.

At the end of the day, this legislation will help people who follow the law and obey gun laws to travel throughout the country without tripping themselves up and getting in trouble when they do not mean to get in trouble. If we didn't have this law, it really would be a mess. What we are trying to do is provide some clarity to gun ownership in America. We are not enhancing the ability to commit a crime. Quite frankly, I think it is the other way around; if everybody had the same attitude about gun ownership as people who get a permit, the country would be okay.

We are not changing any law that regulates trafficking of firearms. We are not allowing criminals to get access to guns. We are simply allowing people who go through the process of getting a permit in their own State to travel to any State in the Union which has a similar law and to get the benefit of that law. That will make life better for them, it will make life better in terms of legal compliance, and I think it is a proper role for the Federal Government to play.

This amendment enhances our second amendment rights. It doesn't change them in a way that makes America less safe. It allows people who are going to do the right thing to be able to do the right thing with some knowledge as to what the right thing is.

So Senator THUNE has done the country a great service, and I think we will

have a big vote—I hope we will—across party lines. You don't have to agree with my right to carry a weapon lawfully. You may not choose that same right for yourself. But that is kind of what makes the country great—the ability for one citizen to understand that even though I wouldn't make that choice, as long as you make a choice responsibly, I am going to allow you to do that. That is what makes this a very special place.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Thirty-seven minutes 13 seconds.

Mr. DURBIN. Mr. President, I would say for the record that I have many more Democrats seeking time than I have time. I wish to alert those who are coming to the floor that they are going to have to accept an abbreviated time. We did not have all the time we hoped for this morning. I ask each of my speakers to also try to abbreviate their time in the interest of accommodating their colleagues.

I yield 15 minutes to Senator FEINSTEIN and hope that she will yield back a sizeable portion of it.

Mrs. FEINSTEIN. I rise today to speak in strong opposition to this amendment. If passed, this amendment would require States like California to allow people with concealed weapon permits from other States to carry a concealed gun, or guns, even if they have failed to meet California's stringent requirements for obtaining a permit.

Over 4 million people hold concealed weapon permits in the United States, so this is no minor shift in policy. In fact, it would be a sweeping change with deadly consequences.

It completely undermines the rights of State government to protect public safety. This amendment essentially overturns the standards and regulations that many States have enacted to prevent concealed weapons from falling into the wrong hands. This is not a philosophical debate, it is a matter of life and death.

My home State, California, sets a very high bar for those who wish to obtain a concealed weapon permit. It does not honor permits granted elsewhere. In fact, only 40,000 permits have been granted in California and we have a population of 38.2 million people. Contrast that with Florida, a State of about half the size at 18 million people—it has 580,000 permits; Georgia has 300,000 permits. Let me repeat, California, the Nation's most populous State, has but 40,000 concealed carry permits.

California's strict rules ensure that felons, the mentally ill, and people who have been convicted of certain misdemeanor offenses or are considered a

threat to others are automatically disqualified.

Those who do meet these qualifications do not automatically receive a permit. Specifically, in order to obtain a concealed weapon permit in California, an applicant must, No. 1, undergo fingerprinting and pass through a Federal background check; No. 2, complete a course of gun training; No. 3, be considered a person of good moral character by the local sheriff; and No. 4, just as importantly, demonstrate a good cause for needing a concealed weapon permit. This gives State and local authorities the discretion.

This amendment will force California to honor permits issued by all other States, including those which allow minors, convicted criminals, and people with no firearm safety training to carry concealed weapons. Only the time, place, and manner requirements of a State would remain intact under the Thune amendment. For example, if the State of South Carolina had a law making it illegal to carry a weapon into an office building that was government owned, that law would still be valid for all out-of-State concealed carry permit holders. However, this is a very narrow exception.

This isn't just bad policy, it is extremely dangerous policy. The Thune amendment is designed to undermine the rights of States to determine their own rules and regulations for concealed weapons permits. Here we have people who believe in States rights. Yet when it comes to something they really want, they are willing to pounce on States rights and destroy them.

California's standards, I admit, are tougher than most, but many other States routinely deny concealed weapon permits for various reasons: 31 States prohibit alcohol abusers from obtaining concealed carry permits; 35 States prohibit persons convicted of misdemeanors from carrying concealed weapons; 31 States require completion of gun safety programs. The Thune amendment obliterates all of these public safety standards.

It is important to note that 12 States voluntarily honor concealed weapon permits carried in any other State. Another 25 States recognize permits issued by States with similar or equivalent concealed weapon permits standards. But 11 States, including California, choose not to recognize any out-of-State permits. These States have made a choice about what is best for their citizens, and that choice ought to be respected. This amendment says that the views of California's Governor, sheriffs, police, and its citizens don't matter, but the views of those who promote guns do matter. I cannot accept that.

If this amendment were to pass, it would possibly allow those with concealed weapon permits to bring one or more banned assault weapons into our State.

We have consulted with the Congressional Research Service, and they state the following:

The amendment would appear to have a preemptive effect on State reciprocity laws or regulations because it would appear to require those States which have more stringent eligibility requirements for concealed carry to recognize the permits of other States where the eligibility requirements are less stringent.

It could be argued that the language of this amendment is broad enough such that it would allow certain firearms that are banned from purchase or possession in one State to be brought into that State. For example, one could legally purchase, possess, and carry a concealed permit for a firearm that is banned in States like California, Connecticut, Hawaii, Massachusetts, New Jersey, and New York.

That is not my statement, that is the opinion of the Congressional Research Service. This amendment would put in jeopardy States' assault weapons control laws. I don't know whether that was intended, but this is a very broad and vague piece of legislation that is being debated. If this amendment is agreed to, I believe assault weapons will be brought into California and other border States. These weapons could end up being smuggled into Mexico.

Some say, that an armed society is a polite society, and they portray concealed weapon carriers as responsible citizens who are simply exercising their rights. Earlier this morning on television, I heard a Senator say that only good, responsible people have these permits. That simply is not true. Let me give an example.

In April, Richard Poplawski killed three Pittsburgh police officers. He had the right to carry a weapon in Pennsylvania even though he was the subject of a restraining order filed by an ex-girlfriend.

In March, Michael McLendon killed 11 people, including the wife of a deputy sheriff, before taking his own life following a gun battle with police in Alabama. He too, had a concealed weapon permit.

When I hear people on television saying only the good people get these permits, that is simply not true. In my view, these unstable men should never have been permitted to own any weapon for any reason. Lastly, in February of this year, Frank Garcia killed four people in a shooting rampage in upstate New York. He held a concealed weapon permit in that State. This year, too many people have been killed by those who have the right to carry a concealed weapon. We do not want other State's concealed weapons permittees in the State of California. We have 38 million people. It is a diverse, disparate population. Guns do not help. I believe it is unlikely these men would have obtained concealed weapon permits in my State and, candidly, we want to keep it that way.

I ask unanimous consent to have printed in the RECORD a letter from the

Governor of our State, Arnold Schwarzenegger, who opposes this amendment, along with 400 U.S. mayors and the International Association of Chiefs of Police.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE CAPITOL,
Sacramento, CA, July 20, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN. I am writing to seek your assistance in protecting states' rights by opposing Senator Thune's amendment to the Concealed Carry Reciprocity Act, which would allow people who are issued concealed weapons permits in their home state to carry those weapons in any state. This amendment would undermine the rights and responsibilities of state governments across this nation.

This is a simple question of protecting California's ability to determine who is allowed to carry a concealed weapon within our borders. Other states have less stringent requirements than ours, which means that a permit holder who would be ineligible for a concealed weapon under California law would be able to obtain a permit from another state and, under Senator Thune's amendment, still carry that weapon in California.

Our elected representatives—with the support of the majority of Californians—have set guidelines that are stricter than most states'. In California, background checks are conducted using a fingerprint-based system so the state can verify that the recipient of the permit is eligible to possess a firearm under state and federal law. Also, if a person becomes ineligible to possess a firearm because he or she was convicted of a felony or other disqualifying crime, that information is forwarded to their local agency so the permit can be revoked.

I have consistently supported states' rights to determine their own fates on a variety of issues. This amendment would trample the rights I have worked hard to protect, and I urge your opposition:

Sincerely,

ARNOLD SCHWARZENEGGER,
Governor.

Mrs. FEINSTEIN. I believe the amendment is reckless. I believe it is irresponsible. I believe it will lead to more weapons and more violence in the streets of our Nation. I hope and pray this body will turn down this very ill-advised amendment.

I yield the floor.

Mr. DURBIN. Mr. President, may I inquire how much time is remaining?

The PRESIDING OFFICER. The time remaining is 25 minutes 4 seconds.

Mr. DURBIN. The other side.

The PRESIDING OFFICER. There remains 32 minutes 37 seconds.

Mr. THUNE. Mr. President, I yield up to 15 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I rise in support of this amendment. I believe it is reasonable. It is not as draconian in its implications as many of my colleagues, whom I greatly respect in

terms of their concerns, are anticipating.

I would also like to say there has been a lot of misinformation on the Senate floor about this amendment, to the effect it will allow felons, people who are mentally defective, and other dangerous individuals to carry weapons on the streets of American cities and also to buy up hordes of guns and transport them into places, as Senator SCHUMER mentioned, such as New York City. My colleague from New York gave as an example, in his terms, a Crip or a Blood moving to Vermont, establishing residency, then bringing a permit down into New York and being able to carry a weapon with impunity.

I think the reality of that particular situation is the gang members already have their guns. They don't need this bill. In fact, this amendment has protections that would prevent those who engage in criminal activity—such as gang members—from taking advantage of this legislation. The people who need this bill are the ones the gang members might be threatening.

With respect to standards of conduct, aspects of criminality, and issues of mental health, it is important to note there is a Federal floor under this amendment that guarantees certain standards will be met regardless of varying State standards. If you read the amendment, it states:

A person who is not prohibited by Federal law from possessing, transporting, shipping or receiving a firearm—and who meets other conditions, may be granted reciprocity.

If you go into the Federal law, and I am going to read from 27 CFR section 478—this is the current standard in terms of being able to possess a firearm or ammunition.

Anyone who—

Has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

May not possess a firearm.

Anyone who:

Is a fugitive from justice;

Anyone who:

Is an unlawful user or addicted to any controlled substance;

Anyone who:

Has been adjudicated as mentally defective or has been committed to a mental institution;

Anyone who:

Is an alien or illegally or unlawfully in the United States or an alien admitted to the United States under a nonimmigrant visa;

Anyone who:

Has been discharged from the Armed Forces under dishonorable conditions;

Anyone who:

Having been a citizen of the United States, has renounced his or her citizenship;

Anyone who:

Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner; or

Anyone who:

Has been convicted of a misdemeanor crime of domestic violence—cannot lawfully receive, possess, ship, or transport a firearm.

In addition:

A person who is under indictment for a crime punishable by imprisonment for a term exceeding 1 year cannot lawfully receive a firearm.

Those are the Federal guarantees, the floor under which this reciprocity legislation operates.

Senator LAUTENBERG has said in his comments that passing this legislation is akin to allowing someone from another State to come into your State and follow their speed limits. This is not an accurate interpretation of this amendment. The amendment specifically provides that anyone carrying a firearm into another State must follow the laws regarding firearms usage in that State, and I quote from the amendment:

... in a State that allows residents of the State to obtain licenses or permits to carry concealed firearms ...

A person gaining reciprocity is:

Entitled to carry such a firearm subject to the same laws and conditions that govern specific places and manner in which a firearm may be carried by a person issued a permit by the State in which the firearm is carried.

I would say the better analogy at work here is the driver's licensing process itself. States decide the conditions under which a license can be granted, but the nature of interstate travel allows licenses issued in another State to be recognized across the country, so long as the holders of those licenses obey the laws of the State in which they are driving.

I also keep hearing that this amendment will increase the number of purchases of handguns and other weapons. I would like to clarify for this body, as someone who holds a concealed carry permit, a permit to carry does not allow anyone to purchase a firearm automatically. One still has to go through the entire process of the background check as if you did not have a permit.

Illegal firearms sales are a separate matter for this body to address—one that we clearly should be focusing on—but they fall outside the parameters of this amendment.

The issue of gun usage in our country understandably divides people—usually along the lines of those who believe that any relaxation of gun laws will benefit criminal and violent activity versus those who believe gun laws need to be modified in order to allow law-abiding people to defend themselves. I have a great deal of empathy for those who have been the victims of gun violence. I have worked with citizens groups as well as our Governor in the aftermath of the Virginia Tech shootings, to focus our approach. We have made significant improvements in our

laws since then, including working to modify privacy laws as they relate to mental health matters, which was the primary concern in the Virginia Tech shooting, and also to improve the instant background check process. I will continue to work on these areas.

I also believe very strongly that the violence we see in our streets and in our neighborhoods must be addressed. But very little of that violence has ever been caused by those who seek permits to carry. As I mentioned before, the people who are perpetrating that kind of violence already have their guns. Their access to those guns is a matter we should all focus on. But few criminals are going to go down to the county courthouse and file for a permit. Those who seek permits to carry and who are within the Federal guidelines specifically addressed in this bill seek to do so in order to protect themselves from the violence we see on our streets.

I would say, when I look at this amendment, a couple clear examples come to mind. One is my father who, in his later years, lived in Florida and then Arkansas, and would drive alone in his car to come and visit me and my brother, who lived in Minnesota. It was usually at least a 2-day journey. My father was older. He was by himself in the car. He was a classic target of potential criminal activity.

He carried a weapon, a firearm, when he traveled. When he stopped at night and went into a motel, he brought that weapon with him. You check in a motel by yourself, you are 77 years old, people are going to start looking at you. I don't think people who are in that situation need to wonder if they are committing a felony by having a gun to be able to defend themselves when they are in that situation.

Somebody else who comes to mind are all these truck drivers we see on the roads anytime we are on the interstate. These are independent contractors. They are people who are out there making a living the hard way. They constantly cross State boundaries. They have to worry about whether their truck is going to break down. They have to wonder sometimes, where they stop, whether they are going to be victimized if they sleep in the cabin of their own truck. Many can legally carry in their own State. Do they have to worry, if they pull over for the night in another State, if they try to defend themselves they are committing a felony? This is the type of situation I believe this legislation is attempting to address.

I believe it will have a beneficial effect. I believe strongly we need to work together in this body to address other situations of gun violence in this country. I am glad to add whatever insights I can have to do so, but I support this legislation and I intend to vote for it.

I yield the floor.

Mr. DURBIN. Mr. President, I yield 9 minutes to the Senator from New Jersey, Senator MENENDEZ.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I come to the floor saddened by the tragic death yesterday of Marc Dinardo, 1 of 5 of New Jersey's finest police officers shot last week by a gunman. He was killed, not by a law-abiding gun owner like millions of Americans, a sportsman or a hunter, but by one lone armed man, too willing to pull the trigger to kill another human being in cold blood.

Last night, or the night before, gunshots were fired in Jersey City. In Newark, three people were killed, the victims of gun violence.

The statistics are staggering. In 1 year, 30,896 people died from gun violence, 12,791 people were murdered, another 69,863 people survived gun injuries, 48,676 people were injured in a gun attack.

According to the Brady campaign, in 1 year, 20,784 American children and teens were shot in murders, assaults, suicides, accidents or by police intervention. Homicide was the second leading cause of death for young people ages 10 to 24 years old, and 84 percent of victims were killed by a firearm. Amazingly, firearm homicide is the second leading cause of death for young people ages 1 to 19.

These numbers are shocking. I think about what this amendment does, whom it affects, and I cannot help but ask who is it who feels the need to carry a concealed weapon and for what purpose? One must ask how we would ever want to permit, as a matter not of State but Federal law, those whose motives may not be pure to walk into a playground, school, crowded stadium in any State licensed under Federal law to carry a concealed weapon in their coat pocket or bag. Do we honestly believe that person will be the priest or the rabbi? Do we think it will be the mother taking her child to a school, saying: Let me think, I have the house keys, the cell phone—oh yes, the permit for the gun in my bag.

Will it be the law-abiding sportsmen using their rifles for target practice? Sportsmen don't need to conceal their weapons.

Whom do we think will benefit from this amendment? Whom do we think will carry a concealed Glock 39 through the streets of our cities, perhaps into a playground, stadium, church or mosque? It will not be that mother or that hunter. It will not be that sportsman. As Paul Helmke, the president of the Brady Campaign, so aptly pointed out, it will be something like Richard Poplowski, the White supremacist, armed with an AK-47, who allegedly murdered three Pittsburgh police officers on his front porch.

He was a concealed carry permit holder. It will be Michael McClendon,

the suicide shooter who went on a rampage in Alabama, murdered ten people, then shot himself. He too was a concealed weapon carry permit holder.

It will be criminals such as Michael Itheme, charged with first-degree murder in the shooting death of his wife in St. Louis Park, MN. She had an active restraining order against her husband because of a history of domestic violence. After shooting his wife, he called 911 and said, "I killed that woman that messed my life up." He was a concealed carry permit holder as well.

We are being asked to seriously consider an amendment that would benefit those criminals, not their victims, an amendment that would override State laws and federally mandate States to recognize the concealed weapon permits of people such as these three notorious criminals, even though they may not be residents of that State, even though they may be legally barred from possessing weapons in that State.

Let's make no mistake, this amendment is a blatant infringement on States rights, a stealth repeal of States' hard-fought gun laws. It strips legislators and Governors duly elected by the people to represent the best interests of their constituents to make sound, competent, informed judgments about how best to regulate guns in their own State, to make those judgments based on the recommendations and input of law enforcement officials who know and understand the specific situation on the ground, on the street, in their cities, in their communities.

Even the Congressional Research Service has found this amendment would have a preemptive effect on State reciprocity laws. They said in their report:

This amendment is broad enough such that it would allow certain firearms that are banned from purchase or possession in one State to be brought into that State. For example, one could legally purchase, possess, and carry a concealed permit for a firearm that is banned in States such as California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York.

In my view, this would turn the clock back on reasonable, responsible gun laws that States such as New Jersey have passed to protect us from men like Richard Poplowski, Michael McLendon, and Michael Itheme. On the contrary, common sense, logic, reason, rationality, good judgment all say that that amendment will make our streets less safe.

And, contrary to the usual approach of my Republican colleagues to maximize States rights, this amendment will trample the right of States to pass their own laws that keep guns out of the hands of criminals.

Too many times, for too long, we have seen blood on our streets from senseless, pointless, lethal gun violence. We have tried, in our States and in this Chamber, to mitigate it. We have tried in our own ways to stop it.

We have all been outraged at those who, in language, attitude, and demeanor, seem to accept it as part of American culture. I do not accept it as such.

We cannot stand down from battle being waged by law enforcement in every city and State against gun violence in our streets. Our charge, our solemn responsibility, is to end the violence, not add to it. There are too many guns on our streets as it is, but there are also too many people willing to use them.

Let's not make it easier to carry a concealed weapon against the wishes of the people of a State whose elected representatives express their will and say, not in our State, to blithely, legally have a Federal mandate that would permit them to cross State lines into your neighborhood or my neighborhood.

The evidence is before us in the names of Richard Poplowski, Michael McLendon, and Michael IHEME, all of whom had permits to carry a concealed weapon. If their States want to permit it, fine, but why should they come into my State and create the opportunity to murder some innocent family when my State, my government, my legislature has determined that, in fact, there is a better way to protect our citizens.

When we go down this road, it is a slippery slope. Some day, some Federal issue will come in your State and you will not want the Federal Government to tell your State how to protect your citizens. If you permit this to happen today, then it will happen tomorrow in a way that you will not like. That is a dangerous precedent. That is a precedent I do not think we want.

Finally, let us remember the victims. Let us remember Officer Marc Dinardo and all of the victims of gun violence who, in fact, are out there protecting us each and every day. They will not know the good guy from the bad guy. They will know if this amendment passes and becomes law that someone could have a concealed weapon on them. At the end of their day, their lives will be greater at risk. That is not something I want on my conscience. I do not know which Member of the Senate wants it on theirs.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I do not want to get into the weeds here, but the Senator mentioned Michael IHEME. He did not have a carry permit. One of the other gentleman whom he mentioned, Willie Donaldson, evidently the court recognized that the person had acted in self-defense and he did not do any jail time for it.

The broader point is, criminals commit crimes, that is what they do. Criminals kill people. This is not directed at criminals, this is directed at

law-abiding citizens who want to protect themselves. The statistics I mentioned earlier make it very clear. If you want to look at the studies, there is a lot more defensive gun use by victims than there are crimes committed with firearms. It is further estimated that there are as many as 2.5 million defensive uses of firearms in the United States each year. Again, many of those go unreported.

But I think you have to come back to the point that of the 5 million people in this country who are concealed carry permit holders, if you assumed that every instance of reported crime by gun control groups, of improper firearm use by individuals with concealed carry permits, if every one of those is true, something that can be debated, but let's assume it is true, over an entire year for every 142,857 permit holders, there would be one improper use of a firearm.

To put that another way, concealed carry permit holders would be 15 times less likely than the rest of the general public to commit murder. The point I am making is criminals commit crimes. That is what they do. They are criminals. Criminals kill people. What we are trying to do here is to allow law-abiding people to protect themselves from criminals when they travel across State lines, striking the right balance between Federal, the Constitution, which protects an individual's second amendment right, and State laws. We are not preempting State laws. Illinois and Wisconsin preclude or prevent anybody from owning a concealed carry permit or having a concealed carry permit in their States. So this amendment does not even apply to them. Nobody can carry a concealed weapon in either of those States. It recognizes the rights of States and all of the State laws that apply. Most States have place and time restrictions. In my State of South Dakota you cannot carry in a place that serves alcohol, you cannot carry in schools, you cannot carry in courthouses.

So to suggest that somebody is going to transport a whole bunch of guns, which would be a violation of Federal laws because there are laws against trafficking, into an area of a State, public school, or someplace like that, are wild exaggerations and scare tactics that are not based on any evidence. The data we have that suggest the contrary.

I yield such time to the Senator from Wyoming as he may consume.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, today I rise in support of the Thune amendment. The Thune amendment to me is very straightforward. It does not preempt State concealed carry laws, it does not create a Federal concealed carry permit. It simply allows law-abiding individuals, law-abiding indi-

viduals to lawfully carry concealed firearms across State lines while following the laws of the host State.

Just like a driver's license—this is my Wyoming driver's license—just like a driver's license, the Thune amendment is a license for self-defense across State lines. It means with this license—my concealed carry license from Wyoming—I will not be limited to Wyoming. Just like a regular driver's license, just about the same photo, identification issues, and the only difference is this one from Wyoming says "concealed firearm permit." It has on it a picture of a handgun.

Well, today we are hearing the same arguments against the Thune amendment that we heard from the people who wanted to ban assault weapons. During that semiautomatic assault weapons debate, we heard all of the scare tactics. We heard: There will be blood all over the streets. Terrorists will be able to purchase Uzis and AK-47s. Our cities will turn into the Wild West. The lives of law enforcement will be in danger.

This is simply not the case. A study for the Department of Justice found 40 percent of felons had not committed certain crimes because they feared the potential victims would be armed.

The National Institute of Justice conducted a survey that found that 74 percent of criminals who had committed burglaries or violent crimes said they would be less likely to commit a crime if they thought the victim would be armed.

In States where concealed carry permits are issued, it is a fact that the crime rates go down. Let's take a look at Illinois and Florida. Illinois does not allow concealed carry permits. The number of murders last year in Chicago, 511.

Since Florida passed their concealed carry bill and signed it into law, violent crime has dropped by 32 percent, and murders in Florida dropped 58 percent.

Criminals do not get licensed to carry guns. Criminals do not fill out the paperwork, go to the courthouse, get fingerprinted, and wait weeks to receive their concealed carry permit. Criminals issue their own concealed carry permits.

In the District of Columbia, crime rates are high because the criminals have the advantage over the victims. The gun laws in the District outlaw law-abiding citizens from self-defense while people walk home from work or from the store. They know it is highly unlikely in the District of Columbia that the victims will be carrying a gun for self-defense.

This is a commonsense amendment. It makes sense for law-abiding gun owners all across the country. I urge my colleagues to vote in support of the Thune amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask that the Senator from New Jersey be recognized for 9 minutes and then, after an intervening speaker on the other side of the aisle, the Senator from California be recognized for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I rise in strong opposition to the amendment that is being offered, because it would override our safety laws, gun safety laws in my State and other States across the country. The Thune amendment is an outright violation of States rights.

The fact is this vote is not about the Second Amendment, it is not about gun rights, this is about respecting local communities and letting them make their own decisions about how to keep their streets, their homes, and their businesses safe.

As this dangerous amendment gets pushed to a vote, we are seeing opposition grow across this country. In addition to newspaper editorials, we are seeing Governors and mayors and local law enforcement calling on the Senate to vote against this amendment.

This placard shows the wide-ranging groups opposing this amendment: groups opposed to the Thune amendment: Over 450 mayors, people who have responsibility for those in their community, Major Cities Chiefs Association, International Association of Chiefs of Police, State Legislators Against Illegal Guns, National Network to End Domestic Violence.

In a letter to the Senate, the International Association of Chiefs of Police implored Congress to:

Act quickly and take all necessary steps to defeat this dangerous and unacceptable legislation.

That is from the International Association of Chiefs of Police. They know what to do about concealed guns, and they will decide within their own communities. But the Thune amendment does not just steal States of their right to create their own laws, it abolishes State laws that are on the books right now. The Thune amendment throws State laws out the window.

For the 35 States that have chosen to keep criminals with misdemeanor convictions from carrying concealed weapons, this amendment abolishes their laws. For the 31 States that have chosen to keep alcohol abusers from carrying concealed weapons, this amendment abolishes their laws.

The Thune amendment would force States to accept the weakest standard in the country and brings about a race to the bottom. Many of us represent States that do not want lax standards on who can walk around our communities with a weapon hidden in their garments.

To make matters worse, the Thune amendment not only overrides a

State's concealed weapons laws, it could also override a State's assault weapons ban. That means if we have a ban in my State and someone gets a concealed weapons permit, they could bring an assault weapon into our State. This means even if a State has a ban on assault weapons, under this amendment, someone could legally enter that State with a hidden Uzi or assault weapon and travel around with it. Think about it. If a State's residents are not permitted to carry a particular weapon, someone can come into that State with a weapon that now is prohibited in that State.

That is one of the reasons more than 450 mayors across the country have expressed alarm about the Thune amendment. As these mayors explained in a letter to the Congress:

Each state ought to have the ability to decide whether to accept concealed carry permits issued in other states.

I don't want it in New Jersey, and I think Members across this Chamber will say: No, I don't want it in my State as well.

Supporters of this amendment like to claim that only law-abiding citizens get their hands on concealed weapons permits. But that is not true. In Alaska, for example, criminals who have repeatedly committed violent misdemeanors are permitted to carry concealed weapons. In Alaska, criminals who have repeatedly committed sex offenses are permitted to carry concealed weapons. According to a new study, during the 2-year period between May 2007 and April 2009, people holding concealed handgun permits killed at least 7 police officers and 44 other innocent people across the country.

Recently we have seen several gruesome examples of senseless murders committed by people holding concealed weapons permits. A few months ago, a 28-year-old concealed weapons permit holder went on a murderous rampage in Alabama. First he shot and killed his mother. Then he gunned down 10 others, including 2 young mothers and a father and an 18-month-old girl.

A few weeks later, another concealed weapons permit holder went on a killing spree in Binghamton, NY. This gunman drove a car up to a citizenship services center and barricaded the back door with his car so the innocent people who were inside would be trapped as he proceeded to kill those who were in his sights. The gunman sprayed gunfire throughout the center, killed 13 people, and wounded several more before taking his own life.

The next day another concealed carry permit holder destroyed more lives. In Pittsburgh, two police officers arrived at a house to quell a domestic conflict. The two officers were ambushed and killed by the gunman who held a concealed weapons permit. Minutes later, the gunman shot and killed a third officer who arrived at the scene.

The special interest gun lobby is hanging its hopes on the prospect that this Chamber will abandon common sense and pass the Thune amendment. But this gun lobby's dream is a nightmare for our country. It violates States rights and it will make it easier for gun traffickers to move firearms. If the Thune amendment becomes law, traffickers could now load up a car and take guns across State lines legally, as long as the driver has a concealed weapons permit in any State.

History will record that this Senate was asked to decide whether to put families further in danger or keep them safe, whether to savage State laws or honor them, and whether to usurp States rights or preserve them. I hope my colleagues will do the right thing. I urge them to vote no, no, no, on the Thune amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from South Dakota.

Mr. THUNE. I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I think a little bit of history is important for us now. Let me give a quote of what Thomas Jefferson had to say. It is important for us to hear him. We recognize his wisdom in lots of what he did for us as one of the Founders of this country. Here is what he said about guns: Gun control laws disarm only those who are neither inclined nor determined to commit crimes. Such laws only make worse for the assaulted and better for the assailants. They serve, rather, to encourage rather than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man.

Granted, that was in a different day and time, but his words ring true. To those who are opposing this amendment who truly believe we ought to have a total ban on firearms, I recognize that is a legitimate position for some of those people. But what I find both disingenuous and also curious and funny at the same time is the number of my colleagues who now come to the floor to preserve States rights when 95 percent of their votes, in the last Congress and this one and the ones that preceded, voted to take away those very same States rights in every other area of freedom.

We just had a hearing on a Supreme Court Justice. She got it wrong on the second amendment. The second amendment is written into the Constitution and the Bill of Rights. Why was the 14th amendment even brought up to Congress? The historical debate shows that during reconstruction, freed Black slaves were losing their right to own a gun simply because they were Black, simply because they were freed slaves. Many Southern States passed laws taking that right away. The due process of

the 14th amendment came about so that we could preserve the right of individuals to own arms and defend themselves.

What I find ludicrous in this debate is any discussion of an assault weapons ban or assault weapons. You can't conceal one. That is No. 1. No. 2, we had the Senator from New Jersey mention the Uzi. It is illegal to own an Uzi in this country. So you are already a criminal, you are already a felon, you are already one of those individuals Jefferson was talking about when you claim to say that we are going to step all over State laws.

We had a vote in terms of honoring States rights in terms of the national park bill on guns. Twenty-nine of my colleagues, thirteen of whom now are defending States rights, stepped all over States rights with their vote against the Coburn amendment when it came to allowing people to have supreme their State law in terms of national parks.

Nobody comes to the Senate floor a purist. The vast majority of people who are debating against this amendment on the fundamental principle of stepping on States rights have a voting record that 98 percent of the time they don't care about States rights; they care about the Federal Government.

I have an offer. Any Member who wishes to vote against this amendment, if you will all endorse the Enumerated Powers Act and see that we pass it through Congress, then you can demonstrate your fidelity to the 10th amendment. Except nary a one of those who are opposing this amendment has endorsed the Enumerated Powers Act in this Congress or the last. The arguments ring hollow when we talk about the 10th amendment because the true action would be to recognize the limited powers of the Federal Government to enforce the 10th amendment, and we wouldn't be having this debate.

States rights are convenient only when it comes to something we don't like. They are rarely utilized to truly defend States rights. You have to follow the laws of the State you are in; that is respecting States rights. For every incident and tragedy of somebody who had a concealed carry permit, we can give you 10,000 tragedies of those where gun control allowed the criminals to have guns but the innocents not.

I hope the American people will look at this debate and say: There is a fundamental right in this country, which the Supreme Court will get right in this next session, that is guaranteed to us as part of our liberty. It was inculcated into everything our Founders did. Knowing it to be true, it was written into our Constitution. Many of the rights we have today that we cling to so dearly were never even considered by our Founders but have come about as a result of what the judicial branch has said.

If you are going to use States rights as a position to defend your vote against this bill, I suggest that your constituencies look at your other votes on States rights and see if there isn't some big dissonance with that position. You will find it in every case.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to be yielded 7 minutes rather than 5. I have cleared that with Senator DURBIN.

Mr. THUNE. How much time remains on the other side?

The PRESIDING OFFICER. There is 8 minutes 35 seconds.

Mrs. BOXER. I ask unanimous consent for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I agree with the Senator from Oklahoma on one thing. I hope the American people are watching this debate. I truly do. We are talking about a radical proposal that is opposed by Democrats and Republicans in my home State. I have never seen the phones ringing off the hook to this degree.

I ask unanimous consent to have printed in the RECORD a statement by the California Police Chiefs Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CALIFORNIA
POLICE CHIEFS ASSOCIATION,
Sacramento, CA July 21, 2009.

Re Protect America's police officers, our citizens, and states rights by voting no on the Thune amendment (S.845/H.R.197/H.R. 1620).

Senator BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER, the California Police Chiefs Association is strongly opposed to the Thune Amendment (S.845). This legislation would require California to honor concealed carry permits granted by other states, even when those permit holders could not meet the standards required by California law. This would strip California of the power to create its own public safety laws, and hand that power to the states with the weakest protections. The Thune Amendment would also empower gun traffickers and threaten the safety of our police officers.

California, like most states across America, has intensely deliberated how best to balance community safety needs with the rights of our citizens to bear arms. We have, like almost all states, set various standards in addition to those in place under federal law. The linchpin of California concealed carry permitting is local law enforcement discretion. In addition to certain explicit statutory provisions, such as the exclusion of violent misdemeanants and certain juvenile offenders, California police chiefs and sheriffs have the discretion to deny a permit if they believe an applicant will present a danger to public safety. California also requires each applicant to complete a firearms safety course, demonstrate moral character, and justify the reason for applying for a per-

mit. California's standards keep guns out of the hands of dangerous criminals. The Thune Amendment, however, would permit citizens of states with less strict laws to freely carry concealed weapons in our state.

This legislation will also aid and abet gun traffickers. Criminal traffickers already rely on states with weak laws as a source for the guns they sell illegally, according to a report issued by Mayors Against Illegal Guns in December 2008. In fact, the report showed that 30% of crime guns crossed state lines before they were recovered. This bill would frustrate law enforcement by allowing criminal traffickers to travel to their rendezvous with loaded handguns in the glove compartment. Even more troubling, a trafficker holding an out-of-state permit would be able to walk the streets of any city with a backpack full of loaded guns, enjoying impunity from police unless he was caught in the act of selling a firearm to another criminal.

Finally, this law would not only frustrate our police officers, it would endanger them. Policing our streets is perilous enough without increasing the number of guns that officers encounter. Confusion among police officers as to the legality of firearm possession could result in catastrophe. Congress should be working to make the job of a police officer more safe—not less.

As President of the California Police Chiefs Association, I urge you to protect California's ability to protect its communities from gun violence by voting against the Thune Amendment (S. 845/H.R. 197/H.R. 1620).

Sincerely,

BERNARD K. MELEKIAN,
President.

Mrs. BOXER. The police chiefs, letter is so tough and so strong. It reads in part:

The California Police Chiefs Association is strongly opposed to the Thune amendment. The legislation would require California to honor concealed carry permits granted by other States, even when those permit holders could not meet the standards required by California law. The Thune amendment would empower gun traffickers and threaten the safety of our police officers.

If there is one thing we should do for our police officers, it is not make their lives any tougher than they are. We recently lost four police officers in Oakland. The whole community suffered along with those families. My police chiefs talk about this:

A trafficker holding an out-of-State permit would be able to walk the streets of any city in America with a backpack full of loaded guns, enjoying impunity from police unless he was caught in the act of selling a firearm.

This is one of the strongest letters I have ever seen from my police chiefs. This debate is not about the right to own a gun. That has been settled by the Supreme Court in the Heller case. It is about allowing States to determine their own laws. And I totally get why some more rural States with fewer people would have different laws on conceal and carry than a State of 38 million people, my home State of California. Leave us alone. Leave us alone. You want to have conceal and carry with very few requirements, fine. We have conceal and carry with many requirements, and it is working.

Some States do not have any limit on the number of weapons you could carry with one conceal and carry permit. So someone could come into my State, go into one of my schoolyards, and open up a duffle bag full of perfectly legal weapons.

We have approximately 3,300 gun deaths each year in my State. Let me repeat that: 3,300 gun deaths each year in California. Each one of them has a story of tragedy behind it. A lot of them are kids. So do not come down here and tell my State what we should be doing. I support your State. You should support my State. And that is exactly what Governor Schwarzenegger says. He says we have a right to write our own gun laws.

Mr. President, 34 California mayors and 400 mayors nationwide oppose the Thune amendment, as does the International Association of Chiefs of Police.

We have a lot of work to do. We have to work on health care. We have to work on energy independence. We have to work on getting down the deficit. We have to work on bringing down the debt. We have to work on educating our kids. But, oh, no, we are spending hours on an amendment that is offered that tells our States their laws are not to be respected when it comes to conceal and carry.

Do you know there are some States that allow a spousal abuser to carry a concealed carry weapon? Do you want that spousal abuser, maybe in a state of rage, to walk into another State with a duffle bag full of weapons? And my senior Senator—she read this, and she is a pretty good expert on this issue—says you could have an assault weapon in there. Is that what we want?

It is ironic, as we deal with health care issues—do you know what it costs to try to sew up somebody and heal somebody who has been a victim of a gunshot wound? We are training our doctors who go over to Iraq and Afghanistan in our cities.

So all my colleagues on the other side who come here and talk about Big Brother—Big Brother—going into their States and telling their States what to do, this is a case of Big Brother, clear and simple.

If I need to protect my people in California, I want to leave it to my people in California. I do not want to come in and tell them they have to live with other State laws that are weaker. It is just wrong. It flies in the face of States rights. It flies in the face of common sense. And again, the supreme irony is, it is coming from folks who say they love our States, they respect our States, the Federal Government has too much power. But all of a sudden—

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I hope we will vote against this amendment because this is not what we need in

America—more gun deaths and more police being put in the line of fire.

I yield the floor.

Mr. LEAHY. Mr. President, when the Supreme Court handed down its decision in *District of Columbia v. Heller* I applauded the Court for affirming what so many Americans already believe: The second amendment protects an individual right to own a firearm. The *Heller* decision reaffirmed and strengthened our Bill of Rights.

Vermont has some of the least restrictive gun laws in the country. One does not need a permit to carry a concealed firearm, and citizens of Vermont are by and large trusted to conduct themselves responsibly and safely. In my experience, Vermonters do just that. Like many Vermonters, I grew up with firearms and have enormous respect and appreciation for the freedoms the second amendment protects. Like other protections in our Bill of Rights, the second amendment right to keep and bear arms is one that I cherish.

As a prosecutor, I protected the rights of Vermonters to possess firearms. As a Senator, I have carefully considered Federal efforts to regulate firearms, and always with an eye toward the burdens it may impose on the second amendment rights of law-abiding American citizens.

Justice Scalia's decision for the Supreme Court in *Heller* acknowledged that some reasonable regulation can and does coexist with the second amendment, just as it does for other rights in our Bill of Rights. The States have traditionally played the strongest role in regulating firearms based on State and local concerns. Most firearms regulation is decided within States as an issue of State police power. This is how it should be.

I feel strongly that the principles of federalism demand that the Federal Government minimize its intrusion into the policy judgments made by State and local officials, citizens and State legislators, especially in matters of public safety. I believe this is true whether the Federal Government seeks to restrict the activities of Americans or it seeks to second-guess what State officials have decided is proper regulation. Whenever the Federal Government imposes its will some citizens may be happy, but others will be disappointed. This is particularly true when such Federal action involves matters of safety and police power at the State level. The Federal Government plays a role in regulating the importation of firearms and has in providing a framework for interstate commerce.

Senator THUNE's amendment imposes the policy judgments of the Federal Government on the States. Just as I would vigorously oppose any Federal effort to restrict the ability of a State to allow its citizens to carry firearms in a concealed manner, I oppose this ef-

fort to second-guess the judgments of State and local officials across the country in relation to permitting people to carry a concealed firearm. Just as I would resist Federal legislation that prohibited States from entering reciprocity agreements with each other to honor one another's concealed carry permits, I do not believe the Federal Government ought to be forcing States to treat citizens from other States differently than it treats its own on this public safety matter. The Thune amendment represents the Federal Government intruding into the gun laws of the States. It could even result in some States repealing their concealed carry laws to avoid the impact of the Federal law.

What works in Vermont does not necessarily work in New York City. And what works in New York City would not get a warm welcome in Vermont. That is the beauty of our Federal system. When it comes to public safety and police power, the Federal Government ought to respect the judgments of the States, their citizens, elected officials, and law enforcement agencies.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. Mr. President, 2 years ago I opposed a bill considered by the Senate Judiciary Committee to strip State and local police departments of their ability to enforce rules and policies on when and how their own officers can carry weapons. Today, I continue to oppose attempts to supersede or limit State gun control laws, and for this reason I oppose Senator THUNE's amendment that would infringe on the ability of State and local governments to regulate concealed guns in their jurisdictions. I have said it before, and I say it again—each State should be able to make its own judgment about whether citizens can carry concealed weapons within their jurisdictions. There is no reason for Congress to override gun safety measures in any State.

Yet the Thune amendment would override the laws of 48 States by requiring them to recognize concealed carry permits from other States, even if the permit holder would not be allowed to possess or carry a gun under the laws of those States. Currently, only two States—Illinois and Wisconsin—have a total prohibition against concealed carry weapons. This amendment would require the remaining 48 States to recognize a permit granted by another State that has issued a concealed weapon permit. Such a system leads to ludicrous results. For example, under the Thune amendment, a person who can't obtain a concealed carry permit in his home State could apparently circumvent his State law by finding another State in which that person would be eligible for a nonresident permit and then, using

the reciprocity granted by the amendment, carry the concealed weapon back home.

State and local governments do not have a one-size-fits-all approach on gun control. Yet the Thune amendment treats them as if they were all the same. Under this amendment, a State would be prevented from limiting who can carry a concealed gun in its jurisdiction. In doing so, the amendment threatens the safety of our citizens, our communities, and our States.

States need the right to control who can carry a concealed weapon in their jurisdiction. What State officials, law enforcement, and legislators decide are the best policies for rural States may not be the best policies for urban States—and vice versa. This bill creates a race to the bottom, in which gun owners can get a permit in a State with the least restrictive licensing regulations and use that gun in every other State—except Illinois and Wisconsin, where there is a total prohibition. The amendment even entitles residents in Alaska and Vermont, the two States that allow residents to carry concealed guns without permits, to carry their guns in other States.

In 35 States, such as Massachusetts, a permit holder must have attended a safety course. Other States don't require a safety course, and residents in Alaska or Vermont are not required to have a permit at all. Yet, with the adoption of the Thune amendment, gun owners would be able to carry a concealed weapon without a safety course in all these States. This is absurd. In addition, other State licensing laws, which prohibit permits for individuals with criminal backgrounds or substance abuse problems, would be waived under the Thune amendment if the individual is issued a permit in a jurisdiction with more permissive regulations.

According to the most recent statistics, in 2006, an average of nine young people aged 19 and under were killed by a gun each day in the United States. In 2007, an average of 48 children a day were nonfatally wounded. The scourge of gun violence frequently attacks the most helpless members of our society—our children. Does the Thune amendment—authorizing more widespread use of concealed guns—improve these statistics? Does creating a system that reduces the regulations for permits for many concealed gun carriers improve these statistics? I think not.

In fact, it was found that concealed handgun license holders in Texas were arrested for weapon-related offenses at a rate 81 percent higher than that of the general population of Texas, aged 21 and older. Expanding the ability of a concealed gun holder to carry his weapon in a far larger number of jurisdictions will not lower gun deaths or crime.

Our brave police forces face risks every day in the line of duty. Policing

the streets, and even routine traffic stops, are perilous enough without increasing the number of guns that officers encounter. Under the Thune amendment there is no easy way for a police officer to determine the legality of a gun being concealed by an individual with a permit from outside the State. This confusion, and the increase in the number of guns on the street, could result in violent incidents, some of which could lead to more deaths from gun violence. The Senate should be working to make the job of police officers safer. The Thune amendment does the opposite.

The amendment takes away the right of a State to determine who can carry a concealed gun within that State. As a result, the amendment will increase the number of concealed guns that will be allowed on any given street. More than 400 mayors, numerous State legislators, the International Association of Chiefs of Police, and the Major Cities Chiefs Association oppose this amendment because of the danger it brings to our streets, our citizens, and our law enforcement. I strongly urge my colleagues to vote against Senator THUNE's amendment. It is unwise policy that could lead to tragic results.●

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, how much time is left on our side?

The PRESIDING OFFICER. Nine minutes.

Mr. THUNE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, the Senator from California has made some comments, and actually both Senators from California talked about the issue of assault weapons. Of course, assault weapons—as my colleague from Oklahoma pointed out, it is very difficult to conceal an assault weapon. It is not something you are going to be running around—it is not a concealed weapon. Obviously, when you get into the State of California, those weapons are illegal.

I think it is fair to point out again that any State can impose restrictions on the people who come into their State with a concealed carry permit from another State. So State laws still trump when it comes to the place where guns can be carried.

To this issue of multiple guns being brought into a State, States can also say the permit only applies to one gun. Obviously, that is an issue on which a State can rule. Secondly, the issue of multiple guns I would think would fall under the rubric of trafficking, which is a Federal offense. It is illegal. For people who have committed crimes, that is illegal under Federal laws. They cannot get guns in the first place—or at least they are not supposed to get guns. It is a Federal crime if they do. People who have a history of mental

illness—all these issues are addressed in Federal law, which provides a floor against all these types of things that are being suggested.

Much of what has been suggested here really is scare tactics, it is fear mongering. There is no basis on which to make many of the arguments. It is totally speculative that somehow this amendment is going to lead to all kinds of people, thugs and gangsters, getting guns and then transporting them someplace else in the country.

I will tell you, I do not think there are too many criminals—by the way, criminals commit the crimes. The Senator from New Jersey talked about the thousands who are killed by guns every year. Most of them are killed by criminals. There may have been an exception or two where somebody had a concealed carry permit, but relative to the general population, it is minuscule.

If you think about the number of crimes that are committed every year by criminals, what we ought to be doing is focusing on criminals, the people who commit crimes. Criminals are not going to go down to the courthouse in Sioux Falls, SD, and say: I want to get a concealed carry permit, or anywhere in this country, for that matter, because almost every State, with three exceptions, by law does a background check. So in order to own a gun or possess a gun, you have to go through a background check. So to get a concealed carry permit, you also have to go through a background check. I do not think most criminals are going to be going down and saying: I want to get a background check so I can get a gun so I can haul it and commit a crime in some other State. That is ludicrous. Think about the logic of that. For anybody who has a criminal record, obviously, the background check is going to reveal that. They are not going to be able to either acquire a gun or get a concealed carry permit, which means they are going to do what they usually do; that is, get those firearms illegally and commit crimes and felonies because that is what criminals do.

I want to mention some of those who have endorsed this amendment. The NRA has endorsed this amendment. Gun Owners of America—I have a letter from them endorsing this amendment. Citizens Committee for the Right to Keep and Bear Arms has endorsed this amendment. The Owner-Operator Independent Drivers Association, which, as I pointed out, represents a lot of the truckdrivers across the country, endorses this. This is a real issue for them because they are traveling across State lines in interstate travel on a regular basis. This is something they have advocated for a long time. The Passenger-Cargo Security Group, which, of course, represents a lot of those who fly cargo in this country, has endorsed it. GOProud has endorsed this amendment. And the

Pink Pistols group has endorsed this amendment. So there are a number of groups, organizations out there that have endorsed this amendment that believe, as I do, it represents a commonsense approach that balances the constitutional right people in this country have to keep and bear arms—the second amendment right. It is in the Bill of Rights. All the other amendments in the Bill of Rights apply across State lines, and it seems to me, at least, this one should too, subject to restrictions that are imposed by the individual States. This does not preempt any of those.

States have different restrictions that apply and restrict the place and the manner in which firearms may be transported into their States. So what we are simply trying to do is clarify this patchwork of different regulations and laws and requirements that different States have all over the country, so people, law-abiding citizens—not the criminals who are being referred to who commit the crimes in this country—so law-abiding individuals who want to defend themselves against those very criminals have the opportunity to do so by being able to possess a firearm if they have a concealed carry permit.

As I said, every State is a little different as to how you go about getting one of those permits, but every State has its own requirements, and all of the States, with a couple exceptions, have background checks as a part of that.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. THUNE. Mr. President, I reserve the remainder of my time.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes 15 seconds.

Mr. DURBIN. Mr. President, this morning around Washington, hundreds of lobbyists strapped on their suits and their ties and went to work waiting for the Thune amendment and his theory and their theory on keeping America safer by putting more guns on the street. Across America today, thousands of law enforcement officials strapped on their guns and their badges and went out on those mean streets to risk their lives to keep us safe.

Did you listen to the groups that have endorsed the Thune amendment? Do you know what is missing? Not a single law enforcement group supports JOHN THUNE's amendment. The men and women who are risking their lives for our safety every day do not support his amendment. They oppose it. Do you know why they oppose it? Because they realize there are different standards in different States for concealed carry and in some States almost no standards at all. They realize that in 17 States you do not need to even prove you know how to fire a gun safely. And

under JOHN THUNE's amendment, those people can go into States that require a test or even a test on a firing range—the 31 States that require it—and they can carry a gun without any evidence that they know how to use it.

There are also some 35 States that prohibit people convicted of certain misdemeanor crimes from carrying concealed firearms. That means that 13 other States can send their people in with convictions for these misdemeanors and they can carry a firearm legally under JOHN THUNE's amendment.

Let me say, finally, they realize, too, that if you happen to be a drunk driver in a State—17 States—you can still get a concealed carry permit. It does not matter how many times you have been convicted for DUIs, whether you are a habitual drunkard, an alcoholic, you can still get a concealed carry permit in 17 States. Senator THUNE wants those people to be able to drive into your State, where you say, frankly, you cannot have a concealed carry permit if you cannot handle alcohol—he wants them to be able to come into those States and to have the right to carry a firearm.

Will that make us safer? The men and women in uniform, who went out this morning and are out there right now protecting us, say no. And that is what we ought to say to the Thune amendment: No.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from South Dakota.

Mr. THUNE. Mr. President, let me point out what I pointed out earlier. This amendment does not apply to the District of Columbia. But I also want to come back to a basic point; that is, how did we get here today? Why are we here? Well, we are here, supposedly, to be talking about the Defense authorization bill. But last week the Democratic leadership decided to put a hate crimes amendment on the floor as the first amendment to the Defense authorization bill—unrelated, non-germane to the underlying Defense authorization bill.

The hate crimes bill, it could be argued, preempts a lot of State laws because a lot of States have their own laws with regard to hate crimes. But we decided here—the Democratic leadership did—that it was more important to talk about hate crimes legislation than it was to talk about defense-related amendments.

Well, my view was, they are going to offer a hate crimes amendment on the floor of the Senate. What better way to prevent hate crimes than to allow the potential victims of hate crimes to defend themselves against those very hate crimes? So I was going to offer this amendment, this concealed carry amendment, as a second-degree amendment to the hate crimes amendment that was put on the floor last week by

the Democrats. The leader filled the tree, preventing us from doing that. So we worked it out to have this debate and to talk about this amendment today. But it ties in very closely to the hate crimes amendment, the legislation we have had on the floor of the Senate for the last week when we should have been talking about Defense authorization issues.

But that being said, I will come back to my basic fundamental point. This is a commonsense amendment that strikes a balance between the constitutional right the people in this country enjoy under the second amendment to keep and bear arms—and which has been supported by the Supreme Court, I might add—and the rights of States under federalism to restrict that according to their own wishes and laws. And every State does that differently. This amendment does not preempt those.

The States of Wisconsin and Illinois prevent concealed carry permit holders, and so there is not anybody in this country who is going to be able to travel through Illinois or Wisconsin and carry a gun because they just do not allow it. So it respects the rights of the individual States. But it does allow law-abiding citizens in this country to exercise their constitutional right under the second amendment, and that right should not end at State lines. State borders should not be a barrier to an individual's right to defend themselves.

I believe the studies are very clear. As I have said earlier—they are all speculating about all the crimes that are going to be committed—people, concealed carry permit holders, if you look at the data, are 15 times less likely than the rest of the public to commit murder. Criminals commit crimes, not law-abiding citizens, not people who go down to their courthouse to get a concealed carry permit so they can defend themselves against the very criminals who routinely break the laws and possess firearms illegally so they can commit crimes.

This is a reasonable, commonsense balance which I believe strikes the right balance between the constitutional second amendment right citizens in this country enjoy and the States' ability to restrict that right. And any concealed carry permit holder who has a concealed carry permit in their State of residence who travels to another State has to abide by and is subject to the laws that are enacted by that individual State.

So, Mr. President, I hope my colleagues will vote for what is a commonsense amendment that allows people across this country who are law-abiding citizens to defend themselves from the very criminals who break those laws and try to commit these crimes.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, under current law each State adopts and enforces their own eligibility standards for who is qualified to obtain a concealed carry permit. Carrying a concealed weapon is a crime if those eligibility standards are violated and a citizen of that State carries a concealed weapon. For example, 35 States prohibit those with criminal misdemeanor convictions from obtaining a concealed carry permit.

The Thune amendment would federally authorize an individual who has been issued a concealed carry permit in one State the right to carry a concealed weapon in 47 other States, even though those other States prohibit an individual who resides in those other 47 States from carrying a concealed weapon. A Federal standard is thereby imposed on the States.

The 35 States that prohibit criminal misdemeanants from carrying concealed weapons are told under the Thune amendment: You can enforce your own laws regarding your own residents but cannot enforce your own laws against residents of the 13 States who issue concealed carry permits to convicted criminal misdemeanants when those nonresidents visit your State. The laws of those 35 States cannot be applied to all persons in their States—those from 13 other States who get permits under weaker laws are immunized.

A double standard would be adopted and would be imposed on the States.

A terrible precedent of a national standard would also be adopted and imposed on the States, superseding a State's ability should they choose to regulate concealed possession of a firearm in their States by visiting criminal misdemeanants who do not meet their standards for concealed firearms possession.

So while the Thune amendment says it doesn't preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms, that is true only as to residents—it does preempt the right of the States to apply its laws as to who can carry a concealed weapon to all persons in the State, residents and nonresidents alike.

Senator THUNE's statement that everyone must comply with restrictions of States they are in is not accurate then as to the key restriction relating to who can carry concealed weapons.

The amendment will also create serious problems for law enforcement. Law enforcement officials use concealed carry permits as an important tool in combating illegal trafficking. In most States, carrying a firearm without a permit is a crime. The Thune amendment would hamper law enforcement's ability to identify and arrest illegal traffickers before they are able to sell their weapons on the black market, for instance: This is one reason why the

amendment is opposed by the International Association of Chiefs of Police, the Major Cities Chiefs Associations, Mayors Against Illegal Guns and State Legislatures Against Illegal Guns.

The National Defense Authorization Act is enacted every year to help make this a safer nation. This amendment will not do that. I urge my colleagues to vote against it.

Mr. THUNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 1618.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—58

Alexander	DeMint	McConnell
Barrasso	Dorgan	Murkowski
Baucus	Ensign	Nelson (NE)
Bayh	Enzi	Pryor
Begich	Feingold	Reid
Bennet	Graham	Risch
Bennett	Grassley	Roberts
Bond	Gregg	Sessions
Brownback	Hagan	Shelby
Bunning	Hatch	Snowe
Burr	Hutchison	Tester
Casey	Inhofe	Thune
Chambliss	Isakson	Udall (CO)
Coburn	Johanns	Udall (NM)
Cochran	Johnson	Vitter
Collins	Kyl	Warner
Conrad	Landrieu	Webb
Corker	Lincoln	Wicker
Cornyn	Martinez	
Crapo	McCain	

NAYS—39

Akaka	Harkin	Merkley
Bingaman	Inouye	Murray
Boxer	Kaufman	Nelson (FL)
Brown	Kerry	Reed
Burr	Klobuchar	Rockefeller
Cantwell	Kohl	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Shaheen
Dodd	Levin	Specter
Durbin	Lieberman	Stabenow
Feinstein	Lugar	Voinovich
Franken	McCaskill	Whitehouse
Gillibrand	Menendez	Wyden

NOT VOTING—3

Byrd Kennedy Mikulski

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of the amendment, the amendment is withdrawn.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator KYL

be recognized as in morning business for 10 minutes, and that Senator TESTER then be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

SOTOMAYOR NOMINATION

Mr. KYL. Mr. President, every American should be proud that a Hispanic woman—one with a very impressive background—has been nominated for the Supreme Court.

In evaluating a nominee, it is important that the Senate examine all aspects of the individual's career and his or her merit as a judge and not make judgments on the basis of gender or ethnicity.

It starts with the judge's decisions and opinions. Also important to understanding what an individual really thinks about things are his or her speeches, writings, and associations.

Judge Sotomayor's most widely known speech is, of course, her "wise Latina woman" speech, which was given in various fora over the years. It is clear that the often-quoted phrase is not just a comment out of context but is the essence of those speeches.

Judge Sotomayor's central theme was to examine whether gender and ethnicity bias a judge's decision. Judge Sotomayor concludes they do, that it is unavoidable. She develops this theme throughout the speech, including examining opposing arguments and examining evidence that suggests that gender makes a difference. She then quotes former Justice Sandra Day O'Connor's statement that men and women judges will reach the same decision and, in effect, disagrees, saying she is not so sure. That is when she says she thinks a "wise Latina" would reach a better decision.

Her attempt to recharacterize these speeches at the committee hearing strained credulity. I will address this issue at greater length during the confirmation debate, but suffice to it say that I remain unconvinced that she believes judges should set aside these biases, including those based on race and gender, and render the law impartially and neutrally.

Judge Sotomayor's address to the Puerto Rican ACLU, entitled "How Federal Judges Look to International and Foreign Law under Article VI of the U.S. Constitution," also raises red flags.

In this speech, she inferred that foreign law should be used but later testified it should not. I will also discuss at length my concerns related to this matter during the confirmation debate and the problems I have squaring her testimony with the contents of this speech. The central point, of course, is that it is completely irrelevant to consider foreign law in U.S. courts. I don't believe Judge Sotomayor is sufficiently committed to this principle.

Judge Sotomayor's supporters argue that we should not focus on her speeches but on her "mainstream" judicial record. They claim she agreed with her colleagues, including Republican appointees, the vast majority of the time. That may be true, but as President Obama has reminded us, most judges will agree in 95 percent of the cases.

The hard cases are where differences in judicial philosophy become apparent.

I have looked at Judge Sotomayor's record in these hard cases and have found cause for concern. The U.S. Supreme Court has reviewed directly 10 of her decisions—8 of those decisions have been reversed or vacated, another sharply criticized, and 1 upheld in a 5 to 4 decision.

The most recent reversal was *Ricci v. DeStefano*, a case in which Judge Sotomayor summarily dismissed before trial the discrimination claims of 20 New Haven firefighters, and the Supreme Court reversed 5 to 4, with all nine Justices rejecting key reasoning of Judge Sotomayor's court.

In my view, the most astounding thing about the case was not the incorrect outcome reached by Judge Sotomayor's court—it was that she rejected the firefighters' claims in a mere one-paragraph opinion and that she continued to maintain in the hearings that she was bound by precedent that the Supreme Court said did not exist.

As the Supreme Court noted, *Ricci* presented a novel issue regarding "two provisions of Title VII to be interpreted and reconciled, with few, if any, precedents in the court of appeals discussing the issue." One would think that this would be precisely the kind of case that deserved a thorough and thoughtful analysis by an appellate court.

But Judge Sotomayor's court instead disposed of the case in an unsigned and unpublished opinion that contained zero—and I do mean zero—analysis.

Some have speculated that Judge Sotomayor's panel intentionally disposed of the case in a short, unsigned, and unpublished opinion in an effort to hide it from further scrutiny. Was the case intentionally kept off of her colleagues' radar? Did she have personal views on racial quotas that prevented her from seeing the merit in the firefighters' claims?

Judge Sotomayor was asked about her *Ricci* decision at length during the confirmation hearing. Her defense, that she was just following "established Supreme Court and Second Circuit precedent," as I said, is belied by the Supreme Court's opinion noting "few, if any" circuit court opinions addressing the issue.

When I pressed Judge Sotomayor to identify those controlling Supreme Court and Second Circuit precedents that allegedly dictated the outcome in

Ricci, she dissembled and ran out the clock. Her "answers" answered nothing and, in my opinion, violated her obligation to be forthcoming with the Judiciary Committee.

I am also concerned about Judge Sotomayor's analysis—or lack thereof—in *Maloney v. Cuomo*, a second amendment case that could find its way to the Supreme Court next year. *Maloney* was decided after the Supreme Court's landmark ruling in *District of Columbia v. Heller*, which held that the right to bear arms was an individual right that could not be taken away by the Federal Government.

In *Maloney*, Judge Sotomayor had the opportunity to consider whether that individual right could also be enforced against the States, a question that was not before the *Heller* Court. In yet another unsigned opinion, Judge Sotomayor and two other judges held that it was not a right enforceable against States.

What are the legal implications of this holding? State regulations limiting or prohibiting the ownership and use of firearms would be subject only to "rational basis" review. As Sandy Froman, a respected lawyer and former National Rifle Association president, said in her witness testimony, this is a "very, very low threshold" that can easily be met by a State or city that wishes to prohibit all gun ownership, even in the home. Thus, if Judge Sotomayor's decision were allowed to stand as precedent, then States will, ironically, be able to do what the Federal District of Columbia cannot—place a de facto prohibition on the ownership of guns and other arms.

As we have seen, Judge Sotomayor's testimony about her previous speeches and some of her decisions is difficult, if not impossible, to reconcile with her record. Similarly, her testimony about the extent of her role with PRLDEF is in tension with the evidence that we have. The *New York Times* has detailed her active involvement as recounted by former PRLDEF colleagues, who have described Judge Sotomayor as a "top policy maker" who "played an active role as the defense fund staked out aggressive stances."

What were the litigation positions advanced by PRLDEF during Judge Sotomayor's tenure there? Well, it argued in court briefs that restrictions on abortion are analogous to slavery. And it repeatedly represented plaintiffs challenging the validity of employment and promotional tests—tests similar to the one at issue in *Ricci*.

Unfortunately, I have not been persuaded that Judge Sotomayor is absolutely committed to setting aside her biases and impartially deciding cases based upon the rule of law. And I cannot ignore her unwillingness to answer Senators' questions straightforwardly. For these reasons, I oppose her nomination.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Montana.

Mr. TESTER. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREST JOBS AND RECREATION ACT OF 2009

Mr. TESTER. Madam President, I rise today to call on the Senate to take action on a bill I introduced last week—the Forest Jobs and Recreation Act.

The Forest Jobs bill is a product of years of effort from Montanans who worked together to find common ground on how to best manage and protect our forests. These folks—mill owners, conservationists, hunters and anglers, motorized users—have fought each other for decades. As little as 10 years ago, their differences were so great, they were so much apart that they could not even be in the same room together.

In the meantime, forest management came to a virtual halt, a beetle epidemic swept through our forests, and not a single acre of wilderness was designated in the State. Amid all the shouting, no one got what they wanted, and all Montanans, and especially our forests, suffered for it.

With help from my fellow Montanans, we are working to fix that. That is why I am enormously proud to carry forward their work in the Forest Jobs and Recreation Act.

Besides putting aside old battles, this bill will help protect our communities from a crisis on Montana's forest lands. And make no mistake about it, Montana's forest communities face a crisis. Our forest crisis demands action, and it demands action now.

For example, in the Beaverhead Deerlodge National Forest in southwestern Montana, a shocking 660,000 acres of lodgepole pine are dead—killed by the mountain pine beetle. To put that in perspective, that is just shy of 1,000 square miles. That is a big figure, even for Big Sky country. And it is a number that is only on the rise.

What follows dead trees? Fire. As I speak, 200 firefighters are battling a wildfire just a few miles southwest of Deerlodge, MT, in those beetle-killed trees.

While no amount of work in a forest could put a stop to the beetle kill, if enacted into law, this bill will help protect our communities and our water supplies from the threats of future forest fires.

On the Beaverhead Deerlodge Forest, the bill mandates that an average of 7,000 acres a year be harvested. This work will happen in the context of larger stewardship projects aimed at restoring fishing and hunting habitat.

A council of local stakeholders will work with the Forest Service to help shape each of the projects, providing a voice to local folks in how we manage our forests.

The bill also addresses two districts on two other forests in Montana—the Three Rivers on the Kootenai and the Seeley on the Lolo. Similar work will occur in these places: big stewardship projects that are driven by local collaborations so our forests, and the communities within them, will be healthier in the end.

Let me be clear. This bill will not just help restore our forests and their watersheds, it will help restore our communities. It will put people back to work in the woods, harvesting trees, rolling up roads, building bigger culverts for fish, and tackling stream restoration projects.

A lot of mills have closed in Montana. We are at risk of losing more. If we lose that infrastructure, we will suffer an even bigger loss. We will lose the folks who know how to work in the woods. Without their know-how, without the mills to process the byproduct of their work, we will not be able to tackle head-on the years of work that lie ahead—work to restore the woods around our towns, to make them more resilient to the fires that may one day come.

Of course, in Montana, we don't just work in the woods, we play in them. That is why Montanans asked me to put aside recreation areas in this bill, and I did. Lands will be set aside for both motorized and nonmotorized use.

Lastly, I am proud to set aside some of Montana's best hunting and fishing habitats for future generations with this bill. This bill will keep some spectacular wild places with the cleanest water around you can imagine for our kids and grandkids to hunt and fish and hike and camp, places such as the Sapphires in this picture, the Snowcrests on Roderick Mountain, and lands next to our world famous Bob Marshall Wilderness.

It is a new day when motorized users, timber mill owners, back-country horsemen, hunters, fishermen, and conservationists all agree that it is time to set aside our differences for the sake of the forests and for the sake of our communities.

I have reached out to folks in western Montana to get feedback on these issues. I have held listening sessions throughout timber country, open to any and all Montanans who want to work together on a commonsense plan for our future.

Last weekend, I held a series of open meetings to announce the introduction of the bill and to hear more feedback. I have invited Montanans to visit my Web site—tester.senate.gov—to download their own copy of the legislation. Folks can also click on color-coded maps to see for themselves exactly what we are proposing. And they can sign up as citizen cosponsors of this important legislation. Already, hundreds of Montanans have signed on to make their voices heard and to help

put their shoulder to the wheel to get this bill moving.

I can tell you, Montana is buzzing with excitement about this proposal. Folks see it as an opportunity to work together to support this "Made in Montana" solution to the conflicts that have stalemated us for far too long.

Working together, we will create jobs. Working together, we will create new opportunities for recreation. Working together, we will protect Montana's clean water. And working together, we will safeguard Montana's fishing and hunting habitat for our kids and grandkids.

Montanans are blessed to live among some of this Nation's finest public lands. We are willing to do our part to help wisely manage and protect these lands. Now it is time for Congress to step up to the plate and do its part.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

SOTOMAYOR NOMINATION

Mr. COCHRAN. Madam President, with respect to the nomination of Judge Sonia Sotomayor to be an Associate Justice on the U.S. Supreme Court, I find that I share many of the concerns expressed by the distinguished Senator from Arizona, Mr. KYL.

First, I want to thank Senators LEAHY and SESSIONS for their handling of the hearings in the Judiciary Committee on the subject of the Supreme Court confirmation of Judge Sotomayor. Their meetings were both informative and respectful, and I think they appropriately reflected the traditions of the Senate. Both Judge Sotomayor and the judicial confirmation process were treated with the respect they deserve.

The Senate's constitutional role to advise and consent on Federal judicial nominations is one that all Senators take seriously. And I, like most Senators, have traditionally shown significant deference to the President's role in submitting to the Senate nominees for the Federal judiciary. It is a role that the Senate shares with the President. If a nominee was qualified by education, experience, and judicial temperament, then that nominee would likely be confirmed by the Senate, regardless of the political party of the President.

But in recent years, we have seen that standard dramatically altered. During the administration of President George W. Bush, for example, several well-qualified nominees from my State for positions in the Federal judiciary, including Charles Pickering, Michael Wallace, and Leslie Southwick, saw their nominations opposed because of political differences. For better or for worse, a new standard for evaluating judicial nominees has emerged.

As has been well documented during her confirmation process, Judge

Sotomayor was confirmed to the U.S. Court of Appeals for the Second Circuit by the Senate on October 2, 1998. I voted in favor of her confirmation. However, a nomination to one of the Federal Circuit Courts of Appeals is not the same as a nomination to the Court of last resort, the highest Court in our land, the U.S. Supreme Court.

During her recent hearing, Judge Sotomayor was asked several questions regarding statements she had made in recent years. In writings and speeches, Judge Sotomayor repeatedly stated that a judge's personal experiences can and will impact judicial outcomes. She has also argued that judges should allow their personal sympathies and prejudices to influence their decision-making. She described the ideal of judicial impartiality as an aspiration she believes cannot be met in most cases. These statements raise serious concerns regarding the lack of commitment to the notion of equal justice under the law.

Judge Sotomayor's responses to questions about these comments have failed to alleviate my concerns about whether she would apply the law in an evenhanded manner. It is the responsibility of the Senate to make certain that those who are confirmed to the Supreme Court not only are fully qualified by reason of experience and training but also that they show a commitment to equal justice under the law. Some of Judge Sotomayor's statements during the last decade have given me reason to question her fidelity to equal justice.

Unlike the Federal circuit court, where she has served since 1998, a Justice on the Supreme Court is not necessarily bound by existing legal precedent. If confirmed, there would be no higher court to deter Judge Sotomayor from making decisions that would become the binding law of the land. For these reasons, I intend to oppose her nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I ask unanimous consent to be recognized for up to 30 minutes, although I doubt I will take that long.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I take to the floor to inform the Senate and my colleagues about how I intend to vote on the pending nomination of Supreme Court nominee Judge Sotomayor. I understand the path of least resistance for me personally would be to vote no. That is probably

true anytime you are in the minority party and you lose an election. But I feel compelled to vote yes, and I feel this is the right vote for me and, quite frankly, for the country in this case.

Why do I say that? Well, elections have consequences. I told Judge Sotomayor in the hearing that if I had won the election, even though I wasn't running, or Senator McCain had, she would probably not have been chosen by a Republican. We would have chosen someone with a more conservative background—someone similar to a Judge Roberts or Miguel Estrada. She is definitely more liberal than a Republican would have chosen, but I do believe elections have consequences.

It is not as though we hid from the American people during the campaign that the Supreme Court selections were at stake. Both sides openly campaigned on the idea that the next President would be able to pick some judges for the Supreme Court. That was known to the American people and the American people spoke.

In that regard, having been one of the chief supporters of Senator McCain and one of the chief opponents of then-Senator Obama, I feel he deserves some deference on my part when it comes to his first selection to the Supreme Court. I say that understanding, under our Constitution, I or no other Senator would be bound by the pick of a President. But when you look at the history of this country, generally speaking, great deference has been given to that selection by the Senate.

While I am not bound to vote for Judge Sotomayor—voting no would be the path of least political resistance for me—I choose to vote for Judge Sotomayor because I believe she is well qualified. We are talking about one of the most qualified nominees to be selected for the Supreme Court in decades. She has 17 years of judicial experience. Twelve of those years she was on the Second Circuit Court of Appeals. I have looked at her record closely. I believe she follows precedent; that she has not been an activist judge in the sense that would make her disqualified, in my view. She has demonstrated left-of-center reasoning but within the mainstream. She has an outstanding background as a lawyer. She was a prosecutor for 4 years in New York. Her record of academic achievement is extraordinary—coming up from very tough circumstances, being raised by a single mother, going to Princeton, being picked as the top student there, and doing an extraordinary job in law school. She has a strong work ethic. That all mattered to me. It is not just my view that her legal reasoning was within the mainstream. She received the highest rating by the ABA—the American Bar Association—as “well qualified.”

The reason I mention that is not because I feel bound by their rating, but

during the Alito and Roberts confirmation hearings for the Supreme Court under President Bush, I used that as a positive for both those nominees. I feel, as a Republican, I can't use it one time and ignore it the other. So the fact that she received the highest rating from the American Bar Association made a difference to me.

Her life story, as I indicated before, is something every American should be proud of. If her selection to the Supreme Court will inspire young women, particularly Latino women, to seek a career in the law, that is a good thing, and I hope it will.

On balance, I do believe the Court will not dramatically change in terms of ideology due to her selection. Justice Souter, whom I respect as an individual, has been far more liberal than I would prefer in a judge. I think Justice Sotomayor will not be any more liberal than he. On some issues, quite frankly, she may be more balanced in her approach, particularly when it comes to the war on terror, the use of international law, and potentially the second amendment. But time will tell. I am not voting for her believing I know how she will decide a case. I am voting for her because I find her to be well qualified, because elections matter, and because the people who have served along her side for many years find an extraordinary woman in Judge Sotomayor, and I confirm their findings.

What standard did I use? Every Senator in this body, at the end of the day, has to decide how to give their advice and consent. One of the things I chose not to do was to use Senator Obama's standard when it came to casting my vote for Judge Sotomayor. If those who follow the Senate will recall, Senator Obama voted against both Judge Alito and Judge Roberts, and he used the rationale that they were well qualified; that they were extraordinarily intellectually gifted; but the last mile in the confirmation process, when it came to Judge Roberts, was the heart. Because 5 percent of controversial cases may change society, one has to look and see what is in a judge's heart.

I totally reject that. If the Senate tries to have a confirmation process where we explore another person's heart, I think we are going to chill out people wanting to become members of the judiciary. Who would want to come before the Senate and have us try to figure out what is in their heart? Can you imagine the questions we would be allowed to ask? I think it would have a tremendous chilling effect on the future recruitment of qualified candidates to be judges. Let me say this: Judge Sotomayor agreed with me and Senator Kyl that trying to find out what is in a judge's heart is probably not a good idea.

Senator Obama also indicated that judicial philosophy and ideology were

outcome determinative when it came to Judge Alito. If I used his standard, knowing that her philosophy is different than mine, her ideology is different than mine, she would have no hope of getting my vote. I daresay not one Republican, using the Obama standard, would provide her with a confirmation vote. So I decided to reject that because I believe it is not in the long-term interest of the Senate or the judiciary.

I went back to a standard I think has stood the test of time—the qualifications standard. Is this person qualified to sit on the Court? Are they a person of good character? Do they present an extraordinary circumstance—having something about their life that would make them extraordinary to the point they would be unqualified? There was a time in this country where a Justice, such as Justice Ginsburg, who is clearly left of center, received 90-something votes in this body. There was a time in this country, not long ago, where a conservative judge, such as Justice Scalia, received over 95 votes from this body. Every Democrat who voted for Justice Scalia could not have been fooled as to what they were getting. They were getting an extremely qualified, talented, intellectual man who was qualified for the job but had a different philosophy from most Democrats. Someone on our side of the aisle who voted for Justice Ginsburg had to know what they were getting. They were getting someone who was very talented, extremely well qualified, incredibly smart, and who was general counsel for the ACLU. You had to know what you were getting, but you understood that President Clinton, in that case, had the right to make that decision.

What happened to those days? I would say to my Democratic colleagues—and I am sure Republicans have made our fair share of mistakes when it comes to judges—that this effort, not too far in the past, of filibustering judges, declaring war on the Judiciary, has hurt this body. In my opinion, the politicization of our Judiciary has to stop for the good of this country, for the good of the Senate, and for the good of the rule of law in America.

What am I trying to do today? I am trying to start over. The political “golden rule” is: Do unto others as they did unto you. The actual Golden Rule is: Do unto others as you would have them do unto you. I hope we can get back to the more traditional sense of what the Senate has been all about. That brings me back to the recent past.

This body was on the verge of blowing up. Our Democratic colleagues were filibustering President Bush's nominees for the appellate court, and even the Supreme Court, in a fashion never known by the body. There was an effort by frustrated Republicans to change

the rules so all you needed was a majority vote to get on the bench—the Supreme Court. This body, for a couple hundred years, had not gone down that road. A Gang of 14 was created—7 Republicans and 7 Democrats—and they tried to find a better way; they tried to get the Senate back to a more reasoned position. That Gang of 14—the 7 Democrats and 7 Republicans—said filibustering judges should only be done in an extraordinary circumstance. We left that up to the Members of the body, but we were focusing on someone who was clearly out of the mainstream when it came to judging.

If you look at Judge Sotomayor's record for 17 years, it is left of center but not the record of someone who is wearing a robe but under the robe is an activist. An extraordinary circumstance would be somebody clearly not qualified—a pick that is political in nature alone.

I am glad to say my colleagues on the Democratic side and the Republican side who were part of that group—and they are still here—did not see an extraordinary circumstance. I would like to compliment Senator SESSIONS, who did a very fine job in this hearing. He has acknowledged there is nothing extraordinary about this nominee for the Republican Party to try to block her through filibustering. I think that is a correct assessment.

But then it comes down to the individual vote. I have tried to indicate the best I can that I desire, as a Senator, to find a new way to start over and get back to a Senate that is more rational in its approach when it comes to confirmations.

Having said that, to my colleagues who vote no, I understand your concerns and there are things about this nominee that are troubling. The speeches she has given in the past are troubling because I think they embrace identity politics, something I don't embrace. The "wise Latina" comment that has become famous, that she believes more often than not that a wise Latina woman with her experience and background would reach a better conclusion than a White male—we had a long discussion about how that does not set well with most Americans and that is not what we want to be expressed by people trying to become Supreme Court nominees.

But having said that, do we want to exclude from consideration people with boldness, who are edgy? Do we want milk toast nominees who are afraid to speak their minds and to disagree with their fellow citizens? I think not.

Her speeches, while troubling, have to be looked at in terms of her record. When we look at this 17-year record we will find someone who has not carried out that speech. I will take her at her word. She rejected this idea of picking winners and losers and was very mainstream in her understanding of the role

of a judge. She understood the difference between a policymaker and a judge. I will take her at her word. I cannot understand her heart any more than she can understand mine. The speeches are troubling, but I guarantee I have made some speeches that are probably troubling to people on the other side. I hope they would look at everything I have done, not just the speeches I may have given.

Her time as a lawyer—this is very important to me. During the Alito and Roberts hearings, they were pushed hard about some legal memos they wrote for Ronald Reagan espousing conservative thought and how that made them dangerous. How dare you write a memo about the Civil Rights Act that somebody on the other side may disagree with? Lawyers who advocate positions should not feel chilled in terms of picking their clients if they hope to be a judge. The worst thing we could do is take a lawyer's advocacy position, their clientele, and hold it against them for being a judge.

She was a board member of the Puerto Rican Legal Defense Fund. Some people say we should not talk about her time as a lawyer or even mention that organization. I do not believe that at all because when I am looking at this nominee, I am looking at every aspect of her life.

During her time as a board member, the board and the organization advocated positions I think are out of the mainstream, that I do not agree with, but certainly are legitimate positions to take—such as taxpayer-funded abortion. I could not disagree with her more. I don't think most Americans want their taxpayer dollars to be used to fund abortion. The Puerto Rican Legal Defense Fund argued to the court that if we do not allow taxpayer-funded abortion for poor women, it is a form of Dred Scott kind of oppression. I could not disagree more, but that is not the point. Disagreeing with me is OK.

What I hope will happen in the future is, if a conservative gets into the White House, and we pick someone who was on the other side of that case, we will have the same understanding I do: being an aggressive advocate for causes I disagree with does not disqualify them from being a judge, if otherwise they have demonstrated the capability.

The advocacy role of a lawyer is unique. I have represented people with whom I disagreed. I have represented people accused of child molesting. I have been a criminal defense lawyer. There is nothing more noble in our system than making the government prove their case regardless of how one feels about the defendant.

The fact that she was an advocate, choosing causes I disagree with, does not, in my opinion, disqualify her because, when I looked at her record, I did not see a judge who was continuing

to be a lawyer for the Puerto Rican Legal Defense Fund. I saw a judge who felt bound by the law.

Temperament—for those Members who have practiced in court, I do not like a bully judge, and I know it when I see it. I don't mind being pressed, I don't mind being challenged, I don't mind being interrupted. I just do not want to be belittled in front of my clients for no good reason.

There were some things said about Judge Sotomayor, anonymous comments from lawyers who were asked by the Federal Almanac how they rate the temperament of people on the Second Circuit, and Judge Sotomayor had some things said that were, frankly, disturbing. But I looked at the other part of the record, the people who served with her as a prosecutor, the defense attorneys who wrote on her behalf, people who served with her on the court, and I found on balance that her temperament does not disqualify her. Frankly, I found somebody a lot of people from different backgrounds admire.

Ken Starr, one of the strongest conservatives in the country, found her to be a qualified person who would do a good job; Louis Freeh, the former Director of the FBI, is someone who came and vouched for her character and her qualities as a person.

When I look at the record, the anonymous comments by lawyers who were asked by Federal Legal Service did not win the day, nor should they have.

I do not know what is ahead for this country when it comes to picking Supreme Court Justices. I don't know what openings may occur and when they will occur. I know this. Elections have to matter. I don't want to invalidate elections by disagreeing with someone against whom I ran or I opposed politically because when the election is over, everything has to change to some extent. I am not bound to agree with every pick of President Obama, but when it comes to trying to show some deference, I will. I will try to do better for him than he was able to do for President Bush.

I don't want to turn over the confirmation of judges to special interest groups on the left or the right, and that is where we are headed if we don't watch it. Special interest groups are important, they have their say, they have every right to have their say, but we can't make every Supreme Court vacancy a battle over our culture.

I am trying to start over. I have only been here one term plus a few months. But since I have been here, I have been worried about where this country is going when it comes to judges. I happen to be here at a time when we are about to change the rules of the Senate in a way it had never been done in 200 years. I was new to the body, but I was understanding of the law and how our system works well enough to know that I did not want to be part of that.

I had not been here long, but I understood what would happen to this country if we changed the rules of the Senate, even though people felt frustrated and justified to do so.

As a member of the minority, I promised President Obama that I would look hard at his nominees. I will try to help him where I can, but I will not abandon the right to say no and to stop, in an extraordinary circumstance, a nominee who I think would be bad for the country and would dramatically change the power of a branch of the government, the Supreme Court, that is very important to every American.

As to my colleagues who find a different decision on the Republican side, I can understand and appreciate why they did not feel comfortable giving their confirmation votes to Judge Sotomayor. But I am trying to look beyond this moment, look to the future and come up with a reason to support her that will create a different way of doing business, that will help the judiciary, the Senate, and the country as a whole.

Senator SESSIONS did an outstanding job. Senator LEAHY did a very good job. People wanted to know more about her at the hearings, but she is limited, like every nominee, in terms of what she can say.

One last comment about Judge Sotomayor. She is 1 year older than I am. I grew up in the Deep South. I am the first person in my family to go to college. I lost my parents when I was in college and had a 13-year-old sister to raise.

She grew up in the Bronx, came to this country from Puerto Rico. Her mother joined the Army. She lost her dad when she was very young. Her mother raised Judge Sotomayor and her brother under difficult circumstances. Her brother is a doctor. She has been able, Judge Sotomayor, to excel academically and reach the highest rung of America's legal system. That, to me, is a hell of a story. Nobody in my family ever expected me to be a United States Senator—including myself. Only in America can these things happen.

I choose to vote for Judge Sotomayor looking at her from the most optimistic perspective, understanding I could be wrong but proud of the fact that my country is moving in the right direction when anybody and everybody can hit it out of the park. I would not have chosen her if I had to make this choice as President, but I understand why President Obama did choose her and I am happy to vote for her.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. ENSIGN. Madam President, I ask unanimous consent that at 1:45 today, the Senate stand in recess for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Madam President, I rise to talk about a bipartisan amendment on military voting, a bill I have cosponsored, because counting every vote in our elections is the foundation of our democracy. I thank Senators SCHUMER, BENNETT, CHAMBLISS, and CORNYN for their work on this matter.

This is a long overdue measure to address the problems that our uniformed service men and women face in exercising their constitutional right to take part in elections, a right for which they so bravely fight to protect. Military personnel have encountered many problems in recent elections. They have trouble receiving timely information about elections in their home States. They have trouble registering and obtaining absentee ballots. They have trouble preparing ballots. Most of all, they have trouble returning the ballot to local election officials in time for their vote to be counted.

It has been a national embarrassment to read news stories of military ballots that have been delayed. Despite the best efforts of those voters, those votes were not counted. Those military voters were disenfranchised from the same democracy they are charged with protecting because of administrative redtape.

According to a Pew Charitable Trust study, one-third of States do not provide military voters stationed abroad enough time to vote. Additionally, it found that 25 States and the District of Columbia need to improve military absentee voting to ensure our men and women stationed around the globe can participate in the democratic process. While it concluded that my home State of Nevada gave its voters enough time to vote, there are still steps that could be taken to make the process simpler. Providing half of the country with insufficient time is entirely unacceptable.

This study went on to say that by almost every measure, military and overseas voting participation is much lower than the general population. In 2006, voter turnout was approximately 20 percent for military voters as opposed to approximately 40 percent for the general population. These statistics illustrate that those who are fighting to protect our democracy are not being afforded the opportunity to participate in it.

Both the Department of Defense and State and local election officials have not done enough to address these problems. The Military and Overseas Voter Empowerment Act of 2009 would ad-

dress some of these problems to help military personnel have their votes count. The bill establishes new requirements for the States and for the Department of Defense to make it easier for military and overseas voters to participate in elections. The key requirement is for States to allow sufficient time for these voters who are overseas to receive their ballots, vote, and return them in time to be counted.

Other provisions in the bill include having States provide online and fax systems to deliver registration and absentee ballots; making the Department of Defense provide improved ballot delivery and mail service for troops; and having the Department of Defense provide improved Federal voting assistance such as designating and training voter assistance officers and providing registration and absentee ballot information at every installation. While these are challenges, they are not insurmountable, especially when we consider the outcome—providing the men and women in uniform with the opportunity to vote. We, as Americans, owe them that opportunity.

My office has been in touch with the office of the Secretary Of State of Nevada to continue to work through these challenges. Implementing these changes will not be simple. My colleagues and I have modified the bill to address some of these concerns and will continue to work with our States and localities going forward.

For example, the original version of the bill focused attention on the steps that States must take, even though we know that many States, such as Nevada, have local election officials who carry out important election activities. We never had any intention of reaching into States and rearranging that relationship. That is why the Rules Committee modified the bill to clarify that election responsibilities identified in the bill can, of course, be delegated to the appropriate local election officials. The negotiation process is ongoing because the objective of ensuring that military votes are counted on election day is so critical.

I fully expect we will find new issues to work through, but we must keep our eyes on the main goal—improving the system to protect the voting rights of our military personnel. There are few rights we exercise greater than choosing our own elected officials. We cannot call ourselves a democracy if we do not count the votes of our citizens in elections of government officials. The men and women who put their lives on the line for you and me to protect our country are certainly no exception. It is time that we take steps to protect their right to vote.

I encourage my colleagues to make sure that this particular amendment is included in the Defense authorization bill. This is critical ahead of the election so States have time to prepare and

every person in the military who wishes to exercise their right to vote is allowed to do so and their vote is counted in time for the 2010 elections.

RECESS

Mr. ENSIGN. I ask unanimous consent that the Senate stand in recess, as under the previous order.

There being no objection, the Senate, at 1:43 p.m., recessed until 1:56 p.m., and reassembled when called to order by the Presiding Officer (Mrs. HAGAN).

QUORUM CALL

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3 Leg.]

Akaka	Dorgan	McConnell
Alexander	Durbin	Merkley
Barrasso	Enzi	Murkowski
Bennet, Colorado	Feingold	Murray
Bennett, Utah	Franken	Pryor
Bingaman	Gillibrand	Reed, Rhode
Bond	Graham	Island
Boxer	Gregg	Reid, Nevada
Brownback	Hagan	Risch
Bunning	Inhofe	Roberts
Burr	Inouye	Sessions
Burris	Isakson	Shaheen
Cantwell	Johanns	Specter
Cardin	Kaufman	Tester
Casey	Klobuchar	Udall, New
Chambliss	Kohl	Mexico
Coburn	Kyl	Vitter
Cochran	Leahy	Voinovich
Corker	Levin	Warner
Cornyn	Lieberman	Webb
Crapo	Martinez	Whitehouse
DeMint	McCain	Wicker
Dodd	McCaskill	

The PRESIDING OFFICER (Mr. INOUE). A quorum is present.

DISMISSAL OF ARTICLES OF IMPEACHMENT AGAINST SAMUEL B. KENT, JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

The PRESIDING OFFICER. Under the previous order, the Senate will convene as a Court of Impeachment in the trial of Samuel B. Kent, former United States District Judge for the Southern District of Texas.

The Sergeant at Arms will make the proclamation.

The Sergeant at Arms of the Senate, Terrance W. Gainer, made the proclamation, as follows:

Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States, Articles of Impeachment against Samuel B. Kent, former Judge of the United States District Court for the Southern District of Texas.

The PRESIDING OFFICER. The Secretary for the majority.

The SECRETARY FOR THE MAJORITY. Mr. President, I announce the presence of the managers on the part of the House of Representatives to continue proceedings on behalf of the House concerning the impeachment of Samuel B. Kent, former Judge of the United States District Court for the Southern District of Texas.

The PRESIDING OFFICER. The managers on the part of the House will be received and assigned their seats.

The managers were thereupon escorted by the Sergeant at Arms of the Senate, Terrance W. Gainer, to the well of the Senate.

The PRESIDING OFFICER. The majority leader of the Senate is recognized.

Mr. REID. Mr. President, at this time the oath should be administered in conformance with article I, section 3, clause 6 of the Constitution and the Senate's impeachment rules to those Senators who were not in the Chamber while the Articles of Impeachment were presented.

The PRESIDING OFFICER. Are there Senators who were not present?

Senators shall now be sworn: Do you solemnly swear that in all things pertaining to the trial of the impeachment of Samuel B. Kent, former Judge of the United States District Court for the Southern District of Texas, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

SENATORS: I do.

Mr. REID. The Secretary will note the names of the Senators who have been sworn today and will present to them for signing the book which is the Senate's permanent record of the administration of the oath.

The following named Senators are recorded as having subscribed to the oath this day:

BENNET
COCHRAN
FRANKEN
ROBERTS

The PRESIDING OFFICER. The managers on the part of the House will now proceed.

Representative SCHIFF. Mr. President, following the resignation of Judge Samuel B. Kent effective June 30, 2009, the House adopted the following resolution directing the managers to request on the part of the House that the Articles of Impeachment be dismissed, which, with the permission of the President of the Senate, I will read:

H. Res. 661 in the House of Representatives, U.S., July 20, 2009.

Resolved, That the managers on the part of the House of Representatives in the impeachment proceedings now pending in the Senate against Samuel B. Kent, formerly judge of the United States District Court for the Southern District of Texas, are instructed to appear before the Senate, sitting as a court

of impeachment for those proceedings, and advise the Senate that, because Samuel B. Kent is no longer a civil officer of the United States, the House of Representatives does not desire further to urge the articles of impeachment hitherto filed in the Senate against Samuel B. Kent.

Mr. President, pursuant to the terms of the said resolution, the managers on the part of the House, by direction of the House of Representatives, respectfully request the Senate to discontinue the proceedings now pending against Samuel B. Kent, former Judge of the United States District Court for the Southern District of Texas.

The PRESIDING OFFICER. The majority leader of the Senate.

Mr. REID. Mr. President, as the Sergeant at Arms advised the Senate prior to the July 4 recess, following the service of the summons on Judge Kent by the Sergeant at Arms on June 24, 2009, Judge Kent tendered his resignation as a United States District Judge, effective June 30, 2009. At the direction of the Senate, the Secretary delivered Judge Kent's original statement of resignation to the President. On June 29, 2009, counsel to the President accepted Judge Kent's resignation on behalf of the President. The House of Representatives has now moved that the Senate dismiss the Articles of Impeachment.

Mr. President, I have conferred with the distinguished Republican leader, Mr. MCCONNELL, and with the distinguished Chairman and Vice Chairman of the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent appointed by the Senate, the Senator from Missouri, Mrs. MCCASKILL, and the Senator from Florida, Mr. MARTINEZ. All are in agreement that, with the resignation of Judge Kent, the purposes of the House's prosecution of the Articles of Impeachment against Judge Kent have been achieved. Judge Kent is no longer serving on the Federal bench, and he has ceased drawing his judicial salary. It is agreed that no useful purpose would now be accomplished by proceeding further with the impeachment proceedings against Judge Kent.

Accordingly, I now move that the Senate order that the Articles of Impeachment against former Judge Samuel B. Kent be dismissed and that the Secretary be directed to notify the House of Representatives of this order.

The PRESIDING OFFICER. The question is on agreeing to the motion to dismiss the Articles of Impeachment.

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I wish to thank, on behalf of the entire Senate and the House of Representatives, the

Chairman and Vice Chairman and all of the members of the Impeachment Trial Committee for their willingness to undertake this task. I ask unanimous consent that the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent be terminated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. That concludes the proceedings on the trial of the impeachment of Judge Samuel B. Kent. As such, I move that the Court of Impeachment stand adjourned sine die.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to proceed as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

(The remarks of Mr. MCCONNELL pertaining to the introduction of S. 1493 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

Mr. BURRIS. Mr. President, I rise to speak on the National Defense Authorization Act, S. 1390.

Mr. President, as a member of the Armed Services and Veterans Affairs committees, I have addressed this Chamber many times about the need to keep our Nation's commitment to the brave men and women who fight for this country.

It is a commitment that begins on the day they volunteer for military service, and it extends through the day they retire and beyond.

But just as we work to uphold our obligation to servicemembers who are in harm's way, we need to offer strong support to those who they leave here at home.

Military families bear a burden that must not be forgotten. They, too, deserve our utmost gratitude.

Mr. President, that is why we must increase funding for impact aid, a program which, in part, provides assist-

ance to school districts that serve military families.

Throughout my career in public service, I have been a strong believer in education as a powerful force to shape lives—to give people the tools they need and the inspiration that will help them succeed.

But even when we see an improvement in scholastic performance at the national level, certain groups of students continue to fall further and further behind.

Many children of Federal employees, including military personnel, fall into one of these groups.

Military installations—and other Federal facilities—occupy land that might otherwise be zoned for commercial use.

Because of this, local school districts suffer from a reduced tax base to fund their expenses.

This limits the amount that can be spent in the classroom and leaves students at a serious disadvantage compared with children in neighboring towns.

In North Chicago, IL—the home of the Great Lakes Naval Training Center—only half of the 4,000 students meet or exceed State standards.

Even with some Federal assistance, North Chicago's School District 187 is able to spend just under \$7,000 per student, per year.

But nearby District 125 has the resources to spend nearly twice as much per pupil, and the school performs among the best in the State.

An increase in impact aid funding would help to level this playing field, ensuring that the children of our soldiers, sailors, airmen and marines are not at a disadvantage because of their parents' service.

Impact aid funds are delivered directly to the school districts in need, so they do not incur administrative costs at the State level.

This makes it one of the most efficient—and effective—Federal education programs.

Scott Air Force Base is located near Mascoutah, IL—a community whose schools receive impact aid funding.

The local school district is able to spend only \$6,000 per year on each child, but 90 percent of the students meet or exceed State standards.

If these are the results that some students can achieve with only \$6,000 per year, imagine how well Mascoutah's schools might perform with even a small increase in available funds.

It is impressive that school districts like North Chicago and Mascoutah are able to operate as effectively as they do, especially when compared to the national per-pupil expenditure of \$9,700 per student.

Mr. President, it is vital that we target Federal assistance to those who need it most.

That is why I am proud to be a member of the Senate impact aid coalition, a group of 35 Senators devoted to protecting this important program.

And that is why I believe that the \$50 million we have set aside for schools that are heavily impacted by military students is a step in the right direction in our commitment to military families.

It is time to make sure all children have access to a quality education, regardless of who they are or where they are from.

I applaud Chairman LEVIN and Ranking Member MCCAIN for their support of this funding in the past—and for including funding in the fiscal year 2010 Defense authorization bill.

This funding will be significant to military children across the country.

To students in North Chicago, Mascoutah, O'Fallon, and Rockford—and hundreds of communities in Illinois and over 260,000 students in 103 school districts across the United States.

We owe them the same support we continue to show to their parents in uniform.

And it is time to step up our efforts to meet that commitment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DEMINT. Mr. President, I will return to the issue of health care in America, the reform of our health care system, and how we help Americans find the health insurance that is affordable to every family.

It is important, as we talk about this, that we get the facts out on the table. I am glad to see this has become an issue that is front and center. I know the President called for a press conference tonight to talk about his vision of health care. I want to set the record straight on a number of things that have been said that I think are politically motivated and, obviously, don't represent the truth.

My colleagues on the other side of the aisle, including the President, have talked about Republicans representing the status quo on behalf of big special interests, and they have accused us of representing the big insurance companies, when, in fact, the voting record in the Senate has proved the exact opposite.

When the President was in the Senate, and when we, as Republicans, proposed health care reform—which we did many times while the President was a

Senator—the President and my Democratic colleagues voted with the big insurance companies. We had one proposal that would allow small businesses to come together to buy health insurance for their employees at a lower price. The big insurance companies opposed that, but the Democrats voted with the big insurance companies and against the reform proposals.

I put forth a proposal that would have allowed individuals in this country to shop for their health insurance in any State in the country, just like other products and services, to have a competitive national market, which so many on the other side have called for. The big insurance companies that have State-by-State monopolies opposed that bill. Senator Barack Obama and the Democrats voted with the big insurance companies and against Americans' ability to buy health insurance anywhere in the country.

Republicans are not standing with special interests. Look at the proposals that have been put on the table in the House and Senate by the Democrats, which the President will be advocating when he speaks tonight. Let's see what party is representing special interests.

First of all, the abortion industry, Planned Parenthood, and other organizations that make their money performing abortions—their interests are clearly represented in this bill. This proposal the President is advocating would require that health insurance plans cover elective abortions in this country, which means taxpayers who are morally opposed to abortion will be forced to subsidize insurance plans that pay for abortion.

I ask my colleagues, who is representing special interests? Who is representing the abortion industry in this debate?

What about who loses their health care coverage in these new plans that have been proposed? The independent Lewin Group has looked at these proposed plans by my Democratic colleagues in the House and Senate, and they concluded that 80 million Americans who have health insurance that they now like will lose it under this current proposal.

But who is protected? Who would not lose their health insurance? It is union members who are protected. Do we think that has anything to do with politics—that the average American will lose their health insurance but the unions that support the Democratic Party are protected? Who is standing up for special interests in this health care debate?

Let's talk about the plaintiffs' attorneys. One of the biggest problems in health care today is what doctors call defensive medicine—running all kinds of unnecessary tests so they avoid all these expensive lawsuits. We have talked for years about reforming the health care system to eliminate these

wasteful, frivolous lawsuits that cost so much money, and every doctor and hospital has to have huge liability policies for the cost of the lawsuits that come every year. You would think a health care reform proposal would have some lawsuit abuse reform in it. But who is protected? What special interests are protected in this health care proposal? The plaintiffs' attorneys. There is absolutely no tort reform, no reform of abusive lawsuits in this plan.

So I ask my colleagues: Who is representing the special interests here—the big insurance companies, the abortion industry, the unions, the plaintiff's attorney? All of those are represented and protected in this so-called health reform legislation that does nothing to help individuals access affordable personal policies for themselves.

When the President was in the Senate, I personally every year proposed major health care reform. I proposed that individuals who do not get their insurance at work at least get to deduct the cost of that insurance from their taxes, as we let businesses do. Barack Obama voted against that, and so did my Democratic colleagues.

I proposed that individuals be allowed to buy health insurance anywhere in the country so that it would be more affordable, more competitive. Barack Obama voted against that, and so did my Democratic colleagues.

Republicans proposed small businesses come together and buy health care less expensively so they could provide more health insurance to their employees. Barack Obama voted against that, and so did my Democratic colleagues.

I ask you: Which party is standing for the status quo of trying to keep things the same? Real health care reform has been proposed in the Senate many times by Republicans. But the truth is, the Democrats do not want individual Americans to have access to affordable health insurance. What they want is a government takeover of health care. The President has made that clear by his own voting record.

As he holds his press conference tonight, I am sure the crowd will be loaded with friendly reporters, but there are a few questions I would like him to answer.

If the major provisions in this health care bill he is promoting do not take effect until 2013, which they don't, why this mad rush to pass a bill that is over 1,000 pages that no one in this body has read? Why the mad rush to pass it before we go home for the August break?

I can answer it for him. Because if Americans find out what is in it, they are not going to support it.

I have a second question: You said your health care bill will cut costs and not increase the deficit. But the independent analysis of the nonpartisan Congressional Budget Office con-

tradicts those claims, saying it will raise costs and increase the deficit by \$240 billion. The policy does not support the promise.

A third question: The President has repeatedly said that the health care bill will allow Americans who like their current plans to keep them. But as I said, an independent expert group, the Lewin Group, has analyzed this legislation and concluded that it will force over 80 million Americans to lose the health insurance they have today.

Question No. 4: The President said the other day when he was speaking at Children's Hospital that opponents of the plan are content to perpetuate the status quo. How does that compare with your record, Mr. President, when you were in the Senate? What health reform did you propose? Why did you vote against every health reform proposal that could have increased access to affordable health insurance for all Americans?

And just a yes-or-no question: Will you guarantee that pro-life Americans under your plan will not be forced to subsidize elective abortions?

I hope the President will answer some of these questions for the American people because I am convinced that if Americans know the truth about this legislation, they will conclude this is not about getting them affordable health insurance or access to quality health care. This is a continuation of this power grab that is going on in Washington.

This spending spree, this proposal for more and more taxes, is a power grab for the government to take over yet another industry, the health care industry in America. Health care is the most personal and private service we have for ourselves and our families. Why would we want to turn that over to government to make the decisions for us?

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. DEMINT. Mr. President, I thank you for your indulgence. I encourage my colleagues to read any bill we vote on before the August break.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I wish to address the Senate as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that after the Republicans have a chance to speak, the next Democrat be Senator KAUFMAN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mrs. BOXER. Mr. President, we just heard the Senator from South Carolina urging Members to vote against the health care bill. He talks about the

truth about the health care bill. We don't have a health care bill before the Senate because we have two committees that are working on it. One already reported out a bill, the HELP Committee, which stresses prevention, because we all know that if you look at the major costs to our families, they all encompass—70 percent of them—five major diseases. I think we know what they are. They are heart issues, pulmonary issues, cancer issues, stroke issues. We know what they are. Putting prevention first, which is not something we have ever done, is going to save money, is going to make our people healthier, is going to work. There are many other aspects of the health bill that are very good for our people.

I have to say, when the Senator from South Carolina comes to the floor and starts attacking Democrats, I think people have to understand that very Senator was quoted in the press as saying that essentially we can break Barack Obama if we destroy his push for health care. He said it will be his Waterloo.

I support my colleagues' right to say what they want. They will be judged by what they say. They will be judged by what is in their heart. They will be judged on how they act. But we are here to take care of the American people, not to bring down a President or raise up a President. Our job is to represent the people who sent us here. It is not to break a President. It is not to play politics with one of the most important issues facing our country. And good for this President for having the courage to step forward and point out that the current status quo on health care is disastrous, and, yes, we are going to address it and we are going to make sure that the people in this country, if they like their health care, can keep what they have, keep their insurance. If they don't, they have a chance to buy into other options. That will be their choice. We will stress prevention now. We will have healthier families.

I want to point out that there has been a recent study that says if we do nothing, if we bring down this opportunity we have to do something to better the health care system in this country, if we turn away from that and do nothing, in California, by 2016, Californians will have to spend 41.2 percent of their income on health insurance. I want you to think about that. And that is not the worst. In Pennsylvania, Senator CASEY told me, it would be over 50 percent of people's incomes. How are we going to sustain that? Who can sustain spending 40 percent of their income on premiums? Fifty percent? It isn't going to happen. People will have to walk away. People will get sicker.

We cannot afford the status quo. That is why I have this chart here that says: No equals the status quo. It is no, no, no. No, let's not do this. No, let's not help our President. No, let's not

address this issue. Scare tactics, throwing around words, "government-run health care."

I say to my friend from South Carolina—unfortunately, he is not here—government-run health care, does he want to bring down the veterans health care system? Just try that one with your veterans. That is a government-run health care system. Veterans get free health care. Does he want to bring down the health care that our military gets every single day run by this government? Of course not. They are getting the best care in the world on the battlefield, and it is done because taxpayers pay the freight. That is a government-run health care.

Does my friend want to bring down Medicaid that helps the poor people get some insurance? I hope not because it would be tens of thousands of people in his State, including many children. How about SCHIP? That is a government-run health care system that helps our poor kids. Does he want to bring it down? Why doesn't he try to do that? See where the votes are. And last but not least, Medicare. Medicare is a single-payer system, government run, very low overhead costs. Our seniors love Medicare. Does my friend want to bring down that government health care system?

This is ridiculous. There is no plan that is moving forward that is a government takeover. Yes, we keep veterans health care going and military health care going. Yes, we keep SCHIP for the kids going. Yes, Medicaid. Yes, veterans. But we don't expand that except to say as we go out to the American people to tell them we are going to save them from enormous premium increases, that there will be an option, a choice they can make to buy into a public plan or a public interest plan. Some say it could be a co-op. We don't know the details. But to have my friend from South Carolina come to this floor and tell us: Vote no on this health care when we don't even have a plan before us means he is for the great big red stop sign because no equals the status quo. And no action is in itself a hostile act.

Employer-sponsored health care premiums have more than doubled in the last 9 years. Two-thirds of all personal bankruptcies are linked to medical expenses. Let me say that again. Two-thirds of all personal bankruptcies are linked to medical expenses. And how about this: The United States spends more than twice as much on health care per person than most industrial nations, and it ranks last in preventable mortality. It ranks last in preventable mortality, and we spend twice as much as any other nation. Status quo is no, no change.

Is that what we want to see continued—continued increases in premiums for businesses, for individuals, getting to a point where it is 40, 50 percent of

a family's income? That is not sustainable. Where do they get the money for food, for clothing, for shelter?

The other problem we have is 46 million Americans have no health insurance, including one in five working adults. What does that mean? It means that the people without health insurance are waiting for a crisis to occur. They don't take any preventive steps. They don't see a doctor until late in the process in an emergency room. It means that we are picking up the bills because when people go to an emergency room and they cannot pay, who is picking up the tab? Those of us who have insurance. That is how it goes.

I am hoping that the American people weigh in on this debate, as they have begun to do. I was told ever since I was a young person that you need to try hard when there is a problem. Try hard. Be constructive. Don't call other people names. You may disagree with them, respect them. Don't try to bring them down, don't try to break them. Make your arguments; put forward an alternative. I have looked at the course of history, and history says to people who do nothing that they haven't contributed very much. In this case, because the status quo is unsustainable, they are hurting our people. They are hurting our people. More than half of all Americans live with one or more chronic conditions. The cost of caring for an individual with a chronic disease accounts for 75 percent of the amount we spend on health care. I have those five chronic diseases in front of me. They are: Heart disease, cancer, stroke, chronic obstructive pulmonary disease, and diabetes. Those five are responsible for more than two-thirds of the deaths in the USA. That is information that is important because, when you look at this, many of these can be prevented and treated in a way so that they do not wind up costing so much and hurting our families.

We have an extraordinary opportunity before us, and I think you are going to see the parties showing who they represent. Do they represent the forces of the status quo that are going to scare people or do they represent the forces of change—positive change? I think history will show that those who stepped to the plate here and were constructive are going to be the ones about whom people say: She tried. He tried. He fixed a lot of problems. Not all of them, but they started moving in the right direction.

Our families deserve change here. Our families cannot sit back and absorb the kind of increases in health care premiums they have seen in the past. We know how to fix it. If we work together, we will be able to fix it.

I wish to take a minute to thank the Republicans who are working so constructively with our Democrats. You don't hear them speaking much on the floor, as you did the Senator from

South Carolina, who, as I say, was quoted as saying he wants to make health care President Obama's Waterloo. He wants to break him on this. The Republicans whom you don't see on the floor talking like that are the ones who are sitting with the Democrats, working day after day, night after night, to solve this problem.

I hope people will remember, when you hear these scare tactics—government-run health care—that we don't even have a bill yet, and they are saying it is about government-run health care, not one bill that I have seen is government-run health care, not one. But I challenge my friends. If they do not like Medicare—it is government run—why not try to repeal it and see how many senior citizens come to your office. If my Republican friends don't like government-run health care, take away the health care from the veterans because it is government run. Take away health care from the military. Privatize that. Take away Medicaid. Take away SCHIP from our kids.

They are not going to do that because they know these programs work. Are they perfect? Of course, they are not perfect. Do we have to continue to make them better? Yes, we do. But we need to come together. We need to find that sweet spot that we look for in legislation. I wish to, again, thank those Republicans who are meeting with the Democrats. Be courageous. Stick with it. Don't play politics. Don't try to bring down this young President. Try to work with him. Don't threaten that this is going to be a Waterloo. Don't talk about government-run systems when that is not in the bill. Don't frighten people. Because at the end of the day, this is our moment if we work together.

I certainly reach out my hand and compliment those who are willing to work across party lines because we cannot sustain the health care system as it is. We can make it better, we can make it affordable, we can keep choice in there, we can turn to prevention, and that is what I hope we will do. We will work hard, but I think we can do it with the help of some courageous folks on the other side of the aisle.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business and ask the Chair to please let me know when I have finished 9 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I was listening to the Senator from California, and with respect to her comments let me state the position of the Republican Senators on health care reform. Our leader, MITCH MCCONNELL,

the Senator from Kentucky, stated yesterday to the news media: This isn't about winning or losing. This is about getting it right.

Health care is very personal to every one of us, to every one of our families, and to all the American people. Our goal, on the Republican side, and I am sure for many Democrats as well, is to start with cost and make sure we can say to the American people they can afford their health care policy; and when we have finished fixing health care, they can afford their government. So far, that has not been the case.

We have offered plans which we believe will reach that goal. Just to give my own example: Last year, I joined with Senator WYDEN, a Democrat; Senator BENNETT, a Republican, in endorsing their plan. It is not perfect, but it is a very good plan, and it has a completely different approach than the bill that came out of the Senate HELP Committee or that is coming through the House. I believe it is a better approach.

The point is there are 14 Senators on that plan today—8 Democrats and 6 Republicans. Why isn't it being considered? It doesn't have a government-run program in it. Why shouldn't we talk about not having a government-run program? Medicaid, the largest government-run program we have today, is used to cover low-income Americans and forces them to take their health care in a system that 40 percent of America's doctors won't serve because, in general, they are paid about half as much for their services as they are if they serve the 177 million of us who have private health insurance.

The Wyden-Bennett bill is constructed along the idea of rearranging the subsidies we already give to the American people for health care and gives it to everyone in a way that will permit them—all the American people—to afford a health insurance plan that is about the same as a plan that congressional employees have. Literally, we would say to low-income Americans: Here, take this money and buy a private insurance plan of your own, like the rest of us do. This is a much better idea than dumping 20 million more people into a failed government program called Medicaid—which is not only not serving those low-income people but bankrupting States.

What is wrong with that idea, 14 of us think it ought to be considered? Yet it has not been given the time of day.

Senator COBURN and Senator BURR have proposals that I have endorsed. Senator GREGG has a proposal. Senator HATCH has a proposal. None of them have been given the time of day.

We have had very friendly discussions, but they do not qualify as bipartisan discussions. I give the Senate Finance Committee members great credit for trying to work in a bipartisan way, but they are working in a bipartisan

way that is still going in the wrong direction, which is expanding an existing government plan that has failed—Medicaid—they are working on creating a new government plan for people who lose their health care under the theories that have been proposed. Don't think they are not.

I would hope the President would see what is happening and say: Whoa, let's slow down. I have stated what I want. I have put my neck out. I have said to the American people, if they have a health care plan they like, they can keep it. Unfortunately, under the plans we see today, they are going to lose their health care. They have a very good risk of losing their health care and ending up, if they are poor, with their only option being a failed government program that none of us would join, if we could possibly avoid it.

Why would we stuff 20 million people into a program we don't want to be in, when we could give them the opportunity to be in a program similar to the one we are in? That is what we should be doing. On the Republican side, we are saying to our Democratic colleagues: We know you have the majority. We know you have the Presidency. But we have some ideas we think the American people would benefit from.

We only have one chance to pass this, to change this big system we have, and we better make sure we do it right. If you don't want to take our advice, we would say, respectfully: Why don't you listen to some others? There is the Mayo Clinic. The Senator from California asked: Why are they talking about government programs? Because the Mayo Clinic—often cited by the President, by many of us, as the kind of high-quality, good results, low-cost health care we would like to have more of—the Iowa Clinic, the Marshfield Clinic, and other clinics say these health care plans are headed in the wrong direction, and one reason is because they would create a new government plan which would eventually drive the Mayo Clinic and these other clinics out of the market, which means they wouldn't be serving Medicare patients.

So why would we do that? I think we should take our time and get it right. If the Mayo Clinic is saying we are heading in the wrong direction, if the Democratic Governors are saying that, if the Congressional Budget Office is saying we are adding to the cost and adding to the debt, wouldn't the wise thing be to say: Well, maybe they have a point.

Gov. Phil Bredesen of Tennessee, a Democrat from my State, knows a lot about health care—Medicaid—and he says Congress is about to bestow "the mother of all unfunded mandates." Governor Bredesen, a former health care executive, continued:

Medicaid is a poor vehicle for expanding coverage. It is a 45-year-old system originally designed for poor women and children. It is not health care reform to dump more money into Medicaid.

Here is the Governor of Washington, a Democrat.

As a governor, my concern is if we try to cost-shift to the States we're not going to be in a position to pick up the tab.

Gov. Bill Richardson of New Mexico, a Democratic Governor, said:

I'm personally very concerned about the cost issue, particularly the \$1 trillion figures being batted around.

Gov. Bill Ritter of Colorado, a Democrat.

There's a concern about whether they have fully figured out a revenue stream that would cover the costs, and that if they don't have all the dollars accounted for it will fall on the States.

So said Gov. Jim Douglas of Vermont. And Gov. Brian Schweitzer of Montana said:

The governors are concerned about unfunded mandates, another situation where the Federal government says you must do X and you must pay for it. Well, if they want to reform health care, they should figure out what the rules are and how they are going to pay for it.

So instead of standing on the other side and saying the Republicans are saying no, I am saying the Republicans are saying yes. We support the bipartisan Wyden-Bennett bill. We have offered the Burr-Coburn bill. We have offered the Gregg bill. We have the Hatch bill. Take our proposals and consider the ideas because they do not involve government-run programs, they do not dump low-income people into Medicaid, where you would not be able to see a doctor. That is akin to giving someone a bus ticket to a route with no buses. We already do it with 60 million people, so why should we do it with 80 million people, which is the suggestion we have.

We want to work with the President and with our friends on the Democratic side to come up with health care reform this year. We want to be able to say to the American people: We want a plan you can afford for yourself. And when we're finished fixing it, we want a government you can afford. If the Mayo Clinic and the Democratic Governors and the Congressional Budget Office are all saying we are headed in the wrong direction, then why don't we start over and work together and try to get a result we can live with for the next 30 or 40 years?

We can only do this once, and we need to do it right.

I thank the President.

The ACTING PRESIDENT pro tempore. The Senator has used 9 minutes.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. On the Senator's time, I will be happy to.

Mr. DURBIN. I don't know that we are in controlled time; are we, Mr. President?

The ACTING PRESIDENT pro tempore. We are not in controlled time, but the next speaker to be recognized under the unanimous consent agreement is the Senator from Delaware, when the time of the Senator from Tennessee has expired.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

HONORING DR. DEBORAH JIN

Mr. KAUFMAN. Mr. President, I have often spoken about the need to invest in technology and innovation. We cannot afford to fall behind in this area after leading the world in science research and discovery for half a century.

Since I began coming to the floor to talk about great Federal employees, I have honored individuals who have made significant contributions in the areas of engineering, medicine, defense, housing assistance, land conservation, and international aid. The list of fields benefiting from the work of our Federal employees is lengthy.

Another such area is physics. At a time when our planet faces resource scarcity and higher energy costs, the work of physicists at Federal research institutions remains an important investment in our future security and prosperity.

Dr. Deborah Jin is one of these outstanding Federal employees pioneering advances in the field of physics. She serves as a research team-leader at the JILA-National Institute of Standards and Technology joint institute in Boulder, CO.

Deborah's team created a new form of matter, a major discovery in the race toward superconductivity. Superconductivity, or using extremely low temperatures to move electrons through a magnetic field, can potentially lead to breakthroughs in energy efficiency and computing. Her work will likely improve the lives of hundreds of millions of people.

This achievement was far from easy. To create a new form of matter, Deborah and her team needed to get particles called fermions to join together in pairs. Unfortunately, fermions have a natural tendency to repel each other.

Deborah discovered that fermions will pair up when exposed to certain gasses at more than 450 degrees below zero.

This exciting advance takes us one giant step closer to understanding superconductivity. The uses of this technology could include faster computers and cell phones, smaller microchips and more efficient home appliances. Potentially, superconductivity could eliminate the ten percent of energy lost in transfer from power plants to homes and businesses.

Deborah and her colleagues exemplify the spirit of ingenuity and determination that has always characterized Americans working in scientific research. They had been racing against

six other teams from laboratories around the world, and they were the first to reach this milestone.

It is unlikely that we will be able to appreciate the full extent of this breakthrough for many years, and future generations may not remember those who worked so hard to achieve it.

But, like all of those who work in public service, Deborah knows that she and her team have made a difference—that the impact of their findings will be felt in every subsequent discovery on the path to making superconductors a reality.

I call on my fellow Senators and on all Americans to join me in honoring the service of Dr. Deborah Jin, her colleagues at the joint institute in Boulder, and all Federal employees working on scientific research. They are the unsung heroes of America's global leadership in science and technology.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I want to speak briefly about a very important amendment, amendment No. 1725, which I think will help us restore the franchise, the vote, to our deployed military overseas. This is a bipartisan amendment. The lead sponsors are Senator CHUCK SCHUMER and Senator BOB BENNETT, the chairman and ranking member of the Rules Committee, but this builds on the work Senator BEGICH and I, Senator CHAMBLISS, and others have put into this effort to address what can only be described as a national disgrace.

Our military service members put their lives on the line to protect our rights and our freedoms. Yet many of them still face substantial roadblocks when it comes to something as simple as casting their ballots and participating in our national elections. Sadly, this is not a new problem. President Truman urged Congress to address obstacles to voting faced by troops serving in Korea. Today, however, troops deployed in Afghanistan and Iraq face many of the same problems.

In 2006, less than half of the military voters who requested absentee ballots were successful in casting them, according to the U.S. Election Assistance Commission.

In 2008, those problems continued. More than a quarter of the ballots requested by uniformed and overseas voters went either uncollected or uncounted, according to a recent survey of seven States with high military voting populations.

In a soon to be released study of the 2008 cycle which looked at 20 States with large military populations, the Heritage Foundation has concluded that as many as three-quarters of our troops and their family members were "disenfranchised by their inability to request an absentee ballot" and that as many as one-third of the ballots that

were requested never reached the appropriate election officials to be counted.

Voting has remained a challenge for our troops and their families for many reasons. First, our election laws are complex and multiple levels of government are involved. Election challenges and other unforeseen events can delay the finalization of ballots. The high tempo of military operations often requires frequent deployments for our troops and their families.

Let me describe what this amendment, which I hope we will adopt later today, does.

Our legislation addresses several of the biggest roadblocks our troops and their families face when attempting to vote. First, this legislation will provide voter assistance services to every service member and family member upon transfer to a new military installation. As part of each installation's in-processing, every service member will now be offered an opportunity to fill out a simple form the Department of Defense will return to the appropriate election officials. That form will update the address on file with election officials and request absentee ballots for the next Federal election cycle. These voter assistance services will give our military personnel some of the support that civilians now enjoy through motor voter laws.

Second, this legislation reduces the reliance on snail mail for correspondence between troops and their election officials. Under current election laws, many troops must mail a request for an absentee ballot, then wait for the election officials to mail them the blank ballot, and then to return the completed ballot in time to be counted. This legislation requires elections officials to create electronic blank ballots and to post them online. Election officials must also accept faxes and e-mails to expedite correspondence with our troops.

Together, these reforms will reduce dependence on snail mail until the service member is ready to return the completed ballot to be counted.

Third, this legislation will expedite the return of the completed ballot to election officials. Under current law, each servicemember is responsible for making sure his or her ballot is postmarked and returned on time. This legislation requires the Department of Defense to take possession of completed ballots and ensure that they get to election officials on time by using Express Mail, if necessary.

This legislation also requires election officials to give our troops 45 days, at least, to return their ballots.

This important amendment contains many other commonsense reforms suggested by other Senators and will help end the effective disenfranchisement of our troops and their families. Our goal has been to balance responsibilities be-

tween elections officials and the Department of Defense, and I believe this amendment accomplishes that goal.

As I said, this amendment would not be in its current posture without the leadership of Senator SCHUMER and Senator BENNETT. And I appreciate them working to include two pieces of legislation I introduced earlier this year, something called the Military Voting Protection Act, which, just this weekend was unanimously endorsed by the National Association of Secretaries of State, and a second piece of legislation called the Military Voters' Equal Access to Registration Act. These two pieces of legislation have received broad bipartisan support from the beginning, including Senators BEGICH, INHOFE, WYDEN, VITTER, and HUTCHISON. We have also worked closely with leaders in the House of Representatives, especially Congressmen KEVIN MCCARTHY and DUNCAN HUNTER.

All of our work was not done in Washington. We relied on support and technical assistance from the Texas Secretary of State's Office, especially our Director of Elections, Ann McGeehan, dozens of military support organizations and veterans service organizations, and many other citizens and patriots who want our troops to enjoy their right to vote—that it be protected, particularly for those who defend all of us.

I urge all of our colleagues to support this amendment when it comes to the Senate floor, I hope, later on today, and to give this important amendment our unanimous consent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, once every 20 years we take up critical issues like health care reform. Many of us believe this particular moment in history is perhaps the only opportunity in our public career to tackle an issue of this magnitude. We know overwhelmingly the people of America want us to do this.

Many people like their health insurance policies, particularly if they don't use them. But most people understand the health care system we have in this country is broken. We have to fix what is broken, and we have to preserve those things that are good about the current system.

I have heard a lot of speeches from the other side of the aisle about the situation we currently face, the debate that is underway. I think what recently happened in the Senate HELP Committee is a good indicator of a good-faith effort by the Democratic majority and Senator DODD to try to come up with a bipartisan Republican-Democratic approach.

Over the course of over 60 days of hearings the Senate HELP Committee had filed over 800 amendments, considered over 400 amendments, adopted 160 Republican amendments in the course of 61 hours of straight hearing, and at the end of the day when the rollcall was taken, not a single Republican Senator would support the bill. I think Senator DODD made a good-faith effort, and I think we should continue to.

Now the Finance Committee is taking up the same bill. It will be a lot better bill if it is a bipartisan effort and if compromises are reached, if we try to do this together in an expeditious way. But if it becomes a standoff where there are no Republican votes in support of it or where they will not negotiate, where they all vote against it, then I am afraid it will not be in the best interests of what the American people want to see.

Yesterday on the front page of the Washington Post they had headlines about some of the comments being made by some of my colleagues on the other side of the aisle. The headline read, "GOP Focuses Effort To Kill Health Bills." Not to modify, not to improve, but to kill health bills.

From a perspective of Republican leadership, that is what our health care debate is about. Many of them just want to stop health care reform. It has been 15 years since we made our last effort to provide quality, affordable health care coverage to every American. The Republican National Committee chairman, Michael Steele, today suggested that the President should take another 8 to 10 months to formulate a plan.

It has already been 8 months since Barack Obama won the 2008 election on a platform of reforming health care. It has been 6 months since he took office. Yet on the other side of the aisle, their chairman says let's wait 8 to 10 months more.

It may fit in perfectly with a strategy to delay this debate as long as possible, but it doesn't fit in with a strategy of solving the problem. Tonight, President Obama will be speaking to the American people, answering questions from the press on health care. Tomorrow, in a trip to Cleveland, he will be visiting the Cleveland Clinic and some other facilities to talk about health care reform. We are just a couple of weeks away from an August recess. We will come back in September and by then I hope we can roll up our sleeves and get to work. The American people want us to. They understand the problem.

Health care spending per person has increased rapidly over the past 10 years, rising over 40 percent. The people of the United States spend over \$2 trillion on health care each year. That is more than twice as much per person as any other country on Earth, and our health results do not show that money is being well spent.

Many countries, spending a lot less, get better results. We are wasting a lot of money. It is money that is being taken out in fraud and profit taking. It is money that does not make us feel any healthier. It is just money that we have to pay, many times from paychecks where it is a struggle to pay it.

The average annual premium of family coverage in Illinois during the George W. Bush Presidency, those 8 years, went up \$5,000. The average annual premium went from \$600 a month to over \$1,000 a month.

The employer's share rose by 72 percent, the worker's portion rose by 78 percent. I might tell you in the same period of time, workers' wages were not going up, just the cost of health care. People know this. They sense it is getting out of hand.

Clearly, two-thirds of all the personal bankruptcies filed in America, two-thirds of them, are related to medical expenses. Over 46 million Americans have no health insurance, and 14,000 Americans lose their health insurance every single day.

If you hear about the 47, 48 million Americans without health insurance, and say: It is a darned shame, but the poor will always be with us, and we cannot solve every problem, Senator, sadly, some of your neighbors, maybe some of the members of your family may find themselves in that predicament soon if we do not address health reform.

Those of us who are lucky enough to have health insurance—for the record, Members of Congress have the same health insurance plan as Federal employees, 8 million of us; Federal employees and their families, Members of Congress and staff, are in the same basic health care plan. There is a lot of bad information out there about our health insurance. It is a good plan, do not get me wrong, but it is the same one Federal employees are entitled to. I think that is a fair way to approach it.

But even those of us paying for health insurance are paying a hidden tax. We pay up to \$1,000, \$1,100 per year per family to subsidize those who are uninsured, who show up at the hospital and still get treated. They get treated, they cannot pay for it, their expenses are shifted to others who do pay. That includes those of us under health insurance, about \$1,100 a year.

At this point, we have 2.3 million more people losing health insurance every year across America. It is something that should concern us. But let's get down to specifics. Because I think if my friends on the other side of the aisle will join us on this side of the aisle and talk to American families about what they are going through, we would get a better understanding of why this is so important and why we cannot wait 8 months, 10 months, a year or more, we have to move on this and do it decisively.

There is a fellow in my district who lives in Libertyville, IL. His name is Rene Apack. He has been an insurance broker for 11 years. He knows that business. He sells all kinds of insurance. He will sell private health insurance to close friends and family members, but he shies away from it when it comes to the general public because he says it is too complicated to explain, there are too many underwriting tricks and traps in those insurance policies.

Mr. Apack does not want to get into the business of trying to defend those policies to his clients. If his clients are denied coverage for health care based on some fine print they do not understand, even though he had nothing to do with it, he feels bad about it. So he discourages the sale of private health insurance to his clients.

Medicare, he said, is the opposite. We have heard people come to the floor day after day on the other side of the aisle criticizing government health insurance. But I have yet to hear the first Republican Senator call for eliminating Medicare. Medicare covers 45 million Americans, seniors and disabled, with affordable health insurance. It is a government-administered program. I have yet to hear the first Republican Senator say we should do away with it.

It is a program which saves a lot of people, some of whom retire before they reach the age of 65 and run into medical problems and pray they can be eligible for Medicare and not lose their life savings. It happened to a member of my family, my brother.

Luckily for him, Medicare kicked in at the right moment, saved his life savings. It might have saved his life. He is 77 now, so for 12 years Medicare has been helping to pay his bills. Mr. Apack says:

My mom, my mother-in-law, my uncle—they have Medicare supplement insurance and everything works like clockwork. I have never had one Medicare supplement claim denied.

It is not just his clients who have problems with health insurers, his own health insurance has had a high deductible, \$7,000 a year is his deductible on his health insurance for his family coverage, himself, his wife, and his 12-year-old son. Last year his wife was told she needed a routine mammogram, basic preventive care. But they did not know how much it would cost. So they did what conscientious consumers would do since they knew they had to pay the first \$7,000 deductible before the health insurance paid anything.

They called and they said: Give us a ballpark estimate of how much it will cost for a mammogram. Is it \$200 or \$2,000? No one would tell them the price.

Mr. Apack, an insurance broker, said: It is like walking into a restaurant and ordering a meal and hoping you can afford it. In the end, Mrs. Apack decided

it was too risky to go in for this test and not know how much it would cost. She did not do it. That is not a good outcome.

Preventive care could save her life and avoid more serious and expensive medical care. A while back, after his premiums increased 38 percent over 2 years, Mr. Apack reapplied with the same insurer, wanted to see if he could lower his premiums by switching to a higher deductible. He answered every question on the application form. Remember, this man is an insurance broker. Then he got a letter from his insurer, and the letter asked him: Are you sure about all the answers you gave us? Do you want to stand by all the answers?

Then he got a phone call from the insurer, and the caller asked: Are you sure there is not something you failed to tell us? And he named a date 8 years earlier. The person from the insurance company said: Is it not true that you had a prescription in your name filled that day 8 years ago?

Well, finally he remembered. Mr. Apack remembered he had been in a car accident that day. He was not hurt badly, but he was a little sore. His doctor said: Here is a prescription for pain medication, take it if you need it. He filled the prescription. Eight years later that prescription apparently gave his insurer pause about keeping him as a customer.

We talk about preexisting conditions. We talk about unknown costs in the current system. To think they could go in your past and find a prescription you filled 8 years ago and call you back and say: Are you sure you have not failed to disclose something here?

That is what the current system is, a health insurance system full of tricks and traps. Those on the other side of the aisle who say we do not need to change it, one Senator from South Carolina said let the market work, which means basically hands off. Mr. Steele, who heads the Republican National Committee, said: Let's wait 8 to 10 more months before we get into that.

Do they not understand what families are facing on an everyday basis? Mr. Apack knows he is probably luckier than some who live around him. One of his neighbors pays \$15,000 a year for health coverage for herself, her husband, and child—more than they pay on their family mortgage.

He met with a client recently, a real estate company with about 50 employees. Last year, the employees all decided to switch to part time so no one would be laid off. Their incomes are down at least 50 percent from a year ago. Their health insurance premiums went up 5 percent.

In the professional opinion of this Illinois insurance broker, we need a better system, health care coverage that is affordable, simple, and fair. That is

the challenge we face in the Senate. It is a challenge we cannot ignore.

The Finance Committee now is trying to work out a reasonable way to deal with this challenge. We know the providers have to be in on this conversation. If we are spending more than twice as much as any nation on Earth for health care, then we obviously need to ask if there can be savings.

United Health Care reported their earnings, if you followed that in the business pages of the paper, another big recordbreaking profit, far beyond expectations. Health care insurance companies are doing very well.

Pharmaceutical companies historically have been some of the most profitable companies. There are providers in the health care system that are doing extremely well. We need to bring costs down within the system, without compromising quality. That is the challenge we face.

I know they tried in the HELP Committee adopting 161 Republican amendments and could not find a single Republican Senator to support the final bill. Tonight the President is going to renew the challenge, the challenge to all of us not to miss this once-every-two-decades opportunity to deal with health care.

I fear, if we do that, we are going to find ourselves in an unsustainable position. The cost of health care is going to continue to go up at expense levels we cannot handle as a nation. We have to make sure we have basic health care reform and get it right. We have to reduce costs for families, businesses, and the government. We have to protect people's choice of doctors, hospitals, and insurance plans. If you have an insurance plan you like, you ought to be able to keep it and assure affordable high-quality health care.

We have to make sure health insurance companies are not denying coverage for preexisting conditions, health status or medical condition. We have to eliminate the caps on coverage so a very expensive chronic disease does not end up blowing the top off your health insurance policy and going right into your savings account.

We have to put a limit on out-of-pocket expenses. We have to guarantee equal treatment for men and women, Black, White and brown, young and old, and different geographic locations. Incidentally, I noted the health insurance companies have now said they are going to look into this to make sure they start billing women a little more favorably than they have in the past—I wonder if it has anything to do with our debate—that the basic health insurance plan in America has a kind of coverage and protection that is adequate for every family. We have to bring down the costs.

One of the ways we are going to do that is provide some tax incentives and help for low- and middle-income fami-

lies. We have to make sure people are paying fair premiums. Finally, we have to make sure we support small businesses. Of the 47 million uninsured, the vast majority of those are people working in small businesses and their families.

Senator SNOWE, Senator LINCOLN, myself, and others have introduced a bill called the SHOP bill that would give small businesses across America the same basic option Federal employees have in the health benefit program.

That is a way to get small businesses into purchasing pools to lower their costs, to make sure their employees and the small businesses have the same benefits when it comes to health care coverage.

I encourage my colleagues on the other side of the aisle, we have to get beyond "no." You have to get to a point where you work with us to try to change the status quo and bring about real health care reform.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Arizona

Mr. MCCAIN. Mr. President, it is my understanding we may move ahead shortly with debate and vote on an amendment by Senator BROWNBACK and a side-by-side vote on the same subject with Senator KERRY.

I believe Senator KERRY's amendment would be first. Hopefully, we can agree with that soon.

THE PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we are expecting that unanimous consent agreement can be propounded within the next few minutes so we can continue to press forward.

Mrs. HUTCHISON. Mr. President, I wish to ask the distinguished chairman and ranking member if there is going to be a quorum call, I ask unanimous consent that I speak until the agreement has been reached.

THE PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mrs. HUTCHISON. Mr. President, I wish to speak as in morning business on health care. It has been the topic of conversation while the Defense bill has been negotiated behind the scenes. I wished to talk about health care reform because it is the issue of the day. I think America is focusing on this issue now, and I am so glad they are because the more we learn about the proposals that are being made in the House and in the committees on the Senate side, the more concerns are being raised by the American people and by the experts who are studying the proposals.

What I am concerned about is the proposals that have been put forward from the Senate committee, and what is being put forward on the House side are proposals that are going to be the beginning of a government health care

system that is modeled after Canada and Great Britain. What we are looking at is more government, more taxes, more expensive health care, and what we see less of is quality health care, less choice, less reimbursement to hospitals and Medicare and Medicaid; exactly the wrong direction.

We have hospitals all over my home State of Texas that treat indigent patients and patients who cannot pay.

Every one of our hospitals, rural and urban, gets extra help from Medicare and Medicaid for doing these services. The problem is that people go into the emergency rooms for primary care, care they could get from a doctor in a doctor's office if they had health care coverage. But they don't, so they wait until their diseases are much more progressed, and they go to an emergency room. What does that do? It makes the cost of health care higher for everyone. It makes the cost of health care continue to go up, and it raises premiums for people who have coverage. It costs taxpayers who have to pay for the emergency room care in the form of tax increases.

What we are looking at now is a proposal that will take money out of the hospitals. Every one of the hospitals in Texas will have lower reimbursements from Medicare and Medicaid, every one. That is estimated to cost more taxpayer dollars to cover the people who are going to the emergency room. Rural hospitals, particularly, may have to close their doors. I am hearing from rural hospital administrators that they don't have the money to absorb these cuts. They have a choice. They can cut services, or they can close hospitals—neither of which is an outcome any of us wants to see.

In addition, there are Medicaid requirements for States. Every Governor, Democratic or Republican, is saying: What are you thinking? More Federal mandates that are unfunded? That is why people are so frustrated with the Federal Government right now, more unfunded mandates. The estimate is that it would cost my home State of Texas \$3 billion a year to absorb just the Medicaid unfunded mandate that is in the proposed bill making its way through Congress.

There has been an urgency. Many of the people on the floor here, as well as the President, are saying: We have a deadline. We have an August deadline, and we must pass this bill by August.

We are talking about a complete overturning of our health care system, not reform. Reform is what we all want. We need reform in our health care system. We need lower costs and more people covered. That is not what the bill going through Congress will do. It is a complete upheaval of the health care system. It will be a single-payer government system that will start encroaching on and displacing the private health care people know and that provides the quality assurance we expect.

The private health care system will start being displaced by a big government system that will be cheaper but will also give fewer choices and less service. That is the concern so many people are beginning to have as more and more comes out about this health care plan.

In addition, there is an effort being made to pay for this big government takeover of health care. What are the options on the table? This is what is being proposed: that we will fine employers who do not offer private health care to their employees. That is like saying: OK, if you hire more people and you don't offer health care, your fines will go up. So that is going to discourage the hiring of people at a time when unemployment is at a record high. We should be encouraging people, especially in small business, to hire people. We want to create jobs, not cut them. Instead, we are going to increase taxes on small business. As much as 45 percent is being proposed on small business. That will make small business taxes higher than corporate taxes. Corporate taxes in America are among the highest in the world. Yet we are going to add on top of the 45 percent that the small businesses will pay, 35 percent for corporate. And then you fine the businesses that don't offer health care. It is almost as though we are in a self-fulfilling death wish. In the unemployment atmosphere in which we find ourselves, all of a sudden we are going to pass new taxes and new fines on small businesses which are the economic engine of America. It is small business that creates jobs, not big business, not government. Big business does some, but mostly it is small business growing that creates economic vitality. It is certainly not government.

When we get to bigger and bigger government, we are going to find ourselves in a spiral where half the people are working to support the other half of the population. It will go down from there.

It is important to read what the Mayo Clinic said about the House bill. They said:

Although there are some positive provisions in the bill, the proposed legislation misses the opportunity to help create higher quality, more affordable health care for patients. In fact, it will do the opposite.

This is the Mayo Clinic, one of the premier health care providers in the country.

In general, the proposals under discussion are not patient-focused or results-oriented. Lawmakers have failed to use a fundamental lever, a change in Medicare payment policy, to help drive necessary improvements in American health care.

The Mayo Clinic goes on:

Unless legislators create payment systems that pay for good patient results at reasonable cost, the promise of transformation in American health care will wither. The real losers will be the citizens of the United States.

Today 40 percent of physicians turn away Medicaid patients because the system is poorly administered and has a weak record of reimbursement. We know that billions of taxpayer dollars are wasted on fraud and abuse in Medicare every year. Are we going to emulate a program that doctors are walking away from and that is costing billions of wasted dollars to the taxpayers?

This is not responsible governing. We need to take our time. Republicans have come forward and will continue to come forward with alternatives, alternatives that don't break the backs of taxpayers, that don't break the backs of small business people, that give the quality health care Americans have come to expect and should. We have alternatives that are responsible. Small business health plans, for one, would be the best approach to this, because more people being covered means lower cost for everyone.

What does every family in this country want? They want a job to support their families, and they want health care coverage for their children. We can give them that by giving affordable opportunities for small businesses to give health care coverage options to their employees. That is what Americans want. They don't want a big government health care system that is going to rob them of quality and cost them more in the meantime.

I appreciate the opportunity to talk today about this important issue and why we must take time to do this right. If we completely overturn our health care system, we may never be able to get it back. We may never be able to recover. We can do this right, if we take the time and if it is truly bipartisan, if Republicans will have a seat at the table. They didn't have a seat at the table when the Senate committee voted its bill out taking two Republican amendments out of 45 offered. That is not bipartisanship. That is being polite and saying no. What we want is to have real options that will keep the quality, keep the choice, keep the private sector employment in our system and give families a chance to have good jobs with health care coverage. We can do that, if we will get together on a bipartisan basis and go forward in a positive way.

The bills coming out of the House and Senate right now, with virtually no Republican input, are not right for America. That is why we are saying: Let's go back to the drawing board.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1761

Mr. LEVIN. I ask unanimous consent that the pending amendment be set aside so that I may call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. On behalf of Senator KERRY, Senator LUGAR, and myself, I call up amendment No. 1761.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KERRY, for himself, Mr. LUGAR, Mr. LEVIN, and Mr. WEBB, proposes an amendment numbered 1761.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the United States should fully enforce existing sanctions, and should explore additional sanctions, with respect to North Korea and to require a review to determine whether North Korea should be re-listed as a state sponsor of terrorism)

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF THE SENATE ON ENFORCEMENT AND IMPOSITION OF SANCTIONS WITH RESPECT TO NORTH KOREA; REVIEW TO DETERMINE WHETHER NORTH KOREA SHOULD BE RE-LISTED AS A STATE SPONSOR OF TERRORISM.

(a) FINDINGS.—The Senate makes the following findings:

(1) On April 5, 2009, the Government of North Korea tested an intermediate range ballistic missile in violation of United Nations Security Council Resolutions 1695 (2006) and 1718 (2006).

(2) On April 5, 2009, President Barack Obama issued a statement on North Korea, stating that "Preventing the proliferation of weapons of mass destruction and their means of delivery is a high priority for my administration", and adding, "North Korea has ignored its international obligations, rejected unequivocal calls for restraint, and further isolated itself from the community of nations".

(3) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from its Yongbyon nuclear facility and ending its participation in the Six Party Talks for the Denuclearization of the Korean Peninsula.

(4) On May 25, 2009, the Government of North Korea conducted a second nuclear test, in disregard of United Nations Security Council Resolution 1718, which was issued in 2006 following the first such test and which demanded that North Korea not conduct any further nuclear tests or launches of a ballistic missile.

(5) The State Department's 2008 Human Rights Report on North Korea, issued on February 25, 2009, found that human rights conditions inside North Korea remained poor, prison conditions are harsh and life-threatening, and citizens were denied basic freedoms such as freedom of speech, press, assembly, religion, and association.

(6) Pursuant to section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)(E)), President George W. Bush, on February 7, 2007, notified Congress that the United States Government would oppose the extension of any loan or financial or technical assistance to North Korea by any international financial institution and the prohibition on support for the extension of such loans or assistance remains in effect.

(7) On June 12, 2009, the United Nations Security Council passed Resolution 1874, condemning North Korea's nuclear test, imposing a sweeping embargo on all arms trade with North Korea, and requiring member states not to provide financial support or

other financial services that could contribute to North Korea's nuclear-related or missile-related activities or other activities related to weapons of mass destruction.

(8) On July 15, 2009, the Sanctions Committee of the United Nations Security Council, pursuant to United Nations Security Council Resolution 1874, imposed a travel ban on five North Korean individuals and asset freezes on five more North Korean entities for their involvement in nuclear weapons and ballistic missile development programs, marking the first time the United Nations has imposed a travel ban on North Koreans.

(9) On June 10, 2008, the Government of North Korea issued a statement, subsequently conveyed directly to the United States Government, affirming that North Korea, "will firmly maintain its consistent stand of opposing all forms of terrorism and any support to it and will fulfill its responsibility and duty in the struggle against terrorism."

(10) The June 10, 2008, statement by the Government of North Korea also pledged that North Korea would take "active part in the international efforts to prevent substance, equipment and technology to be used for the production of nukes and biochemical and radioactive weapons from finding their ways to the terrorists and the organizations that support them".

(11) On June 26, 2008, President George W. Bush certified that—

(A) the Government of North Korea had not provided any support for international terrorism during the preceding 6-month period; and

(B) the Government of North Korea had provided assurances that it will not support acts of international terrorism in the future.

(12) The President's June 26 certification concluded, based on all available information, that there was "no credible evidence at this time of ongoing support by the DPRK for international terrorism" and that "there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or witting support for Hezbollah, Tamil Tigers, or the Iranian Revolutionary Guard".

(13) The State Department's Country Reports on Terrorism 2008, in a section on North Korea, state, "The Democratic People's Republic of Korea (DPRK) was not known to have sponsored any terrorist acts since the bombing of a Korean Airlines flight in 1987."

(14) The Country Reports on Terrorism 2008 also state, "A state that directs WMD resources to terrorists, or one from which enabling resources are clandestinely diverted, poses a grave WMD terrorism threat. Although terrorist organizations will continue to seek a WMD capability independent of state programs, the sophisticated WMD knowledge and resources of a state could enable a terrorist capability. State sponsors of terrorism and all nations that fail to live up to their international counterterrorism and nonproliferation obligations deserve greater scrutiny as potential facilitators of WMD terrorism."

(15) On October 11, 2008, the Secretary of State, pursuant to the President's certification, removed North Korea from its list of state sponsors of terrorism, on which North Korea had been placed in 1988.

(b) REPORT ON CONDUCT OF NORTH KOREA.—Not later than 30 days after the date of the enactment of this Act, the President shall

submit to Congress a detailed report examining the conduct of the Government of North Korea since June 26, 2008, based on all available information, to determine whether North Korea meets the statutory criteria for listing as a state sponsor of terrorism. The report shall—

(1) present any credible evidence of support by the Government of North Korea for acts of terrorism, terrorists, or terrorist organizations;

(2) examine what steps the Government of North Korea has taken to fulfill its June 10, 2008, pledge to prevent weapons of mass destruction from falling into the hands of terrorists; and

(3) assess the effectiveness of re-listing North Korea as a state sponsor of terrorism as a tool to accomplish the objectives of the United States with respect to North Korea, including completely eliminating North Korea's nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and encouraging North Korea to abide by international norms with respect to human rights.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should—

(A) vigorously enforce United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) and other sanctions in place with respect to North Korea under United States law;

(B) urge all member states of the United Nations to fully implement the sanctions imposed by United Nations Security Council Resolutions 1718 and 1874; and

(C) explore the imposition of additional unilateral and multilateral sanctions against North Korea in furtherance of United States national security;

(2) the conduct of North Korea constitutes a threat to the northeast Asian region and to international peace and security;

(3) if the United States determines that the Government of North Korea has provided assistance to terrorists or engaged in state sponsored acts of terrorism, the Secretary of State should immediately list North Korea as a state sponsor of terrorism; and

(4) if the United States determines that the Government of North Korea has failed to fulfill its June 10, 2008, pledges, the Secretary of State should immediately list North Korea as a state sponsor of terrorism.

(d) STATE SPONSOR OF TERRORISM DEFINED.—For purposes of this section, the term "state sponsor of terrorism" means a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

Mr. LEVIN. I ask unanimous consent that amendment Nos. 1761 and 1597 be debated concurrently for up to 30 minutes, with the time equally divided and controlled between Senators KERRY and BROWNBACK or their designees; that upon the use or yielding back of time, the Senate proceed to vote in relation to amendment No. 1761, to be followed by a vote in relation to No. 1597; that no amendment be in order to either amendment; that prior to the second

vote there be 2 minutes of debate divided as provided above.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, in addition to Senator LUGAR and Senator LEVIN, I believe Senator WEBB is also an original cosponsor of this amendment. I believe this amendment is a responsible alternative to the amendment offered by Senator BROWNBACK. This amendment appropriately takes note of and condemns North Korea's recent behavior as a threat to the northeast Asian region and to international peace and security. But in contrast to the Brownback amendment, which expresses the sense of the Senate that North Korea should immediately be re-listed as a state sponsor of terrorism, the Kerry-Lugar-Levin-Webb amendment requires something to happen, not just a sense of the Senate that there might be a relisting. It mandates a report, a formal report, to be completed within 30 days, examining North Korea's conduct since it was removed from the terrorism list last June, including the evaluation of any evidence that North Korea has engaged in acts of terrorism or provided support for acts of terrorism or terrorist organizations.

One of the reasons for requiring that is that in the Brownback amendment on page 3, section 9, line 21, it says:

There have been recent credible reports that North Korea has provided support to the terrorist group Hezbollah, including providing ballistic missile components and personnel to train members of Hezbollah . . .

Let me state unequivocally to my colleagues in the Senate: The most recent intelligence assessments of our intelligence community simply do not sustain this charge. In fact, President Bush specifically refuted that charge because it was an old one, and he refuted it last year. It would be the height of irresponsibility for the Senate to pass an amendment based on a finding that is false. It is important to have a report to the Senate that requires us to evaluate, that would have the administration submit to us precisely what the situation is.

The report will also assess the effectiveness of relisting North Korea as a state sponsor of terrorism for achieving our national security objectives; namely, completely eliminating North Korea's nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and encouraging North Korea to abide by international norms with respect to human rights.

Our amendment then expresses the sense of the Senate that if the United States finds that North Korea has, in fact—that we would know this within these 30 days—provided support for terrorism, then the Secretary of State should immediately relist North Korea as a state sponsor of terrorism.

It also expresses the sense of the Senate that the United States should vigorously enforce all existing unilateral and multilateral sanctions and consider the imposition of additional sanctions if necessary to achieve the policy goals with respect to North Korea.

I believe it is an important, realistic amendment. I think it is tougher because it mandates some things specific, and it rightly condemns North Korea, as we have.

Let me emphasize, the United States, this administration, has fully and rightly condemned North Korea's launch of ballistic missiles and its test of a nuclear weapon on May 25, 2009. We have led a strong international response to those provocations, and we succeeded in winning unanimous support from the United Nations for U.N. Security Council Resolution 1874, imposing sweeping new sanctions against North Korea. The sanctions mandated under the U.N. Security Council Resolution 1874 include not only a comprehensive arms embargo but also robust new financial sanctions on North Korean trading companies, and visa restrictions on North Korean officials engaged in the proliferation of weapons of mass destruction.

These sanctions have teeth. They are multilateral. And they are having an impact. A North Korean cargo ship suspected of carrying arms to Burma turned around after it was denied bunkering services in Singapore. The Government of Burma joined with us, and the government itself warned that the ship would have to be inspected on arrival in order to ensure that it did not have munitions onboard. The sanctions have had a bite. They are working.

As strong as those measures have been, additional measures may be necessary, and this report will help us to evaluate that. But additional steps, including the relisting of North Korea as a state sponsor of terrorism, ought to be based on a careful examination of the facts—that is how we ought to do things in the Senate—and an assessment of whether those sanctions are going to advance our interests. That is precisely what the Kerry-Lugar-Levin-Webb amendment mandates, and that is why it is actually a better sanctions policy than the alternative Brownback amendment.

Let me add one last word. We are currently deeply concerned about the fate of two American journalists currently under detention in North Korea. The administration is engaged right now in sensitive discussions with the North Korean Government attempting to secure the immediate release of these two American citizens. For the Senate to suggest—on something we already know is factually incorrect but out of emotion and otherwise—that North Korea ought to be returned to the list of state sponsors of terrorism without regard to whether they have,

in fact, engaged in acts of terrorism or provided support to terrorist organizations would be irresponsible with respect to those particular efforts and otherwise at this time.

We ought to proceed according to facts. We ought to proceed in ways that best advance the interests of our country.

Mr. President, I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, thank you very much. I appreciate the chance to debate this issue with my colleague, the distinguished Senator from Massachusetts.

I find it very interesting to hear the statement that the sanctions are working. I am trying to think of how they are working at all. They are working to prevent North Korea from detonating another nuclear weapon? That did not quite work. We got another one of those. They are working to prevent them from launching more missiles? Well, that one did not quite work. They are working to prevent North Korea from taking Americans hostage? Well, that one did not quite work.

I am trying to think how these sanctions are working. And if they are so great on an international basis, why aren't we doing them on a domestic basis, for us toward North Korea? I am having difficulty. Maybe they are working for us to prevent North Korea from associating with the military junta in Myanmar. Wait a minute, that was in the news yesterday, that North Korea is working to provide the military junta in Myanmar with weapons and possibly nuclear weapons that the Secretary of State, Secretary Clinton, is talking about now happening. Well, maybe it prevented—well, I guess it did not quite prevent that.

I am trying to figure out how the sanctions have worked at all. I thought it was a mistake when the Bush administration delisted them from the terrorist list in a negotiation of the six-party talks and said: OK, we will do this, and they do that, and then ended up doing nothing and, indeed, stepped up what they are doing more and more.

It seems to me very strange to suggest that the sanctions are working. I respect my colleague from Massachusetts. He is a strong chairman of the Foreign Relations Committee. I do not see where they have worked at all. I would ask my colleagues to examine: Do they believe that the sanctions to date have worked toward North Korea from the United States? And when you examine the factual setting here, you have to go: I don't think so. I don't think these have happened.

Plus, I am very concerned that the administration now is taking the tack of discussing an additional set of incentives to the North Korean regime to try to get them from proliferating fur-

ther. This is an interesting, hot-off-the-press article from yesterday: "Obama Administration Preparing Incentives Package for North Korea."

Mr. President, I ask unanimous consent that the article be printed in the RECORD after my full statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. Reading from this article:

The Obama administration is consulting with allies on a new "comprehensive package" of incentives—

Not sanctions; incentives—

aimed at persuading North Korea to abandon its nuclear programs, senior U.S. officials confirmed Tuesday.

The officials, who were traveling with Secretary of State Hillary Clinton in Thailand, told reporters that the package is only in its early stages and will not be offered to North Korea unless and until the allies sign off on it. Pyongyang would also have to first take specific, concrete and "irreversible" steps to begin destroying its arsenal of nuclear weapons.

This is the third round of us giving incentives to North Korea not to develop nuclear weapons. It has not worked in the past. It is not going to work now. Why on Earth would we do something like this?

The Kerry amendment calls for a study. Studies are fine. But it actually delays the study that the State Department has already promised to me: that by the end of this month they will have a study out as to whether they are proliferating further weapons, that they should be listed as a terrorist state.

The Kerry amendment says: 30 days after the enactment of this bill. Even if the bill gets through the floor this week, it has to go to conference, and it has to come back in front of this body. You are looking, probably, at October, maybe early November, that this actually comes back—this law—and then 30 days after that the report has to be issued. So we are looking at somewhere, maybe November, December, for the report taking place, when the State Department has already told me they will have their report out by the end of July. So this is actually slowing down the process, if we adopt this amendment.

And it calls for a report. I am sure Pyongyang is very concerned about this report. But I do not think it is going to change any of the behavior that is taking place. If we do not have a strong answer, as a matter of fact, it is probably going to urge them to do something even further.

My colleagues are saying: Well, OK, you are being irresponsible in this statement on this narrow category of whether they are doing anything with Hezbollah. It is a bipartisan amendment that I put forward with Senator BAYH, who wanted that provision in it.

There is a current CRS report that talks about North Korea supporting

Hezbollah, building bunkers, and supporting and helping that out. That is a current factual setting, and my colleague on the other side of the aisle, Senator BAYH, has asked and pushed that this be in the overall bill.

I would ask my colleagues to look at this interesting definition of “international terrorism,” as shown on this chart. This is a definition that is in U.S. statute on international terrorism. It appears to be written for North Korea and North Korea in mind.

It defines the term under (1)(A), and then under (B)—these are in the alternative—(B) “appear to be intended”—the actions of “international terrorism” “appear to be intended to intimidate or coerce a civilian population”—that is what North Korea does and Kim Jong Il’s regime does—“to influence the policy of a government by intimidation or coercion”—that is the flying of missiles over Japan, that is the intimidation toward South Korea or the United States—“to affect the conduct of a government by mass destruction, assassination, or kidnapping”—they have done kidnappings of Japanese citizens—“to affect the conduct of a government”—clearly trying to affect our conduct—(C) “occur primarily outside the territorial jurisdiction of the United States.” This is what North Korea is doing.

I would further point out to my colleagues that this is a sense of the Senate. As to the Kerry amendment, with all due respect toward Senator KERRY, this is asking the administration to do a report and asking and directing the administration to take some steps. Ours is a sense of the Senate as to what the Senate thinks, and it is saying that the Senate believes North Korea should be relisted as a state sponsor of terrorism.

I would ask my colleagues, in a commonsense review of what North Korea has done recently: Don’t you think they qualify or, if they do not, what country in the world would qualify as a state sponsor of terrorism if North Korea does not, with what it has done, what it has done personally, what it has conducted with other countries, with Syria, with Myanmar, with these other rogue groups?

It is a sense of the Senate to state we believe North Korea is a state sponsor of terrorism. It is bipartisan with Senator BAYH and myself. It has a number of cosponsors on it. It actually would be productive for us to say to North Korea, in a public way, we believe they are acting like state sponsors of terrorism. I believe it would be actually counterproductive if this body were to say we think it should be studied and a report issued. That is not going to be the sort of strong action that would be understood at all by the government in Pyongyang at this point in time.

With that, I would urge my colleagues to look at the Brownback-Bayh

amendment, to support it on its very sensible grounds—it is a sense of the Senate—and to vote for the amendment.

With that, Mr. President, I yield the floor and reserve the remainder of our time.

EXHIBIT 1

[From FOXNews.com, July 21, 2009]

OBAMA ADMINISTRATION PREPARING INCENTIVES PACKAGE FOR NORTH KOREA

(By James Rosen)

BANGKOK.—The Obama administration is consulting with allies on a new “comprehensive package” of incentives aimed at persuading North Korea to abandon its nuclear programs, senior U.S. officials confirmed Tuesday.

The officials, who are traveling with Secretary of State Hillary Clinton in Thailand, told reporters that the package is only in its early stages and will not be offered to North Korea unless and until the allies sign off on it. Pyongyang would also have to first take specific, concrete and “irreversible” steps to begin destroying its arsenal of nuclear weapons.

The aides said that the administration needs to see concrete action. Mere assurances from North Korea that it will take action in the future would not be enough to trigger the presentation of the incentives package, they said.

The United States, though, has not yet conveyed to the North Koreans what the “irreversible” steps might entail, as Washington continues discussions with its allies in the so-called Six Party Talks.

The aides, who work on North Korea policy for three separate agencies in the U.S. government, portrayed the development of the new package as the second track of a two-track approach.

The first track consists of continued aggressive enforcement, also in conjunction with other nations across the globe, of U.N. Security Council Resolution 1874—which gives U.N. member states increased authority to interdict the flow of weapons and possible nuclear material in and out of North Korea.

The aides made clear they expect the two-track approach to remain in place for the foreseeable future.

“This is not going to be resolved in a couple of weeks,” one official said. “This could be a sustained, substantial effort that could go on quite a long time.”

The package of incentives would include some elements that are “familiar” from the Six-Party talks, the officials said, as well as new ones and some that differ in their “dimensions.”

The United States, China, Japan, South Korea and Russia are the other participants in the long-running—and long-stalled—Six-Party Talks aimed at persuading North Korea to abandon its nuclear programs.

The emphasis on consultation with these other countries derives, the officials said, from the perception among some of them that the Bush administration did not adequately confer with them prior to the removal of North Korea from Washington’s list of state sponsors of terrorism last year.

“The Japanese do have anxieties about engagement of North Korea,” one official said.

The officials also echoed the “growing concerns” about reports of a military relationship between North Korea and Burma that Clinton voiced earlier Tuesday in a news conference with Thailand’s deputy prime minister.

“It would be destabilizing for the region” if such reports were true, Clinton said, adding, “It would pose a direct threat to Burma’s neighbors. And it is something, as a treaty ally of Thailand, that we are taking very seriously.”

Briefing reporters after Clinton’s news conference, the senior officials said their concerns range from suspicions that North Korea is supplying small arms to Burma to reports of possible nuclear collaboration between the two countries. Pressed on the nuclear question, the officials refused to discuss classified intelligence data but noted North Korea’s history of proliferation with Syria. One aide said the possibility of nuclear collaboration between Pyongyang and Burma is “one of those areas that we would like to know more about.”

To that end, U.S. intelligence agencies are studying recently published photographs purporting to show an elaborate set of underground tunnels that North Korea has built along Burma’s border with Thailand. The officials said they see “some similarities” between the tunnels in the photographs and a network of underground tunnels in North Korea, the existence of which the United States learned about in the 1990s.

Both North Korea and Burma, a repressive military dictatorship whose leaders have renamed the country Myanmar, have been the target of broad sanctions by successive U.S. administrations over the last decade.

Clinton said Tuesday she would like to see Washington develop a “more productive” relationship with Burma, starting with steps by the government to release political prisoners and dissidents jailed there.

“We are very much engaged with partners such as Thailand and others in assessing and determining not only what is going inside of Burma but also what we can do effectively to change the direction and behavior of the Burmese leadership,” Clinton said.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield myself such time as I will use, and I will be very brief.

The Senator from Kansas just cited the Congressional Research Service report in his statement about Hezbollah. I am reading from a memorandum from the President of the United States. This is the Presidential report, certification, when he lifted the designation of North Korea. And he wrote—this is from the President—

Our review of intelligence community assessments indicates there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or witting support for Hezbollah, Tamil Tigers, or the Iranian Revolutionary Guard. Should we obtain credible evidence of current DPRK support for international terrorism at any time in the future, the Secretary could again designate the DPRK a state sponsor of terrorism.

We have not received that evidence. We specifically request it. And contrary to what the Senator just said, this does not delay the report. It says: not later than 30 days after the passage. The report can come next week. The report can come in answer to the Senator’s request. We would ask for that.

Let's be accurate in this designation. The President of the United States said there is no credible evidence. And there is none to this date. Our report asks for whether any currently exists. That is the way the Senate ought to behave with respect to serious matters such as this.

Mr. President, I yield the remainder of the time to the distinguished chairman of the committee.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the language in the Kerry amendment does one other thing relative to this report. It says if the United States determines that the Government of North Korea has indeed engaged in terrorist activities, then the Secretary of State shall "immediately list North Korea as a state sponsor of terrorism." So it requires a report in not more than 30 days. That could come at any time. But it also requires action if the Secretary of State makes the finding.

The last administration, the Bush administration, delisted North Korea. They found there was no credible evidence of state-supported terrorism. We are a government of laws. Our laws provide for a listing of countries that engage in terrorist activities or support terrorist activities. It does not provide for a listing of countries that, no matter all of the other things they do which are so wrong, so bad, so objectionable to the international community, so justifiably producing sanctions and other kinds of diplomatic actions against them—regardless of those activities, unless they are a supporter of terrorist acts, our laws do not provide that they be put on the terrorist list. That is our law. That is what the Bush administration was applying when they delisted North Korea.

North Korea is a country which engages in horrendous activities. That is not the issue. I don't know of anybody in this Senate who does not believe North Korea engages in repressive, authoritarian activities. I don't know of anybody in this Senate who does not believe the North Korean leadership is reprehensible in the way it treats its citizens. There is a long list of actions on the part of North Korea in terms of its pursuit of ballistic missiles, provocative actions it has taken of the testing of nuclear devices, firing a series of missiles. It has clearly solidified its status as a pariah of the region and of the international community at large.

So the question isn't whether strong action should be taken. We should take strong action which will be effective against the government—not the people but the government—of North Korea. The Kerry amendment lays out a course of action, exploring additional sanctions so that we can put additional power and leverage against the Government of North Korea, as well as requiring our administration to consider

whether the Government of North Korea should be listed again. And if so, if they find that under our law there is reason to put it back on the terrorist list, then they must, under the Kerry amendment, take that step.

What the Kerry amendment avoids doing is what the Brownback amendment does in one part of the Brownback amendment, which is saying that the Government of North Korea should be on a list of terrorist states when the last thing we have heard from an American administration was from the Bush administration taking the North Korean Government off the list because they could not find credible evidence that the government took actions which would require it being placed on the list of terrorist states.

So again, it seems to me that clearly our goals here are similar. I had hoped we might be able to reach a consensus on common language, but so long as this body expresses itself very strongly, as the Kerry and Lugar amendment does, it seems to me we will then have made an important statement to the Government of North Korea and at the same time avoided taking a step which our laws do not provide for.

One of our arguments with North Korea is that they are lawless, they are a totalitarian government. Our government is a government of laws. We have a law that provides for the listing of countries that support terrorist acts. The administration, after a long assessment, concluded there was no credible evidence that North Korea engaged in the activities which appropriately required it or appropriately permitted it to be listed on the terrorist state list and therefore removed it from that list. That is the last action by the administration.

By the way, being on that terrorist list did not change the actions or the activities of the Government of North Korea, in any event. I very much support that terrorist list. I very much support it being kept up to date and being used appropriately. But I don't think we should in any way kid ourselves as to whether being on that list is going to change the activities of North Korea.

We need other countries to support us in putting maximum pressure on North Korea. When we act lawfully—when we put sanctions on North Korea, working with other countries, we are acting lawfully. If we do not abide by our own law which defines when a country will go on a terrorist list, we are setting the wrong example for the world, and it makes it more difficult for us to obtain the kind of support from other countries which we deserve in going after the abominable activities of the Government of North Korea.

I don't know whether our side has any time left, but if we do, I reserve the remainder of our time.

The PRESIDING OFFICER (Mr. BURRIS). The time has expired.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to ask several questions of the Senator from Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, has the Senator from Kansas detected any change in North Korean behavior since the imposition of sanctions by the United Nations?

Mr. BROWNBACK. Yes. They have taken more provocative actions rather than less provocative actions since the imposition of the U.S. sanctions, if not more.

Mr. MCCAIN. Including launching missiles on the Fourth of July.

Mr. BROWNBACK. It is a strange day they would pick, the Fourth of July, but they did.

Mr. MCCAIN. Isn't it true that there is evidence that North Koreans were involved in the construction of a nuclear facility in Syria which the Israelis felt was enough of a threat to their national security that they destroyed it?

Mr. BROWNBACK. Absolutely, abundant evidence, and it was amazing how quiet the world community was for a long period of time, because I guess they didn't want it known that the North Koreans did build that facility or that it was in Syria.

Mr. MCCAIN. Isn't it true that there is a published news report that North Korea and Iran have worked together in the development of nuclear weapons and nuclear technology, and if Iran acquires that capability, it certainly ratchets up the tensions between Iran and Israel?

Mr. BROWNBACK. Published reports, and the missile technology the Iranians use is built off of the No-dong system of the North Koreans.

Mr. MCCAIN. The latest information in the last few days is that there is cooperation between North Korea and Myanmar, better known to some of us as Burma, one of the real rogue nations of the world.

Mr. BROWNBACK. There is.

Mr. MCCAIN. So if that North Korean ship, which was shadowed for a period of time by the U.S. Navy, had gone into port in Myanmar, do you think there is any likelihood the Government of Myanmar would have complied with the U.N. resolution that required that ship to be inspected by "port authorities"?

Mr. BROWNBACK. Myanmar has not cooperated with anything the United Nations has directed to date. I don't know why they would cooperate with anything such as that.

Mr. MCCAIN. I thank the Senator. Of course, maybe North Korea, when we look at it with a very fine definition of terrorism—from the recent Washington Post article about 200,000 people in the most horrible prison conditions in the

world perhaps would argue that we should do whatever we can—short, obviously, of any military action—to try to see that the North Korean regime acts at least in some civilized fashion.

Mr. BROWNBACK. I think they should.

Mr. President, I would point out, if I could, to my colleagues as well—if I could have the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. I am frustrated on this topic. I would presume the chairman—I know the chairman of the Foreign Relations Committee is frustrated, along with the chairman of the Armed Services Committee. I have worked too long with the refugees and the people in the gulag and people trying to get out of North Korea for us to now back up and say: OK, we want a report. These folks are dying. They are in a gulag the likes of which was in the Soviet era. This has been published and it is all available to us and we want a report. I understand people don't want to go this far, but this is very frustrating. If you were in one of those situations—and people track what comes out of the Senate, just as in the Soviet gulag they tracked what came out of here then—it would be like saying to them: Well, we are not that concerned about you; whereas, if we take strong action such as what I am saying, it does give them hope. That is what I am asking us to do. I think it is very responsible, and it is a sense of the Senate, what we are asking them to do. That is what is at the root of this.

The chairman of the Armed Services Committee says: Well, they were delisted by the last administration. And they certainly were, but they were not removed from that list because they stopped sponsoring terrorism. The regime was delisted in order to entice them to dismantle their weapons of mass destruction program. It was a six-party talk negotiation, and that didn't work, just as the prior negotiations on weapons of mass destruction didn't work. Why should we continue the problem if that is the case?

Mr. KERRY. Would the Senator yield for a question?

Mr. BROWNBACK. I am happy to yield for a question.

Mr. KERRY. Is the Senator suggesting that the President of the United States in his letter of certification misinformed the American people and the Senate?

Mr. BROWNBACK. What I am suggesting is that this was part of a negotiation and that they have wide latitude. In fact, if I may continue my answer for my colleague who has asked a very pertinent question on this issue and who is very familiar with the six-party talks, as I am partially, somewhat familiar with the six-party talks, these have been talks going on for a long period of time. The North Koreans

hate being listed as a state sponsor of terrorism. Their big push was to be delisted. The administration has broad authority. It has broad abilities to be able to interpret this, and they said: OK, we are going to be able to do this, and we will find some room in here to interpret it this way, in exchange for you guys stopping your weapons of mass destruction, which did not happen.

I am saying that what we should do now is not continue with that mistake. What I am saying we should do now is, let's call a spade a spade in this situation. This is a terrorist nation. The Senator from Massachusetts knows that. He knows what is taking place and what they are doing. They are one of the lead sponsors of terrorist activities in arming, bad, rogue regimes around the world, and the Senator knows that. What we should do is call that what it is in this Senate and not call for just a report.

Mr. KERRY. Mr. President, if the Senator will further yield, does the Senator from Kansas believe this language:

Our review of intelligence community assessments indicates there is no credible or sustained reporting at this time that supports allegations they have provided direct support—

Et cetera—
and should we have credible evidence of international terrorism at any time in the future—

The President clearly—

The PRESIDING OFFICER. The Senator's time has expired.

All time has expired.

Mr. KERRY. Mr. President, I ask for the yeas and nays on amendment No. 1761.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. The yeas and nays are ordered.

Mr. BROWNBACK. Mr. President, I have a parliamentary inquiry, if I could. Have the yeas and nays been ordered on both amendments?

The PRESIDING OFFICER. The yeas and nays have been ordered on amendment No. 1761.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays are ordered on both amendments.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1761.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—66

Akaka	Franken	Murkowski
Alexander	Gillibrand	Murray
Baucus	Grassley	Nelson (NE)
Bayh	Gregg	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Dorgan	Lugar	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—31

Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Wicker
Cornyn	Kyl	
Crapo	Martinez	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 1761) was agreed to.

Mr. KERRY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1597

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1597, offered by the Senator from Kansas. Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask for an "aye" vote on this amendment even if people voted for the Kerry amendment. It was critically important during the Soviet gulag days that the people in the gulags knew we cared and that we were focused on them. If we vote to say we are going to issue a report, that is fine. But it doesn't say much to people in a gulag. If we vote to say it is the sense of the Senate that North Korea is a state sponsor of terrorism, it is a strong message. It gives hope to people who don't have hope today.

Who in this body doubts that North Korea is a state sponsor of terrorism? With nuclear weapons, missiles being launched, a connection with Myanmar—with all these things taking place today, who can doubt that they are a terrorist country?

I urge my colleagues, even those who supported the Kerry amendment, to also vote for this one to send the message that North Korea is a state sponsor of terrorism and to send a message of hope to those in the North Korean gulags.

I yield back my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, it would be both inconsistent and inappropriate to vote aye on both amendments for a couple of reasons. First of all, the amendment we just passed with 66 votes mandates that no later than 30 days after this is passed—it could happen next week, in 3 weeks—we are mandating the report from the administration with respect to whether there is evidence at this time of North Korea actually aiding or abetting or being a terrorist state.

The most recent finding of the intelligence community says no. The President of the United States, George Bush, certified to us when he decertified them as a terrorist state that they were not engaged in any activities of aiding and abetting terrorism at that time in the world. There is no evidence within the intelligence community at this moment in time that says so.

The Brownback amendment states that there is. So it is wrong, and it would be inappropriate for the Senate to base designating North Korea as a terrorist state on findings that do not exist, as well as doing so at a time when we are negotiating to get the release of two young journalists. This would be a completely inappropriate measure by the Senate at this time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1597. The yeas and nays have been ordered. The clerk will call the roll.

Mr. LEVIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, after the conclusion of this vote, is there any pending amendment?

The PRESIDING OFFICER. There will not be.

Mr. LEVIN. Mr. President, to let folks know, I intend to ask for a quorum call immediately following this vote to try to work out an orderly way to proceed on amendments.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—43

Alexander	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bayh	Graham	Nelson (NE)
Bennett	Grassley	Nelson (FL)
Bond	Gregg	Risch
Brownback	Hatch	Roberts
Bunning	Hutchison	Sessions
Burr	Inhofe	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	Lieberman	Voinovich
Cornyn	Lincoln	Wicker
Crapo	Martinez	
DeMint	McCain	

NAYS—54

Akaka	Feinstein	Merkley
Baucus	Franken	Murray
Begich	Gillibrand	Pryor
Bennet	Hagan	Reed
Bingaman	Harkin	Reid
Boxer	Inouye	Rockefeller
Brown	Johnson	Sanders
Burr	Kaufman	Schumer
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Conrad	Lautenberg	Udall (CO)
Corker	Leahy	Udall (NM)
Dodd	Levin	Warner
Dorgan	Lugar	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 1597) was rejected.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that, first, there be a period of morning business of 5 minutes, so Senator BROWN can speak as in morning business. Then we proceed to consideration of the amendment of Senator CARDIN, amendment No. 1763.

After the disposition of that amendment, that the Senator Kyl amendment, No. 1760, be in order. There may or may not be a second-degree amendment to that of Senator KYL—that it be in order if there is a second-degree amendment. After the disposition of the amendment of Senator KYL and the second-degree amendment thereto, we then proceed—presumably it would be in the morning—to an amendment by Senator LIEBERMAN, No. 1744, with a 1-hour time agreement and a side-by-side amendment or a second-degree amendment of Senator BAYH relative to the—relevant to the Lieberman amendment, which would also have a 1-hour time agreement.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, reserving the right to object and I will not object, I say in the case of the amendment of Senator CARDIN, there is no objection on this side. We would be glad to agree to a 15-minute time agreement, if that is agreeable.

Mr. LEVIN. That presumably might be adopted without a rollcall as well.

Mr. President, let me revise my unanimous consent request for Senator CARDIN's amendment having a 15-minute time agreement, that there not be a time agreement set yet on the Lieberman amendment No. 1744 and the Bayh second-degree amendment or side-by-side amendment to it because apparently we could not get that, for some reason I don't understand or know. I don't understand the reason or the objection.

One other correction. The Cardin amendment is No. 1475, not No. 1763.

Mr. SESSIONS. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I wonder, I know the bill managers have many challenges, but I wonder if they contemplate that I would have the opportunity to call up Sessions amendments Nos. 1657 and 1533 before we go too far in this process.

Mr. LEVIN. There are a number of people who have asked to be put in line at this point. We have been unable to go beyond where we are. That took enough time. We thought, if we went any further, it would be impossible to get this unanimous consent done because there are many people who are in the same position as our friend from Alabama.

Mr. SESSIONS. I am not delaying, of course. We want to see this bill move forward. But I do have two amendments I care about. Maybe I can talk to the chairman in a little bit. I thank him for his courtesy. I will not object.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. In response to the Senator from Alabama, I will do everything I can to get his amendment in order. Senator ISAKSON and Senator BURR and Senator BOND and others have all come up and said they want their amendments in line. I think we have to have some kind of consultation on our side to establish a priority.

I also would like to point out, the amendment of Senator SESSIONS, I believe, is on missile defense, a very important amendment.

I also think, in full disclosure, the majority leader, I am told, will file cloture tonight, which will then, at some point, rule out nongermane amendments. But I will do everything I can

to get Senator SESSIONS' amendment up, in order. But we have been following a process, as I am sure the Senator from Alabama knows, of one side's amendment and then the other side's amendment, going back and forth.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. The missile defense amendment is one that is a sense-of-the-Senate amendment that Senator LIEBERMAN is offering now. That was not the two I referred to. I agree with Senator MCCAIN that sense of the Senate definitely needs a vote. It is an important issue.

The other two amendments I have I hope also can be considered. I will be pleased to talk with the Senator and his staff about it.

The PRESIDING OFFICER. Is there an objection to the request? Without objection, it is so ordered.

Mr. LEVIN. I thank the Presiding Officer and thank Senator SESSIONS as well. As I understand it, the amendments Senator SESSIONS was referring to were amendments relating to al-Qaida; am I correct?

Mr. SESSIONS. That is correct.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, the progress of this country does not and has not come easily. Passage of the Civil Rights Act was not easy. Passage of the Voting Rights Act was not easy. Passage of the Social Security Act was not easy. The Fair Housing Act, that was not easy. Passage of Medicare and Medicaid was not easy.

This year, passage of health care reform will not be easy. Time and time again, decade after decade, special interests—the drug companies, the insurance companies, medical interests—have delayed and denied and destroyed meaningful health care reform.

In recent weeks and months, opponents have ramped up their efforts to derail health care reform, saying you have to slow down but, as with other historic legislative victories, we must find a path forward.

Last week, the Senate Health, Education, Labor, and Pensions Committee found a path forward that works for American families and businesses.

The HELP health reform legislation is designed to lower costs, provide more coverage choices, and ensure that Americans have insurance they can count on.

This legislation would give every American access to quality, affordable, and flexible health insurance.

This legislation would reduce costs by decreasing fraud, abuse, and medical errors while promoting best practices and prevention and wellness initiatives.

It would provide insurance security for people who lose their job, their coverage, or maybe their patience with an insurer who has let them down.

And, this legislation gives Americans more health care choices.

The public option in our legislation—the Community Health Insurance Option—is a national insurance program modeled after coverage offered to Members of Congress.

A strong public option would ensure Americans in every State have insurance choices they can trust.

It would increase price competition in the health insurance market to drive premiums down.

And a strong public option would set a standard for quality coverage that gives private insurers a benchmark and Americans new options.

Let's face it. There is nothing like good old fashioned competition to keep insurers honest.

Under our bill, no longer would insurers be able to hide behind preexisting conditions, health history, age, gender, or race to deny coverage and delay care for patients.

Done right, health reform represents a real opportunity to expand access to quality, affordable coverage for all Americans, like Robert and Carol of Bryan, OH, in Williams County, northwest Ohio.

Carol is a social worker who works for a nonprofit drug, alcohol, and mental health agency. Her husband Robert, a self employed barber, had his first bout with cancer in 2003 and is facing, just days from now, another cancer surgery.

Robert and Carol wrote to me that they depleted their life savings to cover cancer treatments and maintain coverage to monitor cancer remission.

Carol wants Members in this Body to let her husband fight for his life, not fight with insurance companies.

Joseph, in Summit County, operates a small land surveying business that is struggling to pay health insurance premiums.

After being diagnosed with multiple sclerosis in 2004, Joseph wrote to me that it is impossible for his business to shop around for more affordable health coverage because of his preexisting condition.

The HELP Committee's Affordable Health Choices Act represents a victory for the millions of American families and business owners, like Joseph, whose health care costs have soared out of control.

It is a victory for the 46 million uninsured Americans and millions more underinsured, those whose financial security is at risk day in and day out because of health care costs.

And it is a victory for U.S. taxpayers. If we are going to get a grip on health spending, we have got to squeeze out waste, needless redtape, and costly medical errors.

We have to give private insurers a reason to charge reasonable premiums, not grossly inflated ones.

I am proud that the President is touring the Cleveland Clinic tomorrow.

Cutting edge health systems like the Cleveland Clinic University Hospitals, and the Metro Health System all in Cleveland, have helped to give Ohio its reputation as a leader in high quality health care.

Our work will not be done until Ohioans like 73-year-old Bert from Allen County can afford the retirement he deserves.

Bert wrote to me that he cannot afford to retire, despite suffering a heart attack last year.

He described how exorbitant prescription drug costs leave the unacceptable choice between his medication or his wife's medication. But not both.

Bert wrote to me, "God help us should anything happen to my wife medically. We will, no doubt, lose everything we have worked all of our lives for."

Our work cannot be done until Bert, Joseph, Robert, and Carol, and every American live in a Nation with an affordable, effective, and inclusive health care system.

Our work will not be done until crucial national priorities are no longer crowded out by health care spending.

Our work will not be done until exploding health care costs no longer cut into family budgets, no longer weigh down businesses, and no longer drain tax dollars from local, State, and Federal budgets.

It will not be easy, but as history demonstrates the important changes rarely are.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the unanimous consent request indicated that there would be 15 minutes on the Cardin amendment, No. 1475. I am wondering if my friend from Arizona might listen to this as well. On Senator CARDIN's amendment, we did not say "equally divided." We are not sure whether there is opposition to it. If there is, we should now say "equally divided." If not, Senator CARDIN only needs about 5 to 10 minutes.

Mr. MCCAIN. I am not sure anyone wants to challenge Senator CARDIN's eloquence.

Mr. LEVIN. In that case, I ask unanimous consent we say "equally divided" in case anyone changes their mind.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland is recognized.

AMENDMENT NO. 1475

Mr. CARDIN. I call up amendment No. 1475 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 1475.

Mr. CARDIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Defense to report on the numbers and percentages of troops that have served or are serving in Iraq and Afghanistan who have been prescribed antidepressants or drugs to treat anxiety)

At the end of subtitle C of title VII, add the following:

SEC. 724. PRESCRIPTION OF ANTIDEPRESSANTS FOR TROOPS SERVING IN IRAQ AND AFGHANISTAN.

(a) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2010, and annually thereafter until June 30, 2015, the Secretary of Defense shall submit to Congress a report on the prescription of antidepressants and drugs to treat anxiety for troops serving in Iraq and Afghanistan.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) the numbers and percentages of troops that have served or are serving in Iraq and Afghanistan since January 1, 2005, who have been prescribed antidepressants or drugs to treat anxiety, including psychotropic drugs such as Selective Serotonin Reuptake Inhibitors (SSRIs); and

(B) the policies and patient management practices of the Department of Defense with respect to the prescription of such drugs.

(b) NATIONAL INSTITUTE OF MENTAL HEALTH STUDY.—

(1) STUDY.—The National Institute of Mental Health shall conduct a study on the potential relationship between the increased number of suicides and attempted suicides by members of the Armed Forces and the increased number of antidepressants, drugs to treat anxiety, other psychotropics, and other behavior modifying prescription medications being prescribed, including any combination or interactions of such prescriptions. The Department of Defense shall immediately make available to the National Institute of Mental Health all data necessary to complete the study.

(2) REPORT ON FINDINGS.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings of the study conducted pursuant to paragraph (1).

Mr. CARDIN. I want to thank Senators LEVIN and MCCAIN for their help in allowing me to bring forward this amendment. This amendment is an important amendment which deals with the increasing numbers of suicides and attempted suicides by the young men and women serving in the U.S. military.

We have not only seen each month an increased number of suicides and attempted suicides, but recently we saw the killing of five of our servicemembers when a fellow soldier allegedly opened fire inside a mental health clinic at Camp Liberty in Iraq.

The purpose of this amendment is for the Department of Defense to give us information on the type of medications that are being prescribed so we can get a better handle on whether there is more that we can do in order to protect our young men and women who are serving our Nation.

Yesterday, we did something to help in approving the Lieberman amend-

ment. The Lieberman amendment increased our force levels, our authorized force levels. One of the suspected reasons suicides and attempted suicides are increasing is the number of deployments, the length of deployments, and the fact that we do not have enough personnel in order to do the normal military responsibilities so that we have to continue to call up again our young people for renewed deployments. That will certainly help.

This Congress has passed significant increases in funds for mental health services for our service personnel. That will clearly help. But one thing we should all be concerned about is that there are more and more of our soldiers who are using prescription antidepressant drugs, SSRIs, and we are not clear as to whether they are under appropriate medical supervision. I say that because these SSRIs take several weeks before they reach their full potential as far as blocking depression or dealing with the causes of depression. During that period of time, particularly if they are in the age group of 18 to 24—many are in that age group—they are susceptible to increased thoughts of suicide.

Many of our service people are changing from location to location. They may very well be in the theater of battle. They may not be able to get the proper type of supervision. So we are concerned about whether the use of these drugs is being appropriately administered, but we do not have the facts; we do not have the information. We need to get that information.

There have been surveys which have shown that as many as 12 percent of those who are serving in Iraq and 17 percent of those who are serving in Afghanistan are using some form of prescribed antidepressant or sleeping pills in order to deal with their needs. That would equal 20,000 of our service personnel using prescription medicines or antidepressants or sleep medicines. We need to get the information.

My amendment is simple. My amendment says starting in June of 2010 and through 2015, the Department of Defense will make available to Congress the information on the number of personnel receiving these antidepressant drugs. It is done in a generic sense; therefore, there is no individual information about any service personnel. We protect their individual privacy as we have under HIPAA. This is absolutely protected. There is no stigma attached at all to this survey.

I think we have tried to deal with the legitimate concerns that have been raised. I hope my colleagues would agree that this is an important matter that should be included in our DOD authorization. I talked about it yesterday. I am glad now that I had the opportunity to, in fact, offer this amendment.

With that, if there is no one interested in speaking in opposition, I am prepared to yield back my time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1760

Mr. KYL. What I am going to do now is seek to get an amendment which is filed pending. The other side will want to offer a side-by-side amendment. I understand there may be an opportunity to debate some of this tonight. Some of the other debate may have to be tomorrow, and that is fine. But at this point, is there an amendment pending?

The PRESIDING OFFICER. There is not an amendment pending.

Mr. KYL. I call up amendment No. 1760 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. MCCONNELL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. GRAHAM, Mr. VITTER, Mr. DEMINT, Mr. RISCH, Mr. CORNYN, Mr. BARRASSO, Mr. LIEBERMAN, and Mr. WICKER, proposes an amendment numbered 1760.

Mr. KYL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To pursue United States objectives in bilateral arms control with the Russian Federation)

At the end of title XII, add the following:

SEC. 1232. LIMITATION ON FUNDS TO IMPLEMENT REDUCTIONS IN THE STRATEGIC NUCLEAR FORCES OF THE UNITED STATES PURSUANT TO ANY TREATY OR OTHER AGREEMENT WITH THE RUSSIAN FEDERATION.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Statement by President Dmitry Medvedev of the Russian Federation and President Barack Obama of the United States of America after their meeting in London, England on April 1, 2009, the two Presidents agreed “to pursue new and verifiable reductions in our strategic offensive arsenals in a step-by-step process, beginning by replacing the Strategic Arms Reduction Treaty with a new, legally-binding treaty”.

(2) At that meeting, the two Presidents instructed their negotiators to reach an agreement that “will mutually enhance the security of the Parties and predictability and stability in strategic offensive forces, and will include effective verification measures drawn from the experience of the Parties in implementing the START Treaty”.

(3) Subsequently, on April 5, 2009, in a speech in Prague, the Czech Republic, President Obama proclaimed, “Iran’s nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran’s neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven.”

(4) President Obama also said, “As long as these [nuclear] weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies, including the Czech Republic. But we will begin the work of reducing our arsenal.”

(b) LIMITATION.—Funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2010 may not be obligated or expended to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement entered into between the United States and the Russian Federation on strategic nuclear forces after the date of enactment of this Act unless the President certifies to Congress that—

(1) the treaty or other agreement provides for sufficient mechanisms to verify compliance with the treaty or agreement;

(2) the treaty or other agreement does not place limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons of the United States; and

(3) the fiscal year 2011 budget request for programs of the Department of Energy’s National Nuclear Security Administration will be sufficiently funded—

(A) to maintain the reliability, safety, and security of the remaining strategic nuclear forces of the United States; and

(B) to modernize and refurbish the nuclear weapons complex.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the stockpiles of strategic and nonstrategic weapons of the United States and the Russian Federation.

(d) DEFINITIONS.—In this section:

(1) ADVANCED CONVENTIONAL WEAPONS.—The term “advanced conventional weapons” means any advanced weapons system that has been specifically designed not to carry a nuclear payload.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the following committees:

(A) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(B) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

Mr. KYL. If there are others who wish the floor, I would be happy to accede to their wishes so that I can come back tomorrow and discuss it further.

This is identical to an amendment that was unanimously adopted by the

House of Representatives in their version of the Defense authorization bill. So I would hope that on both sides of the aisle this should not be particularly controversial.

It has to do with the START negotiations, the negotiation the administration is engaged in with the Russians right now on the number of warheads and delivery vehicles that both Russia and the United States will field in the next many years.

Whatever those numbers are, whatever the agreement is, that treaty will be presented to the Senate later this year. Presumably we will act on it either late this year or early next year.

All this amendment does is say that during the 7 years when the START Treaty is implemented, the United States needs to do certain things. We want to make sure the treaty is verifiable. That is something we all agree with. We need to ensure that our missile defenses are protected; that our conventional strike capability is protected, that is, our submarines and bombers that deliver conventional weapons, for example, and, very importantly, we want to make sure the modernization program for our nuclear weapons complex and the weapons themselves, the modernization program that was recommended by the bipartisan Perry-Schlesinger Commission begins to be implemented.

In fact, this amendment does not identify exactly what that program is. It does not say it has to be a particular amount of money or describe the details of it. But it does say we need to get a modernization program underway.

The point of this is to simply acknowledge the obvious; which is, as we begin to reduce the number of warheads and delivery vehicles in our strategic nuclear deterrent, we need to make more and more sure what we have works and works well.

It is an aging stockpile. The Perry-Schlesinger Commission noted that there is a lot of work that needs to be done to bring these weapons up to modern conditions to maintain them appropriately to ensure they are safe and reliable. The work that has to be done on that is going to take some time and cost some money.

So it makes sense to put Congress on record with the administration as insisting that we begin this process right away. The amendment does not say this, but my strong recommendation to the administration is, since they are going to begin putting the budget for fiscal year 2011 together starting in another month or two, that they need to be working now on what their budget recommendations for 2011 are for the modernization of our nuclear complex and stockpile.

So what this amendment would do is to say, as the START Treaty is implemented, whatever that treaty is, it

does not bind the administration in terms of what it negotiates, whatever it is, that that money cannot be spent on that until these other conditions are met as well.

I hope that since this received a unanimous endorsement in the House, it would not be particularly controversial on this side. I would just reiterate one final time, this does not bind our negotiators at all. It does not tell the negotiators what they can and cannot negotiate with the Russians.

What it says is, once they have negotiated whatever they have, then we need to start a process of modernizing our nuclear weapons program and stockpile. I think that is something, since it was the unanimous recommendation of the Perry-Schlesinger Commission, that we ought to be able to agree upon.

I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, under the existing unanimous consent agreement, the Lieberman amendment that would be in order after the disposition of the Kyl amendment was listed as being amendment 1744. The correct number is 1627. I ask unanimous consent that the consent agreement be so modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I rise to make a few remarks in support of the Kyl amendment. This amendment relates to the possible follow-on agreement to the 1991 Strategic Arms Reduction Treaty, so-called START. The Joint Understanding issued at the recent Moscow summit suggests the United States and Russian Federation are well on their way toward completing a new agreement, perhaps even before the end of this year. Rather than wait until the agreement is signed and submitted to the Senate for the Senate’s consent, this amendment provides an opportunity for the Senate to give its advice before the treaty’s provisions are agreed to. It reflects this Senator’s desire to see a follow-on treaty that does not weaken our nuclear

deterrent or place in doubt our nuclear guarantee to our allies and partners who depend on it.

It also reflects a caveat that any future agreement should not limit U.S. missile defense capabilities or U.S. capabilities for long-range conventional strike. Finally, this amendment makes clear that any reductions in our nuclear stockpile should be supported by long-range plans to modernize our aging nuclear deterrent and supporting infrastructure. This is important. We have had testimony in the Armed Services Committee on a number of occasions from our top military commanders who deal with this issue. They say continued reductions of nuclear weapons must be accompanied by a modernization of the limited number we have left. When we do that, we can make them safer and far more difficult for anyone who were to nefariously obtain them to utilize and protect them and make them more reliable.

Most, if not all, would agree that it is important to ensure that the verification and monitoring provisions of the START Treaty of 1991 not be allowed to lapse come December 6.

While there are a number of ways to handle this, either by extending the current agreement or drafting a new agreement dealing specifically with these matters, the United States and Russia have chosen the more ambitious goal of a new treaty that would make further reductions in the current nuclear stockpiles which are today at the lowest levels since the Cold War. We have about 2,200 warheads today. We had 6,000 not too many years ago. We have reduced those numbers. I support that.

The rush to complete an agreement before START expires in December has led the United States to agree to provisions in the Joint Understanding that potentially may not be in our best interest. It is not a critical thing that we reach a firm agreement by the end of December. We should not allow the Russians to put us in a position where we are so desperate to reach an agreement by the end of the year that we would reach a bad agreement. At the very least, it can be said that these matters have not sufficiently been analyzed to know whether they are in our interest.

First, with respect to the central limits to be enshrined in a new agreement, the two sides agreed to warhead limits of between 1,500 and 1,675 warheads, and limits on the number of strategic nuclear delivery vehicles to somewhere between 500 and 1,100. That is quite a wide range. The final number is to be negotiated by the parties. The Senate has yet to see the analytical basis for the levels agreed to in the Joint Understanding which means we are not off to a good start in the advice and consent process.

Today the United States deploys approximately 2,200 operational nuclear

warheads on some 900 delivery vehicles. These are our ICBM missiles, our SLBMs, and bombers. Whether it is prudent to go below these numbers depends on some important considerations. To take that down to 500 would be a dramatic reduction of our delivery systems. Whether it is prudent to go below these numbers that we currently have depends on some important considerations, not the least of which is the impact on the size and shape of the U.S. nuclear TRIAD, the ICBMs, the submarine-launched missiles, and our bomber fleet; our ability to extend credible nuclear guarantees to our allies; and whether lower levels provide an incentive to other nuclear powers to build up their forces so they can be a peer competitor with the United States and Russia.

I will have more to say on this in the future. Suffice it to say that I have yet to hear a convincing strategic rationale that would justify going this low. Indeed, I believe the burden of proof will be on those who think it is necessary to continue to reduce U.S. nuclear force levels that are today but a fraction of what they used to be. My major concern, however, is language in the Joint Understanding which seems to suggest the two sides may establish limitations on U.S. missile defense and long-range conventional strategic strike capabilities. In other words, an agreement could well involve a limitation, either in part of the treaty or a corollary agreement, to limit our national missile defense capabilities. That is a dangerous and unwise linkage.

For example, the Joint Understanding states there will be a provision "on the interrelationship of strategic offensive and strategic defensive arms." I find this troubling because we have made it clear to the Russians that our missile defense capabilities are not directed at, nor are they capable of being an effective defense against, massive Russian capabilities. We only have a plan to put in 44 missiles in the United States and 10 in Europe. That is a fraction of the capacity that the Russians have today. Instead we build missile defenses to address a threat to the United States and its allies posed by rogue nations such as North Korea and Iran. That is what 40 missiles in Alaska and California can do. That is what 10 in Europe could do. It can't defend against massive Russian delivery systems. It has no capability of doing that. They know it. So why do they object?

What do we mean, as we carry out this discussion, by the term "strategic defensive arms"? How does one distinguish between a strategic and nonstrategic missile defense system? Is the United States SM-3 missile, which has some capability against long-range North Korean missiles, considered a strategic missile defense system? It is

best not to get into negotiations that could eventually constrain our ability to build missile defenses against countries such as Iran and North Korea. To be sure, any such limitations would make a START follow-on agreement dead on arrival in the Senate. I don't believe the Senate would pass such an agreement.

The Joint Understanding also contains—between the Obama administration and Russia—a provision addressing the impact on strategic stability of strategic missiles in a nonnuclear configuration. This apparently is an attempt by Russia to constrain the ability of the United States to field long-range strike systems armed with conventional warheads, nonnuclear warheads.

Conventionally armed long-range strike systems, also known as "prompt global strike," are consistent with a move by both countries to place less reliance on nuclear weapons for deterrence. Prompt global strike would allow the United States to launch a missile without a nuclear weapon that could take out a dangerous threat anywhere around the world in a very prompt fashion. We have debated that over the years in the Senate.

Finally, the amendment by Senator KYL would send a strong message to the administration that a START follow-on agreement must be supported at the same time it is submitted to the Senate for ratification by a long-term program to modernize the remaining nuclear forces of the United States, including warheads, delivery systems, and infrastructure needed to support both. Such a modernization is called for by the Congressional Commission on the Strategic Posture of the United States and by the Secretary of Defense, Secretary Gates, who last October said:

There is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without resorting to testing our stockpile or pursuing a modernization program.

Our colleagues don't want us to test. They think this would be a bad example to Iran and North Korea. If we did that, somehow they might be more likely to want to test. I don't think it will have any impact on those rogue nations. The Secretary of Defense is saying that if we don't continue testing, we need to modernize the weapons system we have. If we continue to draw down the number, these 40-, 50-year-old weapons need to be modernized. They need to be reliable. This Senator will condition his support for a START follow-on agreement upon a serious commitment by the administration to modernize our nuclear deterrent which remains necessary to protect the United States and our allies against threats to our vital interests.

I wish to note a similar version of this amendment was adopted unanimously by the House on their version

of the national Defense authorization bill. I commend Senator KYL for offering it and note the importance of sending a clear message to the administration and to our allies and to Russia regarding our views on the ongoing START follow-up negotiations.

I wish to say what is obvious to all of us who have been here a long time. Senator KYL is a real patriot who has maintained a deep interest in these issues throughout his career. This is a well-thought-out, well-conceived amendment that is wise for our Senate to pass. I believe we will. I think if my colleagues will find the time to review it and think it through, they will be convinced this is a wise step for us to take at this time so we don't end up with misunderstanding later on when a treaty plops down in the Senate that has a lot of problems for a host of Senators.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1472, 1518, 1569, 1553, 1471, 1512, 1473, 1561, 1520, 1600, 1555, 1488, 1476, 1612, 1560, 1500, 1535, 1536, 1510, 1492, 1495, 1599, 1636, 1619, 1638, 1642, 1499, 1634, 1676, AND 1677

Mr. LEVIN. Mr. President, I send a series of 30 amendments to the desk, which have been cleared by myself and Senator MCCAIN, and I ask for their immediate consideration.

The PRESIDING OFFICER (Mr. BEGICH). Is there objection?

Without objection, the amendments will be considered en bloc.

Mr. LEVIN. Mr. President, the amendments, I understand, have been cleared by the Republican side.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, I now ask unanimous consent that the amendments be agreed to en bloc and that the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1472

(Purpose: To modify the reporting requirement for the defense nanotechnology research and development program)

At the end of subtitle D of title II, add the following:

SEC. 252. MODIFICATION OF REPORTING REQUIREMENT FOR DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2358 note) is amended by striking subsection (e) and inserting the following new subsection (e):

“(e) REPORTS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the National Science and Technology Council information on the program that covers the information described in paragraphs (1) through (5) of section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) to be included in the annual report submitted by the Council under that section.”.

AMENDMENT NO. 1518

(Purpose: To require the Secretary of the Army to expand the First Sergeants Barracks Initiative (FSBI) throughout the Army in order to improve the quality of life and living environments for single soldiers)

On page 565, after line 20, add the following:

Subtitle D—Other Matters

SEC. 2841. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.

(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to Congress a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations, including whether the Secretary anticipates meeting the deadline imposed by subsection (a).

AMENDMENT NO. 1569

(Purpose: To require a plan to manage vegetative encroachment at training ranges)

On page 92, between lines 18 and 19, insert the following:

SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACHMENT AT TRAINING RANGES.

Section 366(a)(5) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 113 note) is amended—

(1) by striking “(5) At the same time” and inserting “(5)(A) At the same time”; and

(2) by adding at the end the following new subparagraph:

“(B) Beginning with the report submitted to Congress at the same time as the President submits the budget for fiscal year 2011, the report required under this subsection shall include the following:

“(i) An assessment of the extent to which vegetation and overgrowth limits the use of military lands available for training of the Armed Forces in the United States and overseas.

“(ii) Identification of the particular installations and training areas at which vegetation and overgrowth negatively impact the use of training space.

“(iii)(I) As part of the first such report submitted, a plan to address training constraints caused by vegetation and overgrowth.

“(II) As part of each subsequent report, any necessary updates to such plan.”.

AMENDMENT NO. 1553

(Purpose: To authorize the Secretary of the Army to construct a previously authorized Armed Forces Reserve Center in vicinity of specified location at Pease Air National Guard Base, New Hampshire)

On page 553, between lines 15 and 16, insert the following:

SEC. 2707. AUTHORITY TO CONSTRUCT PREVIOUSLY AUTHORIZED ARMED FORCES RESERVE CENTER IN VICINITY OF SPECIFIED LOCATION AT PEASE AIR NATIONAL GUARD BASE, NEW HAMPSHIRE.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4715) for the purpose of constructing an Armed Forces Reserve Center at Pease Air National Guard Base, New Hampshire, to construct instead an Armed Forces Reserve Center in the vicinity of Pease Air National Guard Base at a location determined by the Secretary to be in the best interest of national security and in the public interest.

AMENDMENT NO. 1471

(Purpose: To release to the State of Arkansas a reversionary interest in Camp Joseph T. Robinson)

At the appropriate place, insert the following:

SEC. ____ RELEASE OF REVERSIONARY INTEREST.

The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled “An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas”, approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which is comprised of 40.515 acres of land to be acquired by the United States of America and 40.513 acres to be acquired by the City of North Little Rock, Arkansas, and lies in sections 6, 8, and 9 of township 2 North, Range 12 West, Pulaski County, Arkansas.

AMENDMENT NO. 1512

(Purpose: To require additional disclosure of poor performance in the contractor performance database)

On page 259, between lines 12 and 13, insert the following:

SEC. 824. MODIFICATIONS TO DATABASE FOR FEDERAL AGENCY CONTRACT AND GRANT OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

Subsection (c) of section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4556) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following new paragraphs:

“(6) Each audit report that, as determined by an Inspector General or the head of an audit agency responsible for the report, contains significant adverse information about a contractor that should be included in the database.

“(7) Each contract action that, as determined by the head of the contracting activity responsible for the contract action, reflects information about contractor performance or integrity that should be included in the database.”.

AMENDMENT NO. 1473

(Purpose: To modify the provision requiring the inclusion of pension obligations for certain Department of Energy facilities in the budget request of the President to include pension obligations for all Department of Energy facilities)

On page 590, lines 7 through 9, strike “for the National Nuclear Security Administration or for defense environmental cleanup”.

AMENDMENT NO. 1561

(Purpose: To expand the authority of the Ombudsman under the Energy Employees Occupational Illness Compensation Program Act of 2000)

At the end of subtitle C of title XXXI, insert the following:

SEC. 3136. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385–15) is amended—

(1) in subsection (c), by inserting “and subtitle B” after “this subtitle” each place it appears;

(2) in subsection (d), by inserting “and subtitle B” after “this subtitle”;

(3) in subsection (e), by inserting “and subtitle B” after “this subtitle” each place it appears;

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following new subsection:

“(g) NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH OMBUDSMAN.—In carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B.”.

(b) CONSTRUCTION.—Except as specifically provided in subsection (g) of section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (a) of this section, nothing in the amendments made by such subsection (a) shall be construed to alter or affect the duties and functions of the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.).

AMENDMENT NO. 1520

(Purpose: To require a report on the re-determination process of the Department of Defense used to determine the eligibility of permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary of Defense)

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON RE-DETERMINATION PROCESS FOR PERMANENTLY INCAPACITATED DEPENDENTS OF RETIRED AND DECEASED MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the re-determination process of the Department of Defense used to determine the eligibility of permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary. The report shall include the following:

(1) An assessment of the re-determination process, including the following:

(A) The rationale for requiring a quadrennial recertification of financial support after issuance of a permanent identification card to a permanently incapacitated dependent.

(B) The administrative and other burdens the quadrennial recertification imposes on the affected sponsor and dependents, espe-

cially after the sponsor becomes ill, incapacitated, or deceased.

(C) The extent to which the quadrennial recertification undermines the utility of issuing a permanent identification card.

(D) The extent of the consequences entailed in eliminating the requirement for quadrennial recertification.

(2) Specific recommendations for the following:

(A) Improving the efficiency of the recertification process.

(B) Minimizing the burden of such process on the sponsors of such dependents.

(C) Eliminating the requirement for quadrennial recertification.

AMENDMENT NO. 1600

(Purpose: To require the Comptroller General of the United States to conduct an audit of assistance to local educational agencies for the education of dependent children of members of the Armed Forces)

At the end of subtitle D of title V, add the following:

SEC. 537. COMPTROLLER GENERAL AUDIT OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the utilization by local educational agencies of the assistance specified in subsection (b) provided to such agencies for fiscal years 2001 through 2009 for the education of dependent children of members of the Armed Forces. The audit shall include—

(1) an evaluation of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

(b) ASSISTANCE SPECIFIED.—The assistance specified in this subsection is—

(1) assistance provided under—

(A) section 572 the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b);

(B) section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1917);

(C) section 536 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1474);

(D) section 341 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2514);

(E) section 351 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1063); or

(F) section 362 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–76); and

(2) payments made under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

(c) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report containing the results of the audit required by subsection (a).

AMENDMENT NO. 1555

(Purpose: To permit the extension of eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents)

At the end of subtitle D of title V, add the following:

SEC. 537. AUTHORITY TO EXTEND ELIGIBILITY FOR ENROLLMENT IN DEPARTMENT OF DEFENSE ELEMENTARY AND SECONDARY SCHOOLS TO CERTAIN ADDITIONAL CATEGORIES OF DEPENDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) TUITION-FREE ENROLLMENT OF DEPENDENTS OF FOREIGN MILITARY PERSONNEL RESIDING ON DOMESTIC MILITARY INSTALLATIONS AND DEPENDENTS OF CERTAIN DECEASED MEMBERS OF THE ARMED FORCES.—(1) The Secretary may authorize the enrollment in an education program provided by the Secretary pursuant to subsection (a) of a dependent not otherwise eligible for such enrollment who is the dependent of an individual described in paragraph (2). Enrollment of such a dependent shall be on a tuition-free basis.

“(2) An individual referred to in paragraph (1) is any of the following:

“(A) A member of a foreign armed force residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States).

“(B) A deceased member of the armed forces who died in the line of duty in a combat-related operation, as designated by the Secretary.”.

AMENDMENT NO. 1488

(Purpose: To include in the study on options for educational opportunities for dependent children of members of the Armed Forces consideration of the impact of such options on students with special needs)

On page 125, between lines 9 and 10, insert the following:

(H) The extent to which the options referred to in paragraph (2) would improve the quality of education available for students with special needs, including students with learning disabilities and gifted students.

AMENDMENT NO. 1476

(Purpose: To permit the Secretary of the Air Force to convey to certain Indian tribes certain relocatable military housing units)

At the end of title XXIII, add the following:

SEC. 23. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE DIRECTOR.—The term “Executive Director” means the Executive Director of Walking Shield, Inc.

(2) INDIAN TRIBE.—The term “Indian tribe” means any Indian tribe included on the list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(b) REQUESTS FOR CONVEYANCE.—

(1) IN GENERAL.—The Executive Director may submit to the Secretary of the Air Force, on behalf of any Indian tribe located in the State of Idaho, Nevada, North Dakota, Oregon, South Dakota, Montana, or Minnesota, a request for conveyance of any relocatable military housing unit located at Grand Forks Air Force Base, Minot Air Force Base, Malmstrom Air Force Base, Ellsworth Air Force Base, or Mountain Home Air Force Base.

(2) CONFLICTS.—The Executive Director shall resolve any conflict among requests of Indian tribes for housing units described in paragraph (1) before submitting a request to the Secretary of the Air Force under this subsection.

(c) CONVEYANCE BY SECRETARY.—Notwithstanding any other provision of law, on receipt of a request under subsection (c)(1), the

Secretary of the Air Force may convey to the Indian tribe that is the subject of the request, at no cost to the Air Force and without consideration, any relocatable military housing unit described in subsection (c)(1) that, as determined by the Secretary, is in excess of the needs of the military.

AMENDMENT NO. 1612

(Purpose: To modify the provision clarifying responsibility for preparation of the biennial global positioning system report)

Beginning on page 419, strike line 10 and all that follows through page 420, line 2, and insert the following:

(a) IN GENERAL.—Section 2281(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “the Secretary of Defense” and inserting “the Deputy Secretary of Defense and the Deputy Secretary of Transpor-

tation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing.”; and

(B) by striking “the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives” and inserting “the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) In preparing each report required under paragraph (1), the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for

Space-Based Positioning, Navigation, and Timing, shall consult with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security.”.

AMENDMENT NO. 1560

(Purpose: To make technical corrections regarding certain military construction projects at Cannon Air Force Base and Holloman Air Force Base, New Mexico)

On page 508, between lines 15 and 16, insert the following:

SEC. 2005. TECHNICAL CORRECTIONS REGARDING CERTAIN MILITARY CONSTRUCTION PROJECTS, NEW MEXICO.

Notwithstanding the table in section 4501, the amounts available for the following projects at the following installations shall be as follows:

Air Force: Inside the United States

State	Installation	Project Title	Senate Authorized Amount
New Mexico	Holloman Air Force Base	Fire-Crash Rescue Station	\$0

Special Operations Command

State	Installation	Project Title	Senate Authorized Amount
New Mexico	Cannon Air Force Base	SOF AC 130 Loadout Apron Phase 1	\$6,000,000

On page 523, in the table preceding line 1, in the item relating to Holloman Air Force Base, New Mexico, strike “\$15,900,000” in the amount column and insert “\$5,500,000”.

On page 525, line 2, strike “\$1,746,821,000” and insert “\$1,736,421,000”.

On page 525, line 5, strike “\$822,515,000” and insert “\$812,115,000”.

On page 529, in the table preceding line 1 entitled “Special Operations Command”, in the item relating to Cannon Air Force Base, New Mexico, strike “\$52,864,000” in the amount column and insert “\$58,864,000”.

On page 531, line 16, strike “\$3,284,025,000” and insert “\$3,290,025,000”.

On page 531, line 19, strike “\$963,373,000” and insert “\$969,373,000”.

AMENDMENT NO. 1500

(Purpose: To include analysis of military whistleblower reprisal appeals in the assessment by the Comptroller General of the United States of military whistleblower protections)

On page 428, between lines 21 and 22, insert the following:

(3) A sample of military whistleblower reprisal appeals (as selected by the Comptroller General for the purposes of this section) heard by the Boards for the Correction of Military Records referred to in section

1552 of title 10, United States Code, of each military department.

AMENDMENT NO. 1535

(Purpose: To require the Director of National Intelligence to report on Cuba and Cuba's relations with other countries)

At the end of subtitle B of title XII, add the following:

SEC. 1222. REPORT ON CUBA AND CUBA'S RELATIONS WITH OTHER COUNTRIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) The cooperative agreements and relationships that Cuba has with Iran, North Korea, and other states suspected of nuclear proliferation.

(2) A detailed account of the economic support provided by Venezuela to Cuba and the intelligence and other support that Cuba provides to the government of Hugo Chavez.

(3) A review of the evidence of relationships between the Cuban government or any of its components with drug cartels or involvement in other drug trafficking activities.

(4) The status and extent of Cuba's clandestine activities in the United States.

(5) The extent and activities of Cuban support for governments in Venezuela, Bolivia, Ecuador, Central America, and the Caribbean.

(6) The status and extent of Cuba's research and development program for biological weapons production.

(7) The status and extent of Cuba's cyberwarfare program.

AMENDMENT NO. 1536

(Purpose: To require the Director of National Intelligence to report on political and other support provided by Venezuelan officials to terrorist and other groups)

At the end of subtitle B of title XII, add the following:

SEC. 1222. REPORT ON VENEZUELA.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) An inventory of all weapons purchases by, and transfers to, the government of Venezuela and Venezuela's transfers to other countries since 1998, particularly purchases and transfers of missiles, ships, submarines, and any other advanced systems. The report shall include an assessment of whether there

is accountability of the purchases and transfers with respect to the end-use and diversion of such materiel to popular militias, other governments, or irregular armed forces.

(2) The mining and shipping of Venezuelan uranium to Iran, North Korea, and other states suspected of nuclear proliferation.

(3) The extent to which Hugo Chavez and other Venezuelan officials and supporters of the Venezuelan government provide political counsel, collaboration, financial ties, refuge, and other forms of support, including military materiel, to the Revolutionary Armed Forces of Colombia (FARC).

(4) The extent to which Hugo Chavez and other Venezuelan officials provide funding, logistical and political support to the Islamist terrorist organization Hezbollah.

(5) Deployment of Venezuelan security or intelligence personnel to Bolivia, including any role such personnel have in suppressing opponents of the government of Bolivia.

(6) Venezuela's clandestine material support for political movements and individuals throughout the Western Hemisphere with the objective of influencing the internal affairs of nations in the Western Hemisphere.

(7) Efforts by Hugo Chavez and other officials or supporters of the Venezuelan government to convert or launder funds that are the property of Venezuelan government agencies, instrumentalities, parastatals, including Petroleos de Venezuela, SA (PDVSA).

(8) Covert payments by Hugo Chavez or officials or supporters of the Venezuelan government to foreign political candidates, government officials, or officials of international organizations for the purpose of influencing the performance of their official duties.

AMENDMENT NO. 1510

(Purpose: To provide technical changes to land conveyance matters regarding Ellsworth Air Force Base, South Dakota)

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.—

(1) IN GENERAL.—Section 2863(a) of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010), as amended by section 2865(a) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-435), is further amended by striking “West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the ‘Foundation’)” and inserting “South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this section referred to as the ‘Authority’)”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2863 of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-435), is further amended—

(A) by striking “Foundation” each place it appears in subsections (c) and (e) and inserting “Authority”;

(B) in subsection (b)(1)—

(i) in subparagraph (B), by striking “137.56 acres” and inserting “120.70 acres”; and

(ii) by striking subparagraphs (C), (D), and (E).

(b) NEW CONVEYANCE AUTHORITY.—

(1) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this subsection referred to as the “Authority”), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in paragraph (2).

(2) COVERED PROPERTY.—The real property referred to in paragraph (1) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 2.37 acres and comprising the 11000 West Communications Annex.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 6.643 acres and comprising the South Nike Education Annex.

(3) CONDITION.—As a condition of the conveyance under this subsection, the Authority, and any person or entity to which the Authority transfers the property, shall comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(4) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

(5) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this subsection shall be determined by a survey satisfactory to the Secretary.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1492

(Purpose: To authorize a land conveyance at F.E. Warren Air Force Base, Cheyenne, Wyoming)

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the County of Laramie, Wyoming (in this section referred to as the “County”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount

that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) NOTICE TO CONGRESS.—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance and implementing the receipt of in-kind consideration. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the

same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **DESCRIPTION OF REAL PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1495

(Purpose: To authorize a land conveyance at Lackland Air Force Base, Texas)

On page 565, after line 20, insert the following:

SEC. 2832. LAND CONVEYANCE, LACKLAND AIR FORCE BASE, TEXAS.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey to an eligible entity, all right, title, and interest of the United States to not more than 250 acres of real property and associated easements and improvements on Lackland Air Force Base, Texas, in exchange for real property adjacent to or near the installation for the purpose of relocating and consolidating Air Force tenants located on the former Kelly Air Force Base, Texas, onto the main portion of Lackland Air Force Base.

(b) **CONDITION OF CONVEYANCE.**—The conveyance under subsection (a) shall be subject to the condition that the eligible entity accept the real property in its condition at the time of the conveyance, commonly known as conveyance “as is” and not subject to the requirements for covenants in deed under section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

(c) **ELIGIBLE ENTITIES.**—A conveyance under this section may be made to the City of San Antonio, Texas, or an organization or agency chartered or sponsored by the local or State government.

(d) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the eligible entity shall provide the Air Force with real property or real property improvements, or a combination of both, of equal value, as determined by the Secretary. If the fair market value of the real property or real property improvements, or combination thereof, is less than the fair market value of the real property to be conveyed by the Air Force, the eligible entity shall provide cash payment to the Air Force, or provide Lackland Air Force Base with in-kind consideration of an amount equal to the difference in the fair market values. Any cash payment received by the Air Force for the conveyance authorized by subsection (a) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **IN GENERAL.**—The Secretary may require the eligible entity to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from the eligible entity in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the

conveyance, the Secretary shall refund the excess amount to the eligible entity.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1599

(Purpose: To authorize a land conveyance at Haines Tank Farm, Haines, Alaska)

On page 565, after line 20, insert the following:

SEC. 2832. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the “Association”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

(c) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually

incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **SAVINGS PROVISION.**—The Haines Tank Farm is currently under a remedial investigation (RI) for petroleum, oil and lubricants contamination. Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1636

(Purpose: To authorize land conveyances of certain parcels in the Camp Catlin and Ohana Nui areas, Pearl Harbor, Hawaii)

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.

(a) **CONVEYANCES AUTHORIZED.**—The Secretary of the Navy (“the Secretary”) may convey to any person or entity leasing or licensing real property located at Camp Catlin and Ohana Nui areas, Hawaii, as of the date of the enactment of this Act (“the lessee”) all right, title, and interest of the United States in and to the portion of such property that is respectively leased or licensed by such person or entity for the purpose of continuing the same functions as are being conducted on the property as of the date of the enactment of this Act.

(b) **CONSIDERATION.**—As consideration for a conveyance under subsection (a), the lessee shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) **EXERCISE OF RIGHT TO PURCHASE PROPERTY.**—

(1) **ACCEPTANCE OF OFFER.**—For a period of 180 days beginning on the date the Secretary makes a written offer to convey the property or any portion thereof under subsection (a), the lessee shall have the exclusive right to accept such offer by providing written notice of acceptance to the Secretary within the specified 180-day time period. If the Secretary's offer is not so accepted within the 180-day period, the offer shall expire.

(2) **CONVEYANCE DEADLINE.**—If a lessee accepts the offer to convey the property or a portion thereof in accordance with paragraph (1), the conveyance shall take place

not later than 2 years after the date of the lessee's written acceptance, provided that the conveyance date may be extended for a reasonable period of time by mutual agreement of the parties, evidenced by a written instrument executed by the parties prior to the end of the 2-year period. If the lessee's lease or license term expires before the conveyance is completed, the Secretary may extend the lease or license term up to the date of conveyance, provided that the lessee shall be required to pay for such extended term at the rate in effect at the time it was declared excess property.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the lessee to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the lessee in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the lessee.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1619

(Purpose: To authorize the Department of Defense to participate in programs for the management of energy demand or the reduction of energy usage during peak periods)

At the appropriate place in title III, insert the following:

SEC. ____ . DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.

(a) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods

“(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense, the Secretaries of the military departments, the heads of the Defense Agencies, and the heads of other instrumentalities of the Department of Defense are authorized to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by any of the following parties:

“(1) An electric utility

“(2) An independent system operator.

“(3) A State agency.

“(4) A third party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

“(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the extent provided in advance in an appropriations Act. The Secretary concerned or the head of the Defense Agency or other instrumentality, as the case may be, shall pay for the cost of the design and implementation of these services in full in the year in which they are received from amounts provided in advance in an appropriations Act.

“(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of the amounts derived from financial incentives awarded to a military installation as described in subsection (b) and provided for in advance by an appropriations Act—

“(1) not less than 100 percent shall be made available for use at such military installation; and

“(2) not less than 30 percent shall be made available for energy management initiatives at such installation.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.”.

AMENDMENT NO. 1638

(Purpose: To require a master plan to provide world class military medical facilities in the National Capital Region)

At the end of title XXVII, add the following:

SEC. 2707. REQUIREMENT FOR MASTER PLAN TO PROVIDE WORLD CLASS MILITARY MEDICAL FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) MASTER PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a comprehensive master plan to provide world class military medical facilities and an integrated system of health care delivery for the National Capital Region that—

(1) addresses—

(A) the unique needs of members of the Armed Forces and retired members of the Armed Forces and their families;

(B) the care, management, and transition of seriously ill and injured members of the Armed Forces and their families;

(C) the missions of the branch or branches of the Armed Forces served; and

(D) performance expectations for the future integrated health care delivery system, including—

(i) information management and information technology support; and

(ii) expansion of support services;

(2) includes the establishment of an integrated process for the joint development of budgets, prioritization of requirements, and the allocation of funds;

(3) designates a single entity within the Department of Defense with the budget and

operational authority to respond quickly to and address emerging facility and operational requirements required to provide and operate world class military medical facilities in the National Capital Region;

(4) incorporates all ancillary and support facilities at the National Naval Medical Center, Bethesda, Maryland, including education and research facilities as well as centers of excellence, transportation, and parking structures required to provide a full range of adequate care and services for members of the Armed Forces and their families;

(5) ensures that each facility covered by the plan meets or exceeds Joint Commission hospital design standards as applicable; and

(6) can be used as a model to develop similar master plans for all military medical facilities within the Department of Defense.

(b) MILESTONE SCHEDULE AND COST ESTIMATES.—Not later than 90 days after the development of the master plan required by (a), the Secretary shall submit to the congressional defense committees a report describing—

(1) the schedule for completion of requirements identified in the master plan; and

(2) updated cost estimates to provide world class military medical facilities for the National Capital Region.

(c) DEFINITIONS.—In this section:

(1) NATIONAL CAPITAL REGION.—The term “National Capital Region” has the meaning given the term in section 2674(f) of title 10, United States Code.

(2) WORLD CLASS MILITARY MEDICAL FACILITY.—The term “world class military medical facility” has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report entitled “Achieving World Class—An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital”, published in May, 2009.

AMENDMENT NO. 1642

(Purpose: To require the Comptroller General of the United States to conduct a review of spending in the final quarter of fiscal year 2009 by the Department of Defense)

At the end of subtitle G of title X, add the following:

SEC. 1073. COMPTROLLER GENERAL REVIEW OF SPENDING IN THE FINAL QUARTER OF FISCAL YEAR 2009 BY THE DEPARTMENT OF DEFENSE.

(a) REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a review of the obligations and expenditures of the Department of Defense in the final quarter of fiscal year 2009, as compared to the obligations and expenditures of the Department in the first three quarters of that fiscal year, to determine if policies with respect to spending by the Department contribute to hastened year-end spending and poor use or waste of taxpayer dollars.

(b) REPORT.—Not later than the earlier of March 30, 2010, or the date that is 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing—

(1) the results of the review conducted under subsection (a); and

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts appropriated to the Department of Defense are obligated and expended in the final quarter of the fiscal year.

AMENDMENT NO. 1499

(Purpose: To authorize an Air Force Academy athletics support program)

On page 120, before line 1, insert the following:

SEC. 524. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9361 the following new section:

“§ 9362. Air Force Academy athletic programs support

“(a) ESTABLISHMENT AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of the Air Force may, in accordance with the laws of the State of incorporation, establish a corporation to support the athletic programs of the Academy (in this section referred to as the ‘corporation’). All stock of the corporation shall be owned by the United States and held in the name of and voted by the Secretary of the Air Force.

“(2) PURPOSE.—The corporation shall operate exclusively for charitable, educational, and civic purposes to support the athletic programs of the Academy.

“(b) CORPORATE ORGANIZATION.—The corporation shall be organized and operated—

“(1) as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

“(2) in accordance with this section; and

“(3) pursuant to the laws of the State of incorporation, its articles of incorporation, and its bylaws.

“(c) CORPORATE BOARD OF DIRECTORS.—

“(1) COMPENSATION.—The members of the board of directors shall serve without compensation, except for reasonable travel and other related expenses for attendance at meetings.

“(2) AIR FORCE PERSONNEL.—The Secretary of the Air Force may authorize military and civilian personnel of the Air Force under section 1033 of this title to serve, in their official capacities, as members of the board of directors, but such personnel shall not hold more than one third of the directorships.

“(d) TRANSFER FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property, but excluding any interest in real property.

“(e) ACCEPTANCE OF GIFTS.—The Secretary of the Air Force may accept from the corporation funds, supplies, and services for the support of cadets and Academy personnel during their participation in, or in support of, Academy or corporate events related to the Academy athletic programs.

“(f) LEASING.—The Secretary of the Air Force may, in accordance with section 2667 of this title, lease real and personal property to the corporation for purposes related to the Academy athletic programs. Money rentals received from any such lease may be retained and spent by the Secretary to support athletic programs of the Academy.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9361 the following new item:

“9362. Air Force Academy athletic programs support.”

AMENDMENT NO. 1634

(Purpose: To express the sense of Congress regarding airfares for members of the Armed Forces)

On page 201, after line 25, add the following:

SEC. 652. SENSE OF CONGRESS ON AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces is comprised of over 1,450,000 active-duty members from every State and territory of the United States who are assigned to thousands of installations, stations, and ships worldwide and who often-times must travel long distances by air at their own expense to enjoy the benefits of leave and liberty.

(2) The United States is indebted to the members of the all volunteer Armed Forces and their families who protect our Nation, often experiencing long separations due to the demands of military service and in life threatening circumstances.

(3) Military service often precludes long range planning for leave and liberty to provide opportunities for reunions and recreation with loved ones and requires changes in planning due to military necessity which results in last minute changes in planning.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United States commercial carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties for military personnel;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

AMENDMENT NO. 1676

(Purpose: To require the Comptroller General of the United States to review the assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System)

On page 66, between lines 19 and 20, insert the following:

(e) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall—

(1) review the assessment required by subsection (b) and the plan required by subsection (c); and

(2) not later than 120 days after receiving the assessment and the plan, provide to the congressional defense committees the results of the review.

AMENDMENT NO. 1677

(Purpose: To avoid a break in production of the Ground-based Interceptor missile until the Department of Defense completes the Ballistic Missile Defense Review and to ensure there is no gap in homeland defense by ensuring that Missile Field 1 at Fort Greely, Alaska, does not complete decommissioning until seven silos have been emplaced at Missile Field 2 at Fort Greely)

At the end of subtitle C of title II, add the following:

SEC. 245. CONTINUED PRODUCTION OF GROUND-BASED INTERCEPTOR MISSILE AND OPERATION OF MISSILE FIELD 1 AT FORT GREELY, ALASKA.

(a) LIMITATION ON BREAK IN PRODUCTION.—The Secretary of Defense shall ensure that the Missile Defense Agency does not allow a break in production of the Ground-based Interceptor missile until the Department of Defense has—

(1) completed the Ballistic Missile Defense Review; and

(2) made a determination with respect to the number of Ground-based Interceptor missiles that will be necessary to support the service life of the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

(b) LIMITATION ON CERTAIN ACTIONS WITH RESPECT TO MISSILE FIELD 1 AND MISSILE FIELD 2 AT FORT GREELY, ALASKA.—

(1) LIMITATION ON DECOMMISSIONING OF MISSILE FIELD 1.—The Secretary of Defense shall ensure that Missile Field 1 at Fort Greely, Alaska, does not complete decommissioning until seven silos have been emplaced at Missile Field 2 at Fort Greely.

(2) LIMITATION WITH RESPECT TO DISPOSITION OF SILOS AT MISSILE FIELD 2.—The Secretary of Defense shall ensure that no irreversible decision is made with respect to the disposition of operational silos at Missile Field 2 at Fort Greely, Alaska, until that date that is 60 days after the date on which the reports required by subsections (b)(3) and (c)(3) of section 243 are submitted to the congressional defense committees.

Mr. LEVIN. Now, Mr. President, I would ask unanimous consent that Senator UDALL be recognized as in morning business for 10 minutes; then that Senator AKAKA be recognized to speak on an amendment, which he intends to offer, and which we will do everything we can to make in order tomorrow; and then that Senator MURRAY be recognized for 10 minutes as in morning business.

Mr. McCain. Mr. President, reserving the right to object, and I will not object, it is also my understanding then that at the beginning of business tomorrow we will be taking up the Kyl amendment and the Bayh either second degree or side-by-side, with 2 hours equally divided.

Mr. LEVIN. No. The UC, I believe, as it reads, is that we will take up the Kyl amendment tomorrow, with a possible second degree or side-by-side; and then after they are disposed of, then we would go to the Lieberman amendment and a second degree or a side-by-side amendment of Senator BAYH.

Mr. LIEBERMAN. On the alternate engine.

Mr. LEVIN. On the alternate engine.

Mr. MCCAIN. So we would be taking up the Kyl amendment first, and then—

Mr. LEVIN. Then a possible second degree or side-by-side to Kyl. Then, after the disposition of Kyl and any side-by-side or second degree, we would move to the Lieberman amendment on alternate engines, with a Bayh second degree or side-by-side.

Mr. MCCAIN. And there are time agreements on both amendments?

Mr. LEVIN. We do not have a time agreement yet on any of the amendments. We hope in the morning to have time agreements. But we did not have the language available for any—we did not have either the second-degree amendment language or the side-by-side available, so your side was unable, understandably, to agree to a time agreement.

Mr. MCCAIN. Once the other sides of these amendments are aware of the side-by-side, then it is our intention to have an hour or two equally divided, and then move on to pending amendments.

Mr. LEVIN. If it is not already agreed to, I think there was an understanding on the Lieberman and on the Bayh amendments there would be an hour for each.

Mr. LIEBERMAN. That is fine.

Mr. LEVIN. We need the language before that can be agreed to. But that is the understanding or intent.

Mr. MCCAIN. I thank the chairman. I think that clears up what our plans are for a good part of tomorrow.

Mr. LEVIN. There will be no more votes tonight.

The PRESIDING OFFICER. Is there any objection to the speaker order?

Without objection, it is so ordered.

The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. UDALL of Colorado. Mr. President, 28 years ago my father, former Congressman from Arizona, Morris Udall, took the long walk from the House of Representatives to come to the Senate. The divide that separates the two great Chambers of Congress sometimes struck my father as deeper and wider than the Grand Canyon of Arizona, but he crossed over that day because he had a mission. He came to testify before the Senate Judiciary Committee on behalf of a fellow Arizonan—Sandra Day O'Connor—the first woman to serve as a U.S. Supreme Court Justice.

My father, who was often at odds with ideologues of every stripe, noted she was “clearly conservative,” but he also spoke of her “great judicial temperament” and her disposition to always put justice ahead of partisanship.

Justice O'Connor proved to be an outstanding member of the Court, and

my father never regretted his decision to support her nomination.

A generation later, I am honored to stand here today to voice my strong support for the first Hispanic woman nominated for the U.S. Supreme Court—Sonia Sotomayor.

Judge Sotomayor's story is truly the quintessential example of the American dream. The daughter of Puerto Rican parents who moved to New York City at a time when racial and ethnic prejudice was widespread, she lost her father at age 9. Her extraordinary mother worked hard to provide an example of striving in the best sense of that word. Sonia Sotomayor took that example to Princeton, Yale Law School, the Manhattan District Attorney's Office, and as a Federal judge.

It is no wonder the Hispanic community is proud of this nomination and has shown an outpouring of support for Judge Sotomayor. I was moved personally to learn that Hispanic citizens from across the country traveled to Washington, DC, and stood in line for hours in order to be in the audience for her confirmation hearings.

Former Colorado State Senator Polly Baca was one of those who traveled from Colorado. As a friend of the Sotomayor family, Polly's reaction mirrored many others when she said that the judge is “just brilliant.” “Some people viewed her as a bit of a nerd,” Senator Baca said, “because she worked so hard, studied so hard. And she's led her life that way. . . .” “She is who she is,” Senator Baca concluded. This historic nomination is not only a source of pride for Hispanic Americans, but for all of us. That is because we all take heart and experience pride when we hear of a fellow American who overcomes great obstacles and does good through hard work and perseverance.

Let me quote the Greeley Tribune out on our eastern plains in my home State of Colorado. The Tribune wrote:

This is, instead, a celebration of the growth of our democracy . . . it is important that we recognize her nomination for what it is: a signpost on the unending road toward a more perfect union.

The Framers of the Constitution specifically outlined the advise and consent role of the Senate regarding nominations. This is one of our most solemn duties as Senators, the importance of which cannot be overstated. I take this responsibility very seriously. The Supreme Court is the highest Court in our land. Once it rules on a case, that holding and rule become the law of the land. The Presiding Officer, as the former attorney general of Illinois, knows that to be the case. The men and women we send to serve there make decisions and render judgments that can chart our destiny, literally, as a people.

So an inspiring life story is not the only or even the most compelling reason to confirm Judge Sotomayor. What

matters most? Her qualifications for the job, her record, and her approach to the Constitution.

Last week my colleagues on the Senate Judiciary Committee began the confirmation proceedings for Judge Sotomayor and examined her record. During those hearings, the judge handled herself with grace and poise. She answered tough questions and clearly demonstrated her commitment to the law and the Constitution.

Out on the west slope of our great State of Colorado, we have the city of Grand Junction. The Daily Sentinel, that city's newspaper, stated last week: “Sotomayor is unquestionably qualified.” And I agree.

There is no doubt that she is superbly qualified to be our next Supreme Court Justice. As a Federal trial judge, in addition to her more recent experience on the court of appeals, Judge Sotomayor brings more experience as a judge to the job of serving on the Supreme Court than anyone currently serving on the Court.

In addition, the judge received a “well-qualified” rating from the American Bar Association. This is the highest rating from the ABA, notable because it is given by Judge Sotomayor's peers.

Judge Sotomayor has received endorsements from a variety of organizations, ranging from law enforcement and sportsmen and hunters, to legal and higher education professionals.

The Framers of the Constitution anticipated the importance of having an independent and duty-bound judiciary. Alexander Hamilton, in the Federalist Papers, noted that:

To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them. . . .

From her record, it is unmistakable that Judge Sotomayor has demonstrated a commitment to precedent and the rule of law, as Mr. Hamilton described it. During her confirmation hearings, she said:

As a judge, I do not make the law . . . judges must apply the law.

Some have raised the question whether Judge Sotomayor is a “liberal activist” because of her involvement on the board of the Puerto Rican Legal Defense and Education Fund. But Judge Sotomayor's role and involvement has not been in directing legal opinions from this organization, but it has been directed instead at encouraging Puerto Rican youth to pursue careers in the legal profession.

According to her record, she has participated in 434 published panel decisions where there was at least one judge appointed by a Republican President. Despite notions to the contrary, she has agreed with the result favored by the Republican appointee 95 percent

of the time. What does that demonstrate? Well, it demonstrates that Judge Sotomayor does not have an ideological bias but that she is a moderate jurist.

I also wish to acknowledge another alleged controversy Judge Sotomayor's critics have seized upon as a reason to oppose her confirmation; that is, her so-called "wise Latina" remarks in which the judge waxed not so eloquently on her hopes that she might draw special wisdom and insight from her personal experience. Judge Sotomayor herself has acknowledged the clumsiness of her language. If anything in her record suggested a special bias or prejudice, these words might be evidence of a larger problem, but that is simply not borne out in a review of her record on the bench. Nor did her decision on the Ricci case strike me as evidence of activist bias so much as it was a case of deference for judicial precedent. It strikes me as particularly unfair for Judge Sotomayor's critics to assail her for social activism when there is little, if any, evidence of that in her record, and they also used the Ricci case as an example. Frankly, I think the judge's opinions consistently show judicial restraint, respect for established legal precedent, and deference to the policymaking role of the elected branches—even when it leads to a result that may be unpopular or different from her personal opinion.

After I had a chance to meet with Judge Sotomayor, I came away with the opinion that she possesses the temperament, the qualifications, and the experience to meet the challenges of serving at the highest level on the Supreme Court.

I also appreciated that she acknowledged one of the most important issues to the livelihood of westerners: water. She surprised me when she said that all of the questions surrounding water may be among the most challenging legal controversies we face in the next 25 to 50 years. We did not have a conversation about the specific legal issues that might emerge around water, energy, or public lands in the West, but what I saw was a reassuring appreciation for the unique problems of our region and an intellectual curiosity to match it.

So as I conclude, I have reviewed Judge Sotomayor's impressive judicial record. I have watched and listened carefully to her answers during her confirmation hearing and met with her in person. Like Justice Sandra Day O'Connor, I believe she is poised to make history. I am proud to support her nomination, and I would encourage my colleagues in the Senate to do likewise.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the remarks of the Senator from Hawaii, the Senate go into a period of morning

business, with Senator MURRAY to be recognized first for 10 minutes and other Members of the body permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

AMENDMENT NO. 1522

Mr. AKAKA. Mr. President, I rise to speak on amendment No. 1522 to S. 1390. I understand there is not yet an agreement to consider the amendment, but I am hopeful there will be one soon.

Amendment No. 1522 would enhance the retirement security of Federal employees and address inequities in the system. As chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am proud to join with Senators COLLINS, LIEBERMAN, VOINOVICH, MURKOWSKI, BEGICH, KOHL, MIKULSKI, CARDIN, INOUE, WEBB, and WARNER in this bipartisan amendment.

Each of these revisions is much needed and has been thoroughly debated by the appropriate committees in the House and Senate. Many of the changes were requested by the administrators of the retirement plans and are strongly supported by many organizations. The list of supporters is too long to read here, but it includes every major Federal employee union; postal unions, supervisors, and postmasters; the Federal Law Enforcement Officers Association, and several government managers groups.

Most important to my home State of Hawaii, the amendment provides retirement equity to Federal employees in Hawaii, Alaska, and the territories. More than 23,000 Federal employees in Hawaii, including more than 17,000 Defense Department employees and another 30,000 Federal employees in Alaska and the territories, currently receive a cost-of-living allowance which is not taxed and does not count for retirement. Because of this, workers in the nonforeign areas retire with significantly lower annuities than their counterparts in the 48 States and DC. COLA rates are scheduled to go down later this year, along with the pay of nearly 50,000 Federal employees if we do not provide this fix.

In 2007, I introduced the Non-Foreign Area Retirement Equity Assurance Act. The bill passed the Senate by unanimous consent in October 2008. Unfortunately, the House did not have time to consider the bill before adjournment.

I reintroduced S. 507, which is included in the amendment, with Senators MURKOWSKI, INOUE, and BEGICH. It is nearly identical to the bill that passed the Senate last year. It is a bipartisan effort to transition employees in Hawaii, Alaska, and the territories to the same locality pay system used in the rest of the United States while

protecting employees' take-home pay. The measure passed unanimously through the committee on April 1, 2009.

The second provision I wish to highlight corrects how employees' annuities are calculated for part-time service under the Civil Service Retirement System. This provision removes a disincentive that now discourages Federal employees near retirement from working on a part-time basis while phasing into retirement. It would treat Federal employees under CSRS the same way they are treated under the newer Federal Employee Retirement System.

The third provision I wish to discuss would allow FERS participants to apply their unused sick leave to their length of service for computing their retirement annuities as is done for CSRS employees. The Congressional Research Service found that FERS employees within 2 years of retirement eligibility used 25 percent more sick leave than similarly situated CSRS employees. OPM also found that the disparity in sick leave usage costs the Federal Government approximately \$68 million in productivity each year. This solution was proposed by Federal managers who wanted additional tools to build a more efficient and productive workplace and to provide employees with an incentive not to use sick leave unnecessarily near retirement.

Finally, I wish to add that this amendment will make good on the recruitment promise made to a small group of Secret Service agents. Approximately 180 Secret Service agents and officers hired from 1984 through 1986 were promised access to the DC Police and Firefighter Retirement and Disability System. This amendment is meant to provide narrow and specific relief only to this small group of agents and officers by allowing them to access the retirement system they were promised at the time they were hired.

I strongly encourage my colleagues to support this amendment, the Federal retirement reform provisions, and the bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

MORNING BUSINESS

HEALTH CARE REFORM

Mrs. MURRAY. Mr. President, if you look at the front cover of newspapers across the country this week or watch cable news each day, it is pretty clear that the rhetoric on health care reform is really heating up. Whether it is threats from the other side of the aisle to "break" a President who has made health care reform a priority or whether it is the million-dollar ad buys from interest groups we are seeing or whether it is political pundits, health care

rhetoric is reaching a fever pitch. In fact, the discourse here in Washington, DC, has gotten so loud that the voice of American families is being drowned out.

These days, those who need reform the most are the ones being heard from the least. That is why 3 weeks ago I sent an e-mail to many of my constituents asking them to share with me their personal stories of dealing with our health care system and asking them for their ideas for reform. So far, I have received in just a few short weeks over 5,000 e-mails into my office with deeply personal and often very painful stories from every corner of my State. Yesterday, I came to the floor to share several of those stories. They were the stories of women who had lost their insurance, and due to an inability to get care when they needed it most, they lost their lives. Many of the letters I have received, such as those I spoke about yesterday, tug at the heart strings. But today, this evening, I wish to talk about what so many Americans are concerned about right now: their purse strings.

I understand many Americans are satisfied with the level of care their insurance provides. These are the Americans who can get in to see a doctor when they need one, and they receive good, quality care. These are the Americans who want to know what is in it for them: What will I get out of reform? And with all of their other problems, why should we pay for it right now? These are good questions to which the American people deserve a good answer.

It is not just the uninsured who are impacted by not being able to access preventive medicine or having to seek costly care in the emergency room. These costs get passed on to those with insurance in the form of higher insurance premiums. In fact, it is estimated that a family of four today here in this country is paying an added \$1,000 in premiums a year to help pay for those who don't have any coverage. Essentially, families with health insurance today are paying a hidden tax. That tax is hurting our families who are insured, it is hurting our businesses, and it has to end.

Health care reform will do that. By creating a competitive pool of insurance options, including a public option, we can bring down the costs and the premiums to families in the long run. We are going to be moving to a system that rewards innovation and healthy outcomes, and because Americans will have a choice of insurance plans, insurance providers will be forced to lower costs so they can be competitive.

The existence of a pool of insurers to choose from means that if you lose your job, you don't lose your insurance. If you want to change jobs or maybe even start a business, there is a health care option for you. And we

make it easier for small businesses to provide coverage for their employees by having them pay for up to half the cost of health insurance for businesses with 50 or fewer workers. Accordingly, we also prohibit insurance companies from charging higher premiums for women or for the elderly, and we end the practice of denying coverage to those people with preexisting conditions. And for the first time, we put a priority on prevention and wellness. If we invest in community-based programs to improve nutrition or prevent smoking or increase fitness, we are going to save taxpayers nearly \$16 billion a year within 5 years.

So health care reform, when we talk about it here, will make health care coverage more affordable, portable, and undeniable.

Let me give a real-life example of someone who has health insurance today but would benefit greatly from the health care reform we are talking about. One of the letters I recently received is from Patricia Jackson, who lives in Woodinville, WA. I suspect her story will sound pretty familiar to most Americans.

Patricia and her family have private insurance that is paid for each month through premiums that come directly out of Patricia's paycheck. But as is the case with many middle-class families, the burden of those premium payments is rapidly rising. To provide care for her family of four, Patricia paid \$840 a month in 2007. Then last year her payments jumped to \$900 a month. Today she is paying \$1,186 in premiums to provide care for her family every month.

Unfortunately, for too many families, Patricia's story isn't the exception, it is the rule. It is exactly what they are seeing in their homes with their premiums.

Health insurance premiums for working families in Washington State have skyrocketed in recent years. In fact, according to a study by Families USA, from 2000 to 2007, premiums increased by 86.6 percent.

Let me say that again. Over an 8-year period, premiums in my home State of Washington increased by 86.6 percent. But over that same period of time, wages in my State only grew by 16 percent.

Health care premiums are taking a bigger and bigger chunk out of families' paychecks. Health insurance premiums rose over five times faster than median earnings, and that problem is not going away.

For a lot of our average middle-class families who are struggling to make mortgage payments or to send their kids to college today, this is a situation that cannot continue. They can't afford it. If we don't have meaningful health care reform, it is a trend that is going to continue indefinitely.

This reform can't come a moment too soon. Two weeks ago, Patricia's—

who I just talked about—insurance company, which is the largest private insurance company in my home State, announced another dramatic increase in premium. They told Patricia, and a lot of other families in my State, that starting on August 1, this company is going to raise premiums for 135,000 enrollees by an average of 17 percent more—17 percent more from what I just told you.

A front-page story in the *Seattle Times*, the day after that hike was announced, quoted Gail Petersen, who lives in north Seattle, who says that news means her premiums are going to rise by \$300. She said:

I would love to see insurance companies have a little competition.

So would Patricia Jackson. In fact, Patricia recently contacted my office again to let me know that, starting on August 1, her new premiums will be over \$1,400 a month. That is unaffordable. It is unsustainable for Patricia, for America's families, for our businesses, and for America's future economic strength.

Health care reform isn't just for the uninsured, it is for people such as Patricia and Gail and the millions of others who have health insurance right now, who have played by the rules, but whose paychecks and futures are being gouged by a system that lacks accountability, lacks competition, and lacks reason.

Unfortunately, we are hearing from some of our friends on the other side who want to prevent meaningful, comprehensive reform from ever moving forward.

Just as unfortunate are their motives. We heard a Member of our Senate say he wants to protect the status quo. He said:

If we are able to stop Obama on this, it will be his Waterloo, it will break him.

Mr. President, that type of posturing is playing games with real lives and real people in order to score cheap political points. Blocking health care reform won't break the President of the United States of America, but it will break American families, it will break American businesses; it will break the bank.

America deserves better. Congress knows that most Americans like their doctors, their providers, and their coverage. On the days they need to see a doctor, they are glad they can provide their families with coverage for booster shots, checkups, preventive, and even emergency care. But on payday, it is a very different story.

For those of our colleagues who ask how we can afford to pay for this, I want to tell them to ask Patricia Jackson—or any of their constituents—because the real question is: How can we afford not to? Especially at a time when the economy is struggling and the costs of care are rising, we need to do everything we can to rein in those

costs, prevent people from losing their coverage and having to seek more expensive care in our emergency rooms.

Tonight we will hear from our President. He knows that doing nothing is not an option. The time is right, the time is now. Patricia, her family, and the millions of hard-working, tax-paying Americans across the country simply cannot wait any longer.

I urge our Senate colleagues to set aside the rhetoric and begin to look at the issues and help us solve this problem so we can move this forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. I now ask that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

Mr. REID. Mr. President, what is the pending business?

The PRESIDING OFFICER. S. 1390, the Defense Department authorization bill.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 89, S. 1390, the National Defense Authorization for Fiscal Year 2010.

Carl Levin, Harry Reid, Barbara Boxer, Mark Udall, Jack Reed, Jon Tester, Jeanne Shaheen, Al Franken, Evan Bayh, Patrick J. Leahy, Richard J. Durbin, Byron L. Dorgan, Daniel K. Inouye, Blanche L. Lincoln, Joseph I. Lieberman, Ron Wyden, Mary L. Landrieu.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this week, we are considering important legislation to authorize spending for the Department of Defense. Among the many

activities supported by this funding are our efforts to fight al-Qaida, the Taliban, and other terrorist groups around the world and prevent another terrorist attack on our country.

The bill includes funding for a number of key priorities relating to our fight against terrorists. It provides \$130 billion to fund our efforts in Afghanistan and Iraq. Afghanistan remains the front line in the battle against terrorism, as it provides a haven for thousands of Taliban and al-Qaida fighters. And, as U.S. troops pull back from Iraqi cities, our mission in that country will increasingly focus on counterterrorism. It funds a number of key initiatives to enhance the safety of our troops and our citizens from terrorist threats, including funding for detecting and defeating improvised explosive devices, or IEDs. It funds some of our most important efforts to prevent unsecured nuclear material from falling into the hands of terrorists. It expands the size of our Special Operations Forces—the elite commando units like Navy SEALs and Army Green Berets—who lead this Nation's global ground fight against terrorism.

While the Special Operations Forces provide us a unique and unsurpassed capability, they are hardly the only group of Americans on the front lines of this fight. The Special Operations Forces are part of one of three key groups of people in our government who play a critical role in this fight. Military service members, who are fighting house-to-house, street-to-street, and village to village in Iraq and Afghanistan to identify and eliminate terrorists and insurgents. Members of the Foreign Service and USAID who, in addition to carrying out our Nation's diplomacy, are working with local leaders to build governing capacity, improve essential services, and foster economic growth. And members of our Nation's intelligence agencies, who provide the vital information we need both to keep these other public servants out of harm's way and to take the fight to the terrorists.

I want to pause for a moment to recognize and commend their tremendous service to our Nation. The courage, endurance, and sacrifice they exhibit on a daily basis exemplify the highest values of our great Nation. And while our country has made great strides in honoring the contribution of our military service members, many of our diplomats and intelligence personnel consistently demonstrate their patriotism and commitment with hardly any public recognition.

I would like to especially honor the men and women of our Nation's intelligence services. The U.S. intelligence community has been under fire in recent weeks. The recent controversy is not over whether the CIA has done enough to go after bin Laden, or about whether it has done its job effectively.

It is about whether senior leaders in the Bush administration mismanaged and misrepresented a particular program. That is an important question that our Intelligence Committee will seek to answer, but it should not call into question the distinguished service of the officers who continue to do a remarkable job for our country.

I have seen first hand some of the military and intelligence officers who are hunting Osama bin Laden and other terrorists. CIA and Air Force personnel stationed at Creech Air Force Base outside of Las Vegas are working around the clock, 24 hours a day, supporting the missions of Predator and Reaper unmanned aerial vehicles. CIA officers and members of the Air Force's 432nd Air Expeditionary Wing control these UAVs from Creech, remotely identifying and striking terrorist targets. Their work is a clear example of military and intelligence personnel making a significant difference in protecting the safety of American citizens on a daily basis.

According to press reports, since January 1, 2008, UAVs have carried out more than 50 separate strikes against terrorists and insurgents in the Afghanistan-Pakistan border region, killing more than 300 terrorists and insurgents, including over 15 top leaders of the Taliban and al-Qaida. In addition, press reports indicate UAVs have also conducted surveillance and reconnaissance missions that have been critical in identifying and tracking targets for strikes by other military assets. In Nevada and around the world, members of our Armed Forces, intelligence services, and foreign services are on the front lines of our fight against terrorism. It is a fight we will win thanks to their dedication and sacrifice. As we continue debate on the Fiscal Year 2010 Defense Authorization Act, I urge my colleagues to join me in recognizing and commending their tremendous service to our Nation.

Mr. KYL. Mr. President, I rise in support of an amendment to be offered by my good friend, the Senator from Connecticut, Mr. LIEBERMAN.

The purpose of this amendment is straightforward: it seeks to make sure that the missile defense system deployed in Europe is as cost-effective and as capable of protecting the United States as the installation of ground-based midcourse defense missile defense interceptors and early warning radars proposed by the last administration; that proposal was endorsed by the NATO alliance and embraced by the governments of Poland and the Czech Republic.

This system is important not just because it provides the U.S. with a much needed defense against the long-range ballistic missile threat of Iran, but also because of what it says about the alliance between the United States and these two countries. It is significant

that Poland and the Czech Republic, which spent the better part of the 20th century as oppressed satellites of the Soviet Union have so earnestly sought to align themselves with the United States to confront the threats of the 21st century.

This deployment is clearly in U.S. interests. The Congressional Budget Office, CBO, recently concluded a study of the options—current and future—to protect the U.S. and its allies from the Iranian threat. The results of that study were clear: only the Polish and Czech deployments can protect the United States and Europe; any other option costs more and defends the U.S. less, if at all.¹

Let me quote from this CBO study, “Options for Deploying Missile Defenses in Europe”:

Of the modeled options, MDA’s proposed European system would provide the most extensive defense of the United States, covering the entire continental United States against liquid-fuel ICBMs and covering all of the threatened portion of the continental United States plus part of Alaska against solid-fuel ICBMs.²

The reason for this deployment is plain: the STRATCOM and EUCOM Commanders said to Congress in a July 24, 2008 letter:

We are in complete agreement that Europe requires a layered defense enabled by a robust network of sensors in and a credible interceptor capability. Iran’s actions last week illustrate the imperative for credible global missile defenses. We cannot wait to counter a long-range, WMD-capable, Iranian missile threat. Deploying missile defenses in Europe would demonstrate our resolve to deter this threat and protect our nation and allies by providing a critical capability to the warfighter.

As Combatant Commanders responsible for both United States military operations in the European theater (EUCOM) and global missile defense plans, operations, and capability (STRATCOM), our best military advice leads us to strongly endorse the President’s funding request for European missile defense sites. These capabilities remain critical to defending America and our allies in Europe and for deterring our adversaries today and in the future.³

That is why I am a cosponsor and supporter of the Lieberman amendment.

ENDNOTES

¹CBO study, “Options for Deploying Missile Defenses in Europe.” Pg. xv. (February 2009). (Quoting CBO: “Overall, CBO estimates, Option 1 would cost between \$9 billion and \$13 billion; Option 2, between \$18 billion and \$22 billion; Option 3, between \$9 billion and \$13 billion; and Option 4, between \$10 billion and \$14 billion. (Those and other cost estimates in this report are in 2009 dollars.)”)

²CBO, pg. 37. (Quoting the CBO study: “Option 4, with its Kinetic Energy Interceptors, would also provide substantial added coverage of the United States, particularly against solid-fuel ICBMs. The systems using SM-3 Block IIA interceptors (Options 2 and 3) offer the least additional defense of the United States: almost none against solid-fuel ICBMs and coverage of only parts of the northeastern (and, in the case of Option 2,

central) United States against liquid fuel ICBMs.”)

³General Kevin P. Chilton and General Bantz J. Craddock. Letter to Senator Robert C. Byrd. 14 July 2008.

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD the following documents: (1) an open letter to the Obama administration from leading Europeans, including Lech Walesa and Vaclav Havel, who warn in strong terms that the so-called U.S.-Russia reset must not come at the expense of mutual interests between the U.S. and the nations of central and eastern Europe; (2) a recent New York Times article, “Eastern Europe Is Uneasy Over U.S. Ties with Russia”; and (3) an op-ed from yesterday’s Washington Post, “A Letter From Europe: U.S. leadership in the post-Soviet age is needed to face new challenges.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[July 15, 2009]

AN OPEN LETTER TO THE OBAMA ADMINISTRATION FROM CENTRAL AND EASTERN EUROPE

(By Valdas Adamkus, Martin Butora, Emil Constantinescu, Pavol Demes, Lubos Dobrovsky, Matyas Eorsi, Istvan Gyarmati, Vaclav Havel, Rastislav Kacer, Sandra Kalniete, Karel Schwarzenberg, Michal Kovac, Ivan Krastev, Alexander Kwasniewski, Mart Laar, Kadri Liik, Janos Martonyi, Janusz Onyszkiewicz, Adam Rotfeld, Vaira Vike-Freiberga, Alexandr Vondra, Lech Walesa.)

We have written this letter because, as Central and Eastern European (CEE) intellectuals and former policymakers, we care deeply about the future of the transatlantic relationship as well as the future quality of relations between the United States and the countries of our region. We write in our personal capacity as individuals who are friends and allies of the United States as well as committed Europeans.

Our nations are deeply indebted to the United States. Many of us know firsthand how important your support for our freedom and independence was during the dark Cold War years. U.S. engagement and support was essential for the success of our democratic transitions after the Iron Curtain fell twenty years ago. Without Washington’s vision and leadership, it is doubtful that we would be in NATO and even the EU today.

We have worked to reciprocate and make this relationship a two-way street. We are Atlanticist voices within NATO and the EU. Our nations have been engaged alongside the United States in the Balkans, Iraq, and today in Afghanistan. While our contribution may at times seem modest compared to your own, it is significant when measured as a percentage of our population and GDP. Having benefited from your support for liberal democracy and liberal values in the past, we have been among your strongest supporters when it comes to promoting democracy and human rights around the world.

Twenty years after the end of the Cold War, however, we see that Central and Eastern European countries are no longer at the heart of American foreign policy. As the new Obama Administration sets its foreign-policy priorities, our region is one part of the world that Americans have largely stopped worrying about. Indeed, at times we have the impression that U.S. policy was so successful

that many American officials have now concluded that our region is fixed once and for all and that they could “check the box” and move on to other more pressing strategic issues. Relations have been so close that many on both sides assume that the region’s transatlantic orientation, as well as its stability and prosperity, would last forever.

That view is premature. All is not well either in our region or in the transatlantic relationship. Central and Eastern Europe is at a political crossroads and today there is a growing sense of nervousness in the region. The global economic crisis is impacting on our region and, as elsewhere, runs the risk that our societies will look inward and be less engaged with the outside world. At the same time, storm clouds are starting to gather on the foreign policy horizon. Like you, we await the results of the EU Commission’s investigation on the origins of the Russo-Georgian war. But the political impact of that war on the region has already been felt. Many countries were deeply disturbed to see the Atlantic alliance stand by as Russia violated the core principles of the Helsinki Final Act, the Charter of Paris, and the territorial integrity of a country that was a member of NATO’s Partnership for Peace and the Euroatlantic Partnership Council—all in the name of defending a sphere of influence on its borders.

Despite the efforts and significant contribution of the new members, NATO today seems weaker than when we joined. In many of our countries it is perceived as less and less relevant—and we feel it. Although we are full members, people question whether NATO would be willing and able to come to our defense in some future crises. Europe’s dependence on Russian energy also creates concern about the cohesion of the Alliance. President Obama’s remark at the recent NATO summit on the need to provide credible defense plans for all Alliance members was welcome, but not sufficient to allay fears about the Alliance’s defense readiness. Our ability to continue to sustain public support at home for our contributions to Alliance missions abroad also depends on us being able to show that our own security concerns are being addressed in NATO and close cooperation with the United States.

We must also recognize that America’s popularity and influence have fallen in many of our countries as well. Public opinion polls, including the German Marshall Fund’s own Transatlantic Trends survey, show that our region has not been immune to the wave of criticism and anti-Americanism that has swept Europe in recent years and which led to a collapse in sympathy and support for the United States during the Bush years. Some leaders in the region have paid a political price for their support of the unpopular war in Iraq. In the future they may be more careful in taking political risks to support the United States. We believe that the onset of a new Administration has created a new opening to reverse this trend but it will take time and work on both sides to make up for what we have lost.

In many ways the EU has become the major factor and institution in our lives. To many people it seems more relevant and important today than the link to the United States. To some degree it is a logical outcome of the integration of Central and Eastern Europe into the EU. Our leaders and officials spend much more time in EU meetings than in consultations with Washington, where they often struggle to attract attention or make our voices heard. The region’s deeper integration in the EU is of course welcome and should not necessarily lead to a

weakening of the transatlantic relationship. The hope was that integration of Central and Eastern Europe into the EU would actually strengthen the strategic cooperation between Europe and America.

However, there is a danger that instead of being a pro-Atlantic voice in the EU, support for a more global partnership with Washington in the region might wane over time. The region does not have the tradition of assuming a more global role. Some items on the transatlantic agenda, such as climate change, do not resonate in the Central and Eastern European publics to the same extent as they do in Western Europe.

Leadership change is also coming in Central and Eastern Europe. Next to those, there are fewer and fewer leaders who emerged from the revolutions of 1989 who experienced Washington's key role in securing our democratic transition and anchoring our countries in NATO and EU. A new generation of leaders is emerging who do not have these memories and follow a more "realistic" policy. At the same time, the former Communist elites, whose insistence on political and economic power significantly contributed to the crises in many CEE countries, gradually disappear from the political scene. The current political and economic turmoil and the fallout from the global economic crisis provide additional opportunities for the forces of nationalism, extremism, populism, and anti-Semitism across the continent but also in some other countries.

This means that the United States is likely to lose many of its traditional interlocutors in the region. The new elites replacing them may not share the idealism—or have the same relationship to the United States—as the generation who led the democratic transition. They may be more calculating in their support of the United States as well as more parochial in their world view. And in Washington a similar transition is taking place as many of the leaders and personalities we have worked with and relied on are also leaving politics.

And then there is the issue of how to deal with Russia. Our hopes that relations with Russia would improve and that Moscow would finally fully accept our complete sovereignty and independence after joining NATO and the EU have not been fulfilled. Instead, Russia is back as a revisionist power pursuing a 19th-century agenda with 21st-century tactics and methods. At a global level, Russia has become, on most issues, a status-quo power. But at a regional level and vis-a-vis our nations, it increasingly acts as a revisionist one. It challenges our claims to our own historical experiences. It asserts a privileged position in determining our security choices. It uses overt and covert means of economic warfare, ranging from energy blockades and politically motivated investments to bribery and media manipulation in order to advance its interests and to challenge the transatlantic orientation of Central and Eastern Europe.

We welcome the "reset" of the American-Russian relations. As the countries living closest to Russia, obviously nobody has a greater interest in the development of the democracy in Russia and better relations between Moscow and the West than we do. But there is also nervousness in our capitals. We want to ensure that too narrow an understanding of Western interests does not lead to the wrong concessions to Russia. Today the concern is, for example, that the United States and the major European powers might embrace the Medvedev plan for a "Concert of Powers" to replace the continent's existing,

value-based security structure. The danger is that Russia's creeping intimidation and influence-peddling in the region could over time lead to a de facto neutralization of the region. There are differing views within the region when it comes to Moscow's new policies. But there is a shared view that the full engagement of the United States is needed.

Many in the region are looking with hope to the Obama Administration to restore the Atlantic relationship as a moral compass for their domestic as well as foreign policies. A strong commitment to common liberal democratic values is essential to our countries. We know from our own historical experience the difference between when the United States stood up for its liberal democratic values and when it did not. Our region suffered when the United States succumbed to "realism" at Yalta. And it benefited when the United States used its power to fight for principle. That was critical during the Cold War and in opening the doors of NATO. Had a "realist" view prevailed in the early 1990s, we would not be in NATO today and the idea of a Europe whole, free, and at peace would be a distant dream.

We understand the heavy demands on your Administration and on U.S. foreign policy. It is not our intent to add to the list of problems you face. Rather, we want to help by being strong Atlanticist allies in a U.S.-European partnership that is a powerful force for good around the world. But we are not certain where our region will be in five or ten years time given the domestic and foreign policy uncertainties we face. We need to take the right steps now to ensure the strong relationship between the United States and Central and Eastern Europe over the past twenty years will endure.

We believe this is a time both the United States and Europe need to reinvest in the transatlantic relationship. We also believe this is a time when the United States and Central and Eastern Europe must reconnect around a new and forward-looking agenda. While recognizing what has been achieved in the twenty years since the fall of the Iron Curtain, it is time to set a new agenda for close cooperation for the next twenty years across the Atlantic.

Therefore, we propose the following steps:

First, we are convinced that America needs Europe and that Europe needs the United States as much today as in the past. The United States should reaffirm its vocation as a European power and make clear that it plans to stay fully engaged on the continent even while it faces the pressing challenges in Afghanistan and Pakistan, the wider Middle East, and Asia. For our part we must work at home in our own countries and in Europe more generally to convince our leaders and societies to adopt a more global perspective and be prepared to shoulder more responsibility in partnership with the United States.

Second, we need a renaissance of NATO as the most important security link between the United States and Europe. It is the only credible hard power security guarantee we have. NATO must reconfirm its core function of collective defense even while we adapt to the new threats of the 21st century. A key factor in our ability to participate in NATO's expeditionary missions overseas is the belief that we are secure at home. We must therefore correct some self-inflicted wounds from the past. It was a mistake not to commence with proper Article 5 defense planning for new members after NATO was enlarged. NATO needs to make the Alliance's commitments credible and provide strategic reassurance to all members. This should in-

clude contingency planning, prepositioning of forces, equipment, and supplies for reinforcement in our region in case of crisis as originally envisioned in the NATO-Russia Founding Act.

We should also re-think the working of the NATO-Russia Council and return to the practice where NATO member countries enter into dialogue with Moscow with a coordinated position. When it comes to Russia, our experience has been that a more determined and principled policy toward Moscow will not only strengthen the West's security but will ultimately lead Moscow to follow a more cooperative policy as well. Furthermore, the more secure we feel inside NATO, the easier it will also be for our countries to reach out to engage Moscow on issues of common interest. That is the dual track approach we need and which should be reflected in the new NATO strategic concept.

Third, the thorniest issue may well be America's planned missile-defense installations. Here too, there are different views in the region, including among our publics which are divided. Regardless of the military merits of this scheme and what Washington eventually decides to do, the issue has nevertheless also become—at least in some countries—a symbol of America's credibility and commitment to the region. How it is handled could have a significant impact on their future transatlantic orientation. The small number of missiles involved cannot be a threat to Russia's strategic capabilities, and the Kremlin knows this. We should decide the future of the program as allies and based on the strategic pluses and minuses of the different technical and political configurations. The Alliance should not allow the issue to be determined by unfounded Russian opposition. Abandoning the program entirely or involving Russia too deeply in it without consulting Poland or the Czech Republic can undermine the credibility of the United States across the whole region.

Fourth, we know that NATO alone is not enough. We also want and need more Europe and a better and more strategic U.S.-EU relationship as well. Increasingly our foreign policies are carried out through the European Union—and we support that. We also want a common European foreign and defense policy that is open to close cooperation with the United States. We are the advocates of such a line in the EU. But we need the United States to rethink its attitude toward the EU and engage it much more seriously as a strategic partner. We need to bring NATO and the EU closer together and make them work in tandem. We need common NATO and EU strategies not only toward Russia but on a range of other new strategic challenges.

Fifth is energy security. The threat to energy supplies can exert an immediate influence on our nations' political sovereignty also as allies contributing to common decisions in NATO. That is why it must also become a transatlantic priority. Although most of the responsibility for energy security lies within the realm of the EU, the United States also has a role to play. Absent American support, the Baku-Tbilisi-Ceyhan pipeline would never have been built. Energy security must become an integral part of U.S.-European strategic cooperation. Central and Eastern European countries should lobby harder (and with more unity) inside Europe for diversification of the energy mix, suppliers, and transit routes, as well as for tough legal scrutiny of Russia's abuse of its monopoly and cartel-like power inside the EU. But American political support on this will play a crucial role. Similarly, the

United States can play an important role in solidifying further its support for the Nabucco pipeline, particularly in using its security relationship with the main transit country, Turkey, as well as the North-South interconnector of Central Europe and LNG terminals in our region.

Sixth, we must not neglect the human factor. Our next generations need to get to know each other, too. We have to cherish and protect the multitude of educational, professional, and other networks and friendships that underpin our friendship and alliance. The U.S. visa regime remains an obstacle in this regard. It is absurd that Poland and Romania—arguably the two biggest and most pro-American states in the CEE region, which are making substantial contributions in Iraq and Afghanistan—have not yet been brought into the visa waiver program. It is incomprehensible that a critic like the French anti-globalization activist Jose Bove does not require a visa for the United States but former Solidarity activist and Nobel Peace prizewinner Lech Walesa does. This issue will be resolved only if it is made a political priority by the President of the United States.

The steps we made together since 1989 are not minor in history. The common successes are the proper foundation for the transatlantic renaissance we need today. This is why we believe that we should also consider the creation of a Legacy Fellowship for young leaders. Twenty years have passed since the revolutions of 1989. That is a whole generation. We need a new generation to renew the transatlantic partnership. A new program should be launched to identify those young leaders on both sides of the Atlantic who can carry forward the transatlantic project we have spent the last two decades building in Central and Eastern Europe.

In conclusion, the onset of a new Administration in the United States has raised great hopes in our countries for a transatlantic renewal. It is an opportunity we dare not miss. We, the authors of this letter, know firsthand how important the relationship with the United States has been. In the 1990s, a large part of getting Europe right was about getting Central and Eastern Europe right. The engagement of the United States was critical to locking in peace and stability from the Baltics to the Black Sea. Today the goal must be to keep Central and Eastern Europe right as a stable, activist, and Atlanticist part of our broader community.

That is the key to our success in bringing about the renaissance in the Alliance the Obama Administration has committed itself to work for and which we support. That will require both sides recommitting to and investing in this relationship. But if we do it right, the pay off down the road can be very real. By taking the right steps now, we can put it on new and solid footing for the future.

[From the New York Times, July 17, 2009]
EASTERN EUROPE IS UNEASY OVER U.S. TIES
WITH RUSSIA

(By Nicholas Kulish)

BERLIN.—The deep concern among America's Eastern European allies over improved relations between Russia and the United States spilled into the open on Thursday when 22 prominent figures, including Poland's Lech Walesa and the Czech Republic's Vaclav Havel, published an open letter to the Obama administration begging not to be forgotten.

In the letter, the leaders urged President Obama and his top policy makers to remem-

ber their interests as they negotiate with Russia and review plans for missile defense bases in Poland and the Czech Republic. Abandoning the missile defense plan or giving Russia too big a role in it could "undermine the credibility of the United States across the whole region," the letter said.

The letter was published on the Web site of the Polish newspaper *Gazeta Wyborcza* and was signed by former presidents, like Mr. Walesa and Mr. Havel, as well as other former heads of state, top diplomats and intellectuals from a broad range of countries, including Hungary, Bulgaria and Estonia.

"Our region is one part of the world that Americans have largely stopped worrying about," the letter said, even though "all is not well either in our region or in the trans-Atlantic relationship."

While the letter covered a range of issues, including the dangers presented to the young democracies in the region by the economic crisis, Russia was clearly central to the worries expressed by the drafters.

"There is the fear among Central and Eastern Europeans that our interest in keeping the trans-Atlantic bond could be somehow sold out to the relationship with Russia," Alexandr Vondra, a former minister of foreign affairs for the Czech Republic, said in a telephone interview from Washington.

Expressing concerns about the growing weakness of NATO, the leaders said that Mr. Obama's call at the recent NATO summit for "credible defense plans for all Alliance members was welcome, but not sufficient to allay fears about the Alliance's defense readiness."

As geostrategic interests from Afghanistan to Iran to North Korea have demanded Russian logistical or diplomatic assistance, anxiety has risen among the states known collectively as New Europe. Russia's invasion of Georgia last August only intensified those fears, as much through the American response as through Russia's own actions.

"The Georgia war exposed that there is a limit to what the United States will or can do to respond to military conflict in the neighborhood," said Angela E. Stent, who served as the top Russia officer at the United States government's National Intelligence Council until 2006 and now directs Russian studies at Georgetown University.

She added that the intentions of the administration toward its allies were not yet completely clear. "Until now, we've heard a Russian policy but not a policy for Russia's neighborhood," Ms. Stent said.

The economic crisis masked these tensions for a while, but the problems never really went away in these countries, where Russia is seen as "a revisionist power pursuing a 19th-century agenda with 21st-century tactics and methods," according to the letter, and where any warming of relations between Washington and Moscow raises hackles. Mr. Obama's trip to Moscow last week did nothing to reassure nervous allies in Eastern Europe.

"We all understand that a deal must come with Russia, but we do not believe that a deal can be made at the expense of the security interests of the countries of our region or of Georgia and Ukraine," said Eugeniusz Smolar, senior fellow at the Center for International Relations, a nonprofit, nonpartisan research group in Warsaw.

There is also a sense among many analysts and politicians in the region that the new administration does not understand Russia's true nature that friendly words from the Russian leadership when Mr. Obama is in Moscow are just words, while events like the murder of a Russian human rights cam-

paigner on Wednesday showed the true state of Russia's civil society.

The former leaders also warned about threats within their own countries and across Europe, driven by the economic crisis, which had provided "opportunities for the forces of nationalism, extremism, populism and anti-Semitism," according to the letter.

"Domestically these countries used to be led by idealistic leaders. That's still the case in some of these countries, but not all," said Kadri Liik, director of the International Center for Defense Studies in Tallinn, Estonia, who was among the drafters of the letter.

[From the Washington Post, July 19, 2009]

A LETTER FROM EUROPE—U.S. LEADERSHIP IN THE POST-SOVIET AGE IS NEEDED TO FACE NEW CHALLENGES

Twenty years have passed since the revolutions that restored freedom to what had been the captive nations of Central and Eastern Europe. That many Americans no longer give much thought to that part of the world testifies, in part, to the region's success. The eastward expansion of NATO and the European Union helped bring security, stability and growing prosperity; more important, the countries themselves have nurtured democratic and free-market institutions that in 1989 would have seemed unreachable.

Yet an impressive collection of former presidents and ministers from the first two decades of post-communism warn, in a letter released last week, that long-lasting success should not be assumed. "All is not well either in our region or in the transatlantic relationship," they caution. Since the signatories are staunch allies of the United States and of democracy—ranging from Vaclav Havel and Alexandr Vondra of the Czech Republic to Lech Walesa and Alexander Kwasniewski of Poland to Vaira Vike-Freiberga of Latvia and Valdas Adamkus of Lithuania—they merit a hearing.

The global recession has given room to "nationalism, extremism, populism, and anti-Semitism" in some of their countries, the former leaders acknowledge. At the same time, they say, "NATO today seems weaker than when we joined" while "Russia is back as a revisionist power pursuing a 19th-century agenda with 21st-century tactics and methods. . . . The danger is that Russia's creeping intimidation and influence-peddling in the region could over time lead to a de facto neutralization of the region."

In response, they say, the Obama administration should recommit to NATO as a defense alliance, not just an expeditionary force with duties in Afghanistan and beyond. It should support pipelines that will diminish the region's dependence on Russian oil and gas. It should take care, as it evaluates planned missile-defense installations in Poland and the Czech Republic that Russia opposes, to consult closely with the governments that have the most at stake. It should invest in relationships with younger generations that do not remember communism or the struggle against it.

None of this will come as news to President Obama, who has made clear, in Moscow and elsewhere, that the United States will not recognize a privileged Russian sphere of influence in the former Soviet Union or Warsaw Pact. Vice President Biden, who first delivered that message for the administration in a speech in Munich in February, presumably will reiterate it during his upcoming visit to Ukraine and Georgia. The administration nonetheless should take the letter to heart, not as a rebuke but as encouragement.

Nations clamoring for a stronger U.S. relationship, built on the ideals of freedom and alliance, are not so numerous that Washington can afford to take them for granted.

Mr. FEINGOLD. Mr. President, I voted against Senator LIEBERMAN's amendment to immediately authorize a significant increase in the size of the Army because I did not believe it was in the best interest of our troops or our national security. There is an incredible strain on the force right now, including multiple deployments and insufficient dwell time, due to our failure to promptly and fully redeploy from Iraq. Rather than spending billions of dollars to increase the size of the Army, we should promptly redeploy from Iraq so that we can focus on the global threat posed by al-Qaida and so that we can reduce the strain on our troops. Indeed, the Iraqi Government has asked us to remove our troops from Iraqi cities, and as a result many U.S. servicemembers, including Wisconsin soldiers, are sitting on their bases with no mission.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 1474

Mr. REID. Mr. President, I ask unanimous consent that S. 1474 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 23, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, July 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of Calendar No. 89, S. 1390, which is the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, for the information of all Senators, the filing deadline for first-degree amendments to the Defense authorization bill is 1 p.m. tomorrow.

Senators should expect rollcall votes throughout the day as we work through amendments to the bill.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent that following the remarks of Senator DODD, the Senate adjourn under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING WOMEN AIRFORCE PILOTS

Mr. BROWNBACK. Mr. President, today I am honored to recognize an exceptional group of women who served in World War II. When their country needed them, they answered the call and chartered a bold new course for women in the military. Sixty-seven years ago, over 1,000 courageous women became the first in United States history trained to fly an American military aircraft. These women are known as the Women Airforce Service Pilots, the WASPs. Today we offer them our sincere admiration and deepest thanks.

These women came to be known as the "Fly Girls." They were patriots, they were pioneers, but above all they were pilots. They flew the same planes as their male counterparts, learned the same skills, and served the same country. They were among the first to fly the B-26 Martin Marauder and the B-29 Super Fortress. The Fly Girls, however, served as civilians rather than as members of the Armed Forces. Civilian status prevented the Fly Girls from being recognized with their military counterparts. And the 38 brave women who died during their service were not honored with flag-draped caskets, nor could their families hang gold stars in their windows.

Today we pause to recognize these women and their families with an honor that is long overdue and much deserved. I am proud to have been a co-sponsor of S. 614, which authorized the awarding of the Congressional Gold Medal to the Women Airforce Service Pilots of World War II. This bill sailed through Congress in 3 months and on July 1, 2009, President Barack Obama signed Public Law 111-40, granting the highest civilian award to this deserving group of women.

I am particularly proud of the Kansas women who served in this unique military force. Today we honor all those Kansas WASPs who have gone before us and recognize the two surviving Kansas WASPs, Meriem Anderson of Eureka, KS, and Marjorie Rees of Prairie Village, KS.

The WASPs have never asked for our praise. When Rees was asked how she felt about being overlooked for so many years she simply responded, "We didn't resent that we were ignored so long. We've thought for years how very lucky we were to fly those wonderful airplanes." Her words express a quiet heroism, and remind us that the noblest act of sacrifice is the one that expects nothing in return. The accomplishments of these women, and the manner in which they have continued to conduct their lives, is a testament to their remarkable character. The thanks and recognition we offer them today pales in comparison to the gift they have given us—freedom.

Their strength has inspired many other women to also look to the skies. MAJ Gina Sabric, an F-16 fighter pilot, voiced her appreciation to the WASPs when she said, "Women in aviation have definitely been a stepping-stone progression, one that the WASPs started. Without them, it would have been a longer, tougher road. They set the stage for the rest of us to be able to continue what they started."

On behalf of myself, the State of Kansas, and the people of this great country, I wish to express my sincerest thanks to all of the WASPs for their brave and patriotic service in World War II. We are truly a grateful Nation.

Mr. THUNE. Mr. President, today I recognize Ola Mildred "Millie" Rexroat and the six other women from South Dakota who served honorably during World War II as members of the Women Airforce Service Pilots, WASPs.

More than 1,000 women answered the call and served as pilots during World War II. Because WASPs records were classified and archived for over 30 years, WASPs have been left out of much of the documented history of World War II.

On July 1, 2009, legislation was signed into law that honors the service of these women with the Congressional Gold Medal, which is given in honor of outstanding service to the United States and is one of the nation's highest civilian awards. This Congressional Gold Medal finally gives these women the honor they deserve.

Between 1942 and 1944, the 1,102 women of WASP were trained in Texas, and then went on to fly noncombat domestic military missions so all their male counterparts could be deployed to combat. WASPs were required to complete the same primary, basic, and advanced training courses as male Army Air Corps pilots, and many went on to specialized flight training. By the conclusion of the war, WASPs logged 60 million miles of flying in every kind of military aircraft.

Following the war, the WASPs were disbanded and the women pilots paid their own way home without pomp or circumstance. Even during the war, the families of the 38 women who died in

the line of duty were responsible for the costs to transport their bodies and arrange burials. It was not until 1977 that the WASPs were granted veterans' status.

Ms. Rexroat is the last surviving member of the WASPs living in South Dakota, and she is believed to be the only female Native American to serve as a member of the WASPs in World War II.

Ms. Rexroat spent part of her childhood living with her grandmother at Vetal, SD. She graduated from St. Mary's Indian High School for Girls in Springfield, SD. After college, she graduated from WASPs training in the "1944-7" class on September 8, 1944, at Sweetwater, TX. She then spent 4 months towing targets for students behind a T6 plane at Eagle Pass Army Airfield, TX.

Ms. Rexroat is 91 years old and still lives independently in Edgemont, SD. Her vivid memories of her service are inspiring, and I am proud to have co-sponsored the bill to provide these women the Congressional Gold Medal and recognize their service here on the floor of the Senate today.

While five of the other women are no longer with us, I would like to posthumously recognize the other women who joined from South Dakota: Helen (Anderson) Severson of Summit, SD, who was killed in service during a flight training accident in 1943; Marjorie (Redding) Christiansen of Mystic, SD; Loes (Monk) MacKenzie of Salem, SD; Laurine Nielsen of Deadwood, SD; and Maxine (Nolt) Wright DeHaven of Sioux Falls, SD. I would also like to recognize Violet (Thurn) Cowden formerly of Bowdle, SD.

35TH YEAR OF THE DIVISION AND OCCUPATION OF CYPRUS

Ms. SNOWE. Mr. President, I rise in commemoration of a deeply tragic anniversary for the Cypriot-American community, their friends and relatives in Cyprus, and for the respect of human rights and international law. Thirty-five years ago this week, the armed forces of Turkey violated the sovereignty and territory of the Republic of Cyprus by illegally invading and occupying the north of the island state.

The international community, speaking through resolution after resolution by the United Nations Security Council and General Assembly, has since 1974 called for an end to the division of Cyprus and the return of refugees to their homes. Yet three and a half decades later, the military occupation of one third of our close and consistent ally's territory by Turkey remains an intolerable reality.

There are more than 43,000 Turkish troops on Cyprus—that is approximately one Turkish soldier for every two Turkish Cypriots. The occupation, expropriation, transfer and destruction

of Greek Cypriot-owned property in the north of the island proceeds unabated. Indeed, an estimated 7,000 to 10,000 U.S. citizens of Cypriot descent have claims to such properties. So too continues the wanton desecration of Greek Orthodox churches and religious artifacts that are not only sacred to hundreds of millions of faithful believers, but beautiful and historic sites and objects of inherent cultural value to all of humanity.

Despite a generation of suffering such injustices, the Greek Cypriot community continues to demonstrate remarkable magnanimity in seeking a fair solution to the division of the island. Like many Hellenic-Americans, I applauded Cypriot President Demetris Cristofias' effort to restart the process of reuniting the island by directly engaging the Turkish Cypriot leadership. Although little progress has been made toward resolving the most significant issues—most notably the disposition of Greek Cypriots' property and the presence of Turkish troops—after 36 meetings in ten months of direct negotiations, President Cristofias remains committed to continuing his talks with Turkish Cypriot leader Mehmet Ali Talat.

An additional cause for hope came this past April, when the European Court of Justice ruled that a judgment of a court in the Republic of Cyprus must be recognized and enforced by the other EU member states even if it concerns land situated in the Turkish occupied areas of Cyprus. This ruling confirms the international right of Greek Cypriots who were forced from their property by the Turkish occupation to seek relief against those who later made use of the property illegally, providing not only a measure of justice to those able to pursue such a claim, but providing valuable leverage to the Republic's government in resolving the overall property issue.

These developments should strengthen our commitment in Congress to ensuring that the United States stands by its steadfast ally, the Republic of Cyprus, to achieve a resolution to the tragic division of the island that is fair to Greek Cypriots. As was conclusively demonstrated by the wholly justified rejection of the Annan Plan by Greek Cypriots in 2004, the Cyprus question is one that can only be resolved through mutual agreement on a solution, not the imposition of one. In the context of the current talks, that means the United States must encourage Turkey to give the leader of the Turkish Cypriot community the leeway and authority to negotiate a solution that is truly in the interests of the communities on the island, rather than seeking to continue its military presence.

The vocal support of the United States for a fair, freely negotiated outcome between the communities is as much a moral as it is a geopolitical ne-

cessity, given that it is not just the rights of the Greek Cypriot community that are at stake, but our solemn role as a nation that champions human rights and adherence to the rule of law. I therefore urge my colleagues to join me today in bearing witness to the 35 years of injustice wreaked upon the people of the Republic of Cyprus, and in recommitting ourselves to the urgent task of fairly and finally reuniting the island.

ADDITIONAL STATEMENTS

COMMENDING DUDLEY SPOONAMORE

• Mr. BUNNING. Mr. President, I wish to congratulate and recognize a distinguished Kentuckian, Dudley Spoonamore, a Boyle County High School teacher, who was recently named the 2009 Kentucky Engineering and Technology Education Teacher of the Year.

The Kentucky Engineering and Technology Education Teacher of the Year award, bestowed by the Kentucky Engineering and Technology Education Association Leadership Committee as well as fellow Technology Education teachers from across the Commonwealth of Kentucky, is the highest honor given to State educators in the field of technology education. Each year it is awarded to individuals who provide exceptional learning opportunities in the area of technology education to students and professionals.

Students in Mr. Spoonamore's engineering and technology lab are exposed to an innovative and hands-on approach to teaching engineering design principles. Building a robot, assembling electrical circuits, and experimenting with CO₂ cars in wind tunnels are just an example of what Mr. Spoonamore's students participate in each school year.

This month, Mr. Spoonamore will be honored at the Kentucky Association for Career and Technical Education Leadership and Learning Conference in Louisville, KY.

Additionally, Mr. Spoonamore is a recipient of this year's Teacher Excellence Award by the International Technology Education Association, which was presented to only 39 individuals across the United States.

Mr. Spoonamore has proven himself to be an exemplary teacher, changing the way teachers teach and how students learn. He is an inspiration to the citizens of Kentucky and to teachers everywhere. I wish him luck on all of his future endeavors.●

REMEMBERING CLAUDE "T" MOORMAN

• Mr. LUGAR. Mr. President, today, Wednesday, July 22, Claude "T"

Moorman II is being put to rest at Arlington National Cemetery. "T" was a remarkable scholar, athlete and physician who served his Nation with honor during the Vietnam war.

Born August 21, 1939, in Roanoke, VA, "T" grew up in Miami, FL, where he excelled in football, receiving both All State and All American honors while playing at Miami High School; "T" was a popular student who was elected student body president.

"T" attended Duke University on a football scholarship. He served as a class officer and played football for legendary coach Bill Murray. "T" caught the much celebrated game winning touchdown in the 1961 Cotton Bowl, and he was elected to the All American Team. "T" Moorman is a member of Duke University's Athletic Hall of Fame, and in addition he was named one of Florida's All-Time Top 100 Football Players and Duke's Top 50 Athletes of the Century.

But athletic prowess is not why we honor Claude "T" Moorman II today at Arlington National Cemetery and here in the Senate. It is, of course, for his service to our Nation that "T" warrants our praise and respect.

After the cheers of Saturday college football games died down for "T," he continued his education at Duke University Medical School, completing his degree in 1966 and training under another Duke legend, Dr. Lenox Baker, this time in the field of Orthopedics. In 1970, he volunteered for medical service in Vietnam, caring for our wounded soldiers. Those who called "T" a friend know it was this experience that shaped the character of "T" Moorman, and it is this service that makes "T" the true all-American that he was and that we honor today. "T" Moorman continued to serve with our military for 28 years.

Upon his return from Vietnam, "T" finished anesthesiology training at Emory, followed by a law degree from William and Mary in 1979. He then served with the Army Department of Legal Medicine Armed Forces Institute of Pathology in Washington DC. Before retiring from the U.S. Army Reserves in 1998, Colonel Moorman commanded multiple U.S. Army Reserve units. Additionally, during this time he opened anesthesiology centers in Leesburg, VA, Stuart, FL, and Port St. Lucie, FL.

During the last decade of "T's" life he fulfilled a lifelong dream of farming in Washington County, NC.

By making the choice to serve in the military during a time of war, a decision which demands and deserves our respect, those in the medical service make a choice to help their fellow man in the most difficult of situations—combat. "T" showed through action part of what comprised his character, morality, and strong passion for helping fellow Americans. Having been an

All American Football player in college, "T" could have played professional football had he chosen that route. Instead, "T" made the most of his college career to obtain not only his undergraduate degree but additionally two medical degrees and a law degree. I think that this is an exemplary model of what a college athlete might strive to become. America certainly benefitted from "T's" choices.

COL Claude "T" Moorman II will be remembered and missed by so many of the soldiers that he mended and friends and family that he humored. He will be forever celebrated and his legacy will never be forgotten.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1622. An act to provide for a program of research, development, and demonstration on natural gas vehicles.

H.R. 1933. An act to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

H.R. 2632. An act to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

H.R. 2729. An act to authorize the designation of National Environmental Research Parks by the Secretary of Energy, and for other purposes.

H. J. Res. 56. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 30. Concurrent resolution commending the Bureau of Labor Statistics on the occasion of its 125th anniversary.

The message further announced that the House has agreed to the following

concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 123. Concurrent resolution recognizing the historical and national significance of the many contributions of John William Heisman to the sport of football.

At 2:11 p.m., a message from the House of Representatives, delivered by Mr. Schiff (manager on the part of the House in the matter of impeachment of Samuel B. Kent), announced that it has agreed to the resolution (H. Res. 661) resolving that the managers on the part of the House of Representatives in the impeachment proceedings now pending in the Senate against Samuel B. Kent, formerly judge of the United States District Court for the Southern District of Texas, are instructed to appear before the Senate, sitting as a court of impeachment for those proceedings, and advise the Senate that, because Samuel B. Kent is no longer a civil officer of the United States, the House of Representatives does not desire further to urge the articles of impeachment hitherto filed in the Senate against Samuel B. Kent.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 885. An act to elevate the Inspector General of certain Federal entities to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1622. An act to provide for a program of research, development, and demonstration on natural gas vehicles; to the Committee on Energy and Natural Resources.

H.R. 1933. An act to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes; to the Committee on the Judiciary.

H.R. 2729. An act to authorize the designation of National Environmental Research Parks by the Secretary of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 123. Concurrent resolution recognizing the historical and national significance of the many contributions of John William Heisman to the sport of football; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-58. A resolution adopted by the Senate of the State of Louisiana urging Congress to address the escalating electronic payment interchange rates that merchants and consumers are assessed; to the Committee on Banking, Housing, and Urban Affairs.

POM-59. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress, the Governor of Louisiana, the Department of Economic Development, the Department of Agriculture and Forestry, and the Public Service Commission, to assist in putting wood to electricity projects on a commensurate funding and taxation level with wind and solar generated electricity; to the Committee on Energy and Natural Resources.

POM-60. A concurrent resolution adopted by the Senate of the State of Louisiana expressing continued support for the Coastal Restoration and Enhancement Through Science and Technology Program for its role in providing new research and scientific information for coastal restoration; to the Committee on Environment and Public Works.

POM-61. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to enact legislation to adjust the Federal Medical Assistance Percentage rules to ameliorate the unintended negative impact caused by the infusion of disaster relief funding, both in public and private, into Louisiana's and other state's economies following major disasters; to the Committee on Finance.

POM-62. A concurrent resolution adopted by the Senate of the State of Louisiana affirming Louisiana's sovereignty under the Tenth Amendment to the Constitution of the United States of America over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States of America.

POM-63. A concurrent resolution adopted by the Senate of the State of Louisiana urges Congress to adopt and submit to the states for ratification a proposed amendment to the Constitution of the United States to require a federal balanced budget; to the Committee on the Judiciary.

POM-64. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress and the Attorney General of the United States and the Federal Bureau of Prisons to refrain from sending detainees released or transferred from the facilities at Guantanamo Bay Detention Facility, Cuba to prisons in Louisiana; to the Committee on the Judiciary.

POM-65. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to establish an additional classification for airports; to the Committee on Commerce, Science, and Transportation.

POM-66. A resolution adopted by the Senate of the State of Louisiana urging Congress to establish an additional classification for airports; to the Committee on Commerce, Science, and Transportation.

POM-67. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to enact the Credit Card Accountability, Responsibility, and Disclosure Act; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. 1494. An original bill to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability

System, and for other purposes (Rept. No. 111-55).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 1064. A bill to amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted under such Act, and for other purposes (Rept. No. 111-56).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 601. A bill to establish the Weather Mitigation Research Office, and for other purposes (Rept. No. 111-57).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 849. A bill to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions (Rept. No. 111-58).

S. 1498. An original bill to provide an extension of highway programs authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Rept. No. 111-59).

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 151. A bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1496. An original bill to extend National Highway Traffic Safety Administration and Federal Motor Carrier Safety Administration authorizations funded by the Highway Trust Fund, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Anthony W. Miller, of California, to be Deputy Secretary of Education.

*Thelma Melendez de Santa Ana, of California, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

*Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEAHY:

S. 1490. A bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security

breaches, fraudulent access, and misuse of personally identifiable information; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. MCCAIN):

S. 1491. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits based upon stock option compensation expenses be consistent with accounting expenses shown in corporate financial statements for such compensation; to the Committee on Finance.

By Mr. REID (for Ms. MIKULSKI (for herself, Mr. BOND, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. BURR, and Ms. COLLINS)):

S. 1492. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL:

S. 1493. A bill to designate the current and future Department of Veterans Affairs Medical Center in Louisville, Kentucky, as the "Robley Rex Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN:

S. 1494. An original bill to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. FRANKEN (for himself, Mr. ISAKSON, Ms. LANDRIEU, Mr. GRAHAM, Mr. BEGICH, and Mr. BROWN):

S. 1495. A bill to require the Secretary of Veterans Affairs to carry out a pilot program to assess the feasibility and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER:

S. 1496. An original bill to extend National Highway Traffic Safety Administration and Federal Motor Carrier Safety Administration authorizations funded by the Highway Trust Fund, and for other purposes; from the Committee on Commerce, Science, and Transportation; placed on the calendar.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1497. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt bond financing for fixed-wing emergency medical aircraft; to the Committee on Finance.

By Mrs. BOXER:

S. 1498. An original bill to provide an extension of highway programs authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; from the Committee on Environment and Public Works; placed on the calendar.

By Mrs. GILLIBRAND:

S. 1499. A bill to amend the Richard B. Russell National School Lunch Act to expand eligibility for free school meals to certain families in areas with greater than fair market rent; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 1500. A bill to amend the Richard B. Russell National School Lunch Act to prohibit schools that participate in the Federal

school meal programs from serving foods that contain trans fats derived from partially hydrogenated oils; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MURRAY (for herself, Mr. CRAPO, and Ms. CANTWELL):

S. 1501. A bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes; to the Committee on Finance.

By Mr. CASEY (for himself and Mr. ENZI):

S. 1502. A bill to establish a program to be managed by the Department of Energy to ensure prompt and orderly compensation for potential damages relating to the storage of carbon dioxide in geological storage units; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND:

S. 1503. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1504. A bill to provide that Federal courts shall not dismiss complaints under rule 12(b)(6) or (e) of the Federal Rules of Civil Procedure, except under the standards set forth by the Supreme Court of the United States in *Conley v. Gibson*, 355 U.S. 41 (1957); to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. DORGAN, and Mr. CRAPO):

S. Res. 220. A resolution supporting the designation of September as "National Atrial Fibrillation Awareness Month" and encouraging efforts to educate the public about atrial fibrillation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mrs. FEINSTEIN, and Mr. ENSIGN):

S. Res. 221. A resolution expressing support for the goals and ideals of the first annual National Wild Horse and Burro Adoption Day taking place on September 26, 2009; to the Committee on Energy and Natural Resources.

By Mr. BURRIS:

S. Con. Res. 34. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to honor the crew of the USS *Mason DE-529* who fought and served during World War II; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 306

At the request of Mr. NELSON of Nebraska, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 306, a bill to promote biogas production, and for other purposes.

S. 433

At the request of Mr. UDALL of New Mexico, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 433, a bill to amend the

Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 726

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 726, a bill to amend the Public Health Service Act to provide for the licensing of biosimilar and biogeneric biological products, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 796

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 796, a bill to modify the requirements applicable to locatable minerals on public domain land, and for other purposes.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 908

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 1039

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1039, a bill to provide grants for the renovation, modernization or construction of law enforcement facilities.

S. 1065

At the request of Mr. CASEY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1112

At the request of Mr. DODD, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1112, a bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1280

At the request of Mr. CORKER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1280, a bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes.

S. 1352

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1352, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1402

At the request of Mr. MERKLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1402, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Iowa (Mr. GRASSLEY), the Senator from New Hampshire (Mr. GREGG), the Senator from Nebraska (Mr. JOHANNIS), the

Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. COBURN), the Senator from Indiana (Mr. LUGAR), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Montana (Mr. TESTER), the Senator from Idaho (Mr. CRAPO) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 1415, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S. 1442

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1442, a bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, establish a grant program for Indian Youth Service Corps, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S.J. Res. 17, *supra*.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. CON. RES. 33

At the request of Mr. BURRIS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to honor the crew of the USS *Mason* DE-529 who fought and served during World War II.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

S. RES. 200

At the request of Mr. UDALL of Colorado, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 200, a resolution designating September 12, 2009, as "National Childhood Cancer Awareness Day".

AMENDMENT NO. 1478

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 1478 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1501

At the request of Mr. BOND, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Kansas (Mr. ROBERTS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1501 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1514

At the request of Mr. SANDERS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 1514 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1538

At the request of Mr. UDALL of New Mexico, the name of the Senator from

Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1538 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1543

At the request of Mr. RISCH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 1543 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1554

At the request of Mr. BURR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1554 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1601

At the request of Mr. NELSON of Nebraska, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 1601 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1618

At the request of Mr. THUNE, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. BUNNING) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 1618 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1620

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1620 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year

2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1627

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 1627 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1628

At the request of Mr. CARDIN, his name was added as a cosponsor of amendment No. 1628 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1633

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 1633 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1634

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 1634 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1636

At the request of Mr. INOUE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 1636 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1644

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska

(Mr. NELSON) was added as a cosponsor of amendment No. 1644 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1653

At the request of Mr. CORNYN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of amendment No. 1653 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1659

At the request of Mr. SANDERS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 1659 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1661

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1661 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1670

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 1670 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1676

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1676 proposed to S. 1390, an original bill to authorize ap-

propriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1677

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1677 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 1490. A bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to reintroduce the Personal Data Privacy and Security Act. The recent and troubling cyber attack on U.S. Government computers is clear evidence that developing a comprehensive national strategy for data privacy and cybersecurity is one of the most challenging and important issues facing our nation. The Personal Data Privacy and Security Act will help to meet this challenge, by better protecting Americans from the growing threats of data breaches and identity theft.

When Senator SPECTER and I first introduced this bill 4 years ago, we had high hopes of bringing urgently needed data privacy reforms to the American people. Although the Judiciary Committee favorably reported this bill twice, in 2005 and again in 2007, the legislation languished on the Senate calendar and the Senate adjourned without passing comprehensive data privacy legislation.

While the Congress has waited to act, the dangers to our privacy, economic prosperity and national security posed by data breaches have not gone away. Just this week, the Government Accountability Office released a report finding that almost all of our major federal agencies have systemic weaknesses in the information security controls. According to the Privacy Rights Clearinghouse, more than 250 million records containing sensitive personal information have been involved in data security breaches since 2005.

This loss of privacy is not just a grave concern for American consumers;

it is also a serious threat to the economic security of American businesses. The President's recent report on Cyber-space Policy Review noted that industry estimates of losses from intellectual property to data theft in 2008 range as high as \$1 trillion.

The FBI's Internet Fraud Complaint Center also recently reported that complaints of Internet fraud increased by 33 percent in 2008. These troubling reports are all compelling examples of why we need to promptly pass the Personal Data Privacy and Security Act.

Earlier this year, the Judiciary Committee held an important hearing on the privacy risks associated with electronic health records as the Nation moves towards a national health IT system. I am pleased that many of the privacy principles developed during that hearing have been enacted as part of the President's economic recovery package.

The Personal Data Privacy and Security Act requires that data brokers let consumers know what sensitive personal information they have about them, and to allow individuals to correct inaccurate information. The bill also requires that companies that have databases with sensitive personal information on Americans establish and implement data privacy and security programs.

In addition, the bill requires notice when sensitive personal information has been compromised. This bill also provides for tough criminal penalties for anyone who would intentionally and willfully conceal the fact that a data breach has occurred when the breach causes economic damage to consumers. Finally, the bill addresses the important issue of the government's use of personal data by requiring that federal agencies notify affected individuals when government data breaches occur, and placing privacy and security front and center when federal agencies evaluate whether data brokers can be trusted with government contracts that involve sensitive information about the American people.

Of course, Senator SPECTER and I have no monopoly on good ideas to solve the serious problems of identity theft and lax cybersecurity. But, we have put forth some meaningful solutions to this problem in this bill.

We have drafted this bill after long and thoughtful consultation with many of the stakeholders on this issue, including the privacy, consumer protection and business communities. We have also worked closely with other Senators, including Senators FEINSTEIN, FEINGOLD, and SCHUMER.

This is a comprehensive bill that not only deals with the need to provide Americans with notice when they have been victims of a data breach, but that also deals with the underlying problem of lax security and lack of accountability to help prevent data breaches

from occurring in the first place. Passing this comprehensive data privacy legislation is one of my highest legislative priorities as Chairman of the Judiciary Committee, and I hope all Senators will support this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Personal Data Privacy and Security Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF DATA PRIVACY AND SECURITY

Sec. 101. Organized criminal activity in connection with unauthorized access to personally identifiable information.

Sec. 102. Concealment of security breaches involving sensitive personally identifiable information.

Sec. 103. Review and amendment of Federal sentencing guidelines related to fraudulent access to or misuse of digitized or electronic personally identifiable information.

Sec. 104. Effects of identity theft on bankruptcy proceedings.

TITLE II—DATA BROKERS

Sec. 201. Transparency and accuracy of data collection.

Sec. 202. Enforcement.

Sec. 203. Relation to State laws.

Sec. 204. Effective date.

TITLE III—PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION

Subtitle A—A Data Privacy and Security Program

Sec. 301. Purpose and applicability of data privacy and security program.

Sec. 302. Requirements for a personal data privacy and security program.

Sec. 303. Enforcement.

Sec. 304. Relation to other laws.

Subtitle B—Security Breach Notification

Sec. 311. Notice to individuals.

Sec. 312. Exemptions.

Sec. 313. Methods of notice.

Sec. 314. Content of notification.

Sec. 315. Coordination of notification with credit reporting agencies.

Sec. 316. Notice to law enforcement.

Sec. 317. Enforcement.

Sec. 318. Enforcement by State attorneys general.

Sec. 319. Effect on Federal and State law.

Sec. 320. Authorization of appropriations.

Sec. 321. Reporting on risk assessment exemptions.

Sec. 322. Effective date.

Subtitle C—Office of Federal Identity Protection

Sec. 331. Office of Federal Identity Protection.

TITLE IV—GOVERNMENT ACCESS TO AND USE OF COMMERCIAL DATA

Sec. 401. General services administration review of contracts.

Sec. 402. Requirement to audit information security practices of contractors and third party business entities.

Sec. 403. Privacy impact assessment of government use of commercial information services containing personally identifiable information.

Sec. 404. Implementation of chief privacy officer requirements.

SEC. 2. FINDINGS.

Congress finds that—

(1) databases of personally identifiable information are increasingly prime targets of hackers, identity thieves, rogue employees, and other criminals, including organized and sophisticated criminal operations;

(2) identity theft is a serious threat to the Nation's economic stability, homeland security, the development of e-commerce, and the privacy rights of Americans;

(3) over 9,300,000 individuals were victims of identity theft in America last year;

(4) security breaches are a serious threat to consumer confidence, homeland security, e-commerce, and economic stability;

(5) it is important for business entities that own, use, or license personally identifiable information to adopt reasonable procedures to ensure the security, privacy, and confidentiality of that personally identifiable information;

(6) individuals whose personal information has been compromised or who have been victims of identity theft should receive the necessary information and assistance to mitigate their damages and to restore the integrity of their personal information and identities;

(7) data brokers have assumed a significant role in providing identification, authentication, and screening services, and related data collection and analyses for commercial, non-profit, and government operations;

(8) data misuse and use of inaccurate data have the potential to cause serious or irreparable harm to an individual's livelihood, privacy, and liberty and undermine efficient and effective business and government operations;

(9) there is a need to insure that data brokers conduct their operations in a manner that prioritizes fairness, transparency, accuracy, and respect for the privacy of consumers;

(10) government access to commercial data can potentially improve safety, law enforcement, and national security; and

(11) because government use of commercial data containing personal information potentially affects individual privacy, and law enforcement and national security operations, there is a need for Congress to exercise oversight over government use of commercial data.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) AGENCY.—The term "agency" has the same meaning given such term in section 551 of title 5, United States Code.

(2) AFFILIATE.—The term "affiliate" means persons related by common ownership or by corporate control.

(3) BUSINESS ENTITY.—The term "business entity" means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, or venture established to make a profit, or nonprofit.

(4) **IDENTITY THEFT.**—The term “identity theft” means a violation of section 1028 of title 18, United States Code.

(5) **DATA BROKER.**—The term “data broker” means a business entity which for monetary fees or dues regularly engages in the practice of collecting, transmitting, or providing access to sensitive personally identifiable information on more than 5,000 individuals who are not the customers or employees of that business entity or affiliate primarily for the purposes of providing such information to nonaffiliated third parties on an interstate basis.

(6) **DATA FURNISHER.**—The term “data furnisher” means any agency, organization, corporation, trust, partnership, sole proprietorship, unincorporated association, or nonprofit that serves as a source of information for a data broker.

(7) **ENCRYPTION.**—The term “encryption”—

(A) means the protection of data in electronic form, in storage or in transit, using an encryption technology that has been adopted by an established standards setting body which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data; and

(B) includes appropriate management and safeguards of such cryptographic keys so as to protect the integrity of the encryption.

(8) **PERSONAL ELECTRONIC RECORD.**—

(A) **IN GENERAL.**—The term “personal electronic record” means data associated with an individual contained in a database, networked or integrated databases, or other data system that is provided to nonaffiliated third parties and includes sensitive personally identifiable information about that individual.

(B) **EXCLUSIONS.**—The term “personal electronic record” does not include—

(i) any data related to an individual’s past purchases of consumer goods; or

(ii) any proprietary assessment or evaluation of an individual or any proprietary assessment or evaluation of information about an individual.

(9) **PERSONALLY IDENTIFIABLE INFORMATION.**—The term “personally identifiable information” means any information, or compilation of information, in electronic or digital form serving as a means of identification, as defined by section 1028(d)(7) of title 18, United States Code.

(10) **PUBLIC RECORD SOURCE.**—The term “public record source” means the Congress, any agency, any State or local government agency, the government of the District of Columbia and governments of the territories or possessions of the United States, and Federal, State or local courts, courts martial and military commissions, that maintain personally identifiable information in records available to the public.

(11) **SECURITY BREACH.**—

(A) **IN GENERAL.**—The term “security breach” means compromise of the security, confidentiality, or integrity of computerized data through misrepresentation or actions that result in, or there is a reasonable basis to conclude has resulted in, acquisition of or access to sensitive personally identifiable information that is unauthorized or in excess of authorization.

(B) **EXCLUSION.**—The term “security breach” does not include—

(i) a good faith acquisition of sensitive personally identifiable information by a business entity or agency, or an employee or agent of a business entity or agency, if the sensitive personally identifiable information is not subject to further unauthorized disclosure; or

(ii) the release of a public record not otherwise subject to confidentiality or nondisclosure requirements.

(12) **SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.**—The term “sensitive personally identifiable information” means any information or compilation of information, in electronic or digital form that includes—

(A) an individual’s first and last name or first initial and last name in combination with any 1 of the following data elements:

(i) A non-truncated social security number, driver’s license number, passport number, or alien registration number.

(ii) Any 2 of the following:

(I) Home address or telephone number.

(II) Mother’s maiden name, if identified as such.

(III) Month, day, and year of birth.

(iii) Unique biometric data such as a finger print, voice print, a retina or iris image, or any other unique physical representation.

(iv) A unique account identifier, electronic identification number, user name, or routing code in combination with any associated security code, access code, or password that is required for an individual to obtain money, goods, services, or any other thing of value; or

(B) a financial account number or credit or debit card number in combination with any security code, access code, or password that is required for an individual to obtain credit, withdraw funds, or engage in a financial transaction.

TITLE I—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF DATA PRIVACY AND SECURITY

SEC. 101. ORGANIZED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.

Section 1961(1) of title 18, United States Code, is amended by inserting “section 1030(a)(2)(D) (relating to fraud and related activity in connection with unauthorized access to sensitive personally identifiable information as defined in the Personal Data Privacy and Security Act of 2009,” before “section 1084”.

SEC. 102. CONCEALMENT OF SECURITY BREACHES INVOLVING SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.

(a) **IN GENERAL.**—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“§ 1041. Concealment of security breaches involving sensitive personally identifiable information

“(a) Whoever, having knowledge of a security breach and of the obligation to provide notice of such breach to individuals under title III of the Personal Data Privacy and Security Act of 2009, and having not otherwise qualified for an exemption from providing notice under section 312 of such Act, intentionally and willfully conceals the fact of such security breach and which breach causes economic damage to 1 or more persons, shall be fined under this title or imprisoned not more than 5 years, or both.

“(b) For purposes of subsection (a), the term ‘person’ has the same meaning as in section 1030(e)(12) of title 18, United States Code.

“(c) Any person seeking an exemption under section 312(b) of the Personal Data Privacy and Security Act of 2009 shall be immune from prosecution under this section if the United States Secret Service does not indicate, in writing, that such notice be given under section 312(b)(3) of such Act”.

(b) **CONFORMING AND TECHNICAL AMENDMENTS.**—The table of sections for chapter 47

of title 18, United States Code, is amended by adding at the end the following:

“1041. Concealment of security breaches involving personally identifiable information.”.

(c) **ENFORCEMENT AUTHORITY.**—

(1) **IN GENERAL.**—The United States Secret Service shall have the authority to investigate offenses under this section.

(2) **NONEXCLUSIVITY.**—The authority granted in paragraph (1) shall not be exclusive of any existing authority held by any other Federal agency.

SEC. 103. REVIEW AND AMENDMENT OF FEDERAL SENTENCING GUIDELINES RELATED TO FRAUDULENT ACCESS TO OR MISUSE OF DIGITIZED OR ELECTRONIC PERSONALLY IDENTIFIABLE INFORMATION.

(a) **REVIEW AND AMENDMENT.**—The United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines (including its policy statements) applicable to persons convicted of using fraud to access, or misuse of, digitized or electronic personally identifiable information, including identity theft or any offense under—

(1) sections 1028, 1028A, 1030, 1030A, 2511, and 2701 of title 18, United States Code; and

(2) any other relevant provision.

(b) **REQUIREMENTS.**—In carrying out the requirements of this section, the United States Sentencing Commission shall—

(1) ensure that the Federal sentencing guidelines (including its policy statements) reflect—

(A) the serious nature of the offenses and penalties referred to in this Act;

(B) the growing incidences of theft and misuse of digitized or electronic personally identifiable information, including identity theft; and

(C) the need to deter, prevent, and punish such offenses;

(2) consider the extent to which the Federal sentencing guidelines (including its policy statements) adequately address violations of the sections amended by this Act to—

(A) sufficiently deter and punish such offenses; and

(B) adequately reflect the enhanced penalties established under this Act;

(3) maintain reasonable consistency with other relevant directives and sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) consider whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if the conduct involves—

(A) the online sale of fraudulently obtained or stolen personally identifiable information;

(B) the sale of fraudulently obtained or stolen personally identifiable information to an individual who is engaged in terrorist activity or aiding other individuals engaged in terrorist activity; or

(C) the sale of fraudulently obtained or stolen personally identifiable information to finance terrorist activity or other criminal activities;

(6) make any necessary conforming changes to the Federal sentencing guidelines to ensure that such guidelines (including its policy statements) as described in subsection (a) are sufficiently stringent to deter, and

adequately reflect crimes related to fraudulent access to, or misuse of, personally identifiable information; and

(7) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

(c) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission may, as soon as practicable, promulgate amendments under this section in accordance with procedures established in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that Act had not expired.

SEC. 104. EFFECTS OF IDENTITY THEFT ON BANKRUPTCY PROCEEDINGS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraph (27B) as paragraph (27D); and

(2) by inserting after paragraph (27A) the following:

“(27) The term ‘identity theft’ means a fraud committed or attempted using the personally identifiable information of another person.

“(28) The term ‘identity theft victim’ means a debtor who, as a result of an identity theft in any consecutive 12-month period during the 3-year period before the date on which a petition is filed under this title, had claims asserted against such debtor in excess of the least of—

“(A) \$20,000;

“(B) 50 percent of all claims asserted against such debtor; or

“(C) 25 percent of the debtor’s gross income for such 12-month period.”

(b) PROHIBITION.—Section 707(b) of title 11, United States Code, is amended by adding at the end the following:

“(8) No judge, United States trustee (or bankruptcy administrator, if any), trustee, or other party in interest may file a motion under paragraph (2) if the debtor is an identity theft victim.”

TITLE II—DATA BROKERS

SEC. 201. TRANSPARENCY AND ACCURACY OF DATA COLLECTION.

(a) IN GENERAL.—Data brokers engaging in interstate commerce are subject to the requirements of this title for any product or service offered to third parties that allows access or use of sensitive personally identifiable information.

(b) LIMITATION.—Notwithstanding any other provision of this title, this section shall not apply to—

(1) any product or service offered by a data broker engaging in interstate commerce where such product or service is currently subject to, and in compliance with, access and accuracy protections similar to those under subsections (c) through (f) of this section under the Fair Credit Reporting Act (Public Law 91–508);

(2) any data broker that is subject to regulation under the Gramm-Leach-Bliley Act (Public Law 106–102);

(3) any data broker currently subject to and in compliance with the data security requirements for such entities under the Health Insurance Portability and Accountability Act (Public Law 104–191), and its implementing regulations;

(4) information in a personal electronic record that—

(A) the data broker has identified as inaccurate, but maintains for the purpose of aiding the data broker in preventing inaccurate information from entering an individual’s personal electronic record; and

(B) is not maintained primarily for the purpose of transmitting or otherwise pro-

viding that information, or assessments based on that information, to nonaffiliated third parties; and

(5) information concerning proprietary methodologies, techniques, scores, or algorithms relating to fraud prevention not normally provided to third parties in the ordinary course of business.

(c) DISCLOSURES TO INDIVIDUALS.—

(1) IN GENERAL.—A data broker shall, upon the request of an individual, disclose to such individual for a reasonable fee all personal electronic records pertaining to that individual maintained specifically for disclosure to third parties that request information on that individual in the ordinary course of business in the databases or systems of the data broker at the time of such request.

(2) INFORMATION ON HOW TO CORRECT INACCURACIES.—The disclosures required under paragraph (1) shall also include guidance to individuals on procedures for correcting inaccuracies.

(d) DISCLOSURE TO INDIVIDUALS OF ADVERSE ACTIONS TAKEN BY THIRD PARTIES.—

(1) IN GENERAL.—In addition to any other rights established under this Act, if a person takes any adverse action with respect to any individual that is based, in whole or in part, on any information contained in a personal electronic record that is maintained, updated, or otherwise owned or possessed by a data broker, such person, at no cost to the affected individual, shall provide—

(A) written or electronic notice of the adverse action to the individual;

(B) to the individual, in writing or electronically, the name, address, and telephone number of the data broker that furnished the information to the person;

(C) a copy of the information such person obtained from the data broker; and

(D) information to the individual on the procedures for correcting any inaccuracies in such information.

(2) ACCEPTED METHODS OF NOTICE.—A person shall be in compliance with the notice requirements under paragraph (1) if such person provides written or electronic notice in the same manner and using the same methods as are required under section 313(1) of this Act.

(e) ACCURACY RESOLUTION PROCESS.—

(1) INFORMATION FROM A PUBLIC RECORD OR LICENSOR.—

(A) IN GENERAL.—If an individual notifies a data broker of a dispute as to the completeness or accuracy of information disclosed to such individual under subsection (c) that is obtained from a public record source or a license agreement, such data broker shall determine within 30 days whether the information in its system accurately and completely records the information available from the licensor or public record source.

(B) DATA BROKER ACTIONS.—If a data broker determines under subparagraph (A) that the information in its systems does not accurately and completely record the information available from a public record source or licensor, the data broker shall—

(i) correct any inaccuracies or incompleteness, and provide to such individual written notice of such changes; and

(ii) provide such individual with the contact information of the public record or licensor.

(2) INFORMATION NOT FROM A PUBLIC RECORD SOURCE OR LICENSOR.—If an individual notifies a data broker of a dispute as to the completeness or accuracy of information not from a public record or licensor that was disclosed to the individual under subsection (c), the data broker shall, within 30 days of receiving notice of such dispute—

(A) review and consider free of charge any information submitted by such individual that is relevant to the completeness or accuracy of the disputed information; and

(B) correct any information found to be incomplete or inaccurate and provide notice to such individual of whether and what information was corrected, if any.

(3) EXTENSION OF REVIEW PERIOD.—The 30-day period described in paragraph (1) may be extended for not more than 30 additional days if a data broker receives information from the individual during the initial 30-day period that is relevant to the completeness or accuracy of any disputed information.

(4) NOTICE IDENTIFYING THE DATA FURNISHER.—If the completeness or accuracy of any information not from a public record source or licensor that was disclosed to an individual under subsection (c) is disputed by such individual, the data broker shall provide, upon the request of such individual, the contact information of any data furnisher that provided the disputed information.

(5) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

(A) IN GENERAL.—Notwithstanding paragraphs (1) through (3), a data broker may decline to investigate or terminate a review of information disputed by an individual under those paragraphs if the data broker reasonably determines that the dispute by the individual is frivolous or intended to perpetrate fraud.

(B) NOTICE.—A data broker shall notify an individual of a determination under subparagraph (A) within a reasonable time by any means available to such data broker.

SEC. 202. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) PENALTIES.—Any data broker that violates the provisions of section 201 shall be subject to civil penalties of not more than \$1,000 per violation per day while such violations persist, up to a maximum of \$250,000 per violation.

(2) INTENTIONAL OR WILLFUL VIOLATION.—A data broker that intentionally or willfully violates the provisions of section 201 shall be subject to additional penalties in the amount of \$1,000 per violation per day, to a maximum of an additional \$250,000 per violation, while such violations persist.

(3) EQUITABLE RELIEF.—A data broker engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this subsection are cumulative and shall not affect any other rights and remedies available under law.

(b) FEDERAL TRADE COMMISSION AUTHORITY.—Any data broker shall have the provisions of this title enforced against it by the Federal Trade Commission.

(c) STATE ENFORCEMENT.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the acts or practices of a data broker that violate this title, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this title; or

(C) obtain civil penalties of not more than \$1,000 per violation per day while such violations persist, up to a maximum of \$250,000 per violation.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Federal Trade Commission—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in subparagraph (A) before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Federal Trade Commission as soon after the filing of the complaint as practicable.

(3) FEDERAL TRADE COMMISSION AUTHORITY.—Upon receiving notice under paragraph (2), the Federal Trade Commission shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) PENDING PROCEEDINGS.—If the Federal Trade Commission has instituted a proceeding or civil action for a violation of this title, no attorney general of a State may, during the pendency of such proceeding or civil action, bring an action under this subsection against any defendant named in such civil action for any violation that is alleged in that civil action.

(5) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under this subsection, process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(d) NO PRIVATE CAUSE OF ACTION.—Nothing in this title establishes a private cause of action against a data broker for violation of any provision of this title.

SEC. 203. RELATION TO STATE LAWS.

No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under section 201, relating to individual access to, and correction of, personal electronic records held by data brokers.

SEC. 204. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

TITLE III—PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION

Subtitle A—A Data Privacy and Security Program

SEC. 301. PURPOSE AND APPLICABILITY OF DATA PRIVACY AND SECURITY PROGRAM.

(a) PURPOSE.—The purpose of this subtitle is to ensure standards for developing and implementing administrative, technical, and physical safeguards to protect the security of sensitive personally identifiable information.

(b) IN GENERAL.—A business entity engaging in interstate commerce that involves collecting, accessing, transmitting, using, storing, or disposing of sensitive personally identifiable information in electronic or digital form on 10,000 or more United States persons is subject to the requirements for a data privacy and security program under section 302 for protecting sensitive personally identifiable information.

(c) LIMITATIONS.—Notwithstanding any other obligation under this subtitle, this subtitle does not apply to:

(1) FINANCIAL INSTITUTIONS.—Financial institutions—

(A) subject to the data security requirements and implementing regulations under the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); and

(B) subject to—

(i) examinations for compliance with the requirements of this Act by a Federal Functional Regulator or State Insurance Authority (as those terms are defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)); or

(ii) compliance with part 314 of title 16, Code of Federal Regulations.

(2) HIPPA REGULATED ENTITIES.—

(A) COVERED ENTITIES.—Covered entities subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.), including the data security requirements and implementing regulations of that Act.

(B) BUSINESS ENTITIES.—A business entity shall be deemed in compliance with the privacy and security program requirements under section 302 if the business entity is acting as a “business associate” as that term is defined in the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.) and is in compliance with requirements imposed under that Act and its implementing regulations.

(3) PUBLIC RECORDS.—Public records not otherwise subject to a confidentiality or nondisclosure requirement, or information obtained from a news report or periodical.

(d) SAFE HARBORS.—

(1) IN GENERAL.—A business entity shall be deemed in compliance with the privacy and security program requirements under section 302 if the business entity complies with or provides protection equal to industry standards, as identified by the Federal Trade Commission, that are applicable to the type of sensitive personally identifiable information involved in the ordinary course of business of such business entity.

(2) LIMITATION.—Nothing in this subsection shall be construed to permit, and nothing does permit, the Federal Trade Commission to issue regulations requiring, or according greater legal status to, the implementation of or application of a specific technology or technological specifications for meeting the requirements of this title.

SEC. 302. REQUIREMENTS FOR A PERSONAL DATA PRIVACY AND SECURITY PROGRAM.

(a) PERSONAL DATA PRIVACY AND SECURITY PROGRAM.—A business entity subject to this subtitle shall comply with the following safeguards and any other administrative, technical, or physical safeguards identified by the Federal Trade Commission in a rule-making process pursuant to section 553 of title 5, United States Code, for the protection of sensitive personally identifiable information:

(1) SCOPE.—A business entity shall implement a comprehensive personal data privacy and security program that includes administrative, technical, and physical safeguards appropriate to the size and complexity of the business entity and the nature and scope of its activities.

(2) DESIGN.—The personal data privacy and security program shall be designed to—

(A) ensure the privacy, security, and confidentiality of sensitive personally identifying information;

(B) protect against any anticipated vulnerabilities to the privacy, security, or integrity of sensitive personally identifying information; and

(C) protect against unauthorized access to use of sensitive personally identifying information that could result in substantial harm or inconvenience to any individual.

(3) RISK ASSESSMENT.—A business entity shall—

(A) identify reasonably foreseeable internal and external vulnerabilities that could result in unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information or systems containing sensitive personally identifiable information;

(B) assess the likelihood of and potential damage from unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information;

(C) assess the sufficiency of its policies, technologies, and safeguards in place to control and minimize risks from unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information; and

(D) assess the vulnerability of sensitive personally identifiable information during destruction and disposal of such information, including through the disposal or retirement of hardware.

(4) RISK MANAGEMENT AND CONTROL.—Each business entity shall—

(A) design its personal data privacy and security program to control the risks identified under paragraph (3); and

(B) adopt measures commensurate with the sensitivity of the data as well as the size, complexity, and scope of the activities of the business entity that—

(i) control access to systems and facilities containing sensitive personally identifiable information, including controls to authenticate and permit access only to authorized individuals;

(ii) detect actual and attempted fraudulent, unlawful, or unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information, including by employees and other individuals otherwise authorized to have access;

(iii) protect sensitive personally identifiable information during use, transmission, storage, and disposal by encryption, redaction, or access controls that are widely accepted as an effective industry practice or industry standard, or other reasonable means (including as directed for disposal of records under section 628 of the Fair Credit

Reporting Act (15 U.S.C. 1681w) and the implementing regulations of such Act as set forth in section 682 of title 16, Code of Federal Regulations);

(iv) ensure that sensitive personally identifiable information is properly destroyed and disposed of, including during the destruction of computers, diskettes, and other electronic media that contain sensitive personally identifiable information;

(v) trace access to records containing sensitive personally identifiable information so that the business entity can determine who accessed or acquired such sensitive personally identifiable information pertaining to specific individuals; and

(vi) ensure that no third party or customer of the business entity is authorized to access or acquire sensitive personally identifiable information without the business entity first performing sufficient due diligence to ascertain, with reasonable certainty, that such information is being sought for a valid legal purpose.

(b) **TRAINING.**—Each business entity subject to this subtitle shall take steps to ensure employee training and supervision for implementation of the data security program of the business entity.

(c) **VULNERABILITY TESTING.**—

(1) **IN GENERAL.**—Each business entity subject to this subtitle shall take steps to ensure regular testing of key controls, systems, and procedures of the personal data privacy and security program to detect, prevent, and respond to attacks or intrusions, or other system failures.

(2) **FREQUENCY.**—The frequency and nature of the tests required under paragraph (1) shall be determined by the risk assessment of the business entity under subsection (a)(3).

(d) **RELATIONSHIP TO SERVICE PROVIDERS.**—In the event a business entity subject to this subtitle engages service providers not subject to this subtitle, such business entity shall—

(1) exercise appropriate due diligence in selecting those service providers for responsibilities related to sensitive personally identifiable information, and take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the sensitive personally identifiable information at issue; and

(2) require those service providers by contract to implement and maintain appropriate measures designed to meet the objectives and requirements governing entities subject to section 301, this section, and subtitle B.

(e) **PERIODIC ASSESSMENT AND PERSONAL DATA PRIVACY AND SECURITY MODERNIZATION.**—Each business entity subject to this subtitle shall on a regular basis monitor, evaluate, and adjust, as appropriate its data privacy and security program in light of any relevant changes in—

(1) technology;

(2) the sensitivity of personally identifiable information;

(3) internal or external threats to personally identifiable information; and

(4) the changing business arrangements of the business entity, such as—

(A) mergers and acquisitions;

(B) alliances and joint ventures;

(C) outsourcing arrangements;

(D) bankruptcy; and

(E) changes to sensitive personally identifiable information systems.

(f) **IMPLEMENTATION TIMELINE.**—Not later than 1 year after the date of enactment of

this Act, a business entity subject to the provisions of this subtitle shall implement a data privacy and security program pursuant to this subtitle.

SEC. 303. ENFORCEMENT.

(a) **CIVIL PENALTIES.**—

(1) **IN GENERAL.**—Any business entity that violates the provisions of sections 301 or 302 shall be subject to civil penalties of not more than \$5,000 per violation per day while such a violation exists, with a maximum of \$500,000 per violation.

(2) **INTENTIONAL OR WILLFUL VIOLATION.**—A business entity that intentionally or willfully violates the provisions of sections 301 or 302 shall be subject to additional penalties in the amount of \$5,000 per violation per day while such a violation exists, with a maximum of an additional \$500,000 per violation.

(3) **EQUITABLE RELIEF.**—A business entity engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) **OTHER RIGHTS AND REMEDIES.**—The rights and remedies available under this section are cumulative and shall not affect any other rights and remedies available under law.

(b) **FEDERAL TRADE COMMISSION AUTHORITY.**—Any data broker shall have the provisions of this subtitle enforced against it by the Federal Trade Commission.

(c) **STATE ENFORCEMENT.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the acts or practices of a data broker that violate this subtitle, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this subtitle; or

(C) obtain civil penalties of not more than \$5,000 per violation per day while such violations persist, up to a maximum of \$500,000 per violation.

(2) **NOTICE.**—

(A) **IN GENERAL.**—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Federal Trade Commission—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) **EXCEPTION.**—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action.

(C) **NOTIFICATION WHEN PRACTICABLE.**—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Federal Trade Commission as soon after the filing of the complaint as practicable.

(3) **FEDERAL TRADE COMMISSION AUTHORITY.**—Upon receiving notice under paragraph (2), the Federal Trade Commission shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) **PENDING PROCEEDINGS.**—If the Federal Trade Commission has instituted a proceeding or action for a violation of this subtitle or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subsection against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(5) **RULE OF CONSTRUCTION.**—For purposes of bringing any civil action under paragraph (1) nothing in this subtitle shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) **VENUE; SERVICE OF PROCESS.**—

(A) **VENUE.**—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) **SERVICE OF PROCESS.**—In an action brought under this subsection, process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(d) **NO PRIVATE CAUSE OF ACTION.**—Nothing in this subtitle establishes a private cause of action against a business entity for violation of any provision of this subtitle.

SEC. 304. RELATION TO OTHER LAWS.

(a) **IN GENERAL.**—No State may require any business entity subject to this subtitle to comply with any requirements with respect to administrative, technical, and physical safeguards for the protection of sensitive personally identifying information.

(b) **LIMITATIONS.**—Nothing in this subtitle shall be construed to modify, limit, or supersede the operation of the Gramm-Leach-Bliley Act or its implementing regulations, including those adopted or enforced by States.

Subtitle B—Security Breach Notification

SEC. 311. NOTICE TO INDIVIDUALS.

(a) **IN GENERAL.**—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of or collects sensitive personally identifiable information shall, following the discovery of a security breach of such information, notify any resident of the United States whose sensitive personally identifiable information has been, or is reasonably believed to have been, accessed, or acquired.

(b) **OBLIGATION OF OWNER OR LICENSEE.**—

(1) **NOTICE TO OWNER OR LICENSEE.**—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of, or collects sensitive personally identifiable information that the agency or business entity does not own or license shall notify the owner or licensee of the information following the discovery of a security breach involving such information.

(2) **NOTICE BY OWNER, LICENSEE OR OTHER DESIGNATED THIRD PARTY.**—Nothing in this subtitle shall prevent or abrogate an agreement between an agency or business entity required to give notice under this section and a designated third party, including an owner or licensee of the sensitive personally identifiable information subject to the security breach, to provide the notifications required under subsection (a).

(3) **BUSINESS ENTITY RELIEVED FROM GIVING NOTICE.**—A business entity obligated to give notice under subsection (a) shall be relieved of such obligation if an owner or licensee of the sensitive personally identifiable information subject to the security breach, or other designated third party, provides such notification.

(c) **TIMELINESS OF NOTIFICATION.**—

(1) **IN GENERAL.**—All notifications required under this section shall be made without unreasonable delay following the discovery by the agency or business entity of a security breach.

(2) **REASONABLE DELAY.**—Reasonable delay under this subsection may include any time necessary to determine the scope of the security breach, prevent further disclosures, and restore the reasonable integrity of the data system and provide notice to law enforcement when required.

(3) **BURDEN OF PROOF.**—The agency, business entity, owner, or licensee required to provide notification under this section shall have the burden of demonstrating that all notifications were made as required under this subtitle, including evidence demonstrating the reasons for any delay.

(d) **DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.**—

(1) **IN GENERAL.**—If a Federal law enforcement agency determines that the notification required under this section would impede a criminal investigation, such notification shall be delayed upon written notice from such Federal law enforcement agency to the agency or business entity that experienced the breach.

(2) **EXTENDED DELAY OF NOTIFICATION.**—If the notification required under subsection (a) is delayed pursuant to paragraph (1), an agency or business entity shall give notice 30 days after the day such law enforcement delay was invoked unless a Federal law enforcement agency provides written notification that further delay is necessary.

(3) **LAW ENFORCEMENT IMMUNITY.**—No cause of action shall lie in any court against any law enforcement agency for acts relating to the delay of notification for law enforcement purposes under this subtitle.

SEC. 312. EXEMPTIONS.

(a) **EXEMPTION FOR NATIONAL SECURITY AND LAW ENFORCEMENT.**—

(1) **IN GENERAL.**—Section 311 shall not apply to an agency or business entity if the agency or business entity certifies, in writing, that notification of the security breach as required by section 311 reasonably could be expected to—

(A) cause damage to the national security; or

(B) hinder a law enforcement investigation or the ability of the agency to conduct law enforcement investigations.

(2) **LIMITS ON CERTIFICATIONS.**—An agency or business entity may not execute a certification under paragraph (1) to—

(A) conceal violations of law, inefficiency, or administrative error;

(B) prevent embarrassment to a business entity, organization, or agency; or

(C) restrain competition.

(3) **NOTICE.**—In every case in which an agency or business agency issues a certification under paragraph (1), the certification, accompanied by a description of the factual basis for the certification, shall be immediately provided to the United States Secret Service.

(4) **SECRET SERVICE REVIEW OF CERTIFICATIONS.**—

(A) **IN GENERAL.**—The United States Secret Service may review a certification provided

by an agency under paragraph (3), and shall review a certification provided by a business entity under paragraph (3), to determine whether an exemption under paragraph (1) is merited. Such review shall be completed not later than 10 business days after the date of receipt of the certification, except as provided in paragraph (5)(C).

(B) **NOTICE.**—Upon completing a review under subparagraph (A) the United States Secret Service shall immediately notify the agency or business entity, in writing, of its determination of whether an exemption under paragraph (1) is merited.

(C) **EXEMPTION.**—The exemption under paragraph (1) shall not apply if the United States Secret Service determines under this paragraph that the exemption is not merited.

(5) **ADDITIONAL AUTHORITY OF THE SECRET SERVICE.**—

(A) **IN GENERAL.**—In determining under paragraph (4) whether an exemption under paragraph (1) is merited, the United States Secret Service may request additional information from the agency or business entity regarding the basis for the claimed exemption, if such additional information is necessary to determine whether the exemption is merited.

(B) **REQUIRED COMPLIANCE.**—Any agency or business entity that receives a request for additional information under subparagraph (A) shall cooperate with any such request.

(C) **TIMING.**—If the United States Secret Service requests additional information under subparagraph (A), the United States Secret Service shall notify the agency or business entity not later than 10 business days after the date of receipt of the additional information whether an exemption under paragraph (1) is merited.

(b) **SAFE HARBOR.**—An agency or business entity will be exempt from the notice requirements under section 311, if—

(1) a risk assessment concludes that—

(A) there is no significant risk that a security breach has resulted in, or will result in, harm to the individuals whose sensitive personally identifiable information was subject to the security breach, with the encryption of such information establishing a presumption that no significant risk exists; or

(B) there is no significant risk that a security breach has resulted in, or will result in, harm to the individuals whose sensitive personally identifiable information was subject to the security breach, with the rendering of such sensitive personally identifiable information indecipherable through the use of best practices or methods, such as redaction, access controls, or other such mechanisms, which are widely accepted as an effective industry practice, or an effective industry standard, establishing a presumption that no significant risk exists;

(2) without unreasonable delay, but not later than 45 days after the discovery of a security breach, unless extended by the United States Secret Service, the agency or business entity notifies the United States Secret Service, in writing, of—

(A) the results of the risk assessment; and

(B) its decision to invoke the risk assessment exemption; and

(3) the United States Secret Service does not indicate, in writing, within 10 business days from receipt of the decision, that notice should be given.

(c) **FINANCIAL FRAUD PREVENTION EXEMPTION.**—

(1) **IN GENERAL.**—A business entity will be exempt from the notice requirement under section 311 if the business entity utilizes or participates in a security program that—

(A) is designed to block the use of the sensitive personally identifiable information to initiate unauthorized financial transactions before they are charged to the account of the individual; and

(B) provides for notice to affected individuals after a security breach that has resulted in fraud or unauthorized transactions.

(2) **LIMITATION.**—The exemption by this subsection does not apply if—

(A) the information subject to the security breach includes sensitive personally identifiable information, other than a credit card or credit card security code, of any type of the sensitive personally identifiable information identified in section 3; or

(B) the security breach includes both the individual's credit card number and the individual's first and last name.

SEC. 313. METHODS OF NOTICE.

An agency or business entity shall be in compliance with section 311 if it provides both:

(1) **INDIVIDUAL NOTICE.**—Notice to individuals by 1 of the following means:

(A) Written notification to the last known home mailing address of the individual in the records of the agency or business entity.

(B) Telephone notice to the individual personally.

(C) E-mail notice, if the individual has consented to receive such notice and the notice is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001).

(2) **MEDIA NOTICE.**—Notice to major media outlets serving a State or jurisdiction, if the number of residents of such State whose sensitive personally identifiable information was, or is reasonably believed to have been, acquired by an unauthorized person exceeds 5,000.

SEC. 314. CONTENT OF NOTIFICATION.

(a) **IN GENERAL.**—Regardless of the method by which notice is provided to individuals under section 313, such notice shall include, to the extent possible—

(1) a description of the categories of sensitive personally identifiable information that was, or is reasonably believed to have been, acquired by an unauthorized person;

(2) a toll-free number—

(A) that the individual may use to contact the agency or business entity, or the agent of the agency or business entity; and

(B) from which the individual may learn what types of sensitive personally identifiable information the agency or business entity maintained about that individual; and

(3) the toll-free contact telephone numbers and addresses for the major credit reporting agencies.

(b) **ADDITIONAL CONTENT.**—Notwithstanding section 319, a State may require that a notice under subsection (a) shall also include information regarding victim protection assistance provided for by that State.

SEC. 315. COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.

If an agency or business entity is required to provide notification to more than 5,000 individuals under section 311(a), the agency or business entity shall also notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) of the timing and distribution of the notices. Such notice shall be given to the consumer credit reporting agencies without unreasonable delay and, if it will not delay notice to

the affected individuals, prior to the distribution of notices to the affected individuals.

SEC. 316. NOTICE TO LAW ENFORCEMENT.

(a) SECRET SERVICE.—Any business entity or agency shall notify the United States Secret Service of the fact that a security breach has occurred if—

(1) the number of individuals whose sensitive personally identifying information was, or is reasonably believed to have been acquired by an unauthorized person exceeds 10,000;

(2) the security breach involves a database, networked or integrated databases, or other data system containing the sensitive personally identifiable information of more than 1,000,000 individuals nationwide;

(3) the security breach involves databases owned by the Federal Government; or

(4) the security breach involves primarily sensitive personally identifiable information of individuals known to the agency or business entity to be employees and contractors of the Federal Government involved in national security or law enforcement.

(b) NOTICE TO OTHER LAW ENFORCEMENT AGENCIES.—The United States Secret Service shall be responsible for notifying—

(1) the Federal Bureau of Investigation, if the security breach involves espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service under section 3056(a) of title 18, United States Code;

(2) the United States Postal Inspection Service, if the security breach involves mail fraud; and

(3) the attorney general of each State affected by the security breach.

(c) TIMING OF NOTICES.—The notices required under this section shall be delivered as follows:

(1) Notice under subsection (a) shall be delivered as promptly as possible, but not later than 14 days after discovery of the events requiring notice.

(2) Notice under subsection (b) shall be delivered not later than 14 days after the Service receives notice of a security breach from an agency or business entity.

SEC. 317. ENFORCEMENT.

(a) CIVIL ACTIONS BY THE ATTORNEY GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any business entity that engages in conduct constituting a violation of this subtitle and, upon proof of such conduct by a preponderance of the evidence, such business entity shall be subject to a civil penalty of not more than \$1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of \$1,000,000 per violation, unless such conduct is found to be willful or intentional.

(b) INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—If it appears that a business entity has engaged, or is engaged, in any act or practice constituting a violation of this subtitle, the Attorney General may petition an appropriate district court of the United States for an order—

(A) enjoining such act or practice; or

(B) enforcing compliance with this subtitle.

(2) ISSUANCE OF ORDER.—A court may issue an order under paragraph (1), if the court finds that the conduct in question constitutes a violation of this subtitle.

(c) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this subtitle are cumulative and shall not affect any other rights and remedies available under law.

(d) FRAUD ALERT.—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c-1(b)(1)) is amended by inserting “, or evidence that the consumer has received notice that the consumer’s financial information has or may have been compromised,” after “identity theft report”.

SEC. 318. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a business entity in a practice that is prohibited under this subtitle, the State or the State or local law enforcement agency on behalf of the residents of the agency’s jurisdiction, may bring a civil action on behalf of the residents of the State or jurisdiction in a district court of the United States of appropriate jurisdiction or any other court of competent jurisdiction, including a State court, to—

(A) enjoin that practice;

(B) enforce compliance with this subtitle; or

(C) civil penalties of not more than \$1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of \$1,000,000 per violation, unless such conduct is found to be willful or intentional.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subtitle, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) FEDERAL PROCEEDINGS.—Upon receiving notice under subsection (a)(2), the Attorney General shall have the right to—

(1) move to stay the action, pending the final disposition of a pending Federal proceeding or action;

(2) initiate an action in the appropriate United States district court under section 317 and move to consolidate all pending actions, including State actions, in such court;

(3) intervene in an action brought under subsection (a)(2); and

(4) file petitions for appeal.

(c) PENDING PROCEEDINGS.—If the Attorney General has instituted a proceeding or action for a violation of this subtitle or any regula-

tions thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subtitle against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this subtitle regarding notification shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in—

(A) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(B) another court of competent jurisdiction.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

(f) NO PRIVATE CAUSE OF ACTION.—Nothing in this subtitle establishes a private cause of action against a business entity for violation of any provision of this subtitle.

SEC. 319. EFFECT ON FEDERAL AND STATE LAW.

The provisions of this subtitle shall supersede any other provision of Federal law or any provision of law of any State relating to notification by a business entity engaged in interstate commerce or an agency of a security breach, except as provided in section 314(b).

SEC. 320. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to cover the costs incurred by the United States Secret Service to carry out investigations and risk assessments of security breaches as required under this subtitle.

SEC. 321. REPORTING ON RISK ASSESSMENT EXEMPTIONS.

The United States Secret Service shall report to Congress not later than 18 months after the date of enactment of this Act, and upon the request by Congress thereafter, on—

(1) the number and nature of the security breaches described in the notices filed by those business entities invoking the risk assessment exemption under section 312(b) and the response of the United States Secret Service to such notices; and

(2) the number and nature of security breaches subject to the national security and law enforcement exemptions under section 312(a), provided that such report may not disclose the contents of any risk assessment provided to the United States Secret Service pursuant to this subtitle.

SEC. 322. EFFECTIVE DATE.

This subtitle shall take effect on the expiration of the date which is 90 days after the date of enactment of this Act.

Subtitle C—Office of Federal Identity Protection

SEC. 331. OFFICE OF FEDERAL IDENTITY PROTECTION.

(a) ESTABLISHMENT.—There is established in the Federal Trade Commission an Office of Federal Identity Protection.

(b) **DUTIES.**—The Office of Federal Identity Protection shall be responsible for assisting each consumer with—

(1) addressing the consequences of the theft or compromise of the personally identifiable information of that consumer;

(2) accessing remedies provided under Federal law and providing information about remedies available under State law;

(3) restoring the accuracy of—

(A) the personally identifiable information of that consumer; and

(B) records containing the personally identifiable information of that consumer that were stolen or compromised; and

(4) retrieving any stolen or compromised personally identifiable information of that consumer.

(c) **ACTIVITIES.**—In order to perform the duties required under subsection (b), the Office of Federal Identity Protection shall carry out the following activities:

(1) Establish a website, easily and conspicuously accessible from ftc.gov, dedicated to assisting consumers with the retrieval of the stolen or compromised personally identifiable information of the consumer.

(2) Maintain a toll-free phone number to help answer questions concerning identity theft from consumers.

(3) Establish online and offline consumer-service teams to assist consumers seeking the retrieval of the personally identifiable information of the consumer.

(4) Provide guidance and information to service organizations or pro bono legal services programs that offer individualized assistance or counseling to victims of identity theft.

(5) Establish a reasonable standard for determining when an individual becomes a victim of identity theft.

(6) Issue certifications to individuals who, under the standard described in paragraph (5), are identity theft victims.

(7) Permit an individual to use the Office of Federal Identity Protection certification—

(A) in all Federal, State, and local jurisdictions, in lieu of a police report or any other document required by State or local law, as a prerequisite to accessing business records of transactions done by someone claiming to be the individual; and

(B) to establish the eligibility of that individual for—

(i) the fraud alert protections under section 605A of the Fair Credit Reporting Act (15 U.S.C. 1681c-1); and

(ii) the reporting protections under section 605B(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c-2(a)).

(8) Coordinate, as the Office determines necessary, with the designated Chief Privacy Officer of each Federal agency, or any other designated senior official in such agency in charge of privacy, in order to meet the duties of assisting consumers as required under subsection (b).

(9) In addition to the requirements in paragraphs (1) through (7), the Federal Trade Commission shall promulgate regulations that enable the Office of Federal Identity Protection to help consumers restore their stolen or otherwise compromised personally identifiable information quickly and inexpensively.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for the Office of Federal Identity Protection such sums as are necessary for fiscal year 2010 and each of the 4 succeeding fiscal years.

TITLE IV—GOVERNMENT ACCESS TO AND USE OF COMMERCIAL DATA

SEC. 401. GENERAL SERVICES ADMINISTRATION REVIEW OF CONTRACTS.

(a) **IN GENERAL.**—In considering contract awards totaling more than \$500,000 and entered into after the date of enactment of this Act with data brokers, the Administrator of the General Services Administration shall evaluate—

(1) the data privacy and security program of a data broker to ensure the privacy and security of data containing personally identifiable information, including whether such program adequately addresses privacy and security threats created by malicious software or code, or the use of peer-to-peer file sharing software;

(2) the compliance of a data broker with such program;

(3) the extent to which the databases and systems containing personally identifiable information of a data broker have been compromised by security breaches; and

(4) the response by a data broker to such breaches, including the efforts by such data broker to mitigate the impact of such security breaches.

(b) **COMPLIANCE SAFE HARBOR.**—The data privacy and security program of a data broker shall be deemed sufficient for the purposes of subsection (a), if the data broker complies with or provides protection equal to industry standards, as identified by the Federal Trade Commission, that are applicable to the type of personally identifiable information involved in the ordinary course of business of such data broker.

(c) **PENALTIES.**—In awarding contracts with data brokers for products or services related to access, use, compilation, distribution, processing, analyzing, or evaluating personally identifiable information, the Administrator of the General Services Administration shall—

(1) include monetary or other penalties—

(A) for failure to comply with subtitles A and B of title III; or

(B) if a contractor knows or has reason to know that the personally identifiable information being provided is inaccurate, and provides such inaccurate information; and

(2) require a data broker that engages service providers not subject to subtitle A of title III for responsibilities related to sensitive personally identifiable information to—

(A) exercise appropriate due diligence in selecting those service providers for responsibilities related to personally identifiable information;

(B) take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the personally identifiable information at issue; and

(C) require such service providers, by contract, to implement and maintain appropriate measures designed to meet the objectives and requirements in title III.

(d) **LIMITATION.**—The penalties under subsection (c) shall not apply to a data broker providing information that is accurately and completely recorded from a public record source or licenser.

SEC. 402. REQUIREMENT TO AUDIT INFORMATION SECURITY PRACTICES OF CONTRACTORS AND THIRD PARTY BUSINESS ENTITIES.

Section 3544(b) of title 44, United States Code, is amended—

(1) in paragraph (7)(C)(iii), by striking “and” after the semicolon;

(2) in paragraph (8), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(9) procedures for evaluating and auditing the information security practices of contractors or third party business entities supporting the information systems or operations of the agency involving personally identifiable information (as that term is defined in section 3 of the Personal Data Privacy and Security Act of 2009) and ensuring remedial action to address any significant deficiencies.”.

SEC. 403. PRIVACY IMPACT ASSESSMENT OF GOVERNMENT USE OF COMMERCIAL INFORMATION SERVICES CONTAINING PERSONALLY IDENTIFIABLE INFORMATION.

(a) **IN GENERAL.**—Section 208(b)(1) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended—

(1) in subparagraph (A)(i), by striking “or”; and

(2) in subparagraph (A)(ii), by striking the period and inserting “; or”; and

(3) by inserting after clause (ii) the following:

“(iii) purchasing or subscribing for a fee to personally identifiable information from a data broker (as such terms are defined in section 3 of the Personal Data Privacy and Security Act of 2009).”.

(b) **LIMITATION.**—Notwithstanding any other provision of law, commencing 1 year after the date of enactment of this Act, no Federal agency may enter into a contract with a data broker to access for a fee any database consisting primarily of personally identifiable information concerning United States persons (other than news reporting or telephone directories) unless the head of such department or agency—

(1) completes a privacy impact assessment under section 208 of the E-Government Act of 2002 (44 U.S.C. 3501 note), which shall subject to the provision in that Act pertaining to sensitive information, include a description of—

(A) such database;

(B) the name of the data broker from whom it is obtained; and

(C) the amount of the contract for use;

(2) adopts regulations that specify—

(A) the personnel permitted to access, analyze, or otherwise use such databases;

(B) standards governing the access, analysis, or use of such databases;

(C) any standards used to ensure that the personally identifiable information accessed, analyzed, or used is the minimum necessary to accomplish the intended legitimate purpose of the Federal agency;

(D) standards limiting the retention and redisclosure of personally identifiable information obtained from such databases;

(E) procedures ensuring that such data meet standards of accuracy, relevance, completeness, and timeliness;

(F) the auditing and security measures to protect against unauthorized access, analysis, use, or modification of data in such databases;

(G) applicable mechanisms by which individuals may secure timely redress for any adverse consequences wrongly incurred due to the access, analysis, or use of such databases;

(H) mechanisms, if any, for the enforcement and independent oversight of existing or planned procedures, policies, or guidelines; and

(I) an outline of enforcement mechanisms for accountability to protect individuals and the public against unlawful or illegitimate access or use of databases; and

(3) incorporates into the contract or other agreement totaling more than \$500,000, provisions—

(A) providing for penalties—

(i) for failure to comply with title III of this Act; or

(ii) if the entity knows or has reason to know that the personally identifiable information being provided to the Federal department or agency is inaccurate, and provides such inaccurate information; and

(B) requiring a data broker that engages service providers not subject to subtitle A of title III for responsibilities related to sensitive personally identifiable information to—

(i) exercise appropriate due diligence in selecting those service providers for responsibilities related to personally identifiable information;

(ii) take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the personally identifiable information at issue; and

(iii) require such service providers, by contract, to implement and maintain appropriate measures designed to meet the objectives and requirements in title III.

(C) LIMITATION ON PENALTIES.—The penalties under subsection (b)(3)(A) shall not apply to a data broker providing information that is accurately and completely recorded from a public record source.

(D) STUDY OF GOVERNMENT USE.—

(1) SCOPE OF STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and audit and prepare a report on Federal agency actions to address the recommendations in the Government Accountability Office's April 2006 report on agency adherence to key privacy principles in using data brokers or commercial databases containing personally identifiable information.

(2) REPORT.—A copy of the report required under paragraph (1) shall be submitted to Congress.

SEC. 404. IMPLEMENTATION OF CHIEF PRIVACY OFFICER REQUIREMENTS.

(a) DESIGNATION OF THE CHIEF PRIVACY OFFICER.—Pursuant to the requirements under section 522 of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (division H of Public Law 108-447; 118 Stat. 3199) that each agency designate a Chief Privacy Officer, the Department of Justice shall implement such requirements by designating a department-wide Chief Privacy Officer, whose primary role shall be to fulfill the duties and responsibilities of Chief Privacy Officer and who shall report directly to the Deputy Attorney General.

(b) DUTIES AND RESPONSIBILITIES OF CHIEF PRIVACY OFFICER.—In addition to the duties and responsibilities outlined under section 522 of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (division H of Public Law 108-447; 118 Stat. 3199), the Department of Justice Chief Privacy Officer shall—

(1) oversee the Department of Justice's implementation of the requirements under section 403 to conduct privacy impact assessments of the use of commercial data containing personally identifiable information by the Department; and

(2) coordinate with the Privacy and Civil Liberties Oversight Board, established in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), in implementing this section.

By Mr. LEVIN (for himself and Mr. McCAIN):

S. 1491. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits based upon stock option compensation expenses be consistent with accounting expenses shown in corporate financial statements for such compensation; to the Committee on Finance.

Mr. LEVIN. Mr. President, Senator McCAIN and I are introducing today a bill to eliminate Federal corporate tax breaks that give special tax treatment to corporations that pay their executives with stock options. It is called the Ending excessive Corporate Deductions for Stock Options Act, and it has been endorsed by OMB Watch, the Consumer Federation of America, the Tax Justice Network-USA, and the AFL-CIO.

We are in a financial crisis. We are spending hundreds of billions of taxpayer dollars to try to stop the housing bust and prop up Wall Street. Too many of the middle class are watching the American dream slip away, while executives are getting multi-million dollar compensation packages.

At the same time, mismatched stock option accounting and tax rules are shortchanging the Treasury to the tune of billions of dollars each year, while fueling the growing chasm between executive pay and average worker pay. The mismatch is this: companies are allowed to report one set of stock option compensation expenses to investors and the public through their public financial statements, and a completely different set of expenses to the Internal Revenue Service, IRS, on their tax returns. Put simply, our precious tax dollars are being wasted by an outdated and unfair corporate tax loophole that encourages corporations to hand out massive stock option grants to their executives. It is time to put an end to the excessive tax deductions being reaped by corporations at taxpayers' expense.

J.P. Morgan once said that executive pay should not exceed 20 times average worker pay. In the United States, in 1990, average pay for the chief executive officer of a large U.S. corporation was 100 times average worker pay. Recently, CEO pay was nearly 400 times that of the average worker.

The single biggest factor responsible for this massive pay gap is stock options. Stock options are a huge contributor to executive pay. A key factor encouraging companies to pay their executives with stock options is the misguided Federal tax system that favors stock options over other types of compensation. Stock options give employees the right to buy company stock at a set price for a specified period of time, often 5 or 10 years. Virtually every CEO in America is paid with stock options, which are a major contributor to sky-high executive pay. Ac-

cording to Forbes magazine, in 2008, the CEOs at the 500 largest U.S. companies took home a combined \$5.7 billion, averaging \$11.4 million each.

For example, according to an Equilar Inc. analysis of 2008 filings with the Securities and Exchange Commission, SEC, Oracle Corporation's CEO was granted options estimated in value at more than \$71 million just last year. That grant was on top of the pay he received from vested and exercised stock options given to him by his company in the past. In 2008 alone, those stock options amounted to a personal gain of more than \$543 million. That is \$543 million in stock option gains in a single year. Stunningly, his company gets to deduct this outlandish "compensation" from its taxes—even though the company never paid him that amount, and even though the existing tax code generally limits corporate deductions for executive pay to \$1 million per executive.

Oracle's CEO was not alone. Equilar has identified dozens of U.S. executives who obtained tens of millions or even hundreds of millions of dollars from stock options in 2008. For example, the CEO of Qualcomm Inc., had \$209 million in stock options gains in 2008, while the CEO of Occidental Petroleum had gains of \$184 million.

Between the repricing of some stock options and grants being made while stock prices are low, the recent stock market recovery will likely mean that many executives will continue to reap astronomical stock option-related compensation, and their companies will continue to reap unwarranted tax deductions from stock options gains.

Why do corporate executives have so many stock options to cash in? A key reason is that U.S. accounting rules allow companies to report their stock option expenses one way on the corporate books, while Federal tax rules require them to report the same stock options a completely different way on their tax returns. In most cases, the resulting book expense is far smaller than the resulting tax deduction. That means, under current U.S. accounting and tax rules, stock option tax deductions taken by corporations often far exceed the recorded stock option expenses shown on the companies' books. The result is a tax windfall.

Stock options are the only type of compensation where the Federal tax code permits companies to claim a bigger deduction on their tax returns than the corresponding expense on their books. For all other types of compensation—cash, stock, bonuses, and more—the tax return deduction equals the book expense. In fact, companies cannot deduct more than the compensation expense shown on their books, because that would be tax fraud. The sole exception to this rule is stock options. In the case of stock options, the tax code allows companies to claim a tax

deduction that can be two, three, ten or one hundred times larger than the expense shown on their books.

When a company's compensation committee learns that stock options can produce a low compensation expense on the books, while generating a generous tax deduction that is multiple times larger, it creates a temptation for the company to pay its executives with stock options instead of cash or stock. It is a classic case of U.S. tax policy creating an unintended incentive for corporations to act in a particular way.

This bill is particularly timely given the new administration's stated goals to close unfair corporate tax loopholes, strengthen tax fairness, and reign in excessive executive compensation. Given the current financial crisis, staggering health care costs, and ongoing defense needs, now more than ever, we cannot afford this multi-billion dollar loss to the Treasury.

To understand why this bill is needed it helps to understand how stock option accounting and tax rules got so out of kilter with each other in the first place.

Calculating the cost of stock options may sound straightforward, but for years, companies and their accountants engaged the Financial Accounting Standards Board (FASB) in an all-out, knock-down battle over how companies should record stock option compensation expenses on their books.

U.S. publicly traded corporations are required by law to follow Generally Accepted Accounting Principles, GAAP, issued by FASB, which is overseen by the SEC. For many years, GAAP allowed U.S. companies to issue stock options to employees and, unlike any other type of compensation, report a zero compensation expense on their books, so long as, on the grant date, the stock option's exercise price equaled the market price at which the stock could be sold.

Assigning a zero value to stock options that routinely produce huge amounts of executive pay provoked deep disagreements within the accounting community. In 1993, FASB proposed assigning a "fair value" to stock options on the date they are granted to an employee, using mathematical valuation tools. FASB proposed further that companies include that amount as a compensation expense on their financial statements. A battle over stock option expensing followed, involving the accounting profession, corporate executives, FASB, the SEC, and Congress.

In the end, after years of fighting and negotiation, FASB issued a new accounting standard, Financial Accounting Standard, FAS, 123R, which was endorsed by the SEC and became mandatory for all publicly traded corporations in 2005. In essence, FAS 123R requires all companies to record a com-

pensation expense equal to the fair value on grant date of all stock options provided to an employee in exchange for the employee's services.

The details of this accounting rule are complex, because they reflect an effort to accommodate varying viewpoints on the true cost of stock options. Companies are allowed to use a variety of mathematical models, for example, to calculate a stock option's fair value. Option grants that vest over time are expensed over the specified period so that, for example, a stock option which vests over four years results in 25 percent of the cost being expensed each year. If a stock option grant never vests, the rule allows any previously booked expense to be recovered. On the other hand, stock options that do vest are required to be fully expensed, even if never exercised, because the compensation was actually awarded. These and other provisions of this hard-fought accounting rule reflect painstaking judgments on how to show a stock option's value.

Opponents of the new accounting rule had predicted that, if implemented, it would severely damage U.S. capital markets. They warned that stock option expensing would eliminate corporate profits, discourage investment, depress stock prices, and stifle innovation. 2006 was the first year in which all U.S. publicly traded companies were required to expense stock options. Instead of tumbling, both the New York Stock Exchange and Nasdaq turned in strong performances, as did initial public offerings by new companies. The dire predictions were wrong. Stock option expensing has been fully implemented without any detrimental impact to the markets.

During the years the battle raged over stock option accounting, relatively little attention was paid to the taxation of stock options. Section 83 of the tax code, first enacted in 1969 and still in place after four decades, is the key statutory provision. It essentially provides that, when an employee exercises compensatory stock options, the employee must report as income the difference between what the employee paid to exercise the options and the market value of the stock received. The corporation can then take a mirror deduction for whatever amount of income the employee realized.

For example, suppose a company gave an executive options to buy 1 million shares of the company stock at \$10 per share. Suppose, 5 years later, the executive exercised the options when the stock was selling at \$30 per share. The executive's income would be \$20 per share for a total of \$20 million. The executive would declare \$20 million as ordinary income, and in the same year, the company would take a corresponding tax deduction for \$20 million.

The two main problems with this approach are that: the deduction amount

is significantly greater than the value of what the company gave away, often years earlier, and the \$20 million in income obtained by the executive did not come out of the company's coffers. In most cases, the \$20 million was paid by unrelated parties on the stock market. Yet the tax code allowed the corporation to declare the \$20 million as a business expense and take it as a tax deduction. The reasoning was that the exercise date value was the only way to get a clear figure for stock option tax deduction purposes. That reasoning lost its persuasive character, however, once consensus was reached on how to calculate stock option expenses when granted.

Stock option accounting and tax rules have evolved separately over the years and are now at odds with each other. Accounting rules require companies to expense stock options on their books on the grant date. Tax rules provide that companies deduct stock option expenses on the exercise date. Companies have to report the grant date expense to investors on their financial statements, and the exercise date expense on their tax returns. The financial statements report on all stock options granted during the year, while the tax returns report on all stock options exercised during the year. In short, company financial statements and tax returns identify expenses for different groups of stock options, using different valuation methods, and resulting in widely divergent stock option expenses for the same year.

To examine the nature and consequences of the stock option book-tax differences, the Permanent Subcommittee on Investigations, which I chair, initiated an investigation and held a hearing 2 years ago, in June 2007. Here is what we found.

To test just how far the book and tax figures for stock options diverge, the Subcommittee contacted a number of companies to compare the stock option expenses they reported for accounting and tax purposes. The Subcommittee asked each company to identify stock options that had been exercised by one or more of its executives from 2002 to 2006. The Subcommittee then asked each company to identify the compensation expense they reported on their financial statements versus the compensation expense on their tax returns. In addition, we asked the companies' help in estimating what effect the new accounting rule would have had on their book expense if it had been in place when their stock options were granted. At the hearing, we disclosed the resulting stock option data for 9 companies, including three companies that were asked to testify. The Subcommittee very much appreciated the cooperation and assistance provided by the nine companies we worked with.

The data provided by the companies showed that, under then existing rules,

the nine companies showed a zero expense on their books for that stock options that had been awarded to their executives, but claimed millions of dollars in tax deductions for the same compensation. The one exception was Occidental Petroleum which, in 2005, began voluntarily expensing its stock options, but even this company reported significantly greater tax deductions than the stock option expenses shown on its books. When the Subcommittee asked the companies what their book expense would have been if the new FASB rule had been in effect, all nine calculated book expenses that remained dramatically lower than their tax deductions. Altogether the 9 companies calculated that they would have claimed \$1 billion more in stock option tax deductions than they would have shown as book expenses, even using the tougher new accounting rule. Let me repeat that—just nine companies produced a stock option book-tax difference of more than \$1 billion.

KB Home, for example, is a company that builds residential homes. Its stock price had more than quadrupled over the past 10 years. Over the same time period, it had repeatedly granted stock options to its then CEO. Company records show that, over five years, KB Home gave him 5.5 million stock options of which, by 2006, he had exercised more than 3 million.

With respect to those 3 million stock options, KB Home recorded a zero expense on its books. Had the new accounting rule been in effect, KB Home calculated that it would have reported on its books a compensation expense of about \$11.5 million. KB Home also disclosed that the same 3 million stock options enabled it to claim compensation expenses on its tax returns totaling about \$143.7 million. In other words, KB Home claimed a \$143 million tax deduction for expenses that on its books, under current accounting rules, would have totaled \$11.5 million. That's a tax deduction 12 times bigger than the book expense.

Occidental Petroleum disclosed a similar book-tax discrepancy. This company's stock price had also skyrocketed, dramatically increasing the value of the 16 million stock options granted to its CEO since 1993. Of the 12 million stock options the CEO actually exercised over a five-year period, Occidental Petroleum claimed a \$353 million tax deduction for a book expense that, under current accounting rules, would have totaled just \$29 million. That's a book-tax difference of more than 1200 percent.

Similar book-tax discrepancies applied to the other companies we examined. Cisco System's CEO exercised nearly 19 million stock options over 5 years, and provided the company with a \$169 million tax deduction for a book expense which, under current accounting rules, would have totaled about \$21

million. UnitedHealth's former CEO exercised over 9 million stock options in 5 years, providing the company with a \$318 million tax deduction for a book expense which would have totaled about \$46 million. Safeway's CEO exercised over 2 million stock options, providing the company with a \$39 million tax deduction for a book expense which would have totaled about \$6.5 million.

Altogether, these nine companies took stock option tax deductions totaling \$1.2 billion, a figure 5 times larger than the \$217 million that their combined stock option book expenses would have been. The resulting \$1 billion in excess tax deductions represents a tax windfall for these companies simply because they issued lots of stock options to their CEOs.

Tax rules that produce huge tax deductions that are many times larger than the related stock option book expenses give companies an incentive to issue massive stock option grants, because they know the stock options will produce a relatively small hit to the profits shown on their books, while also knowing that they are likely to get a much larger tax deduction that can dramatically lower their taxes.

The data we gathered for nine companies alone disclosed stock option tax deductions that were five times larger than their book expenses, generating over \$1 billion in excess tax deductions. To gauge whether the same tax gap applied to stock options across the country as a whole, the Subcommittee asked the IRS to perform an analysis of some newly obtained stock option data.

For the first time in 2004, large corporations were required to file a new tax Schedule M-3 with their tax returns. The M-3 Schedule asks companies to identify differences in how they report corporate income to investors versus what they report to Uncle Sam, so that the IRS can track and analyze significant book-tax differences.

This data shows that, for corporate tax returns filed from July 1, 2005 to June 30, 2006, the first full year in which it was available, companies' stock option tax deductions totaled about \$61 billion more than their stock options expenses on their books. Similar data for July 1, 2006 to June 30, 2007, showed that the excess stock option tax deductions totaled about \$48 billion. In addition, the IRS data shows that nearly 60 percent of the excess tax deductions in 2007 were attributable to only 100 corporations; 75 percent were attributable to only 250 corporations. The IRS also determined that stock options were one of the most important factors why corporations reported different income on their books compared to their tax returns.

Claiming these massive stock option tax deductions enabled U.S. corporations, as a whole, to legally reduce payment of their taxes by billions of dol-

lars, perhaps as much as \$10 billion, \$15 billion, even \$20 billion per year.

There were other surprises in the data as well. One set of issues disclosed by the data involves what happens to unexercised stock options. Under the current mismatched set of accounting and tax rules, stock options which are granted, vested, but never exercised by the option holder turn out to produce a corporate book expense but no tax deduction.

Cisco Systems told the Subcommittee, for example, that in addition to the 19 million exercised stock options previously mentioned, their CEO held about 8 million options that, due to a stock price drop, would likely expire without being exercised. Cisco calculated that, had FAS 123R been in effect at the time those options were granted, the company would have had to show a \$139 million book expense, but would never be able to claim a tax deduction for this expense since the options would never be exercised. Apple made a similar point. It told the Subcommittee that, in 2003, it allowed its CEO to trade 17.5 million in underwater stock options for 5 million shares of restricted stock. That trade meant the stock options would never be exercised and, under current rules, would produce a book expense without ever producing a tax deduction.

In both of these cases, under FAS 123R, it is possible that the stock options given to a corporate executive would have produced a reported book expense greater than the company's tax deduction. While the M-3 data indicates that, overall, accounting expenses lag far behind claimed tax deductions, the possible financial impact on an individual company of a large number of unexercised stock options is additional evidence that existing stock option accounting and tax rules are out of kilter and should be brought into alignment. Under our bill, if a company incurred a stock option expense, it would always be able to claim a tax deduction for that expense.

Another set of issues brought to light by the IRS data focuses on the fact that the current stock option tax deduction is typically claimed years later than the initial book expense. Normally, a corporation dispenses compensation to an employee and takes a tax deduction in the same year for the expense. The company controls the timing and amount of the compensation expense and the corresponding tax deduction. With respect to stock options, however, corporations may have to wait years to see if, when, and how much of a deduction can be taken. That is because the corporate tax deduction is wholly dependent upon when an individual corporate executive decides to exercise his or her stock options.

Our bill would require that, when the company gives away something of

value, it reflects that expense on its books and claims that same expense on its tax return. The company, and the government, should not have to wait to see whether the stock options given to executives later increased in value and were exercised. As with any other form of compensation, the company should determine the value of what it is giving away, and take the appropriate tax deduction at that time.

UnitedHealth, for example, told the Subcommittee that it gave its former CEO 8 million stock options in 1999, of which, by 2006, only about 730,000 had been exercised. It did not know if or when its former CEO would exercise the remaining 7 million options, and so could not calculate when or how much of a tax deduction it would be able to claim for this compensation expense.

If the rules for stock option tax deductions were changed as suggested in our bill, companies would typically be able to take the deduction years earlier than they do now, without waiting to see if and when particular options are exercised. Companies would also be allowed to deduct stock options that are vested but never exercised. In addition, by requiring stock option expenses to be deducted in the same year they appear on the company books, stock options would become consistent with how other forms of compensation are treated in the tax code.

Right now, U.S. stock option accounting and tax rules are mismatched, misaligned, and out of kilter. They allow companies collectively to deduct billions of dollars in stock option expenses in excess of the expenses that actually appear on the company books. They disallow tax deductions for stock options that are given as compensation but never exercised. They often force companies to wait years to claim a tax deduction for a compensation expense that could and should be claimed in the same year it appears on the company books.

The Levin-McCain bill we are introducing today would cure these problems. It would bring stock option accounting and tax rules into alignment, so that the two sets of rules would apply in a consistent manner. It would accomplish that goal simply by requiring the corporate stock option tax deduction to be no greater than the stock option expenses shown on the corporate books each year.

Specifically, the bill would end use of the current stock option deduction under Section 83 of the tax code, which allows corporations to deduct stock option expenses when exercised in an amount equal to the income declared by the individual exercising the option, replacing it with a new Section 162(q), which would require companies to deduct the stock option expenses shown on their books each year.

The bill would apply only to corporate stock option deductions; it

would make no changes to the rules that apply to individuals who have been given stock options as part of their compensation. Individuals would still report their compensation on the day they exercised their stock options. They would still report as income the difference between what they paid to exercise the options and the fair market value of the stock they received upon exercise. The gain would continue to be treated as ordinary income rather than a capital gain, since the option holder did not invest any capital in the stock prior to exercising the stock option and the only reason the person obtained the stock was because of the services they performed for the corporation.

The amount of income declared by the individual after exercising a stock option will likely often be greater than the stock option expense booked and deducted by the corporation who employed that individual. That's in part because the individual's gain often comes years later than the original stock option grant, and the underlying stock will usually have gained in value. In addition, the individual's gain is typically provided, not by the corporation that supplied the stock options years earlier, but by third parties active in the stock market.

Consider the same example discussed earlier of an executive who exercises options to buy 1 million shares of stock at \$10 per share, obtains the shares from the corporation, and then immediately sells them on the open market for \$30 per share, making a total profit of \$20 million. The individual's corporation didn't supply the \$20 million. Just the opposite. Rather than paying cash to its executive, the corporation received a \$10 million payment from the executive in exchange for the 1 million shares. The \$20 million profit from selling the shares was paid, not by the corporation, but by third parties in the marketplace who purchased the stock. That is why it makes no sense for the company to declare as an expense the amount of profit that an employee—or former employee—obtained from unrelated parties in the marketplace.

The bill we are introducing today would put an end to the current approach of using the stock option income declared by an individual as the tax deduction claimed by the corporation that supplied the stock options. It would break that old artificial symmetry and replace it with a new symmetry—one in which the corporation's stock option tax deduction would match its book expense.

I describe the current approach to corporate stock option deductions as artificial, because it uses a construct in the tax code that, when first implemented 40 years ago, enabled corporations to calculate their stock option expense on the exercise date, when there was no consensus on how to cal-

culate stock option expenses on the grant date. The artificiality of the approach is demonstrated by the fact that it allows companies to claim a deductible expense for money that comes not from company coffers, but from third parties in the stock market. Now that U.S. accounting rules require the calculation of stock option expenses on the grant date, however, there is no longer any need to rely on an artificial construct that calculated corporate stock option expenses on the exercise date using third party funds.

It is also important to note that the bill would not affect in any way current tax provisions that provide favored tax treatment to so-called Incentive Stock Options under Sections 421 and 422 of the tax code. Under those sections, in certain circumstances, corporations can surrender their stock option deductions in favor of allowing their employees with stock option gains to be taxed at a capital gains rate instead of ordinary income tax rates. Many start-up companies use these types of stock options, because they don't yet have taxable profits and don't need a stock option tax deduction. So they forfeit their stock option corporate deduction in favor of giving their employees more favorable treatment of their stock option income. Incentive Stock Options would not be affected by our legislation and would remain available to any corporation providing stock options to its employees.

The bill would make one other important change to the tax code as it relates to corporate stock option tax deductions. In 1993, Congress enacted a \$1 million cap on the compensation that a corporation can deduct from its taxes, so taxpayers would not be forced to subsidize excessive executive pay. However, the cap was not applied to stock options, allowing companies to deduct any amount of stock option compensation, without limit.

By not applying the \$1 million cap to stock option compensation, the tax code created a significant incentive for corporations to pay their executives with stock options. Indeed, it is very common for executives to have salaries of \$1 million, while simultaneously receiving millions of dollars more in stock options. It is effectively meaningless to cap deductions for executive salary compensation but not also for stock options.

Further, while corporate directors may be comfortable diluting their shareholders' interests and doling out massive amounts of stock options, that does not mean that the taxpayers should subsidize it. This bill would eliminate this favored treatment of executive stock options by making deductions for this type of compensation subject to the same \$1 million cap that applies to other forms of compensation covered by Section 162(m).

The bill also contains several technical provisions. First, it would make a

conforming change to the research tax credit so that stock option expenses claimed under that credit would match the stock option deductions taken under the new tax code section 162(q). Second, the bill would authorize the Secretary of the Treasury to adopt regulations governing how to calculate the deduction for stock options issued by a parent corporation to the employees of a subsidiary.

Finally, the bill contains a transition rule for applying the new Section 162(q) stock option tax deduction to existing and future stock option grants. This transition rule would make it clear that the new tax deduction would not apply to any stock option exercised prior to the date of enactment of the bill.

The bill would also allow the old Section 83 deduction rules to apply to any option which was vested prior to the effective date of Financial Accounting Standard, FAS, 123R, and exercised after the date of enactment of the bill. The effective date of FAS 123R is June 15, 2005 for most corporations, and December 31, 2005 for most small businesses. Prior to the effective date of FAS 123R, most corporations would have shown a zero expense on their books for the stock options issued to their executives and, thus, would be unable to claim a tax deduction under the new Section 162(q). For that reason, the bill would allow these corporations to continue to use Section 83 to claim stock option deductions on their tax returns.

For stock options that vested after the effective date of FAS 123R and were exercised after the date of enactment, the bill takes another tack. Under FAS 123R, these corporations would have had to show the appropriate stock option expense on their books, but would have been unable to take a tax deduction until the executive actually exercised the option. For these options, the bill would allow corporations to take an immediate tax deduction—in the first year that the bill is in effect—for all of the expenses shown on their books with respect to these options. This “catch-up deduction” in the first year after enactment would enable corporations, in the following years, to begin with a clean slate so that their tax returns the next year would reflect their actual stock option book expenses for that same year.

After that catch-up year, all stock option expenses incurred by a company each year would be reflected in their annual tax deductions under the new Section 162(q).

The current differences between accounting and tax rules for stock options make no sense.

The current book-tax difference is the historical product of accounting and tax policies that have not been coordinated or integrated. The resulting mismatch has allowed companies to

take tax deductions that are usually many times larger than the actual stock option expenses shown on their books, at the expense of the Treasury (i.e., other taxpayers). Companies are incentivized to dole out excessive options packages, producing outsized executive pay, while being allowed to reflect much smaller “expenses” on their books. They get to avoid paying their fair share to Uncle Sam by simply giving their executives the rights to huge sums of money from the financial markets.

Right now, stock options are the only compensation expense where the tax code allows companies to deduct more than their book expenses. In the last year for which the data is available, companies used the existing book-tax disparity to claim \$48 billion more in stock option tax deductions than the expenses shown on their books. In these times of financial crisis, we cannot afford this multi-billion dollar loss to the Treasury, not only because of the need to finance the mounting costs of rescuing the economy, but also because this stock option book-tax difference contributes to the anger and social disruption caused by the ever deepening chasm between the pay of executives and the pay of average workers.

The Obama administration has pledged itself to closing unfair corporate tax loopholes and to returning sanity to executive pay. It should start with supporting the ending of excessive stock option corporate deductions. I urge my colleagues to join Senator MCCAIN and me in enacting this bill into law this year.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ending Excessive Corporate Deductions for Stock Options Act”.

SEC. 2. CONSISTENT TREATMENT OF STOCK OPTIONS BY CORPORATIONS.

(a) CONSISTENT TREATMENT FOR WAGE DEDUCTION.—

(1) IN GENERAL.—Section 83(h) of the Internal Revenue Code of 1986 (relating to deduction of employer) is amended—

(A) by striking “In the case of” and inserting:

“(1) IN GENERAL.—In the case of”, and

(B) by adding at the end the following new paragraph:

“(2) STOCK OPTIONS.—In the case of property transferred to a person in connection with the exercise of a stock option, any deduction by the employer related to such stock option shall be allowed only under section 162(q) and paragraph (1) shall not apply.”.

(2) TREATMENT OF COMPENSATION PAID WITH STOCK OPTIONS.—Section 162 of such Code (re-

lating to trade or business expenses) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

“(q) TREATMENT OF COMPENSATION PAID WITH STOCK OPTIONS.—

“(1) IN GENERAL.—In the case of compensation for personal services that is paid with stock options, the deduction under subsection (a)(1) shall not exceed the amount the taxpayer has treated as an expense with respect to such stock options for the purpose of ascertaining income, profit, or loss in a report or statement to shareholders, partners, or other proprietors (or to beneficiaries), and shall be allowed in the same period that the accounting expense is recognized.

“(2) SPECIAL RULES FOR CONTROLLED GROUPS.—The Secretary shall prescribe rules for the application of paragraph (1) in cases where the stock option is granted by a parent or subsidiary corporation (within the meaning of section 424) of the employer corporation.”.

(b) CONSISTENT TREATMENT FOR RESEARCH TAX CREDIT.—Section 41(b)(2)(D) of the Internal Revenue Code of 1986 (defining wages for purposes of credit for increasing research expenses) is amended by inserting at the end the following new clause:

“(iv) SPECIAL RULE FOR STOCK OPTIONS.—The amount which may be treated as wages for any taxable year in connection with the issuance of a stock option shall not exceed the amount allowed for such taxable year as a compensation deduction under section 162(q) with respect to such stock option.”.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply to stock options exercised after the date of the enactment of this Act, except that—

(1) such amendments shall not apply to stock options that were granted before such date and that vested in taxable periods beginning on or before June 15, 2005,

(2) for stock options that were granted before such date of enactment and vested during taxable periods beginning after June 15, 2005, and ending before such date of enactment, a deduction under section 162(q) of the Internal Revenue Code of 1986 (as added by subsection (a)(2)) shall be allowed in the first taxable period of the taxpayer that ends after such date of enactment,

(3) for public entities reporting as small business issuers and for non-public entities required to file public reports of financial condition, paragraphs (1) and (2) shall be applied by substituting “December 15, 2005” for “June 15, 2005”, and

(4) no deduction shall be allowed under section 83(h) or section 162(q) of such Code with respect to any stock option the vesting date of which is changed to accelerate the time at which the option may be exercised in order to avoid the applicability of such amendments.

SEC. 3. APPLICATION OF EXECUTIVE PAY DEDUCTION LIMIT.

(a) IN GENERAL.—Subparagraph (D) of section 162(m)(4) of the Internal Revenue Code of 1986 (defining applicable employee remuneration) is amended to read as follows:

“(D) STOCK OPTION COMPENSATION.—The term ‘applicable employee remuneration’ shall include any compensation deducted under subsection (q), and such compensation shall not qualify as performance-based compensation under subparagraph (C).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock options exercised or granted after the date of the enactment of this Act.

SUMMARY OF THE ENDING EXCESSIVE CORPORATE DEDUCTIONS FOR STOCK OPTIONS ACT

SECTION 1—SHORT TITLE

“Ending Excessive Corporate Deductions for Stock Options Act”

SECTION 2—CONSISTENT TREATMENT OF STOCK OPTIONS BY CORPORATIONS

Eliminates favored tax treatment of corporate stock option deductions, in which corporations are currently allowed to deduct a higher stock option compensation expense on their tax returns than shown on their financial books—(1) creates a new corporate stock option deduction under a new tax code section 162(q) requiring the tax deduction to be consistent with the book expense, and (2) eliminates the existing corporate stock option deduction under tax code section 83(h) allowing excess deductions.

Allows corporations to deduct stock option compensation in the same year it is recorded on the company books, without waiting for the options to be exercised.

Makes a conforming change to the research tax credit so that stock option expenses under that credit will match the deductions taken under the new tax code section 162(q).

Authorizes Treasury to issue regulations applying the new deduction to stock options issued by a parent corporation to a subsidiary's employees.

Establishes a transition rule applying the new deduction to stock options exercised after enactment, permitting deductions under the old rule for options vested prior to adoption of Financial Accounting Standard (FAS) 123R (on expensing stock options) on June 15, 2005, and allowing a catch-up deduction in the first year after enactment for options that vested between adoption of FAS 123R and the date of enactment.

Makes no change to stock option compensation rules for individuals, or for incentive stock options that qualify under section 422 of the tax code.

SECTION 3—APPLICATION OF EXECUTIVE PAY DEDUCTION LIMIT

Eliminates favored treatment of corporate executive stock options under tax code section 162(m) by making executive stock option compensation deductions subject to the same \$1 million cap on corporate deductions that applies to other types of compensation paid to the top executives of publicly held corporations. This approach mirrors that taken in the Economic Emergency Stabilization Act to address the financial crisis.

By Mr. REID (for Ms. MIKULSKI (for herself, Mr. BOND, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. BURR, and Ms. COLLINS)):

S. 1492. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, today, I rise to introduce the Alzheimer's Breakthrough Act of 2009. This critical bipartisan legislation passed the HELP Committee in 2007, but it has yet to pass the Senate. My hope is that we can finish the job this year and finally get this legislation signed into law.

Alzheimer's disease is an alarming and mounting crisis that we must address. Today there are over five million Americans living with Alzheimer's disease. That number is expected to triple by 2050 in a nation where ten million Americans care for a sick family member.

We know a lot about Alzheimer's disease but it's been 100 years since it was first diagnosed, and we still have no cure or proven ways to prevent the disease. Urgency is needed in developing better treatments and better assistance for families impacted by the disease as the baby boom generation ages. If nothing is done, Alzheimer's will cost Medicare and Medicaid \$19.89 trillion between 2010 and 2050.

The Alzheimer's Breakthrough Act of 2009 responds to this crisis in four ways.

First, it doubles funding for Alzheimer's research at NIH to \$2 billion for fiscal year 2010, making Alzheimer's research a priority. Through this commitment, the bill gives researchers adequate resources to make breakthroughs in diagnosis, prevention and intervention, bringing us closer to a cure.

Second, the bill creates the National Summit on Alzheimer's. This Summit will bring together the Nation's best researchers, policymakers and public health professionals to discuss the most promising breakthroughs for saving lives and livelihood, and to generate priorities in moving forward in the fight against Alzheimer's.

Third, the act enhances public health activities related to Alzheimer's through the CDC's "Roadmap to Maintaining Cognitive Health."

Finally, the Alzheimer's Breakthrough Act provides family and caregiver support by expanding the Alzheimer's 24/7 call center, which provides crisis assistance and referrals to local community programs. The bill also expands the multilingual capacity of the call center.

America needs this legislation. Alzheimer's takes a toll on many victims. The disease is awful for the person living with it, emotionally and financially draining for caregivers and it is now costing the nation \$175 billion annually, a number that could rise to \$1 trillion annually by 2050.

We know the family of an Alzheimer's patient suffers gravely. The out-of-pocket cost of caring for an aging parent or spouse averages about \$5,500 a year for necessities like groceries, household goods and drugs and medical copayments. If the care is long-distance, the cost could be up to \$8,700 a year. Caregivers spend ten percent of their household income caring for a sick loved one who is suffering from this terrible disease.

Experts have told us "we will lose opportunities if we don't move quickly" and that "we are at a crucial point

where NIH funding can make a difference." We know about the long goodbye. Alzheimer's is a disease that affects millions of Americans including our All-American President Ronald Reagan and his beloved caregiver, First Lady Nancy Reagan. Now we need a response supported by millions that will lead to breakthroughs and ensure we are assisting patients and their families dealing with this disease on a daily basis.

Passage of the Alzheimer's Breakthrough Act of 2009 will help us advance the study and treatment of Alzheimer's to make a difference in the lives of millions of Americans and to equip caregivers with the resources and support services they need to care for their loved ones. This legislation is critical to the American public and America's future. We must act now.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alzheimer's Breakthrough Act of 2009".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Alzheimer's disease is a disorder that destroys cells in the brain. The disease is the leading cause of dementia, a condition that involves gradual memory loss, decline in the ability to perform routine tasks, disorientation, difficulty in learning, loss of language skills, impairment of judgment, and personality changes. As the disease progresses, people with Alzheimer's disease become unable to care for themselves. The loss of brain cells eventually leads to the failure of other systems in the body.

(2) An estimated 5,300,000 Americans have Alzheimer's disease and 1 in 10 individuals has a family member with the disease. By 2050, the number of individuals with the disease could reach 16,000,000 unless science finds a way to prevent or cure the disease.

(3) One in 8 people over the age of 65, and nearly half of those over the age of 85 have Alzheimer's disease. Younger people also get the disease.

(4) The Alzheimer's disease process may begin in the brain as many as 20 years before the symptoms of Alzheimer's disease appear. An individual will live an average of 4 to 6 years, and as many as 20 years, once the symptoms of Alzheimer's disease appear.

(5) In 2005, Medicare alone spent \$91,000,000,000 for the care of individuals with Alzheimer's disease and this amount is projected to increase to \$160,000,000,000 in 2010.

(6) Ninety-five percent of Medicare beneficiaries with Alzheimer's disease have one or more other chronic conditions that are common in the elderly, such as coronary heart disease (26 percent), congestive heart failure (16 percent), diabetes (23 percent), and chronic obstructive pulmonary disease (15 percent).

(7) Seven in 10 individuals with Alzheimer's disease live at home. Cost for care at home is higher for people with Alzheimer's disease

than other individuals. Almost all families pay some out-of-pocket costs.

(8) Half of all nursing home residents have Alzheimer's disease or a related disorder. The average annual cost of Alzheimer's disease nursing home care is more than \$77,000. Medicaid pays half of the total nursing home bill and helps 2 out of 3 residents pay for their care. Medicaid expenditures for nursing home care for people with Alzheimer's disease are estimated to increase from \$21,000,000,000 in 2005 to \$24,000,000,000 in 2010.

(9) In fiscal year 2007, the Federal Government spent an estimated \$411,000,000 on Alzheimer's disease research. Over the next 40 years, Alzheimer's disease-related costs to Medicare and Medicaid alone are projected to total \$20,000,000,000 in constant dollars, rising to over \$1,000,000,000,000 per year by 2050. This amounts to less than a penny spent on Alzheimer's disease research for each dollar that the Federal Government spends on Alzheimer's disease-related costs each year.

(10) It is estimated that the annual value of the informal care system is \$94,000,000,000. Family caregiving comes at enormous physical, emotional, and financial sacrifice, putting the whole system at risk.

(11) Almost 60 percent of caregivers of individuals with Alzheimer's disease are women, and over one-fourth have children or grandchildren under the age of 18 living at home. Caregiving leaves them less time for other family members and they are much more likely to report family conflicts because of their caregiving role.

(12) Most Alzheimer's disease caregivers work outside the home before beginning their caregiving careers, but caregiving forces them to miss work, cut back to part-time, take less demanding jobs, choose early retirement, or give up work altogether. As a result, in 2002, Alzheimer's disease cost American business an estimated \$36,500,000,000 in lost productivity, as well as an additional \$24,600,000,000 in business contributions to the total cost of care.

TITLE I—INCREASING THE FEDERAL COMMITMENT TO ALZHEIMER'S RESEARCH

SEC. 101. DOUBLING NIH FUNDING FOR ALZHEIMER'S DISEASE RESEARCH.

For the purpose of conducting and supporting research on Alzheimer's disease (including related activities under subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.)), there are authorized to be appropriated \$2,000,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.

SEC. 102. PRIORITY TO ALZHEIMER'S DISEASE RESEARCH.

Section 443 of the Public Health Service Act (42 U.S.C. 285e) is amended—

(1) by striking "The general" and inserting the following:

"(a) IN GENERAL.—The general;" and

(2) by adding at the end the following:

"(b) PRIORITIES.—The Director of the Institute shall, in expending amounts appropriated to carry out this subpart, give priority to conducting and supporting Alzheimer's disease research."

SEC. 103. ALZHEIMER'S DISEASE PREVENTION INITIATIVE.

Section 443 of the Public Health Service Act (42 U.S.C. 285e), as amended by section 102, is further amended by adding at the end the following:

"(c) PREVENTION TRIALS.—The Director of the Institute shall increase the emphasis on the need to conduct Alzheimer's disease prevention trials within the National Institutes of Health.

"(d) NEUROSCIENCE INITIATIVE.—The Director of the Institute shall ensure that Alzheimer's disease is maintained as a high priority for the neuroscience initiative of the National Institutes of Health."

SEC. 104. ALZHEIMER'S DISEASE CLINICAL RESEARCH.

(a) CLINICAL RESEARCH.—Subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.) is amended by adding at the end the following:

"SEC. 445J. ALZHEIMER'S DISEASE CLINICAL RESEARCH.

"(a) IN GENERAL.—The Director of the Institute, pursuant to section 444(d), shall conduct and support cooperative clinical research regarding Alzheimer's disease. Such research shall include—

"(1) investigating therapies, interventions, and agents to detect, treat, slow the progression of, or prevent Alzheimer's disease;

"(2) enhancing the national infrastructure for the conduct of clinical trials on Alzheimer's disease;

"(3) developing and testing novel approaches to the design and analysis of such trials;

"(4) facilitating the enrollment of patients for such trials, including patients from diverse populations;

"(5) developing improved diagnostics and means of patient assessment for Alzheimer's disease;

"(6) the conduct of clinical trials on potential therapies, including readily available compounds such as herbal remedies and other alternative treatments;

"(7) research to develop better methods of early diagnosis, including the use of current imaging techniques; and

"(8) other research, as determined appropriate by the Director of the Institute after consultation with the Alzheimer's disease centers and Alzheimer's disease research centers established under section 445.

"(b) EARLY DIAGNOSIS AND DETECTION RESEARCH.—

"(1) IN GENERAL.—The Director of the Institute, in consultation with the directors of other relevant institutes and centers of the National Institutes of Health, shall conduct, or make grants for the conduct of, research related to the early detection, diagnosis, and prevention of Alzheimer's disease and of mild cognitive impairment or other potential precursors to Alzheimer's disease.

"(2) EVALUATION.—The research described in paragraph (1) may include the evaluation of diagnostic tests and imaging techniques.

"(3) STUDY.—Not later than 1 year after the date of enactment of this section, the Director of the Institute, in cooperation with the heads of other relevant Federal agencies, shall conduct a study, and submit to Congress a report, to estimate the number of individuals with early-onset Alzheimer's disease (those diagnosed before the age of 65) and related dementias in the United States, the causes of early-onset dementia, and the unique problems faced by such individuals, including problems accessing government services.

"(c) VASCULAR DISEASE.—The Director of the Institute, in consultation with the directors of other relevant institutes and centers of the National Institutes of Health, shall conduct, or make grants for the conduct of, research related to the relationship of vascular disease and Alzheimer's disease, including clinical trials to determine whether drugs developed to prevent cerebrovascular disease can prevent the onset or progression of Alzheimer's disease.

"(d) TREATMENTS AND PREVENTION.—The Director of the Institute shall place special

emphasis on expediting the translation of research findings under this section into effective treatments and prevention strategies for individuals at risk of Alzheimer's disease and other dementias.

"(e) NATIONAL ALZHEIMER'S COORDINATING CENTER.—The Director of the Institute may establish a National Alzheimer's Coordinating Center to facilitate collaborative research among the Alzheimer's Disease Centers and Alzheimer's Disease Research Centers established under section 445."

(b) ALZHEIMER'S DISEASE CENTERS.—Section 445(a)(1) of the Public Health Service Act (42 U.S.C. 285e-2(a)(1)) is amended by inserting ", outcome measures, and disease management," after "treatment methods".

SEC. 105. RESEARCH ON ALZHEIMER'S DISEASE CAREGIVING.

Section 445C of the Public Health Service Act (42 U.S.C. 285e-5) is amended—

(1) by striking "SEC. 445C. RESEARCH PROGRAM AND PLAN (a)" and inserting the following:

"SEC. 445C. RESEARCH ON ALZHEIMER'S DISEASE SERVICES AND CAREGIVING.

"(a) SERVICES RESEARCH.—";

(2) by striking subsections (b), (c), and (e);

(3) by inserting after subsection (a) the following:

"(b) INTERVENTIONS RESEARCH.—The Director of the Institute shall, in collaboration with the directors of the other relevant institutes and centers of the National Institutes of Health, conduct, or make grants for the conduct of, clinical, social, and behavioral research related to interventions designed to help caregivers of patients with Alzheimer's disease and other dementias and improve patient outcomes."

(4) by redesignating subsection (d) as subsection (c); and

(5) in subsection (c) (as redesignated by paragraph (4)), by striking "the Director" and inserting "MODEL CURRICULA AND TECHNIQUES.—The Director".

SEC. 106. NATIONAL SUMMIT ON ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall convene a National Summit on Alzheimer's Disease to—

(1) provide a detailed overview of current research activities relating to Alzheimer's disease at the National Institutes of Health; and

(2) discuss and solicit input related to potential areas of collaboration between the National Institutes of Health and other Federal health agencies, including the Centers for Disease Control and Prevention, the Administration on Aging, the Agency for Healthcare Research and Quality, and the Health Resources and Services Administration, related to research, prevention, and treatment of Alzheimer's disease.

(b) PARTICIPANTS.—The summit convened under subsection (a) shall include researchers, representatives of academic institutions, Federal and State policymakers, public health professionals, and representatives of voluntary health agencies as participants.

(c) FOCUS AREAS.—The summit convened under subsection (a) shall focus on—

(1) a broad range of Alzheimer's disease research activities relating to biomedical research, prevention research, and caregiving issues;

(2) clinical research for the development and evaluation of new treatments for Alzheimer's disease;

(3) translational research on evidence-based and cost-effective best practices in the treatment and prevention of Alzheimer's disease;

(4) information and education programs for health care professionals and the public relating to Alzheimer's disease;

(5) priorities among the programs and activities of the various Federal agencies regarding Alzheimer's disease and other dementias; and

(6) challenges and opportunities for scientists, clinicians, patients, and voluntary organizations relating to Alzheimer's disease.

(d) **REPORT.**—Not later than 180 days after the date on which the summit is convened under subsection (a), the Director of the National Institutes of Health shall prepare and submit to the appropriate committees of Congress a report that includes a summary of the proceedings of the summit and a description of Alzheimer's disease research, education, and other activities that are conducted or supported through the National Institutes of Health.

(e) **PUBLIC INFORMATION.**—The Secretary shall make readily available to the public information about the research, education, and other activities relating to Alzheimer's disease and other related dementias, that are conducted or supported by the National Institutes of Health.

TITLE II—PUBLIC HEALTH PROMOTION AND PREVENTION OF ALZHEIMER'S DISEASE

SEC. 201. ENHANCING PUBLIC HEALTH ACTIVITIES RELATED TO COGNITIVE HEALTH, ALZHEIMER'S DISEASE, AND OTHER DEMENTIAS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended—

(1) by redesignating the second and third sections 399R as sections 399S and 399T, respectively; and

(2) by adding at the end the following:

“SEC. 399U. ALZHEIMER'S DISEASE PUBLIC EDUCATION CAMPAIGN.

“(a) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall directly or through grants, cooperative agreements, or contracts to eligible entities—

“(1) conduct, support, and promote the coordination of research, investigations, demonstrations, training, and studies relating to the control, prevention, and surveillance of the risk factors associated with cognitive health, Alzheimer's disease, and other dementias; and

“(2) seek early recognition of, and early intervention in the course of, Alzheimer's disease and other dementias.

“(b) **CERTAIN ACTIVITIES.**—Activities under subsection (a) shall include—

“(1) providing support for the dissemination and implementation of the Roadmap to Maintaining Cognitive Health of the Centers for Disease Control and Prevention to effectively mobilize the public health community into action;

“(2) the development of coordinated public education programs, services, and demonstrations which are designed to increase general awareness of cognitive function and promote a brain healthy lifestyle;

“(3) the development of targeted communication strategies and tools to educate health professionals and service providers about the early recognition, diagnosis, care, and management of Alzheimer's disease and other dementias, and to provide consumers with information about interventions, prod-

ucts, and services that promote cognitive health and assist consumers in maintaining current understanding about cognitive health based on the best science available; and

“(4) providing support for the collection, publication, and analysis of data and the prevalence and incidence of cognitive health, Alzheimer's disease, and other dementias, and the evaluation of existing population-based surveillance systems (such as the Behavioral Risk Factors Surveillance Survey (BRFSS) and the National Health Interview Survey (NHIS)) to identify limitations that exist in the area of cognitive health, and if necessary, the development of a surveillance system for cognitive decline, including Alzheimer's disease and other dementias.

“(c) **GRANTS.**—The Secretary may award grants under this section—

“(1) to State and local health agencies for the purpose of—

“(A) coordinating activities related to cognitive health, Alzheimer's disease, and other dementias with existing State-based health programs and community-based organizations;

“(B) providing Alzheimer's disease education and training opportunities and programs for health professionals; and

“(C) developing, testing, evaluating, and replicating effective Alzheimer's disease intervention programs to maintain or improve cognitive health; and

“(2) to nonprofit private health organizations with expertise in providing care and services to individuals with Alzheimer's disease for the purpose of—

“(A) disseminating information to the public;

“(B) testing model intervention programs to improve cognitive health; and

“(C) coordinating existing services related to cognitive health, Alzheimer's disease, and other dementias with State-based health programs.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated \$15,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.”

TITLE III—ASSISTANCE FOR CAREGIVERS

SEC. 301. ALZHEIMER'S CALL CENTER.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 201, is further amended by adding at the end the following:

“SEC. 399V. ALZHEIMER'S CALL CENTER.

“(a) **IN GENERAL.**—The Secretary, acting through the Administration on Aging, shall award a cooperative grant to a non-profit or community-based organization to support the establishment and operation of an Alzheimer's Call Center that is accessible 24 hours a day, 7 days a week, at the national and local levels, to provide expert advice, care consultation, information, and referrals regarding Alzheimer's disease.

“(b) **ACTIVITIES.**—The Alzheimer's Call Center established under subsection (a) shall—

“(1) collaborate with the Administration on Aging in the development, modification, and execution of the Call Center's work plan;

“(2) assist the Administration on Aging in developing and sustaining collaborations between the Call Center, the Eldercare Locator of the Administration on Aging, and the grantees under the Alzheimer's disease demonstration program under subpart II of part K;

“(3) provide a 24 hours a day, 7 days a week toll-free call center with trained professional

staff who are available to provide care consultation and crisis intervention to individuals with Alzheimer's disease and other dementias, their family and informal caregivers, and others as appropriate;

“(4) be accessible by telephone through a single toll-free telephone number, website, and e-mail address; and

“(5) evaluate the impact of the Call Center's activities and services.

“(c) **MULTILINGUAL CAPACITY.**—The Call Center established under this section shall have a multilingual capacity and shall respond to inquiries in at least 140 languages through its own bilingual staff and with the use of a language translation service.

“(d) **RESPONSE TO EMERGENCY AND ONGOING NEEDS.**—The Call Center established under this section shall collaborate with community-based organizations, including non-profit agencies and organizations, to ensure local, on-the-ground capacity to respond to emergency and on-going needs of individuals with Alzheimer's disease and other dementias, their families, and informal caregivers.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated \$1,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.”

SEC. 302. INNOVATIVE ALZHEIMER'S CARE STATE MATCHING GRANT PROGRAM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c-5(e)) is amended—

(1) by striking “and such” and inserting “such”; and

(2) by inserting before the period the following: “, \$25,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014”.

(b) **PROGRAM EXPANSION.**—Section 398(a) of the Public Health Service Act (42 U.S.C. 280c-3(a)) is amended—

(1) in paragraph (2), by inserting after “other respite care” the following: “and care consultation, including assessment of needs, assistance with planning and problem solving, and providing supportive listening;”; and

(2) in paragraph (3), by striking “; and” and inserting the following: “, and individuals in frontier areas (in this subsection, defined as areas with 6 or fewer people per square mile or areas in which residents must travel at least 60 minutes or 60 miles to receive health care services);”; and

(3) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(5) to encourage grantees under this section to coordinate activities with other State officials administering efforts to promote long-term care options that enable older individuals to receive long-term care in home- and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers;

“(6) to encourage grantees under this section to—

“(A) engage in activities that support early detection and diagnosis of Alzheimer's disease and other dementias;

“(B) provide training about how Alzheimer's disease can affect behavior and impede communication in medical and community settings to—

“(i) medical personnel, including hospital staff, emergency room personnel, home health care workers and physician office staff;

“(ii) rehabilitation services providers; and

“(iii) caregivers of individuals with Alzheimer's disease;

“(C) develop guidelines to provide the medical community with up-to-date information about the best methods of care for individuals with Alzheimer’s disease;

“(D) inform community physicians about available resources to assist the physician in detecting and managing Alzheimer’s disease; and

“(E) raise awareness among community physicians about the availability of community-based organizations which can assist individuals with Alzheimer’s disease and their caregivers;

“(7) to encourage grantees under this section to engage in activities that use findings from evidence-based research on service models and techniques to support individuals with Alzheimer’s disease and their caregivers; and

“(8) to encourage grantees under this section to incorporate best practices for effectively serving individuals with Alzheimer’s disease in community-based settings into systems initiatives and long-term care activities.”.

By Mr. MCCONNELL:

S. 1493. A bill to designate the current and future Department of Veterans Affairs Medical Center in Louisville, Kentucky, as the “Robley Rex Department of Veterans Affairs Medical Center”; to the Committee on Veterans’ Affairs.

Mr. MCCONNELL. Mr. President, I rise today to introduce legislation to honor a Kentuckian who is a true American hero: Robley Henry Rex.

When Robley passed away in April of this year just a few days shy of his 108th birthday, he was recognized across my State as Kentucky’s last World War I-era veteran and hailed as a champion of his fellow service members.

Ninety years ago, Robley bravely put on his country’s uniform and left Christian County, KY, where he was born and raised, to patrol the hills of France in the immediate aftermath of what was then called The Great War. After leaving the Army in 1922, he returned to the Commonwealth.

In the years following his Army service, Robley began volunteering at the Louisville Veterans Affairs Medical Center, VAMC. He would go on to devote over 14,000 hours of service, right up until the last years of his long and productive life.

My legislation would name the current VA hospital in Louisville after Robley Rex. It also ensures that when a new VAMC is built, that future facility will also bear his name.

The idea to name this facility after Kentucky’s pre-eminent volunteer on behalf of veterans came from a constituent of mine, himself also a veteran. Moreover, the Kentucky Department of Veterans of Foreign Wars had the very same idea and endorsed the proposal during its recent state convention. I’m just pleased that as a Kentucky Senator, I am in a position to make it happen.

I can’t think of a more appropriate person to name the facility after than

Robley Rex. And I can’t think of a more appropriate source for the idea than the Kentucky veterans community.

The new VAMC will be vital to Kentucky’s veterans, as well as to Louisville’s economy. Once complete, the VA hospital will ensure that the men and women who served our country will receive the quality health care they deserve.

That devotion to ensuring quality care to our veterans is exemplified in the life and service of Robley Rex. How fitting that his fellow veterans—so many of whom knew Robley personally from his countless hours of volunteer service—will see his name above the door.

Finally, I note that this is bipartisan legislation. It enjoys the support of Representatives JOHN YARMUTH and BEN CHANDLER in the other chamber. I ask my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBLEY REX DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) DESIGNATION.—The Department of Veterans Affairs Medical Center in Louisville, Kentucky, and any successor to such medical center, shall after the date of the enactment of this Act be known and designated as the “Robley Rex Department of Veterans Affairs Medical Center”.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Robley Rex Department of Veterans Affairs Medical Center.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1497. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt bond financing for fixed-wing emergency medical aircraft; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise to introduce legislation that will remove an unintended obstacle in the tax-exempt bond rules so that states can use these bonds to finance the purchase of fixed-wing air ambulances in the same way they can now use them to finance the purchase of medical helicopters.

The difference between a medical helicopter and a fixed wing air ambulance may seem minor to some, but if you live in a remote area the difference can be as big as life or death.

Air medical services, AMS, are an essential component of the health care system. When appropriately used, air

critical care transport saves lives and reduces the cost of health care by minimizing the time the critically injured and ill spend out of a hospital, by bringing more medical capabilities to the patient than are normally provided by ground emergency medical services, and by quickly getting the patient to the right specialty care. Dedicated medical helicopters and fixed wing aircraft are mobile flying emergency intensive care units deployed at a moment’s notice to patients whose lives depend on rapid care and transport.

In remote rural areas, the use of helicopters often is impractical and unsafe because of the long distances that patients must be transported, sometimes during poor weather conditions. In these situations, the better alternative is a fixed-wing aircraft.

Both helicopters and fixed wing aircraft cost millions of dollars to purchase or lease, operate, house and maintain. But under the way that the tax-exempt bond rules currently work, states are prohibited from using these bonds to finance air ambulance services in rural areas, even though they can use these bonds for helicopters. This result was not what Congress intended, and our bill would make that clear.

Under current law, tax-exempt bonds can not be issued for the purchase of any “airplane, skybox or other privacy luxury box, health club facility, facility primarily used for gambling, or store the principal business of which is the sale of alcoholic beverages for consumption off premises.” The restrictions were enacted in order to prevent tax-exempt bonds to be used for frivolous or extravagant purposes. Unfortunately, the law has been interpreted to exclude the purchase of new fixed-wing planes to provide air ambulance services, but the purchase of helicopters—which are not airplanes—is permitted.

This result is not what was intended by the restrictions and our bill would simply make it clear that the general restriction against the use of tax-exempt bonds for purchasing an airplane does not apply in the case of planes that are equipped for and exclusively dedicated to emergency medical services.

There is supporting precedent in distinguishing planes for air ambulance services different than other airplanes. The air transportation excise tax provides an exemption for air transportation that is used to provide “emergency medical services . . . by a fixed-wing aircraft equipped for and exclusively dedicated on that flight to acute care emergency medical services.”

This issue hits close to home for me and my colleagues who are joining me on this legislation, but we are certainly not alone with respect to the need to ensure that folks in our rural and remote areas have access to needed medical services.

Inland Northwest Health Services, INHS, is a non-profit organization that provides critical health care support services in the Inland Northwest, including air ambulance services through Northwest MedStar. INHS is based in Spokane, Washington, and provides health care services in Eastern Washington, Eastern Oregon, Northern Idaho, and Western Montana. Unfortunately, this unintended restriction in the tax code is preventing INHS from asking the appropriate state authorities to issue tax-exempt bonds to finance the purchase of new fixed-wing planes for air ambulance service.

The legislation that I am introducing with Senator MURRAY is a common-sense fix to this problem, and I hope we can address it quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX-EXEMPT BOND FINANCING FOR FIXED-WING EMERGENCY MEDICAL AIRCRAFT.

(a) IN GENERAL.—Subsection (e) of section 147 of the Internal Revenue Code of 1986 (relating to no portion of bonds may be issued for skyboxes, airplanes, gambling establishments, etc.) is amended by adding at the end the following new sentence: “The preceding sentence shall not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services (within the meaning of 4261(g)(2)).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

By Mr. CASEY (for himself and Mr. ENZI):

S. 1502. A bill to establish a program to be managed by the Department of Energy to ensure prompt and orderly compensation for potential damages relating to the storage of carbon dioxide in geological storage units; to the Committee on Energy and Natural Resources.

Mr. CASEY. Mr. President, I rise today on behalf of myself and my colleague Senator ENZI of Wyoming to introduce the Carbon Storage Stewardship Trust Fund Act of 2009. This bill will encourage the commercial deployment of technology that will allow for the continued use of our Nation's vast coal resources to produce economical and reliable power while at the same time mitigating the impact of climate change.

The capture and storage of carbon dioxide from power generation facilities and large industrial sources is a critical component of both U.S. and international policy to reduce global emissions of greenhouse gases. The criti-

cality of this technology has been driven home by the Pew Center on Global Climate Change which has pointed out that “carbon capture and storage, CCS, is the key enabling technology for a future in which we can continue to use our vast coal resources and protect the climate.” And former British Prime Minister Tony Blair stated in November, 2008, that “the vast majority of new power stations in China and India will be coal fired; not “may be coal fired”—will be. So developing carbon capture and storage technology is not optional, it is literally the essence.”

The commercial deployment of CCS will require further large-scale development and demonstration of the technology. Just as important, however, it will also require a well thought out approach to address the risk and liability of injecting large volumes of CO₂ into geological formations, such as saline aquifers, depleted oil and gas fields, and unminable coal seams, where it will be permanently stored.

The risk of geological CO₂ storage, also commonly known as carbon sequestration, is considered small. In fact, CO₂ has been safely injected into oil and gas fields to enhance the recovery of these hydrocarbons for decades without incident. While the potential for CO₂ to leak to the surface and cause human or ecological harm in a well designed and operated carbon sequestration project is minimal, the financial liability associated with this risk is uncertain given the huge disparity between the typical lifetime of a firm operating a storage facility and the need to ensure the safe storage of CO₂ in perpetuity. This uncertainty can cause a chilling effect on private sector investment in CCS.

The purpose of this act is to create a program for managing the financial risk, or liability, of the long-term storage of CO₂. This program will offer the private sector with a framework for how legal and financial responsibilities for commercial carbon storage operations will be addressed. Moreover, it will provide a strong incentive to industry to manage and reduce risk by deploying carbon sequestration in the safest possible manner.

Specifically, the act will require the owner or operator of a commercial CO₂ storage facility to self insure or obtain private insurance or other types of financial assurance to cover liability claims during the CO₂ injection phase of the project and for an extended period of time after injection has stopped. After the operator has received a site closure certificate from the appropriate regulatory agency, the act would then convey stewardship for the long-term management of the site to the U.S. Department of Energy. The State where the storage facility is located may request to take on stewardship for the site from the Department of Energy. The act will also create a

trust fund from fees paid by storage facility operators on a per ton of CO₂ injected basis that will be used to pay for claims for damages made after storage facility stewardship is transferred to the Federal government.

In summary, this act will give the private sector the certainty they need regarding the longterm stewardship of CO₂ storage facilities. Just as important, it will strongly encourage the safe and responsible operation of these facilities while ensuring the prompt and orderly compensation for damages or harm to humans, to the environment, and to natural resources, should they occur, from the injection and storage of CO₂ in geological formations.

I urge all of my colleagues to join Senator ENZI and me in support of this act so that a clear signal is given about our commitment to the development, demonstration, and ultimately, the widespread commercial deployment of CCS technology as a key component of the Nation's strategy to reduce emissions of CO₂.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Carbon Storage Stewardship Trust Fund Act of 2009”.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote the commercial deployment of carbon capture and storage as an essential component of a national climate mitigation strategy;

(2) to require private liability assurance during the active project period of a carbon dioxide storage facility;

(3) to establish a Federal trust fund consisting of amounts received as fees from operators of carbon dioxide storage facilities;

(4) to establish a limit on liability for damages caused by injection of carbon dioxide by carbon dioxide storage facilities subject to certificates of closure;

(5) to establish a program—

(A) to certify the closure of commercial carbon dioxide storage facilities; and

(B) to provide for the transfer of long-term stewardship to the Federal Government for carbon dioxide storage facilities on the issuance of certificates of closure for the facilities;

(6) to provide for the prompt and orderly compensation for damages relating to the storage of carbon dioxide; and

(7) to protect the environment and public by providing long-term stewardship of geological storage units.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACTIVE PROJECT PERIOD.—The term “active project period” means the phases of the carbon dioxide storage facility through receipt of a certificate of closure, including—

(A) the siting and construction of the facility;

(B) carbon dioxide injection;
 (C) well capping;
 (D) facility decommissioning; and
 (E) geological storage unit monitoring, measurement, verification, and remediation.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) **CARBON DIOXIDE STORAGE FACILITY.**—The term “carbon dioxide storage facility” means a facility that receives and permanently stores or sequesters carbon dioxide within a geological storage unit, including carbon dioxide permanently stored as a result of enhanced hydrocarbon recovery.

(4) **CERTIFICATE OF CLOSURE.**—The term “certificate of closure” means a determination issued by the Administrator or other Federal or State regulatory authority with respect to a carbon dioxide storage facility that certifies that the operator of the carbon dioxide storage facility has completed injection operations, well closure, and any required monitoring and remediation to ensure that any carbon dioxide injected into a geological storage unit would not harm or present a risk to human health, safety, and the environment, including drinking water supplies.

(5) **CIVIL CLAIM.**—The term “civil claim” means a claim, cause of action, lawsuit, judgment, court order, administrative order, government or agency order, fine, penalty, or notice of violation, for civil relief with respect to damages or harm to persons, property, or natural resources from the injection of carbon dioxide by a carbon dioxide storage facility.

(6) **DAMAGE.**—

(A) **IN GENERAL.**—The term “damage” means any direct or indirect damage or harm to persons, property, or natural resources from the injection of carbon dioxide into geological storage units.

(B) **INCLUSIONS.**—The term “damage” includes personal injury, sickness, real or personal property damage, natural resource damage, trespass, subsidence losses, revenue losses, and loss of profits.

(7) **ENHANCED HYDROCARBON RECOVERY.**—The term “enhanced hydrocarbon recovery” means the use of carbon dioxide to improve or enhance the recovery of oil or natural gas from oil or natural gas fields.

(8) **FUND.**—The term “Fund” means the Carbon Storage Trust Fund established by section 5(d)(1).

(9) **GEOLOGICAL STORAGE UNIT.**—The term “geological storage unit” includes saline formations, hydrocarbon formations, basalt formations, salt caverns, unmineable coal seams, or any other geological formation capable of permanently storing carbon dioxide.

(10) **LIABILITY ASSURANCE.**—The term “liability assurance” means privately funded financial mechanisms, including third-party insurance, self-insurance, performance bonds, trust funds, letters of credit, and surety bonds.

(11) **LONG-TERM STEWARDSHIP.**—The term “long-term stewardship” means the monitoring, measurement, verification, and remediation and related activities associated with a carbon dioxide storage facility after issuance of a certificate of closure.

(12) **PROGRAM.**—The term “Program” means the Carbon Storage Stewardship and Trust Fund Program established by section 5(a).

(13) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

SEC. 4. LONG-TERM STEWARDSHIP RESPONSIBILITY.

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary shall be responsible for the

long-term stewardship of a carbon dioxide storage facility on the issuance of a certificate of closure for the carbon dioxide storage facility.

(b) **TRANSFER TO STATE.**—

(1) **IN GENERAL.**—A State may request that the management responsibilities associated with long-term stewardship of a carbon dioxide storage facility located in the State be transferred to the State in accordance with regulations established by the Secretary.

(2) **APPROVAL OF REQUEST.**—If the Secretary approves a request under paragraph (1), the State shall be responsible for the long-term stewardship of the applicable carbon dioxide storage facility beginning on the date of the approval in accordance with applicable Federal and State laws (including regulations).

(3) **FAILURE TO ACT BY STATE.**—In accordance with any regulations established under paragraph (1), if the Secretary determines that a State that has accepted management responsibilities under paragraph (1) has failed to carry out the responsibilities of the State with respect to the carbon dioxide storage facility, the Secretary shall assume long-term stewardship of the carbon dioxide storage facility as soon as practicable after the date of the determination.

(c) **STANDARDS.**—The Secretary, in coordination with the Administrator, shall establish standards for any monitoring, measurement, verification, and site remediation activities necessary to protect health, safety, and the environment during long-term stewardship performed by a State or the Federal Government.

(d) **COORDINATION WITH ADMINISTRATOR.**—If long-term stewardship is vested with the Secretary, the Secretary may coordinate responsibility for site monitoring, measurement, verification, and remediation and related activities with the Administrator.

SEC. 5. CARBON STORAGE STEWARDSHIP AND TRUST FUND PROGRAM.

(a) **IN GENERAL.**—There is established in the Department of Energy the Carbon Storage Stewardship and Trust Fund Program.

(b) **LIABILITY ASSURANCE REQUIRED FOR OPERATORS OF COMMERCIAL CARBON DIOXIDE STORAGE FACILITIES.**—Notwithstanding any other provision of Federal or State law, in carrying out the Program, the Secretary shall require operators of carbon dioxide storage facilities to maintain adequate liability assurance during the active project period.

(c) **FEES.**—

(1) **IN GENERAL.**—In carrying out the Program, the Secretary shall require operators of carbon dioxide storage facilities to pay a risk-based fee, in an amount to be established in accordance with paragraph (2), for each ton of carbon dioxide injected by the carbon dioxide storage facility into geological storage units during the operation phase of the facility.

(2) **AMOUNT.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act and after taking into account the criteria described in subparagraph (B), the Secretary shall establish—

(i) the minimum and maximum balance for the Fund; and

(ii) the amount of the fee required under paragraph (1).

(B) **CRITERIA.**—The criteria referred to in subparagraph (A) are—

(i) the estimated quantity of carbon dioxide to be injected annually into geological storage units by all operating commercial carbon dioxide storage facilities;

(ii) the likelihood or risk of an incident resulting in liability;

(iii) the likely dollar value of any damages relating to an incident;

(iv) other factors relating to the risk of the carbon dioxide storage facility and associated geological storage unit; and

(v) impact on commercial and economic viability of carbon dioxide storage facilities.

(C) **CONSIDERATIONS.**—In establishing the amount of the fee under subparagraph (A)(ii), the Secretary may consider using a fee system that is based on the level of risk associated with a specific geological storage unit to provide an incentive for the selection and operation of the best carbon dioxide storage facilities.

(D) **ENHANCED HYDROCARBON RECOVERY.**—The Secretary shall determine the most appropriate approach for charging a fee on the quantity of carbon dioxide injected into oil and gas fields, after taking into consideration—

(i) the quantity of carbon dioxide that is permanently stored;

(ii) whether or not the enhanced hydrocarbon recovery operation is also being operated as a carbon dioxide storage facility; and

(iii) any other factors that the Secretary determines to be appropriate.

(E) **REVIEW AND ADJUSTMENT.**—The Secretary shall, on at least an annual basis, review the Fund balance—

(i) to ensure that there are sufficient amounts in the Fund to make the payments required under subsection (d)(3)(A); and

(ii) to determine whether or not to increase or decrease the amount, or discontinue collection, of the fee, after taking into consideration—

(I) the annual quantity of carbon dioxide injected by carbon dioxide storage facilities;

(II) the number and estimated value of claims against the Fund; and

(III) any other relevant factors, as determined by the Secretary.

(3) **DEPOSIT.**—Notwithstanding section 3302 of section 31, United States Code, the fees collected under paragraph (1) shall be deposited in the Fund.

(d) **CARBON STORAGE TRUST FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a revolving fund, to be known as the “Carbon Storage Trust Fund”, consisting of such amounts as are deposited under subsection (c)(3).

(2) **USE OF FUND.**—

(A) **IN GENERAL.**—Amounts in the Fund shall be made available, without further appropriation or fiscal year limitation—

(i) to the Secretary for the payment of civil claims from a carbon dioxide storage facility that are brought after a certificate of closure for the carbon dioxide storage facility has been issued;

(ii) to the Secretary for long-term stewardship after the date of issuance of a certificate for closure; and

(iii) to the Secretary or other appropriate regulatory authority to pay any reasonable and verified administrative costs incurred by the Secretary or regulatory authority in carrying out the Program.

(B) **LIMITATION.**—Amounts in the Fund shall only be used for the purposes described in clause (i), (ii), or (iii) of subparagraph (A).

(C) **LIMITATION ON PAYMENTS.**—

(i) **IN GENERAL.**—Subject to clause (ii), an aggregate claim for damages brought under subparagraph (A)(i) shall be limited to an amount to be established by the Secretary as soon as practicable after the date of enactment of this Act, based on mechanisms such as—

(I) actuarial modeling of probable damage; and

(II) net present value analysis.

(ii) CONGRESSIONAL ACTION.—If estimated or actual aggregate damages exceed the amount established under clause (i)—

(I) the Secretary shall notify Congress; and

(II) on receipt of notice under subclause (I), Congress may provide for payments in excess of that amount, in accordance with guidelines established by Congress by law.

(D) EXCEPTION FOR GROSS NEGLIGENCE AND INTENTIONAL MISCONDUCT.—Notwithstanding subparagraph (A), no amounts in the Fund shall be used to pay a claim for liability arising out of conduct of an operator of a carbon dioxide storage facility that is grossly negligent or that constitutes intentional misconduct, as determined by the Secretary.

(E) PROCEDURES FOR ADJUDICATION OF CLAIMS.—Claims of damage brought under subparagraph (A)(i) relating to carbon dioxide in a carbon dioxide storage facility subject to a certificate of closure shall be—

(i) filed in the United States Court of Federal Claims; and

(ii) adjudicated in accordance with procedures established by the United States Court of Federal Claims.

(3) INITIAL FUNDING.—

(A) IN GENERAL.—If sufficient amounts are not available in the Fund to cover potential claims during the first years of the Program, the Secretary may request from the Secretary of the Treasury an interest-bearing advance in funding from the Treasury to carry out the Program, subject to subparagraph (B).

(B) TERMS AND CONDITIONS.—The terms and conditions for the repayment of an advance under subparagraph (A) shall be specified by the Secretary of the Treasury.

SEC. 6. LIMITATION ON CIVIL CLAIMS.

(a) IN GENERAL.—Except as provided in subsection (b), on issuance of a certificate of closure, a civil claim or claim for the performance of long-term stewardship responsibilities under applicable Federal and State law, may not be brought against—

(1) the operator or owner of the carbon dioxide storage facility subject to the certificate of closure;

(2) the generator of the carbon dioxide stored in the applicable geological storage unit; or

(3) the owner or operator of the pipeline used to transport the carbon dioxide to the carbon dioxide storage facility subject to the certificate of closure.

(b) EXCEPTION.—Subsection (a) shall not apply in the case of a civil claim involving the gross negligence or intentional misconduct of an owner, operator, or generator.

Mr. ENZI. Mr. President, we need clean energy. We need cheap energy. We need abundant energy from right here at home. Why not concentrate some of our efforts on hitting a triple play?

Coal is our Nation's most abundant energy source. It provides more than 50 percent of our Nation's electricity today and makes electricity more affordable for millions of Americans. It provides for thousands of well paying American jobs and is an essential part of my home State's economy.

Unfortunately, in the discussions surrounding climate change, some have suggested that we should end our Nation's use of coal. Because of the abundant, cost-effective nature of this re-

source, that doesn't make sense. Instead of talking about eliminating one of our country's most important energy sources, we should be talking about how we can make coal cleaner.

An essential element of the effort to make coal cleaner will be the development of carbon capture and storage, CCS, technology. There are many pieces to that effort, and today, Senator CASEY and I have introduced The Carbon Storage Stewardship Trust Fund Act of 2009 to address one issue with CCS liability for the stored CO₂.

Our legislation sets up a framework that answers the question of who is responsible for the CO₂ once it is placed underground. The Carbon Storage Stewardship Trust Fund Act of 2009 requires companies injecting CO₂ into the ground to obtain private liability insurance for a period of time. After the CO₂ is injected and the injection site is certified as closed by the Federal Government, liability for the CO₂ is transferred to the Federal Government.

To cover any claims that may arise from damages caused by the injected CO₂, the bill sets up a Federal trust fund that is paid for through a small fee charged for each ton of CO₂ that is injected. Additionally, it provides a method for compensation for those damages.

While this legislation is far from everything we need to make commercial CCS a reality, it is an important step and answers an important question about long-term liability of CO₂. I appreciate Senator CASEY's leadership on this issue and look forward to working with him and other Members of the Senate to move this legislation forward.

Mr. SPECTER:

S. 1504. A bill to provide that Federal courts shall not dismiss complaints under rule 12(b)(6) or (e) of the Federal Rules of Civil Procedure, except under the standards set forth by the Supreme Court of the United States in *Conley v. Gibson*, 355 U.S. 41 (1957); to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to speak on legislation I am introducing that will restore the system of notice pleading that has served our Federal judicial system well since 1938, the year the Federal Rules of Civil Procedure were adopted.

Civil litigation in our Federal system is commenced by the filing a complaint that puts the defendant on notice of the plaintiffs claims. Rule 8(a)(2) of the Federal Rules of Civil Procedure provides that a complaint need only contain a "short and plain statement of the claim showing the pleader", usually the plaintiff, "is entitled to relief." This is not a demanding standard. An appendix to the Rules includes a form complaint for negligence that the drafters of Rule 8 obviously thought would satisfy Rule 8's stand-

ard. That complaint, in relevant part, alleges only that "[o]n June 1, 1936, in a public highway called Boylston Street in Boston Massachusetts, defendant negligently drove a motor vehicle against plaintiff who was crossing the highway."

The Federal Rules require the court to await the submission of the plaintiff's evidence—first at the summary judgment stage and, if summary judgment is not granted, then at trial—before evaluating or passing on the truth of the complaint's allegations. It's only sensible that courts do so: Not until a plaintiff has had access to relevant information in the defendant's possession during the discovery process that follows the filing of a complaint as a matter of right can the plaintiff normally offer evidence to support the complaint's allegations.

For over 70 years following the adoption of the Federal Rules, the Supreme Court of the U.S. consistently and faithfully implemented Rule 8's notice-pleading language. Its leading decision on the subject, *Conley v. Gibson*, 355 U.S. 41, 1957, prohibited federal courts from dismissing a complaint "for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim that would entitle him to relief."

Two years ago in *Bell Atlantic Corporation v. Twombly*, 550 U.S. 544, 2007, the Court jettisoned the standard set forth in *Conley* and announced that henceforth it would require not only factual specificity in complaints not previously required of plaintiffs, but also that a complaint's allegation of wrongdoing appear "plausible" to the court. This year in *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 2009, the Supreme Court significantly expanded upon *Twombly* by, to quote Professor Stephen Burbank of the University of Pennsylvania Law School, effectively authorizing federal judges to indulge their "subject judgments" in evaluating an allegation's plausibility. According to an article that just appeared in *The York Times*, Justice Ruth Bader Ginsburg recently told a group of Federal judges that, as a result of these two cases, the Supreme Court has "messed up the federal rules" governing pleading.

When it passed the Rules Enabling Act, Congress established a carefully designed process for amending the Federal Rules of Civil Procedure. The process ends with the Supreme Court's presentation of a proposed rule change to Congress for approval. In *Twombly* and *Ashcroft* the Court effectively end ran that process.

The effect of the Court's actions will no doubt be to deny many plaintiffs with meritorious claims access to the Federal courts and, with it, any legal redress for their injuries. I think that is an especially unwelcome development at a time when, with the litigating resources of our executive-

branch and administrative agencies stretched thin, the enforcement of Federal antitrust, consumer protection, civil rights and other laws that benefit the public will fall increasingly to private litigants.

The Notice Pleading Restoration Act will require the Federal courts to test the sufficiency of a complaint's allegations under the well-established standards that prevailed in the Federal courts until Twombly. I urge its passage.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 220—SUPPORTING THE DESIGNATION OF SEPTEMBER AND "NATIONAL ATRIAL FIBRILLATION AWARENESS MONTH" AND ENCOURAGING EFFORTS TO EDUCATE THE PUBLIC ABOUT ATRIAL FIBRILLATION

Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. DORGAN, and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 220

Whereas atrial fibrillation is a cardiac condition in which electrical pulses disrupt the regular beating of the atria in the heart, hampering the ability of the atria to fill the ventricles with blood, and subsequently causing blood to pool in the atria and form clots;

Whereas atrial fibrillation is the most common cardiac malfunction and affects at least 2,200,000 people in the United States, with increased prevalence anticipated as the population of the United States ages;

Whereas atrial fibrillation is associated with an increased, long-term risk of stroke, heart failure, and mortality from all causes, especially among women;

Whereas atrial fibrillation accounts for approximately 1/3 of hospitalizations for cardiac rhythm disturbances;

Whereas, according to the American Heart Association, 3 to 5 percent of people in the United States aged 65 and older are estimated to have atrial fibrillation;

Whereas atrial fibrillation is recognized as a major contributor to strokes, with an estimated 15 to 20 percent of strokes occurring in people afflicted with atrial fibrillation;

Whereas it is estimated that treating atrial fibrillation costs approximately \$3,600 per patient annually for a total cost burden in the United States of approximately \$15,700,000,000;

Whereas obesity is a significant risk factor for atrial fibrillation;

Whereas better education for patients and health care providers is needed in order to ensure timely recognition of atrial fibrillation symptoms;

Whereas more research into effective treatments for atrial fibrillation is needed; and

Whereas September is an appropriate month to observe as National Atrial Fibrillation Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of September as "National Atrial Fibrillation Awareness Month";

(2) supports efforts to educate people about atrial fibrillation;

(3) recognizes the need for additional research into treatment for atrial fibrillation; and

(4) encourages the people of the United States and interested groups to observe and support National Atrial Fibrillation Awareness Month through appropriate programs and activities that promote public awareness of atrial fibrillation and potential treatments for atrial fibrillation.

SENATE RESOLUTION 221—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF THE FIRST ANNUAL NATIONAL WILD HORSE AND BURRO ADOPTION DAY TAKING PLACE ON SEPTEMBER 26, 2009

Mr. REID (for himself, Mrs. FEINSTEIN, and Mr. ENSIGN) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 221

Whereas, in 1971, in Public Law 92-195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1331 et seq.), Congress declared that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West;

Whereas, under that Act, the Secretary of the Interior and the Secretary of Agriculture have responsibility for the humane capture, removal, and adoption of wild horses and burros;

Whereas the Bureau of Land Management and the Forest Service are the Federal agencies responsible for carrying out the provisions of the Act;

Whereas a number of private organizations will assist with the adoption of excess wild horses and burros, in conjunction with the first National Wild Horse and Burro Adoption Day; and

Whereas there are approximately 31,000 wild horses in short-term and long-term holding facilities, with 18,000 young horses awaiting adoption: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of a National Wild Horse and Burro Adoption Day to be held annually in coordination with the Secretary of Interior and the Secretary of Agriculture;

(2) recognizes that creating a successful adoption model for wild horses and burros is consistent with Public Law 92-195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1331 et seq.) and beneficial to the long-term interests of the people of the United States in protecting wild horses and burros; and

(3) encourages citizens of the United States to adopt a wild horse or burro so as to own a living symbol of the historic and pioneer spirit of the West.

SENATE CONCURRENT RESOLUTION 34—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED TO HONOR THE CREW OF THE USS MASON DE-529 WHO FOUGHT AND SERVED DURING WORLD WAR II

Mr. BURRIS submitted the following concurrent resolution; which was re-

ferred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 34

Whereas the USS Mason DE-529 was the only United States Navy destroyer with a predominantly black enlisted crew during World War II;

Whereas the integration of the crew of the USS Mason DE-529 was the role model for racial integration on Navy vessels and served as a beacon for desegregation in the Navy;

Whereas the integration of the crew signified the first time that black citizens of the United States were trained to serve in ranks other than cooks and stewards;

Whereas the USS Mason DE-529 served as a convoy escort in the Atlantic and Mediterranean Theatres during World War II;

Whereas, in September 1944, the crew of the USS Mason DE-529 helped save Convoy NY119, ushering the convoy to safety despite a deadly storm in the Atlantic Ocean;

Whereas, in 1998, the Secretary of the Navy John H. Dalton made an official decision to name an Arleigh Burke Class Destroyer the USS Mason DDG-87 in order to honor the USS Mason DE-529;

Whereas, in 1994, President Clinton awarded the USS Mason DE-529 a long-overdue commendation, presenting the award to 67 of the surviving crewmembers; and

Whereas commemorative postage stamps have been issued to honor important vessels, aircrafts, and battles in the history of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States Postal Service should issue a postage stamp honoring the crew of the USS Mason DE-529 who fought and served during World War II; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1690. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1691. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1692. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1693. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1694. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1695. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1696. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1697. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1698. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1699. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1700. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1701. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1702. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1703. Ms. LANDRIEU (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1704. Mr. CARPER (for himself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1705. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1706. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1707. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1708. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1709. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1710. Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1711. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1712. Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. KAUFMAN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1713. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1714. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1715. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1716. Mr. LEAHY (for himself, Mr. BINGAMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1717. Mr. FRANKEN (for himself, Mr. ISAKSON, Ms. LANDRIEU, Mr. GRAHAM, Mr. BROWN, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1718. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1719. Mr. PRYOR (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1720. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1721. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1722. Mr. BAYH (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1723. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1724. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1725. Mr. SCHUMER (for himself, Mr. JOHANNIS, Mr. WHITEHOUSE, Mr. DEMINT, Mr. COBURN, Mr. LUGAR, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1726. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1727. Mr. DEMINT (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1728. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1729. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1730. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1731. Mr. FEINGOLD (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1732. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1733. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1734. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1735. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1736. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S.

1390, supra; which was ordered to lie on the table.

SA 1737. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1738. Mr. CASEY (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1739. Mr. HATCH (for himself, Mr. WEBB, Mr. BENNETT, Mr. VOINOVICH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1740. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1741. Mr. RISCH (for himself, Mr. CRAPO, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1742. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1743. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1744. Mr. LIEBERMAN (for himself, Mr. SESSIONS, Mr. INHOFE, Mr. VITTER, Mr. MARTINEZ, Mr. KYL, Mr. BEGICH, Mr. MCCAIN, Mr. NELSON of Nebraska, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1745. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1746. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1747. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1748. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1749. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1750. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1751. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1752. Mrs. BOXER (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1753. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1754. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1755. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1756. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1757. Mr. KERRY (for himself, Mr. LEVIN, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1758. Mr. REED (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1759. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1760. Mr. KYL (for himself, Mr. MCCONNELL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. GRAHAM, Mr. VITTER, Mr. DEMINT, Mr. RISCH, Mr. CORNYN, Mr. BARRASSO, Mr. LIEBERMAN, Mr. WICKER, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1761. Mr. KERRY (for himself, Mr. LUGAR, Mr. LEVIN, and Mr. WEBB) proposed an amendment to the bill S. 1390, supra.

SA 1762. Mrs. MCCASKILL (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1763. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1764. Mr. SCHUMER (for himself, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Mr. BENNETT, Mr. CORNYN, Mr. ISAKSON, Mr. CANTWELL, Mrs. SHAHEEN, Mr. BURRIS, Mr. VITTER, Mr. CASEY, Mr. PRYOR, Mr. BYRD, Mr. UDALL of New Mexico, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, Mr. WARNER, Mrs. HUTCHISON, Mr. ALEXANDER, Mr. CONRAD, Mr. BROWNBACK, Mr. SPECTER, Mr. WICKER, Mr. BURR, Mr. LIEBERMAN, Mr. ROBERTS, Mr. RISCH, Mrs. LINCOLN, Mr. THUNE, Mr. BOND, Mr. BAYH, Mr. NELSON of Florida, Mr. FRANKEN, Mr. ENSIGN, Mr. LEAHY, Mr. KENNEDY, Mr. WYDEN, Mr. CARDIN, Mr. BEGICH, Mrs. GILLIBRAND, Mr. INHOFE, Mr. COCHRAN, Mr. WEBB, Mr. ENZI, Mr. MERKLEY, Mr. CORKER, Mr. KERRY, Mr. GRASSLEY, Mr. GREGG, Mr. WHITEHOUSE, Mr. DEMINT, Mr. JOHANNES, Mr. COBURN, Mr. LUGAR, Ms. MURKOWSKI, Mr. TESTER, Mr. CRAPO, and Mr. KAUFMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1765. Mr. CHAMBLISS (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1766. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1690. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 838. ADVANCED WATER PURIFICATION SYSTEMS.

(a) FINDING.—Congress makes the following findings:

(1) Water is often the limiting factor in the length of a military mission.

(2) Military forces in the field require new technologies to help extend mission duration.

(3) Military forces must have the capability to generate safe drinking water during remote deployments, emergencies, or during the disruption of the supply chain.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the ongoing efforts by the Department of Defense, and specifically the United States Special Operations Command, to acquire advanced water purification systems. The report shall include the following:

(1) The impact of potable water availability on the planning and execution of military missions.

(2) A list of performance criteria used to evaluate the different water purification systems such as—

(A) purity, taste, and color of the water;

(B) the length of time the purification takes; and

(C) the ease of use of the system.

(3) An assessment of the current man-portable water purification technologies including technologies that use chemicals, forward osmosis, and filtration.

(4) An assessment of the performance of each system in multiple scenarios such as a bio-terror attacks, natural disasters like floods and hurricanes, and military operations overseas.

SA 1691. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 270, between lines 5 and 6, insert the following:

SEC. 838. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INSIGNIA, AND OTHER UNIFORM ACCOUTERMENTS PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—Subchapter III of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2495c. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States

“(a) BUY AMERICAN REQUIREMENT.—A military exchange store or other non-appropriated fund instrumentality of the Department of Defense may not purchase for resale any military decorations, ribbons, badges, medals, insignia, or other uniform accouterments that are not produced in the United States. Competitive procedures shall be used in selecting the United States producer of the decorations.

“(b) HERALDIC QUALITY CONTROL.—No certificate of authority issued pursuant to part 507 of title 32, Code of Federal Regulations

(or any successor regulation) for the manufacture and sale of any item described in subsection (a) by the Institute of Heraldry, the Navy Clothing and Textile Research Facility, or the Marine Corps Combat Equipment and Support Systems for quality control and specifications purposes shall be permitted unless these items are manufactured from domestic material manufactured in the United States.

“(c) EXCEPTION.—The Secretary of Defense may waive the applicability of subsections (a) and (b) on a case-by-case basis if the Secretary of Defense determines that there is not available for procurement at a reasonable cost a satisfactory quality and sufficient quantity of an item described under subsection (a) produced in the United States.

“(d) UNITED STATES DEFINED.—In this section, the term ‘United States’ includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2495b the following new item:

“2495c. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.”.

(c) CONFORMING AMENDMENTS.—Section 2533a(b)(1) of such title is amended—

(1) in subparagraph (D), by striking “; or” and inserting a semicolon;

(2) in subparagraph (E), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(F) military decorations, ribbons, badges, medals, insignia, and other uniform accouterments.”.

SA 1692. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. ESTABLISHMENT OF NATIONAL DEFENSE PANEL.

Section 118(f) of title 10, United States Code, is amended to read as follows:

“(f) NATIONAL DEFENSE PANEL.—(1) There is established a National Defense Panel to conduct an assessment of the quadrennial defense review.

“(2) The National Defense Panel shall be composed of 12 members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

“(A) Three by both the chairman and ranking members of the Committee on Armed Services of the Senate.

“(B) Three by both the chairman and ranking members of the Committee on Armed Services of the House of Representatives.

“(3) Not later than three months after the date on which the report on a quadrennial defense review is submitted under subsection (d) to the congressional committees named

in that subsection, the National Defense Panel shall submit to those committees an assessment of the review, including the recommendations of the review, the stated and implied assumptions incorporated in the review, and the vulnerabilities of the strategy and force structure underlying the review. The assessment of the National Defense Panel shall include analyses of the trends, asymmetries, and concepts of operations that characterize the military balance with potential adversaries, focusing on the strategic approaches of possible opposing forces.

“(4) The National Defense Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

“(5) Funds for activities of the National Defense Panel shall be provided from unobligated amounts available to the Department of Defense.”.

SA 1693. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON AUTOMATED SMALL ARMS AMMUNITION SORTING.

(a) FINDINGS.—Congress makes the following findings:

(1) From 2001 to 2009, small arms ammunition acquisition by the Federal Government increased to over 2,000,000,000 rounds, with 80 percent of that ammunition being used for training or noncombat purposes.

(2) An automatic ammunition sorting and inspecting capability currently only exists at Camp Arifjan, Kuwait, and Fort Irwin, California.

(3) After 8 years of combat and precombat training since October 2001, large stockpiles of loose small arms ammunition awaiting sorting have collected.

(4) It is in the best financial and logistical interest to expedite and increase the recapitalization of unused small arms ammunition within the Department of Defense.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on small arms ammunition.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) The plan of the Department of Defense to recoup and recapitalize large quantities of loose small arms ammunition (9mm, .45 caliber, 5.56mm, 7.62mm, and .50 caliber).

(B) An assessment of the cost savings of an increased industrial capacity to automatically sort and inspect large quantities of loose and unused small arms ammunition in lieu of manual inspection and sorting methods.

(C) The intent of the Department of Defense to invest in automatic ammunition sorting infrastructure that reduces the number of personnel required to manually sort ammunition and expedites ammunition usage by members of the Armed Forces for combat and training.

(D) The impact of military installations and departments having the ability to automatically and mechanically sort spent brass from live ammunition and visually inspect and identify ammunition for quality control and authenticity.

SA 1694. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:—

At the end of subtitle D of title II, add the following:

SEC. 252. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEM.

(a) IN GENERAL.—The Secretary of the Army, acting through the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, shall conduct a comparative evaluation of an extended range modular sniper rifle system.

(b) ELEMENTS.—The evaluation required by subsection (a) shall—

(1) use a .338 Lapua Magnum caliber weapon platform and associated optics, ammunition, and visual augmentation systems to compare the extended range modular sniper rifle system to existing Army sniper platforms, including such platforms based on the .300 Winchester Magnum caliber weapon;

(2) include developmental testing and in-theater operational testing of no fewer than 50 complete extended range modular sniper rifle systems using a .338 Lapua Magnum caliber weapon platform, inclusive of ammunition and training; and

(3) identify and demonstrate an integrated suite of technologies capable of extending the effective range of Army snipers against—

(A) non-technical enemy vehicles and personnel wearing Level III body armor to 750 meters; and

(B) enemy positions and personnel to ranges of 1,500 meters.

(c) FUNDING.—The Secretary of the Army shall conduct the evaluation required by subsection (a) using, to the extent practicable, amounts appropriated for fiscal year 2009 for an extended range modular sniper rifle system that are unobligated.

(d) REPORT.—Not later than January 1, 2010, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the evaluation required by subsection (a), including detailed ballistics and system performance data and an assessment of operational applications and benefits of an extended range modular sniper rifle system.

SA 1695. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Building foreign partner capacity is a fundamental cornerstone of the security strategy of the United States.

(2) Significant progress has been made in this area over the past several years, but the United States Government must continue to increase its efforts, including improving reliability of funding and late notifications of school availability for the International Military Education and Training (IMET) program.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on the effectiveness and efficiency of the IMET program.

(2) CONTENT.—The report required under paragraph (1) shall include the following information broken out by year over the past 10 years:

(A) Number of courses in the IMET program available, accomplished, and cancelled and an explanation therefor.

(B) Number of students authorized and actual attendance for each course and an explanation for the difference.

(C) The total budget and actual budget executed for each course in the IMET program and an explanation for the difference.

(D) The process for selecting students for the IMET program, including a timeline.

(E) The process for distributing funding for each school, including a timeline.

(F) Lessons learned to ensure student attendance and course execution is maximized.

SA 1696. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ COMPLIANCE WITH WORLD TRADE ORGANIZATION PROVISIONS.

Section 907 of the Federal Food, Drug, and Cosmetic Act (as added by section 101(b)(3) of the Family Smoking Prevention and Tobacco Control Act (Public law 111-31)) is amended by adding at the end the following:

“(g) COMPLIANCE WITH TRADE AGREEMENTS.—If the United States Trade Representative notifies the Secretary that the prohibition contained in subsection (a)(1)(A) with respect to any artificial or natural flavor or any herb or spice may result in a violation of a trade agreement, the Secretary shall provide the Trade Representative with evidence in support of the conclusion that the prohibition is appropriately designed to protect public health. The Secretary may by regulation provide an exception or revision from such prohibition if necessary to ensure compliance with the trade agreement.”.

SA 1697. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 479, between lines 18 and 19, insert the following:

SEC. 1222. REPORT ON MILITARY POWER OF IRAN.

(a) BIENNIAL REPORT.—Not later than March 31, 2010, and in each even-numbered year thereafter until 2020, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, on the current and future military strategy of the Islamic Republic of Iran. The report shall address the current and probable future course of military developments on the Army, Air Force, Navy, and Revolutionary Guard Corps of the Islamic Republic of Iran.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following elements:

(1) As assessment of the grand strategy, security strategy, and military strategy of the Government of the Islamic Republic of Iran, including the following:

(A) The goals of the grand strategy, security strategy, and military strategy.

(B) Aspects of the strategies that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world.

(C) The security situation in the Persian Gulf and the Levant.

(D) Iranian strategy regarding other countries in the Middle East region.

(2) An assessment of the capabilities of the conventional forces of the Government of the Islamic Republic of Iran, including the following:

(A) The size, location, and capabilities of the conventional forces.

(B) A detailed analysis of the conventional forces of the Government of the Islamic Republic of Iran facing United States forces in the region and other countries in the Middle East region.

(C) An estimate of the funding provided for each branch of the conventional forces of the Government of the Islamic Republic of Iran.

(3) An assessment of the unconventional forces of the Government of the Islamic Republic of Iran, including the following:

(A) The size and capability of special operations units, including the Iranian Revolutionary Guard Corps-Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations in particular those forces that have been assessed as willing to carry out terrorist operations on behalf of the Islamic Republic of Iran.

(C) A detailed analysis of the unconventional forces of the Government of the Islamic Republic of Iran and their implications for the United States and other countries in the Middle East region.

(D) An estimate of the amount of funds spent by the Government of the Islamic Republic of Iran to develop and support special operations forces and terrorist groups.

(c) DEFINITIONS.—In this section:

(1) CONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term “conventional forces of the Government of the Islamic Republic of Iran”

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's strategic missile forces; and

(B) includes Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps-Quds Force.

(2) MIDDLE EAST REGION.—The term “Middle East region” means—

(A) the countries within the area of responsibility of United States Central Command; and

(B) the countries within the area covered by the Bureau of Near Eastern Affairs of the Department of State.

(3) UNCONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term “unconventional forces of the Government of the Islamic Republic of Iran”

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps-Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from the Government of Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of the Government of the Islamic Republic of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on the Islamic Republic of Iran.

SA 1698. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, after line 14, insert the following:

SEC. 1083. DESIGNATION OF NATIONAL CENTER FOR HUMAN PERFORMANCE.

(a) IN GENERAL.—The National Center for Human Performance at the Texas Medical Center is hereby designated as a national center for research and education in medicine and related sciences to enhance human performance which could include matters of relevance to the Armed Forces.

(b) CONSTRUCTION.—Nothing in this section shall be construed to convey on such Center status as a center of excellence under the Public Health Service Act or as a center of the National Institutes of Health under title IV of such Act.

SA 1699. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, after line 14, insert the following:

SEC. 1083. DESIGNATION OF NATIONAL CENTER FOR HUMAN PERFORMANCE.

(a) IN GENERAL.—The National Center for Human Performance at the Texas Medical Center is hereby designated as a national center for research and education in medicine and related sciences to enhance human performance which could include matters of relevance to the Armed Forces.

(b) CONSTRUCTION.—Nothing in this section shall be construed to convey on such Center status as a center of excellence under the Public Health Service Act or as a center of the National Institutes of Health under title IV of such Act.

SA 1700. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1211. ENSURING IRAQI SECURITY THROUGH DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.

The President may treat an undertaking by the Government of Iraq that is made between the date of the enactment of this Act and December 31, 2011, as a dependable undertaking described in section 22(a) of the Arms Export Control Act (22 U.S.C. 2762(a)) for purposes of entering into contracts for the procurement of defense articles and defense services as provided for in that section.

SA 1701. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X add the following:

SEC. 1083. SENSE OF THE SENATE ON MEDICARE AND MEDICAID SAVINGS AND MEDICAID EXPANSION.

(a) FINDINGS.—The Senate finds that—

(1) the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) is projected to be insolvent by 2017; and

(2) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is currently the largest source of general revenue spending on health care for both the Federal government and the States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) any savings under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) should be invested back into the Medicare program, rather than creating new entitlement programs; and

(2) the Federal Government should not expand the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et

seq.) in a manner that imposes an unfunded mandate on States when State budgets are already heavily burdened by federally imposed requirements that force those budgets into the red.

SA 1702. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 733. REPORT ON USE OF ALTERNATIVE THERAPIES IN TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on research related to post-traumatic stress disorder.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The status of all studies and clinical trials that involve treatments of post-traumatic stress disorder conducted by the Department of Defense and the Department of Veterans Affairs.

(2) The effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals.

(3) Identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans’ Affairs of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans’ Affairs of the House of Representatives.

SA 1703. Ms. LANDRIEU (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**DIVISION —SBIR/STTR
REAUTHORIZATION**

SEC. 001. SHORT TITLE.

This division may be cited as the “SBIR/STTR Reauthorization Act of 2009”.

SEC. 002. DEFINITIONS.

In this division—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms “extramural budget”, “Federal agency”, “Small Business Innovation Research Program”, “SBIR”, “Small Business Technology Transfer Program”, and “STTR” have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term “small business concern” has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).

**TITLE —REAUTHORIZATION OF THE
SBIR AND STTR PROGRAMS**

SEC. 101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking “2008” and inserting “2017”.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “2009” and inserting “2017”.

SEC. 102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

“(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

“(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

“(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.”.

SEC. 103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “Each” and inserting “Except as provided in paragraph (2)(C), each”;

(B) in subparagraph (B), by striking “and” at the end; and

(C) by striking subparagraph (C) and inserting the following:

“(C) not less than 2.5 percent of such budget in each of fiscal years 2009 and 2010;

“(D) not less than 2.6 percent of such budget in fiscal year 2011;

“(E) not less than 2.7 percent of such budget in fiscal year 2012;

“(F) not less than 2.8 percent of such budget in fiscal year 2013;

“(G) not less than 2.9 percent of such budget in fiscal year 2014;

“(H) not less than 3.0 percent of such budget in fiscal year 2015;

“(I) not less than 3.1 percent of such budget in fiscal year 2016;

“(J) not less than 3.2 percent of such budget in fiscal year 2017;

“(K) not less than 3.3 percent of such budget in fiscal year 2018;

“(L) not less than 3.4 percent of such budget in fiscal year 2019; and

“(M) not less than 3.5 percent of such budget in fiscal year 2020 and each fiscal year thereafter.”; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking “A Federal agency” and inserting the following:

“(A) IN GENERAL.—A Federal agency”; and (C) by adding at the end the following:

“(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

“(i) may not be used for new Phase I or Phase II awards; and

“(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.”.

SEC. 104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking “thereafter.” and inserting “through fiscal year 2010;”;

(3) by adding at the end the following:

“(iii) 0.4 percent for fiscal years 2011 and

2012;

“(iv) 0.5 percent for fiscal years 2013 and 2014; and

“(v) 0.6 percent for fiscal year 2015 and each fiscal year thereafter.”.

SEC. 105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D)—

(A) by striking “5 years” and inserting “3 years”; and

(B) by striking “and programmatic considerations”; and

(2) in subsection (p)(2)(B)(ix) by striking “greater or lesser amounts to be awarded at the discretion of the awarding agency,” and inserting “an adjustment for inflation of such amounts once every 3 years.”.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(aa) LIMITATION ON CERTAIN AWARDS.—

“(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

“(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

“(A) the amount of each award;

“(B) a justification for exceeding the award amount;

“(C) the identity and location of each award recipient; and

“(D) whether a recipient has received any venture capital investment and, if so, whether the recipient is majority-owned and controlled by multiple venture capital companies.

“(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.”.

SEC. 106. AGENCY AND PROGRAM COLLABORATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(bb) SUBSEQUENT PHASES.—

“(1) AGENCY COLLABORATION.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

“(2) SBIR AND STTR COLLABORATION.—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).”.

SEC. 107. ELIMINATION OF PHASE II INVITATIONS.

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking “to further” and inserting: “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further”; and

(2) in paragraph (6)(B), by striking “to further develop proposed ideas to” and inserting “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 638) is amended—

(1) in section 9—

(A) in subsection (e)—

(i) in paragraph (8), by striking “and” at the end;

(ii) in paragraph (9)—

(I) by striking “the second or the third phase” and inserting “Phase II or Phase III”; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(10) the term ‘Phase I’ means—

“(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

“(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

“(11) the term ‘Phase II’ means—

“(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

“(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

“(12) the term ‘Phase III’ means—

“(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

“(B) with respect to the STTR program, the third phase described in paragraph (6)(C).”;

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking “phase two” and inserting “Phase II”; and

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking “the third phase” each place it appears and inserting “Phase III”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(II) in subparagraph (D)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(III) in subparagraph (F), by striking “the third phase” and inserting “Phase III”; and

(IV) in subparagraph (G)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(V) in subparagraph (H)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “second phase” each place it appears and inserting “Phase II”; and

(cc) by striking “third phase” and inserting “Phase III”; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking “the first phase (as described in subsection (e)(4)(A))” and inserting “Phase I”; and

(bb) by striking “the second phase (as described in subsection (e)(4)(B))” and inserting “Phase II”; and

(cc) by striking “the third phase (as described in subsection (e)(4)(C))” and inserting “Phase III”; and

(II) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and

(C) in subsection (k)—

(i) by striking “first phase” each place it appears and inserting “Phase I”; and

(ii) by striking “second phase” each place it appears and inserting “Phase II”; and

(D) in subsection (1)(2)—

(i) by striking “the first phase” and inserting “Phase I”; and

(ii) by striking “the second phase” and inserting “Phase II”; and

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and

(ii) in subparagraph (C), by striking “third phase” and inserting “Phase III”; and

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking “the second phase” and inserting “Phase II”; and

(bb) by striking “the third phase” and inserting “Phase III”; and

(II) in clause (ix)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(ii) in paragraph (3)—

(I) by striking “the first phase (as described in subsection (e)(6)(A))” and inserting “Phase I”; and

(II) by striking “the second phase (as described in subsection (e)(6)(B))” and inserting “Phase II”; and

(III) by striking “the third phase (as described in subsection (e)(6)(A))” and inserting “Phase III”; and

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking “FIRST PHASE” and inserting “PHASE I”; and

(II) by striking “first phase” and inserting “Phase I”; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking “SECOND PHASE” and inserting “PHASE II”; and

(II) by striking “second phase” and inserting “Phase II”; and

(H) in subsection (r)—

(i) in the subsection heading, by striking “THIRD PHASE” and inserting “PHASE III”; and

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking “for the second phase” and inserting “for Phase II”; and

(bb) by striking “third phase” and inserting “Phase III”; and

(cc) by striking “second phase period” and inserting “Phase II period”; and

(II) in the second sentence—

(aa) by striking “second phase” and inserting “Phase II”; and

(bb) by striking “third phase” and inserting “Phase III”; and

(iii) in paragraph (2), by striking “third phase” and inserting “Phase III”; and

(I) in subsection (u)(2)(B), by striking “the first phase” and inserting “Phase I”; and

(2) in section 34—

(A) in subsection (c)(2)(B)(ii), by striking “first phase and second phase SBIR awards” and inserting “Phase I and Phase II SBIR awards (as defined in section 9(e))”; and

(B) in subsection (e)(2)(A)—

(i) in clause (i), by striking “first phase awards” and all that follows and inserting “Phase I awards (as defined in section 9(e));”; and

(ii) by striking “first phase” each place it appears and inserting “Phase I”; and

(3) in section 35(c)(2)(B)(vii), by striking “third phase” and inserting “Phase III”.

SEC. 108. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—

“(1) AUTHORITY AND DETERMINATION.—

“(A) IN GENERAL.—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—

“(i) the Director of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns; and

“(ii) the head of any other Federal agency participating in the SBIR program may award not more than 8 percent of the SBIR funds of the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are

majority owned by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.

“(B) DETERMINATION.—A written determination made under subparagraph (A) shall explain how the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

“(2) QUALIFICATION REQUIREMENTS.—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture capital company owns more than 49 percent of the small business concern.

“(3) REGISTRATION.—A small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—

“(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

“(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.

“(4) COMPLIANCE.—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administration under subsection (b)(7).

“(5) ENFORCEMENT.—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(t) VENTURE CAPITAL COMPANY.—In this Act, the term ‘venture capital company’ means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).”.

(c) ASSISTANCE FOR DETERMINING AFFILIATES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—

(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(2) contact information for officers or employees of the Administration who—

(A) upon request, shall review an issue relating to the rules described in paragraph (1); and

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

SEC. 109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

“(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.”.

SEC. 110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

“(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

“(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

“(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

“(2) PROHIBITION.—No Federal agency shall—

“(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

“(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

“(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

“(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

“(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

“(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.”.

SEC. 111. NOTICE REQUIREMENT.

The head of any Federal agency involved in a case or controversy before any Federal ju-

dicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

TITLE —OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 201. RURAL AND STATE OUTREACH.

(a) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

“(s) OUTREACH.—

“(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means a State—

“(A) for which the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than \$5,000,000; and

“(B) that certifies to the Administrator that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

“(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of fiscal years 2010 through 2014, the Administrator may expend with eligible States not more than \$5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

“(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

“(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and

“(B) shall not exceed \$100,000.

“(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

“(A) the establishment of quantifiable performance goals, including goals relating to—

“(i) the number of program awards under this section made to small business concerns in the State; and

“(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

“(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

“(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.”.

(b) FEDERAL AND STATE PROGRAM EXTENSION.—Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking “2001 through 2005” each place it appears and inserting “2010 through 2014”; and

(2) in subsection (i), by striking “2005” and inserting “2014”.

(c) MATCHING REQUIREMENTS.—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “50 cents” and inserting “35 cents”; and

(B) in clause (iii), by striking “75 cents” and inserting “50 cents”; and

(2) in subparagraph (B), by striking “50 cents” and inserting “35 cents”;

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(4) by inserting after subparagraph (B) the following:

“(C) RURAL AREAS.—

“(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

“(ii) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

“(iii) DEFINITION OF RURAL AREA.—In this subparagraph, the term ‘rural area’ has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.”.

SEC. 202. SBIR-STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR-STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as “STEM college students”), by providing a SBIR bonus grant.

(b) ELIGIBLE ENTITIES DEFINED.—In this section the term “eligible entity” means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than \$10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR-STEM Workforce Development Grant Pilot Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

- (1) \$1,000,000 for fiscal year 2011;
- (2) \$1,000,000 for fiscal year 2012;
- (3) \$1,000,000 for fiscal year 2013;
- (4) \$1,000,000 for fiscal year 2014; and
- (5) \$1,000,000 for fiscal year 2015.

SEC. 203. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

(1) in subparagraph (A), by striking “\$4,000” and inserting “\$5,000”;

(2) in subparagraph (B)—

(A) by striking “, with funds available from their SBIR awards,”; and

(B) by striking “\$4,000 per year” and inserting “\$5,000 per year, which shall be in addition to the amount of the recipient’s award”;

(3) by adding at the end the following:

“(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency

shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

“(D) LIMITATION.—A Federal agency may not—

(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.”.

SEC. 204. COMMERCIALIZATION PROGRAM AT DEPARTMENT OF DEFENSE.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)), as amended by section 834 of this Act, is amended—

(1) in paragraph (1), by adding at the end the following: “The authority to create and administer a Commercialization Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).”;

(2) by redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following:

“(5) INSERTION INCENTIVES.—For any contract with a value of not less than \$100,000,000, the Secretary of Defense is authorized to—

“(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

“(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

“(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

“(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Program and efforts to transition these technologies into programs of record or fielded systems.”.

SEC. 205. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(ee) PILOT PROGRAM.—

“(1) AUTHORIZATION.—The head of each covered Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies.

“(2) APPLICATION BY FEDERAL AGENCY.—

“(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not later than 90 days before the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

“(B) DETERMINATION.—The Administrator shall—

“(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

“(ii) publish the determination in the Federal Register; and

“(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

“(3) MAXIMUM AMOUNT OF AWARD.—The head of a Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

“(4) MATCHING.—The head of a Federal agency may not make an award under a pilot program for SBIR or STTR Phase II technology that will be acquired by the Federal Government unless new private, Federal non-SBIR, or Federal non-STTR funding that at least matches the award from the Federal agency is provided for the SBIR or STTR Phase II technology.

“(5) ELIGIBILITY FOR AWARD.—The head of a Federal agency may make an award under a pilot program to any applicant that is eligible to receive a Phase III award related to technology developed in Phase II of an SBIR or STTR project.

“(6) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

“(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

“(8) DEFINITIONS.—In this section—

“(A) the term ‘covered Federal agency’—

“(i) means a Federal agency participating in the SBIR program or the STTR program; and

“(ii) does not include the Department of Defense; and

“(B) the term ‘pilot program’ means the program established under paragraph (1).”.

SEC. 206. NANOTECHNOLOGY INITIATIVE.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.”.

(b) SUNSET.—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 207. ACCELERATING CURES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

“SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

“(a) NIH CURES PILOT.—

“(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the ‘advisory board’) to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the ‘NIH’) institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The advisory board shall consist of—

“(i) the Director of the NIH;

“(ii) the Director of the SBIR program of the NIH;

“(iii) senior NIH agency managers, selected by the Director of NIH;

“(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

“(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

“(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

“(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

“(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academies of Science entitled ‘An Assessment of the Small Business Innovation Research Program at the NIH’.

“(c) PILOT PROGRAM.—

“(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

“(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

“(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

“(e) SBIR GRANTS AND CONTRACTS.—

“(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall place an emphasis on applications that identify

products and services that may enhance the development of cures and therapies.

“(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

“(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.

“(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).

“(g) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009.”.

TITLE —OVERSIGHT AND EVALUATION

SEC. 301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 102 of this division, is amended—

(1) in paragraph (7)—

(A) by striking “STTR programs, including the data” and inserting the following: “STTR programs, including—

“(A) the data”;

(B) by striking “(g)(10), (o)(9), and (o)(15), the number” and all that follows through “under each of the SBIR and STTR programs, and a description” and inserting the following: “(g)(8) and (o)(9); and

“(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;

“(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

“(D) general information about the implementation and compliance with the allocation of funds required under subsection (cc) for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;

“(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and

“(F) a description”; and

(2) by inserting after paragraph (7) the following:

“(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;”.

SEC. 302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(3) by inserting after paragraph (7) the following:

“(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an awardee—

“(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

“(I) the amount of venture capital that the awardee has received as of the date of the award; and

“(II) the amount of additional capital that the awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State described in subsection (u)(3); and

“(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;”;

(4) in paragraph (10), as so redesignated, by adding “and” at the end.

SEC. 303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (9) and inserting the following:

“(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an applicant or awardee—

“(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

“(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

“(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

“(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;”;

(2) in paragraph (14), by adding “and” at the end;

(3) by striking paragraph (15); and

(4) by redesignating paragraph (16) as paragraph (15).

SEC. 304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

“(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);

“(ii) is owned by a woman or has a woman as a principal investigator;

“(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

“(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

SEC. 305. GOVERNMENT DATABASE.

Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following:

“(C) includes, for each awardee—

“(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

“(ii) whether the awardee has venture capital, and, if so—

“(I) the amount of venture capital as of the date of the award;

“(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and

“(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

“(iii) the names and locations of any affiliates of the awardee;

“(iv) the number of employees of the awardee;

“(v) the number of employees of the affiliates of the awardee; and

“(vi) the names of, and the percentage of ownership of the awardee held by—

“(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

“(II) any person that is not an individual and is not organized under the laws of a State or the United States;”;

(3) in subparagraph (D), as so redesignated—

(A) in clause (ii), by striking “and” at the end; and

(B) by adding at the end, the following:

“(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and

“(v) the number of employees of the applicant;”.

SEC. 306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term “applicable period” means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

“(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter.

“(2) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).”.

SEC. 308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(gg) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

“(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

“(2) the name of the small business concern or individual receiving the Phase III award; and

“(3) the dollar amount of the Phase III award.”.

SEC. 309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR award-ees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the

Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

TITLE —POLICY DIRECTIVES

SEC. 401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this division and the amendments made by this division.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

SEC. 402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(hh) RESEARCH INITIATIVES.—To the extent that such projects relate to the mission of the Federal agency, each Federal agency participating in the SBIR program or STTR program shall encourage the submission of applications for support of projects relating to security, energy, transportation, or improving the security and quality of the water supply of the United States to such program.”

(b) SUNSET.—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 403. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ii) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

“(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

“(A) are science-based and statistically driven;

“(B) reflect the mission of the Federal agency; and

“(C) include factors relating to the economic impact of the programs.

“(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

“(A) the SBIR program and the STTR program of the Federal agency; and

“(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

“(3) REPORT.—

“(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

“(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report sub-

mitted under subparagraph (A) available to the public online.

“(C) DEFINITION.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.”

SEC. 404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(jj) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”

SA 1704. Mr. CARPER (for himself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between line 14 and 15, insert the following:

SEC. 1083. CERTAIN DISEASES PRESUMED TO BE WORK-RELATED CAUSE OF DISABILITY OR DEATH FOR FEDERAL EMPLOYEES IN FIRE PROTECTION ACTIVITIES.

(a) DEFINITION.—Section 8101 of title 5, United States Code, is amended by adding at the end the following:

“(21) ‘employee in fire protection activities’ means a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous material worker, who—

“(A) is trained in fire suppression;

“(B) has the legal authority and responsibility to engage in fire suppression;

“(C) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk; and

“(D) performs such activities as a primary responsibility of his or her job.”

(b) PRESUMPTION RELATING TO EMPLOYEES IN FIRE PROTECTION ACTIVITIES.—Section 8102 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(c)(1)(A) With regard to an employee in fire protection activities, a disease specified in paragraph (2) shall be presumed to be proximately caused by the employment of such employee, subject to the length of service requirements specified. The disability or death of an employee in fire protection activities due to such a disease shall be presumed to result from personal injury sustained while in the performance of such employee’s duty. Such presumptions may be rebutted by a preponderance of the evidence.

“(B) Any presumption described under subparagraph (A) shall apply only if the employee in fire protection activities is diagnosed with the disease for which the presumption is sought within 10 years of the last active date of employment as an employee in fire protection activities.

“(2) The following diseases shall be presumed to be proximately caused by the employment of the employee in fire protection activities:

“(A) If the employee has been employed for a minimum of 5 years in the aggregate as an employee in fire protection activities:

“(i) Heart disease.

“(ii) Lung disease.

“(iii) The following cancers:

“(I) Brain cancer.

“(II) Cancer of the blood or lymphatic systems.

“(III) Leukemia.

“(IV) Lymphoma (except Hodgkin’s disease).

“(V) Multiple myeloma.

“(VI) Bladder cancer.

“(VII) Kidney cancer.

“(VIII) Testicular cancer.

“(IX) Cancer of the digestive system.

“(X) Colon cancer.

“(XI) Liver cancer.

“(XII) Skin cancer.

“(XIII) Lung cancer.

“(iv) Any other cancer the contraction of which the Secretary of Labor determines by regulation to be related to the hazards to which an employee in fire protection activities may be subject.

“(B) Regardless of the length of time an employee in fire protection activities has been employed, any uncommon infectious disease, including tuberculosis, hepatitis A, B, or C, and the human immunodeficiency virus (HIV), the contraction of which the Secretary of Labor determines by regulation to be related to the hazards to which an employee in fire protection activities may be subject.”

(c) REPORT.—Not later than 5 years after the date of enactment of this Act, the National Institute of Occupational Safety and Health in the Centers for Disease Control and Prevention shall examine the implementation of this section and appropriate scientific and medical data related to the health risks associated with firefighting and submit to Congress a report which shall include—

(1) an analysis of the injury claims made under this section;

(2) an analysis of the available research related to the health risks associated with firefighting; and

(3) recommendations for any administrative or legislative actions necessary to ensure that those diseases most associated with firefighting are included in the presumption created by this section.

(d) EFFECTIVE DATE.—The amendment made by this section applies to an injury that is first diagnosed, or a death that occurs, on or after the date of enactment of this Act.

SEC. 1084. NOTIFICATIONS OF POSSIBLE EXPOSURE TO INFECTIOUS DISEASES.

Title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended by adding at the end the following:

“PART G—NOTIFICATIONS OF POSSIBLE EXPOSURE TO INFECTIOUS DISEASES

“SEC. 2695. INFECTIOUS DISEASES AND CIRCUMSTANCES RELEVANT TO NOTIFICATION REQUIREMENTS.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this part, the Secretary shall complete the development of—

“(1) a list of potentially life-threatening infectious diseases to which emergency response employees may be exposed in responding to emergencies;

“(2) guidelines describing the circumstances in which such employees may be

exposed to such diseases, taking into account the conditions under which emergency response is provided; and

“(3) guidelines describing the manner in which medical facilities should make determinations for purposes of section 2697(d).

“(b) SPECIFICATION OF AIRBORNE INFECTIOUS DISEASES.—The list developed by the Secretary under subsection (a)(1) shall include a specification of those infectious diseases on the list that are routinely transmitted through airborne or aerosolized means.

“(c) DISSEMINATION.—The Secretary shall—

“(1) transmit to State public health officers copies of the list and guidelines developed by the Secretary under subsection (a) with the request that the officers disseminate such copies as appropriate throughout the States; and

“(2) make such copies available to the public.

“SEC. 2696. ROUTINE NOTIFICATIONS WITH RESPECT TO AIRBORNE INFECTIOUS DISEASES IN VICTIMS ASSISTED.

“(a) ROUTINE NOTIFICATION OF DESIGNATED OFFICER.—

“(1) DETERMINATION BY TREATING FACILITY.—If a victim of an emergency is transported by emergency response employees to a medical facility and the medical facility makes a determination that the victim has an airborne infectious disease, the medical facility shall notify the designated officer of the emergency response employees who transported the victim to the medical facility of the determination.

“(2) DETERMINATION BY FACILITY ASCERTAINING CAUSE OF DEATH.—If a victim of an emergency is transported by emergency response employees to a medical facility and the victim dies at or before reaching the medical facility, the medical facility ascertaining the cause of death shall notify the designated officer of the emergency response employees who transported the victim to the initial medical facility of any determination by the medical facility that the victim had an airborne infectious disease.

“(b) REQUIREMENT OF PROMPT NOTIFICATION.—With respect to a determination described in paragraph (1) or (2) of subsection (a), the notification required in each of such paragraphs shall be made as soon as is practicable, but not later than 48 hours after the determination is made.

“SEC. 2697. REQUEST FOR NOTIFICATIONS WITH RESPECT TO VICTIMS ASSISTED.

“(a) INITIATION OF PROCESS BY EMPLOYEE.—If an emergency response employee believes that the employee may have been exposed to an infectious disease by a victim of an emergency who was transported to a medical facility as a result of the emergency, and if the employee attended, treated, assisted, or transported the victim pursuant to the emergency, then the designated officer of the employee shall, upon the request of the employee, carry out the duties described in subsection (b) regarding a determination of whether the employee may have been exposed to an infectious disease by the victim.

“(b) INITIAL DETERMINATION BY DESIGNATED OFFICER.—The duties referred to in subsection (a) are that—

“(1) the designated officer involved collect the facts relating to the circumstances under which, for purposes of subsection (a), the employee involved may have been exposed to an infectious disease; and

“(2) the designated officer evaluate such facts and make a determination of whether, if the victim involved had any infectious disease included on the list issued under paragraph (1) of section 2695(a), the employee

would have been exposed to the disease under such facts, as indicated by the guidelines issued under paragraph (2) of such section.

“(c) SUBMISSION OF REQUEST TO A MEDICAL FACILITY.—

“(1) IN GENERAL.—If a designated officer makes a determination under subsection (b)(2) that an emergency response employee may have been exposed to an infectious disease, the designated officer shall submit to the medical facility to which the victim involved was transported a request for a response under subsection (d) regarding the victim of the emergency involved.

“(2) FORM OF REQUEST.—A request under paragraph (1) shall be in writing and be signed by the designated officer involved, and shall contain a statement of the facts collected pursuant to subsection (b)(1).

“(d) EVALUATION AND RESPONSE REGARDING REQUEST TO MEDICAL FACILITY.—

“(1) IN GENERAL.—If a medical facility receives a request under subsection (c), the medical facility shall evaluate the facts submitted in the request and make a determination of whether, on the basis of the medical information possessed by the facility regarding the victim involved, the emergency response employee was exposed to an infectious disease included on the list issued under paragraph (1) of section 2695(a), as indicated by the guidelines issued under paragraph (2) of such section.

“(2) NOTIFICATION OF EXPOSURE.—If a medical facility makes a determination under paragraph (1) that the emergency response employee involved has been exposed to an infectious disease, the medical facility shall, in writing, notify the designated officer who submitted the request under subsection (c) of the determination.

“(3) FINDING OF NO EXPOSURE.—If a medical facility makes a determination under paragraph (1) that the emergency response employee involved has not been exposed to an infectious disease, the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the determination.

“(4) INSUFFICIENT INFORMATION.—

“(A) If a medical facility finds in evaluating facts for purposes of paragraph (1) that the facts are insufficient to make the determination described in such paragraph, the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the insufficiency of the facts.

“(B)(i) If a medical facility finds in making a determination under paragraph (1) that the facility possesses no information on whether the victim involved has an infectious disease included on the list under section 2695(a), the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the insufficiency of such medical information.

“(ii) If after making a response under clause (i) a medical facility determines that the victim involved has an infectious disease, the medical facility shall make the determination described in paragraph (1) and provide the applicable response specified in this subsection.

“(e) TIME FOR MAKING RESPONSE.—After receiving a request under subsection (c) (including any such request resubmitted under subsection (g)(2)), a medical facility shall make the applicable response specified in subsection (d) as soon as is practicable, but not later than 48 hours after receiving the request.

“(f) DEATH OF VICTIM OF EMERGENCY.—

“(1) FACILITY ASCERTAINING CAUSE OF DEATH.—If a victim described in subsection

(a) dies at or before reaching the medical facility involved, and the medical facility receives a request under subsection (c), the medical facility shall provide a copy of the request to the medical facility ascertaining the cause of death of the victim, if such facility is a different medical facility than the facility that received the original request.

“(2) RESPONSIBILITY OF FACILITY.—Upon the receipt of a copy of a request for purposes of paragraph (1), the duties otherwise established in this part regarding medical facilities shall apply to the medical facility ascertaining the cause of death of the victim in the same manner and to the same extent as such duties apply to the medical facility originally receiving the request.

“(g) ASSISTANCE OF PUBLIC HEALTH OFFICER.—

“(1) EVALUATION OF RESPONSE OF MEDICAL FACILITY REGARDING INSUFFICIENT FACTS.—

“(A) In the case of a request under subsection (c) to which a medical facility has made the response specified in subsection (d)(4)(A) regarding the insufficiency of facts, the public health officer for the community in which the medical facility is located shall evaluate the request and the response, if the designated officer involved submits such documents to the officer with the request that the officer make such an evaluation.

“(B) As soon as is practicable after a public health officer receives a request under paragraph (1), but not later than 48 hours after receipt of the request, the public health officer shall complete the evaluation required in such paragraph and inform the designated officer of the results of the evaluation.

“(2) FINDINGS OF EVALUATION.—

“(A) If an evaluation under paragraph (1)(A) indicates that the facts provided to the medical facility pursuant to subsection (c) were sufficient for purposes of determinations under subsection (d)(1)—

“(i) the public health officer shall, on behalf of the designated officer involved, resubmit the request to the medical facility; and

“(ii) the medical facility shall provide to the designated officer the applicable response specified in subsection (d).

“(B) If an evaluation under paragraph (1)(A) indicates that the facts provided in the request to the medical facility were insufficient for purposes of determinations specified in subsection (c)—

“(i) the public health officer shall provide advice to the designated officer regarding the collection and description of appropriate facts; and

“(ii) if sufficient facts are obtained by the designated officer—

“(I) the public health officer shall, on behalf of the designated officer involved, resubmit the request to the medical facility; and

“(II) the medical facility shall provide to the designated officer the appropriate response under subsection (c).

“SEC. 2698. PROCEDURES FOR NOTIFICATION OF EXPOSURE.

“(a) CONTENTS OF NOTIFICATION TO OFFICER.—In making a notification required under section 2696 or 2697(d)(2), a medical facility shall provide—

“(1) the name of the infectious disease involved; and

“(2) the date on which the victim of the emergency involved was transported by emergency response employees to the medical facility involved.

“(b) MANNER OF NOTIFICATION.—If a notification under section 2696 or 2697(d)(2) is mailed or otherwise indirectly made—

“(1) the medical facility sending the notification shall, upon sending the notification,

inform the designated officer to whom the notification is sent of the fact that the notification has been sent; and

“(2) such designated officer shall, not later than 10 days after being informed by the medical facility that the notification has been sent, inform such medical facility whether the designated officer has received the notification.

“SEC. 2699. NOTIFICATION OF EMPLOYEE.

“(a) IN GENERAL.—After receiving a notification for purposes of section 2696 or 2697(d)(2), a designated officer of emergency response employees shall, to the extent practicable, immediately notify each of such employees who—

“(1) responded to the emergency involved; and

“(2) as indicated by guidelines developed by the Secretary, may have been exposed to an infectious disease.

“(b) CERTAIN CONTENTS OF NOTIFICATION TO EMPLOYEE.—A notification under this subsection to an emergency response employee shall inform the employee of—

“(1) the fact that the employee may have been exposed to an infectious disease and the name of the disease involved;

“(2) any action by the employee that, as indicated by guidelines developed by the Secretary, is medically appropriate; and

“(3) if medically appropriate under such criteria, the date of such emergency.

“(c) RESPONSES OTHER THAN NOTIFICATION OF EXPOSURE.—After receiving a response under paragraph (3) or (4) of subsection (d) of section 2697, or a response under subsection (g)(1) of such section, the designated officer for the employee shall, to the extent practicable, immediately inform the employee of the response.

“SEC. 2699a. SELECTION OF DESIGNATED OFFICERS.

“(a) IN GENERAL.—For the purposes of receiving notifications and responses and making requests under this part on behalf of emergency response employees, the public health officer of each State shall designate 1 official or officer of each employer of emergency response employees in the State.

“(b) PREFERENCE IN MAKING DESIGNATIONS.—In making the designations required in subsection (a), a public health officer shall give preference to individuals who are trained in the provision of health care or in the control of infectious diseases.

“SEC. 2699b. LIMITATIONS WITH RESPECT TO DUTIES OF MEDICAL FACILITIES.

“The duties established in this part for a medical facility—

“(1) shall apply only to medical information possessed by the facility during the period in which the facility is treating the victim for conditions arising from the emergency, or during the 60-day period beginning on the date on which the victim is transported by emergency response employees to the facility, whichever period expires first; and

“(2) shall not apply to any extent after the expiration of the 30-day period beginning on the expiration of the applicable period referred to in paragraph (1), except that such duties shall apply with respect to any request under section 2697(c) received by a medical facility before the expiration of such 30-day period.

“SEC. 2699c. RULES OF CONSTRUCTION.

“(a) LIABILITY OF MEDICAL FACILITIES AND DESIGNATED OFFICERS.—This part may not be construed to authorize any cause of action for damages or any civil penalty against any medical facility, or any designated officer, for failure to comply with the duties established in this part.

“(b) TESTING.—This part may not, with respect to victims of emergencies, be construed to authorize or require a medical facility to test any such victim for any infectious disease.

“(c) CONFIDENTIALITY.—This part may not be construed to authorize or require any medical facility, any designated officer of emergency response employees, or any such employee, to disclose identifying information with respect to a victim of an emergency or with respect to an emergency response employee.

“(d) FAILURE TO PROVIDE EMERGENCY SERVICES.—This part may not be construed to authorize any emergency response employee to fail to respond, or to deny services, to any victim of an emergency.

“SEC. 2699d. INJUNCTIONS REGARDING VIOLATION OF PROHIBITION.

“(a) IN GENERAL.—The Secretary may, in any court of competent jurisdiction, commence a civil action for the purpose of obtaining temporary or permanent injunctive relief with respect to any violation of this part.

“(b) FACILITATION OF INFORMATION ON VIOLATIONS.—The Secretary shall establish an administrative process for encouraging emergency response employees to provide information to the Secretary regarding violations of this part. As appropriate, the Secretary shall investigate alleged such violations and seek appropriate injunctive relief.

“SEC. 2699e. APPLICABILITY OF PART.

“This part shall not apply in a State if the chief executive officer of the State certifies to the Secretary that the law of the State is in substantial compliance with this part.”.

SA 1705. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 245. EXTENSION OF DEADLINE FOR STUDY ON BOOST-PHASE MISSILE DEFENSE.

Section 232(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4392) is amended by striking “October 31, 2010” and inserting “March 1, 2011”.

SA 1706. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. 933. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Transportation shall, after consultation with the Secretary of

Homeland Security, jointly develop a plan for providing access to the national airspace for unmanned aircraft of the Department of Defense.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) A description of how the Department of Defense and the Department of Transportation will communicate and cooperate, at the executive, management, and action levels, to provide access to the national airspace for unmanned aircraft of the Department of Defense.

(2) Specific milestones, aligned to operational and training needs, for providing access to the national airspace for unmanned aircraft and a transition plan for sites programmed to be activated as unmanned aerial system sites during fiscal years 2010 through 2015.

(3) Recommendations for policies with respect to use of the national airspace, flight standards, and operating procedures that should be implemented by the Department of Defense and the Department of Transportation to accommodate unmanned aircraft assigned to any State or territory of the United States.

(4) An identification of resources required by the Department of Defense and the Department of Transportation to execute the plan.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a).

SA 1707. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, after line 23, insert the following:

SEC. 557. REPORT ON YELLOW RIBBON REINTEGRATION PROGRAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the various reintegration programs being administered in support of National Guard and Reserve members and their families.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An evaluation of the initial implementation of the Yellow Ribbon Reintegration Program in fiscal year 2009.

(2) An assessment of the feasibility of incorporating the best practices from the supplementary full deployment services pilot programs of various States into the Yellow Ribbon program.

(3) An assessment of the extent to which Yellow Ribbon funding, although requested in multiple component accounts, supports robust joint programs that provide reintegration and support services to National Guard and Reserve members and their families regardless of military affiliation.

(4) An assessment of the extent to which Yellow Ribbon programs are coordinating closely with the Department of Veterans Affairs and its various veterans' programs.

(5) Plans for further implementation of the Yellow Ribbon Reintegration Program in fiscal year 2010.

SA 1708. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ UNITED STATES COORDINATOR FOR BIOSECURITY.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the President shall appoint, as an officer within the Executive Office of the President, a "Coordinator for Biosecurity" (referred to in this section as the "Coordinator").

(b) **OFFICER.**—

(1) **RESPONSIBILITY.**—The Coordinator shall be responsible on a full-time basis for the responsibilities described in this section.

(2) **LIMITATION.**—No person shall serve as Coordinator while serving in any other position in the Federal Government.

(c) **DUTIES.**—The responsibilities of the Coordinator shall include each of the following:

(1) Serving as the principal advisor to the President on all matters relating to biosecurity, including related public health preparedness.

(2) Developing a comprehensive and well-coordinated, near- and long-term, United States strategy and policies for preventing, preparing for, and responding to biological threats and attacks, including related public health preparedness, which strategies and policies shall include—

(A) strengthening of United States intelligence collection efforts, to identify foreign or domestic plans to develop biological weapons and to interdict any effort to use biological weapons against the United States before such use can take place;

(B) building capacity to mitigate the consequences of biological threats and attacks, including the coordination of global bio-surveillance efforts to provide early warning detection and situational awareness of deliberately caused and natural disease outbreaks and improving the capacity of public health and medical care systems;

(C) accelerating the development, manufacture, and procurement of medical countermeasures, including new and innovative medicines, vaccines, and diagnostics, and strengthening production capabilities;

(D) ensuring that domestic and international biosecurity programs are coordinated and optimized to enable robust research and development efforts while limiting the risk of diversion of pathogens for malevolent purposes;

(E) identifying clear and measurable objectives, milestones, and targets to which departments and agencies can be held accountable;

(F) identification of gaps, duplication, and other inefficiencies in programs, initiatives, and activities and the steps necessary to overcome those obstacles;

(G) developing and carrying out plans to coordinate United States programs, initia-

tives, and other activities relating to the prevention of, preparation for, and response to, biological threats and attacks (including related public health preparedness), including activities of the Department of Health and Human Services, the Department of Defense, the Department of State, the Department of Homeland Security, the Department of Agriculture, the Environmental Protection Agency, the National Science Foundation, and other Federal agencies involved with biosecurity activities; and

(H) coordination of activities with biosecurity stakeholders.

(3) Leading interagency coordination of United States efforts to implement the strategy and policies described in paragraphs (2) and (6).

(4) Conducting oversight and evaluation of the implementation of programs, initiatives, and activities to prevent, prepare for, and respond to biological threats and attacks, including related public health preparedness activities, by relevant government departments and agencies.

(5) Overseeing the development of a comprehensive and coordinated budget for programs, initiatives, and activities to prevent, prepare for, and respond to, biological threats and attacks, including related public health preparedness, by ensuring that such budget adequately reflects the priorities of the challenges and is effectively executed, and carrying out other appropriate budgetary authorities.

(6) Carrying out such additional duties related to biosecurity as the President may determine to be appropriate and consistent with the duties listed in paragraph (2).

(d) **STAFF.**—The Coordinator may, consistent with subsection (a)—

(1) appoint, employ, fix the compensation of, and terminate the employment of such personnel as may be necessary to enable the Coordinator to perform the Coordinator's duties under this section and may fix that compensation without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for a member of the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title;

(2) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency, in order to implement United States policy with regard to biosecurity, including related public health preparedness;

(3) use or enter into an agreement to use, for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies; and

(4) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at daily rates of compensation for individuals not to exceed the daily equivalent of the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) **ANNUAL REPORT ON STRATEGIC PLAN.**—For fiscal year 2011 and each fiscal year thereafter, the Coordinator shall submit to Congress, on the date that the President submits the budget of the United States Government to Congress under section 1105 of title 31, United States Code, a report on the strategy and policies developed pursuant to sub-

section (c)(2), together with any recommendations of the Coordinator for legislative changes that the Coordinator considers appropriate with respect to such strategy and policies and their implementation.

(f) **PARTICIPATION OF COORDINATOR FOR BIOSECURITY IN THE NATIONAL SECURITY COUNCIL AND IN THE HOMELAND SECURITY COUNCIL.**—

(1) **NATIONAL SECURITY COUNCIL.**—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following:

“(m) **PARTICIPATION OF COORDINATOR FOR BIOSECURITY.**—The United States Coordinator for Biosecurity (or, in the Coordinator's absence, the individual designated by the President to serve as the Acting Coordinator for Biosecurity) may, in the performance of the Coordinator's duty as principal advisor to the President on all matters relating to biosecurity, and, subject to the direction of the President, attend and participate in meetings of the National Security Council.”.

(2) **HOMELAND SECURITY COUNCIL.**—Section 903 of the Homeland Security Act of 2002 (6 U.S.C. 493) is amended by adding at the end the following new subsection:

“(c) **ATTENDANCE OF THE COORDINATOR FOR BIOSECURITY.**—The United States Coordinator for Biosecurity (or, in the Coordinator's absence, the individual designated by the President to serve as the Acting Coordinator for Biosecurity) may, in the performance of the Coordinator's duty as principal advisor to the President on all matters relating to biosecurity, and, subject to the direction of the President, attend and participate in meetings of the Council.”.

SA 1709. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between lines 14 and 15, insert the following:

SEC. 1083. AUTHORITY TO USE OH-38 AIRCRAFT FUNDING FOR IMPROVEMENTS AND MODIFICATIONS TO ARMY AND SPECIAL OPERATIONS ROTORCRAFT.

Notwithstanding any other provision of law, amounts authorized to be appropriated by this or any other Act for the purpose of enhancing, improving or modifying OH-58 aircraft may be used for that purpose and for enhancing, improving, or modifying any existing Army or Special Operation Forces rotorcraft for the purpose of providing armed scout helicopter mission capability.

SA 1710. Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 321, in the table of subchapters in the quoted text following line 21, strike the

items relating to subchapters V, VI, and VII, and insert the following:

“V. Classified Information Procedures	949p-1.
“VI. Sentences	949s.
“VII. Post-Trial Procedures and Review of Military Commissions	950a.
“VIII. Punitive Matters	950p.

On page 323, between lines 22 and 23, insert the following:

“(8) NATIONAL SECURITY.—The term “national security” means the national defense and foreign relations of the United States.

Beginning on page 347, strike line 19 and all that follows through page 349, line 10.

On page 354, strike line 13 and all that follows through page 355, line 10.

On page 360, strike line 24 and insert the following:

“SUBCHAPTER V—CLASSIFIED INFORMATION PROCEDURES

“Sec.

“949p-1. Protection of classified information: applicability of subchapter.

“949p-2. Pretrial conference.

“949p-3. Protective orders.

“949p-4. Discovery of, and access to, classified information by the accused.

“949p-5. Notice by accused of intention to disclose classified information.

“949p-6. Procedure for cases involving classified information.

“949p-7. Introduction of classified information into evidence.

“§ 949p-1. Protection of classified information: applicability of subchapter

“(a) PROTECTION OF CLASSIFIED INFORMATION.—Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. Under no circumstances may a military judge order the release of classified information to any person not authorized to receive such information.

“(b) ACCESS TO EVIDENCE.—Any information admitted into evidence pursuant to any rule, procedure, or order by the military judge shall be provided to the accused.

“(c) DECLASSIFICATION.—Trial counsel shall work with the original classification authorities for evidence that may be used at trial to ensure that such evidence is declassified to the maximum extent possible, consistent with the requirements of national security. A decision not to declassify evidence under this section shall not be subject to review by a military commission or upon appeal.

“(d) CONSTRUCTION OF PROVISIONS.—The judicial construction of the Classified Information Procedures Act (18 U.S.C. App.) shall be authoritative in the interpretation of this subchapter, except to the extent that such construction is inconsistent with the specific requirements of this chapter.

“§ 949p-2. Pretrial conference

“(a) MOTION.—At any time after service of charges, any party may move for a pretrial conference to consider matters relating to classified information that may arise in connection with the prosecution.

“(b) CONFERENCE.—Following a motion under subsection (a), or sua sponte, the military judge shall promptly hold a pretrial conference. Upon request by either party, the court shall hold such conference ex parte to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

“(c) MATTERS TO BE ESTABLISHED AT PRETRIAL CONFERENCE.—

“(1) TIMING OF SUBSEQUENT ACTIONS.—At the pretrial conference, the military judge shall establish the timing of—

“(A) requests for discovery;

“(B) the provision of notice required by section 949p-5 of this title; and

“(C) the initiation of the procedure established by section 949p-6 of this title.

“(2) OTHER MATTERS.—At the pretrial conference, the military judge may also consider any matter—

“(A) which relates to classified information; or

“(B) which may promote a fair and expeditious trial.

“(d) EFFECT OF ADMISSIONS BY ACCUSED AT PRETRIAL CONFERENCE.—No admission made by the accused or by any counsel for the accused at a pretrial conference under this section may be used against the accused unless the admission is in writing and is signed by the accused and by the counsel for the accused.

“§ 949p-3. Protective orders

“Upon motion of the trial counsel, the military judge shall issue an order to protect against the disclosure of any classified information that has been disclosed by the United States to any accused in any military commission under this chapter or that has otherwise been provided to, or obtained by, any such accused in any such military commission.

“§ 949p-4. Discovery of, and access to, classified information by the accused

“(a) LIMITATIONS ON DISCOVERY OR ACCESS BY THE ACCUSED.—

“(1) DECLARATIONS BY THE UNITED STATES OF DAMAGE TO NATIONAL SECURITY.—In any case before a military commission in which the United States seeks to delete, withhold, or otherwise obtain other relief with respect to the discovery of or access to any classified information, the trial counsel shall submit a declaration invoking the United States’ classified information privilege and setting forth the damage to the national security that the discovery of or access to such information reasonably could be expected to cause. The declaration shall be signed by a knowledgeable United States official possessing authority to classify information.

“(2) STANDARD FOR AUTHORIZATION OF DISCOVERY OR ACCESS.—Upon the submission of a declaration under paragraph (1), the military judge shall not authorize the discovery of or access to such classified information unless the military judge determines that such classified information would be noncumulative, relevant, and helpful to a legally cognizable defense, rebuttal of the prosecution’s case, or to sentencing, in accordance with standards generally applicable to discovery of or access to classified information in Federal criminal cases. If the discovery of or access to such classified information is authorized, it shall be addressed in accordance with the requirements of subsection (b).

“(b) DISCOVERY OF CLASSIFIED INFORMATION.—

“(1) SUBSTITUTIONS AND OTHER RELIEF.—The military judge, in assessing the accused’s discovery of or access to classified information under this section, may authorize the United States—

“(A) to delete or withhold specified items of classified information;

“(B) to substitute a summary for classified information; or

“(C) to substitute a statement admitting relevant facts that the classified information or material would tend to prove.

“(2) EX PARTE PRESENTATIONS.—The military judge shall permit the trial counsel to make a request for an authorization under paragraph (1) in the form of an ex parte presentation to the extent necessary to protect classified information, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.). If the military judge enters an order granting relief following such an ex parte showing, the entire text of the written submission shall be sealed and preserved in the records of the military commission to be made available to the appellate court in the event of an appeal.

“(3) ACTION BY MILITARY JUDGE.—The military judge shall grant the request of the trial counsel to substitute a summary or to substitute a statement admitting relevant facts, or to provide other relief in accordance with paragraph (1), if the military judge finds that the summary, statement, or other relief would provide the accused with substantially the same ability to make a defense as would discovery of or access to the specific classified information.

“(c) RECONSIDERATION.—An order of a military judge authorizing a request of the trial counsel to substitute, summarize, withhold, or prevent access to classified information under this section is not subject to a motion for reconsideration by the accused, if such order was entered pursuant to an ex parte showing under this section.

“§ 949p-5. Notice by accused of intention to disclose classified information

“(a) NOTICE BY ACCUSED.—

“(1) NOTIFICATION OF TRIAL COUNSEL AND MILITARY JUDGE.—If an accused reasonably expects to disclose, or to cause the disclosure of, classified information in any manner in connection with any trial or pretrial proceeding involving the prosecution of such accused, the accused shall, within the time specified by the military judge or, where no time is specified, within 30 days before trial, notify the trial counsel and the military judge in writing. Such notice shall include a brief description of the classified information. Whenever the accused learns of additional classified information the accused reasonably expects to disclose, or to cause the disclosure of, at any such proceeding, the accused shall notify trial counsel and the military judge in writing as soon as possible thereafter and shall include a brief description of the classified information.

“(2) LIMITATION ON DISCLOSURE BY ACCUSED.—No accused shall disclose, or cause the disclosure of, any information known or believed to be classified in connection with a trial or pretrial proceeding until—

“(A) notice has been given under paragraph (1); and

“(B) the United States has been afforded a reasonable opportunity to seek a determination pursuant to the procedure set forth in section 949p-6 of this title and the time for the United States to appeal such determination under section 950d of this title has expired or any appeal under that section by the United States is decided.

“(b) FAILURE TO COMPLY.—If the accused fails to comply with the requirements of subsection (a), the military judge—

“(1) may preclude disclosure of any classified information not made the subject of notification; and

“(2) may prohibit the examination by the accused of any witness with respect to any such information.

“§ 949p-6. Procedure for cases involving classified information

“(a) MOTION FOR HEARING.—

“(1) REQUEST FOR HEARING.—Within the time specified by the military judge for the filing of a motion under this section, either party may request the military judge to conduct a hearing to make all determinations concerning the use, relevance, or admissibility of classified information that would otherwise be made during the trial or pretrial proceeding.

“(2) CONDUCT OF HEARING.—Upon a request by either party under paragraph (1), the military judge shall conduct such a hearing and shall rule prior to conducting any further proceedings.

“(3) IN CAMERA HEARING UPON DECLARATION TO COURT BY APPROPRIATE OFFICIAL OF RISK OF DISCLOSURE OF CLASSIFIED INFORMATION.—Any hearing held pursuant to this subsection (or any portion of such hearing specified in the request of a knowledgeable United States official) shall be held in camera if a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration that a public proceeding may result in the disclosure of classified information. Classified information is not subject to disclosure under this section unless the information is relevant and necessary to an element of the offense or a legally cognizable defense and is otherwise admissible in evidence.

“(4) MILITARY JUDGE TO MAKE DETERMINATIONS IN WRITING.—As to each item of classified information, the military judge shall set forth in writing the basis for the determination.

“(b) NOTICE AND USE OF CLASSIFIED INFORMATION BY THE GOVERNMENT.—

“(1) NOTICE TO ACCUSED.—Before any hearing is conducted pursuant to a request by the trial counsel under subsection (a), trial counsel shall provide the accused with notice of the classified information that is at issue. Such notice shall identify the specific classified information at issue whenever that information previously has been made available to the accused by the United States. When the United States has not previously made the information available to the accused in connection with the case the information may be described by generic category, in such forms as the military judge may approve, rather than by identification of the specific information of concern to the United States.

“(2) ORDER BY MILITARY JUDGE UPON REQUEST OF ACCUSED.—Whenever the trial counsel requests a hearing under subsection (a), the military judge, upon request of the accused, may order the trial counsel to provide the accused, prior to trial, such details as to the portion of the charge or specification at issue in the hearing as are needed to give the accused fair notice to prepare for the hearing.

“(c) SUBSTITUTIONS.—

“(1) IN CAMERA PRETRIAL HEARING.—Upon request of the trial counsel pursuant to the Military Commission Rules of Evidence, and in accordance with the security procedures established by the military judge, the military judge shall conduct a classified in camera pretrial hearing concerning the admissibility of classified information.

“(2) PROTECTION OF SOURCES, METHODS, AND ACTIVITIES BY WHICH EVIDENCE ACQUIRED.—The military judge shall permit the trial counsel to introduce otherwise admissible evidence, including a substituted evidentiary foundation pursuant to the procedures described in subsection (d), before a military commission while protecting from disclosure the sources, methods, or activities by which the United States acquired the evidence if

the military judge finds that the sources, methods, or activities are classified, the evidence is reliable, and the redaction is consistent with affording the accused a fair trial.

“(d) ALTERNATIVE PROCEDURE FOR DISCLOSURE OF CLASSIFIED INFORMATION.—

“(1) MOTION BY THE UNITED STATES.—Upon any determination by the military judge authorizing the disclosure of specific classified information under the procedures established by this section, the trial counsel may move that, in lieu of the disclosure of such specific classified information, the military judge order—

“(A) the substitution for such classified information of a statement admitting relevant facts that the specific classified information would tend to prove;

“(B) the substitution for such classified information of a summary of the specific classified information; or

“(C) any other procedure or redaction limiting the disclosure of specific classified information.

“(2) ACTION ON MOTION.—The military judge shall grant such a motion of the trial counsel if the military judge finds that the statement, summary, or other procedure or redaction will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

“(3) HEARING ON MOTION.—The military judge shall hold a hearing on any motion under this subsection. Any such hearing shall be held in camera at the request of a knowledgeable United States official possessing authority to classify information.

“(4) SUBMISSION OF STATEMENT OF DAMAGE TO NATIONAL SECURITY IF DISCLOSURE ORDERED.—The trial counsel may, in connection with a motion under paragraph (1), submit to the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information certifying that disclosure of classified information would cause identifiable damage to the national security of the United States and explaining the basis for the classification of such information. If so requested by the trial counsel, the military judge shall examine such declaration during an ex parte presentation.

“(e) SEALING OF RECORDS OF IN CAMERA HEARINGS.—If at the close of an in camera hearing under this section (or any portion of a hearing under this section that is held in camera), the military judge determines that the classified information at issue may not be disclosed or elicited at the trial or pretrial proceeding, the record of such in camera hearing shall be sealed and preserved for use in the event of an appeal. The accused may seek reconsideration of the military judge's determination prior to or during trial.

“(f) PROHIBITION ON DISCLOSURE OF CLASSIFIED INFORMATION BY THE ACCUSED; RELIEF FOR ACCUSED WHEN THE UNITED STATES OPPOSES DISCLOSURE.—

“(1) ORDER TO PREVENT DISCLOSURE BY ACCUSED.—Whenever the military judge denies a motion by the trial counsel that the judge issue an order under subsection (a), (c), or (d) and the trial counsel files with the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information objecting to disclosure of the classified information at issue, the military judge shall order that the accused not disclose or cause the disclosure of such information.

“(2) RESULT OF ORDER UNDER PARAGRAPH (1).—Whenever an accused is prevented by an

order under paragraph (1) from disclosing or causing the disclosure of classified information, the military judge shall dismiss the case; except that, when the military judge determines that the interests of justice would not be served by dismissal of the case, the military judge shall order such other action, in lieu of dismissing the charge or specification, as the military judge determines is appropriate. Such action may include, but need not be limited to, the following:

“(A) Dismissing specified charges or specifications.

“(B) Finding against the United States on any issue as to which the excluded classified information relates.

“(C) Striking or precluding all or part of the testimony of a witness.

“(3) TIME FOR THE UNITED STATES TO SEEK INTERLOCUTORY APPEAL.—An order under paragraph (2) shall not take effect until the military judge has afforded the United States—

“(A) an opportunity to appeal such order under section 950d of this title; and

“(B) an opportunity thereafter to withdraw its objection to the disclosure of the classified information at issue.

“(g) RECIPROCITY.—

“(1) DISCLOSURE OF REBUTTAL INFORMATION.—Whenever the military judge determines that classified information may be disclosed in connection with a trial or pretrial proceeding, the military judge shall, unless the interests of fairness do not so require, order the United States to provide the accused with the information it expects to use to rebut the classified information. The military judge may place the United States under a continuing duty to disclose such rebuttal information.

“(2) SANCTION FOR FAILURE TO COMPLY.—If the United States fails to comply with its obligation under this subsection, the military judge—

“(A) may exclude any evidence not made the subject of a required disclosure; and

“(B) may prohibit the examination by the United States of any witness with respect to such information.

“§ 949p-7. Introduction of classified information into evidence

“(a) PRESERVATION OF CLASSIFICATION STATUS.—Writings, recordings, and photographs containing classified information may be admitted into evidence in proceedings of military commissions under this chapter without change in their classification status.

“(b) PRECAUTIONS BY MILITARY JUDGES.—

“(1) PRECAUTIONS IN ADMITTING CLASSIFIED INFORMATION INTO EVIDENCE.—The military judge in a trial by military commission, in order to prevent unnecessary disclosure of classified information, may order admission into evidence of only part of a writing, recording, or photograph, or may order admission into evidence of the whole writing, recording, or photograph with excision of some or all of the classified information contained therein, unless the whole ought in fairness be considered.

“(2) CLASSIFIED INFORMATION KEPT UNDER SEAL.—The military judge shall allow classified information offered or accepted into evidence to remain under seal during the trial, even if such evidence is disclosed in the military commission, and may, upon motion by the Government, seal exhibits containing classified information for any period after trial as necessary to prevent a disclosure of classified information when a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration setting forth the

damage to the national security that the disclosure of such information reasonably could be expected to cause.

“(c) TAKING OF TESTIMONY.—

“(1) OBJECTION BY TRIAL COUNSEL.—During the examination of a witness, trial counsel may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

“(2) ACTION BY MILITARY JUDGE.—Following an objection under paragraph (1), the military judge shall take such suitable action to determine whether the response is admissible as will safeguard against the compromise of any classified information. Such action may include requiring trial counsel to provide the military judge with a proffer of the witness’ response to the question or line of inquiry and requiring the accused to provide the military judge with a proffer of the nature of the information sought to be elicited by the accused. Upon request, the military judge may accept an ex parte proffer by trial counsel to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

“(d) DISCLOSURE AT TRIAL OF CERTAIN STATEMENTS PREVIOUSLY MADE BY A WITNESS.—

“(1) MOTION FOR PRODUCTION OF STATEMENTS IN POSSESSION OF THE UNITED STATES.—After a witness called by the trial counsel has testified on direct examination, the military judge, on motion of the accused, may order production of statements of the witness in the possession of the United States which relate to the subject matter as to which the witness has testified. This paragraph does not preclude discovery or assertion of a privilege otherwise authorized.

“(2) INVOCATION OF PRIVILEGE BY THE UNITED STATES.—If the United States invokes a privilege, the trial counsel may provide the prior statements of the witness to the military judge during an ex parte presentation to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

“(3) ACTION BY MILITARY JUDGE ON MOTION.—If the military judge finds that disclosure of any portion of the statement identified by the United States as classified would be detrimental to the national security in the degree to warrant classification under the applicable Executive Order, statute, or regulation, that such portion of the statement is consistent with the testimony of the witness, and that the disclosure of such portion is not necessary to afford the accused a fair trial, the military judge shall excise that portion from the statement. If the military judge finds that such portion of the statement is inconsistent with the testimony of the witness or that its disclosure is necessary to afford the accused a fair trial, the military judge, shall, upon the request of the trial counsel, review alternatives to disclosure in accordance with section 949p–6(d) of this title.

“SUBCHAPTER VI—SENTENCES

On page 362, line 9, strike “SUBCHAPTER VI” and insert “SUBCHAPTER VII”.

On page 362, in the table of sections in the quoted text following line 10, strike the item relating to section 950d and insert the following:

“949d. Interlocutory appeals by the United States.

Beginning on page 368, strike line 7 and all that follows through page 369, line 8, and insert the following:

“§950d. Interlocutory appeals by the United States

“(a) INTERLOCUTORY APPEAL.—Except as provided in subsection (b), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the United States Court of Appeals for the Armed Forces under section 950f of this title of any order or ruling of the military judge—

“(1) that terminates proceedings of the military commission with respect to a charge or specification;

“(2) that excludes evidence that is substantial proof of a fact material in the proceeding;

“(3) that relates to a matter under subsection (c) or (d) of section 949d of this title; or

“(4) that, with respect to classified information—

“(A) authorizes the disclosure of such information;

“(B) imposes sanctions for nondisclosure of such information; or

“(C) refuses a protective order sought by the United States to prevent the disclosure of such information.

“(b) LIMITATION.—The United States may not appeal under subsection (a) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

“(c) SCOPE OF APPEAL RIGHT WITH RESPECT TO CLASSIFIED INFORMATION.—The United States has the right to appeal under paragraph (4) of subsection (a) whenever the military judge enters an order or ruling that would require the disclosure of classified information, without regard to whether the order or ruling appealed from was entered under this chapter, another provision of law, a rule, or otherwise. Any such appeal may embrace any preceding order, ruling, or reasoning constituting the basis of the order or ruling that would authorize such disclosure.

“(d) TIMING AND ACTION ON INTERLOCUTORY APPEALS RELATING TO CLASSIFIED INFORMATION.—

“(1) APPEAL TO BE EXPEDITED.—An appeal taken pursuant to paragraph (4) of subsection (a) shall be expedited by the United States Court of Appeals for the Armed Forces.

“(2) APPEALS BEFORE TRIAL.—If such an appeal is taken before trial, the appeal shall be taken within 10 days after the order or ruling appealed from and the trial shall not commence until the appeal is decided.

“(3) APPEALS DURING TRIAL.—If such an appeal is taken during trial, the military judge shall adjourn the trial until the appeal is decided, and the court of appeals—

“(A) shall hear argument on such appeal within 4 days of the adjournment of the trial (excluding weekends and holidays);

“(B) may dispense with written briefs other than the supporting materials previously submitted to the military judge;

“(C) shall render its decision within four days of argument on appeal (excluding weekends and holidays); and

“(D) may dispense with the issuance of a written opinion in rendering its decision.

“(e) NOTICE AND TIMING OF OTHER APPEALS.—The United States shall take an appeal of an order or ruling under subsection (a), other than an appeal under paragraph (4) of that subsection, by filing a notice of appeal with the military judge within 5 days after the date of the order or ruling.

“(f) METHOD OF APPEAL.—An appeal under this section shall be forwarded, by means specified in regulations prescribed by the Secretary of Defense, directly to the United States Court of Appeals for the Armed Forces.

“(g) APPEALS COURT TO ACT ONLY WITH RESPECT TO MATTER OF LAW.—In ruling on an appeal under paragraph (1), (2), or (3) of subsection (a), the appeals court may act only with respect to matters of law.

“(h) SUBSEQUENT APPEAL RIGHTS OF ACCUSED NOT AFFECTED.—An appeal under paragraph (4) of subsection (a), and a decision on such appeal, shall not affect the right of the accused, in a subsequent appeal from a judgment of conviction, to claim as error reversal by the military judge on remand of a ruling appealed from during trial.”

On page 374, line 4, strike “SUBCHAPTER VII” and insert “SUBCHAPTER VIII”.

SA 1711. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. REPORT ON EXPANSION OF AUTHORITY OF A MEMBER OF THE ARMED FORCES TO DESIGNATE PERSONS TO DIRECT DISPOSITION OF THE REMAINS OF THE MEMBER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the potential effects of expanding the list of persons under section 1482(c) of title 10, United States Code, who may be designated by a member of the Armed Forces as the person authorized to direct disposition of the remains of the member if the member is deceased.

SA 1712. Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. KAUFMAN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 483, between lines 8 and 9, insert the following:

Subtitle D—VOICE Act

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the “Victims of Iranian Censorship Act” or the “VOICE Act”.

SEC. 1242. FINDINGS.

Congress makes the following findings:

(1) The Government of Iran is engaged in a range of activities that interfere with, or infringe upon, the right of the Iranian people to—

(A) access accurate, independent news and information; and

(B) exercise freedom of speech, freedom of expression, freedom of assembly, and freedom of the press, in particular through electronic media.

(2) Since the June 12, 2009, presidential election in Iran, the Government of Iran has—

(A) arrested, detained, imprisoned, and assaulted numerous Iranian journalists;

(B) prohibited non-Iranian government news services, including the Associated Press, from distributing reports in Farsi;

(C) interrupted short message service (SMS), preventing text message communications and blocking Internet sites that utilize such services;

(D) partially jammed shortwave and medium wave transmissions of Radio Farda, the Persian language service of Radio Free Europe/Radio Liberty;

(E) intermittently jammed satellite broadcasts by Radio Farda, the Voice of America's Persian News Network (PNN), the British Broadcasting Corporation (BBC), and other non-Iranian government news services; and

(F) blocked Web sites and Web blogs, including social networking and information-sharing sites, such as Facebook, Twitter, and YouTube.

(3) These and other actions undertaken by the Government of Iran are in violation of the International Covenant on Civil and Political Rights, which was entered into force March 23, 1976, ratified by Iran, and states: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

SEC. 1243. SENSE OF CONGRESS.

It is the sense of Congress that the United States—

(1) respects the sovereignty, proud history, and rich culture of the Iranian people;

(2) respects the universal values of freedom of speech and freedom of the press in Iran and throughout the world;

(3) supports the Iranian people as they take steps to peacefully express their voices, opinions, and aspirations;

(4) supports the Iranian people seeking access to news and other forms of information;

(5) condemns the detainment, imprisonment, and intimidation of all journalists, in Iran and elsewhere throughout the world;

(6) supports journalists who take great risk to report on political events in Iran, including those surrounding the presidential election;

(7) supports the efforts the Voice of America's (VOA) 24-hour television station Persian News Network, and Radio Free Europe / Radio Liberty's (RFE/RL) Radio Farda 24-hour radio station; British Broadcasting Corporation (BBC) Farsi language programming; Radio Zamaneh; and other independent news outlets to provide information to Iran;

(8) condemns acts of censorship, intimidation, and other restrictions on freedom of the press, freedom of speech, and freedom of expression in Iran and throughout the world;

(9) commends companies such as Twitter, Facebook, and YouTube, which have facilitated the ability of the Iranian people to access and share information, and exercise freedom of speech, freedom of expression, and freedom of assembly through alternative technologies; and

(10) condemns companies which have knowingly impeded the ability of the Iranian people to access and share information and exercise freedom of speech, freedom of expres-

sion, and freedom of assembly through electronic media, including through the sale of technology that allows for deep packet inspection or provides the capability to monitor or block Internet access, and gather information about individuals.

SEC. 1244. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to support freedom of the press, freedom of speech, freedom of expression, and freedom of assembly in Iran;

(2) to support the Iranian people as they seek, receive, and impart information and promote ideas in writing, in print, or through any media without interference;

(3) to discourage businesses from aiding efforts to interfere with the ability of the people of Iran to freely access or share information or otherwise infringe upon freedom of speech, freedom of expression, freedom of assembly, and freedom of the press through the Internet or other electronic media, including through the sale of deep packet inspection or other technology that provides the capability to monitor or block Internet access, and gather information about individuals; and

(4) to encourage the development of technologies, including Internet Web sites that facilitate the efforts of the Iranian people—

(A) to gain access to and share accurate information and exercise freedom of speech, freedom of expression, freedom of assembly, and freedom of the press, through the Internet or other electronic media; and

(B) engage in Internet-based education programs and other exchanges between United States citizens and Iranians.

SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

(A) INTERNATIONAL BROADCASTING OPERATIONS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' International Broadcasting Operations Fund, there is authorized to be appropriated \$15,000,000 to expand Farsi language programming and to provide for the dissemination of accurate and independent information to the Iranian people through radio, television, Internet, cellular telephone, short message service, and other communications.

(b) BROADCASTING CAPITAL IMPROVEMENTS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' Broadcasting Capital Improvements Fund, there is authorized to be appropriated \$15,000,000 to expand transmissions of Farsi language programs to Iran.

(c) USE OF AMOUNTS.—In pursuit of the objectives described in subsections (a) and (b), amounts in the International Broadcasting Operations Fund and the Capital Improvements Fund may be used to—

(1) develop additional transmission capability for Radio Farda and the Persian News Network to counter ongoing efforts to jam transmissions, including through additional shortwave and medium wave transmissions, satellite, and Internet mechanisms;

(2) develop additional proxy server capability and anti-censorship software to counter efforts to block Radio Farda and Persian News Network Web sites;

(3) develop technologies to counter efforts to block SMS text message exchange over cellular phone networks;

(4) expand program coverage and analysis by Radio Farda and the Persian News Network, including the development of broadcast platforms and programs, on the television, radio and Internet, for enhanced interactivity with and among the people of Iran;

(5) hire, on a permanent or short-term basis, additional staff for Radio Farda and the Persian News Network; and

(6) develop additional Internet-based, Farsi-language television programming, including a Farsi-language, Internet-based news channel.

SEC. 1246. IRANIAN ELECTRONIC EDUCATION, EXCHANGE, AND MEDIA FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Iranian Electronic Education, Exchange, and Media Fund (referred to in this section as the "Fund"), consisting of amounts appropriated to the Fund pursuant to subsection (e).

(b) ADMINISTRATION.—The Fund shall be administered by the Secretary of State.

(c) OBJECTIVE.—The objective of the Fund shall be to support the development of technologies, including Internet Web sites, that will aid the ability of the Iranian people to—

(1) gain access to and share information;

(2) exercise freedom of speech, freedom of expression, and freedom of assembly through the Internet and other electronic media;

(3) engage in Internet-based education programs and other exchanges between Americans and Iranians; and

(4) counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text exchanges.

(d) USE OF AMOUNTS.—In pursuit of the objective described in subsection (c), amounts in the Fund may be used for grants to United States or foreign universities, nonprofit organizations, or companies for targeted projects that advance the purpose of the Fund, including projects that—

(1) develop Farsi-language versions of existing social-networking Web sites;

(2) develop technologies, including Internet-based applications, to counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text message exchanges;

(3) develop Internet-based, distance learning programs for Iranian students at United States universities; and

(4) promote Internet-based, people-to-people educational, professional, religious, or cultural exchanges and dialogues between United States citizens and Iranians.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$20,000,000 to the Fund.

SEC. 1247. BIENNIAL REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit a report to Congress that provides a detailed description of—

(1) United States-funded international broadcasting efforts in Iran;

(2) efforts by the Government of Iran to block broadcasts sponsored by the United States or other non-Iranian entities;

(3) efforts by the Government of Iran to monitor or block Internet access, and gather information about individuals;

(4) plans by the Broadcasting Board of Governors for the use of the amounts appropriated pursuant to section 1245, including—

(A) the identification of specific programs and platforms to be expanded or created; and

(B) satellite, radio, or Internet-based transmission capacity to be expanded or created;

(5) plans for the use of the Iranian Electronic Education, Exchange, and Media Fund;

(6) a detailed breakdown of amounts obligated and disbursed from the Iranian Electronic Media Fund and an assessment of the impact of such amounts;

(7) the percentage of the Iranian population and of Iranian territory reached by shortwave and medium-wave radio broadcasts by Radio Farda and Voice of America;

(8) the Internet traffic from Iran to Radio Farda and Voice of America Web sites; and

(9) the Internet traffic to proxy servers sponsored by the Broadcasting Board of Governors, and the provisioning of surge capacity.

(b) **CLASSIFIED ANNEX.**—The report submitted under subsection (a) may include a classified annex.

SEC. 1248. REPORT ON ACTIONS BY NON-IRANIAN COMPANIES.

(a) **STUDY.**—The President shall direct the appropriate officials to examine claims that non-Iranian companies, including corporations with United States subsidiaries, have provided hardware, software, or other forms of assistance to the Government of Iran that has furthered its efforts to—

(1) filter online political content;

(2) disrupt cell phone and Internet communications; and

(3) monitor the online activities of Iranian citizens.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that contains the results of the study conducted under subsection (a). The report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 1249. ANNUAL DESIGNATION OF INTERNET-RESTRICTING COUNTRIES.

(a) **DESIGNATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall designate countries that meet the criteria set forth in paragraph (2) as Internet-restricting countries.

(2) **CRITERIA.**—A foreign country shall be designated as an Internet-restricting country under this section if the Secretary of State, after consultation with the Secretary of Commerce, determines, based on the review of the evidence and any ongoing multilateral discussions on freedom of speech and the right to privacy, that the government of the country was directly or indirectly responsible for a systematic pattern of substantial restrictions on the unimpeded use of the Internet or other telecommunications technology, such as short message service (SMS), at any time during the preceding 1-year period.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to the appropriate congressional committees that includes—

(A) the name of each foreign country that is designated as an Internet-restricting country under subsection (a);

(B) a detailed description of the nature of the restrictions imposed by each Internet-restricting country, including specific technologies and methods used;

(C) the name of each government agency and quasi-government organization responsible for the substantial restrictions on Internet freedom in each Internet-restricting country;

(D) the name of any United States and foreign companies that have provided tech-

nology, training, or other assistance to the Internet or telecommunications-restricting effort of any Internet-restricting country, and a detailed description of such assistance and its approximate worth;

(E) a description of efforts by the United States to counter the substantial restrictions on Internet freedom referred to in subparagraph (B); and

(F) a description of the evidence used by the Secretary of State to make the determinations under subsection (a)(2), and any ongoing multilateral discussions on freedom of speech and the right to privacy referred to in such subsection.

(2) **CLASSIFIED FORM.**—The information required under paragraph (1)(C) may be provided in a classified form if necessary.

(3) **PUBLIC AVAILABILITY.**—All unclassified portions of the report shall be made publicly available on the Internet Web site of the Department of State.

SEC. 1250. HUMAN RIGHTS DOCUMENTATION.

There are authorized to be appropriated \$5,000,000 to the Secretary of State to document, collect, and disseminate information about human rights in Iran, including abuses of human rights that have taken place since the Iranian presidential election conducted on June 12, 2009.

SA 1713. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 533, between lines 15 and 16, insert the following:

SEC. 707. AUTHORITY TO RELOCATE UNITED STATES MILITARY ACADEMY PREP SCHOOL TO NEW YORK MILITARY ACADEMY, CORNWALL-ON-HUDSON, NEW YORK.

Notwithstanding Recommendation #5 of the 2005 Defense Base Closure and Realignment Commission Report, which recommended the relocation of the United States Military Academy Prep School to West Point, New York, in connection with the closure of Fort Monmouth, New Jersey, the Secretary of Defense may instead relocate the United States Military Academy Prep School to the New York Military Academy, Cornwall-on-Hudson, New York.

SA 1714. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. REPORT AND PLAN ON NEEDS FOR CYBERSECURITY PERSONNEL AND TRAINING.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act,

the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on, and plan to address, the needs of the Department of Defense, over the next five years, for additional personnel with expertise in matters relating to cybersecurity and additional training with respect to such matters.

(b) **ELEMENTS OF REPORT.**—The report required by subsection (a) shall include an assessment of the following:

(1) The availability to the Department of Defense of personnel with expertise in matters relating to cybersecurity from outside of the Department.

(2) Any obstacles to the recruitment by the Department of personnel with expertise in matters relating to cybersecurity, including an insufficient number of individuals with such expertise outside of the Department.

(3) The sufficiency of training and expertise of personnel within the Department on matters relating to cybersecurity.

(4) The career path for personnel with expertise in matters relating to cybersecurity, including the use of specialty codes and the existing training structures within the Department of Defense.

(c) **ELEMENTS OF PLAN.**—The plan required by subsection (a) shall address the following:

(1) The extent to which the Department of Defense will rely on private contractors to meet the needs of the Department with respect to personnel with expertise in matters relating to cybersecurity and the measures that will be employed to ensure effective information-sharing and information security if the Department will use such contractors.

(2) Efforts to establish public-private partnerships to meet the needs of the Department with respect to personnel with expertise in matters relating to cybersecurity and training with respect to such matters.

(3) The role of civilian employees of the Department of Defense with respect to matters relating to cybersecurity and how such employees could be used to meet the needs of the Armed Forces on such matters.

(4) Efforts to coordinate and pool resources with respect to matters relating to cybersecurity with other Federal agencies, particularly the Department of Homeland Security.

(5) Measures to improve training with respect to matters relating to cybersecurity within the Department of Defense, including the development of new specialty codes and career tracks for cybersecurity personnel.

(6) Recommendations for legislative changes necessary to increase the availability of personnel with expertise in matters relating to cybersecurity and interest in programs of the Department of Defense relating to cybersecurity.

SA 1715. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 706. TREATMENT OF AUTISM UNDER THE TRICARE PROGRAM.

(a) **IN GENERAL.**—Section 1079 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(18) In accordance with subsection (r), treatment for autism spectrum disorders shall be made available to dependents who are diagnosed with autism spectrum disorders.”; and

(2) by adding at the end the following new subsection:

“(r)(1) For purposes of subsection (a)(18), treatment for an autism spectrum disorder may include the use of applied behavior analysis or other structured behavior programs, as the Secretary determines appropriate.

“(2) The Secretary may not consider the use of applied behavior analysis or other structured behavior programs under this section to be special education for purposes of subsection (a)(9).

“(3) In carrying out this subsection, the Secretary shall ensure that—

“(A) a person who is authorized to provide applied behavior analysis or other structured behavior programs is licensed or certified by a State, the Behavior Analyst Certification Board, or other accredited national certification board; and

“(B) if applied behavior analysis or other structured behavior program is provided by an employee or contractor of a person authorized to provide such treatment, the employee or contractor shall meet minimum qualifications, training, and supervision requirements consistent with business best practices in the field of behavior analysis and autism services and in accordance with regulations prescribed by the Secretary.

“(4) In this section, the term ‘autism spectrum disorders’ includes autistic disorder, Asperger’s syndrome, and any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.”.

(b) REGULATIONS.—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall prescribe such regulations as may be necessary to carry out subsections (a)(18) and (r) of section 1079 of title 10, United States Code, as added by subsection (a) of this section.

(c) REPORT REQUIRED.—The Secretary of Defense shall provide a report to the Committees on Armed Services of the Senate and the House of Representatives no later than 180 days after implementation of section (a) on the implementation of such section and its effect on access to and quality of ABA services for eligible military families and their autistic dependents.

(d) APPLICABILITY TO OTHER PROVISIONS.—Nothing in this section shall be construed to alter or affect the requirement under section 553 of this Act to develop and implement a policy for the support of military children with autism and their families.

SA 1716. Mr. LEAHY (for himself, Mr. BINGAMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 483, between lines 8 and 9, insert the following:

SEC. 1232. ASSISTANCE TO CIVILIANS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES IN OVERSEAS CONTINGENCY OPERATIONS.

(a) DETERMINATION OF ASSISTANCE.—

(1) IN GENERAL.—To promote and maintain friendly relations through the prompt administration of assistance to civilian casualties, the Secretary concerned, or an officer or employee designated by the Secretary, may appoint, under such regulations as the Secretary may prescribe, local military commanders to provide monetary assistance in an amount appropriate for the loss suffered for—

(A) damage to, or loss of, real property of any inhabitant of a foreign country, including damage or loss incident to use and occupancy;

(B) damage to, or loss of, personal property of any inhabitant of a foreign country; or

(C) personal injury to, or death of, any inhabitant of a foreign country;

if the damage, loss, personal injury, or death occurs outside the United States, or the Commonwealths or possessions, and is caused by, or is otherwise incident to, combat activities in foreign contingency operations of the Armed Forces under the local military commander’s command, or is caused by a member thereof or by a civilian employee of the military department concerned or the Coast Guard, as the case may be. A commander will provide assistance under regulations of the Department of Defense.

(2) CONDITIONS.—Assistance authorized by this section may be allowed only if—

(A) an application therefor is presented within two years after the occurrence of the incident concerned;

(B) the applicant is determined by the local military commander to be friendly to the United States;

(C) the incident results directly or indirectly from an act of the Armed Forces in combat, an act of the Armed Forces indirectly related to combat, or an act of the Armed Forces occurring while preparing for, going to, or returning from a combat mission; and

(D) the incident does not arise directly from action by an enemy, unless the local military commander determines that it in the best military interest to offer assistance in such case.

(b) TYPE OF ASSISTANCE.—Satisfaction under this section shall be made through payment in local currency when possible. However, satisfaction under this section may be made through the provision of services or in-kind compensation if such satisfaction is considered appropriate by the legal advisor and the local military commander concerned and accepted by the applicant.

(c) LEGAL ADVICE REQUIREMENT.—Local military commanders shall receive legal advice before authorizing assistance. The legal advisor, under regulations of the Department of Defense, shall determine whether the applicant for assistance is properly an applicant, whether the facts support the provision of assistance, and what amount is appropriate for the loss suffered. The legal advisor shall then make a recommendation to the local military commander who will determine if assistance is to be provided.

(d) CONSIDERATION OF APPLICATIONS.—Any application appropriately made for assistance resulting from United States military operations will be considered on the merits. If assistance is not offered or provided to an applicant, documentation of the denial shall be maintained by the Department of Defense.

The applicant should be informed of any decision made by a commander in a timely manner.

(e) DESIGNATION OF ASSISTANCE PROVIDERS.—The Secretary of Defense may designate any local military commander appointed under subsection (a) to provide assistance for damage, loss, injury, or death caused by a civilian employee of the Department of Defense other than an employee of a military department.

(f) TREATMENT OF OTHER COMPENSATION RECEIVED.—In the event compensation for damage, loss, injury, or death covered by this section is received through a separate program operated by the United States Government, receipt of compensation in such amount may be considered by the legal advisor or commander determining the appropriate assistance under subsection (a).

(g) REPORTING.—

(1) RECORDS OF APPLICATIONS FOR ASSISTANCE.—A written record of any assistance offered or denied will be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(2) BIENNIAL REPORT.—The Secretary of Defense shall report to Congress on a biennial basis the efficacy of the civilian assistance program, including the number of cases considered, amounts offered, and any necessary adjustments.

SA 1717. Mr. FRANKEN (for himself, Mr. ISAKSON, Ms. LANDRIEU, Mr. GRAHAM, Mr. BROWN, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. PILOT PROGRAM ON USE OF SERVICE DOGS FOR THE TREATMENT OR REHABILITATION OF VETERANS WITH PHYSICAL OR MENTAL INJURIES OR DISABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States owes a profound debt to those who have served the United States honorably in the Armed Forces.

(2) Disabled veterans suffer from a range of physical and mental injuries and disabilities.

(3) In 2008, the Army reported the highest level of suicides among its soldiers since it began tracking the rate 28 years before 2009.

(4) A scientific study documented in the 2008 Rand Report entitled “Invisible Wounds of War” estimated that 300,000 veterans of Operation Enduring Freedom and Operation Iraqi Freedom currently suffer from post-traumatic stress disorder.

(5) Veterans have benefitted in multiple ways from the provision of service dogs.

(6) The Department of Veterans Affairs has been successfully placing guide dogs with the blind since 1961.

(7) Thousands of dogs around the country await adoption.

(b) PROGRAM REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year pilot program to assess the benefits, feasibility, and advisability

of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, including post-traumatic stress disorder.

(c) **PARTNERSHIPS.**—

(1) **IN GENERAL.**—The Secretary shall carry out the pilot program by partnering with nonprofit organizations that—

(A) have experience providing service dogs to individuals with injuries or disabilities;

(B) do not charge fees for the dogs, services, or lodging that they provide; and

(C) are accredited by a generally accepted industry-standard accrediting institution.

(2) **REIMBURSEMENT OF COSTS.**—The Secretary shall reimburse partners for costs relating to the pilot program as follows:

(A) For the first 50 dogs provided under the pilot program, all costs relating to the provision of such dogs.

(B) For dogs provided under the pilot program after the first 50 dogs provided, all costs relating to the provision of every other dog.

(d) **PARTICIPATION.**—

(1) **IN GENERAL.**—As part of the pilot program, the Secretary shall provide a service dog to a number of veterans with physical or mental injuries or disabilities that is greater than or equal to the greater of—

(A) 200; and

(B) the minimum number of such veterans required to produce scientifically valid results with respect to assessing the benefits and costs of the use of such dogs for the treatment or rehabilitation of such veterans.

(2) **COMPOSITION.**—The Secretary shall ensure that—

(A) half of the participants in the pilot program are veterans who suffer primarily from a mental health injury or disability; and

(B) half of the participants in the pilot program are veterans who suffer primarily from a physical injury or disability.

(e) **STUDY.**—In carrying out the pilot program, the Secretary shall conduct a scientifically valid research study of the costs and benefits associated with the use of service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities. The matters studied shall include the following:

(1) The therapeutic benefits to such veterans, including the quality of life benefits reported by the veterans partaking in the pilot program.

(2) The economic benefits of using service dogs for the treatment or rehabilitation of such veterans, including—

(A) savings on health care costs, including savings relating to reductions in hospitalization and reductions in the use of prescription drugs; and

(B) productivity and employment gains for the veterans.

(3) The effectiveness of using service dogs to prevent suicide.

(f) **REPORTS.**—

(1) **ANNUAL REPORT OF THE SECRETARY.**—After each year of the pilot program, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the pilot program.

(2) **FINAL REPORT BY THE NATIONAL ACADEMY OF SCIENCES.**—Not later than 180 days after the date of the completion of the pilot program, the National Academy of Sciences shall submit to Congress a report on the results of the pilot program.

SA 1718. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 475, between lines 2 and 3, insert the following:

SEC. 1211. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) **AUTHORITY.**—The President is authorized to transfer defense articles from the stocks of the Department of Defense, and to provide defense services in connection with the transfer of such defense articles, to—

(1) the military and security forces of Iraq to support the efforts of those forces to restore and maintain peace and security in that country; and

(2) the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(b) **LIMITATIONS.**—

(1) **VALUE.**—The aggregate replacement value of all defense articles transferred and defense services provided under subsection (a) may not exceed \$500,000,000.

(2) **SOURCE OF TRANSFERRED DEFENSE ARTICLES.**—The authority under subsection (a) may only be used for defense articles that—

(A) immediately before the transfer were in use to support operations in Iraq;

(B) were present in Iraq as of the date of enactment of this Act; and

(C) are no longer required by United States forces in Iraq.

(c) **APPLICABLE LAW.**—Any defense articles transferred or defense services provided to Iraq or Afghanistan under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations contained in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) **REPORT.**—

(1) **IN GENERAL.**—The President may not exercise the authority under subsection (a) until 30 days after the Secretary of Defense, with the concurrence of the Secretary of State, provides the appropriate congressional committees a report on the plan for the disposition of equipment and other property of the Department of Defense in Iraq.

(2) **ELEMENTS OF REPORT.**—The report required under paragraph (1) shall include the following elements:

(A) An assessment of—

(i) the types and quantities of defense articles required by the military and security forces of Iraq to support the efforts of those military and security forces to restore and maintain peace and security in Iraq; and

(ii) the types and quantities of defense articles required by the military and security forces of Afghanistan to support the efforts of those military and security forces to restore and maintain peace and security in Afghanistan.

(B) A description of the authorities available for addressing the requirements identified in subparagraph (A).

(C) A description of the process for inventorying equipment and property, including defense articles, in Iraq owned by the Department of Defense, including equipment and property owned by the Department of

Defense and under the control of contractors in Iraq.

(D) A description of the types of defense articles that the Department of Defense intends to transfer to the military and security forces of Iraq and an estimate of the quantity of such defense articles to be transferred.

(E) A description of the process by which potential requirements for defense articles to be transferred under the authority provided in subsection (a), other than the requirements of the security forces of Iraq or Afghanistan, are identified and the mechanism for resolving any potential conflicting requirements for such defense articles.

(F) A description of the plan, if any, for reimbursing military departments from which non-excess defense articles are transferred under the authority provided in subsection (a).

(G) An assessment of the efforts by the Government of Iraq to identify the requirements of the military and security forces of Iraq for defense articles to support the efforts of those forces to restore and maintain peace and security in that country.

(H) An assessment of the ability of the Governments of Iraq and Afghanistan to absorb the costs associated with possessing and using the defense articles to be transferred.

(I) A description of the steps taken by the Government of Iraq to procure or acquire defense articles to meet the requirements of the military and security forces of Iraq, including through military sales from the United States.

(e) **NOTIFICATION.**—

(1) **IN GENERAL.**—The President may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the President has provided notice of the proposed transfer of defense articles or provision of defense services to the appropriate congressional committees.

(2) **CONTENTS.**—Such notification shall include—

(A) a description of the amount and type of each defense article to be transferred or defense services to be provided;

(B) a statement describing the current value of such article and the estimated replacement value of such article;

(C) an identification of the military department from which the defense articles being transferred are drawn;

(D) an identification of the element of the military or security force that is the proposed recipient of each defense article to be transferred or defense service to be provided;

(E) an assessment of the impact of the transfer on the national technology and industrial base and, particularly, the impact on opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are to be transferred; and

(F) a certification by the President that—

(i) the Secretary of Defense has determined that—

(I) the defense articles to be transferred are no longer required by United States forces in Iraq;

(II) the proposed transfer of such defense articles will not adversely impact the military preparedness of the United States;

(III) immediately before the transfer, the defense articles to be transferred were being used to support operations in Iraq;

(IV) the defense articles to be transferred were present in Iraq as of the date of enactment of this Act; and

(V) the defense articles to be transferred are required by the military and security

forces of Iraq or the military and security forces of Afghanistan, as applicable, to build their capacity to restore and maintain peace and security in their country;

(ii) the government of the recipient country has agreed to accept and take possession of the defense articles to be transferred and to receive the defense services in connection with that transfer; and

(iii) the proposed transfer of such defense articles and the provision of defense services in connection with such transfer is in the national interest of the United States.

(f) **QUARTERLY REPORT.**—Not later than 90 days after the date of the report provided under subsection (d), and every 90 days thereafter during fiscal year 2010, the Secretary of Defense shall report to the appropriate congressional committees on the implementation of the authority under subsection (a). The report shall include the replacement value of defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and services provided to Iraq and Afghanistan during the previous 90 days.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) **DEFENSE ARTICLES.**—The term “defense articles” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) **DEFENSE SERVICES.**—The term “defense services” has the meaning given the term in section 644(f) of such Act (22 U.S.C. 2403(f)).

(4) **MILITARY AND SECURITY FORCES.**—The term “military and security forces” means national armies, national air forces, national navies, national guard forces, police forces and border security forces, but does not include non-governmental or irregular forces (such as private militias).

(h) **EXPIRATION.**—The authority provided under subsection (a) may not be exercised after September 30, 2010.

(i) **EXCESS DEFENSE ARTICLES.**—

(1) **ADDITIONAL AUTHORITY.**—The authority provided by subsection (a) is in addition to the authority provided by Section 516 of the Foreign Assistance Act of 1961.

(2) **AGGREGATE VALUE.**—The value of excess defense articles transferred to Iraq during fiscal year 2010 pursuant to Section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such Act.

SA 1719. Mr. PRYOR (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ ENHANCED REPORTING ON THE USE OF TARP FUNDS.

Section 105 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5215(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) a detailed report on the use of capital investments by each financial institution, including—

“(A) a narrative response, in a form and on a date to be established by the Secretary, specifically outlining, with respect to the financial institution—

“(i) the original intended use of the TARP funds;

“(ii) whether the TARP funds are segregated from other institutional funds;

“(iii) the actual use of the TARP funds to date;

“(iv) the amount of TARP funds retained for the purpose of recapitalization; and

“(v) the expected use of the remainder of the TARP funds;

“(B) information compiled by the Secretary under subsection (b); and

“(C) a report, in a form and on a date to be established by the Secretary, on the compliance by the financial institution with the restrictions on dividends, stock repurchases, and executive compensation under the Security Purchase Agreement and executive compensation guidelines of the Department of Treasury.”;

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(3) by inserting after subsection (a) the following:

“(b) **INFORMATION PROVIDED BY FINANCIAL INSTITUTIONS.**—

“(1) **IN GENERAL.**—For purposes of the report of the Secretary required by subsection (a)(4), financial institutions assisted under this title shall provide to the Secretary the information required by paragraph (2), at such times and in such manner as the Secretary shall establish.

“(2) **INFORMATION REQUIRED.**—Information required by this paragraph is—

“(A) for those financial institutions receiving \$1,000,000,000 or more from the Capital Purchase Program established by the Secretary (or any successor thereto), a monthly lending and intermediation snapshot, as of a date to be established by the Secretary, which shall include—

“(i) quantitative information, as well as commentary, to explain changes in lending levels for each category on consumer lending, including first mortgages, home equity lines of credit, open end credit plans (as that term is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602)), and other consumer lending;

“(ii) quantitative information, as well as commentary, to explain changes in lending levels for each category on commercial lending, including commercial and industrial (C&I) lending and real estate;

“(iii) quantitative information, as well as commentary, to explain changes in lending levels for each category on other lending activities, including mortgage-backed securities, asset-backed securities, and other secured lending; and

“(iv) a narrative report of the intermediation activity during the reporting period, including a general commentary on the lending environment, loan demand, any changes

in lending standards and terms, and any other intermediation activity; and

“(B) for those financial institutions receiving less than \$1,000,000,000 from the Capital Purchase Program established by the Secretary (or any successor thereto), a lending and intermediation snapshot, as of a date to be established by the Secretary, but not more frequently than once every 90 days, including the information described in clauses (i) through (iv) of subparagraph (A).

“(3) **CERTIFICATION REQUIRED.**—The information submitted to the Secretary under this subsection shall be signed by a duly authorized senior executive officer of the financial institution, including a statement certifying the accuracy of all statements, representations, and supporting information provided, and such certifications shall be included in the reports submitted by the Secretary under subsection (a)(4).”.

SA 1720. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 226, strike line 17 and all that follows through page 228, line 10, and insert the following:

SEC. 724. INSTITUTE OF MEDICINE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences to conduct a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) **ELEMENTS.**—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on factors contributing to the risk of misadministration of medications, including accidental and intentional overdoses, under- and over- medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that may increase the risks of misadministration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the Armed Forces, other departments and agencies of government, and the private sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risks of misadministration of medications and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) **REPORT.**—Not later than 18 months after entering into the agreement for the study required under subsection (a), the Institute of Medicine shall submit to the Secretary of Defense and Congress a report on

the study, including such findings and determinations as the Institute of Medicine considers appropriate in light of the study.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—The amount authorized to be appropriated by section 1403 for the Defense Health Program is hereby increased by \$1,000,000, with the amount of the increase to be allocated for the study required under subsection (a).

(2) **OFFSET.**—The aggregate amount authorized to be appropriated by this Act, other than the amount authorized to be appropriated by section 1403, is hereby reduced by \$1,000,000, with the amount of such reduction to be allocated on a pro rata basis.

SA 1721. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. ESTABLISHMENT OF REGISTRIES OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES EXPOSED IN LINE OF DUTY TO OCCUPATIONAL AND ENVIRONMENTAL HEALTH CHEMICAL HAZARDS.

(a) **ESTABLISHMENT.**—For each occupational and environmental health chemical hazard of particular concern, the Secretary of Defense shall establish and administer a registry of members and former members of the Armed Forces who were exposed in the line of duty to such hazard on or after September 11, 2001.

(b) **REGISTRATION.**—For every member and former member of the Armed Forces who was exposed in the line of duty to a hazard described in subsection (a), the Secretary shall—

(1) register such member or former member in such registry; and

(2) collect such information about such member or former member as the Secretary considers appropriate for purposes of establishing and administering such registry.

(c) **NOTIFICATION.**—In the case that the Secretary learns that a member or former member of the Armed Forces may have been exposed in the line of duty to a hazard described in subsection (a), the Secretary shall—

(1) notify of such exposure—

(A) such member or former member;

(B) the commanding officer of the unit to which such member or former member belonged at the time of such exposure; and

(C) in the case of a member of the National Guard, the Adjutant General of the State concerned; and

(2) inform such member or former member that such member or former member may be included in the registry required by subsection (a) for such hazard.

(d) **EXAMINATION.**—Not later than 30 days after the date on which the Secretary becomes aware of an exposure of a member or former member of the Armed Forces to a hazard described in subsection (a) and annually thereafter, the Secretary shall provide such member or former member—

(1) a complete physical and medical examination;

(2) consultation and counseling with respect to the results of such physical and examination; and

(3) a copy of the documentation of such exposure in the member's or former member's medical record maintained by the Department of Defense.

(e) **OCCUPATIONAL AND ENVIRONMENTAL HEALTH CHEMICAL HAZARD OF PARTICULAR CONCERN DEFINED.**—In this section, the term "occupational and environmental health chemical hazard of particular concern" means an occupational and environmental health chemical hazard that the Secretary of Defense determines is of particular concern after considering appropriate guidelines and standards for exposure, including the following:

(1) The military exposure guidelines specified in the January 2002 Chemical Exposure Guidelines for Deployed Military Personnel, United States Army Center for Health Promotion and Preventive Medicine Technical Guide 230 (or any successor technical guide that establishes military exposure guidelines for the assessment of the significance of field exposures to occupational and environmental health chemical hazards during deployments).

(2) Occupational and environmental health chemical exposure standards promulgated by the Occupational Safety and Health Administration.

SEC. 1084. SCIENTIFIC REVIEW OF ASSOCIATION OF INCIDENTS OF EXPOSURE TO OCCUPATIONAL AND ENVIRONMENTAL HEALTH CHEMICAL HAZARDS WITH HEALTH CONSEQUENCES.

(a) **AGREEMENT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall seek to enter into an agreement with the Institute of Medicine of the National Academies for the Institute of Medicine to perform the services covered by this section.

(2) **TIMING.**—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than two months after the date of the enactment of this Act.

(b) **REVIEW OF SCIENTIFIC EVIDENCE.**—Under an agreement between the Secretary of Defense and the Institute of Medicine under this section, the Institute of Medicine shall, for each incident of exposure involving one or more members of the Armed Forces reported in a registry established under section 1083(a) to an occupational and environmental health chemical hazard of particular concern, review and summarize the scientific evidence, and assess the strength thereof, concerning the association between the exposure to such hazard and acute and long-term health consequences of such exposure.

(c) **SCIENTIFIC DETERMINATIONS CONCERNING HEALTH CONSEQUENCES.**—

(1) **IN GENERAL.**—For each incident of exposure reviewed under subsection (b), the Institute of Medicine shall determine (to the extent that available scientific data permit meaningful determinations)—

(A) whether a statistical association with the acute and long-term health consequences exists, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association; and

(B) whether there exists a plausible biological mechanism or other evidence of a causal relationship between the occupational and environmental health chemical hazard and the health consequences.

(2) **DISCUSSION AND REASONING.**—The Institute of Medicine shall include in its reports under subsection (f) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(d) **RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.**—

(1) **IN GENERAL.**—The Institute of Medicine shall make any recommendations it has for

additional scientific studies to resolve areas of continuing scientific uncertainty relating to exposure to occupational and environmental health chemical hazards of particular concern.

(2) **CONSIDERATIONS.**—In making recommendations for further study, the Institute of Medicine shall consider the following:

(A) The scientific information that is currently available.

(B) The value and relevance of the information that could result from additional studies.

(e) **SUBSEQUENT REVIEWS.**—The agreement under subsection (a) shall require the Institute of Medicine—

(1) to conduct periodically as comprehensive a review as is practicable of the evidence referred to in subsection (b) that has become available since the last review of such evidence under this section; and

(2) to make its determinations and estimates on the basis of the results of such review and all other reviews conducted for the purposes of this section.

(f) **REPORTS.**—

(1) **REPORTS TO CONGRESS.**—

(A) **IN GENERAL.**—The agreement under subsection (a) shall require the Institute of Medicine to submit, not later than the end of the 18-month period beginning on the date of the enactment of this Act and not less frequently than once every two years thereafter, to the appropriate committees of Congress a report on the activities of the Institute of Medicine under the agreement.

(B) **CONTENTS.**—The report described in subparagraph (A) shall include the following:

(i) The determinations and discussion referred to in subsection (c).

(ii) Any recommendations of the Institute of Medicine under subsection (d).

(2) **REPORTS TO SECRETARY OF DEFENSE.**—The agreement under subsection (a) shall require the Institute of Medicine, in the case that the Institute of Medicine makes any conclusive determination under subsection (c)(1) with respect to any incident of exposure studied under subsection (b), to submit, not later than 30 days after the date of such determination, to the Secretary of Defense a report describing such determination.

(g) **NOTICE TO MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.**—The Secretary of Defense shall notify members and former members of the Armed Forces listed in a registry established under section 1083(a) for exposure to an occupational and environmental health chemical hazard of particular concern of—

(1) any conclusive determinations made with respect to such exposure under subsection (c)(1); and

(2) any other significant developments in research on the health consequences of exposure to such hazard.

(h) **LIMITATION ON AUTHORITY.**—The agreement under this section shall be effective for a fiscal year to the extent that appropriations are available to carry out the agreement.

(i) **SUNSET.**—This section shall cease to be effective 10 years after the last day of the fiscal year in which the Institute of Medicine submits to the Secretary of Defense the first report under subsection (f).

(j) **ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.**—

(1) **IN GENERAL.**—If the Secretary of Defense is unable within the time period prescribed in subsection (a)(2) to enter into an agreement described in subsection (a)(1) with the Institute of Medicine on terms acceptable to the Secretary, the Secretary shall

seek to enter into such an agreement with another appropriate scientific organization that—

(A) is not part of the Government;
(B) operates as a not-for-profit entity; and
(C) has expertise and objectivity comparable to that of the Institute of Medicine.
(2) TREATMENT.—If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this section to the Institute of Medicine shall be treated as a reference to the other organization.

(k) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the House of Representatives.

(2) OCCUPATIONAL AND ENVIRONMENTAL HEALTH CHEMICAL HAZARD OF PARTICULAR CONCERN.—The term “occupational and environmental health chemical hazard of particular concern” means an occupational and environmental health chemical hazard that the Secretary of Defense determines is of particular concern after considering appropriate guidelines and standards for exposure, including the following:

(A) The military exposure guidelines specified in the January 2002 Chemical Exposure Guidelines for Deployed Military Personnel, United States Army Center for Health Promotion and Preventive Medicine Technical Guide 230 (or any successor technical guide that establishes military exposure guidelines for the assessment of the significance of field exposures to occupational and environmental health chemical hazards during deployments).

(B) Occupational and environmental health chemical exposure standards promulgated by the Occupational Safety and Health Administration.

SEC. 1085. OFFSET.

The total amount authorized to be appropriated for the Department of Defense by divisions A and B is hereby decreased by \$6,000,000.

SA 1722. Mr. BAYH (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 731 and insert the following:

SEC. 731. PILOT PROGRAM FOR THE PROVISION OF COGNITIVE REHABILITATIVE THERAPY SERVICES UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the entities and officials referred to in subsection (d), carry out a pilot program under the TRICARE program to determine the feasibility and advisability of expanding the availability of cognitive rehabilitative therapy services for members or former members of the Armed Forces described in subsection (b).

(b) COVERED MEMBERS AND FORMER MEMBERS.—A member or former member of the Armed Forces is described in this subsection if the member or former member—

(1) has been diagnosed with a moderate to severe traumatic brain injury incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom;

(2) is retired or separated from the Armed Forces for disability under chapter 61 of title 10, United States Code; and

(3) is referred by a qualified physician for cognitive rehabilitative therapy.

(c) ELEMENTS OF PILOT PROGRAM.—The Secretary of Defense shall, in consultation with the entities and officials referred to in subsection (d), develop for inclusion in the pilot program the following:

(1) Procedures for access to cognitive rehabilitative therapy services.

(2) Qualifications and supervisory requirements for licensed and certified health care professionals providing such services.

(3) A methodology for reimbursing providers for such services.

(d) ENTITIES AND OFFICIALS TO BE CONSULTED.—The entities and officials referred to in this subsection are the following:

(1) The Secretary of Veterans Affairs.

(2) The Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury.

(3) Relevant national organizations with experience in treating traumatic brain injury.

(e) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

(1) evaluating the effectiveness of the pilot project in providing increased access to safe, effective, and quality cognitive rehabilitative therapy services for members and former members of the Armed Forces described in subsection (b); and

(2) making recommendations with respect to the effectiveness of cognitive rehabilitative therapy services and the appropriateness of including such services as a benefit under the TRICARE program.

(f) TRICARE PROGRAM DEFINED.—The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

“Of the amounts appropriated for the defense health programs in FY 2010, \$5 million shall be available for this pilot”.

SA 1723. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCE, PUEBLO ARMY DEPOT, COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Pueblo Depot Development Authority, all right, title, and interest of the United States to a parcel of real property, including improvements thereon, consisting of approximately 3,000 acres located at the Pueblo Army Depot in Pueblo, Colo-

rado, for the purposes of developing, constructing, and operating a large utility-scale renewable energy generating facility.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Pueblo Depot Development Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Pueblo Depot Development Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Pueblo Depot Development Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 1724. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCE, PUEBLO ARMY DEPOT, COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Pueblo Depot Development Authority, all right, title, and interest of the United States to a parcel of real property, including improvements thereon, consisting of approximately 3,000 acres located at the Pueblo Army Depot in Pueblo, Colorado, for the purposes of developing, constructing, and operating a large

utility-scale renewable energy generating facility.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Pueblo Depot Development Authority shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

(c) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Pueblo Depot Development Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Pueblo Depot Development Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Pueblo Depot Development Authority.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 1725. Mr. SCHUMER (for himself, Mr. JOHANNES, Mr. WHITEHOUSE, Mr. DEMINT, Mr. COBURN, Mr. LUGAR, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, before line 18, insert the following:

Subtitle H—Military Voting

SEC. 581. SHORT TITLE.

This subtitle may be cited as the “Military and Overseas Voter Empowerment Act”.

SEC. 582. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental right.

(2) Due to logistical, geographical, operational and environmental barriers, military and overseas voters are burdened by many obstacles that impact their right to vote and register to vote, the most critical of which include problems transmitting balloting materials and not being given enough time to vote.

(3) States play an essential role in facilitating the ability of military and overseas voters to register to vote and have their ballots cast and counted, especially with respect to timing and improvement of absentee voter registration and absentee ballot procedures.

(4) The Department of Defense educates military and overseas voters of their rights under the Uniformed and Overseas Citizens Absentee Voting Act and plays an indispensable role in facilitating the procedural channels that allow military and overseas voters to have their votes count.

(5) The local, State, and Federal Government entities involved with getting ballots to military and overseas voters must work in conjunction to provide voter registration services and balloting materials in a secure and expeditious manner.

SEC. 583. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES.

A State may delegate its responsibilities in carrying out the requirements under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) imposed as a result of the provisions of and amendments made by this Act to jurisdictions of the State.

SEC. 584. ESTABLISHMENT OF PROCEDURES FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS BY MAIL AND ELECTRONICALLY.

(a) **IN GENERAL.**—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

“(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

“(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

“(C) by which the absent uniformed services voter or overseas voter can designate

whether they prefer for such voter registration application or absentee ballot application to be transmitted by mail or electronically.”; and

(2) by adding at the end the following new subsection:

“(e) **DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.**—

“(1) **IN GENERAL.**—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

“(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

“(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

“(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

“(2) **CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.**—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

“(3) **INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.**—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

“(4) **AVAILABILITY AND MAINTENANCE OF ONLINE REPOSITORY OF STATE CONTACT INFORMATION.**—The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

“(5) **TRANSMISSION IF NO PREFERENCE INDICATED.**—In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(6) **SECURITY AND PRIVACY PROTECTIONS.**—

“(A) **SECURITY PROTECTIONS.**—To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

“(B) **PRIVACY PROTECTIONS.**—To the extent practicable, the procedures established under

subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application."

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 585. ESTABLISHMENT OF PROCEDURES FOR STATES TO TRANSMIT BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.

(a) **IN GENERAL.**—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 584, is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following new paragraph:

"(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f)."; and

(2) by adding at the end the following new subsection:

"(f) **TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.**—

"(1) **IN GENERAL.**—Each State shall establish procedures—

"(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

"(B) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such blank absentee ballot to be transmitted by mail or electronically.

"(2) **TRANSMISSION IF NO PREFERENCE INDICATED.**—In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

"(3) **SECURITY AND PRIVACY PROTECTIONS.**—

"(A) **SECURITY PROTECTIONS.**—To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

"(B) **PRIVACY PROTECTIONS.**—To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission."

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election

for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 586. ENSURING ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS HAVE TIME TO VOTE.

(a) **IN GENERAL.**—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(1)), as amended by section 585, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraph:

"(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

"(A) except as provided in subsection (g), in the case where the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

"(B) in the case where the request is received less than 45 days before an election for Federal office—

"(i) in accordance with State law; and

"(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot."

(2) by adding at the end the following new subsection:

"(g) **HARDSHIP EXEMPTION.**—

"(1) **IN GENERAL.**—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

"(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

"(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

"(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

"(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

"(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

"(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

"(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

"(2) **APPROVAL OF WAIVER REQUEST.**—After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presi-

dential designee determines each of the following requirements are met:

"(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

"(B) One or more of the following issues creates an undue hardship for the State:

"(i) The State's primary election date prohibits the State from complying with subsection (a)(8)(A).

"(ii) The State has suffered a delay in generating ballots due to a legal contest.

"(iii) The State Constitution prohibits the State from complying with such subsection.

"(3) **TIMING OF WAIVER.**—

"(A) **IN GENERAL.**—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

"(B) **EXCEPTION.**—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

"(4) **APPLICATION OF WAIVER.**—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election."

(b) **RUNOFF ELECTIONS.**—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)), as amended by subsection (a), is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following new paragraph:

"(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner that gives them sufficient time to vote in the runoff election."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) **IN GENERAL.**—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

“(a) ESTABLISHMENT OF PROCEDURES.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering such marked absentee ballots to the appropriate election officials.

“(b) DELIVERY TO APPROPRIATE ELECTION OFFICIALS.—

“(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

“(2) COOPERATION AND COORDINATION WITH THE UNITED STATES POSTAL SERVICE.—The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

“(3) DEADLINE DESCRIBED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the seventh day preceding the date of the regularly scheduled general election for Federal office.

“(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to provide timely delivery of the ballot under paragraph (1).

“(4) NO POSTAGE REQUIREMENT.—In accordance with section 3406 of title 39, United States Code, such marked absentee ballots and other balloting materials shall be carried free of postage.

“(5) DATE OF MAILING.—Such marked absentee ballots shall be postmarked with a record of the date on which the ballot is mailed.

“(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots pursuant to this section.

“(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.”.

(b) CONFORMING AMENDMENT.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.”.

(c) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by adding the following new paragraph:

“(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.”.

(d) TRACKING MARKED BALLOTS.—Section 102 of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended by adding at the end the following new subsection:

“(h) TRACKING MARKED BALLOTS.—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.”.

(e) PROTECTING VOTER PRIVACY AND SECRECY OF ABSENTEE BALLOTS.—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by subsection (b), is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) to the greatest extent practicable, take such actions as may be necessary—

“(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

“(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 588. FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) USE IN GENERAL, SPECIAL, PRIMARY, AND RUNOFF ELECTIONS FOR FEDERAL OFFICE.—

(1) IN GENERAL.—Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(A) in subsection (a), by striking “general elections for Federal office” and inserting “general, special, primary, and runoff elections for Federal office”; and

(B) in subsection (e), in the matter preceding paragraph (1), by striking “a general election” and inserting “a general, special,

primary, or runoff election for Federal office”; and

(C) in subsection (f), by striking “the general election” each place it appears and inserting “the general, special, primary, or runoff election for Federal office”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.

(b) PROMOTION AND EXPANSION OF USE.—Section 103(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(1) by striking “GENERAL.—The Presidential” and inserting “GENERAL.—

“(1) FEDERAL WRITE-IN ABSENTEE BALLOT.—The Presidential”; and

(2) by adding at the end the following new paragraph:

“(2) PROMOTION AND EXPANSION OF USE OF FEDERAL WRITE-IN ABSENTEE BALLOTS.—

“(A) IN GENERAL.—Not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

“(B) USE OF TECHNOLOGY.—Under such procedures, the Presidential designee shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may—

“(i) enter the address of the voter or other information relevant in the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

“(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under section 102(b)).

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.”.

SEC. 589. PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS, MARKED ABSENTEE BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 587, is amended by adding at the end the following new subsection:

“(i) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”.

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) **PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS.**—A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 590. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

(a) **FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.**—

(1) **IN GENERAL.**—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended by section 587, is amended by inserting after section 103A the following new section:

“SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

“(a) **DUTIES.**—The Presidential designee shall carry out the following duties:

“(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

“(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

“(b) **CLARIFICATION REGARDING OTHER DUTIES AND OBLIGATIONS.**—Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.”.

(2) **CONFORMING AMENDMENTS.**—Section 101 of such Act (42 U.S.C. 1973ff), as amended by section 587, is amended—

(A) in subparagraph (b)—

(i) by striking “and” at the end of paragraph (8);

(ii) by striking the period at the end of paragraph (9) and inserting “; and”; and

(iii) by adding at the end the following new paragraph:

“(10) carry out section 103B with respect to Federal Voting Assistance Program Improvements.”; and

(B) by adding at the end the following new subsection:

“(d) **AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.**—There are authorized to be appropriated to the Presi-

dential designee such sums as are necessary for purposes of carrying out subsection (b)(10).”.

(b) **VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.**—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 589, is amended by adding at the end the following new subsection:

“(j) **VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.**—

“(1) **DESIGNATING AN OFFICE AS A VOTER REGISTRATION AGENCY ON EACH INSTALLATION OF THE ARMED FORCES.**—Not later than 180 days after the date of enactment of this subsection, each Secretary of a military department shall take appropriate actions to designate an office on each installation of the Armed Forces under the jurisdiction of such Secretary (excluding any installation in a theater of combat), consistent across every installation of the department of the Secretary concerned, to provide each individual described in paragraph (3)—

“(A) written information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101);

“(B) the opportunity to register to vote in an election for Federal office;

“(C) the opportunity to update the individual’s voter registration information, including clear written notice and instructions for the absent uniformed services voter to change their address by submitting the official post card form prescribed under section 101 to the appropriate State election official; and

“(D) the opportunity to request an absentee ballot under this Act.

“(2) **DEVELOPMENT OF PROCEDURES.**—Each Secretary of a military department shall develop, in consultation with each State and the Presidential designee, the procedures necessary to provide the assistance described in paragraph (1).

“(3) **INDIVIDUALS DESCRIBED.**—The following individuals are described in this paragraph:

“(A) An absent uniformed services voter—

“(i) who is undergoing a permanent change of duty station;

“(ii) who is deploying overseas for at least 6 months;

“(iii) who is or returning from an overseas deployment of at least 6 months; or

“(iv) who at any time requests assistance related to voter registration.

“(B) All other absent uniformed services voters (as defined in section 107(1)).

“(4) **TIMING OF PROVISION OF ASSISTANCE.**—The assistance described in paragraph (1) shall be provided to an absent uniformed services voter—

“(A) described in clause (i) of paragraph (3)(A), as part of the administrative in-processing of the member upon arrival at the new duty station of the absent uniformed services voter;

“(B) described in clause (ii) of such paragraph, as part of the administrative in-processing of the member upon deployment from the home duty station of the absent uniformed services voter;

“(C) described in clause (iii) of such paragraph, as part of the administrative in-processing of the member upon return to the home duty station of the absent uniformed services voter;

“(D) described in clause (iv) of such paragraph, at any time the absent uniformed services voter requests such assistance; and

“(E) described in paragraph (3)(B), at any time the absent uniformed services voter requests such assistance.

“(5) **PAY, PERSONNEL, AND IDENTIFICATION OFFICES OF THE DEPARTMENT OF DEFENSE.**—The Secretary of Defense may designate pay, personnel, and identification offices of the Department of Defense for persons to apply to register to vote, update the individual’s voter registration information, and request an absentee ballot under this Act.

“(6) **TREATMENT OF OFFICES DESIGNATED AS VOTER REGISTRATION AGENCIES.**—An office designated under paragraph (1) or (5) shall be considered to be a voter registration agency designated under section 7(a)(2) of the National Voter Registration Act of 1993 for all purposes of such Act.

“(7) **OUTREACH TO ABSENT UNIFORMED SERVICES VOTERS.**—The Secretary of each military department or the Presidential designee shall take appropriate actions to inform absent uniformed services voters of the assistance available under this subsection including—

“(A) the availability of voter registration assistance at offices designated under paragraphs (1) and (5); and

“(B) the time, location, and manner in which an absent uniformed voter may utilize such assistance.

“(8) **DEFINITION OF MILITARY DEPARTMENT AND SECRETARY CONCERNED.**—In this subsection, the terms ‘military department’ and ‘Secretary concerned’ have the meaning given such terms in paragraphs (8) and (9), respectively, of section 101 of title 10, United States Code.

“(9) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this subsection.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 591. DEVELOPMENT OF STANDARDS FOR REPORTING AND STORING CERTAIN DATA.

(a) **IN GENERAL.**—Section 101(b) of such Act (42 U.S.C. 1973ff(b)), as amended by section 590, is amended—

(1) by striking “and” at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards—

“(A) for States to report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate; and

“(B) for the Presidential designee to store the data reported.”.

(b) **CONFORMING AMENDMENT.**—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 587, is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect

to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 592. REPEAL OF PROVISIONS RELATING TO USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

(a) IN GENERAL.—Subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) are repealed.

(b) CONFORMING AMENDMENTS.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended—

(1) in section 101(b)—

(A) in paragraph (2), by striking “, for use by States in accordance with section 104”; and

(B) in paragraph (4), by striking “for use by States in accordance with section 104”; and

(2) in section 104, as amended by subsection (a)—

(A) in the section heading, by striking “USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS” and inserting “PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION”; and

(B) in subsection (e), by striking “(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—”.

SEC. 593. REPORTING REQUIREMENTS.

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 105 the following new section:

“SEC. 105A. REPORTING REQUIREMENTS.

“(a) REPORT ON STATUS OF IMPLEMENTATION AND ASSESSMENT OF PROGRAMS.—Not later than 180 days after the date of the enactment of the Military and Overseas Voter Empowerment Act, the Presidential designee shall submit to the relevant committees of Congress a report containing the following information:

“(1) The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 103A, and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

“(2) An assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, which shall include the following:

“(A) A thorough and complete assessment of whether the Program, as configured and implemented as of such date of enactment, is effectively assisting absent uniformed services voters in exercising their right to vote.

“(B) An inventory and explanation of any areas of voter assistance in which the Program has failed to accomplish its stated objectives and effectively assist absent uniformed services voters in exercising their right to vote.

“(C) As necessary, a detailed plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.

“(3) A detailed description of the specific steps taken towards the implementation of voter registration assistance for absent uniformed services voters under section 102(j), including the designation of offices under paragraphs (1) and (5) of such section.

“(b) ANNUAL REPORT ON EFFECTIVENESS OF ACTIVITIES AND UTILIZATION OF CERTAIN PROCEDURES.—Not later than March 31 of each year, the Presidential designee shall transmit to the President and to the relevant

committees of Congress a report containing the following information:

“(1) An assessment of the effectiveness of activities carried out under section 103B, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed services voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between States and the Federal Government in carrying out such section.

“(2) A description of the utilization of voter registration assistance under section 102(j), which shall include the following:

“(A) A description of the specific programs implemented by each military department of the Armed Forces pursuant to such section.

“(B) The number of absent uniformed services voters who utilized voter registration assistance provided under such section.

“(3) In the case of a report submitted under this subsection in an even-numbered year in which a regularly scheduled general election for Federal office is held, a description of the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A, which shall include the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

“(c) DEFINITIONS.—In this section:

“(1) ABSENT OVERSEAS UNIFORMED SERVICES VOTER.—The term ‘absent overseas uniformed services voter’ has the meaning given such term in section 103A(d).

“(2) PRESIDENTIAL DESIGNEE.—The term ‘Presidential designee’ means the Presidential designee under section 101(a).

“(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—The term ‘relevant committees of Congress’ means—

“(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

“(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.”.

SEC. 594. ANNUAL REPORT ON ENFORCEMENT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f-4) is amended—

(1) by striking “The Attorney” and inserting “(a) IN GENERAL.—The Attorney”; and

(2) by adding at the end the following new subsection:

“(b) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.”.

SEC. 595. REQUIREMENTS PAYMENTS.

(a) USE OF FUNDS.—Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following new paragraph:

“(3) ACTIVITIES UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Vot-

ing Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(b) REQUIREMENTS.—

(1) STATE PLAN.—Section 254(a) of the Help America Vote Act of 2002 (42 U.S.C. 15404(a)) is amended by adding at the end the following new paragraph:

“(14) How the State plan will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(2) CONFORMING AMENDMENTS.—Section 253(b) of the Help America Vote Act of 2002 (42 U.S.C. 15403(b)) is amended—

(A) in paragraph (1)(A), by striking “section 254” and inserting “subsection (a) of section 254 (or, in the case where a State is seeking a requirements payment made using funds appropriated pursuant to the authorization under section 257(4), paragraph (14) of section 254)”; and

(B) in paragraph (2)—

(i) by striking “(2) The State” and inserting “(2)(A) Subject to subparagraph (B), the State”; and

(ii) by inserting after subparagraph (A), as added by clause (i), the following new subparagraph:

“(B) The requirement under subparagraph (A) shall not apply in the case of a requirements payment made using funds appropriated pursuant to the authorization under section 257(4).”.

(c) AUTHORIZATION.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

“(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 251(b)(3).”.

SEC. 596. TECHNOLOGY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—The term “absent uniformed services voter” has the meaning given such term in section 107(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) OVERSEAS VOTER.—The term “overseas voter” has the meaning given such term in section 107(5) of such Act.

(3) PRESIDENTIAL DESIGNEE.—The term “Presidential designee” means the individual designated under section 101(a) of such Act.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) DESIGN AND CONDUCT.—The design and conduct of a pilot program established under this subsection—

(A) shall be at the discretion of the Presidential designee; and

(B) shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal office.

(c) CONSIDERATIONS.—In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

(1) The transmission of electronic voting material across military networks.

(2) Virtual private networks, cryptographic voting systems, centrally controlled voting

stations, and other information security techniques.

(3) The transmission of ballot representations and scanned pictures in a secure manner.

(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) **REPORTS.**—The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

(1) for the conduct of additional pilot programs under this section; and

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 1726. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. PROVISION TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES OF COMPREHENSIVE INFORMATION ON BENEFITS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) **PROVISION OF COMPREHENSIVE INFORMATION REQUIRED.**—The Secretary of the military department concerned shall, at each time specified in subsection (b), provide to each member of the Armed Forces and, when practicable, the family members of such member comprehensive information on the benefits available to such member and family members as described in subsection (c), including the estimated monetary amount of such benefits and of any applicable offsets to such benefits.

(b) **TIMES FOR PROVISION OF INFORMATION.**—Comprehensive information on benefits shall be provided a member of the Armed Forces and family members at each time as follows:

(1) Within 180 days of the enlistment, accession, or commissioning of the member as a member of the Armed Forces.

(2) Within 180 days of a determination that the member—

(A) has incurred a service-connected disability; and

(B) is unfit to perform the duties of the member's office, grade, rank, or rating because of such disability.

(3) Upon the discharge, separation, retirement, or release of the member from the Armed Forces.

(c) **COVERED BENEFITS.**—The benefits on which a member of the Armed Forces and family members shall be provided com-

prehensive information under this section shall be as follows:

(1) At all the times described in subsection (b), the benefits shall include the following:

(A) Financial compensation, including financial counseling.

(B) Health care and life insurance programs for members of the Armed Forces and their families.

(C) Death benefits.

(D) Entitlements and survivor benefits for dependents of the Armed Forces, including offsets in the receipt of such benefits under the Survivor Benefit Plan and in connection with the receipt of dependency and indemnity compensation.

(E) Educational assistance benefits, including limitations on and the transferability of such assistance.

(F) Housing assistance benefits, including counseling.

(G) Relocation planning and preparation.

(H) Such other benefits as the Secretary concerned considers appropriate.

(2) At the time described in paragraph (1) of such subsection, the benefits shall include the following:

(A) Maintaining military records.

(B) Legal assistance.

(C) Quality of life programs.

(D) Family and community programs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(3) At the times described in paragraphs (2) and (3) of such subsection, the benefits shall include the following:

(A) Employment assistance.

(B) Continuing Reserve Component service.

(C) Disability benefits, including offsets in connection with the receipt of such benefits.

(D) Benefits and services provided under laws administered by the Secretary of Veterans Affairs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(d) **ANNUAL NOTICE TO MEMBERS OF THE ARMED FORCES ON THE VALUE OF PAY AND BENEFITS.**—

(1) **ANNUAL NOTICE REQUIRED.**—The Secretary of each military department shall provide to each member of the Armed Forces under the jurisdiction of such Secretary on an annual basis notice on the value of the pay and benefits paid or provided to such member by law during the preceding year. The notice may be provided in writing or electronically, at the election of the Secretary.

(2) **ELEMENTS.**—Each notice provided a member under paragraph (1) shall include the following:

(A) A statement of the estimated value of the military health care, retirement benefits, disability benefits, commissary and exchange privileges, government-provided housing, tax benefits associated with service in the Armed Forces, and special pays paid or provided the member during the preceding 12 months.

(B) A notice regarding the death and survivor benefits, including Servicemembers' Group Life Insurance, to which the family of the member would be entitled in the event of the death of the member, and a description of any offsets that might be applicable to such benefits.

(C) Information on other programs available to members of the Armed Forces generally, such as access to morale, welfare, and recreation (MWR) facilities, child care, and education tuition assistance, and the estimated value, if ascertainable, of the availability of such programs in the area where the member is stationed or resides.

(e) **OTHER OUTREACH.**—

(1) **IN GENERAL.**—The Secretaries of the military departments shall, on a periodic basis, conduct outreach on the pay, benefits, and programs and services available to members of the Armed Forces by reason of service in the Armed Forces. The outreach shall be conducted pursuant to public service announcements, publications, and such other announcements through general media as will serve to disseminate the information broadly among the general public.

(2) **INTERNET OUTREACH WEBSITE.**—

(A) **IN GENERAL.**—The Secretary of Defense shall establish an Internet website for the purpose of providing the comprehensive information about the benefits and offsets described in subsection (c) to members of the Armed Forces and their families.

(B) **CONTACT INFORMATION.**—The Internet website required by subparagraph (A) shall provide contact information, both telephone and e-mail, that a member of the Armed Forces and a family member of the member can use to get personalized information about the benefits and offsets described in subsection (c).

(f) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the requirements of this section by the Department of Defense. Such report shall include a description of the quality and scope of available online resources that provide information about benefits for members of the Armed Forces and their families.

(2) **ANNUAL REPORT.**—Each year after submitting the report required by paragraph (1), the Secretary of Defense shall submit to the congressional defense committees a report that sets forth the number of individuals that received a briefing under this section in the previous year disaggregated by the following:

(A) Whether the individual is a member of the Armed Forces or a family member of a member of the Armed Forces.

(B) The Armed Force of the members.

(C) The State or territory in which the briefing occurred.

(D) The subject of the briefing.

SA 1727. Mr. DEMINT (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 549, strike line 9 and all that follows through "any comments resulting" on line 16 and insert the following: "congressional defense committees and the Committee on Foreign relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations. The report shall address the following:

(1) How the plans would support the security commitments undertaken by the United

States pursuant to any international security treaty, including, the North Atlantic Treaty, The Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

(2) The impact of such plans on the current security environments in the combatant commands, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

(3) Any comments of the Secretary of Defense resulting

SA 1728. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1222. REPORT ON THE RELATIONSHIPS OF THE GOVERNMENTS OF VENEZUELA AND NICARAGUA WITH THE FORMER PRESIDENT OF HONDURAS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional committees specified in subsection (c) a detailed report addressing the following:

(1) Any cooperative agreements or relationships between the Governments of Venezuela and Nicaragua and Honduras established during the tenure of the former President of Honduras, Manuel Zelaya.

(2) Any personal, professional, or diplomatic relationships, including financial transactions, business associations, and illicit activities, between Manuel Zelaya and—

(A) the President of Venezuela, Hugo Chavez;

(B) the President of Nicaragua, Daniel Ortega;

(C) the President of Cuba, Raul Castro; or

(D) the former President of Cuba, Fidel Castro.

(3) Any evidence of—

(A) relationships between Manuel Zelaya, or any member of his family, and drug cartels; or

(B) involvement by Manuel Zelaya or any member of his family in drug trafficking activities.

(4) Any support provided by the Government of Venezuela or the Government of Nicaragua to Manuel Zelaya in his efforts to change the Constitution of Honduras.

(5) Any material or financial support provided by the Government of Venezuela or the Government of Nicaragua to Manuel Zelaya after his removal from office on June 28, 2009, including the use of aircraft to support Manuel Zelaya or funding of organizers supporting Manuel Zelaya or protestors in Honduras.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(c) CONGRESSIONAL COMMITTEES SPECIFIED.—The congressional committees specified in this subsection are the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(3) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1729. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, between lines 14 and 15, insert the following:

SEC. 706. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

“SEC. 1111. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

“(a) IN GENERAL.—The Secretary of Defense shall establish procedures for identifying individuals described in subsection (b). The Secretary of Defense shall immediately notify individuals identified under the preceding sentence that they are no longer eligible for health care benefits under the TRICARE program under chapter 55 of title 10, United States Code, and of any options available for enrollment of the individual under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). Such notification shall include a written form which the individual may sign and return to the Secretary of Health and Human Services. The signed written form of an individual shall be deemed sufficient evidence of the eligibility of the individual for any such options available for such individuals as a result of their being an individual described in subsection (b). The Secretary of Defense shall consult with the Secretary of Health and Human Services to accurately identify and notify individuals described in subsection (b) under this subsection.

“(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code) at the time the individual is entitled to part A of title XVIII of the Social Security Act under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426-1) and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period under part B of such title.”

SA 1730. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 115. COMPETITIVE BIDDING FOR PROCUREMENT OF STEAM TURBINES FOR SHIPS SERVICE TURBINE GENERATORS AND MAIN PROPULSION TURBINES FOR OHIO-CLASS SUBMARINE REPLACEMENT PROGRAM.

The Secretary of the Navy shall solicit competing bids for the procurement of steam turbines for the ships service turbine generators and main propulsion turbines for the Ohio-class submarine replacement program.

SA 1731. Mr. FEINGOLD (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 835, add the following:

(d) PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and beginning 180 days after the date of the enactment of this Act, the Secretary of Defense shall prohibit the disposal of covered waste in an open-air burn pit during a contingency operation—

(A) lasting longer than one year; and

(B) relating to Operation Iraqi Freedom or Operation Enduring Freedom.

(2) EXEMPTION.—The Secretary of Defense may waive the prohibition required by paragraph (1) with respect to a location during a contingency operation described in paragraph (1) if—

(A) the Secretary determines under paragraph (3)(B)(ii) that no alternative method of disposal of covered waste is feasible at such location during such operation;

(B) not later than 15 days after issuing such waiver, the Secretary submits to the congressional defense committees a notification of such waiver, including—

(i) a description of all safety measures that will be carried out at the location during the operation to protect the health of members of the Armed Forces;

(ii) a description of any additional resources the Secretary requires to eliminate the use of open-air burn pits at such location during such operation; and

(iii) a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of waste at such location during such operation; and

(C) such waiver is certified by the Comptroller General of the United States.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the use of open-air burn pits in contingency operations. The report shall include—

(A) a description of each type of waste burned in such open-air burn pits; and

(B) a discussion of the feasibility of alternative methods of disposing of covered waste, including—

(i) a plan to use such alternative methods; or

(ii) if the Secretary determines that no such alternative method is feasible, a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of such waste.

(4) DEFINITIONS.—In this subsection:

(A) CONTINGENCY OPERATION.—The term “contingency operation” has the meaning given that term by section 101(a) of title 10, United States Code.

(B) COVERED WASTE.—The term “covered waste” includes the following:

(i) Hazardous waste, as defined by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5)).

(ii) Medical waste.

(iii) Solid waste containing plastic.

(iv) Automotive and marine batteries.

(v) Pesticides.

(vi) Explosives.

(vii) Automotive oils.

(viii) Fuels and fluids.

(ix) Compressed gas containers.

(x) Materials containing asbestos.

(xi) Electrical equipment.

(xii) Solvents.

(xiii) Paint thinners and strippers.

(xiv) Rubber.

(xv) Preserved (treated) wood.

(xvi) Unexploded ordnance.

(C) MEDICAL WASTE.—The term “medical waste” means any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production of testing of biologicals.

SA 1732. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, insert the following:

SEC. 1059. ADDITIONAL DUTY FOR ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 337) is amended by—

(1) redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) in paragraph (4), by striking “other department” and inserting “other departments”; and

(3) by inserting after paragraph (6) the following new paragraphs:

“(7) assess the adequacy of the process and methodology by which the Department of Defense establishes, maintains, and resources dedicated, special, and general purpose forces for conducting operations described in paragraph (1);

“(8) assess the adequacy of the resources planned and programmed by the Department of Defense to ensure the preparedness and capability of dedicated, special, and general purpose forces for conducting operations described in paragraph (1);”.

SA 1733. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1204 and insert the following:

SEC. 1204. MODIFICATION OF NOTIFICATION AND REPORTING REQUIREMENTS FOR USE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as amended by section 1208(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4626), is further amended—

(1) in subsection (b), by striking “congressional defense committees” and inserting “congressional committees specified in subsection (i)”;

(2) by striking subsection (c) and inserting the following new subsection (c):

“(c) NOTIFICATION.—

“(1) SUPPORT FOR FOREIGN FORCES.—The Secretary of Defense shall notify the congressional committees specified in subsection (i) expeditiously, and in any event not later than 48 hours, after—

“(A) using the authority provided in subsection (a) to make funds available for foreign forces in support of an approved military operation; or

“(B) changing the scope or funding level of any such support.

“(2) SUPPORT FOR IRREGULAR FORCES, GROUPS, OR INDIVIDUALS.—The Secretary of Defense may not exercise the authority provided in subsection (a) to make funds available for irregular forces or a group (other than foreign forces) or individual in support of an approved military operation, or change the scope or funding level of such support, until 72 hours after notifying the congressional committees specified in subsection (i) of the use of such authority with respect to that operation or such change in scope or funding level.

“(3) CONTENT.—Notifications required under this subsection shall include the following information:

“(A) The type of support provided or to be provided to United States special operations forces.

“(B) The type of support provided or to be provided to the recipient of the funds.

“(C) The intended duration of the support.

“(D) The amount obligated under the authority to provide support.”;

(3) by striking subsection (f) and inserting the following new subsection (f):

“(f) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional committees specified in subsection (i) a report on support provided under that subsection during that fiscal year. Each such report shall include the following information:

“(1) A description of supported operations.

“(2) A summary of operations.

“(3) The type of recipients that received support, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

“(4) The total amount obligated in the previous fiscal year, including budget details.

“(5) The total amount obligated in prior fiscal years.

“(6) The intended duration of support.

“(7) A description of support or training provided to the recipients of support.

“(8) A value assessment of the operational support provided.”; and

(4) by adding at the end the following new subsection:

“(i) CONGRESSIONAL COMMITTEES SPECIFIED.—The congressional committees specified in this subsection are the following:

“(1) The congressional defense committees.

“(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(3) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.”.

SA 1734. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. PROTECTION OF CULTURAL PROPERTY.

(a) AMENDMENT TO TITLE 28.—Section 1611 of title 28, United States Code, is amended by inserting at the end the following:

“(d)(1) Notwithstanding any other provision of law, including section 1610 of this title or section 201 of the Terrorism Risk Insurance Act of 2002 (Pub. L. No. 107-297; 116 Stat. 2337), the property of a foreign state or of an agency or instrumentality of a foreign state shall be immune from attachment and from execution if—

“(A) the property is cultural property, as defined in section 302(6) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601(6));

“(B) the property first came into the United States before January 12, 1983 (the date of enactment of the Convention on Cultural Property Implementation Act, Pub. L. No. 97-446); and

“(C) the property is in the possession, custody, or control of any United States organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or of any United States educational institution, as defined in section 101(a) of the Higher Education Act of 1965.

“(2) In any proceeding involving the attachment or execution of property alleged to be property of a foreign state or of any agency or instrumentality of a foreign state, the immunity of the property from attachment or execution may be raised by any party that has or claims ownership, possession, custody, or control over such property, whether or not the foreign state or agency or instrumentality of a foreign state to which the property allegedly belongs appears or asserts a claim of immunity.

“(3) The immunity of property under this subsection from attachment and execution shall be broadly construed.”.

(b) AMENDMENT TO TERRORISM RISK INSURANCE ACT.—Section 201(d)(2)(B) of the Terrorism Risk Insurance Act of 2002 (P.L. 107-297; 28 U.S.C. 1610 note) is amended—

(1) in clause (i), by striking “or” after the semicolon;

(2) in clause (ii), by striking the period and inserting “; or”; and

(3) by inserting at the end the following:

“(iii)(I) is cultural property, as defined in section 302(6) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601(6));

“(II) first came into the United States before January 12, 1983 (the date of enactment

of the Convention on Cultural Property Implementation Act (P. L. 97-446); and

“(III) is in the possession, custody, or control of any United States organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or of any United States educational institution, as defined in section 101(a) of the Higher Education Act of 1965.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to any proceeding pending on or after the date of the enactment of this Act.

SA 1735. Mr. BROWBACK submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between lines 14 and 15, insert the following:

SEC. 1083. SENSE OF CONGRESS ON MANNED AIRBORNE IRREGULAR WARFARE PLATFORMS.

It is the sense of Congress that the Secretary of Defense should, with regard to the development of manned airborne irregular warfare platforms, coordinate requirements for such weapons systems with the military services, including the reserve components.

SA 1736. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON ESTABLISHMENT OF ARCTIC DEEP WATER PORT.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of Defense, in consultation with the Commandant of the Coast Guard, shall conduct a study on the feasibility and potential of establishing a deep water sea port in the Arctic to protect and advance strategic United States interests within the evolving and ever more important Arctic region.

(2) **SCOPE.**—The study required under paragraph (1) shall address the following issues:

(A) The capability that such a port would provide.

(B) Potential and optimum locations for such a port.

(C) Resources needed to establish such a port.

(D) The time frame needed to establish such a port.

(E) The infrastructure required to support such a port.

(F) Any other issues the Secretary determines necessary to complete the study.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on

the findings of the study conducted under subsection (a).

SA 1737. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1222. REPORT ON UNIQUE REQUIREMENTS FOR UNMANNED AIRCRAFT SYSTEMS IN AFGHANISTAN.

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on whether the Unmanned Aircraft Systems currently in use by United States Armed Forces in the Afghanistan theater of operations are fully meeting current operational and tactical requirements.

(b) **CONTENT.**—The report required by subsection (a) shall include the following:

(1) An inventory and explanation of any unique physical and environmental conditions of the Afghanistan theater of operations that may adversely affect Unmanned Aircraft Systems operations in Afghanistan, including terrain and weather.

(2) An assessment of the impact of the conditions referred to in paragraph (1) on the operation of Unmanned Aircraft Systems by United States Armed Forces in Afghanistan.

(3) A summary of the current Unmanned Aircraft Systems requirements for United States Armed Forces in Afghanistan at the tactical and operational level.

(4) An assessment of the ability of current and planned Joint Unmanned Aircraft Systems category Group 1 and Group 2 vehicles to fully meet these requirements, based at least in part on after-action reviews of military operations in Afghanistan in which the Unmanned Aircraft Systems were employed.

(5) A specific determination as to whether those Unmanned Aircraft Systems currently in use are fully meeting the Unmanned Aircraft Systems requirements for company-sized and smaller units operating at locations separate and independent from their headquarters.

(6) An assessment of the ability of the current Group 1 Unmanned Aircraft Systems to perform required missions within the areas of operation described in paragraph (5).

SA 1738. Mr. CASEY (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ANNUAL COUNTERTERRORISM STATUS REPORTS.

(a) **SHORT TITLE.**—This section may be cited as the “Success in Countering Al Qaeda Reporting Requirements Act of 2009”.

(b) **ANNUAL COUNTERTERRORISM STATUS REPORTS.**—

(1) **IN GENERAL.**—Not later than July 31, 2010, and every July 31 thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) a judgment on the adequacy of interagency integration of the counterterrorism programs and activities of the Department of Defense, the United States Special Operations Command, the Central Intelligence Agency, the Department of State, the Department of the Treasury, the Department of Homeland Security, the Department of Justice, and other Federal departments and agencies;

(D) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the National Counterterrorism Center and the goals established in overarching public statements of strategy issued by the executive branch;

(E) a determination of whether the National Counterterrorism Center exercises the authority and has the resources and expertise required to fulfill the interagency strategic and operational planning role described in section 119(j) of the National Security Act of 1947 (50 U.S.C. 404o), as added by section 1012 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458);

(F) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(G) a specific list of United States counterterrorism efforts, and the specific status and achievements of such efforts, through military, financial, political, intelligence, paramilitary, and law enforcement elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(H) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

- (i) strategic communications;
- (ii) public diplomacy;
- (iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(I) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(J) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

- (i) the source of such funds; and
 - (ii) the allocation and use of such funds;
- (K) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(L) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(M) a concise summary of the methods used by National Counterterrorism Center and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) INTERAGENCY COOPERATION.—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence;

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

(J) the United States Agency for International Development; and

(K) any other Federal department that maintains relevant information.

(3) REPORT CLASSIFICATION.—Each report required under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

SA 1739. Mr. HATCH (for himself, Mr. WEBB, Mr. BENNETT, Mr. VOINOVICH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) by striking “(e) The” and inserting “(e)(1) Except as provided in paragraph (2), the”; and

(B) by adding at the end the following:

“(2) The maximum age limit for an original appointment to a position as a firefighter or law enforcement officer (as defined by section 8401(14) or (17), respectively) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of title 5, United States Code), or customs and border protection officer (as defined in section 8401(36) of title 5, United States Code) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end; and

(3) by inserting after paragraph (2) the following:

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 2(e) of the Federal Employee Retirement Treatment Act for Military Retirees Act of 2009; and

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 2(a)(2) of the Federal Employee Retirement Treatment Act for Military Retirees Act of 2009.”.

(c) MANDATORY SEPARATION.—Section 8425 of title 5, United States Code, is amended—

(1) in subsection (b)(1), in the first sentence, by inserting “, except that a law enforcement officer, firefighter, nuclear materials courier, or customs and border protection officer eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that em-

ployee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “total service as” and inserting “civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,”; and

(2) in paragraph (2), by striking “so much of such individual’s total service as exceeds 20 years” and inserting “the remainder of such individual’s total service”.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of the enactment of this Act and shall apply to appointments made on or after that effective date.

SA 1740. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between lines 14 and 15, insert the following:

SEC. 1083. PLAN FOR SUSTAINMENT OF LAND-BASED SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) IN GENERAL.—The Secretary of Defense shall review and establish a plan to sustain the solid rocket motor industrial base, including the ability to maintain and sustain currently deployed strategic and missile defense systems and to maintain an intellectual and engineering capacity to support next generation rocket motors, as needed.

(b) SUBMISSION OF PLAN.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees the plan required under subsection (a), together with an explanation of how fiscal year 2010 funds will be used to sustain and support the plan and a description of the funding in the future years defense program plan to support the plan.

SA 1741. Mr. RISCH (for himself, Mr. CRAPO, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 342. REPORT ON STATUS OF AIR NATIONAL GUARD AND AIR FORCE RESERVE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Air Force, the Chief of the National Guard Bureau, the Director of the Air National Guard, the Chief of the Air Force Reserve, and such other officials as the Secretary of Defense considers appropriate, shall submit to Congress a report on—

(1) the status of the Air National Guard and the Air Force Reserve; and

(2) the plans of the Department of Defense to ensure that the Air National Guard and the Air Force Reserve remain ready to meet the requirements of the Air Force and the combatant commands and for homeland defense.

SA 1742. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end subtitle H of title X, add the following:

SEC. 1083. ADDITIONAL MEMBERS AND DUTIES FOR INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) **ADDITIONAL MEMBERS.**—

(1) **IN GENERAL.**—For purposes of conducting the assessment of the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the “2009 QDR”), the independent panel established under subsection (f) of such section (in this section referred to as the “Panel”) shall include four additional members to be appointed as follows:

(A) One by the chairman of the Committee on Armed Services of the House of Representatives.

(B) One by the chairman of the Committee on Armed Services of the Senate.

(C) One by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) One by the ranking member of the Committee on Armed Services of the Senate.

(2) **PERIOD OF APPOINTMENT; VACANCIES.**—Any vacancy in an appointment to the Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(b) **ADDITIONAL DUTIES OF PANEL FOR 2009 QDR.**—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) conduct an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR; and

(2) made any recommendations it considers appropriate for consideration.

(c) **REPORT OF SECRETARY OF DEFENSE.**—Not later than 30 days after the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code, the Secretary of Defense, after consultation with the Chairman of the Joint

Chiefs of Staff, shall submit to the congressional defense committees any comments of the Secretary on the report of the Panel.

(d) **TERMINATION.**—This provisions of this section shall terminate on the day that is 45 days after the date on which the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code.

SA 1743. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF CONGRESS ON THE NAVAL AFRICA PARTNERSHIP STATION.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States recognized the need for improving maritime safety and security in West and Central Africa and the Gulf of Guinea by implementing the Naval Africa Partnership Station.

(2) According to the International Maritime Bureau, piracy around the world doubled in the first 6 months of 2009 as compared to the first 6 months of 2008, to 114 from 240 incidents.

(3) The rise in attacks is mainly due to piracy off the coast of the Horn of Africa, specifically in the Gulf of Aden, with attacks originating from Somalia doubling since 2007.

(4) With more than 30,000 vessels transiting the Gulf of Aden each year, these attacks are taking place in a vast area of more than 1,000,000 square nautical miles.

(5) Instability and piracy from Somalia affects not only neighboring African countries such as Ethiopia, Djibouti, and Kenya, but also affects the international community due to the increased insecurity of the region and terrorizing ships in the highly transited Gulf of Aden.

(6) African countries have become more vulnerable as Al Qaeda has infiltrated into the Horn of Africa threatening the stability in the region and fueling international terrorist growth and activities. It has been reported that terrorists' networks in Somalia, Eritrea, and the Ogaden region of Ethiopia are working together and increasing their capability.

(7) The Naval Africa Partnership Station is working collaboratively with agencies and organizations from Africa, the United States, and Europe to provide naval security for coastal nations in West and Central Africa and in the Gulf of Guinea.

(8) The Naval Africa Partnership Station launched its first mission in November 2007. Since that time, the Station has trained thousands of military personnel in security operation, search and rescue operations, law enforcement, medical skills, and maritime maintenance.

(9) These programs have proved to be vital resources in aiding developing countries in the professionalization of their militaries, fighting terrorism, and providing resources for emergency situations.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should continue to develop and support the Naval Afri-

ca Partnership Station by ensuring adequate funding and resources to promote national security interests of the United States and maritime safety and security in Africa.

SA 1744. Mr. LIEBERMAN (for himself, Mr. SESSIONS, Mr. INHOFE, Mr. VITTER, Mr. MARTINEZ, Mr. KYL, Mr. BEGICH, Mr. MCCAIN, Mr. NELSON of Nebraska, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 245. SENSE OF SENATE ON AND RESERVATION OF FUNDS FOR DEVELOPMENT AND DEPLOYMENT OF MISSILE DEFENSE SYSTEMS IN EUROPE.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) In the North Atlantic Treaty Organization (NATO) Bucharest Summit Declaration of April 3, 2008, the Heads of State and Government participating in the meeting of the North Atlantic Council declared that “[b]allistic missile proliferation poses an increasing threat to Allies’ forces, territory and populations. Missile defence forms part of a broader response to counter this threat. We therefore recognize the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets”.

(2) The Bucharest Summit Declaration also stated that “[b]earing in mind the principle of the indivisibility of Allied security as well as NATO solidarity, we task the Council in Permanent Session to develop options for a comprehensive missile defence architecture to extend coverage to all Allied territory and populations not otherwise covered by the United States system for review at our 2009 Summit, to inform any future political decision”.

(3) In the Bucharest Summit Declaration, the North Atlantic Council also reaffirmed to Russia that “current, as well as any future, NATO Missile Defence efforts are intended to better address the security challenges we all face, and reiterate that, far from posing a threat to our relationship, they offer opportunities to deepen levels of cooperation and stability”.

(4) In the Strasbourg/Kehl Summit Declaration of April 4, 2009, the heads of state and government participating in the meeting of the North Atlantic Council reaffirmed “the conclusions of the Bucharest Summit about missile defense,” and declared that “we judge that missile threats should be addressed in a prioritized manner that includes consideration of the level of imminence of the threat and the level of acceptable risk”.

(5) Iran is rapidly developing its ballistic missile capabilities, including its inventory of short-range and medium-range ballistic missiles that can strike portions of Eastern and Southern North Atlantic Treaty Organization European territory, as well as the pursuit of long-range ballistic missiles that could reach Europe or the United States.

(6) On July 8, 2008, the Government of the United States and the Government of the

Czech Republic signed an agreement to base a radar facility in the Czech Republic that is part of a proposed missile defense system to protect Europe and the United States against a potential future Iranian long-range ballistic missile threat.

(7) On August 20, 2008, the United States and the Republic of Poland signed an agreement concerning the deployment of ground-based ballistic missile defense interceptors in the territory of the Republic of Poland.

(8) Section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4393; 10 U.S.C. 2431 note) establishes conditions for the availability of funds for procurement, construction, and deployment of the planned missile defense system in Europe, including that the host nations must ratify any missile defense agreements with the United States and that the Secretary of Defense must certify that the system has demonstrated the ability to accomplish the mission.

(9) On April 5, 2009, President Barack Obama, speaking in Prague, Czech Republic, stated, "As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven. If the Iranian threat is eliminated, we will have a stronger basis for security, and the driving force for missile defense construction in Europe will be removed."

(10) On June 16, 2009, Deputy Secretary of Defense William Lynn testified before the Committee on Armed Services of the Senate that the United States Government is reviewing its options for developing and deploying operationally effective, cost-effective missile defense capabilities to Europe against potential future Iranian missile threats, in addition to the proposed deployment of a missile defense system in Poland and the Czech Republic.

(11) On July 9, 2009, General James Cartwright, the Vice Chairman of the Joint Chiefs of Staff, testified before the Committee on Armed Services of the Senate that the Department of Defense was considering some 40 different missile defense architecture options for Europe that could provide a "regional defense capability to protect the nations" of Europe, and a "redundant capability that would assist in protecting the United States," and that the Department was considering "what kind of an architecture best suits the defense of the region, the defense of the homeland, and the regional stability".

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government should continue developing and planning for the proposed deployment of elements of a Ground-based Midcourse Defense (GMD) system, including a midcourse radar in the Czech Republic and Ground-Based Interceptors in Poland, consistent with section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009;

(2) in conjunction with the continued development of the planned Ground-based Midcourse Defense system, the United States should work with its North Atlantic Treaty Organization allies to explore a range of options and architectures to provide missile defenses for Europe and the United States against current and future Iranian ballistic missile capabilities;

(3) any alternative system that the United States Government considers deploying in Europe to provide for the defense of Europe and a redundant defense of the United States against future long-range Iranian missile

threats should be at least as capable and cost-effective as the proposed European deployment of the Ground-based Midcourse Defense system; and

(4) any missile defense capabilities deployed in Europe should, to the extent practical, be interoperable with United States and North Atlantic Treaty Organization missile defense systems.

(c) RESERVATION OF FUNDS FOR MISSILE DEFENSE SYSTEMS.—

(1) IN GENERAL.—Of the funds authorized to be appropriated or otherwise made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, \$353,100,000 shall be available only for the purposes described in paragraph (2).

(2) USE OF FUNDS.—The purposes described in this paragraph are the following:

(A) Research, development, test, and evaluation of—

(i) the proposed midcourse radar element of the Ground-based Midcourse Defense system in the Czech Republic; and

(ii) the proposed long-range missile defense interceptor site element of such defense system in Poland.

(B) Research, development, test, and evaluation, procurement, construction, or deployment of other missile defense systems designed to protect Europe, and the United States in the case of long-range missile threats, from the threats posed by current and future Iranian ballistic missiles of all ranges, if the Secretary of Defense submits to the congressional defense committees a report certifying that such systems are expected to be—

(i) consistent with the direction from the North Atlantic Council to address ballistic missile threats to Europe and the United States in a prioritized manner that includes consideration of the imminence of the threat and the level of acceptable risk;

(ii) operationally effective and cost-effective in providing protection for Europe, and the United States in the case of long-range missile threats, against current and future Iranian ballistic missile threats; and

(iii) interoperable, to the extent practical, with other components of missile defense and complementary to the missile defense strategy of the North Atlantic Treaty Organization.

(d) CONSTRUCTION.—Nothing in this section shall be construed as limiting or preventing the Department of Defense from pursuing the development or deployment of operationally effective and cost-effective ballistic missile defense systems in Europe.

SA 1745. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 904. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 15 the following new chapter:

"CHAPTER 16—CONTROL OF THE ARMED FORCES IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS

"Sec.

"341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

"§341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities

"(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case may be, when such forces are engaged in a domestic operation, including emergency response, within such State or possession.

"(b) DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the governor of a State or possession as described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the Headquarters.

"(c) POSSESSIONS DEFINED.—Notwithstanding any provision of section 101(a) of this title, in this section, the term 'possessions' means the Commonwealth of Puerto Rico, Guam, and the Virgin Islands."

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 15 the following new item:

"16. Control of the Armed Forces in Activities Within the States and Possessions 341".

SA 1746. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 125. AC-130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the United States Special Operations Command, shall submit to the congressional defense committees an assessment of the reduction in the service life of AC-130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC-130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC-130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC-130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) ANALYSIS OF ALTERNATIVES.—The Secretary of the Air Force, in consultation with the United States Special Operations Command, shall conduct an analysis of alternatives for any gunship modernization requirements identified by the 2009 quadrennial defense review under section 118 of title 10, United States Code. The results of the analysis of alternatives shall be provided to the congressional defense committees not later than 18 months after the completion of the 2009 quadrennial defense review.

SA 1747. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 904. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SA 1748. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 904. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

SA 1749. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 904. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) REESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 1011 of title 10, United States Code, is amended—

(A) by redesignating section 10505 as section 10505a; and

(B) by inserting after section 10504 the following new section 10505:

“§ 10505. Vice Chief of the National Guard Bureau

“(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

“(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

“(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

“(C) are in a grade above the grade of colonel.

“(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

“(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

“(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

“(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

“(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

“(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10505 and inserting the following new items:

“10505. Vice Chief of the National Guard Bureau.

“10505a. Director of the Joint Staff of the National Guard Bureau.”

(b) CONFORMING AMENDMENT.—Section 10506(a)(1) of such title is amended by striking “and the Director of the Joint Staff of

the National Guard Bureau" and inserting "the Vice Chief of the National Guard Bureau, and the Director of the Joint Staff of the National Guard Bureau".

SA 1750. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between line 14 and 15, insert the following:

SEC. 1083. SENSE OF THE SENATE RELATING TO PAY FOR EMPLOYEES SERVING AT JOINT BASE MCGUIRE/DIX LAKEHURST.

It is the sense of Senate that for the purposes of determining any pay for an employee serving at Joint Base McGuire/Dix/Lakehurst—

(1) the pay schedules and rates to be used shall be the same as if such employee were serving in the pay locality, wage area, or other area of locality (whichever would apply to determine pay for the employees involved) that includes Ocean County, New Jersey; and

(2) the Office of Personnel Management should develop regulations to ensure pay parity for employees serving at Joint Bases.

SA 1751. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . NATIONAL D-DAY MEMORIAL STUDY.

(a) DEFINITIONS.—In this section:

(1) AREA.—The term "Area" means in the National D-Day Memorial in Bedford, Virginia.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the Area to evaluate the national significance of the Area and suitability and feasibility of designating the Area as a unit of the National Park System.

(2) CRITERIA.—In conducting the study required by paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(3) CONTENTS.—The study required by paragraph (1) shall—

(A) determine the suitability and feasibility of designating the Area as a unit of the National Park System;

(B) include cost estimates for any necessary acquisition, development, operation, and maintenance of the Area; and

(C) identify alternatives for the management, administration, and protection of the Area.

(c) REPORT.—Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) shall apply to the conduct of the study required by this section, except that the study shall be submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 3 years after the date on which funds are first made available for the study.

SA 1752. Mrs. BOXER (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, insert the following:

SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM FOR TRAVEL FOR SPECIALTY HEALTH CARE.

(a) REDUCTION.—Section 1074i(a) of title 10, United States Code, is amended by striking "100 miles" and inserting "50 miles".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to referrals for specialty health care made on or after such effective date.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for Defense-wide activities is hereby decreased by \$14,000,000, with the amount of the decrease to be derived from unobligated balances.

SA 1753. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 557. FULL ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) EXPANDED INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall expand existing Department of Defense initiatives to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The expanded initiatives, which shall build upon and be consistent with ongoing efforts, shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Guidelines for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and at such times as the Secretary deems appropriate thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the accredited network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SA 1754. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 125. C-130 AVIONICS MODERNIZATION PROGRAM.

Of the amounts authorized to be appropriated by section 103 for procurement for the Air Force, \$209,500,000 is authorized to be appropriated for the C-130 Avionics Modernization Program (AMP) for AMP kit procurement and installation.

SA 1755. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. _____. SURVIVOR BENEFIT PLAN ANNUITIES FOR SPECIAL NEEDS TRUSTS ESTABLISHED FOR THE BENEFIT OF DEPENDENT CHILDREN INCAPABLE OF SELF-SUPPORT.

(a) SPECIAL NEEDS TRUST AS ELIGIBLE BENEFICIARY.—

(1) IN GENERAL.—Subsection (a) of section 1450 of title 10, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) SPECIAL NEEDS TRUSTS FOR SOLE BENEFIT OF CERTAIN DEPENDENT CHILDREN.—Notwithstanding subsection (i), a supplemental or special needs trust established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4)) for the sole benefit of a dependent child considered disabled under section 1614(a)(3) of that Act (42 U.S.C. 1382c(a)(3)) who is incapable of self-support because of mental or physical incapacity.”

(2) CONFORMING AMENDMENT.—Subsection (i) of such section is amended by inserting “(a)(4) or” after “subsection”.

(b) REGULATIONS.—Section 1455(d) of such title is amended—

(1) in the subsection caption, by striking “AND FIDUCIARIES” and inserting “, FIDUCIARIES, AND SPECIAL NEEDS TRUSTS”;

(2) in paragraph (1)—
(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(C) a dependent child incapable of self-support because of mental or physical incapacity for whom a supplemental or special needs trust has been established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4)).”

(3) in paragraph (2)—

(A) by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively;

(B) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) In the case of an annuitant referred to in paragraph (1)(C), payment of the annuity to the supplemental or special needs trust established for the annuitant.”

(C) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, by striking “subparagraphs (D) and (E)” and inserting “subparagraphs (E) and (F)”; and

(D) in subparagraph (H), as so redesignated—

(i) by inserting “or (1)(C)” after “paragraph (1)(B)” in the matter preceding clause (i);

(ii) in clause (i), by striking “and” at the end;

(iii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following new clause:

“(iii) procedures for determining when annuity payments to a supplemental or special needs trust shall end based on the death or marriage of the dependent child for which the trust was established.”; and

(4) in paragraph (3), by striking “OR FIDUCIARY” in the paragraph caption and inserting “, FIDUCIARY, OR TRUST”.

SA 1756. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between line 14 and 15, insert the following:

SEC. 1083. PAY PARITY FOR FEDERAL EMPLOYEES SERVING AT JOINT BASE MCGUIRE/DIX/LAKEHURST.

(a) IN GENERAL.—For purposes of any determination of pay for an employee serving at Joint Base McGuire/Dix/Lakehurst, the pay schedules and rates to be used shall be the same as if such employee were serving in the pay locality, wage area, or other area or locality (whichever would apply to determine pay for the employee involved) that includes Ocean County, New Jersey.

(b) DEFINITIONS.—For purposes of this section—

(1) the term “employee” means an employee (as defined by section 2105 of title 5, United States Code)—

(A) whose pay is determined under subchapter III or IV of chapter 53 of such title; or

(B) who is paid from nonappropriated funds of any instrumentality of the United States;

(2) the term “pay locality” refers to a pay locality under section 5302 of such title; and

(3) the term “wage area” refers to a wage area under section 5343 of such title.

(c) REGULATIONS.—The Office of Personnel Management may prescribe any regulations necessary to carry out this section.

(d) EFFECTIVE DATE.—This section shall apply with respect to pay for service performed in any pay period beginning on or after the date of the enactment of this Act or October 1, 2009, whichever is later.

SA 1757. Mr. KERRY (for himself, Mr. LEVIN, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. REVIEW OF CONDUCT OF NORTH KOREA TO DETERMINE WHETHER NORTH KOREA SHOULD BE RE-LISTED AS A STATE SPONSOR OF TERRORISM.

(a) FINDINGS.—The Senate makes the following findings:

(1) On April 5, 2009, the Government of North Korea tested an intermediate range ballistic missile in violation of United Nations Security Council Resolutions 1695 (2006) and 1718 (2006).

(2) On April 5, 2009, President Barack Obama issued a statement on North Korea,

stating that “Preventing the proliferation of weapons of mass destruction and their means of delivery is a high priority for my administration”, and adding, “North Korea has ignored its international obligations, rejected unequivocal calls for restraint, and further isolated itself from the community of nations”.

(3) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from its Yongbyon nuclear facility and ending its participation in the Six Party Talks for the Denuclearization of the Korean Peninsula.

(4) On May 25, 2009, the Government of North Korea conducted a second nuclear test, in disregard of United Nations Security Council Resolution 1718, which was issued in 2006 following the first such test and which demanded that North Korea not conduct any further nuclear tests or launches of a ballistic missile.

(5) The State Department’s 2008 Human Rights Report on North Korea, issued on February 25, 2009, found that human rights conditions inside North Korea remained poor, prison conditions are harsh and life-threatening, and citizens were denied basic freedoms such as freedom of speech, press, assembly, religion, and association.

(6) Pursuant to section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)(E)), President George W. Bush, on February 7, 2007, notified Congress that the United States Government would oppose the extension of any loan or financial or technical assistance to North Korea by any international financial institution and the prohibition on support for the extension of such loans or assistance remains in effect.

(7) On June 12, 2009, the United Nations Security Council passed Resolution 1874, condemning North Korea’s nuclear test, imposing a sweeping embargo on all arms trade with North Korea, and requiring member states not to provide financial support or other financial services that could contribute to North Korea’s nuclear-related or missile-related activities or other activities related to weapons of mass destruction.

(8) On July 15, 2009, the Sanctions Committee of the United Nations Security Council, pursuant to United Nations Security Council Resolution 1874, imposed a travel ban on five North Korean individuals and asset freezes on five more North Korean entities for their involvement in nuclear weapons and ballistic missile development programs, marking the first time the United Nations has imposed a travel ban on North Koreans.

(9) On June 10, 2008, the Government of North Korea issued a statement, subsequently conveyed directly to the United States Government, affirming that North Korea, “will firmly maintain its consistent stand of opposing all forms of terrorism and any support to it and will fulfill its responsibility and duty in the struggle against terrorism.”

(10) The June 10, 2008, statement by the Government of North Korea also pledged that North Korea would take “active part in the international efforts to prevent substance, equipment and technology to be used for the production of nukes and biochemical and radioactive weapons from finding their ways to the terrorists and the organizations that support them”.

(11) On June 26, 2008, President George W. Bush certified that—

(A) the Government of North Korea had not provided any support for international terrorism during the preceding 6-month period; and

(B) the Government of North Korea had provided assurances that it will not support acts of international terrorism in the future.

(12) The President's June 26 certification concluded, based on all available information, that there was "no credible evidence at this time of ongoing support by the DPRK for international terrorism" and that "there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or witting support for Hezbollah, Tamil Tigers, or the Iranian Revolutionary Guard".

(13) The State Department's Country Reports on Terrorism 2008, in a section on North Korea, state, "The Democratic People's Republic of Korea (DPRK) was not known to have sponsored any terrorist acts since the bombing of a Korean Airlines flight in 1987."

(14) The Country Reports on Terrorism 2008 also state, "A state that directs WMD resources to terrorists, or one from which enabling resources are clandestinely diverted, poses a grave WMD terrorism threat. Although terrorist organizations will continue to seek a WMD capability independent of state programs, the sophisticated WMD knowledge and resources of a state could enable a terrorist capability. State sponsors of terrorism and all nations that fail to live up to their international counterterrorism and nonproliferation obligations deserve greater scrutiny as potential facilitators of WMD terrorism."

(15) On October 11, 2008, the Secretary of State, pursuant to the President's certification, removed North Korea from the list of state sponsors of terrorism, on which North Korea had been placed in 1988.

(b) **REPORT ON CONDUCT OF NORTH KOREA.**—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a detailed report examining the conduct of the Government of North Korea since June 26, 2008, based on all available information, to determine whether North Korea meets the statutory criteria for listing as a state sponsor of terrorism. The report shall—

(1) present any credible evidence of support by the Government of North Korea for acts of terrorism, terrorists, or terrorist organizations;

(2) examine what steps the Government of North Korea has taken to fulfill its June 10, 2008, pledge to prevent weapons of mass destruction from falling into the hands of terrorists; and

(3) assess the effectiveness of re-listing North Korea as a state sponsor of terrorism as a tool to accomplish the objectives of the United States with respect to North Korea, including completely eliminating North Korea's nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and encouraging North Korea to abide by international norms with respect to human rights.

(c) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the conduct of North Korea constitutes a threat to the northeast Asian region and to international peace and security;

(2) if the United States determines that the Government of North Korea has provided assistance to terrorists or engaged in state sponsored acts of terrorism, the Secretary of State should immediately list North Korea as a state sponsor of terrorism;

(3) if the United States determines that the Government of North Korea has failed to ful-

fill its June 10, 2008, pledges, the Secretary of State should immediately list North Korea as a state sponsor of terrorism; and

(4) the United States should—

(A) vigorously enforce United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) and other sanctions in place with respect to North Korea under United States law;

(B) urge all member states of the United Nations to fully implement the sanctions imposed by United Nations Security Council Resolutions 1718 and 1874; and

(C) consider the imposition of additional unilateral and multilateral sanctions against North Korea in furtherance of United States national security.

(d) **STATE SPONSOR OF TERRORISM DEFINED.**—For purposes of this section, the term "state sponsor of terrorism" means a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

SA 1758. Mr. REED (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429 between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON ENABLING CAPABILITIES FOR SPECIAL OPERATIONS FORCES.

(a) **REPORT REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command, jointly with the commanders of the combatant commands and the chiefs of the services, shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report on the availability of enabling capabilities to support special operations forces requirements.

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include the following:

(1) An identification of the requirements for enabling capabilities for conventional forces and special operations forces globally, including current and projected needs in Iraq, Afghanistan, and other theaters of operation.

(2) A description of the processes used to prioritize and allocate enabling capabilities to meet the mission requirements of conventional forces and special operations forces.

(3) An identification and description of any shortfalls in enabling capabilities for special operations forces by function, region, and quantity, as determined by the Commander of the United States Special Operations Command and the commanders of the geographic combatant commands.

(4) An assessment of the current inventory of these enabling capabilities within the military departments and components and

the United States Special Operations Command.

(5) An assessment of whether there is a need to create additional enabling capabilities by function and quantity.

(6) An assessment of the merits of creating additional enabling units, by type and quantity—

(A) within the military departments; and

(B) within the United States Special Operations Command.

(7) Recommendations for meeting the current and future enabling force requirements of the United States Special Operations Command, including an assessment of the increases in endstrength, equipment, funding, and military construction that would be required to support these recommendations.

(8) Any other matters the Commander of the United States Special Operations Command, the commanders of the combatant commands, and the chiefs of the services consider useful and relevant.

(c) **REPORT TO CONGRESS.**—Not later than 30 days after receiving the report required under subsection (a), the Secretary of Defense shall forward the report to the congressional defense committees with any additional comments the Secretary considers appropriate.

SA 1759. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 202. ADDITIONAL FUNDING FOR B-52H MIL-STD-1760 DATA BUS INTERNAL WEAPONS BAY.

(a) **ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.**—The amount authorized to be appropriated by section 201(a)(3) for Research, Development, Test, and Evaluation for the Air Force is hereby increased by \$16,800,000, with the amount of the increase to be allocated to amounts available for the B-52H MIL-STD-1760 Data Bus Internal Weapons Bay (PE # 010113F).

(b) **OFFSET.**—The amount authorized to be appropriated by section 201(a)(3) for Research, Development, Test, and Evaluation for the Air Force is hereby decreased by \$16,800,000, with the amount of the decrease to be derived from amounts available for PE # 0101127F.

SA 1760. Mr. KYL (for himself, Mr. McCONNELL, Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Graham, Mr. Vitter, Mr. DeMint, Mr. Risch, Mr. Cornyn, Mr. Barrasso, Mr. Lieberman, Mr. Wicker, and Mr. Bennett) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XII, add the following:
SEC. 1232. LIMITATION ON FUNDS TO IMPLEMENT REDUCTIONS IN THE STRATEGIC NUCLEAR FORCES OF THE UNITED STATES PURSUANT TO ANY TREATY OR OTHER AGREEMENT WITH THE RUSSIAN FEDERATION.

(a) **FINDINGS.**—Congress makes the following findings:

(1) In the Joint Statement by President Dmitriy Medvedev of the Russian Federation and President Barack Obama of the United States of America after their meeting in London, England on April 1, 2009, the two Presidents agreed “to pursue new and verifiable reductions in our strategic offensive arsenals in a step-by-step process, beginning by replacing the Strategic Arms Reduction Treaty with a new, legally-binding treaty”.

(2) At that meeting, the two Presidents instructed their negotiators to reach an agreement that “will mutually enhance the security of the Parties and predictability and stability in strategic offensive forces, and will include effective verification measures drawn from the experience of the Parties in implementing the START Treaty”.

(3) Subsequently, on April 5, 2009, in a speech in Prague, the Czech Republic, President Obama proclaimed, “Iran’s nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran’s neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven.”

(4) President Obama also said, “As long as these [nuclear] weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies, including the Czech Republic. But we will begin the work of reducing our arsenal.”

(b) **LIMITATION.**—Funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2010 may not be obligated or expended to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement entered into between the United States and the Russian Federation on strategic nuclear forces after the date of enactment of this Act unless the President certifies to Congress that—

(1) the treaty or other agreement provides for sufficient mechanisms to verify compliance with the treaty or agreement;

(2) the treaty or other agreement does not place limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons of the United States; and

(3) the fiscal year 2011 budget request for programs of the Department of Energy’s National Nuclear Security Administration will be sufficiently funded—

(A) to maintain the reliability, safety, and security of the remaining strategic nuclear forces of the United States; and

(B) to modernize and refurbish the nuclear weapons complex.

(c) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the stockpiles of strategic and nonstrategic weapons of the United States and the Russian Federation.

(d) **DEFINITIONS.**—In this section:

(1) **ADVANCED CONVENTIONAL WEAPONS.**—The term “advanced conventional weapons”

means any advanced weapons system that has been specifically designed not to carry a nuclear payload.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following committees:

(A) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(B) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SA 1761. Mr. KERRY (for himself, Mr. LUGAR, Mr. LEVIN, and Mr. WEBB) proposed an amendment to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF THE SENATE ON ENFORCEMENT AND IMPOSITION OF SANCTIONS WITH RESPECT TO NORTH KOREA; REVIEW TO DETERMINE WHETHER NORTH KOREA SHOULD BE RE-LISTED AS A STATE SPONSOR OF TERRORISM.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) On April 5, 2009, the Government of North Korea tested an intermediate range ballistic missile in violation of United Nations Security Council Resolutions 1695 (2006) and 1718 (2006).

(2) On April 5, 2009, President Barack Obama issued a statement on North Korea, stating that “Preventing the proliferation of weapons of mass destruction and their means of delivery is a high priority for my administration”, and adding, “North Korea has ignored its international obligations, rejected unequivocal calls for restraint, and further isolated itself from the community of nations”.

(3) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from its Yongbyon nuclear facility and ending its participation in the Six Party Talks for the Denuclearization of the Korean Peninsula.

(4) On May 25, 2009, the Government of North Korea conducted a second nuclear test, in disregard of United Nations Security Council Resolution 1718, which was issued in 2006 following the first such test and which demanded that North Korea not conduct any further nuclear tests or launches of a ballistic missile.

(5) The State Department’s 2008 Human Rights Report on North Korea, issued on February 25, 2009, found that human rights conditions inside North Korea remained poor, prison conditions are harsh and life-threatening, and citizens were denied basic freedoms such as freedom of speech, press, assembly, religion, and association.

(6) Pursuant to section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799a-1(b)(2)(E)), President George W. Bush, on February 7, 2007, notified Congress that the United States Government would oppose the extension of any loan or financial or technical assistance to North Korea by any international financial institution and the prohibition on support for the extension of such loans or assistance remains in effect.

(7) On June 12, 2009, the United Nations Security Council passed Resolution 1874, condemning North Korea’s nuclear test, imposing a sweeping embargo on all arms trade with North Korea, and requiring member states not to provide financial support or other financial services that could contribute to North Korea’s nuclear-related or missile-related activities or other activities related to weapons of mass destruction.

(8) On July 15, 2009, the Sanctions Committee of the United Nations Security Council, pursuant to United Nations Security Council Resolution 1874, imposed a travel ban on five North Korean individuals and asset freezes on five more North Korean entities for their involvement in nuclear weapons and ballistic missile development programs, marking the first time the United Nations has imposed a travel ban on North Koreans.

(9) On June 10, 2008, the Government of North Korea issued a statement, subsequently conveyed directly to the United States Government, affirming that North Korea, “will firmly maintain its consistent stand of opposing all forms of terrorism and any support to it and will fulfill its responsibility and duty in the struggle against terrorism.”.

(10) The June 10, 2008, statement by the Government of North Korea also pledged that North Korea would take “active part in the international efforts to prevent substance, equipment and technology to be used for the production of nukes and biochemical and radioactive weapons from finding their ways to the terrorists and the organizations that support them”.

(11) On June 26, 2008, President George W. Bush certified that—

(A) the Government of North Korea had not provided any support for international terrorism during the preceding 6-month period; and

(B) the Government of North Korea had provided assurances that it will not support acts of international terrorism in the future.

(12) The President’s June 26 certification concluded, based on all available information, that there was “no credible evidence at this time of ongoing support by the DPRK for international terrorism” and that “there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or witting support for Hezbollah, Tamil Tigers, or the Iranian Revolutionary Guard”.

(13) The State Department’s Country Reports on Terrorism 2008, in a section on North Korea, state, “The Democratic People’s Republic of Korea (DPRK) was not known to have sponsored any terrorist acts since the bombing of a Korean Airlines flight in 1987.”.

(14) The Country Reports on Terrorism 2008 also state, “A state that directs WMD resources to terrorists, or one from which enabling resources are clandestinely diverted, poses a grave WMD terrorism threat. Although terrorist organizations will continue to seek a WMD capability independent of state programs, the sophisticated WMD knowledge and resources of a state could enable a terrorist capability. State sponsors of terrorism and all nations that fail to live up to their international counterterrorism and nonproliferation obligations deserve greater scrutiny as potential facilitators of WMD terrorism.”.

(15) On October 11, 2008, the Secretary of State, pursuant to the President’s certification, removed North Korea from its list of

state sponsors of terrorism, on which North Korea had been placed in 1988.

(b) **REPORT ON CONDUCT OF NORTH KOREA.**—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a detailed report examining the conduct of the Government of North Korea since June 26, 2008, based on all available information, to determine whether North Korea meets the statutory criteria for listing as a state sponsor of terrorism. The report shall—

(1) present any credible evidence of support by the Government of North Korea for acts of terrorism, terrorists, or terrorist organizations;

(2) examine what steps the Government of North Korea has taken to fulfill its June 10, 2008, pledge to prevent weapons of mass destruction from falling into the hands of terrorists; and

(3) assess the effectiveness of re-listing North Korea as a state sponsor of terrorism as a tool to accomplish the objectives of the United States with respect to North Korea, including completely eliminating North Korea's nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and encouraging North Korea to abide by international norms with respect to human rights.

(c) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the United States should—

(A) vigorously enforce United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) and other sanctions in place with respect to North Korea under United States law;

(B) urge all member states of the United Nations to fully implement the sanctions imposed by United Nations Security Council Resolutions 1718 and 1874; and

(C) explore the imposition of additional unilateral and multilateral sanctions against North Korea in furtherance of United States national security;

(2) the conduct of North Korea constitutes a threat to the northeast Asian region and to international peace and security;

(3) if the United States determines that the Government of North Korea has provided assistance to terrorists or engaged in state sponsored acts of terrorism, the Secretary of State should immediately list North Korea as a state sponsor of terrorism; and

(4) if the United States determines that the Government of North Korea has failed to fulfill its June 10, 2008, pledges, the Secretary of State should immediately list North Korea as a state sponsor of terrorism.

(d) **STATE SPONSOR OF TERRORISM DEFINED.**—For purposes of this section, the term “state sponsor of terrorism” means a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);)

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

SA 1762. Mrs. MCCASKILL (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. CONTRACTING PROGRAMS.

(a) 8(a) PROGRAM.—Section 602(a) of the Business Opportunity Development Reform Act of 1988 (15 U.S.C. 637 note) is amended—

(1) by striking “Section 8(a)(1)(D)” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), section 8(a)(1)(D)”;

and

(2) by adding at the end the following:

“(2) DEPARTMENT OF DEFENSE CONTRACTS.—A contract opportunity for award by or on behalf of the Department of Defense under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) shall be awarded on the basis of competition restricted to eligible Program Participants that are owned and controlled by economically disadvantaged Indian tribes, as defined pursuant to paragraphs (4) and (13) of section 8(a) of the Small Business Act (15 U.S.C. 637(a)(4) and (13)), if—

“(A) there is a reasonable expectation that—

“(i) at least 2 eligible Program Participants that are owned and controlled by economically disadvantaged Indian tribes will submit offers; and

“(ii) the award can be made at a fair market price; and

“(B) the anticipated award price of the contract (including options) will exceed—

“(i) \$5,500,000 in the case of a contract opportunity assigned a standard industrial classification code for manufacturing; and

“(ii) \$3,500,000 in the case of all other contract opportunities.

“(3) DISCRETION FOR CONTRACTING OFFICERS

IN DEPARTMENT OF DEFENSE CONTRACTS.—Notwithstanding paragraph (2), for any contracting opportunity for award by or on behalf of the Department of Defense under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), the contracting officer may, in the discretion of the contracting officer, and if the contracting opportunity meets the requirements of such provision, award the contracting opportunity—

“(A) on the basis of a competition conducted in accordance with paragraph (2) of this subsection; or

“(B) on the basis of a competition conducted in accordance with section 8(a)(1)(D) of the Small Business Act (15 U.S.C. 637(a)(1)(D)).

“(4) RULES OF CONSTRUCTION.—

“(A) IN GENERAL.—Nothing in this subsection shall be construed to limit the authority of a department or agency of the United States to award a contract opportunity offered for award that is above the thresholds identified in section 8(a)(1)(D)(i)(II) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)(II)) on the basis of competition conducted in accordance with section 8(a)(1)(D) of the Small Business Act (15 U.S.C. 637(a)(1)(D)).

“(B) AMOUNT OF THRESHOLDS.—The amount of the dollar thresholds under paragraph (2)(B) shall be construed to be the same as the thresholds under section 8(a)(1)(D)(i)(II) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)(II)), as adjusted in accordance with section 35A of the Office of Federal Procurement Policy Act (41 U.S.C. 431a).”

(b) **CONTRACTING BONUS.**—Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544)

is amended—

(1) by striking “Notwithstanding” and inserting “(a) Except as provided in subsection (b), and notwithstanding”; and

(2) by adding at the end the following:

“(b) Subsection (a) shall not apply if the subcontractor or supplier, including the Indian organization or Indian-owned economic enterprise that owns the subcontractor or supplier, is affiliated with the contractor.”.

SA 1763. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 724. PRESCRIPTION OF ANTIDEPRESSANTS FOR TROOPS SERVING IN IRAQ AND AFGHANISTAN.

(a) **REPORT.**—

(1) IN GENERAL.—Not later than June 30, 2010, and annually thereafter until June 30, 2015, the Secretary of Defense shall submit to Congress a report on the prescription of antidepressants and drugs to treat anxiety for troops serving in Iraq and Afghanistan.

(2) **CONTENT.**—The report required under paragraph (1) shall include—

(A) the numbers and percentages of troops that have served or are serving in Iraq and Afghanistan since January 1, 2005, who have been prescribed antidepressants or drugs to treat anxiety, including psychotropic drugs such as Selective Serotonin Reuptake Inhibitors (SSRIs); and

(B) the policies and patient management practices of the Department of Defense with respect to the prescription of such drugs.

(b) **DEPARTMENT OF DEFENSE STUDY.**—

(1) **STUDY.**—The Department of Defense shall contract with an independent entity to conduct a study on the potential relationship between the increased number of suicides and attempted suicides by members of the Armed Forces and the increased number of antidepressants, drugs to treat anxiety, other psychotropics, and other behavior modifying prescription medications being prescribed, including any combination or interactions of such prescriptions. The Department of Defense shall immediately make available to such contracting entity all data necessary to complete the study.

(2) **REPORT ON FINDINGS.**—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings of the study conducted pursuant to paragraph (1).

SA 1764. Mr. SCHUMER (for himself, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Mr. BENNETT, Mr. CORNYN, Mr. ISAKSON, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BURRIS, Mr. VITTER, Mr. CASEY, Mr. PRYOR, Mr. BYRD, Mr. UDALL of New Mexico, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, Mr. WARNER, Mrs. HUTCHISON, Mr. ALEXANDER, Mr. CONRAD, Mr. BROWNBACK, Mr. SPECTER, Mr. WICKER, Mr. BURR, Mr. LIEBERMAN, Mr. ROBERTS, Mr. RISCH, Mrs. LINCOLN, Mr. THUNE, Mr. BOND, Mr. BAYH, Mr. NELSON of Florida, Mr. FRANKEN, Mr. ENSIGN, Mr. LEAHY, Mr. KENNEDY, Mr.

WYDEN, Mr. CARDIN, Mr. BEGICH, Mrs. GILLIBRAND, Mr. INHOFE, Mr. COCHRAN, Mr. WEBB, Mr. ENZI, Mr. MERKLEY, Mr. CORKER, Mr. KERRY, Mr. GRASSLEY, Mr. GREGG, Mr. WHITEHOUSE, Mr. DEMINT, Mr. JOHANNES, Mr. COBURN, Mr. LUGAR, Ms. MURKOWSKI, Mr. TESTER, Mr. CRAPO, and Mr. KAUFMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, before line 18, insert the following:

Subtitle H—Military Voting

SEC. 581. SHORT TITLE.

This subtitle may be cited as the “Military and Overseas Voter Empowerment Act”.

SEC. 582. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental right.

(2) Due to logistical, geographical, operational and environmental barriers, military and overseas voters are burdened by many obstacles that impact their right to vote and register to vote, the most critical of which include problems transmitting balloting materials and not being given enough time to vote.

(3) States play an essential role in facilitating the ability of military and overseas voters to register to vote and have their ballots cast and counted, especially with respect to timing and improvement of absentee voter registration and absentee ballot procedures.

(4) The Department of Defense educates military and overseas voters of their rights under the Uniformed and Overseas Citizens Absentee Voting Act and plays an indispensable role in facilitating the procedural channels that allow military and overseas voters to have their votes count.

(5) The local, State, and Federal Government entities involved with getting ballots to military and overseas voters must work in conjunction to provide voter registration services and balloting materials in a secure and expeditious manner.

SEC. 583. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES.

A State may delegate its responsibilities in carrying out the requirements under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) imposed as a result of the provisions of and amendments made by this Act to jurisdictions of the State.

SEC. 584. ESTABLISHMENT OF PROCEDURES FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS BY MAIL AND ELECTRONICALLY.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

“(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

“(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

“(C) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such voter registration application or absentee ballot application to be transmitted by mail or electronically.”; and

(2) by adding at the end the following new subsection:

“(e) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.—

“(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

“(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

“(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

“(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

“(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

“(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

“(4) AVAILABILITY AND MAINTENANCE OF ONLINE REPOSITORY OF STATE CONTACT INFORMATION.—The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration

applications and absentee ballot applications to the appropriate jurisdiction in the State.

“(5) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(6) SECURITY AND PRIVACY PROTECTIONS.—

“(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

“(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 585. ESTABLISHMENT OF PROCEDURES FOR STATES TO TRANSMIT BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 584, is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f).”; and

(2) by adding at the end the following new subsection:

“(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

“(1) IN GENERAL.—Each State shall establish procedures—

“(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

“(B) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such blank absentee ballot to be transmitted by mail or electronically.

“(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by

any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(3) SECURITY AND PRIVACY PROTECTIONS.—“(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

“(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 586. ENSURING ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS HAVE TIME TO VOTE.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(1)), as amended by section 585, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraph:

“(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

“(A) except as provided in subsection (g), in the case where the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

“(B) in the case where the request is received less than 45 days before an election for Federal office—

“(i) in accordance with State law; and

“(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot.”.

(2) by adding at the end the following new subsection:

“(g) HARDSHIP EXEMPTION.—

“(1) IN GENERAL.—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

“(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

“(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

“(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

“(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit

marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

“(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

“(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

“(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

“(2) APPROVAL OF WAIVER REQUEST.—After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presidential designee determines each of the following requirements are met:

“(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

“(B) One or more of the following issues creates an undue hardship for the State:

“(i) The State's primary election date prohibits the State from complying with subsection (a)(8)(A).

“(ii) The State has suffered a delay in generating ballots due to a legal contest.

“(iii) The State Constitution prohibits the State from complying with such subsection.

“(3) TIMING OF WAIVER.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

“(B) EXCEPTION.—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

“(4) APPLICATION OF WAIVER.—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.”.

(b) RUNOFF ELECTIONS.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)), as amended by subsection (a), is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uni-

formed services voters and overseas voters in manner that gives them sufficient time to vote in the runoff election.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

“(a) ESTABLISHMENT OF PROCEDURES.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering such marked absentee ballots to the appropriate election officials.

“(b) DELIVERY TO APPROPRIATE ELECTION OFFICIALS.—

“(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

“(2) COOPERATION AND COORDINATION WITH THE UNITED STATES POSTAL SERVICE.—The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

“(3) DEADLINE DESCRIBED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the seventh day preceding the date of the regularly scheduled general election for Federal office.

“(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to provide timely delivery of the ballot under paragraph (1).

“(4) NO POSTAGE REQUIREMENT.—In accordance with section 3406 of title 39, United States Code, such marked absentee ballots and other balloting materials shall be carried free of postage.

“(5) DATE OF MAILING.—Such marked absentee ballots shall be postmarked with a record of the date on which the ballot is mailed.

“(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—

The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots pursuant to this section.

“(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.”

(b) CONFORMING AMENDMENT.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.”

(c) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by adding the following new paragraph:

“(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.”

(d) TRACKING MARKED BALLOTS.—Section 102 of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended by adding at the end the following new subsection:

“(h) TRACKING MARKED BALLOTS.—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.”

(e) PROTECTING VOTER PRIVACY AND SECRECY OF ABSENTEE BALLOTS.—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by subsection (b), is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) to the greatest extent practicable, take such actions as may be necessary—

“(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

“(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee.”

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect

to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 588. FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) USE IN GENERAL, SPECIAL, PRIMARY, AND RUNOFF ELECTIONS FOR FEDERAL OFFICE.—

(1) IN GENERAL.—Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(A) in subsection (a), by striking “general elections for Federal office” and inserting “general, special, primary, and runoff elections for Federal office”;;

(B) in subsection (e), in the matter preceding paragraph (1), by striking “a general election” and inserting “a general, special, primary, or runoff election for Federal office”; and

(C) in subsection (f), by striking “the general election” each place it appears and inserting “the general, special, primary, or runoff election for Federal office”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.

(b) PROMOTION AND EXPANSION OF USE.—Section 103(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(1) by striking “GENERAL.—The Presidential” and inserting “GENERAL.—

“(1) FEDERAL WRITE-IN ABSENTEE BALLOT.—The Presidential”; and

(2) by adding at the end the following new paragraph:

“(2) PROMOTION AND EXPANSION OF USE OF FEDERAL WRITE-IN ABSENTEE BALLOTS.—

“(A) IN GENERAL.—Not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

“(B) USE OF TECHNOLOGY.—Under such procedures, the Presidential designee shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may—

“(i) enter the address of the voter or other information relevant in the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

“(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under section 102(b)).

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.”

SEC. 589. PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS, MARKED ABSENTEE BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 587, is amended by adding at the end the following new subsection:

“(1) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot

application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 590. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

(a) FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended by section 587, is amended by inserting after section 103A the following new section:

“SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

“(a) DUTIES.—The Presidential designee shall carry out the following duties:

“(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

“(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

“(b) CLARIFICATION REGARDING OTHER DUTIES AND OBLIGATIONS.—Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.”

(2) CONFORMING AMENDMENTS.—Section 101 of such Act (42 U.S.C. 1973ff), as amended by section 587, is amended—

(A) in subparagraph (b)—

(i) by striking “and” at the end of paragraph (8);

(ii) by striking the period at the end of paragraph (9) and inserting “; and”; and

(iii) by adding at the end the following new paragraph:

“(10) carry out section 103B with respect to Federal Voting Assistance Program Improvements.”; and

(B) by adding at the end the following new subsection:

“(d) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(10).”

(b) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 589, is amended by adding at the end the following new subsection:

“(j) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—

“(1) DESIGNATING AN OFFICE AS A VOTER REGISTRATION AGENCY ON EACH INSTALLATION OF THE ARMED FORCES.—Not later than 180 days after the date of enactment of this subsection, each Secretary of a military department shall take appropriate actions to designate an office on each installation of the Armed Forces under the jurisdiction of such Secretary (excluding any installation in a theater of combat), consistent across every installation of the department of the Secretary concerned, to provide each individual described in paragraph (3)—

“(A) written information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101);

“(B) the opportunity to register to vote in an election for Federal office;

“(C) the opportunity to update the individual's voter registration information, including clear written notice and instructions for the absent uniformed services voter to change their address by submitting the official post card form prescribed under section 101 to the appropriate State election official; and

“(D) the opportunity to request an absentee ballot under this Act.

“(2) DEVELOPMENT OF PROCEDURES.—Each Secretary of a military department shall develop, in consultation with each State and the Presidential designee, the procedures necessary to provide the assistance described in paragraph (1).

“(3) INDIVIDUALS DESCRIBED.—The following individuals are described in this paragraph:

“(A) An absent uniformed services voter—

“(i) who is undergoing a permanent change of duty station;

“(ii) who is deploying overseas for at least 6 months;

“(iii) who is or returning from an overseas deployment of at least 6 months; or

“(iv) who at any time requests assistance related to voter registration.

“(B) All other absent uniformed services voters (as defined in section 107(1)).

“(4) TIMING OF PROVISION OF ASSISTANCE.—The assistance described in paragraph (1) shall be provided to an absent uniformed services voter—

“(A) described in clause (i) of paragraph (3)(A), as part of the administrative in-processing of the member upon arrival at the new duty station of the absent uniformed services voter;

“(B) described in clause (ii) of such paragraph, as part of the administrative in-processing of the member upon deployment from the home duty station of the absent uniformed services voter;

“(C) described in clause (iii) of such paragraph, as part of the administrative in-processing of the member upon return to the home duty station of the absent uniformed services voter;

“(D) described in clause (iv) of such paragraph, at any time the absent uniformed services voter requests such assistance; and

“(E) described in paragraph (3)(B), at any time the absent uniformed services voter requests such assistance.

“(5) PAY, PERSONNEL, AND IDENTIFICATION OFFICES OF THE DEPARTMENT OF DEFENSE.—The Secretary of Defense may designate pay, personnel, and identification offices of the Department of Defense for persons to apply to register to vote, update the individual's voter registration information, and request an absentee ballot under this Act.

“(6) TREATMENT OF OFFICES DESIGNATED AS VOTER REGISTRATION AGENCIES.—An office designated under paragraph (1) or (5) shall be considered to be a voter registration agency designated under section 7(a)(2) of the National Voter Registration Act of 1993 for all purposes of such Act.

“(7) OUTREACH TO ABSENT UNIFORMED SERVICES VOTERS.—The Secretary of each military department or the Presidential designee shall take appropriate actions to inform absent uniformed services voters of the assistance available under this subsection including—

“(A) the availability of voter registration assistance at offices designated under paragraphs (1) and (5); and

“(B) the time, location, and manner in which an absent uniformed voter may utilize such assistance.

“(8) DEFINITION OF MILITARY DEPARTMENT AND SECRETARY CONCERNED.—In this subsection, the terms ‘military department’ and ‘Secretary concerned’ have the meaning given such terms in paragraphs (8) and (9), respectively, of section 101 of title 10, United States Code.

“(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 591. DEVELOPMENT OF STANDARDS FOR REPORTING AND STORING CERTAIN DATA.

(a) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)), as amended by section 590, is amended—

(1) by striking “and” at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards—

“(A) for States to report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate; and

“(B) for the Presidential designee to store the data reported.”

(b) CONFORMING AMENDMENT.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 587, is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 592. REPEAL OF PROVISIONS RELATING TO USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

(a) IN GENERAL.—Subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) are repealed.

(b) CONFORMING AMENDMENTS.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended—

(1) in section 101(b)—

(A) in paragraph (2), by striking “, for use by States in accordance with section 104”; and

(B) in paragraph (4), by striking “for use by States in accordance with section 104”; and

(2) in section 104, as amended by subsection (a)—

(A) in the section heading, by striking “USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS” and inserting “PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION”; and

(B) in subsection (e), by striking “(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.”

SEC. 593. REPORTING REQUIREMENTS.

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 105 the following new section:

“SEC. 105A. REPORTING REQUIREMENTS.

“(a) REPORT ON STATUS OF IMPLEMENTATION AND ASSESSMENT OF PROGRAMS.—Not later than 180 days after the date of the enactment of the Military and Overseas Voter Empowerment Act, the Presidential designee shall submit to the relevant committees of Congress a report containing the following information:

“(1) The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 103A, and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

“(2) An assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, which shall include the following:

“(A) A thorough and complete assessment of whether the Program, as configured and implemented as of such date of enactment, is effectively assisting absent uniformed services voters in exercising their right to vote.

“(B) An inventory and explanation of any areas of voter assistance in which the Program has failed to accomplish its stated objectives and effectively assist absent uniformed services voters in exercising their right to vote.

“(C) As necessary, a detailed plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.

“(3) A detailed description of the specific steps taken towards the implementation of voter registration assistance for absent uniformed services voters under section 102(j), including the designation of offices under paragraphs (1) and (5) of such section.

“(b) ANNUAL REPORT ON EFFECTIVENESS OF ACTIVITIES AND UTILIZATION OF CERTAIN PROCEDURES.—Not later than March 31 of each year, the Presidential designee shall transmit to the President and to the relevant committees of Congress a report containing the following information:

“(1) An assessment of the effectiveness of activities carried out under section 103B, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed services voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between States and the Federal Government in carrying out such section.

“(2) A description of the utilization of voter registration assistance under section 102(j), which shall include the following:

“(A) A description of the specific programs implemented by each military department of the Armed Forces pursuant to such section.

“(B) The number of absent uniformed services voters who utilized voter registration assistance provided under such section.

“(3) In the case of a report submitted under this subsection in the year following a year in which a regularly scheduled general election for Federal office is held, a description of the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A, which shall include the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

“(c) DEFINITIONS.—In this section:

“(1) ABSENT OVERSEAS UNIFORMED SERVICES VOTER.—The term ‘absent overseas uniformed services voter’ has the meaning given such term in section 103A(d).

“(2) PRESIDENTIAL DESIGNEE.—The term ‘Presidential designee’ means the Presidential designee under section 101(a).

“(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—The term ‘relevant committees of Congress’ means—

“(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

“(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.”.

SEC. 594. ANNUAL REPORT ON ENFORCEMENT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f-4) is amended—

(1) by striking “The Attorney” and inserting “(a) IN GENERAL.—The Attorney”; and

(2) by adding at the end the following new subsection:

“(b) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.”.

SEC. 595. REQUIREMENTS PAYMENTS.

(a) USE OF FUNDS.—Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following new paragraph:

“(3) ACTIVITIES UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(b) REQUIREMENTS.—

(1) STATE PLAN.—Section 254(a) of the Help America Vote Act of 2002 (42 U.S.C. 15404(a)) is amended by adding at the end the following new paragraph:

“(14) How the State plan will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(2) CONFORMING AMENDMENTS.—Section 253(b) of the Help America Vote Act of 2002 (42 U.S.C. 15403(b)) is amended—

(A) in paragraph (1)(A), by striking “section 254” and inserting “subsection (a) of section 254 (or, in the case where a State is seeking a requirements payment made using funds appropriated pursuant to the authorization under section 257(4), paragraph (14) of section 254)”; and

(B) in paragraph (2)—

(i) by striking “(2) The State” and inserting “(2)(A) Subject to subparagraph (B), the State”; and

(ii) by inserting after subparagraph (A), as added by clause (i), the following new subparagraph:

“(B) The requirement under subparagraph (A) shall not apply in the case of a requirements payment made using funds appropriated pursuant to the authorization under section 257(4).”.

(c) AUTHORIZATION.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

“(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 251(b)(3).”.

SEC. 596. TECHNOLOGY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—The term “absent uniformed services voter” has the meaning given such term in section 107(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) OVERSEAS VOTER.—The term “overseas voter” has the meaning given such term in section 107(5) of such Act.

(3) PRESIDENTIAL DESIGNEE.—The term “Presidential designee” means the individual designated under section 101(a) of such Act.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) DESIGN AND CONDUCT.—The design and conduct of a pilot program established under this subsection—

(A) shall be at the discretion of the Presidential designee; and

(B) shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal office.

(c) CONSIDERATIONS.—In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

(1) The transmission of electronic voting material across military networks.

(2) Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.

(3) The transmission of ballot representations and scanned pictures in a secure manner.

(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) REPORTS.—The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

(1) for the conduct of additional pilot programs under this section; and

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Election Assistance Commission and the National Institute of Standards and Technology shall work with the Presidential designee to support the pilot program or programs established under this section through best practices or standards and in accordance with electronic absentee voting guidelines established under the first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1277; 42 U.S.C. 1977ff note), as amended by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1919).

(2) REPORT.—In the case where the Election Assistance Commission has not established electronic absentee voting guidelines under such section 1604(a)(2), as so amended, by not later than 180 days after enactment of this Act, the Election Assistance Commission shall submit to the relevant committees of Congress a report containing the following information:

(A) The reasons such guidelines have not been established as of such date.

(B) A detailed timeline for the establishment of such guidelines.

(C) A detailed explanation of the Commission's actions in establishing such guidelines since the date of enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1919).

(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “relevant committees of Congress” means—

(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 1765. Mr. CHAMBLISS (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 125. REPORT ON E-8C JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM RE-ENGINEING.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on replacing the engines of E-8C Joint Surveillance and Target Attack Radar System (Joint STARS) aircraft. The report shall include the following:

(1) An assessment of funding alternatives and options for accelerating funding for the fielding of Joint STARS aircraft with replaced engines.

(2) An analysis of the tradeoffs involved in the decision to replace the engines of Joint STARS aircraft or not to replace those engines, including the potential cost savings from replacing those engines and the operational impacts of not replacing those engines.

(3) An identification of the optimum path forward for replacing the engines of Joint STARS aircraft and modernizing the Joint STARS fleet.

(b) LIMITATION ON CERTAIN ACTIONS.—The Secretary of the Air Force may not take any action that would adversely impact the pace of the execution of the program to replace the engines of Joint STARS aircraft before submitting the report required by subsection (a).

SA 1766. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —SERVICEMEMBER FAMILY AND MEDICAL LEAVE

Subtitle A—General Requirements for Leave

SEC. 11. DEFINITION OF COVERED ACTIVE DUTY.

(a) DEFINITION.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

(1) by striking paragraph (14) and inserting the following:

“(14) COVERED ACTIVE DUTY.—The term ‘covered active duty’ means—

“(A) in the case of a member of a regular component of the Armed Forces, duty during

the deployment of the member with the Armed Forces to a foreign country; and

“(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.”; and

(2) by striking paragraph (15) and redesignating paragraphs (16) through (19) as paragraphs (15) through (18), respectively.

(b) LEAVE.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(1) in subsection (a)(1)(E)—

(A) by striking “active duty” each place it appears and inserting “covered active duty”; and

(B) by striking “in support of a contingency operation”; and

(2) in subsection (e)(3)—

(A) in the paragraph heading, by striking “ACTIVE DUTY” and inserting “COVERED ACTIVE DUTY”; and

(B) by striking “active duty” each place it appears and inserting “covered active duty”; and

(C) by striking “in support of a contingency operation”.

(c) CONFORMING AMENDMENT.—Section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)) is amended, in the subsection heading, by striking “ACTIVE DUTY” each place it appears and inserting “COVERED ACTIVE DUTY”.

SEC. 12. DEFINITION OF COVERED SERVICE-MEMBER.

Paragraph (15) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) (as redesignated by section 11) is amended to read as follows:

“(15) COVERED SERVICEMEMBER.—The term ‘covered servicemember’ means—

“(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

“(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.”.

SEC. 13. DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.

Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is further amended by striking paragraph (18) (as redesignated by section 11) and inserting the following:

“(18) SERIOUS INJURY OR ILLNESS.—The term ‘serious injury or illness’—

“(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

“(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves)

at any time during a period described in paragraph (15)(B), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

“(19) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.”.

SEC. 14. TECHNICAL AMENDMENT.

Section 102(e)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(e)(2)(A)) is amended by striking “or parent” and inserting “parent, or next of kin”.

SEC. 15. REGULATIONS.

The Secretary of Labor, after consultation with the Secretary of Defense and Secretary of Veterans Affairs, shall prescribe such regulations as are necessary to carry out the amendments made by this title.

Subtitle B—Leave for Civil Service Employees

SEC. 21. EXIGENCY LEAVE FOR SERVICEMEMBERS ON COVERED ACTIVE DUTY.

(a) DEFINITION.—Section 6381(7) of title 5, United States Code, is amended to read as follows:

“(7) the term ‘covered active duty’ means—

“(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

“(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.”.

(b) LEAVE.—Section 6382 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following:

“(E) Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.”;

(2) in subsection (b)(1), by inserting after the second sentence the following: “Subject to subsection (e)(3) and section 6383(f), leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.”;

(3) in subsection (d), by striking “or (D)” and inserting “(D), or (E)”; and

(4) in subsection (e), by adding at the end the following:

“(3) In any case in which the necessity for leave under subsection (a)(1)(E) is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee shall provide such notice to the employer as is reasonable and practicable.”.

(c) CERTIFICATION.—Section 6383(f) of title 5, United States Code, is amended by striking “section 6382(a)(3)” and inserting “paragraph (1)(E) or (3) of section 6382(a)”.

SEC. 22. DEFINITION OF COVERED SERVICE-MEMBER.

Paragraph (8) of section 6381 of title 5, United States Code, is amended to read as follows:

“(8) the term ‘covered servicemember’ means—

“(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness; or

“(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy;”.

SEC. 23. DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.

Section 6381 of title 5, United States Code, is further amended—

(1) in paragraph (10), by striking “and” at the end; and

(2) by striking paragraph (11) and inserting the following:

“(11) the term ‘serious injury or illness’—

“(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

“(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (8)(B), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran; and

“(12) the term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.”.

SEC. 24. TECHNICAL AMENDMENT.

Section 6382(e)(2)(A) of title 5, United States Code, is amended by striking “or parent” and inserting “parent, or next of kin”.

SEC. 25. REGULATIONS.

The Office of Personnel Management, after consultation with the Secretary of Defense and Secretary of Veterans Affairs, shall prescribe such regulations as are necessary to carry out the amendments made by this title.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, July 22, 2009, at 10 a.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 22, 2009, at 10 a.m. to conduct a hearing on “The Semiannual Monetary Policy Report to the Congress.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 22, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 22, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 22, 2009, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 22, 2009, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 22, 2009, at 2:30 p.m. to hold a hearing entitled “The Case for Reform: Foreign Aid and Development.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet during the session of the Senate on Wednesday, July 22, 2009, after the 12 p.m. vote in the President’s room.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Com-

mittee on the Judiciary be authorized to meet during the session of the Senate on July 22, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Promoting Job Creation and Foreign Investment in the United States: An Assessment of the EB-5 Regional Center Program.”.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Wednesday, July 22, 2009, at 10 a.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 22, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate on July 22, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Metal Theft: Public Hazard, Law Enforcement Challenge.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, be authorized to meet during the session of the Senate on Wednesday, July 22, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KAUFMAN. Mr. President, on behalf of Senator MERKLEY I ask unanimous consent that Amelia Bell, an intern in his office, be granted the privilege of the floor for the duration of today’s session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that Bill Curlin, an Air Force Fellow in Senator DORGAN’s office, be granted the privilege of the floor during debate on the fiscal year 2010 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that MAJ Paul Taylor be granted the privilege of the floor for the remainder of this legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that floor privileges for the remainder of this session be granted for an intern in my office, Lindy Brownback.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Juliet Beyler, a congressional fellow in the office of Senator GREGG, be allowed the privilege of the floor during consideration of S. 1390.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that MAJ Jim DeLapp, a military fellow in the office of Senator BEGICH, be granted the privilege of the floor for the duration of Senate consideration of S. 1390.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DODD. Mr. President, I rise on this early evening in July to spend a few minutes to talk about health care. I know it has obviously been a subject of great interest over the last number of days, having been asked to fill in for my dear friend, Senator TED KENNEDY, the chairman of the Health, Education, Labor, and Pensions Committee, who as we all know is struggling with his own health issues.

I was asked to fill in for him to mark up the HELP Committee's legislation on health care, and I was fortunate to have as my allies in that effort some remarkable Members of this body—both Democrats and Republicans—who, we are told, spent as long a time, maybe longer than for any other markup in the history of that committee and one of the longest in the history of this body. There were some 23 sessions over 13 days, covering nearly 300 amendments that were offered on behalf of the 23 Members of the Senate—almost a quarter of this body—serving on that committee.

After that lengthy period of time, we drafted a bipartisan bill. It did not end up being a bipartisan vote. It was a partisan vote coming out of committee, regrettably. But that doesn't mean it will end up that way. I have often been involved in legislative efforts where the committee action would have a partisan conclusion, only to find that after further work, those efforts can attract a broad base of support and develop the kind of broad-based backing that is, I think, an important feature of good legislation.

So while I regret we didn't have any Republican votes in that committee, I am deeply grateful to my Democratic colleagues for their efforts—and also to my Republican colleagues for their efforts—which I will talk about. I intend, in the coming days, to talk about this issue through the remaining weeks we are in session—and possibly even beyond that, if we stay in session in August to work on this issue.

This is not any ordinary issue or ordinary time. I have been around long enough now to have witnessed the debates on this issue going back 30 years. Every single Congress and every single administration predating my arrival here has grappled with this issue—Republicans and Democrats alike. Since the days of Harry Truman in the 1940s, literally every administration has tried to come up with an idea to reform our health care system.

In years past, those efforts were talked about in terms of describing the present condition of health care as being an unacceptable situation; that it was wrong, unethical, immoral that we weren't serving people who should be served. The debate has now changed because it is no longer just unacceptable—which has always been the case—but we are now in a situation where the present conditions are unsustainable. Yesterday and again this morning the Chairman of the Federal Reserve Board, Ben Bernanke, testifying on monetary policy, was asked the question in both the other body as well as in the Banking Committee, which I chair, how important health care was as a matter of economic recovery. In both forums, in different language, the Chairman of the Federal Reserve—while not getting into the details of the various plans—pointed out, once again, if there was any doubt about this, that unless we resolve the health care issue, the economic issues we are grappling with today will be unresolved and only grow in their complexity and in their depth.

So this issue of health care is obviously one that affects real people every day. As we conclude the work day here on the east coast, and will do so in a few hours across America, remember this: Today, and every day, as we grapple with this issue, 14,000 of our fellow citizens will lose their health care. That is 14,000 today, 14,000 tomorrow and the next day and the next day and the next day. Every day we wait and delay on this issue, that many more of our fellow citizens and their families can fall into that abyss, that free-fall of wondering whether some accident, some injury, some diagnosis will tell them and their families they are in deep trouble, from a health care perspective.

If they lack the kind of coverage and insurance or lack the kind of personal wealth, that family will not only face the hardship of confronting a health

care crisis without the adequate quality of care to provide for them and their families, but they may very well find themselves in economic ruin as a result of the situation that persists today.

I am not talking about the uninsured alone. I am talking about the 25 or 30 million who are underinsured in this country. They struggle every single day, wondering whether those deductibles are going to be low enough to pay when crisis strikes and, even if they have a policy, whether there are going to be an adequate number of doctor visits, prescriptions covered, and the like that provide them with the necessary protection to recover from their health care situation and avoid the economic crisis that can befall them.

To put it in perspective for you, Mr. President, consider this: Of all the bankruptcies that occur in the country, and there are many in economic times such as this, 62 percent of those bankruptcies are directly related to a health care crisis in that family; that they would not be in that situation except for the fact that they are suffering through a health care crisis that has forced them into financial bankruptcy. Consider this, if you will: 50 percent of all home foreclosures—and there are 10,000 of those every day, today 10,000 families got a foreclosure notice—50 percent, one out of every two foreclosures that occurred in this country occurred because of health care costs for that family.

Eighty-seven million of our fellow citizens every year find themselves in some period when they lack health insurance. Yet, as I say all of that from this Chamber, all 100 of us here have a great health care system, the Federal Employees Health Benefits Plan. All of the Federal employees in the Capitol and across this country have a good health care program, the Federal Employees Health Benefits Plan. Maybe if we were in the same situation as our fellow citizens, being uninsured or underinsured, maybe there would be a heightened sense of urgency about this issue. But as long as we are OK and have nothing to worry about because of the jobs we hold, the titles we have, because of the good health care at relatively low cost that we have, none of us have to worry about that. We hope nothing happens, we hope we do not get sick, we hope a child of ours or a grandchild doesn't face a health care crisis, but if they do, Lord forbid, we have the resources to protect our family. That is not the case for millions of our fellow citizens.

So this issue demands our attention. It is an issue that cries out for solution. It is one that we must address. This is not one we can delay on, it is not one we can postpone for some future Congress. In fact, the American President, Barack Obama, who will address the country about 55 minutes

from now on this subject, has made the case publicly: There is no other issue more important to him than this one. He has announced he is willing to expend whatever political capital he has in order to resolve the health care issue. He has made it the central issue of his Presidency, and we in this body, regardless of what political label we wear, bear a similar responsibility and should be sharing a similar cause—and that is to address this issue in a way that will increase access, will reduce cost, and create the kind of quality health care all Americans ought to have.

Every American ought to have at least as good health care coverage as their Member of Congress. Every American ought to be able to go to bed at night with the security that if their spouse or their children or a loved one in their family were to face a health care crisis, they would not be facing economic ruin, that they would not be wiped out because of it. Every American ought to have that sense of security, that something in this great Nation of ours ought not to be depending upon the wealth you have in your family or the job you hold. It ought to be a basic right to be able to have access to affordable quality health care in America. That is the charge. That is the obligation. That is what stands before us as the issue of, not only the day or the hour, but I think of our time here in this Congress.

President Obama has said he is willing to expend every bit of his political capital. That is an extraordinary statement made by an extraordinary President at an extraordinary moment in our Nation's history. In my 35 years in Congress serving with seven Presidents, I have never heard another President on any issue make a similar statement of their willingness to expend their capital on a single issue. This President has made that statement. That ought to inspire all of us to join him in that effort.

The President recognizes, as I hope my colleagues recognize, that we have been given a mandate by the American people to deliver on health care reform. I hope my colleagues will join in this effort.

Already we have made significant progress toward legislation that cuts costs, protects consumer choice, and guarantees access to affordable quality care for every one of our citizens.

The American Medical Association, the American Nurses Association, the organizations representing America's hospitals and pharmaceutical companies, have all come to the table and agreed to support strong health care reform. Three of five congressional committees responsible for health care have already approved strong legislation. I was here in 1994. Those organizations which I just mentioned, believe me, were not at the table urging that

this Congress pass major health care reform. They are today. That is a fundamental change that has occurred in the last decade and a half.

Even the notorious Harry and Louise, those actors who once were used in commercials to kill health care reform, stood with me last week in a group of our colleagues when we announced the first piece of health care legislation to emerge from the Senate. They stand strong for health care reform and change and intend to do everything they can to assist in that effort.

This bill, the one that passed the HELP Committee, the Affordable Health Care Choices Act, is a strong and sensible piece of legislation. It forbids insurance companies from cherry-picking applicants based on their gender, based on their health care status, or any preexisting conditions. Never, ever again, under our legislation, if adopted, would an American citizen be denied coverage of health care because he or she is a cancer survivor or the victim of domestic violence. Never, ever again under our bill would an American citizen who thought they had insurance find their coverage cut or taken away just at the moment they need it the most because our bill, if it is passed, not only eliminates caps on benefits, it bans insurance companies from cutting or taking away coverage after a policy has been signed.

Our bill, if adopted into law, cracks down on waste and fraud, focuses on preventive care, reduces the crushing burden of administrative costs, and has been scored by the Congressional Budget Office at \$611 billion over 10 years. That is a savings of more than \$400 billion from the original estimate by the Congressional Budget Office.

I am very proud we came in on time and under budget in the HELP Committee. We are not being talked about much these days because we got our job done a week ago today, but I am even more proud that with real contributions from each of the 22 of my colleagues who serve on that committee—a quarter of the Senate—we were able to craft a uniquely American bill for the American people.

In the United States of America, we already find much we like in our health care system. We like our family doctors and compassionate nurses. We like our world-class hospitals and technology—and we should. They are remarkable. We like having the freedom of choice as Americans of our own health care and the ability to get it fast, if we can. Our bill will not touch these things that work in our health care system in the United States today.

In the United States, we hold the relationship between a doctor and his or her patient to be sacrosanct, and our bill, if signed into law, guarantees nothing can ever come between you and the doctor of your choice—not the

Federal Government, not an insurance company, not a bureaucrat from the private or the public sector. In the United States of America, we believe in shared risk and shared responsibility. Our bill, if signed into law, lowers costs for everyone by ensuring that everyone is insured. The bigger the pool, obviously the broader the risk and the lower the cost.

In return, our bill asks individuals, employers, the Federal Government, all of us to share responsibility, not just for treating people when they get sick but hopefully for preventing them from getting sick in the first place.

In the United States of America, we know in our committee, as we drafted the bill, that good companies are not afraid of competition. Our bill includes a public insurance option that is just that—it is an option, purely voluntary, for consumers and providers to decide whether they want to participate, nothing mandatory, just a voluntary option, a little healthy American competition to give consumers and providers some choices in the health care system of our Nation. That is an outrageous and radical thought to some, I know. In my communities, it is pretty basic, pretty common sense, pretty traditional, and it is a red-blooded American idea—a little competition. It doesn't hurt anybody. In fact, we suspect it actually helps most.

In the United States of America, we have the best treatment and research facilities in the world, facilities that regularly produce remarkable advances. Our bill, if signed into law, ensures that those advances translate directly and efficiently into better outcomes and lower costs for our fellow citizens.

Most of all, in our United States of America, we have learned the hard way that we need health care reform. For nearly 70 years now, Democrats and Republicans, Presidents and Congresses alike, have all tried this. Every one of them has made a Herculean effort to deal with this issue. Here we are, close to a century later, still in the same ditch, unable to dig ourselves out of it as it gets deeper and deeper.

So this is the moment. This is why we are here. This is our opportunity now to step up or to step back, and history will judge which of the two directions we took at this moment; whether we have the intestinal fortitude and determination to sit down for the long, hard hours and hammer out something, to deliver not because it is good for us but because it is good for the people we seek to represent. That is why we are here.

We talk about these debates as if no one else existed. Who is working on this, who is bipartisan, who is not, what coalition or group, who is a Blue Dog or Red Dog. It must drive the American people nuts watching us acting as if we were the only people on the

face this planet wrestling with this issue. We don't have to worry, none of us. Tonight you can sleep soundly, as a U.S. Congressman or Senator, because if you wake up in the morning with a health care crisis, there is nothing to worry about financially. We are well protected and taken care of. Unfortunately for millions of our fellow citizens all across this country, they cannot sleep as soundly as we do. They are the ones we ought to be thinking about in this debate—not whether we have some coalition that is going to produce some magical result. Keep our eye on the ball. The American people are expecting nothing less from us.

For far too often, of course, we have failed in these efforts that have been defeated by nothing more than cheap politics in too many instances. The well-being of our citizens is left to drown in today's political current, all the while we have paid, of course, a deep, deep price for that ditch we are in, a ditch that is growing.

American families pay an average of \$1,100 extra. If you bought insurance and you have an insurance policy, by and large you are paying \$1,100 more every year in premiums to cover the costs associated with the health care for the 47 million of our fellow citizens who are uninsured. It is not that they don't get health care. They show up. Where do they show up? They show up in emergency rooms. The most expensive health care in the country is in emergency rooms. So when you are paying tonight, as many Americans will be, that quarterly or monthly premium, or whatever the timeframe is for the premiums you pay, look at a percentage of what you are paying. On average, you are paying \$1,100 more every year to cover the uninsured, whose health care gets paid for. You are paying for it. When people say we cannot afford any more cost on all of this, you are already paying an exorbitant amount.

One of the efforts in this bill, in our bill along with the efforts being made by others, is to see to it that the 47 million, a number that expands to 87 million at one point or another during the year, of our fellow citizens who are without insurance at all, is reduced.

But that is the pricetag, \$1,100 on average for our covering the uninsured among our fellow citizens.

Three out of every five bankruptcies, as I mentioned already, in the United States of America are caused by high medical bills. More than 75 percent of those forced into bankruptcy because of medical bills had insurance, by the way. That number is not the uninsured, 75 percent of people who fall into bankruptcy are insured.

Of the 62 percent of the bankruptcies that are created by this health care crisis, 75 percent of those people had a health insurance policy. So do not assume this only happens to those people

who have no health insurance. If you are insured tonight, and you run into a major health care crisis, then you can very well find yourselves in the same position millions of our fellow citizens have who fall into bankruptcy. It is not the destitute, it is average American families.

In many cases, half our Nation's foreclosures are a direct result of our broken health care system, as we now know. But it is not just families and businesses being bankrupted, health care costs have come to consume a simply unsustainable portion of our budget. The other day the Congressional Budget Office answered the question in the Budget Committee: Are we bending the curves up or down for these various health care plans. I have a lot of respect for the people who work at the Congressional Budget Office. I know they work very hard.

But I will do a little wager that no one on that committee, the Budget Committee, nor did the CBO in their calculations of cost, ask the question of whether bankruptcies or foreclosures were calculated into the costs, one way or another, that were part of their conclusions.

But why are they not? If 62 percent of all bankruptcies occur in the country because people who are insured could not afford the health care needs they had for their families, why is that not a cost to be calculated in bending curves? What about those foreclosures, 50 percent of which occur because of a health care crisis in that family.

Did the CBO write that number into its computer models to figure out costs? Why not? Is that not a cost to our country? If a family goes into bankruptcy or loses their home because of a health care crisis that is created by the present situation in this country, where are the calculations and computer models that will tell us the impact of those crises on families?

So we talk about this issue, and we are told now in these macroeconomic terms by actuaries and accountants and the "green visor crowd" that 16 percent of our gross domestic product is spent on health care and that number could quickly climb to 35 percent.

What does that mean? It means, we are told, in the next 8 or 10 years, if we do not act, if we listen to those who do not think the last 70 years or the last number of Congresses that we wrestled with these issues is somehow wasted time, that we can end up with the average family paying 50 percent of its gross income on health care premiums. That is not an exaggeration, that is not a phony projection. The very same economists who are telling you about the 16 percent of our gross domestic product consumed today are the ones who predict, based on the present trajectories, unchanged, that 35 percent of our GDP can be consumed by health care costs.

You might be curious to know the next nation that is closest to us as a percentage of its gross domestic product is Switzerland, and Switzerland spends a little over 10 percent of its GDP on health care. Then the next country is us, around 16 percent and growing.

To give you some idea around the world how we rate and compare on a per-capita basis, pretty staggering numbers. By the way, you might say: Well, look, I am sorry, Senator. I know it is a lot of money, but you know what? We have great outcomes. We have remarkable outcomes. So we are paying more than Switzerland. But, by golly, our people here get great outcomes.

Well, I wish I could tell you that is the case. The fact is we rank 37th in the world in outcomes. What a great statistic, the United States of America, the wealthiest nation on the face of this Earth, we spend more, \$2.5 trillion a year, than anybody, a larger percentage by almost double, with the closest of any other nation in the world, and we rank 37th in the world in medical outcomes.

There is something staggeringly wrong with that number—with that amount of money being spent and those outcomes coming in. If you wonder why people are frustrated by the subject matter, and they may not know these numbers, all they know is what they are going through and their family.

If we continue on this path, it only gets worse. By the way, to add additional shame to that number, we rank at the bottom of all industrialized nations when it comes to infant mortality, the bottom of industrialized nations, when it comes to infant mortality in the United States of America. I find that shameful, those numbers.

We like to think of ourselves as doing so many things so well as a country because of who we are and how we govern ourselves and the opportunities we create in the United States of America. We like to believe that this is not some Third World country, that we would take good care of our newborns. To rank at the bottom of the list in infant mortality is shameful, to come in 37th in medical outcomes is shameful, to spend almost double the percentage of our gross domestic product as our nearest competitor nation is also shameful.

We have reached a point where no Senator can, with a straight face, come on the floor of this body and argue for the status quo. That status quo is not only unacceptable, as I have said, it is unsustainable.

Of course, some will stand on this floor and argue that the best thing we can do when confronted with a house on fire is to walk around it a few more times and argue about how high the flames have grown. Well, when we began writing this legislation out of

the HELP Committee, we did not forget that each of us were born with one mouth and two ears.

We started with a blank page. Long before I was asked to pinch-hit for TED KENNEDY, Senator KENNEDY and his staff and others invited the minority, early on, to share their ideas. You are going to hear otherwise, that we got drawn into this, we were not informed. That is not the case. They were not drawn in. They were invited. They had no idea what they wanted to offer, only that they got nervous about this plan going forward.

That started, I am told, at the end of last year, not when the President was inaugurated after January 20. So we began by listening. We listened to stakeholders, providers, hospitals, pharmaceutical companies. Anyone we could gather who had an interest in the subject matter was invited to come and talk about what they thought a Federal health care reform package ought to look like. The culmination of that effort was to draft a bill. Why did we draft a bill? Well, because the rules of the Senate require it. You cannot begin a markup in the HELP Committee unless you have a product on the table. There has to be legislation written. The rules require it. So we wrote a bill and put it on the table and invited our colleagues on the committee to come and comment on it, talk about it, amend it, change it, do whatever they thought might improve it.

That is what took us to 54 hours, over 13 days and 23 sessions and nearly 300 amendments; a rather long and elaborate process. It was good work. Frankly, the bill got a lot better because of the effort. It got better because my Republican colleagues offered terrific ideas.

Contrary to what some may think, they did not come and just shove their hands in their pockets, put their heads in the sand and refuse to participate or walk away and not show up. MIKE ENZI, JUDD GREGG, LAMAR ALEXANDER, I can go down a long list of the Republican members who were there day after day, sat in that committee room and contributed mightily to our effort.

I was blessed to have TOM HARKIN and BARBARA MIKULSKI and JEFF BINGAMAN and PATTY MURRAY, who were asked by Senator TED KENNEDY months ago if they would each take on a separate piece of the bill.

TOM HARKIN grappled with prevention issues; developed a staff with expertise and knowledge. BARBARA MIKULSKI worked on quality issues; did the same as TOM HARKIN. PATTY MURRAY did it on workforce. JEFF BINGAMAN did it on coverage. They had 12 hearings themselves on this subject matter even before a word was written on the bill, to bring people together, to listen to ideas and how we could shape those ideas as part of the structure of reform for the health care system.

Then that culminated with us sitting down in the beginning, back 5 or 6 weeks ago now, to actually mark up this bill, as we are expected to do. True, the Republicans on the committees did not vote for the bill, I have said that, regrettably. That was pretty clear to me that was probably going to happen no matter what we did. But they contributed and they made significant contributions. Of the 161 amendments that we accepted were offered by the Republican side—of the nearly 300 amendments that we considered, 161 amendments offered by the minority are very much a part of the bill that I have been talking about this evening. Some were technical amendments, clearly. But many were very substantive.

They do not want to admit it maybe because they voted against it in the end. You can define bipartisan any way you want. But I define it by contributions made to the product. They made a bipartisan contribution to the product and a better bill, not a perfect bill, was the result. It obviously needs more work. But we think it is a good, sensible bill that ought to enjoy the support of our colleagues.

Senator GREGG, for instance, and a number of his fellow Republicans were concerned about the long-term fiscal impact of our provisions on long-term care. So JUDD GREGG offered an amendment that would require the Secretary of Health and Human Services to set and adjust premiums based on a 75-year outlook of the program's solvency.

We had a robust debate for an hour on this issue. The committee recognized the tremendous value, frankly, of what JUDD GREGG was proposing. So his amendment was accepted unanimously, and the bill is a better bill for it. JOHNNY ISAKSON, my very good friend from Georgia, brought to the table the issue of end-of-life care, drawing on his own family's experiences. He gave very moving remarks in our committee about the importance of end-of-life care issues. He was able to talk about the importance of planning for the last days of one's life, how difficult that can be.

I just went through that with my sister who was diagnosed on May 22 with lung cancer, and she was gone in 6 weeks. She died on July 6, the first of my siblings to be lost. She was 68 years of age, with 5 children and 17 grandchildren. She knew in the last 9 days of her life what the outcome was going to be.

So she insisted upon each of us spending an hour or so alone, every one of her 17 grandchildren, every one of her children and their spouses, every one of her siblings, every one of her close friends. Her best friend in the world was a woman she met on the first day of college when she was 18 years of age. Her name is NANCY PELOSI, Speaker of the House. She was there for the funeral.

JOE BIDEN came up. JOE and my sister were great friends, and he came up for the wake the night before. So I knew she was thinking, my sister, in planning what she wanted to have happen those last nine days of her life. A lot of families go through that. Senator ISAKSON made a very substantial contribution, nothing technical about what he was talking about. Our bill is a better bill because JOHNNY ISAKSON's ideas were incorporated in it.

MIKE ENZI and JUDD GREGG AND LAMAR ALEXANDER wanted to increase employer's flexibility to offer work-based wellness programs with incentives for employees. Some of my fellow Democrats had reservations about their proposal. But Senator TOM HARKIN of Iowa and myself and several others on the committee worked with our colleagues on the Republican side to craft a compromise, a version we were able to pass on a bipartisan basis unanimously.

As a result, today, employers at some point can offer as much as a 50-percent reduction in premiums to employees who have engaged in lifestyle behaviors that will reduce their threat of illness and thus bring down the cost to those people. It was a great idea. We attributed a lot of it to Steven Burd, the CEO of Safeway, who brought the ideas to the table.

But our fellow Democrats, working again with MIKE ENZI and JUDD GREGG and LAMAR ALEXANDER came up with those ideas in that compromise. That is not technical. The bill is a better bill because of their efforts. I can go on and talk of the rest of the members who made contributions—but I will not tonight. Every one of them have contributions in this bill. But let me be clear: If we deem bipartisanship more important than timely and effective health care reform, the only thing that will be bipartisan will be our collective failure as an institution. I have introduced a lot of bills over the years, and passed a lot of legislation. On every major bill I have written in this place, I have had a Republican partner, going back to the earliest days when I arrived here and offered the first child care legislation since World War II.

My ally on that was a guy named ORRIN HATCH from Utah, who stood with me and we passed it. I offered the Family and Medical Leave Act. That took 7 years, two vetoes. Today there are some 50 million Americans who take leave without pay without losing their jobs. My partner on that was Dan Coates of Indiana, and ARLEN SPECTER at the time was a Republican, obviously, along with people not here who were involved. KIT BOND played a very important role in developing the Family and Medical Leave Act.

I could go on with a list of bills, and on every single one of them I had bipartisan support. So I understand the value of it. It is a very important

means by which to get a job done. But let me suggest to you at this hour, while bipartisanship is a means to get to an end, what really is missing right now is leadership in all of this—leadership from each one of us.

The President is leading as strongly as he can, and is deeply involved in this issue. Members of various committees are also leading. But in this institution everybody can be a leader, if they want to be.

Right now, I think what the country is looking for is leadership on this issue. Yes, bipartisanship is a nice quality, an important element, to pass bills. But leadership is what is most missing in all of this—the willingness to understand the moment, the unique opportunity to address a crippling issue that faces our country.

Every single one of our citizens will be adversely affected if we fail to act. There are very few bills that can ever make that claim, and yet health care issues affect 100 percent of the Nation. Most bills we deal with deal with percentages. Family and medical leave—50 million benefited by it, far short of the 300-plus million in our country. Health care affects every single one of our citizens and is why, again, it demands our attention and our resolution.

So to those who are not ready to join in this effort, we invite your suggestions, your improvements, your thoughts to come to that table. Listening to some of our colleagues say this is all about defeating the President or making sure no one has a political victory, I have to ask what planet are they living on to believe this debate ought to be about who wins and who loses a political contest on this issue?

Again, it is not about us. It is about people across this country who are expecting a lot more from us who do not wake up and wonder what political party they belong to or what section of the country they live in. If their child gets sick, if their spouse is sick and struggling and needing help, the last thing they want to hear about is whether you are a Democrat or a Republican or an Independent or live in a blue State, a red State, or whatever other color you want to attribute to them. They want to know if we have the sense to deal with this issue.

The truth is, we have waited too long. We have waited far too long. We have waited decades now. And the American people have been waiting even longer. Their wait is much more painful than ours. There is no cause for delay.

Yes, you have to examine the bill. We have to look at it, consider suggestions, but that only happens when you sit down and work together.

We spent those 60 hours in the HELP Committee, and it was not easy and it was not comfortable, and people got tired and frustrated at various moments, and there were times I thought it was going to fall apart. But I knew if we ever stopped and walked away, then those who wanted no result, no answer to this, would win. So day after day I asked my colleagues to come back and sit at that table and work.

What I said earlier I mean deeply: There were those who, frankly, might

have decided not to show up, and that might have had a political conclusion; but they did show up. My Republican colleagues, as well as my Democratic colleagues, showed up every single day and worked to make that a better bill, even though there were those who voted against it. So there is no cause for delay. There is no cause for obstruction. And there is no excuse for inaction, in my view.

In a few weeks, we will return to our various States for the so-called August break, although, frankly, I am prepared to stay here and work. That may not be a popular idea, but I cannot think of anything more important than this issue, including whether we take some time off in August to go to the beach and go to the mountains or go to the lakes or wherever we go to visit with our constituents. Remember that every day we are on our break, another 14,000—every day in that August break we will take—will be without health care at the end of that day—every day; 14,000 a day—while we are drifting off instead of engaging in what we ought to be doing, in my view, and coming to terms with this issue.

Some will be among the ranks of the uninsured. Some are struggling and scared, bearing the emotional and physical scars that come with delaying the foregoing needed care, worrying that one car accident, one diagnosis could mean bankruptcy, foreclosure, or, in fact, the inability to get any care at all. Some will have insurance, but they will share the same worries because their insurance costs are much too high and covers far too little. They will be thinking about the jobs they wish they could leave to maybe start a small business but cannot because they would lose their insurance lifeline. They will be wondering whether their plan will decide to cover cancer screening when they are told by their doctor they actually need it. They will be wondering how many visits to the doctor, how many visits to the hospital will be adequate. Some will not be worried about their insurance today, but they will be among the millions who will lose their insurance if they do not step up to the plate and take some action.

But everyone we see when we go home will be watching us over the next 3 weeks. You better believe they are going to ask us about health care. They are going to ask us whether we are up to the job of passing a bill this year. They are going to ask us why we have not made more progress. They are going to ask us fundamental questions, ones we will have to answer for ourselves based on what we do in these coming days and weeks.

At this very moment, we stand at the cusp of history—one of those unique moments. It does not happen very often around here, but every now and then it happens, and we are in one. And it is not going to last long. It is only going to last a few more weeks, maybe a couple of months, as to whether, in this moment, we have the ability to rise up and do what we should be doing—even though it does not meet our ideals; it is not the bill each one of us would write on our own—but that moment when we recognize our failure

to act at all is a moment missed and not likely to be recaptured during our tenure.

I know for newer Members here that may seem like an exaggeration, but to those of us who have been here a while, we will tell you, these moments do not come very often. Most of the time we go through the routine of reauthorizing bills, reappropriating money, and that consumes about 95 percent of our time—not unimportant business, I will be the first to admit, but fairly routine.

And every now and then—every now and then—in our Nation's history, there have been moments of critical importance: in the early 1960s, the Civil Rights Act, the Voting Rights Act, Medicare; going back in the depression years; the Eisenhower years, with the Federal Highway System in our country. You can point to various times through the 20th century when Congress, contrary to what everyone else thought—this institution—decided to take on an issue that made a difference in our country.

I suspect Barack Obama, in part, had a chance to be elected President of the United States because people he never knew and who never knew him sat here day after day, week after week, and engaged in the debate on civil rights—back long before any of us were ever here, except for BOB BYRD, who was here, and TED KENNEDY, who was here. Those two Members actually were in this Chamber in those days in the early 1960s, and today we are a lot better country. We are a lot better country because of it.

And that was one heck of a fight, let me tell you. I was a young page sitting on the floor here in the summer of 1961 and 1962, when Lyndon Johnson was sitting where the Presiding Officer is, watching the all-night debates on civil rights. And they were raucous, and they were wild, and they were tough. There was no bipartisanship on that, I can tell you. It was down right tough and nasty. Those memories fade. What remains is the fact that this institution had leaders who stood up and said: We are going to get this done. And they achieved those results. And today we celebrate those moments.

We have forgotten about the bitterness that occurred in the debates. No one is asking whether it was bipartisan or whether coalitions got what they wanted. The response was: the United States got closer to that more perfect union that our Founders described more than two centuries ago.

Well, we are in that moment again. And in many ways this is a civil rights debate about health care, because too many of our fellow citizens are denied that right of health care based on economic circumstances beyond their control. The issue is very simply this: Will we come together and decide, at a moment like this, to get a job done or will we take the easier path and step back because it is a little too tough?

Others have failed at it. It means I might lose some votes back home. But there are certain issues that are worth losing an election over. That is not the worst thing that ever happened to someone. Watching your family go

bankrupt, losing your home, watching a child or a spouse suffer because you do not have enough money to buy health care, that is a problem. That is a real problem.

So the issues here are complicated. I know that. I know they are difficult. I know if they were easy, they would have been solved a long time ago. But I have a lot of confidence. I listened to 22 of my colleagues over 5 weeks in a markup become educated and grapple with these issues. We did not resolve all of them, but we educated ourselves and made a difference and produced a bill—a bill that is now the only one in this Chamber that is before us. We hope our colleagues will examine it, take a look at it, make whatever recommendations they could as we move forward. I know the Finance Committee is wrestling with this. Senator BAUCUS and I arrived on the same day in Congress in 1975. We have been friends for 35 years. I know he is struggling to get the right kind of bill to come out of that committee. I wish him the very best and have offered whatever help we can to assist in that effort. I hope we can get a product that moves forward, that we can embrace and be proud of, and that will make a difference.

So for the coming days, I won't take as much time as I have this evening, but I want to talk about this bill in detail. I want to engage in the debate. I want to get away from the cheap politics, the bumper sticker slogans about things that don't exist, the fear that is so easy to arouse in people—the easiest emotion to appeal to is people's fears and hates—and talk constructively and positively about what we can do together to overcome this issue that is a scourge on our society and worthy of this Chamber's efforts.

I thank my colleagues for their the patience this evening and for listening to all of this, and I thank the Chair for

his patience. I look forward to the hour when we will come together as a body here—not as Democrats and as Republicans, but as United States Senators—at this moment and pass a major health care reform bill that moves our country to accessibility, to affordability, and equality of health care.

CONGRATULATING SENATOR BEGICH

Mr. DODD. Mr. President on a separate matter, I wish to note that some 20 minutes ago, the junior Senator from Alaska, the Presiding Officer, is the first Member of this new class to come in to win the Golden Gavel, presiding over 100 hours of Senate business. I am the only one here in the Chamber, but I give you a round of applause.

I am proud to have been here engaged in this discussion and to have you presiding over this conversation. I thank you very much, Senator BEGICH, and congratulations on serving our Senate admirably and as well as you have over these 100 hours.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 Thursday, July 23, 2009.

Thereupon, the Senate, at 7:42 p.m., adjourned until Thursday, July 23, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

JEFFREY ALAN GOLDSTEIN, OF NEW YORK, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE ROBERT K. STEEL, RESIGNED.

DEPARTMENT OF STATE

ALBERTO M. FERNANDEZ, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF

MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

PUBLIC HEALTH SERVICE

REGINA M. BENJAMIN, OF ALABAMA, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS, VICE RICHARD H. CARMONA, TERM EXPIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

JOSEPH P. BURNS
STEPHEN P. CARMICHAEL
CHRISTOPHER S. CHAMBERS
JAMES M. ELLINGER, JR.
KAREN S. EMMEL
MICHAEL J. FITZGERALD
CRAIG W. GOODMAN
GREGORY J. KNIFF
DAVID J. WRAY

To be commander

RAYMOND P. OBENO
KIRK T. MOSS
DAVID G. ORAVEC

To be lieutenant commander

KEVIN M. CASEY
JUDD E. PARTRIDGE
KAREN M. STOKES
BRIAN STRANAHAN

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

EDDIE L. NIXON

To be commander

STEPHEN GRAHAM
ERNEST C. LEE
KEITH T. SIVERTSON

To be lieutenant commander

MONTE K. BELL
NIELS U. COTHGEN
TRENT W. MARCUS
GERALD S. MAXWELL
ROBERT E. POWERS
TERRENCE P. REIFF
ASTRID G. RIVERA
SHOLI A. ROTBLATT
RAFAEL RUIZ
DENNIS M. WEPPNER

EXTENSIONS OF REMARKS

HONORING MARGE TRACEY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. HOYER. Madam Speaker, Marge Tracey, who retires this year, first came to work as a secretary at the AFL-CIO over 35 years ago. She has spent her working life at the AFL-CIO advancing the interest of America's working families. During that time, she has been an integral part of every fight over the last three decades on labor law reform, minimum wage, trade, health care, retirement security, and more. She has been witness to and a key part of many chapters of labor and Congressional history, often working behind the scenes, but always an integral part of progress.

So on the occasion of her retirement, I join with her family, her friends, and all of her colleagues at the AFL-CIO in congratulating her and expressing deep appreciation for all of her dedicated work. Marge Tracey has lived a remarkable life of service to working men and women, and I wish her all the best in the years to come.

A TRIBUTE TO REMEMBER FRANK MICKENS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. TOWNS. Madam Speaker, I rise today to remember Frank Mickens, the celebrated former principal of Boys & Girls High School.

Mr. Mickens took over as principal of Boys & Girls in 1984. At the time, it was considered one of the worst high schools in New York City. Cutting class was rampant, students were often robbed, and there were few consequences for misbehavior.

Mr. Mickens was undeterred by the challenge. He understood that education meant more than just teachers and tests. He was out to change the culture of the school, to give his students and faculty the supportive learning environment they needed to excel.

Mr. Mickens cared deeply about the well-being of every student. He spent his time motivating students in need of encouragement. If a student needed lunch, often Mr. Mickens would give him the money to buy it. And if a student did not own a tie, Mr. Mickens had a closet full of ties for him to choose, teaching him how to tie it if necessary.

His years of tireless dedication paid off. When Mr. Mickens retired in 2004, Boys & Girls was known as the "Pride and Joy of Bed-Stuy". The graduation rate had improved dramatically and was now sending its students to some of the country's best universities.

Frank Mickens has left behind a living legacy to his lifetime of achievements: The many thousands of lives he touched and a community reborn.

Madam Speaker, I urge my colleagues to join me in remembering Frank Mickens.

**WILLIAM BENEDICT JAMES
RESSLER****HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize William Ressler of Kansas City, Missouri. William is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 215, and earning the most prestigious award of Eagle Scout.

William has been very active with his troop, participating in many scout activities. Over the many years William has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. He was also the recipient of the Eagles Soaring High award.

Madam Speaker, I proudly ask you to join me in commending William Ressler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to the Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Bill.

Requesting Member: Rep. JO ANN EMERSON
Bill Number: Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Bill

Account: Surface Transportation Priorities
Requesting Entity: Missouri Department of Transportation

Address of Requesting Entity: 105 West Capitol P.O. Box 270 Jefferson City, MO 65102-0270

Description of Request: Provide an earmark of \$650,000 for an environmental study, engineering design work, and construction work on Route 25 in Jackson, Missouri. The funds will be used to alleviate traffic and dangerous conditions on Route 25 between Jackson Trail

and the city limits of Jackson, Missouri. The State of Missouri will provide 20% match. All federal funds received will be spent on Route 25 in Jackson, Missouri and will not be transferred to another project.

Request Member: Rep. JO ANN EMERSON
Bill Number: Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Bill

Account: Surface Transportation Priorities
Requesting Entity: Missouri Department of Transportation

Address of Requesting Entity: 105 West Capitol P.O. Box 270 Jefferson City, MO 65102-0270

Description of Request: Provide an earmark of \$500,000 for the expansion of four-lane highway south of Poplar Bluff, Missouri to south of Route 160. The funds would also be used to rehabilitate dangerous intersections on Route 67 at U.S. 160, as well as Missouri Highway 158. The State of Missouri will provide 20% match. All federal funds received will be spent on this project and will not be transferred to another project.

Requesting Member: Rep. JO ANN EMERSON
Bill Number: Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Bill

Account: Surface Transportation Priorities
Requesting Entity: Missouri Department of Transportation

Address of Requesting Entity: 105 West Capitol P.O. Box 270 Jefferson City, MO 65102-0270

Description of Request: Provide an earmark of \$500,000 to rehabilitate the Chester Bridge which transverses the Mississippi River from Perry County, Missouri to Randolph County, Illinois. The bridge is vital to the region's transportation needs. The State of Missouri will provide 20% to match the federal contribution. All federal funds received will be spent on rehabilitation of the Chester Bridge and will not be transferred to another project.

Requesting Member: Rep. JO ANN EMERSON
Bill Number: Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Bill

Account: Economic Development Initiatives
Requesting Entity: Washington County, Missouri

Address of Requesting Entity: 102 N. Missouri Street Potosi, MO 63664

Description of Request: Provide an earmark of \$300,000 for renovations to make the Washington County, Missouri Building accessible to individuals with disabilities. The Washington County Building is outdated and many sections are inaccessible to individuals in wheelchairs. The federal funds would provide the means for Washington County to bring the building in compliance with the Americans with Disabilities Act.

Requesting Member: Rep. JO ANN EMERSON
Bill Number: Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Bill

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Account: Surface Transportation Priorities
Requesting Entity: Missouri Department of Transportation

Address of Requesting Entity: 105 West Capitol P.O. Box 270 Jefferson City, MO 65102-0270

Description of Request: Provide an earmark of \$500,000 for right of way improvements and engineering design to the narrow portion of Route 63 in Phelps and Maries Counties. This project will improve the overall safety of the roadway. The State of Missouri will provide 20% to match the federal contribution. All federal funds received will be spent on right of way improvements and engineering design. None of these funds will be transferred to another project.

Requesting Member: Rep. JO ANN EMERSON
Bill Number: Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Bill

Account: Transportation & Community & System Preservation Requesting Entity: Missouri Department of Transportation

Address of Requesting Entity: 105 West Capitol P.O. Box 270 Jefferson City, MO 65102-0270

Description of Request: Provide an earmark of \$500,000 to improve shoulders, as well as widen and straighten curves along Route 34 in Cape Girardeau and Bollinger Counties. This segment of Route 34 is heavily traveled by commuters and there are serious safety concerns with the roadway. The State of Missouri will provide 20% to match the federal contribution. All federal funds received will be spent on improving Route 34. None of these funds will be transferred to another project.

NORTH KOREA'S HARD-LABOR CAMPS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. WOLF. Madam Speaker, Monday's Washington Post featured a comprehensive piece by veteran reporter Blaine Harden headlined, "N. Korea's Hard-Labor Camps: On the Diplomatic Back Burner," documenting the horrific nature of North Korea's gulag system, and the failure of this administration to raise this issue with the North Korean regime. I submit the article for the record.

We have known for some time about the true nature of the cruel and inhuman system of labor camps maintained by the totalitarian regime in North Korea. And yet somehow, almost inexplicably, these horrific camps have failed to inspire collective outrage on the part of the West, and have been sidelined to the point of irrelevance in successive U.S. administrations' dealings with North Korea.

The U.S. Committee for Human Rights in North Korea published a report in 2003—six years ago—about these camps. It was written by David Hawk, quoted in Monday's article, and called *The Hidden Gulag: Exposing North Korea's Prison Camps*. It contains a full description of the camps, the worst of which are called kwan-li-so, which is translated as "political penal-labor colonies," and where, accord-

ing to the Committee's report, scores of thousands of political prisoners—along with up to three generations of their family members—are banished without any judicial process and imprisoned, typically for life-time sentences of slave labor.

The report also contains prisoners' testimonies and satellite photographs of the camps, whose very existence continues to be denied by the North Korean government, which is why the committee described the gulags as "hidden."

Defector testimony, satellite images and in depth reporting have left no doubt about the camps' existence and the horrors of life there. The real question is what do we do about this abomination? What do we do about the regime that sustains and perpetuates this evil?

Because North Korea possesses nuclear weapons and threatens not only to use them against neighboring countries but also to share nuclear weapons technology with such rogue states as Burma and Syria, the international community, the U.S. included, has tended to ignore the horrendous human rights abuses in North Korea in the interest of trying to negotiate through the so-called six-party talks an end to its nuclear program.

But nothing has been achieved by these negotiations and North Korea has formally withdrawn from the six-party process.

And so while efforts continue, the diplomatic process on the nuclear front appears to have reached an impasse.

Frankly, I don't expect much to come from these efforts. The possession of nuclear weapons is simply too important to the North Korean regime, if only to deflect attention from its cruel and oppressive system of camps and the famine that it has brought upon its people at an estimated cost of anywhere from one to three million lives.

Human rights activist and 2008 Seoul Peace Prize Laureate Suzanne Scholte recently wrote in the Korea Times that both the Clinton and Bush administrations "intentionally sidelined human rights concerns, making them secondary to addressing North Korea's nuclear ambitions."

The young Obama administration appears to be in status quo mode, adopting the same failed approach.

This approach hasn't succeeded in curbing North Korea's nuclear ambitions. And it hasn't brought relief to the thousands that languish in unimaginable conditions. A new North Korea framework is long overdue. Ignoring or downplaying the human rights situation for one more day is unconscionable.

Ronald Reagan negotiated with the Soviet Union to reduce nuclear weapons throughout the 1980s, but that did not stop him from speaking about human rights, calling upon the Soviets to tear down the Berlin Wall, and predicting that communism would end up on the ash heap of history. His outspoken support for human rights had an effect, accelerating the demise of communism and, in the process, making it easier to resolve nuclear and security issues, since the main cause of Soviet aggressiveness was the communist system it was intended to defend and extend. Further it reminded those living behind the Iron Curtain that America was a friend, not an enemy, despite Soviet propaganda to the contrary.

We should be doing the same thing with North Korea today.

Just last week my good friend Carl Gershman, the president of the National Endowment for Democracy, spoke at the Korean Embassy's KORUS House in Washington about North Korea. His talk was titled, "Contending with the North Korean Dictatorship: A Perspective from the National Endowment for Democracy." Mr. Gershman acknowledged the diplomatic impasse with North Korea, but he didn't stop there. He said that in his view the North Korean totalitarian system was undergoing an inexorable process of erosion, marked by a sharply reduced ability to impose a complete information blockade on its population, increased traffic across the border with China, the growth of an exile population of defectors that has now reached 16,000 from almost zero less than a decade ago, and even local uprisings as the regime has tried to suppress informal markets that have emerged as a way to cope with the famine and economic hardship.

He pointed out that what makes the North Korean system especially vulnerable is the existence just across the southern border of a free, successful and affluent South Korean society. For decades now the regime in Pyongyang has told its population that the people of South Korea live in hell while they live in a communist paradise. As the population learns that the truth is exactly the opposite, they will become increasingly restive, resentful, and rebellious, he noted.

In his talk Mr. Gershman quoted from a report by a senior researcher for the Korea Institute for National Unification which spoke of the dormant reality of "cracking the myth of permanent stability in North Korea" and pointed to the "danger of minor clashes to play a role of a primer for mass protest against excess of governmental indiscretion."

Mr. Gershman said that the NED, with the support of the U.S. Congress, would continue to support organizations in South Korea set up by North Korean defectors to reach back into North Korea by providing information to the people. He urged the U.S., in the absence of a six-party process, to convene the other members of those talks (South Korea, Japan, China, and Russia) to discuss with them not just the security situation, but to prepare for a possible collapse in North Korea by considering now what would need to be done to aid the reconstruction of the country.

I agree that this would be a good starting point for the administration as would appointing a special envoy on North Korea human rights as is mandated by Congress.

Further, any future talks with the North Koreans, be it the six-party process or some other forum, must include human rights on the agenda.

Additionally, the administration ought to be pursuing a policy which places a high priority on working with other countries in the region to champion the rights of North Korean refugees. China is among the biggest obstacles. Its current policy of repatriating North Korean refugees violates China's international treaty obligations. A grim fate awaits those who are returned to North Korea.

Similarly, if North Korea continues to refuse U.S. food aid, the administration should urge

those countries that do provide aid, which again includes China, to press for International Red Cross access to the camps and monitors from the World Food Programme to ensure that the aid goes to its intended recipients.

Ultimately, we need to look forward. The North Korean regime will not be there forever to oppress its people. Just like the gulags and the regimes in Nazi Germany and the Soviet Union, that preceded it, this evil empire, too, will fall.

In the meantime we must champion the rights of the people who wither under this regime. I'll close with the words of Anne Applebaum in the hope that they inspire the administration's approach to North Korea moving forward. She writes in the introduction of *The Hidden Gulag*, "This is not to say that words can make a dictatorship collapse overnight. But words can certainly make a dictatorship collapse over time, as experience during the last two decades has shown. Totalitarian regimes are built on lies and can be damaged, even destroyed, when those lies are exposed."

[From the Washington Post, July 20, 2009]

N. KOREA'S HARD-LABOR CAMPS: ON THE DIPLOMATIC BACK BURNER
(By Blaine Harden)

SEOUL.—Images and accounts of the North Korean gulag become sharper, more harrowing and more accessible with each passing year.

A distillation of testimony from survivors and former guards, newly published by the Korean Bar Association, details the daily lives of 200,000 political prisoners estimated to be in the camps: Eating a diet of mostly corn and salt, they lose their teeth, their gums turn black, their bones weaken and, as they age, they hunch over at the waist. Most work 12- to 15-hour days until they die of malnutrition-related illnesses, usually around the age of 50. Allowed just one set of clothes, they live and die in rags, without soap, socks, underclothes or sanitary napkins.

The camps have never been visited by outsiders, so these accounts cannot be independently verified. But high-resolution satellite photographs, now accessible to anyone with an Internet connection, reveal vast labor camps in the mountains of North Korea. The photographs corroborate survivors' stories, showing entrances to mines where former prisoners said they worked as slaves, in-camp detention centers where former guards said uncooperative prisoners were tortured to death and parade grounds where former prisoners said they were forced to watch executions. Guard towers and electrified fences surround the camps, photographs show.

"We have this system of slavery right under our nose," said An Myeong Chul, a camp guard who defected to South Korea. "Human rights groups can't stop it. South Korea can't stop it. The United States will have to take up this issue at the negotiating table."

But the camps have not been discussed in meetings between U.S. diplomats and North Korean officials. By exploding nuclear bombs, launching missiles and cultivating a reputation for hair-trigger belligerence, the government of Kim Jong Il has created a permanent security flash point on the Korean Peninsula—and effectively shoved the issue of human rights off the negotiating table.

"Talking to them about the camps is something that has not been possible," said

David Straub, a senior official in the State Department's office of Korean affairs during the Bush and Clinton years. There have been no such meetings since President Obama took office.

"They go nuts when you talk about it," said Straub, who is now associate director of Korean studies at Stanford University.

Nor have the camps become much of an issue for the American public, even though annotated images of them can be quickly called up on Google Earth and even though they have existed for half a century, 12 times as long as the Nazi concentration camps and twice as long as the Soviet Gulag. Although precise numbers are impossible to obtain, Western governments and human groups estimate that hundreds of thousands of people have died in the North Korean camps.

North Korea officially says the camps do not exist. It restricts movements of the few foreigners it allows into the country and severely punishes those who sneak in. U.S. reporters Laura Ling and Euna Lee were sentenced last month to 12 years of hard labor, after being convicted in a closed trial on charges of entering the country illegally.

North Korea's gulag also lacks the bright light of celebrity attention. No high-profile, internationally recognized figure has emerged to coax Americans into understanding or investing emotionally in the issue, said Suzanne Scholte, a Washington-based activist who brings camp survivors to the United States for speeches and marches. "Tibetans have the Dalai Lama and Richard Gere, Burmese have Aung San Suu Kyi, Darfurians have Mia Farrow and George Clooney," she said. "North Koreans have no one like that."

EXECUTIONS AS LESSONS

Before guards shoot prisoners who have tried to escape, they turn each execution into a teachable moment, according to interviews with five North Koreans who said they have witnessed such killings.

Prisoners older than 16 are required to attend, and they are forced to stand as close as 15 feet to the condemned, according to the interviews. A prison official usually gives a lecture, explaining how the Dear Leader, as Kim Jong Il is known, had offered a "chance at redemption" through hard labor.

The condemned are hooded, and their mouths are stuffed with pebbles. Three guards fire three times each, as onlookers see blood spray and bodies crumple, those interviewed said.

"We almost experience the executions ourselves," said Jung Gwang Il, 47, adding that he witnessed two executions as an inmate at Camp 15. After three years there, Jung said, he was allowed to leave in 2003. He fled to China and now lives in Seoul.

Like several former prisoners, Jung said the most arduous part of his imprisonment was his pre-camp interrogation at the hands of the Bowibu, the National Security Agency. After eight years in a government office that handled trade with China, a fellow worker accused him of being a South Korean agent.

"They wanted me to admit to being a spy," Jung said. "They knocked out my front teeth with a baseball bat. They fractured my skull a couple of times. I was not a spy, but I admitted to being a spy after nine months of torture."

When he was arrested, Jung said, he weighed 167 pounds. When his interrogation was finished, he said, he weighed 80 pounds. "When I finally got to the camp, I actually gained weight," said Jung, who worked summers in cornfields and spent winters in the mountains felling trees.

"Most people die of malnutrition, accidents at work, and during interrogation," said Jung, who has become a human rights advocate in Seoul. "It is people with perseverance who survive. The ones who think about food all the time go crazy. I worked hard, so guards selected me to be a leader in my barracks. Then I didn't have to expend so much energy, and I could get by on corn."

DEFECTORS' ACCOUNTS

Human rights groups, lawyers committees and South Korean-funded think tanks have detailed what goes on in the camps based on in-depth interviews with survivors and former guards who trickle out of North Korea into China and find their way to South Korea.

The motives and credibility of North Korean defectors in the South are not without question. They are desperate to make a living. Many refuse to talk unless they are paid. South Korean psychologists who debrief defectors describe them as angry, distrustful and confused. But in hundreds of separate interviews conducted over two decades, defectors have told similar stories that paint a consistent portrait of life, work, torment and death in the camps.

The number of camps has been consolidated from 14 to about five large sites, according to former officials who worked in the camps. Camp 22, near the Chinese border, is 31 miles long and 25 miles wide, an area larger than the city of Los Angeles. As many as 50,000 prisoners are held there, a former guard said.

There is a broad consensus among researchers about how the camps are run: Most North Koreans are sent there without any judicial process. Many inmates die in the camps unaware of the charges against them. Guilt by association is legal under North Korean law, and up to three generations of a wrongdoer's family are sometimes imprisoned, following a rule from North Korea's founding dictator, Kim Il Sung: "Enemies of class, whoever they are, their seed must be eliminated through three generations."

Crimes that warrant punishment in political prison camps include real or suspected opposition to the government. "The camp system in its entirety can be perceived as a massive and elaborate system of persecution on political grounds," writes human rights investigator David Hawk, who has studied the camps extensively. Common criminals serve time elsewhere.

Prisoners are denied any contact with the outside world, according to the Korean Bar Association's 2008 white paper on human rights in North Korea. The report also found that suicide is punished with longer prison terms for surviving relatives; guards can beat, rape and kill prisoners with impunity; when female prisoners become pregnant without permission, their babies are killed.

Most of the political camps are "complete control districts," which means that inmates work there until death.

There is, however, a "revolutionizing district" at Camp 15, where prisoners can receive remedial indoctrination in socialism. After several years, if they memorize the writings of Kim Jong Il, they are released but remain monitored by security officials.

SOUTH'S CHANGING RESPONSE

Since it offers a safe haven to defectors, South Korea is home to scores of camp survivors. All of them have been debriefed by the South Korean intelligence service, which presumably knows more about the camps than any agency outside of Pyongyang.

But for nearly a decade, despite revelations in scholarly reports, TV documentaries and

memoirs, South Korea avoided public criticism of the North's gulag. It abstained from voting on U.N. resolutions that criticized North Korea's record on human rights and did not mention the camps during leadership summits in 2000 or 2007. Meanwhile, under a "sunshine policy" of peaceful engagement, South Korea made major economic investments in the North and gave huge, unconditional annual gifts of food and fertilizer.

The public, too, has been largely silent. "South Koreans, who publicly cherish the virtue of brotherly love, have been inexplicably stuck in a deep quagmire of indifference," according to the Korean Bar Association, which says it publishes reports on human rights in North Korea to "break the stalemate."

Government policy changed last year under President Lee Myung-bak, who has halted unconditional aid, backed U.N. resolutions that criticize the North and tried to put human rights on the table in dealing with Pyongyang. In response, North Korea has called Lee a "traitor," squeezed inter-Korean trade and threatened war.

AN ENFORCER'S VIEW

An Myeong Chul was allowed to work as a guard and driver in political prison camps because, he said, he came from a trustworthy family. His father was a North Korean intelligence agent, as were the parents of many of his fellow guards.

In his training to work in the camps, An said, he was ordered, under penalty of becoming a prisoner himself, never to show pity. It was permissible, he said, for bored guards to beat or kill prisoners.

"We were taught to look at inmates as pigs," said An, 41, adding that he worked in the camps for seven years before escaping to China in 1994. He now works in a bank in Seoul.

The rules he enforced were simple. "If you do not meet your work quota, you do not eat much," he said. "You are not allowed to sleep until you finish your work. If you still do not finish your work, you are sent to a little prison inside the camp. After three months, you leave that prison dead."

An said the camps play a crucial role in the maintenance of totalitarian rule. "All high-ranking officials underneath Kim Jong Il know that one misstep means you go to the camps, along with your family," he said.

Partly to assuage his guilt, An has become an activist and has been talking about the camps for more than a decade. He was among the first to help investigators identify camp buildings using satellite images. Still, he said, nothing will change in camp operations without sustained diplomatic pressure, especially from the United States.

INCONSISTENT U.S. APPROACH

The U.S. government has been a fickle advocate.

In the Clinton years, high-level diplomatic contacts between Washington and Pyongyang focused almost exclusively on preventing the North from developing nuclear weapons and expanding its ballistic missile capability.

President George W. Bush's administration took a radically different approach. It famously labeled North Korea as part of an "axis of evil," along with Iran and Iraq. Bush met with camp survivors. For five years, U.S. diplomats refused to have direct negotiations with North Korea.

After North Korea detonated a nuclear device in 2006, the Bush administration decided to talk. The negotiations, however, focused exclusively on dismantling Pyongyang's expanded nuclear program.

In recent months, North Korea has reneged on its promise to abandon nuclear weapons, kicked out U.N. weapons inspectors, exploded a second nuclear device and created a major security crisis in Northeast Asia.

Containing that crisis has monopolized the Obama administration's dealings with North Korea. The camps, for the time being, are a non-issue. "Unfortunately, until we get a handle on the security threat, we can't afford to deal with human rights," said Peter Beck, a former executive director of the U.S. Committee for Human Rights in North Korea.

A FAMILY'S TRIBULATIONS

Kim Young Soon, once a dancer in Pyongyang, said she spent eight years in Camp 15 during the 1970s. Under the guilt-by-association rule, she said, her four children and her parents were also sentenced to hard labor there.

At the camp, she said, her parents starved to death and her eldest son drowned. Around the time of her arrest, her husband was shot for trying to flee the country, as was her youngest son after his release from the camp.

It was not until 1989, more than a decade after her release, that she found out why she had been imprisoned. A security official told her then that she was punished because she had been a friend of Kim Jong Il's first wife and that she would "never be forgiven again" if the state suspected that she had gossiped about the Dear Leader.

She escaped to China in 2000 and now lives in Seoul. At 73, she said she is furious that the outside world doesn't take more interest in the camps. "I had a friend who loved Kim Jong Il and for that the government killed my family," she said. "How can it be justified?"

HONORING JACK NYIRI

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mrs. BLACKBURN. Madam Speaker, I rise today to ask my colleagues to join me in honoring the selfless service Jack Nyiri has performed throughout his lifetime for the Boy Scouts of America, specifically the Cub Scout organization.

The aims of Scouting—citizenship training, character development, and personal fitness—are so very important to developing the next generation of American citizens. But these aims cannot be accomplished without the dedication of individuals like Jack Nyiri, who are willing to part with their own time and effort for the good of our children.

After participating in both Cub and Boy Scouting in Cleveland, Ohio, Mr. Nyiri dove into leading Cub Scout packs and participating in the administration of scouting across at least three different states. His steadfastness and excellence has been recognized through many of scouting's highest awards, as he has more than lived up to the Cub Scout motto—"Do your best."

Nowhere is Mr. Nyiri's dedication more tangible than in the success of Bus Scout Pack 96, based in Nashville, Tennessee. His leadership has built this pack into a strong and vibrant organization, and the scouts and parents

of Pack 96 have expressed to me their extreme gratefulness for Mr. Nyiri's tenure as the Pack Leader.

Madam Speaker, I congratulate Jack and ask my colleagues to join me in celebrating his accomplishments.

JEREMIAH MEYER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jeremiah Meyer of Liberty, Missouri. Jeremiah is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 215, and earning the most prestigious award of Eagle Scout.

Jeremiah has been very active with his troop, participating in many scout activities. Over the many years Jeremiah has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. He was also the recipient of the Eagles Soaring High award.

Madam Speaker, I proudly ask you to join me in commending Jeremiah Meyer for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EARMARK DECLARATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. BONNER. Madam Speaker, I submit the following:

Project Name: Elevated Water Tank Construction

Requesting Member: Congressman JO BONNER

Bill: Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Housing & Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: The City of Atmore, AL

Address of Requesting Entity: 201 East Louisville Avenue, Atmore, AL 36502

Description of Request: Provide an earmark of \$350,000 for engineering and construction of a 500,000 gallon elevated water tank to provide a potable water supply and fire protection for the City of Atmore's industrial development park and will also augment existing water service to the Holman Correctional Institute by providing backup water supply. The total project cost is estimated to be \$1,000,000. Approximately, \$75,000 [or 21%] of the earmark is expected to be used for engineering; \$25,000 [or 7%] for environmental assessment; \$50,000 [or 14%] for in ground lines and infrastructure connected to the tower; and \$200,000 [or 58%] for construction

of the tower itself. The City of Atmore will provide a minimum of a 45/55 cost share and this funding will come directly from the City.

Project Name: Atmore Airport Access Road, Runway Lights, and Safety Improvements, AL
Requesting Member: Congressman JO BONNER

Bill: Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Airport Improvement Program
Legal Name of Requesting Entity: The City of Atmore, AL

Address of Requesting Entity: 201 East Louisville Avenue, Atmore, AL 36502

Description of Request: Provide an earmark of \$475,000 for engineering and improvements to Atmore's airport, including construction of an access road to the airport terminal, rehabilitation of the airport runway lights, and improved safety zones at and surrounding the airport. The total project cost is estimated to be approximately \$2,300,000, of which \$1,140,000 was appropriated in FY2009. This appropriation should complete the project. Approximately, \$75,000 [or 16%] of this year's earmark will be used for engineering; \$100,000 [or 21%] for replacement lights and electrical equipment; and the remaining \$300,000 [or 63%] will be used for construction. The City of Atmore will provide the required federal match. Improvements to runway lights and correction of grading in the safety zone area will enhance safety to the flying public while complying with FAA regulations.

Project Name: Mobile Downtown Airport Taxiway A Improvements, AL

Requesting Member: Congressman JO BONNER

Bill: Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Airport Improvement Program
Legal Name of Requesting Entity: Mobile Airport Authority

Address of Requesting Entity: 1891 Ninth Street, Mobile, AL 36615

Description of Request: Provide \$1,500,000 for airfield improvements at Mobile Downtown Airport (BFM)—Taxiway "A" South Rehabilitation and Drainage Improvements. Approximately, \$225,000 [or 15%] will be used for engineering; \$187,500 [or 13%] will be used for milling; \$652,500 [or 44%] will be used for asphalt; \$150,000 [or 10%] will be used for the drainage system; \$37,500 [or 2%] will be used for pavement marking; \$52,500 [or 3%] will be used for shoulder dressing; \$195,000 [or 13%] will be used for joint sealing/repair. The Mobile Airport Authority will provide the required local matching share for these federal funds. This project will consist of rehabilitating the asphalt surface and drainage system of the southern portion of Taxiway "A". The existing drainage system located below Taxiway "A" has caused a failure in the asphalt surface of the taxiway that is located between the intersection of Runway 36 and Runway 32. If the existing drainage system is not repaired, it will continue to cause deterioration of the asphalt surface, ultimately resulting in complete failure. Taxiway "A" is the only connector for aircraft landing and taking off on Runway 14/32. Over 63,000 aircraft utilized Taxiway "A" in 2008, which is over 170 aircraft per day traveling on a failing surface.

Project Name: Alabama PALS, Coastal Cleanup Equipment

Requesting Member: Congressman JO BONNER

Bill: Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Economic Development Initiative

Legal Name of Requesting Entity: Alabama PALS

Address of Requesting Entity: 340 North Hull Street, Montgomery, AL 36104

Description of Request: Provide an earmark of \$250,000 to Alabama PALS, a 501(c)3 non-profit organization. Funding will be used to provide garbage and recycling supplies, education materials, volunteer crew equipment and public awareness campaign expenses. Approximately \$90,000 [or 36%] will be used directly for the fall Coastal Cleanup Program; \$60,000 [or 24%] for the spring "Don't Drop It on Alabama" Cleanup program; \$40,000 [or 24%] will be used for a Clean Campus Program; \$10,000 [or 4%] will be used for its Adopt-A-Stream Program; \$10,000 [or 4%] will be used for its Adopt-A-Beach Program; \$10,000 [or 4%] will be used for its Adopt-An-Area Program; \$30,000 [or 12%] will be used for an environmental assessment and economic analysis. Alabama PALS will provide the required local match. In conjunction with the Alabama Department of Conservation and Natural Resources, Alabama PALS has over 4,500 annual volunteers who dedicate their time and resources to this important coastal cleanup project. This coastal cleanup program will continue to benefit the entire state by keeping area waterways clean of debris thereby furthering Alabama's tourism industry.

Project Name: Clarke County Economic Development Initiative Infrastructure Improvements

Requesting Member: Congressman JO BONNER

Bill: Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Economic Development Initiative

Legal Name of Requesting Entity: The Clarke County Commission

Address of Requesting Entity: 114 Court Street, Grove Hill, Alabama, USA

Description of Request: Provide an earmark of \$400,000 to continue an economic development project to effectively plan and build the necessary infrastructure for identified industrial property in Clarke County, Alabama. Approximately, \$89,000 [or 22%] will be used for engineering design, surveying and inspection; \$123,000 [or 31%] will be used for clearing and grading; \$106,000 [or 27%] will be used for road construction; \$72,000 [or 18%] will be used for water and sanitary sewer; \$10,000 [or 2%] will be used for grassing and erosion control. The current unemployment rate in Clarke County is 15.3% and this economic development project will help bring new industry to this area. The County Commission and five local municipalities have worked together to prepare a master plan for economic development and pledged their support for this park as it benefits the entire region.

EARMARK DECLARATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I, SAM JOHNSON, am submitting the following information regarding an earmark I received as part of the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010. The entity to receive funding is the National Virtual Vietnam Archive at Texas Tech University, Special Collections Library, Room 108, Box 41041, Lubbock, TX, 79409-1041.

This project is funded through the Department of Education's Institute of Museum and Library Services under the Museums and Libraries Account. The \$850,000 will be used to continue to develop and establish the Virtual Vietnam Archive, which is a digitized, online version of the Vietnam Archive. This multi-phased project is crucial in order for the extensive collection of the Vietnam Archive to be available to all Americans, and particularly to Vietnam veterans. The first phase focused on establishing the Virtual Vietnam Archive at Texas Tech. The second phase focused on expanding the Archive to include other private collections and other non-government collections. The requested funding will be used for the final phase, which focuses on including selected government documentary collections, which are not currently scheduled for digitization by the National Archives. The integration of the National Archives will mean that a more accurate and extensive record will be available to all Americans. The National Virtual Vietnam Archive and related Vietnam center activities will encourage and support continuing research and education throughout the United States, benefitting scholars, students, veterans, formulators of American foreign policy as well as the general public.

HONORING MAJOR THOMAS COX
ON THE OCCASION OF HIS RETIREMENT

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. WITTMAN. Madam Speaker, I rise today to recognize the accomplishments of Major Tom Cox, who is retiring from the United States Air Force after over 20 years of dedicated service.

Major Cox began his career as an Airman at Offutt Air Force Base, Omaha where he became the youngest Airman ever selected as a Security Team Member on the National Emergency Airborne Command Post. Following this assignment he attended the University of Nebraska at Omaha and was commissioned in 1993 through the ROTC program. He has

served his country through a variety of assignments in law enforcement and counterintelligence. Major Cox served as Chief of Counterintelligence and Chief of Offensive Counterintelligence at Tinker Air Force Base and Andrews Air Force Base identifying national vulnerabilities and identifying and defeating foreign governments targeting U.S. assets. He commanded the Air Force Office of Special Investigations at Misawa Air Base, Japan and directed the Command and Control Division at Kunsan Air Base, Korea. Major Cox finished his career by passing on his experience and insights to future agents through his work on the Air Staff and at Headquarters Air Force Office of Special Investigations, and while leading over 60 agents deployed to Iraq in counterintelligence efforts.

His retirement allows for reflection on what can only be considered a sterling career. He has admirably served his country without question or reservation. His fellow Soldiers, Sailors, Airmen and Marines will attest that Major Cox sets the standard regarding attributes such as honor, respect, duty and country.

On behalf of my colleagues, and myself, I extend to Major Tom Cox my gratitude, deep appreciation and well wishes for prosperous retirement years. Thank you for your service to our country.

EARMARK DECLARATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding projects that were included at my request in the Fiscal Year 2010 Department of Transportation and Housing and Urban Development Appropriations Bill:

Central Avenue Bus Rapid Transit Corridor Enhancements:

Account: Federal Transit Administration, Bus and Bus Facilities

Legal name and address of requesting entity: City of St. Petersburg, 175 Fifth Street North, St. Petersburg, FL 33701

Description of request: \$500,000 is included in the bill for the City of St. Petersburg for the continued development of a Bus Rapid Transit corridor along Central Avenue. The funding will be used for station development, streetscaping, signalization, surface street improvements, and pedestrian connectors. \$475,000 was provided for this project in FY 2009. The city will provide \$100,000.

Clearwater Downtown Intermodal Terminal:

Account: Federal Transit Administration, Bus and Bus Facilities

Legal name and address of requesting entity: Pinellas Suncoast Transit Authority, 3201 Scherer Drive, St. Petersburg, FL 33716

Description of request: \$1,250,000 is included in the bill for the Pinellas Suncoast Transit Authority for the construction of an Intermodal Terminal in downtown Clearwater to provide better transit connectivity for the

residents of Clearwater and Pinellas County. This project is consistent with local Metropolitan Planning Organization and Florida Department of Transportation priorities for public transit amenity improvements and will provide additional benefits for future Bus Rapid Transit development by providing an accessible stop in Clearwater for various modes including pedestrian, bicycling, taxis, private charter and PSTA buses, vanpools, and carpools. This project will be undertaken by PSTA in collaboration with the City of Clearwater and Pinellas County and when construction begins, this project could provide employment for over 300 local residents. This is the first federal funding requested for this project.

St. Petersburg City Trails Project:

Account: Federal Highway Administration, Transportation, Community and System Preservation Program

Legal name and address of requesting entity: City of St. Petersburg, 175 Fifth Street North, St. Petersburg, FL 33701

Description of request: \$500,000 is included in the bill for the City of St. Petersburg for the City Trails program to enhance the safety of its bicycle and pedestrian trails. These improvements include the installation of the Enhancer, a rapid-flashing beacon at marked crosswalks, and countdown pedestrian signals and enhanced marking and traffic signs for mid-block crosswalks. This funding will allow the City to install these devices at eight new locations and construct two additional miles of sidewalk and/or 10 miles of new bike lanes.

St. Petersburg-Clearwater International Airport Terminal Improvements:

Account: Federal Aviation Administration, Grants-in-Aid for Airports

Legal name and address of requesting entity: Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, FL 33756

Description of request: \$1,000,000 is included in the bill for the Pinellas County Board of County Commissioners for runway, taxiway, and lighting rehabilitation at St. Petersburg-Clearwater International Airport. Improvements will address structural problems and requirements needed to increase safety, to meet energy efficiency standards, and to accommodate airline growth. \$831,250 was provided for airport improvements in FY 2009. Pinellas County will contribute \$750,000.

Veterans Commons:

Account: Department of Housing and Urban Development, Economic Development Initiative

Legal name and address of requesting entity: Central City Community Development Corporation, 2826 North Central Avenue, Tampa, FL 33602

Description of request: \$500,000 is included in the bill for the Central City Community Development Corporation for the renovation and construction of a complex to provide housing services for the underemployed and mentoring programs for at-risk youth. Veterans Commons is a planned community revitalization project to provide more than 350 affordable rental housing units, establish 25 new micro-entrepreneurial and retail outlets, and support community partnerships dedicated to the mentoring of at-risk youth and the underemployed. The project coordinates the activities and re-

sources of many community-wide organizations and institutions under one redevelopment plan for Tampa Heights, potentially creating 400 jobs. No previous federal funds were requested for this project.

HONORING LIEUTENANT COLONEL KRISTINE V. NAKUTIS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. TANNER. Madam Speaker, I rise today to honor Lieutenant Colonel Kristine V. Nakutis, who is retiring this month after more than 20 years of service to the United States Army. A portion of that time was spent as Commander of the Milan Army Ammunition Plant, which I am honored to represent in this chamber.

Lieutenant Colonel Kristine V. Nakutis assumed command of Milan Army Ammunition Plant on July 12, 2004. A native of Meriden, Connecticut, Lieutenant Colonel Nakutis received her commission as an Army Ordnance officer in May 1989 through the Reserve Officer Training Corps (ROTC) program at Marist College in Poughkeepsie, New York. Upon graduating with honors, she received a Bachelor of Arts Degree in Political Science and departed for the Ordnance Officer Basic Course in Redstone Arsenal, Alabama.

Lieutenant Colonel Nakutis' first assignment was at 24th Ordnance Company, Hunter Army Airfield, Georgia, where she served as a Magazine Platoon Leader for two years. This assignment allowed her the opportunity to support National Training Center rotations for 24th Infantry Division, Operation Just Cause in support of 1/75th Ranger Regiment, and the deployment of 24th Infantry Division to Saudi Arabia.

In support of Operation Desert Shield, Lieutenant Colonel Nakutis deployed her platoon to Saudi Arabia and established the largest Corps Storage Area (CSA) of ammunition in direct support of 18th Airborne Corps. During her deployment, she assumed command of 24th Ordnance Company for a period of 35 days, while they prepared to transition to Operation Desert Storm and the forward movement of troops and supplies.

Upon returning from Desert Storm, she assumed the position of Assistant Protocol Officer for 24th Infantry Division. She received reassignment to the Republic of Korea, where she worked as the 6th Ordnance Battalion's S2/3 Officer and Company Commander of 538th Ordnance Company. Her other assignments include Combined Logistics Officer Advanced Course at Fort Lee, Virginia; Corps Ammunition Manager, 4th CMMC, Fort Hood, Texas; and Corps Ammunition Planner, 13th COSCOM, Fort Hood, Texas.

Lieutenant Colonel Nakutis attended the University of Massachusetts, Amherst, where she earned a Master of Arts degree in Philosophy with a follow-on three year assignment as an Assistant Professor at the United States Military Academy in the Department of English. Upon departing USMA, she became the Support Operations Officer for 6th Ordnance Battalion, Republic of Korea, in July

2002. In this position, she was responsible for the U.S. ammunition stocks valued at more than \$6 billion.

She served a 90-day tour in Baghdad, Iraq, as a mentor to Iraqi Ammunition Officers to help them establish strategic ammunition management systems.

Lieutenant Colonel Nakutis' awards and decorations include the Meritorious Service Medal (with two Oak Leaf clusters); Joint Service Commendation Medal; Army Superior Unit Award; Army Commendation Medal (with two Oak Leaf clusters); Army Achievement Medal (with two Oak Leaf clusters); Kuwaiti Liberation Medal; Southwest Asia Service Medal; Presidential Unit Citation (with one Oak Leaf cluster); Iraqi Freedom Medal.

Madam Speaker, I have had the pleasure of working closely with Lieutenant Colonel Nakutis in her position as Commander of the Milan Army Ammunition Plant, a facility that is important to our nation's defense. I hope you and our colleagues will join us to congratulate Lieutenant Colonel Nakutis on her retirement, thank her for her service and wish her all the best.

EARMARK DECLARATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, FY2010 Transportation, Housing, and Urban Development and Related Agencies Appropriations Act.

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3288

Account: Surface and Transportation Priorities

Legal Name of Requesting Entity: Washington State Department of Transportation

Address of Requesting Entity: 310 Maple Park Drive, SE, Olympia, WA 98504

Description of Request: Provide an addition of \$400,000 for advancing project design, purchasing critical right of ways, and supplement project construction in the corridor from Interstate 90 to U.S. 395 at Wandermere in Spokane, WA. When completed, this 60 mile per hour freeway facility will connect Interstate 90 on the south with U.S. 2 and U.S. 395 in the north of Spokane. The U.S. 395 North Spokane Corridor will move freight and other traffic off of existing congested surface streets. The completed facility will accommodate the current and growing freight traffic that annually goes through Spokane.

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3288

Account: Surface and Transportation Priorities

Legal Name of Requesting Entity: Port of Walla Walla

Address of Requesting Entity: 310 A Street, Walla Walla, WA 99362

Description of Request: Provide \$400,000 for the U.S. Highway 12 Burbank to Walla

Walla Phase 7 Project. This project phase is the fifth of seven construction phases on corridor improvement that will upgrade the U.S. 12 corridor. Expanding U.S. 12 from two lanes to a four-lane, divided highway is critical for improving safety, fostering economic development throughout southeast Washington and addressing growing congestion.

EARMARK DECLARATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. CULBERSON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the FY2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill:

Requesting Member: Congressman JOHN CULBERSON.

Bill Number: H.R. 3288

Account: Department of Transportation, Federal Transit Administration, Alternatives Analysis account.

Legal Name and Address of Requesting Entity: Houston Galveston Area Council, 3555 Timmons, Suite 120; Houston, TX 77027

Description of Request: Provide an earmark of \$1,000,000 to the Houston Galveston Area Council to conduct a regional transportation study to develop a blueprint to address the region's long-term transportation needs. The results of the study will indicate that significant transportation improvements will be needed in several parts of the city, including the Texas Medical Center due to the unprecedented growth that is anticipated. Demands for cost-effective and environmentally-friendly mobility solutions are increasing. The Houston Galveston Area Council will use this funding to identify targeted mobility improvements for developing an efficient and functional multimodal transportation system in the Texas Medical Center. This planning is essential to keep Houston and the Texas Medical Center moving forward.

Requesting Member: Congressman JOHN CULBERSON.

Bill Number: H.R. 3288

Account: Department of Transportation, Federal Transit Administration, Bus and bus facilities account.

Legal Name and Address of Requesting Entity: Houston METRO, 1990 Main Street; Houston, TX 77028

Description of Request: Provide an earmark of \$1,420,000 to Houston METRO to replace and expand its bus service. Houston METRO maintains one of the best public bus systems in the country. According to Federal guidelines, buses should be replaced every 12 years. This request will provide funding to continue expansion of the Park & Ride system throughout the Houston area and be used to purchase replacement buses for the METRO fleet. METRO has about 1,200 buses and has developed an annual replacement schedule that replaces 100 buses per year.

Requesting Member: Congressman JOHN CULBERSON.

Bill Number: H.R. 3288

Account: Department of Transportation, Federal Transit Administration, New starts/fixed guideway account.

Legal Name and Address of Requesting Entity: Houston METRO, 1990 Main Street; Houston, TX 77028

Description of Request: Provide an earmark of \$75,000,000 to Houston METRO to build the North and Southeast light rail lines approved by voters. In 2003, the voters of Houston approved the METRO Solutions plan that includes buses, light rail, and commuter rail. This request will continue to help fund the final design, land acquisition, and construction for the first segments on the North Corridor and Southeast Corridor Projects only. Additionally, this funding will also help begin the planning work for commuter rail segments.

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. CARTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: JOHN R. CARTER

Bill: Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration—Surface Transportation Priorities

Requesting Entity: City of Round Rock, Texas

Address of Requesting Entity: 221 East Main St, Round Rock, TX 78664

Description: \$750,000 in funding for FM 1460 Roadway Improvements from the FHWA TCSP account. This project will provide for the widening of FM 1460 (North A.W. Grimes Boulevard) from north of Old Settlers Boulevard to north of University Boulevard. The project will reconstruct the existing two lane minor arterial roadway to a four lane divided major arterial roadway using current best practices in roadway design and including bicycle and pedestrian accommodations in accordance with Capital Area Metropolitan Planning Organization (CAMPO) policy.

Requesting Member: JOHN R. CARTER

Bill: Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration—Surface Transportation Priorities

Requesting Entity: City of Belton, TX

Address of Requesting Entity: 333 Water St, Belton, TX 76513

Description: \$750,000 in funding for the City of Belton's Ninth Avenue Extension and Overpass Construction. During rush hours, this main commercial artery experiences congestion that limits commerce and delivery of county services in Belton. Belton, Texas, will extend West 9th Avenue and construct an overpass, spanning Nolan Creek, which will alleviate current Main Street congestion. This

project, which appears on the region's Metropolitan Planning Organization (MPO) will construct a 1,500 feet extension of 9th Avenue to include 36' pavement, an overpass structure, pedestrian safety mechanisms and wastewater infrastructure.

Requesting Member: JOHN R. CARTER

Bill: Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Housing and Urban Development—Economic Development Initiatives

Requesting Entity: City of Round Rock, TX

Address of Requesting Entity: 221 East Main St, Round Rock, TX 78664

Description: \$500,000 in funding for the Downtown Revitalization and Main Street Improvements in Round Rock, Texas. This project will provide infrastructure improvements on Main Street from IH 35 to San Saba Street including street, utility and sidewalk improvements. Construction of a new bridge across Lake Creek is also included in the scope of the project. In the 2001 General Obligation Bond election, Round Rock residents made a commitment to providing financing for projects that would foster downtown development. Federal funding will be necessary to support engineering, utility relocation and design and construction activities related to this project. The total project cost is \$3.3 million. A preliminary budget breakdown is as follows: Engineering—\$425,000; Utilities—\$250,000; Design and Construction—\$2,625,000

Requesting Member: JOHN R. CARTER

Bill: Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Housing and Urban Development—Neighborhood Initiatives

Requesting entity: City of Harker Heights, Texas

Address of Requesting Entity: 305 Millers Crossing, Harker Heights, TX 76548

Description: \$750,000 in funding from the HUD EDI account for the City of Harker Heights for the construction a full Armed Services YMCA recreation center on City property. In addition, it would provide recreation and rehabilitation opportunities to the citizens of Harker Heights and to Armed Services personnel both retired and active. Engineering, surveying and inspection will cost approximately \$700,000. Construction costs will be an approximate \$6.3 million.

Requesting Member: JOHN R. CARTER

Bill: Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Federal Transit Administration—Buses & Bus Facilities

Requesting entity: Capital Metropolitan Transportation Authority

Address of Requesting Entity: 2910 East 5th Street, Austin, TX 78702

Description: \$1,250,000 in funding for the Capital Metro Transportation Authority of the purchase of para-transit vehicles from the FTA Buses and Bus Facilities account to assist with the replacement of vehicles in our accessible fleet. This funding will allow Capital Metro to service persons with disabilities and allow continued door to door service to allow disabled persons access to mass transit.

RECOGNIZING THE OHIO STATE UNIVERSITY MEDICAL CENTER

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. TIBERI. Madam Speaker, it is with great pleasure that I rise to recognize the Ohio State University Medical Center. OSU Medical Center has been listed among U.S. News and World Report's list of "Honor Roll" hospitals.

Praised for their quality care and performance, OSU Medical Center is among only 21 hospitals in the country named to this elite list. This is the 17th consecutive year that OSU Medical Center has been considered one of "America's Best Hospitals" by U.S. News and World Report.

The Ohio State University Medical Center is one of the largest and most diverse academic medical centers in the country. OSUMC has been recognized for more than six specialties including the Ross Heart Hospital, which ranked 37 among 4,861 hospitals and the James Cancer Hospital, which ranked 18th for cancer treatment. In addition, the list also includes ear, nose and throat, diabetes and endocrinology, gynecology, kidney disease, orthopedics, respiratory disorders, rehabilitation and urology.

This success is a direct reflection of the staff and faculty at the Ohio State University Medical Center. All are credited for helping to make the OSU Medical Center a leader in medicine in creating a future that will improve people's lives. Their education, research, and dedication to personalized care for every patient is truly commendable.

I offer my congratulations to the entire OSU Medical Center community for the hospital's excellence in care and the honor of ranking as one of America's Best Hospitals in 2009 and 2010.

EARMARK DECLARATION

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. POSEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of rule XXI, I am submitting the following information regarding earmarks for my Congressional District as a part of H.R. 3170, Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman BILL POSEY

Project Funding Amount: \$100,000

Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, 2010

Account: Small Business Administration

Legal Name of Requesting Entity: Florida Institute of Technology (FIT).

Address of Requesting Entity: Florida Institute of Technology, 150 West University Blvd., Melbourne, Florida 23901.

Description of Request: This funding will be used at FIT's ABTA Institute to continue col-

lecting data and creating a database to publish standards and tables of government activities so that comparisons can be made between different providers of services to find out which ones are more cost effective. This initiative is aimed at providing accountability on how taxpayer dollars are spent with the goal of providing taxpayers with greater transparency of government expenditures.

Consistent with Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request (1) is not directed to any entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for entities unless the use of the funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

CONGRATULATING THE SCRANTON JEWISH COMMUNITY CENTER ON ITS 100TH ANNIVERSARY CELEBRATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Scranton Jewish Community Center on its 100th anniversary celebration.

The Scranton Jewish Community Center, or JCC, was founded as the YMHA, or Young Men's Hebrew Association, on September 12, 1909. The YMHA humbly began in the rear of a candy store on Penn Avenue. However, not long after holding its first meeting, membership grew rapidly. The group, under the leadership of the first president, Mr. A. Freedman, rented bigger rooms on Wyoming Avenue.

Less than four years later, the Ladies' Auxiliary was established forcing the group to look for a more permanent location—resulting in the first resoundingly successful fundraising campaign of the YM-YWHA.

After raising over \$50,000, under the direction of A.B. Cohen, the association purchased the Matthews Homestead and was able to officially open on December 5, 1915.

With its growing success and its growing membership, larger facilities were again needed. Myer Davidow donated \$50,000, which was matched by the building committee to remodel the existing property.

Between 1934 and 1938 the club system had reached the apex of function and success. The YM-YWHA provided various programming benefiting the entire Jewish community of Scranton.

Between 1946 and 1949 the "Y" programs continued to prosper and another successful fundraising campaign began. Also, a new constitution was adopted renaming the organization the Jewish Community Center.

On May 15, 1953, Judge Brady granted the organization's plea to erect a new center on Jefferson Avenue. The JCC was given \$200,000 over a ten-year period as well as \$450,000 and collected out-standing pledges

resulting in an additional \$400,000 for the building project.

Between 1955 and 1979 JCC programs expanded to include theater, art and film festivals, camps, dances and balls, cultural and women's affairs under their new roof on Jefferson Avenue. Meanwhile, a \$750,000 revitalization project helped establish a fitness center for JCC members.

In the 1980s and 1990s, an emphasis was placed on community cooperation and coordination. The JCC collaborated with area agencies including the YMCA and United Way.

The Golden Agers made their way into JCC programming with senior-focused tours, trips and clubs.

In 1998 the Capital Campaign chaired by Steven Seitchik set a goal of \$400,000. They exceeded their goal receiving pledges totalling \$666,208 of which 99.9% was collected.

Since 2000, the Scranton JCC has continued to expand and perfect its programming for the community as it provides for the needs of members. Also available are "Teen Trips to Israel" which offers lowered costs to those participating.

Madam Speaker, please join me in congratulating the Scranton Jewish Community Center on 100 years of success. The Scranton JCC has set an example in Scranton of an organization focused on its members' needs spiritually, mentally, physically, socially and educationally. Their work in the community has provided innumerable benefits for Scranton and has improved the quality of life throughout the region.

35TH COMMEMORATION OF THE INVASION AND OCCUPATION OF CYPRUS

HON. ALBIO SIREs

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. SIREs. Madam Speaker, I rise today in recognition of the 35th Commemoration of the invasion and occupation of Cyprus. In 1974, the Turkish Military invaded Cyprus, and 35 years later, the military still occupies over one-third of the island. The invasion and subsequent occupation led to the deaths of thousands and the forced displacement of nearly 200,000 Greek Cypriots.

Fortunately, President Christofias and the Turkish Cypriot leader, Mr. Talat, have made several agreements to improve relationships between the two communities on the island, and the settlement negotiations are ongoing. It is my hope that these negotiations will yield a bi-communal, bizonal federation for Cyprus that adheres to UN resolutions.

I rise today to stand with the people of Cyprus to seek a long overdue solution to this decades-long division. To succeed, a settlement effort should be of the Cypriots, by the Cypriots and for the Cypriots.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mrs. MCCARTHY of New York. Madam Speaker, yesterday, I missed nine votes. Had I been present I would have voted:

Rollcall No. 596, on the Motion to Suspend the Rules and Agree to H. Con. Res. 164, I would have voted "yea."

Rollcall No. 597, on the Motion to Suspend the Rules and Pass, as Amended H.R. 2729, I would have voted "yea."

Rollcall No. 598, on the Motion to Suspend the Rules and Pass, as Amended H.R. 1622, I would have voted "yea."

Rollcall No. 599, on the Motion to Suspend the Rules and Agree to, as Amended, H. Res. 507, I would have voted "yea."

Rollcall No. 600, on the Motion to Suspend the Rules and Agree to H. Res. 270, I would have voted "yea."

Rollcall No. 601, on the Motion to Suspend the Rules and Agree to S. Con. Res. 30, I would have voted "yea."

Rollcall No. 602, on the Motion to Suspend the Rules and Agree to H. Con. Res. 123, I would have voted "yea."

Rollcall No. 603, on the Motion to Suspend the Rules and Pass H.R. 1933, I would have voted "yea."

Rollcall No. 604, on the Motion to Suspend the Rules and Pass H.R. 2632, I would have voted "yea."

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2010.

TITLE I: DEPARTMENT OF TRANSPORTATION

Bill Number: H.R. 3288

Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: Somerset County

Address of Requesting Entity: PO Box 3000, Somerset, New Jersey 08876-1262.

Funding Level: \$1,250,000

Description of Request: This project, authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, would relieve current and projected traffic congestion, improve vehicular and pedestrian safety and integrate access to mass transit in one of the fastest growing regions in New Jersey. This area is currently the site of extremely dangerous accident "hot spots," and this funding will greatly improve roadway and pedestrian safety. Further, it has been estimated by the county that drivers are subjected to over 100 hours of transit delays per year in Somerset County.

Bill Number: H.R. 3288

Account: Federal Transit Administration, Buses and Bus Facilities

Legal Name of Requesting Entity: New Jersey Transit

Address of Requesting Entity: One Penn Plaza, Newark, New Jersey 07105.

Funding Level: \$2,350,000

Description of Request: It is my understanding the funding would be used for intermodal improvements throughout Northern New Jersey. Ridership on public transportation is at all time highs and it is critical to ensure that our public transportation system operates smoothly and can handle this increased demand.

TITLE II: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Bill Number: H.R. 3288

Account: Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: Employment Horizons, Inc.

Address of Requesting Entity: 10 Ridgedale Avenue, Cedar Knolls, New Jersey 07927.

Funding Level: \$400,000

Description of Request: It is my understanding that the funding will be used to renovate and refurbish the Employment Horizons facility to enhance self-sufficiency and increase productivity for the disabled population that has occupied the building for the past 38 years.

EARMARK DECLARATION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. OLSON. Madam Speaker, to provide open disclosure pursuant to Republican standards on congressionally directed funding, I am submitting the following information regarding funding that I support included in H.R. 3288, the Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman PETE OLSON

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration, Interstate Maintenance Discretionary

Name of Recipient: Federal Highway Administration

Address of Recipient: 1200 New Jersey Ave., SE., Washington, DC 20590-9898

Description of Request: \$500,000 in funding would be used on development of the I-69 route in Texas, particularly the expansion to interstate standards of highways 77, 281, and 59, from Laredo and the Lower Rio Grande Valley through Houston to Texarkana. This project has been authorized under the Intermodal Surface Transportation Efficiency Act of 1991 and designated by Congress as a "high priority corridor." This funding would be used to work to obtain environmental clearances so as not to further delay ongoing construction of the corridor.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3288—Transportation, Housing and Urban Development Appropriations Bill, 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3288

Account: Interstate Maintenance Discretionary

Legal Name of Requesting Entity: State of Arkansas

Address of Requesting Entity: Arkansas Highway and Transportation Department, 10324 Interstate 30, Little Rock, AR 72203

Description of Request: \$1,000,000 in funding would be used to continue development and construction of a project to widen Interstate 540 and improve existing interchanges from Fayetteville north in Washington and Benton Counties. The purpose of these improvements is to relieve existing traffic congestion, to provide increased capacity to accommodate future traffic growth, and to enhance motorist safety.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3288

Account: Buses and Bus Facilities

Legal Name of Requesting Entity: State of Arkansas

Address of Requesting Entity: Arkansas Highway and Transportation Department, 10324 Interstate 30, Little Rock, AR 72203

Description of Request: \$1,050,000 in funding would be used for buses and bus facilities for Arkansas' small urban and rural transit systems, and to supplement the procurement of ADA vans and small buses for Arkansas' 250 community human service organizations serving the elderly and persons with disabilities.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Fort Smith

Address of Requesting Entity: 623 Garrison Avenue, Suite 315, Fort Smith, AR 72902

Description of Request: \$250,000 will be used for the planning, design, and construction of a Riverfront area, which will include the new U.S. Marshals Museum. This is a revitalization and redevelopment area that is expected to bring visitors, new businesses, and focus to this area of Arkansas. Because this area is adjacent to historic and National Park sites, taxpayer dollars will be spent creating an area focused on showcasing US history, and which is expected to attract tourists from all over the world.

EARMARK DECLARATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Departments of Transportation, Housing and Urban Development Appropriations Act, 2010.

Requesting Member: U.S. Representative JUDY BIGGERT

Bill Number: H.R. 3288

Account: Rail Line Relocation and Improvement Program

Legal Name of Requesting Entity: City of Aurora

Address of Requesting Entity: 44 East Downer Place, Aurora, Illinois 60507

Description of Request: Provide an earmark of \$1,000,000 for Ogden Avenue Grade Separation, Aurora, IL: Engineering and design is needed to jumpstart Grade Separation Engineering for IL Route 34 in Aurora, Illinois due to Canadian National Railroad four-fold increase in rail traffic.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. CROWLEY. Madam Speaker, on July 21, 2009 I was absent for two rollcall votes. Had I been here, I would have voted: "yes" on rollcall vote 598 and "yes" on rollcall vote 599.

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. LEWIS of California. Madam Speaker, pursuant to Republican earmark guidance, I am submitting the following in regards to the Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman JERRY LEWIS

Bill Number: Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Project Name: Ranchero Road Corridor Project

Account: FHWA-Interstate Maintenance Discretionary

Legal Name of Requesting Entity: City of Hesperia, CA

Address of Requesting Entity: 9700 Seventh Ave., Hesperia, CA 92345.

Description of Request: Funding will help construct an interchange at Ranchero Road and I-15. The project will improve motorist circulation, reduce traffic congestion, and pro-

mote commerce. This project is eligible for Interstate Maintenance (IM) funding as the IM program provides funding for resurfacing, restoration, rehabilitation and reconstruction work, including adding lanes to increase capacity, on most existing Interstate System routes. IM program requires 10% local match.

Amount: \$1 million

Requesting Member: Congressman JERRY LEWIS

Bill Number: Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Project Name: Yucca Loma Bridge/Interstate 15 Congestion Relief Project

Account: FHWA—Surface Transportation Priorities

Legal Name of Requesting Entity: Town of Apple Valley

Address of Requesting Entity: 14955 Dale Evans Parkway, Apple Valley, CA 92307

Description of Request: This project, to design, engineer, and construct an east-west transportation corridor across the Mojave River, would serve the urban/commercial core of Apple Valley and Victorville. The interchange portion of the project will serve as a conduit across the I-15 freeway and help disperse traffic from existing interchanges. The project will improve motorist circulation, reduce traffic congestion, and promote commerce. This project is Surface Transportation Program (STP) eligible as those program funds may be used to carry out projects involving construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways. STP program requires 20% local match.

Amount: \$750,000

Requesting Member: Congressman JERRY LEWIS

Bill Number: Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Project Name: Potrero Boulevard/SR 60 Interchange

Account: FHWA-Surface Transportation Priorities

Legal Name of Requesting Entity: City of Beaumont, CA

Address of Requesting Entity: 550 East 6th St., Beaumont, CA 92223

Description of Request: The project, to engineer and construct the Potrero Boulevard/SR 60 interchange, will relieve congestion and improve safety at the Interstate 10 and SR 60 interchange. This project is Surface Transportation Program (STP) eligible as those program funds may be used to carry out projects involving construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways. STP program requires 20% local match.

Amount: \$750,000

Requesting Member: Congressman JERRY LEWIS

Bill Number: Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Project Name: I-215 and University Parkway

Account: FHWA-Interstate Maintenance Discretionary

Legal Name of Requesting Entity: City of San Bernardino, CA

Address of Requesting Entity: 300 N. D St., San Bernardino, CA 92346

Description of Request: This project would construct a direct connector ramp from westbound University Parkway to southbound I-215. Constructing an additional southbound entrance ramp will provide the necessary relief for traffic on both sides on the interchange. The benefits include additional growth for Cal State San Bernardino, continued development of upper scale residential units in the vicinity of the university and continued commercial and industrial development on the west side of I-215. This project is eligible for IM funding as the IM program provides funding for resurfacing, restoration, rehabilitation and reconstruction work, including adding lanes to increase capacity, on most existing Interstate System routes. IM program requires 10% local match.

Amount: \$750,000

Requesting Member: Congressman JERRY LEWIS

Bill Number: Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Project Name: Needles Highway

Account: FHWA-Public Lands Highway Program

Legal Name of Requesting Entity: San Bernardino Associated Governments

Address of Requesting Entity: 1170 W. 3rd St. 2nd Floor, San Bernardino, CA 92410-1715

Description of Request: The realignment and widening of the Needles Highway will facilitate motorist safety, economic development, and future capacity needs due to increased freight movement from the Ports of Los Angeles and Long Beach. Improvements to the highway are necessary for improved motorist safety as well as to reduce road flooding and wash-outs. Additionally, improvements are necessary as Needles Highway provides access to and from a number of Indian reservations in the area. This project is Public Lands Highway Program (PLHP) eligible as the PLHP program provides for transportation planning, research, engineering, and construction of highways, roads, and parkways and transit facilities within public lands, national parks, and Indian reservations. PLHP requires no local match.

Amount: \$1 million

Requesting Member: Congressman JERRY LEWIS

Bill Number: Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Project Name: Verdemon Community Center

Account: Economic Development Initiative
Legal Name of Requesting Entity: City of San Bernardino

Address of Requesting Entity: 300 North D Street, San Bernardino, CA 92418

Description of Request: Complete phase one of the Verdemon Community Center as part of the City of San Bernardino's Capital Improvement Program. The San Bernardino region, suffering from high unemployment and increasing crime, would benefit from the multi-purpose facility with gym, meeting rooms, library and amphitheater for low to moderate income families.

Amount: \$500,000

Requesting Member: Congressman JERRY LEWIS

Project Name: Inland Empire Economic Recovery Corporation

Bill Number: Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Neighborhood Initiative

Legal Name of Requesting Entity: County of San Bernardino, Riverside County

Address of Requesting Entity: County of San Bernardino, 385 N. Arrowhead Ave, 5th Floor, San Bernardino, CA 92415

Riverside County, 4080 Lemon Street, Riverside, CA 92501

Description of Request: This funding will be used to further an Inland Empire regional collaboration between San Bernardino County, Riverside County and the not-for-profit Inland Empire Economic Recovery Corporation. This collaboration uses innovative ways to address the region's foreclosure and unemployment crisis. By purchasing, rehabilitating and selling low to moderate income single family homes at a market rate, the collaboration will stabilize home prices, create job opportunities and revitalize neighborhoods. Because the region ranks 6th nationally in foreclosures, surpassed 12% unemployment, and faces continued decreases in median home values of over 50% since 2006, the collaboration will serve as a model for how other increasingly distressed regions across the country address foreclosures, neighborhood blight and joblessness.

Amount: \$1,000,000

H. CON. RES. 131, DIRECTING THE AOC TO ENGRAVE "IN GOD WE TRUST"

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today in support of H. Con. Res. 131, directing the Architect of the Capitol to engrave our National Motto and the Pledge of Allegiance in the Capitol Visitor Center.

These two statements of historical significance speak to the culture and development of our nation as a people united by a core set of philosophical maxims. This resolution stands as a tribute to the work of our founding fathers, a legacy that this body has been entrusted to maintain.

Abraham Lincoln argued that the Constitution could not be read properly without reference to the Declaration of Independence whereby the origin of our individual rights is identified as God. The Declaration refers to those unalienable rights as endowed by God, or "their Creator" with a capital "C," specifying that those rights do not exist except by the grace of God.

This concept, of individual rights as given by God, is the very foundation upon which our Constitution stands. It was revolutionary at the time because it defines the worth of an individual apart from and prior to the state. To refuse to recognize God as the origin of our

unalienable rights is to refuse the very basis by which one's worth is established.

Removing God as the basis by which we define and recognize our individual rights removes a constancy within our constitutional order, subjecting the definition of those rights to an ever changing and inconsistent standard of public opinion and momentary context. It is the very fact that these rights are endowed by our Creator that makes them unalienable—a truth we as a nation must never forget.

Furthermore, acknowledgement of God and His tenets has been an integral part of our national story, since its inception. Those assenting to the Declaration understood it as an appeal "to the Supreme Judge of the world for rectitude of our intentions."

Moreover, George Washington, in his farewell address, observed, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens."

When Patrick Henry advocated revolution in his famous "give me liberty or give me death" speech before the Virginia House of Burgesses, he declared, "Sir, we are not weak if we make a proper use of those means which the God of nature hath placed in our power." Continuing, "[We] shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us."

Madam Speaker, the reliance upon and foundational belief in God is deeply interwoven into the fabric of this nation's beginning and growth. So much so that, to omit an appeal to Providence in the retelling of our history would be a profound disservice to that history.

In the short period that the Capitol Visitor Center has been open it has attracted over one million visitors, with many more to come. The historical offering of the CVC will be augmented by this resolution, ensuring that the philosophy which provided the Cornerstone for our great nation will endure in words, and as many of us in this body aspire, hopefully in deed as well.

I urge the support of my colleagues for this resolution and look forward to its swift passage.

EARMARK DECLARATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mrs. MILLER of Michigan. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the Department of Homeland Security Appropriations Act of 2010.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. _____ Transportation, Housing and Urban Development and Related Agencies Appropriations Act of 2010

Account: AIP

Legal Name of Requesting Entity: St. Clair County International Airport

Address of Requesting Entity: 177 Ash Dr., Kimball, MI 48074

Description of Request: This request, in the amount of \$500,000.00, would be used to extend the runway thus allowing larger and heavier aircraft to access St. Clair County. This airport has provided commercial, corporate and general aviation services for over 55 years.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. _____, Transportation, Housing and Urban Development and Related Agencies Appropriations Act of 2010

Account: Transportation and Community and System Preservation

Legal Name of Requesting Entity: Sanilac County

Address of Requesting Entity: 60 W. Sanilac Rd., Sanilac County Courthouse, Room 214, Sandusky, MI 48471

Description of Request: This request, in the amount of \$250,000.00, would be used to continue to build a bike path between Lexington and Port Sanilac. This is a great need in the area for a safe and secure bike path that is isolated from motorized traffic. This project is also expected to help promote tourism in the area.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. _____, Transportation, Housing and Urban Development and Related Agencies Appropriations Act of 2010

Account: Transportation and Community and System Preservation

Legal Name of Requesting Entity: City of New Baltimore

Address of Requesting Entity: 36535 Green St., New Baltimore, MI 48047

Description of Request: This request, in the amount of \$250,000.00, would be used for a non-motorized pedestrian path to be located on the east side of County Line Road between Green St. and Hobarth Rd. This will address the need for a safe, non-motorized route along a major thoroughfare of County Line Rd. and offer direct access to Anchor Bay High School.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. _____, Transportation, Housing and Urban Development and Related Agencies Appropriations Act of 2010

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Marine City

Address of Requesting Entity: 303 S. Water St., Marine City, MI 48039

Description of Request: This request, in the amount of \$250,000.00, would be used to help rehabilitate the City Hall which is on the historical register. It would restore the interior and exterior of the building. The surrounding grounds have become the cornerstone of Marine City's historic district.

EARMARK DECLARATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Departments of Transportation, Housing and Urban Development Appropriations Act, 2010.

Requesting Member: U.S. Representative JUDY BIGGERT

Bill Number: H.R. 3288

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: Village of Tinley Park

Address of Requesting Entity: 16250 S. Oak Park Ave., Tinley Park, IL 60477

Description of Remarks: Provide an earmark of \$500,000 for Tinley Park 80th Avenue Metra Station Development, Tinley Park, IL: The Village of Tinley Park has collaborated with Metra to develop a new building, warming shelters, and pedestrian underpass to accommodate increasing ridership at Metra's second busiest location.

EARMARK DECLARATION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mrs. CAPITO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Awarded under: Federal Highway Administration Surface Transportation Priorities
WV Route 480 Pedestrian Bridge and Safety Improvements

Corporation of Shepherdstown

PO Box 248 Shepherdstown, WV 25443

Project will construct a pedestrian bridge spanning over WV Rt. 480 and improved pedestrian and vehicular traffic conditions upon entry into the Eastern Panhandle of West Virginia.

Awarded under: Federal Highway Administration Surface Transportation Priorities

U.S. Route 33

City of Spencer

116 Court Street Spencer, WV 25276

Funds will be used for the continuing construction of U.S. Route 33.

Awarded under: Housing and Urban Development: Economic Development Initiative
Harpers Ferry Interpretative Welcome Center

Jefferson County Convention & Visitors Bureau (JCCVB)

37 Washington Ct, Harpers Ferry, WV 25425

This project is to create a full service "green" Welcome Center/Attraction along Rt. 340, the eastern Gateway into West Virginia

and across from the Harpers Ferry National Historical Park. Nearly 5 million visitors come here annually.

Awarded under: Housing and Urban Development: Economic Development Initiative
Morgan County Ice House Art & Community Center

PO Box 248 Berkeley Springs, WV 25411

The Morgan Arts Council, owner of the Ice House, has been renovating the former cold storage building in the heart of downtown Berkeley Springs for use as an economic development, education and art center. The requested amount of funding is needed to match a WV Cultural Facilities grant which is already beyond original end date. The extension granted is soon to expire. The total amount of funding with your allocation plus the state grant would allow construction of necessary infrastructure to finish development of the second floor and of the upper two floors of the four-story, 40,000 sf structure.

HONORING STEVE MCNAIR

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to recognize the life and legacy of National Football League star quarterback Steve McNair.

McNair played college football at Alcorn State University in Lorman, Mississippi where he won the 1994 Walter Payton Award as the top player in NCAA Division I-AA. McNair's college career became the stuff of legend, a true story of the all-conquering hero. As a mere freshman, McNair set nine records and was named Southwestern Athletic Conference player of the year. In his sophomore year, he led the nation in total offense, average 405.7 yards per game. McNair racked up numerous 500-plus-passing-yard games, and many times he added another 100 yards rushing.

McNair was drafted third overall by the NFL's Houston Oilers in 1995. He became the Oilers' regular starting quarterback in 1997. At 22, he had become the Oilers' highest-paid player. Quarterbacks usually develop more gradually than other players their first season. In Tennessee, though, he started six games over the prior two seasons in Houston, and remained the starting quarterback for the Titans until 2005. As the steady starter at quarterback, McNair steadily accrued impressive stats on third-down conversions and pass completions, touchdowns per starts, and rushing, among others. In the 1997 season, for example, his 674 yards rushing was the third-highest for a quarterback in NFL history. By the end of that season, McNair had garnered the second-best overall rating of any quarterback drafted in the previous six years from that point on McNair had become one of the league's best quarterbacks. At the end of the 1998 season, the Titans—the Oilers' new name—had placed second in the AFC Central. In 1999 McNair led the Titans to an AFC championship. When he took the field as the starting quarterback against the St. Louis Rams, he became just the second black quarterback to start in the Super Bowl. Though the

Titans lost the game to the Rams, McNair's strong performance did not go unnoticed around the league, where McNair was considered a rising star. The Titans signed McNair to a six-year, \$47 million contract extension in July of 2001.

After the 2005 season, McNair was traded to the Baltimore Ravens, with whom he played for two seasons before retiring after 13 NFL seasons. McNair led the Titans to the playoffs four times and the Ravens once, and played in Super Bowl XXXIV with the Titans. He is the Titans' all-time leading passer. McNair was selected to the Pro Bowl three times, and was All-Pro and Co-MVP in 2003.

The contributions Steve McNair made to college and professional football will never be forgotten. He touched the lives of many people on and off the field. Steve McNair will truly be missed by his community and colleagues throughout the country.

Please join me today in honoring the remarkable life of Steve McNair.

TRIBUTE TO REVEREND DR. JOHN
L. HERNDON III

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. GRIFFITH. Madam Speaker, I rise today to recognize Dr. John L. Herndon, a man of exceptional character and integrity. Dr. Herndon has numerous talents and great ability, and he has served the people of Huntsville, most notably as minister of the Word and Sacrament at Fellowship Presbyterian Church. His dedicated service to the Fellowship Church family, the Presbyterian Church, and our community for more than 20 years is a strong testament to his passion for service and leadership.

A life-long learner, Dr. Herndon has used his diverse interests to benefit people in many sectors. As a scientist, Dr. Herndon worked for the National Bureau of Standards and NASA, in addition to serving as Deputy Commissioner of Mental Health in Georgia. In 1985, Dr. Herndon was called to the ministry, and after obtaining a degree in Theology, he began a distinguished career at the Fellowship Church. Dr. Herndon has earned respect from the community for his unyielding resolve and dedication to youth development through justice and education. He was a court appointed juvenile advocate, police chaplain, and member of Governor's Task Force on Child Abuse and Youth Neglect.

His work as a church and community leader is filled with faithful commitment to the training of young minds. Dr. Herndon's legacy grows with each passing day. I am honored to recognize a man of great service. Through his service to our community, he has had an invaluable impact on the lives he has encountered.

Madam Speaker, I wish to express my sincere appreciation for Dr. John L. Herndon III and his faithful service to the congregation at Fellowship Church and the Tennessee Valley area.

THE ALZHEIMER'S
BREAKTHROUGH ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, I rise today to introduce the Alzheimer's Breakthrough Act. I would like to thank my colleague and fellow co-chair of the bipartisan Alzheimer's Task Force, Mr. CHRIS SMITH of New Jersey, for continuing to partner with me on this important legislation.

An estimated 5.3 million Americans have Alzheimer's disease, and one in ten individuals has a family member with the disease. Unless science finds a way to prevent or cure it, nearly 16 million Americans will have Alzheimer's disease by the year 2050. Additionally, in 2005, Medicare spent \$91 billion for the care of individuals with Alzheimer's disease, and this amount is projected to increase to \$160 billion in 2010.

While we have made great progress in the battle against Alzheimer's, more needs to be done to combat this devastating disease. This bill will increase the federal commitment to Alzheimer's research and prevention and offer assistance for caregivers.

Our bill contains urgently needed increases in National Institutes of Health funding for Alzheimer's disease research, prevention initiatives, clinical research support, public education programs and innovative approaches to Alzheimer's care. Assistance to caregivers is included in this legislation with the establishment of an Alzheimer's Call Center offering advice and care consultation. It also authorizes the director of the National Institute on Aging to make grants or conduct clinical, social and behavioral research related to interventions designed to help caregivers of individuals with Alzheimer's disease and other dementias.

Madam Speaker, the best way to fight this disease and reduce the number of patients who suffer from Alzheimer's disease is to find ways to prevent it before it starts. Investments we make now in Alzheimer's disease and aging research could lead to longer, healthier lives for Americans and significantly lower costs to the federal government. Congress must act now to strengthen the federal commitment to preventing Alzheimer's disease and assisting those who give care to the victims of this disease.

I look forward to continue working with my colleagues on this important issue throughout the legislative process.

HONORING 2010 FLORIDA DEPARTMENT OF EDUCATION TEACHER
OF THE YEAR, MEGAN ALLEN

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Ms. CASTOR of Florida. Madam Speaker, I rise today in honor of the 2010 Florida Department of Education Teacher of the Year,

Megan Allen of Tampa Bay. An elementary school teacher, Ms. Allen was selected among finalists from across the state of Florida. Ms. Allen is a wonderful example of educators who make a positive difference in the lives of their students.

Ms. Allen graduated from Clemson University in 2000 and continued her education at The University of South Florida, graduating in 2003 with a master's degree in elementary education. Until her senior of her undergraduate studies, Ms. Allen planned on pursuing a law degree and eventually a career as a lawyer. However after losing her mother to pancreatic cancer during her senior year of college, Ms. Allen made the decision to pursue a degree in education—just as her mother had done years before.

Ms. Allen, who was named Teacher of the Year for Hillsborough County in February, was chosen from more than 180,000 public school teachers throughout the state. Ms. Allen has taught the fourth grade at Cleveland Elementary School in Tampa for five years.

Ms. Allen's impact is felt throughout the community. A National Board Certified Teacher, Ms. Allen was selected for her energetic, enthusiastic teaching style, and her community service projects outside the classroom. Beloved by her students, Ms. Allen often dresses up for FCAT study sessions, and leads her class in decimal-point rap songs. She says her style involves anything to grab the kids' attention.

Madam Speaker, the selection of Megan Allen is a firm testament to the standards of quality education in the state of Florida. Ms. Allen is one example of the dedication and incredible talent of our teachers, and I am so happy that she chose to follow in her mother's footsteps and am proud to have her teaching the children of my community.

RECOGNIZING THE FAMILY BUSINESS, AOC HOLDING COMPANY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. CUELLAR. Madam Speaker, it is my honor to celebrate the hard work and accomplishments of the Arguindegui family, of AOC Holding Company. The family has truly worked towards and achieved the American dream.

This American success story begins with Peter R. Arguindegui Sr., who founded Arguindegui Oil Company in August of 1942. His sons put education and service to our nation first, before later joining the family business. So, after serving in the military and graduating from Texas A&M, Peter Jr. and Carlos Arguindegui joined their father in the late 1950s. With the additional help, the company was transformed into a corporation which then focused on wholesale commercial fuels.

Within 20 years grandsons Carlos Jr. and Alfonso Arguindegui joined the family business after graduating from college, bringing with them new ideas.

AOC Holding Company, as it is now called, has expanded into convenience store marketing by converting a dozen existing stations

into convenience stores under the ConocoPhillips and Valero brands. It also runs four bulk warehouse operations in South Texas.

This company is on track to become the leader in retail and wholesale fuels in the South Texas area.

An admirable quality of the Arguindegui family is they do not reserve success for themselves. They have engaged in philanthropy by staying involved with local charities such as the United Way, the Boys & Girls Club, and other organizations that are too numerous to mention. They have also provided scholarships to area students.

Madam Speaker, it is my honor to recognize a true American success story. I am pleased to have such a valued family in my district.

CONGRATULATIONS TO UNITED
SPACE SCHOOL PROGRAM

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. PAUL. Madam Speaker, on August 4 the Foundation for International Space Education (FISE) will host United Space School Day at the University of Texas Medical Branch (UTMB) in Galveston, Texas. The United Space School Day is a summer science camp/health careers promotion activity coordinated by the East Texas Area Health Education Center (AHEC). The United Space School Day's activities will focus on the education pathways appropriate for students interested in careers in life sciences, aerospace medicine, and bioastronautics.

United Space School Day is just one part of FISE's United Space School program. The United Space School program, which is rooted in the International Space School that was established in 1994, is the major way FISE carries out its mission of providing space-based academic instruction to pre-collegiate students from across America and around the world who are interested in science, engineering, technology, or mathematics careers. The United Space School gives these students the opportunity to learn from some of the space industry's leading experts. Participants in the programs follow a curriculum specially designed to provide appropriate training and development by instructors qualified and knowledgeable in the proper disciplines.

As the students visit the various educational venues and participate in the space-related learning initiatives, they are exposed to myriad examples of space-related careers as well as careers in industries that support the space programs, including life sciences. United Space School students also benefit from daily one-on-one interaction with leading aerospace professionals from the National Aeronautics and Space Administration (NASA)'s Johnson Space Center (JSC), and the supporting aerospace community.

United Space School participants are also given a unique "hands on" learning experience through the development of a Manned Mission to Mars Project. United Space School's organization, schedule, and cur-

riculum are designed to provide the structure, knowledge, resources, mentoring, and appropriate settings to complete the Manned Mission to Mars project.

Madam Speaker, FISE's United Space School program is doing invaluable work in preparing the next generation of scientists and aerospace engineers. I would not be surprised if future breakthroughs in space technology came from alumni of the United Space School program. It is therefore my pleasure to extend my congratulations to the United Space School program on the occasion of the United Space School Day. I also extend my thanks to NASA, the Johnson Space Center, the University of Texas Medical Branch at Galveston, East Texas AHEC, and all the volunteers who help make the United Space School program possible.

PERSONAL EXPLANATION

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. COOPER. Madam Speaker, I was absent for the last three votes of the day on Tuesday July 21st. I apologize for my absence, and wish to add my intentions to the RECORD.

H. Con. Res. 123—Vote of "yes" would have been made.

H.R. 1933—Vote of "yes" would have been made.

H.R. 2632—Vote of "yes" would have been made.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. SMITH of Washington. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, July 20, 2009.

Had I been present, I would have voted "yes" on rollcall vote No. 593 (On approving the Journal), "yes" on rollcall vote No. 594 (On the motion to suspend the rules and agree to H. Res. 607), "yes" on rollcall vote No. 595 (On the motion to suspend the rules and pass H.R. 2245).

EARMARK DECLARATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. PETRI. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks received as part of H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Hon. THOMAS E. PETRI

Bill Number: H.R. 3288

Account: FAA—Airport Improvement Program

Legal Name of Requesting Entity: Wisconsin Department of Transportation

Address of Requesting Entity: 4802 Sheboygan Avenue, Madison, Wisconsin 53702

Description of Project: This \$950,000 will be used for phase 2 of the 3-phase reconstruction of the primary runway at Wittman Regional Airport, Oshkosh, Wisconsin. This is one of the largest projects in the state with a total cost of \$13 million. The current Pavement Condition Index Report identifies the northern 6,000 feet of the runway at below minimum service level.

Requesting Member: Hon. THOMAS E. PETRI
Bill Number: H.R. 3288

Account: Federal Highway Administration—Surface Transportation Priorities

Legal Name of Requesting Entity: Wisconsin Department of Transportation

Address of Requesting Entity: 4802 Sheboygan Avenue, Madison, Wisconsin 53702

Description of Project: This \$500,000 will be used to complete a study and begin construction of an overpass across the Wisconsin Central Railyard on Lake Shore Drive in the Village of North Fond du Lac, Wisconsin. The railyard is the largest of its kind in the State of Wisconsin and access at Lake Shore Drive is frequently blocked due to trains parked on the tracks. This overpass will allow for the safe and efficient passage of rail traffic through the community and allow for the delivery of essential services (including emergency services) to the residents of the community. The overpass will consist of a 532-foot bridge span across the yard and access ramps to the connecting roads on both sides of the structure.

Requesting Member: Hon. THOMAS E. PETRI
Bill Number: H.R. 3288

Account: Federal Transit Administration—Buses & Bus Facilities

Legal Name of Requesting Entity: Wisconsin Department of Transportation

Address of Requesting Entity: 4802 Sheboygan Avenue, Madison, Wisconsin 53702

Description of Project: This \$250,000 will be used to purchase 35-foot replacement accessible buses and related fare box equipment for the Fond du Lac Area Transit System.

INTRODUCTION OF THE JUDICIAL
SURVIVORS PROTECTION ACT OF
2009

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. JOHNSON of Georgia. Madam Speaker, today I am honored to introduce the Judicial Survivors Protection Act of 2009. The bill would provide a limited six month period for incumbent federal judges to opt into the Judicial Survivors' Annuities System (JSAS) and authorizes federal judges to voluntarily increase their contributions to JSAS to enhance their survivors' annuities.

The JSAS is an important optional benefit for federal judges. Unlike the survivors of

other federal employees, judges' spouses and dependent children receive no survivor income benefits unless the judge elects to participate. Also, for a spouse to continue health insurance coverage under the Federal Employees Health Benefits program after the judge's death, the judge must have elected JSAS.

Currently only sixty percent of Article III and non-Article III judges participate in JSAS. While the system is an opt-in system, in general, judges are bound by their initial decision for the remainder of their career despite changes in life circumstances. This leaves the survivors of the remaining forty percent of Article III and non-Article III judges at risk.

This bill would simply provide those forty percent of Judges, who did not initially enroll in JSAS, a limited six month open season window to enroll in JSAS.

To compensate for their delay, new enrollees who previously declined to participate in JSAS would pay an enhanced contribution rate to preserve the financial integrity of the JSAS Fund. Finally, it would authorize federal judges to voluntarily increase their contributions to JSAS in order to enhance the value of their survivors' annuities.

Over the years, Congress has authorized such an open season three times: in 1976, 1985 and 1992. It has been seventeen years since the last open season and this bill is but a small step towards lightening what is often the financial burden of judicial public service.

EARMARK DECLARATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. EHLERS. Madam Speaker, pursuant to the Republican Leadership standards, I am submitting the following information regarding projects I received funding for as part of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R.

Agency: Federal Transit Administration

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: Barry County Transit

Address of Requesting Entity: 1216 W. State Street, Hastings, MI 49058

Description of Request: This bill provides \$127,000 for vehicle equipment replacement and building repair. This funding is a valuable use of taxpayer money because it will replace two expansion vans that provide safe and efficient transportation to a growing rural senior and physically challenged population in Barry County. It will also provide for replacement radios and building repair.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R.

Agency: Federal Transit Administration

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: City of Belding Dial-A-Ride

Address of Requesting Entity: 100 Depot Street, Belding, MI 48809

Description of Request: This bill provides \$63,000 for the City of Belding Dial-A-Ride. This funding is a valuable use of taxpayer money because it will go towards the purchase of a lift-equipped bus, which will replace an older bus that has met its useful life.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R.

Agency: Federal Highway Administration

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: City of Grand Rapids, Michigan

Address of Requesting Entity: 300 Monroe Ave, NW, Grand Rapids, MI 49503

Description of Request: This bill provides \$500,000 for the Wealthy Street Extension. This funding is a valuable use of taxpayer money because the construction project will extend Wealthy Street and improve the existing street network in the vicinity of Millennium Park, which will ease traffic congestion and create an alternative artery to US-131.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R.

Agency: Federal Transit Administration

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: City of Ionia Dial-A-Ride

Address of Requesting Entity: 251 East Adams Street, Ionia, MI 48846

Description of Request: This bill provides \$100,000 for the City of Ionia Dial-A-Ride. This funding is a valuable use of taxpayer money because it will upgrade the Dial-A-Ride's facility. The upgrades include a new emergency generator, parking resurfacing, a new heater, and a new irrigation system.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R.

Agency: Federal Transit Administration

Account: Alternatives Analysis

Legal Name of Requesting Entity: The Rapid

Address of Requesting Entity: 300 Ellsworth Ave, SW, Grand Rapids, MI 49503

Description of Request: This bill provides \$360,000 for a Streetcar Alternative Analysis Study. This funding is a valuable use of taxpayer money because it will allow the Rapid to assess the ridership projections, economic development potential and funding options that will determine if a streetcar system would be a valuable investment in the Grand Rapids metro area. The study is to examine different models of public and private partnerships to build the infrastructure and operate the system.

EARMARK DECLARATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. BILIRAKIS. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Departments of Transportation and Housing and Urban De-

velopment Appropriations Act for Fiscal Year 2010.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 3288

Account: Economic Development Initiatives

Name of requesting entity: Central City Community Development Corporation

Address of requesting entity: 2612 North Tampa Street, Tampa, Florida 33602

Description: The \$500,000 will be used to rehabilitate property to house homeless veterans.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 3288

Account: Surface Transportation Priorities

Name of requesting entity: City of Tampa, Florida

Address of requesting entity: 315 East Kennedy Boulevard, Tampa, Florida 33602

Description: The \$500,000 will be used to widen Cross Creek Boulevard, which provides an important connection from the city to the regional and statewide transportation network. The widening will reduce traffic congestion and its resulting environmental impacts.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 3288

Account: Transportation and Community and System Preservation

Name of requesting entity: Pinellas County, Florida

Address of requesting entity: 315 Court Street, Clearwater, Florida 33756

Description: The \$300,000 will be used for the costs associated with replacement of the Beckett Bascule Bridge, which is the primary access route to and from the mainland for contiguous coastal communities in Pinellas County.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 3288

Account: Economic Development Initiatives

Name of requesting entity: Hillsborough Community College

Address of requesting entity: 39 Columbia Drive, Tampa, Florida 33606

Description: The \$200,000 will be used to replace the exterior skin on one of the college's buildings, improving safety and increasing energy efficiency.

COMMEMORATING BUFFALO CITY'S 150TH ANNIVERSARY

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. KIND. Madam Speaker, today I rise in honor of the Sesquicentennial celebration of Buffalo City, Wisconsin. Chartered in 1859, Buffalo City is a picturesque Wisconsin town nestled along the "National Scenic Byway" of Western Wisconsin's Great River Highway.

Buffalo City is the oldest incorporated city in Buffalo County. At one time, it was one of the smallest cities in the United States with an area encompassing just over six square miles. Steeped in history, Buffalo City was named after three brothers who raised buffalo on a bluff overlooking the city.

Buffalo City operates under a common council form of government headed by Mayor

Bill Bruegger and consisting of four alderspersons. A town based in strong community ties, the common council holds regular monthly meetings for residents, council members, and the mayor to come together to discuss and act on pressing matters.

With a current population of just 972 residents, Buffalo City prides itself on being a close-knit community. Residents participate in such community activities as Little League, 4-H, Girl Scouts, Boy Scouts, and Great River Anglers.

The town's location on Spring Lake, a backwater of the Mississippi River, serves as a beautiful backdrop for a variety of outdoor recreational activities for family and friends to enjoy. Scenic parks and nature trails offer picturesque views of the river and bluffs and make Buffalo City a visually striking town that is a great place to live, work, and play.

On July 3rd Mayor Bruegger, local leaders, and Buffalo City residents came together to celebrate Buffalo City's sesquicentennial with music, games, food, and fireworks. Today, I recognize Buffalo City's Sesquicentennial and join in their celebration.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. CASTLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding for the State of Delaware included in H.R. 3288, the Fiscal Year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Name of Intended Recipient: U.S. Army Corps of Engineers

Location: Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107

Requesting Member: Congressman MICHAEL N. CASTLE

Account: Federal Highway Administration, Federal Lands

Name of Project: C & D Canal Trail Improvements

Project Description: The Act includes \$1,000,000 to transform over 13 miles of existing Army Corps service road on the north-side of the Chesapeake and Delaware Canal—from Delaware City to Chesapeake City—into a multi-purpose recreation trail with associated amenities (trail heads, signage, and self-composting restroom facilities, and security). Creating a multi-purpose recreation trail on the existing service road would ensure a safer area for the residents of Delaware City (one of the fastest growing areas in the state of Delaware), Chesapeake City, and everywhere in between, to continue to enjoy the Canal.

Name of Intended Recipient: State of Delaware Department of Transportation

Location: 800 Bay Road, P.O. Box 778, Dover, DE 19903

Requesting Member: Congressman MICHAEL N. CASTLE

Account: Federal Highway Administration, Interstate Maintenance

Name of Project: Turnpike Improvement Project

Project Description: The Act includes \$500,000 to improve the safety and efficiency of two major routes along the Northeast Corridor. It consists of three phases designed to improve the movement and safety of interstate, regional and local traffic through this heavily traveled intersection. The three phases include: a redesign of the I-95/SR-1 interchange, adding a fifth lane to I-95, and reconfiguring the I-95 toll plaza in Newark, DE, to incorporate Highway Speed E-Z Pass toll lanes. This project is anticipated to reduce traffic congestion and improve overall safety.

Name of Intended Recipient: State of Delaware Department of Transportation

Location: 800 Bay Road, P.O. Box 778, Dover, DE 19903

Requesting Member: Congressman MICHAEL N. CASTLE

Account: Federal Transit Administration, Capital Improvement Grants

Name of Project: Wilmington to Newark Commuter Rail Improvement Program

Project Description: The Act includes \$2,000,000 to install a third commuter rail track along the northeast corridor, build a new Newark Rail Station, and purchase four commuter rail cars. This program expands capacity to permit expansion of commuter rail services and increases reliability of intercity and commuter rail services. It will also assist in significantly reducing traffic congestion along the northeast corridor.

EARMARK DECLARATION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. BUYER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development and Related Agencies Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman STEVE BUYER (IN-04)

Bill Number: H.R. 3288

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Hendricks County Board of Commissioners

Address of Requesting Entity: 355 S. Washington Street, Danville, IN 46122

Description of Request: Provides \$400,000 for the continuation of construction on the Ronald Reagan Parkway, which ultimately connects I-70 and the Indianapolis International Airport to I-65 in Indiana. With the original northern and southern segments of the project completed or underway, this project will focus on the construction of the middle segments from US 40 to the northern interchange with I-74, including the construction of the County Road 100S-200S segment and the road widening from US 36 to County Road 100N. The Ronald Reagan Parkway is a joint project between Hendricks County, Boone County, the Indianapolis International Airport, and the towns of Plainfield, Avon, and

Brownsburg, Indiana. These partners are working together to develop a limited access roadway connecting I-70 and I-65 in west-central Indiana, offering business owners and residents a powerful impetus for future industrial, commercial and residential development. The completion of this corridor will provide a significant north south corridor in Indiana, mitigating congestion on I-465 and providing an efficient multi-modal linkage.

Requesting Member: Congressman STEVE BUYER (IN-04)

Bill Number: H.R. 3288

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: White County Board of Commissioners, Indiana

Address of Requesting Entity: 110 N. Main Street, Monticello, IN 47960

Description of Request: Provides \$400,000 for the 6th Street Corridor Project which is a 5.25 mile corridor project that is a joint effort between the City of Monticello and White County, which consists of several smaller phases. The scope of the project is to widen 5.5 miles of an existing road to a new, 3 lane major urban arterial street capable of serving traffic volumes forecast to occur during the 20 year design life of the improvements. Principal intersections will be designed to include turn lanes and traffic signals will be installed as warranted. The proposed improvement is a three lane roadway surface consisting of 12 foot wide through lanes in each direction separated by a 14 foot wide two-way left turn lane. Concrete curb and gutters will border the roadway. The goal of the corridor project is to provide relief for: (1) the current and impending mainline and intersection congestion, (2) the evident operational problems (crash frequency), and (3) the current impending seasonal congestion in downtown Monticello during the time when Indiana Beach is open creating a more direct alternate route. The improvements to the Sixth Street corridor will significantly benefit traffic destined to Indiana Beach and also many commercial, industrial and residential properties along the corridor by relieving current congestion.

Requesting Member: Congressman STEVE BUYER (IN-04)

Bill Number: H.R. 3288

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: Greater Lafayette Public Transportation Corp.

Address of Requesting Entity: CityBus, 1251 Canal Road, Lafayette, IN 47902

Description of Request: Provides \$450,000 for the redevelopment of Riehle Plaza which is a new transit transfer center. This transit hub will leverage existing linkages between CityBus, Greyhound and Amtrak commuter rail service. The saw tooth design of the transfer center accommodates enough buses for its existing operations in addition to accommodating potential growth. This design also provides designated parking for specific bus routes. For riders, this takes the guess work out of trying to locate their connections and provides better accessibility for disabled riders. The transfer center will also provide shelters which will keep riders protected from snow and rain in the winter and provide much needed shade in the hotter months. CityBus understands that for citizens to use transit, transit must work for them. The proposed transfer

center has been designed with this in mind. A key component of the planned development is a downtown annex for Ivy Tech Community College. This will allow for easier access for students who are dually enrolled in both the Community College and Purdue University. Ivy Tech is filling a critical need for Purdue students that are not able to fulfill their core curriculum graduation requirements at Purdue. At present, these students spend a minimum of an hour driving between the Purdue and Ivy Tech campuses. The Riehle Plaza site is less than two miles from Purdue and provides students a reliable transit option to get to and from class. A 20% local match is committed towards this project. The local match will be generated with revenue from CityBus and PMTF through the State of Indiana. This local match, and any Federal support, will be used to leverage greater private investment for the overall project. The Greater Lafayette Public Transportation Corporation is embarking on a proposal that will reshape downtown Lafayette into a livable, walkable and vibrant community. Nestled between two existing education centers, Purdue University and Ivy Tech Community College, the Riehle Plaza location is an ideal site for transit-oriented development. The project will provide much needed shelter for riders as well as better access to transit for disabled riders. It will also reduce vehicle miles traveled by creating a downtown annex for Ivy Tech Community College. Federal funds received for this project will help to leverage a private investment in the redevelopment of the Riehle Plaza area. This is a true public-private partnership. Already downtown Lafayette has benefited from redevelopment that has been focused along Main Street. However, the area north of Main Street is ripe for redevelopment and will be greatly enhanced by the proposed project. The planned redevelopment has strong support from the cities of Lafayette and West Lafayette, Ivy Tech Community College and the Wabash River Enhancement Corporation.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, Departments of Transportation, Housing and Urban Development Appropriations Act, 2010:

REQUEST NUMBER 1

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3288, Departments of Transportation, Housing and Urban Development Appropriations Act, 2010

Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: Westmoreland County Industrial Development Corporation

Address of Requesting Entity: 40 North Pennsylvania Ave.; Greensburg, PA 15601

Amount: \$750,000

Description of Request: Funding would be used for transportation improvements along the Jeannette Truck Route. The project will provide an improved route from Route 30 to the Jeannette Industrial Park by creating a new roadway connection between Division Street and Lowry Avenue. Federal funding would be used for design and construction of roadway improvements. These improvements will improve access to the Industrial Park and enhance the safety of motorists.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Jeannette Truck Route appropriation is of particular interest to my district and importance to my constituents.

REQUEST NUMBER 2

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3288, Departments of Transportation, Housing and Urban Development Appropriations Act, 2010

Account: AIP—Airport Improvement Program

Legal Name of Requesting Entity: Washington County Planning Commission

Address of Requesting Entity: 100 West Beau Street, Washington, PA 15301

Amount: \$500,000

Description of Request: Due to increased aircraft operations, including heavier corporate traffic, the entire runway surface needs a bituminous overlay and grooving for safety and operational usefulness. In addition the project will help to repair deficient pavement on taxiways and T-hangar and ramp areas. This project is important to meet the needs for safe infrastructure improvements to airport operations.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Washington County Airport Runway 9/27 Overlay Project appropriation is of particular interest to my district and importance to my constituents.

HONORING PAUL M. WEYRICH

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. RYAN of Wisconsin. Madam Speaker, I rise today to pay tribute and express my gratitude for the life of Paul M. Weyrich, a stalwart leader in the conservative movement. More importantly, Paul Weyrich was a man of true character and one who is well-respected both in Washington and throughout the country.

Born in the Belle City of Racine, Wisconsin to Ignatius and Virginia Weyrich, Paul first became interested in politics during high school—eventually joining the Racine County Young Republicans and taking an interest in Barry Goldwater's presidential campaign.

Mr. Weyrich moved to Washington in 1966, taking a job as press secretary to Senator

Gordon L. Allot of Colorado and later Carl T. Curtis, of Nebraska.

Dedicated to the promotion of conservative public policies based on the principles of free enterprise, limited government, individual freedom, and a strong national defense, Paul became frustrated by the lack of strong statistical research available to combat the growing anti-business tax and regulate liberals in Washington. To combat them, he sought to establish an effective and reasoned conservative voice in American public policy. Today, the Heritage Foundation is one of the largest—and certainly the most prominent—conservative think tanks in the world.

Not content, however, with only protecting the family wallet and local business from the sticky fingers of liberal politicians, Paul also wanted to defend traditional family values and religious freedom. His vision led to the creation of the Free Congress Research and Education Foundation, Christian Voice and the Moral Majority to rally the American public to the defense of traditional Judeo-Christian values.

A true visionary in outreach efforts and utilizing technology, Paul launched National Empowerment Television, a cable network designed to mobilize the religious right. Mr. Weyrich was truly one of the first conservatives to put emphasis on using the power of citizen initiatives. The efforts of his vision were felt worldwide.

From 1989 to 1996, Mr. Weyrich served as President of the Kreible Institute of the Free Congress Foundation, which was founded to train and support democracy movements in the states comprising the Former Soviet Empire. Today, millions experience the taste of freedom due in large part to his efforts.

Ronald Reagan said, "There are no constraints on the human mind, no walls around the human spirit, no barriers to our progress except those we ourselves erect." Paul Weyrich did not believe in constraints or barriers. He was a man of the possible, a man of great passion and vision, who truly made a difference in the lives of the individual—fighting tirelessly for what he believed.

His tenacity, perseverance, and ideas have inspired many to become involved in the political process, here at home and abroad. The legacy he leaves is the belief that all have a stake and the ability to change things. . . that the true dynamic of political participation stems from citizen coalitions, not the rulings of elites. And that our principles can be successfully defended by those who live them regardless of the machinations of the left. For that he is owed much gratitude. Virginia and Ignatius can be proud; their son made the most of the talents entrusted him.

I wish to express my sincere gratitude to a fellow patriot, Paul Weyrich, for his significant contributions to the conservative movement and for promoting traditional values and a democratic vision for the world. I also wish to express my profound sorrow of his passing, and my condolences to his family, friends and colleagues.

IN SUPPORT OF EMPLOYEE FREE CHOICE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, I would like to submit for the record a speech, titled "What Would Employee Free Choice Mean in the Workplace" given by Professor William B. Gould IV, Charles A. Beardsley Professor of Law, Emeritus at Stanford Law School; Chairman of the National Labor Relations Board in the Clinton Administration (1994–1998); member of the National Academy of Arbitrators since 1970; Independent Monitor for Freedom of Association Complaints, First Group America, 2008, to the 58th Annual Conference of the Association of Labor Relations Agencies on July 20, 2009 in Oakland, California.

WHAT WOULD EMPLOYEE FREE CHOICE MEAN IN THE WORKPLACE?

It is a pleasure to be with you here today. By my rough count, this is my third speech to this organization during the past couple of decades. I have enjoyed the chance to speak to and with you in the past and look forward to today's program. I am particularly pleased to renew my contact with Maria-Kate Dowling, Associate General Counsel of the National Mediation Board.

Kate was my Deputy Chief Counsel at the NLRB in 1997–98, one of the youngest women (perhaps the youngest) to ever hold that senior of a position. She is illustrative of the very best and brightest who should—and I believe now will—receive great recognition in Washington today.

I want to commend the Association of Labor Relations Agencies for holding this session here today on the practical implications of the Employee Free Choice Act. This significant legislative proposal warrants dispassionate examination in an arena which has been too frequently divided and polarized. My sense is that the bill even with proper amendments—and I am quite confident that if it is enacted it will be amended—will have a considerable impact on the workplace. EFCA and labor law reform contain some of the assumptions that I have held for more than four decades, i.e., that the Act is plagued with lethargic enforcement, creaky and convoluted administrative procedures and ineffective remedies, that it is not working well and that, as a result, some employees who wish to join unions are unable to do so. No one can say with certainty what the precise union membership impact of law reform will be, given the fact that so many other factors are responsible for the precipitous decline of trade unions. But it is safe to say that it is unlikely that any statutory reform in the foreseeable future can by itself accomplish the desirable objective of restoring the middle class—though its proponents so often claim it will!

The fundamental need for reform relates to the rule of law. The National Labor Relations Act, once considered a bedrock of labor rights of freedom of association, has not been performing as advertised. There is nothing terribly new about this story. The overriding theme is that justice is being denied through its delay! The loopholes, disproportionately exploited by employers, have dilated into a "black hole" in Washington headquarters where complaints can sit for

more than five years while workers await reinstatement and back pay.

How can we properly address this? I think that the Employee Free Choice Act is right on the mark in establishing a treble damage award for back pay. For too long, an award of back pay minus interim earnings has been regarded by everyone involved on all sides as a "license fee" for employer misconduct because back pay is cheaper than a union contract.

EFCA also provides for fines up to \$20,000 for each employer violation as well as new contempt sanctions. And again, I think that the new law has it right in expanding and making more effective the Board's injunctive authority for employer unfair labor practices—in much the same manner that the statute has established them for union unfair labor practices since the Taft-Hartley amendments. Judge (and I hope soon-to-be Justice) Sonia Sotomayor's opinion in *Silverman v. Major League Baseball Player Relations Committee, Inc.* upholding my Board's view that an injunction was appropriate in the baseball players' 1994–95 strike has made this provision's importance about as well known as anything.

On other key issues I think that there is much more room for debate. While card checks are evidence of employee support in some circumstances, I think that they are, as the Supreme Court has characterized them, second best. And in Canada, where the consensus in the 1960s favored card check, a majority of provinces have now settled on secret ballot box elections. Moreover, there will be fewer disputes over the way in which employees mark secret ballots than there will be over cards; fewer disputes means less litigation and less delay.

But the unions are right to say that the election system (and indeed many other provisions of the statute) is broken. Accordingly, my view is that the principal breakdown in the election scheme—which has led to the card check proposal—is delay through which employees are subjected to a one-sided, anti-union campaign by employers for at least two months, and in a minority of instances a much more considerable period of time. The answer here is to both expedite elections—to require that they be held within a couple of weeks of the union's petition, as is done in the provinces of Ontario and British Columbia—and to reverse Supreme Court precedent excluding non-employee union organizers from company premises so that they can carry their side of the message to employees more effectively in the run-up to the ballot itself.

Another reform can provide for postal ballots which give employees a greater opportunity to cast their vote privately in a neutral facility of their choosing outside of the employer's control. In truth, the statute already provides for this, as I noted in my concurring opinion in *San Diego Gas & Electric*—but I think that Congress can be helpful by explicitly providing that postal ballots can be available within the Board's discretion along the lines that I set forth in *San Diego Gas*. The plurality in that case, which limited such ballots only to cases where employees are scattered and unavailable, did not rely upon any provision of the statute as it is written today and the Board, as well as Congress, can reverse that poorly-reasoned opinion at any time that it wants.

The third important feature of EFCA provides for interest arbitration in first contract negotiations. Clearly, as Professors Ferguson and Kochan have established, there is a problem here—only 56% of newly-cer-

tified bargaining units reach a contract, and only 37% do so within the first certification year—that cannot be easily remedied by refusal-to-bargain litigation. The surface bargaining cases have not been an effective avenue through which to establish or restore collective bargaining relationships that should have been less dysfunctional in the first instance.

However, EFCA-sponsored interest arbitration, in contrast to the "grievance" or "rights" variety, is relatively untested in the private sector in the United States. In Canada, which has first contract arbitration in most provinces, the process is rare and used sparingly (except in Manitoba where it is automatic after a specific time period). The conundrum is that the potential for a mechanism like this must be available to rescue bargaining which is at a stall, and yet its mere availability can undermine the collective bargaining process itself which is furthered by the Act.

The proper approach here, it seems to me, is to provide that the mediator—perhaps in consultation with the NLRB itself—should certify after extensive mediatory efforts that collective bargaining is either at an impasse or dysfunctional. As it presently stands, EFCA simply allows for arbitration to be invoked after three months of collective bargaining and subsequent mediation. Not only is this period of time too abbreviated, but by spelling out a specific period of time after which arbitration is automatic, it encourages the parties to maneuver in anticipation of arbitration in a way which can erode the voluntary collective bargaining process. Moreover, this approach fails to take into account the fact that both sides are frequently learning for the first time as they put together their very first collective bargaining agreement.

Arbitration must be used sparingly, although it should remain available in the final analysis so as to shore up a relationship which might otherwise disappear. This must be what the law encourages not only because of the considerations above but also because experience with interest arbitration in the public sector—where it is available in many jurisdictions for police and fire—is itself extensive and time-consuming. Amongst the interest arbitrations that I have done was one between the Detroit Board of Education and the Federation of Teachers twenty years ago where hearings continued day and night for a week, detailed briefs were filed thereafter, and the arbitration board was required to meet and decide on the basis of voluminous submissions at the end of it all. Though we cannot tolerate delays such as the fifteen months which apparently exist in the public sector in Michigan, framers of the law must realize that it will take considerable time and expense. This is another reason why arbitration should be the rare exception and not the rule at the end of collective bargaining.

Yet there is one other consideration. My view is that final-offer baseball arbitration, where the arbitrator is obliged to select one package offer or the other, is the best approach because it creates uncertainty which promotes voluntary negotiation. But because there is much uncertainty for the arbitrator as well as for the parties, I am of the view that his award should appear initially in the form of recommendations and that the parties should have 10–14 days to negotiate with the arbitrator acting as a mediator. If the parties cannot resolve their differences in that time, the recommendations within the parameters of the initial award would be

final and binding. In this way the real potential for arbitral error is diminished, and the integrity of the process maintained.

There are a few other matters that I think you should consider which should be a vital part of labor law reform, and yet are not covered in EFCA. First, Congress should encourage rulemaking in lieu of adjudication so as to avoid repetitive and wasteful litigation which enhance cost and delay. My Board attempted to do this in the 1990s and was stopped by appropriations riders fashioned by the Republican Congress. A different political environment exists this time around and Congress and the Board should take full advantage of the opportunity to resolve disputes expeditiously and sensibly.

Second, the amount of litigation before the Board can be reduced if Congress unfreezes the Board's jurisdictional guidelines and thus decreases the volume of cases that come before it by taking into account fifty years of inflation. The freeze has resulted in NLRB assertion of jurisdiction over very small employers. Again, the Republican Congress in the 1990s insisted that I withdraw Board jurisdiction when I was Chairman but, as I pointed out to them, only Congress can change these statutory provisions which were enacted a half-century ago and which have left Board jurisdiction in terms of dollar values the same as it was then—even though the dollar is worth one-seventh of what it was at that time.

But at this time, Congress can initiate action on this which will both deregulate labor-management relations for small employers in some jurisdictions and, since state law should be followed, also allow the states to enact more expansive laws protecting union organizing. This promotes the kind of laboratory conditions of which Justice Brandeis spoke a century ago and relieves small business from the federal regulation under which it currently lives. Here Congress can and should take the lead as the 1959 amendments require.

Third, labor law reform must take into account that it is not simply employers who are promoting delay before the NLRB and the courts at this juncture—in many instances it has been the Board itself as cases have languished in the black hole in Washington headquarters for half a decade or more while workers awaited reinstatement and back pay. As Professor G. Calvin MacKenzie of Colby College has noted, much of this is attributable to the “transcendent loss of purpose in the appointment process” at the NLRB where appointees “come from congressional staffs or think tanks or interest groups—not from across the country but from across the street: interchangeable public elites, engaged in an insider's game.” The packaging and “batching” of appointees was unknown prior to 1994 and has become so embedded in the appointment process that even President Obama has batched a Republican Senate Labor Committee policy director with his two Democratic nominees.

This approach should be abandoned. It fosters delay through the reticence of decision-makers who procrastinate, concerned about congressional reaction. If reappointments were barred, this tendency would be diminished. At the same time, Congress should extend the term of office to eight years, reduce the number of Board members from five to three so as to eliminate the potential for individual Board member obstruction (with the reduction of cases obtained through withdrawal of jurisdiction this can work more easily), and explicitly provide that when a Board member's term expires he or she can

serve no longer. In this way we will attract the best people who will serve for the very best reasons.

Finally, one of the most interesting developments in recent years relates to alternative dispute resolution mechanisms devised by the parties, particularly as a result of their frustration about the National Labor Relations Board and its ability to function promptly. One classic example of this approach is set forth in the procedures devised by First Group America to deal with complaints involving freedom of association issues arising out of union organizational campaigns or relating to discrimination on account of union activity. The First Group machinery provides that an Independent Monitor (I have functioned in that capacity for the past 18 months) is to make public recommendations regarding such complaints within 30–60 days of the time that they are filed. Most recommendations have been accepted and the program has been praised by both sides. The process is able to move with dispatch because there is simply a provision for investigation rather than a full-fledged hearing. Congress ought to explicitly encourage parties to devise such procedures, and their existence may provide guidance with regard to how lengthy proceedings before the Board and the courts—which are frequently excessively time-consuming or wasteful—can be abbreviated.

CONCLUSION

The job of labor law reform is an important one and the Employee Free Choice Act has done more than any other mechanism in recent years to get this issue front and center. The chance to engage in this process does not come often and thus it is important that the country gets it right this time around.

EFCA is right on the mark when it comes to sanctions, damages, penalties, and contempt proceedings. It has gone off course in connection with card check—but fortunately through expedited and postal elections as well as union access to private property that matter can be addressed with some measure of success. On arbitration, EFCA got us part of the way there, but much more needs to be done and revised.

The reform initiative provides a great opportunity to have a new look at some of the problems that have plagued the Board and the Act for far too long, i.e., the appointments process and its relationship to delay, the failure or inability to borrow from voluntary machinery, and the need to get small employers beyond the reach of the Act either for the purpose of deregulation or for, in those jurisdictions that want it that way, more expansive protection than is provided by the National Labor Relations Act even as revised in 2009—if it is to be.

This is the beginning of a great debate. It is a debate which necessarily involves labor and management, Democrats and Republicans, and the result must be not only sensible in content but the product of some measure of consensus and compromise.

TRIBUTE TO 2009 SCRIPPS NATIONAL SPELLING BEE WINNER
KAVYA SHIVASHANKAR

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. MOORE of Kansas. Madam Speaker, I rise today in honor of a constituent and resi-

dent of Olathe, Kansas, who recently achieved international acclaim. On May 27, 2009, during her fourth appearance in the national finals, 13-year-old Kavya Shivashankar won the Scripps National Spelling Bee in Washington, D.C.

In her first year of competition, Kavya finished an amazing 10th place in the 2006 national competition. While most of us would have been thrilled that we reached the finals of a prestigious national contest, let alone placed so high among such an elite group, that was not true for Kavya. A typical 9-year-old might have gladly reclaimed the hundreds of hours of practice and preparation time and used it instead for their own enjoyment. Instead, Kavya returned to her spelling studies, competed again in 2007 and this time finished in 8th place.

Still not satisfied, Kavya returned again in 2008 and was considered one of the favorites to win the championship. Kavya was one of the “Final Four,” finishing in 4th place. Again, most of us would have been thrilled to be a national finalist three times—that would look pretty good on a college application in a few years! Instead, Kavya continued studying with her father and devoted much of her free time to preparation. And, this was in addition to her regular homework, music lessons and time with her family.

This year, Kavya was in her last year of eligibility. Many of Kavya's fans, including many of my own staff members who look forward to cheering her on every year, worried that her heart would be broken in her last attempt. Instead, Kavya taught all of us a lesson in persistence and hard work. Poised and confident throughout the competition, she calmly wrote out a word in her hand that I do not even know how to pronounce—Laodicean—before spelling it correctly into the microphone and sealing her victory.

I am perhaps even prouder of how she has handled her success. Immediately following her victory, Kavya did a round of media interviews all around the country that would make a presidential candidate's head spin. Always smiling, confident and polite, she repeatedly showed the world why she is a true champion. She was a wonderful representative of her family, her school (California Junior High School), her hometown (Olathe, Kansas), her sponsor (The Olathe Daily News), the state of Kansas and, indeed, our entire country.

In addition to the pride and confidence she has from achieving her goal, she also won scholarship money and prizes totaling \$40,000, which will come in handy, as Kavya aspires to become a neurosurgeon. Her interest in medicine was sparked when she prepared for—what else?—a spelling bee of medical terminology.

We also learned a good spelling lesson from her family's identical t-shirts, worn the day after the tournament, which said, “How do you spell ‘champion?’ S-H-I-V-A-S-H-A-N-K-A-R.”

Finally, I would like to read into the RECORD an open letter written by Kavya, which was published in The Kansas City Star on June 21, 2009, and clearly shows the qualities that allowed her to reach this remarkable goal and that make Kavya such an inspiration to us all!

What an incredible ride it has been for me in my quest for the spelling bee championship! I have been participating in the Scripps

National Spelling Bee since 2006. I went from 10th to 8th to 4th place, and then I was finally able to take the much coveted trophy in 2009.

I loved going to Washington, D.C., each year during the Memorial Day week! Bee Week has always been so much fun for me because I got to meet the contestants and socialize.

Many of them are returning spellers whom I looked forward to meeting each year, and some whom I keep in touch with by e-mail. All the regional champions believe in camaraderie and understand that the dictionary, not the other spellers, is their biggest foe.

The sportsmanship everyone has is inspiring. I feel sad that I am not able to participate in any more spelling bees because if you pass eighth grade or if you win the championship, you are not eligible to participate again.

Preparing for spelling bees takes a lot of desire, dedication, effort and time. My technique is to study root words and etymological patterns instead of memorizing.

This kind of preparation has greatly developed my vocabulary and has allowed me to learn so many new words and roots. But I have also learned so much more.

This journey has taught me how to set a goal and achieve it through discipline and hard work. I have also learned how to stay composed under pressure and developed my confidence. It also has really developed my public speaking skills.

After my victory, I was rushed into a whirlwind of media. My family and I traveled to New York so I could appear on "Live! With Regis and Kelly." We then went to Los Angeles for "Jimmy Kimmel Live." Those were both great shows, and I really enjoyed being on them.

When we returned home, a few local TV stations came to greet me at the airport along with some friends. Many more friends and neighbors were lined up on my street to congratulate me, holding up large posters. It was great to know that so many people supported me!

I received many calls, and I was especially thrilled when I received an invitation from the governor of Kansas, and calls and cards from senators and congressmen. It was exciting to know that I had their support and that they were able to take the time to congratulate me. My family and I are expecting an invitation from the White House in the coming months.

I also received a letter from Children's Mercy Hospital inviting me to come to one of its hospitals to visit the neurology department and talk to the patients. This is a great opportunity, and I will be looking forward to more exciting opportunities like that, which will allow me to help the community in any way I can.

I have had a great experience and have learned many valuable lessons to carry on in life. Most importantly, preparing for spelling bees has brought me closer to my family. They have been a great source of support and encouragement throughout the whole journey.

The bonds that have been forged and strengthened through this process mean more to me than any other aspect of my spelling experience.

I am thankful to everyone who has helped and supported me throughout this whole experience, especially everyone in the Kansas City area. My advice to my peers is to follow your dream, and be able to put in the hard work and effort to achieve it.

HONORING CAPTAIN SHAWN WARNEKE OF THE ST. CLOUD CIVIL AIR PATROL FOR RECEIVING THE DISASTER RELIEF COMMENDATION

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Captain Shawn Warneke, a true patriot and a member of the St. Cloud Civil Air Patrol. Capt. Warneke has received the Disaster Relief Commendation ribbon for his extraordinary work and leadership during the severe flooding in North Dakota this spring. I recently supported House Resolution 415 and commended all Civil Air Patrol members for their unprecedented efforts in Fargo and Moorhead, and now it is my privilege to highlight Capt. Warneke's individual contributions that helped lead to the successful sandbagging that saved hundreds of homes.

The devastating floods in the Fargo-Moorhead communities inspired hundreds of volunteers to take time off work and help their neighbors. Capt. Warneke's unique background set him apart from many volunteers. As Lead Security Officer for the Transportation Security Administration at the St. Cloud Regional Airport, Capt. Warneke's experience allowed him to effectively transport, supervise and assist C.A.P. cadets and senior members during the sandbagging efforts. He also helped local citizens with evacuation and provided security to the area.

Capt. Warneke has made service to our nation a daily routine. As the Deputy Commander of his squadron, Capt. Warneke trains the C.A.P. Color Guard. He is a graduate of the Blue Beret Leadership Academy and soon will be certified as an official Civil Air Patrol Mission Pilot. Captain Blaine Pierson, Squadron Commander of the St. Cloud Composite Squadron, said this about Capt. Warneke: "His dedication to Civil Air Patrol, Homeland Security and his country is constantly evidenced by his attention to duty and the responsibilities entrusted to him."

I rise today to honor Capt. Shawn R. Warneke in front of this Congress for his service to his country, as a sign of my appreciation and gratitude. Capt. Warneke has dedicated his life to ensuring freedoms and security for all individuals as a part of our Homeland Security defenses and a volunteer member of the Civil Air Patrol. His commendation ribbon is a fitting display of the compassion with which he carries out those duties every day.

EARMARK DECLARATION

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. POSEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding earmarks for my Congress-

sional District as a part of H.R. 3082, Military Construction and Veterans Affairs Appropriations Act, 2010.

Requesting Member: Congressman BILL POSEY—Expressing support for the President's funding level for the Orlando Veterans Hospital.

Project Funding Amount: The President's budget request of \$371,300,000.

Bill Number: H.R. 3082, Military Construction and Veterans Affairs Appropriations Act, 2010

Account: Major Construction

Legal Name of Requesting Entity: Department of Veterans Affairs

Address of Requesting Entity: Department of Veterans Affairs

Description of Request: This funding is equal to the amount proposed by the President in his FY 2010 budget for the Department of Veterans Affairs budget. This will enable the VA to complete the construction of the Veterans Hospital in the Orlando area.

Consistent with Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request (1) is not directed to any entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for entities unless the use of the funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally-directed project funding, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Centers for Disease Control and Prevention

Legal Name of Requesting Entity: Mary Bird Perkins Cancer Center

Address of Requesting Entity: 4950 Essen Lane, Baton Rouge, LA 70809

Description of Request: I have secured \$350,000 for the Mary Bird Perkins Cancer Center. Mary Bird Perkins (MBP) Cancer Center is the only independent, nonprofit cancer treatment, education and research center in Louisiana providing state of the art radiation therapy to all community residents. Outreach services are provided through the Center's CARE Network which provides cancer support services, awareness and education activities, and research and education initiatives. Funding will allow MBP to continue expansion of the CARE network services. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Employment and Training Administration (ETA)—Training & Employment Services

Legal Name of Requesting Entity: Southeastern Louisiana University

Address of Requesting Entity: SLU Box 10784, Dyson Hall, Room 106, Hammond, LA 70402

Description of Request: I have secured \$150,000 for Southeastern Louisiana University. Southeastern Louisiana University can expand its initiative to provide economic and workforce development, community planning, and smart growth assistance to meet the needs of post-Katrina Southeast Louisiana. The facility houses several economic, business development organizations and community planning resources. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Employment and Training Administration (ETA)—Training & Employment Services

Legal Name of Requesting Entity: Tulane University

Address of Requesting Entity: 6823 St. Charles Ave., New Orleans, LA 70118

Description of Request: I have secured \$250,000 for Tulane University. The funding is for the establishment of a Community Health Worker Training Institute as a component of the Tulane/ RAND Center for Health & Society in Louisiana. The Institute will benefit the region in three key areas: reduced healthcare costs, increased worker productivity, and job creation. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Employment and Training Administration (ETA)—Training & Employment Services

Legal Name of Requesting Entity: West Jefferson Medical Center

Address of Requesting Entity: 1101 Medical Center Boulevard, Marrero, LA 70072

Description of Request: I have secured \$100,000 for West Jefferson Medical Center. The funding is for the emergency electrical system upgrade and adds on-site electrical generation capacity to power the entire facility with on-site diesel fuel for up to seven days. West Jefferson can continue to provide emergency or urgent care throughout this facility. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATIONS

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 3288

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Guntersville, AL

Address of Requesting Entity: 341 Gunter Avenue, Guntersville, AL 35976

Description of Request: "Guntersville Harbor breakwater replacement", \$200,000

The funding would be used for the replacement of existing harbor breakwater located in the Guntersville Reservoir. The project supports all other harbor improvements planned in conjunction with transient boating and public safety. This project provides navigation improvements within the Inland Waterway System of the United States including Homeland Security safety issues. The project will provide safe moorage for recreational boaters. The total estimated budget for the breakwater barrier installed is \$593,674 which includes \$162,091.00 to remove and dispose of the old breakwater and \$431,583.00 for installation of the new breakwater.

Requesting Member: ADERHOLT

Bill Number: H.R. 3288

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Winston County Commission, AL

Address of Requesting Entity: P.O. Box 147, Double Springs, AL 35553

Description of Request: "Winston County Industrial Park infrastructure improvements", \$400,000

The funding would be used for a new industrial park in Winston County, the Winston County Commission is seeking funds to provide necessary water infrastructure to the site. Job creation is particularly important in this area of Appalachia that continues to suffer from lack of employment opportunities. Approximately \$126,000 will be spent for construction, \$120,000 for construction-related equipment, \$14,000 for fire hydrants, \$30,000 for road crossing, \$80,000 for design and inspection, and \$30,000 for geotechnical and environmental work.

Requesting Member: ADERHOLT

Bill Number: H.R. 3288

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: The City of Rainsville, AL

Address of Requesting Entity: P.O. Box 309, Rainsville, AL 35986

Description of Request: "Northeast Alabama Agri-Business Center facility construction", \$200,000

The funding would be used for the Agri-Business Center will be a public facility on 43 acres with an arena seating 3,800,200 stables, RV park, picnic areas and a 2 acre lake. This facility will be used by residents of North Alabama, Northwest Georgia, and Southern Tennessee to promote agriculture, business, education and recreation. All of the funds allocated will be used for construction.

Requesting Member: ADERHOLT

Bill Number: H.R. 3288

Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: City of Cullman, AL

Address of Requesting Entity: City of Cullman, P.O. Box 278, Cullman, AL 35056

Description of Request: "Widening of U.S. Highway 278 and St. Bernard Bridge, \$750,000"

The funding would be used to provide a middle lane to Hwy 278. A fifth lane is needed for turning safely and crossing the narrow bridge. Traffic is increasing on the road because of St. Bernard and new industry. School entrance will be relocated for better visibility. The widening will provide safer travel routes through Cullman County. This project is the last link of the major U.S. transportation artery throughout the 4th District. The City of Cullman's spending plan will allocate approximately \$750,000 for right-of-way acquisition.

Requesting Member: ADERHOLT

Bill Number: H.R. 3288

Account: Federal Highway Administration, Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Russellville, AL

Address of Requesting Entity: P.O. Box 1000, Russellville, AL 35653

Description of Request: "Pedestrian Safety Project, \$300,000"

The funding would be used for a pedestrian bridge system including approach ramps and bridge across Summit Street connecting Russellville Middle and Russellville High Schools. Protect safety of school children who must cross street. The cross-walk will allow for the safe passage of school children. The City of Russellville's spending plan will allocate approximately \$20,000 dollars for design and administration costs and \$280,000 dollars for construction and inspection costs.

Requesting Member: ADERHOLT

Bill Number: H.R. 3288

Account: Federal Highway Administration, Federal lands (Public Lands Highways)

Legal Name of Requesting Entity: City of Huntsville, AL

Address of Requesting Entity City of Huntsville, Alabama, 308 Fountain Circle, Huntsville, AL 35801

Description of Request: "Martin Road Project, \$600,000"

The funding would be used to widen Martin Road to five lanes for one mile and replace the existing gate to enter Redstone Arsenal. This will provide an alternate entry and exit point to Restone Arsenal and improve access for thousands of Army and NASA employees. Improving Martin Road is a top priority cited by Gen. Myles to relieve congestion & improve access to Redstone Arsenal. This project will help address traffic issues that will occur as a

result of the Base Closure and Realignment Commission (BRAC) and allow future Redstone development. The City of Huntsville's spending plan will allocate approximately \$600,000 for preliminary engineering.

Requesting Member: ADERHOLT

Bill Number: H.R. 3288

Account: Federal Transit Administration, Buses & Bus Facilities

Legal Name of Requesting Entity: U.S. Space & Rocket Center

Address of Requesting Entity: One Tranquility Base, Huntsville, AL 35805

Description of Request: "U.S. Space and Rocket Center Transportation Request, Huntsville, AL, \$1,600,000"

The funding would be used for a tramway to the Huntsville Botanical Garden and purchase of two trams to run between the entities. The Marshall Space Flight Center would like to resume tours but must have ADA-compliant buses. None of the current buses meet this federal requirement. This will help citizens learn more about Marshall's work through bus tours. New buses will enable the U.S. Space & Rocket Center to comply with the Americans with Disabilities Act. Linking to Huntsville Botanical Garden provides more efficient use of the government property on which both non-profit entities are located. The U.S. Space & Rocket Center's spending plan will allocate approximately \$420,000 for purchase of two electric trams and \$1,180,000 for a portion of the construction of the estimated 1.25 miles of tramway that must include a culvert to span McDonald Creek.

Requesting Member: ADERHOLT

Bill Number: H.R. 3288

Account: Federal Transit Administration, Buses & Bus Facilities

Legal Name of Requesting Entity: Morgan County System of Services, Inc.

Address of Requesting Entity: 2531 Highway 20 West P.O. Box 1124 Decatur, AL 35602

Description of Request: "Morgan County System of Services, transit vans for HANDS Home Shelter for Girls, AL, \$50,000"

The funds would be used to purchase a 12 passenger van for the staff to use in transporting the girls to appointments, recreational outings, etc. This Center establishes a means for the community to respond to the multiple needs of runaway and homeless girls and their families who cannot be served through traditional social services systems. The Morgan County System of Services, Inc. spending plan will allocate \$50,000 to purchase new vans for the HANDS Home Shelter for Girls.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks that I requested on behalf of local government entities in my congressional district in conjunction with the Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Act.

Requesting Member: Rep. KEN CALVERT

Account: Transportation & Community & System Preservation

Legal Name of Requesting Entity: Riverside County Transportation Commission

Address of Requesting Entity: 4080 Lemon Street, Riverside, CA 92501

Description of Request: The Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Act provides \$750,000 for the Riverside County Transportation Commission's Alameda Corridor East Grade Separations project. There are 61 at-grade highway-rail crossings in Riverside County. These crossings are blocked by freight trains traveling from the Ports of Los Angeles and Long Beach to the rest of the nation, negatively impacting local commerce, congestion, and air quality. The Riverside County Transportation Commission (RCTC) has prioritized the 20 most needed grade separations in the county and adopted a funding plan that includes local, state, and federal sources. The funding will allow RCTC to distribute federal funds to cities with projects most ready for construction. The significance of grade separations on the Alameda Corridor East in Riverside County has been recognized as a regional priority by the Southern California Consensus Working Group (goods movement coalition of Ports of L.A., Long Beach and Hueneme, L.A. METRO, OCTA, SANBAG, RCTC, VCTC, ACE-CA, Metrolink, ACTA, and SCAG), the South Coast Air Quality Management District, the State Goods Movement Action Plan, and the California Air Pollution Control Officers Association.

Requesting Member: Rep. KEN CALVERT

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: City of Corona

Address of Requesting Entity: 400 South Vicentia Avenue, Corona, CA 92882

Description of Request: The Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Act provides \$208,000 for the City of Corona's Dial-A-Ride Bus Replacement. The City of Corona Transit Service (CCTS) operates a general population Dial-A-Ride that provides transportation throughout the City of Corona and the neighboring County areas of Home Gardens, El Cerrito and Coronita as well as satellite areas in the City of Norco. Three of the Dial-A-Ride buses have exceeded their useful life and require replacement at an estimated replacement cost of \$260,000. The funding will provide \$208,000 in federal support for the buses, while CCTS would provide a local match of \$52,000. The project will benefit Corona residents by providing them with additional transportation options to Corona City Hall, the Corona Public Library, senior centers, shopping centers, hospitals and medical offices.

Requesting Member: Rep. KEN CALVERT

Account: Economic Development Initiatives, Housing and Urban Development

Legal Name of Requesting Entity: National Community Renaissance

Address of Requesting Entity: 9065 Haven Avenue, Suite 100, Rancho Cucamonga, CA 91730

Description of Request: The Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Act provides

\$1,000,000 for the National Community Renaissance. The funding will allow National Community Renaissance (National CORE) to efficiently leverage federal resources to undertake one or more large-scale neighborhood revitalization projects which would preserve as many as 1,500 additional at-risk affordable apartments nationwide. According to National CORE, their comprehensive approach to affordable housing positively impacts families and seniors in the Inland Empire. National CORE owns 462 units in western Riverside County alone, which provide housing to more than 1,200 residents and has another 110 senior units under construction. The completed developments were all extensive revitalization projects that completely transformed entire communities from blighted, crime ridden neighborhoods to thriving communities where families flourish.

Requesting Member: Rep. KEN CALVERT

Account: Capital Improvement Grants, Federal Transit Administration

Legal Name of Requesting Entity: Riverside County Transportation Commission

Address of Requesting Entity: 4080 Lemon Street, Riverside, CA 92501

Description of Request: The Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Act provides \$5,000,000 for the Riverside County Transportation Commission's Perris Valley Line. The Perris Valley Line extends existing Metrolink service 22.7 miles further into Riverside County creating better access to popular commuter rail transportation. The Perris Valley Line will connect downtown Riverside to the UCR campus, March Global Port employment center, Moreno Valley, and the revitalized downtown Perris. The Perris Valley line will relieve congestion on I-215, which runs through the heart of Riverside County. The project is currently in the project development phase; local and state funds are being used for a majority of the current project development costs. As the project nears construction, federal grant funds will be necessary to keep the project moving forward. A current projection for opening service is 2011. The Perris Valley Line serves critical public needs in western Riverside County by providing a transportation alternative and providing greater accessibility to major local employers and employees. The project is of regional and national significance due to the congestion relief it will provide on I-215, as well as the emissions that will be removed from the air as a result of increased transit ridership.

Requesting Member: Rep. KEN CALVERT

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: Riverside Transit Agency

Address of Requesting Entity: 1825 Third Street, Riverside, CA 92507

Description of Request: The Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Act provides \$1,400,000 for the Riverside Transit Agency's Bus Replacement Program. The funding will allow the Riverside Transit Agency (RTA) to begin its bus purchase program to eventually replace 103 buses in its aging fleet with the purchase of eight replacement vehicles. The buses to be replaced were purchased in 2000 and 2001 and have reached the end of their

useful lives as determined by the Federal Transit Administration (FTA). Replacing aging buses is critical in assuring reliability of service and decreasing maintenance costs by reducing breakdowns and frequent repairs. The replacement buses would be powered by CNG and have all state-of-the-art technologies to provide enhanced passenger safety, better fuel efficiency and decreased emissions.

Requesting Member: Rep. KEN CALVERT

Account: Transportation & Community & System Preservation

Legal Name of Requesting Entity: Orange County Transportation Authority

Address of Requesting Entity: 550 South Main Street, Orange, CA 92863

Description of Request: The Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Act provides \$750,000 for the Orange County Transportation Authority's San Diego Freeway (I-5) Widening and Improvement project. Funding for the San Diego Freeway (Interstate 5), from Pacific Coast Highway (State Route 1) to Avenida Pico, will add additional freeway capacity along I-5 in south Orange County with consideration for a potential connection with planned San Diego County high occupancy vehicle (HOV) lanes on I-5. For FY 2010, the requested funds will be used to complete the required technical studies and environmental documents. This project is estimated to cost \$250 million. The Interstate 5 (I-5) is the primary freeway linking Orange County to Los Angeles and San Diego counties. The project will reduce peak period delays for both commuters and goods movement carriers alike by relieving both existing and forecasted mobility problems while reducing emissions, increasing productivity and improving air quality in the region.

Requesting Member: Rep. KEN CALVERT

Account: Economic Development Initiatives, Housing and Urban Development

Legal Name of Requesting Entity: City of Norco

Address of Requesting Entity: 2870 Clark Avenue, Norco, CA 92860

Description of Request: The Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Act provides \$100,000 for the City of Norco's Santa Ana River Trail. The Santa Ana River, which flows from the San Bernardino Mountains to the Pacific Ocean, is the primary source of potable water for Orange County and several cities in Riverside County. Building the Santa Ana River Trail will provide a protective corridor that will reduce pollution and prevent crowding from expanding urban and suburban sprawl. The River Trail is an essential component of the long-term effort to protect the water quality of the Santa Ana River Basin. In addition to reducing pollution, the Santa Ana River Trail will be a multi-use recreational trail that will run from the Pacific Coast to the San Bernardino Mountains. This section of the trail will link the two largest cities in Riverside County, Corona and Riverside, and provide patrons with superlative recreational opportunities.

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. CAO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—the Department of Transportation, Housing and Urban Development Appropriations Act, 2010:

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 3288—the Transportation, Housing and Urban Development Act, 2010, provides for the Master Planning of Interstate-10. This is the Delta Region Transportation Development Program account in the amount of \$400,000. This funding will go toward the Master Plan to widen and elevate the interstate in New Orleans' urban areas.

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 3288—the Transportation, Housing and Urban Development Act, 2010, provides for the building of the Almonaster Bridge. This is the Surface Transportation Priorities account in the amount of \$400,000. This funding would go to the construction of a new bridge over the Inner Harbor Navigation Canal. This is one of the most critical intermodal improvements in the New Orleans region with true national significance as this bridge is part of the Southern Rail Gateway.

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 3288—the Transportation, Housing and Urban Development Act, 2010, provides for the New Orleans Redevelopment Authority. This is the Neighborhood Initiatives account in the amount of \$750,000. This funding would go to the New Orleans Redevelopment Authority to rehabilitate vacant and uninhabitable multi-family housing complexes.

EARMARK DECLARATION

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally-directed project funding, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Act.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Act

Account: Federal Highway Administration, Delta Regional Transportation Development Program

Name of Requesting Entity: Regional Planning Commission

Address of Requesting Entity: 1340 Poydras Street, Ste. 2100, New Orleans, LA 70112

Description of Request: I have secured \$400,000 for the Regional Planning Commis-

sion. The project entails the construction of a new interchange at I-12 & LA Highway 1088. The Project is needed to alleviate severe congestion along LA Highway 59 & the Mandeville/Abita Springs roadway networks. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Act

Account: Federal Highway Administration, Delta Regional Transportation Development Program

Name of Requesting Entity: Regional Planning Commission

Address of Requesting Entity: 1340 Poydras Street, Ste. 2100, New Orleans, LA 70112

Description of Request: I have secured \$400,000 for the Regional Planning Commission. The funding is to upgrade transportation and drainage on Clearview Parkway (LA Highway 3152) at the interchange area with Earhart Expressway (LA Highway 3139) in the Elmwood area of Jefferson. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Act

Account: Housing and Urban Development, Economic Development Initiatives

Name of Requesting Entity: South Tangipahoa Parish Port Commission

Address of Requesting Entity: 1340 Poydras Street, Ste. 2100, New Orleans, LA 70112

Description of Request: I have secured \$100,000 for the South Tangipahoa Parish Port Commission. The funding will provide for a bulk-head along the southern end of the facility adjacent to the North Pass Channel. The area is vulnerable to tidal surges and unpredictable/irregular weather patterns and the damages must be eliminated in order to utilize the facility. I certify that neither I nor my spouse has any financial interest in this project.

COMMEMORATING THE LIFE OF A.J. "JACK" PFISTER

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. MITCHELL. Madam Speaker, I rise today to recognize the exemplary and inspirational life of A.J. "Jack" Pfister and to remember the many significant and lasting contributions he made to the state of Arizona and his local community.

On July 20, Jack passed away at the age of 75.

An Arizona native born in Prescott, Jack was a strong force behind the growth and prosperity of the Phoenix Metropolitan area over the past four decades. During his 15 years as General Manager of the Salt River Project, Jack guided the utility in becoming one of the leading public power entities in the

country. In addition to his contributions to building our fast-growing region's vital water and electric infrastructure, Jack was a respected and vocal leader of community boards, commissions and public service projects too numerous to list in its entirety.

Most notably, Jack displayed a lifelong and unwavering commitment to make higher education more available and affordable to Arizonans. He served on the Arizona Board of Regents, and most recently as the Vice President for Institutional Advancement at Arizona State University. In addition, Jack taught at the ASU School of Public Affairs and served on the Board of Directors for the Center for the Future of Arizona. And, of course, Jack's brave leadership was absolutely vital to Arizona's creation of a holiday to honor the Rev. Martin Luther King Jr.

Madam Speaker, please join me in commemorating the life of Jack Pfister and remembering the strong and positive impact he left on his community and the many people who knew and loved him.

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Federal Lands (Public Lands Highway)

Legal Name of Receiving Entity: United States Department of Transportation

Address of Receiving Entity: 1200 New Jersey Ave., SE, Washington, DC 20590

Description of Request: I have secured \$800,000 in funding in H.R. 3288 in the Federal Lands Account for Jacksonville National Cemetery Access Road.

The funding would be used for completion of project development and environmental assessment (PDE) to determine how to establish alternate access to the new Jacksonville VA National Cemetery. An alternative access route will enable access to the cemetery from I-95 and the Jacksonville International Airport.

This is a valuable use of taxpayer funds because it will benefit the community and allow those visiting the new National Cemetery to do so safely and expeditiously.

The State/Local share is 20%; the City of Jacksonville is in possession of the required matching funds and is committed to their financial obligation in order to complete the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Airport Improvement Program

Legal Name of Receiving Entity: City of Fernandina Beach, FL

Address of Receiving Entity: 204 Ash Street, Fernandina Beach, FL 32034

Description of Request: I have secured \$1,000,000 in funding in H.R. 3288 in the Airport Improvement Program Account for the Fernandina Beach Municipal Airport, FL for Taxiway Improvements.

The purpose of this funding is for the extension, repaving, and replacement of lighting on taxiway at the Fernandina Beach Municipal Airport. This funding will open new areas of the airport for night operations and improve the safety of existing operations at the airport.

This is a valuable use of taxpayer funds because it will improve safety and capacity at the airport.

The State/Local share is 5%; the City of Fernandina Beach is in possession of the required matching funds and is committed to their financial obligation in order to complete the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Ferry Boats and Terminal Facilities
Legal Name of Receiving Entity: Jacksonville Port Authority

Address of Receiving Entity: 2831 Talleyrand Ave., Jacksonville, FL 32206

Description of Request: I have secured \$500,000 in funding in H.R. 3288 in the Ferry Boats and Terminal Facilities Account for Mayport Ferry Rehabilitation, Jacksonville, FL.

The funding would provide for better control and enhanced safety for ferry operations. Specifically, funding would be used to rehabilitate the present ferry dock ramp on both sides of the St. Johns River and improve the gantry system.

This would be a valuable use of taxpayer funds because it will benefit the motorists of the 4th District. By investing in our transportation infrastructure through improving safety, consistency, and operating consistency the ferry will be able to remain in operation 365 days a year.

The State/Local share is 20%; the Jacksonville Port Authority is in possession of the required matching funds and is committed to their financial obligation in order to complete the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Buses and Bus Facilities

Legal Name of Receiving Entity: Jacksonville Transportation Authority

Address of Receiving Entity: 100 North Myrtle Avenue, Jacksonville, FL 32204

Description of Request: I have secured \$400,000 in funding in H.R. 3288 in the Buses and Bus Facilities Account for Regional Intermodal Terminal Center, Jacksonville, FL.

The funding would be used for completion of design, acquisition of right-of-way, and construction of the multi-modal facility. This facility will serve rail, bus, rapid transit and pedestrian services in the Northeast Florida region.

This is a valuable use of taxpayer funds because it will bring more people into downtown Jacksonville, while simultaneously providing increased access to jobs.

The State/Local share is 20%; the Jacksonville Transportation Authority is in possession of the required matching funds and is committed to their financial obligation in order to complete the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Buses and Bus Facilities

Legal Name of Receiving Entity: City of Tallahassee, FL

Address of Receiving Entity: 300 South Adams St., Tallahassee, FL 32301

Description of Request: I have secured \$1,000,000 in funding in H.R. 3288 in the Buses and Bus Facilities Account for Star Metro Buses in Tallahassee, FL.

The funding would be used for purchase of new buses. Currently, Star Metro has thirty buses which are past their useful life. The manufacturer no longer carries replacement parts for these outdated buses, making it both expensive and increasingly difficult to keep the buses maintained and operational.

This would be a valuable use of taxpayer funds because it will assist Star Metro in being able to provide reliable public transit to the people in the City of Tallahassee and surrounding areas.

The State/Local share is 20%; the City of Tallahassee is in possession of the required matching funds and is committed to their financial obligation in order to complete the project.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY10 Transportation Housing and Urban Development Appropriations bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3288

Account: Federal Railroad Administration—Grade Crossings on Designated High Speed Rail Corridors and Federal Highway Administration—Surface Transportation Priorities

Legal Name of Receiving Entity: New York State Department of Transportation

Address of Receiving Entity: 50 Wolf Road, Albany, NY 12232

Description of Request: Provide multiple earmarks totaling \$4,595,000 for the Empire Corridor West High Speed Rail Improvements. Specifically funds \$750,000 in Genesee County, NY; \$1,245,000 in Monroe County, NY; \$600,000 in Montgomery County, NY; and \$2,000,000 in Oneida County, NY.

Funds will be used to improve grade crossing safety at selected crossings to facilitate high speed rail on segments of the Empire Service Corridor. Work will include reconfiguration to enhance safety, including improvements such as upgrades to existing warning

devices and the installation of channelization devices. This effort would be coordinated by NYSDOT with CSX and Amtrak. This project will enable higher speeds throughout the corridor and would thereby reduce travel times and increase on-time service.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3288

Account: Federal Aviation Administration—Airport Improvement Program

Legal Name of Requesting Entity: Niagara Frontier Transportation Authority

Address of Requesting Entity: 181 Ellicott Street, Buffalo, NY 14203

Description of Request: Provide an earmark of \$725,000 to resurface the main runway at the Niagara Falls International Airport. The project will rehabilitate approximately 150,000 square yards of runway pavement to create a smooth operating surface.

Of the total project amount, 100% is for construction.

Runway 10L—28R serves all NFIA passenger, cargo, military, and general aviation operations. As outlined in the Pavement Management Study, a complete mill and overlay is needed to insure compliance with the Federal Aviation Administration Runway Pavement Standards.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3288

Account: Federal Transit Administration—Buses & Bus Facilities

Legal Name of Requesting Entity: Rochester-Genesee Regional Transportation Authority

Address of Requesting Entity: 1372 East Main Street, Rochester, NY 14609

Description of Request: Provide an earmark of \$500,000 to provide a fully-integrated Intelligent Transportation System for the buses of the Livingston Area Transportation Service (LATS).

Of the total project amount, 100% is for equipment purchases and installation.

LATS operates a fleet of 28 buses, which provide ADA-compliant public transportation services to residents of Livingston County. The new CAD/AVL system will improve LATS productivity and reduce operating expenses, and will help deliver higher quality service to RGRTA's Livingston County customers.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3288

Account: Housing and Urban Development—Economic Development Initiatives

Legal Name of Requesting Entity: Town of Cambria

Address of Requesting Entity: 4160 Upper Mountain Road, Sanborn, NY 14132

Description of Request: Provide an earmark of \$250,000 for the demolition or rehabilitation of five buildings that were part of the abandoned US military Command Center known as the Nikki Hercules Missile Base.

Of the total project amount, 100% is for demolition and rehabilitation.

The project will allow these properties to be added to the tax rolls and allow businesses to relocate to the town.

EARMARK DECLARATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. BRADY of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District

Bill Number: H.R. 3288—Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2010

Project: The District Capital Cost of Contracting, Montgomery County, TX

Account: Buses and Bus Facilities, Federal Transit Administration

Requesting Entity: The Brazos Transit District (The District)

Address of Requesting Entity: 1759 N. Earl Rudder Freeway, Bryan, Texas 77803

This request helps provides an important transportation service to over 700,000 Montgomery County commuters each year through four Park-and-Ride facilities. It also helps provide regular van service for East Texas veterans to VA facilities in the region. Through these services, the funding also helps reduce congestion along Interstate 45 and helps the region meet its clear air goals.

The \$1,000,000 included in this bill reduces the equipment costs of providing these transportation services.

PAYING TRIBUTE TO SIMS BARBER SHOP

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. ROE of Tennessee. Madam Speaker, I rise today to pay tribute to a great landmark in Sevierville, Tennessee—Sims Barber Shop.

Often referred to as an unforgettable, Sims Barber Shop has been a landmark in the community and a family tradition since the 1930s.

Sims upholds a reputation for taking care of their customers and helping folks feel comfortable when they visit Sims Barber Shop.

To give you a little bit of history, Mr. Conley Sims started Sims Barber Shop on Bruce Street in Sevierville, Tennessee in 1932.

In the 1960s, Mr. Conley Sims moved the shop directly across the street, who was later joined by his son Johnny Sims in the family business.

Mr. Conley Sims cut hair 6 and 7 days per week. Conley and Johnny cut hair together until 1992 when Conley retired.

Conley passed away two years later, but his legacy is kept alive today—at Sims Barber Shop in Sevierville.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. McHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—Transportation, Housing and Urban Development Appropriations Bill of 2010.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 3288

Account: Federal Highway Administration: Federal Lands

Legal Name of Requesting Entity: New York State Department of Transportation

Address of Requesting Entity: 50 Wolf Road, Albany, New York 12232

Description: The purpose of this earmark is to provide \$1,077,000 for the construction of a 4-lane road from Interstate 81 to the main gate at Fort Drum in order to enhance the viability of the Fort and improve traffic safety in the region.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 3288

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: North Country Vietnam Veterans Association

Address of Requesting Entity: 27 Town Line Road, P.O. Box 1161, Plattsburgh, NY 12901

Description: The purpose of this earmark is to provide \$250,000 for the renovation and expansion of the existing North Country Veterans Service Center, a non-profit organization that provides services and support to veterans and their families.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010

Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: City of Hialeah

Address of Requesting Entity: 501 Palm Avenue, Hialeah, FL 33010

Description of Request: I am proud to have secured \$400,000 to implement the City's 5-year Capital Improvement Program. Specifically, funding will be used to improve the West

24th Avenue corridor between 52nd Street and 76th Street. The City of Hialeah has a rapidly aging infrastructure with some areas facing more than 50 years since any work has been done in repairs/reconstruction. Areas have been chosen throughout the city, based on roadway need, drainage concerns, areas that have not been reconstructed for over three decades.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010

Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: City of Doral

Address of Requesting Entity: 8300 NW 53rd Street, Suite 100, Doral, FL 33166

Description of Request: I am proud to have secured \$400,000 for property acquisition, design, permitting, and construction of roadway gaps and intersections identified to be in need of capacity improvements. This will help to alleviate roadway sections that are failing due to large traffic volumes. In addition, there are several roadway gaps where development has expanded the grid pattern of the City roadways surrounding small parcels that have not been developed. The completion of these small sections of roadway would complete the City's grid pattern and provide additional options for increasing traffic to avoid already congested intersections.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010

Account: Federal Transit Administration, Buses and Bus Facilities

Legal Name of Requesting Entity: Broward County, Florida

Address of Requesting Entity: 115 South Andrews Avenue, Fort Lauderdale, FL 33301

Description of Request: I am proud to have secured \$500,000 for transit infrastructure improvements to 500 bus stops county-wide. The improvements may include, depending on the stop location, concrete pad, shelter, construction, permitting, lighting, real time signage, connectivity for ADA purposes, and other amenities as needed. The purpose of these projects is not only to add new shelters, but also to ensure that existing shelters and other amenities (such as real-time information) are ADA accessible.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010

Account: Federal Transit Administration, Buses and Bus Facilities

Legal Name of Requesting Entity: City of Miramar, Florida

Address of Requesting Entity: 2300 Civic Center Place, Miramar, FL 33025

Description of Request: I am proud to have secured \$500,000 for the Miramar Multi Service Center which will provide high quality community and transit services to the community. The project will reduce vehicle miles traveled by as much as 133,900 annually by making

bus transit more accessible and pedestrian movement more feasible, thereby reducing auto utilization, reducing congestion, reducing travel time delay, and reducing pollutants. The Transit Hub will house; bus drop-off and pick-up area for City of Miramar community buses; four bus parking spaces; air-conditioned passenger waiting area for both Miramar community buses as well as BCT buses; restrooms; transit related information booth and administrative offices; 12 transit-related employees parking spaces.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010

Account: Federal Transit Administration, Capital Improvement Grants

Legal Name of Requesting Entity: Miami-Dade County, Florida

Address of Requesting Entity: 111 NW 1st Street, Suite 1032, Miami, FL 33128

Description of Request: I am proud to have secured \$4,000,000 for Phases II and III of the Miami-Dade County Transit Authority's Metrorail Orange Line Expansion. Primarily, in Phase II, Miami-Dade County Department of Transit is in the final planning stage for the construction of a 9.2-mile Metrorail extension along NW 27th Avenue between the existing Dr. Martin Luther King, Jr. Metrorail station and the Broward County line. Phase III, the County's East-West Corridor Rapid Transit Project proposes to extend Metrorail some 10–13 miles from the Miami Intermodal Center to Florida International University and points west. As fewer than 48% of the County's residents live outside incorporated Miami, this Orange Line expansion project will allow for more options for commuting and travel around Miami-Dade County.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010

Account: Housing and Urban Development, Neighborhood Initiatives

Legal Name of Requesting Entity: National Council of La Raza

Address of Requesting Entity: 1126 16th Street, NW, Washington, DC 20036

Description of Request: I am proud to have secured \$1,000,000 to provide development assistance and financing for much needed housing and community revitalization projects in primarily Hispanic neighborhoods. The capital will be invested in a revolving loan fund to provide financing for affordable housing, community health clinics and other essential community facilities in low-income Hispanic communities.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010

Account: Federal Transit Administration, Buses and Bus Facilities, Technical Corrections

Legal Name of Requesting Entity: Broward County, Florida

Address of Requesting Entity: 115 South Andrews Avenue, Fort Lauderdale, FL 33301

Description of Request: I am proud to have secured a correction to previous legislation as follows: The funding provision in H.R. 2764, Public Law 110–161, the Consolidated Appropriations Act of Fiscal Year 2008, Division K—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, Buses and Bus Facilities, described as “Broward County Southwest Transit Facility—\$500,000” be changed to “Broward County Ravenswood Transit Facility—\$500,000.” This change is necessary to increase the supply of buses to the Southwest Broward community while suitable land is identified and purchased for the future Southwest Transit Facility.

EARMARK DECLARATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 2009

Mr. BRADY of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District

Bill Number: H.R. 3288—Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2010

Project: I–69 Texas Environmental Studies, TX

Account: Interstate Maintenance Discretionary, Federal Highway Administration

Requesting Entity: Alliance for I–69 Texas, Texas Department of Transportation

Address of Requesting Entity: 1200 Smith, Suite 700, Houston, TX 77002

The original I–69 project began in 1991 and involves long-planned upgrades of US 59, 277 and 281 to interstate standards to increase motorist safety and mobility in the Houston and East Texas region. It is, thankfully, no longer included in the ill-fated Trans Texas Corridor. The original project enjoys the support of a broad collaboration of mayors, county judges, economic development groups, chambers of commerce and transportation officials from dozens of Texas communities, including several in the Eighth Congressional District. The \$500,000 I requested on behalf of the Texas leaders of the I–69 coalition will provide the Texas Department of Transportation funding to complete the necessary environmental studies to begin construction on these much needed upgrades.

This bill also credits me and four of my colleagues as requesting an additional \$1 million under the Interstate Maintenance Discretionary and the Surface Transportation Priorities accounts. I appreciate the support of my colleagues and the Committee for this important project and am confident the additional dollars are sorely needed—but in all honesty other members deserve credit for these funds since I submitted only the original \$500,000 funding for the environmental studies.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 23, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 28

9:30 a.m.

Banking, Housing, and Urban Affairs
To hold hearings to examine regulatory modernization, focusing on insurance.

SD-538

10 a.m.

Commerce, Science, and Transportation
To hold hearings to examine national hurricane research.

SR-253

Energy and Natural Resources

Business meeting to consider pending calendar business; to be immediately followed by a hearing to examine the nominations of Anthony Marion Babauta, of Virginia, to be Assistant Secretary, and Jonathan B. Jarvis, of California, to be Director, National Park Service, both of the Department of the Interior, James J. Markowsky, of Massachusetts, to be Assistant Secretary for Fossil Energy, and Warren F. Miller, Jr., of New Mexico, to be Assistant Secretary for Nuclear Energy, and to be Director of the Office of the Civilian Radioactive Waste Management, both of the Department of Energy.

SD-366

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Alexander G. Garza, of Missouri, to be Assistant Secretary for Health Affairs and Chief Medical Officer, Department of Homeland Security.

SD-342

Judiciary

Business meeting to consider the nomination of Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States.

SH-216

Small Business and Entrepreneurship

To hold hearings to examine the nominations of Winslow Lorenzo Sargeant, of

Wisconsin, to be Chief Counsel for Advocacy, and Peggy E. Gustafson, of Illinois, to be Inspector General, both of the Small Business Administration.

SR-428A

Joint Economic Committee

To hold hearings to examine current trends in foreclosures and what can be done to prevent them.

210, Cannon Building

2:15 p.m.

Foreign Relations

Business meeting to consider pending calendar business; to be immediately followed by a hearing to examine the nominations of William Carlton Eacho, III, of Maryland, to be Ambassador to the Republic of Austria, Matthew Winthrop Barzun, of Kentucky, to be Ambassador to Sweden, Bruce J. Oreck, of Colorado, to be Ambassador to the Republic of Finland, James B. Foley, of New York, to be Ambassador to the Republic of Croatia, Judith Gail Garber, of Virginia, to be Ambassador to the Republic of Latvia, and Douglas W. Kmiec, of California, to be Ambassador to the Republic of Malta, all of the Department of State, in SD-419.

S-116, Capitol

2:30 p.m.

Judiciary

Terrorism and Homeland Security Subcommittee

To hold hearings to examine closing Guantanamo Bay.

SD-226

Intelligence

To hold closed hearings to consider certain intelligence matters.

S-407, Capitol

JULY 29

9:30 a.m.

Veterans' Affairs

To hold hearings to examine veteran's disability compensation.

SR-418

10 a.m.

Environment and Public Works

To hold hearings to examine the nomination of John R. Fernandez, of Indiana, to be Assistant Secretary of Commerce for Economic Development.

SD-406

Judiciary

To hold hearings to examine certain nominations.

SD-226

Foreign Relations

Near Eastern and South and Central Asian Affairs Subcommittee

To hold hearings to examine Pakistan's internally displace persons (IDP) crisis.

SD-419

2 p.m.

Aging

To hold hearings to examine medical research and education.

SD-562

2:15 p.m.

Judiciary

Immigration, Refugees and Border Security Subcommittee

To hold hearings to examine comprehensive immigration reform, focusing on employment-based immigration to pro-

pel America's economy while protecting America's workforce.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Christopher P. Bertram, of the District of Columbia, to be Assistant Secretary for Budget and Programs, and Chief Financial Officer, Daniel R. Elliott, III, of Ohio, to be a Member of the Surface Transportation Board, and Susan L. Kurland, of Illinois, to be Assistant Secretary for Aviation and International Affairs, all of the Department of Transportation, and Patricia D. Cahill, of Missouri, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

SR-253

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine protecting shareholders and enhancing public confidence by improving corporate governance.

SD-538

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

Business meeting to markup proposed budget estimates for fiscal year 2010 for Transportation, Housing and Urban Development.

SD-138

3 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Rafael Borrás, of Maryland, to be Under Secretary of Homeland Security for Management, Ernest W. Dubester, of Virginia, to be a Member, and Julia Akins Clark, of Maryland, to be General Counsel, both of the Federal Labor Relations Authority.

SD-342

JULY 30

10 a.m.

Foreign Relations

To hold hearings to examine a comprehensive strategy for Sudan.

SD-419

10:30 a.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine children in disasters, focusing on evacuation planning and mental health recovery.

SD-342

2 p.m.

Commerce, Science, and Transportation

To hold hearings to examine climate services, focusing on solutions from commerce to communities.

SR-253

HOUSE OF REPRESENTATIVES—Thursday, July 23, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 23, 2009.

I hereby appoint the Honorable SHEILA JACKSON-LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Chaplain Mark Campbell, Office for the Deputy Under Secretary of Defense, Washington, D.C., offered the following prayer:

Almighty God, enlighten our eyes that we may see clearly Your purposes for our great country, and grant Your wisdom to these dedicated leaders. Provide the ability to discern the best from the good, the workable from the unhandy, the useful from the frivolous. "Make us to choose the harder right over the easier wrong."

I ask this day for Your energy and benediction on the work of this body, on the decisions to be made, and in the agreements to be struck.

Protect our troops today, and change the hearts of those who wish ill against our Nation.

I also ask Your divine blessing on each House Member, their families, and their staffs.

With gratitude to You, most high God, I pray in the name of my Savior, the Lord Jesus Christ, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING CHAPLAIN MARK CAMPBELL

The SPEAKER pro tempore. Without objection, the gentleman from Alaska (Mr. YOUNG) is recognized for 1 minute. There was no objection.

Mr. YOUNG of Alaska. Today, it is my great privilege to welcome Rev. Mark Campbell to the House of Representatives. Rev. Campbell and his wife, Shelley, are active duty in the United States Air Force, ministering to our brave men and women in uniform.

Rev. Campbell is currently the chaplain for the Office of the Secretary of Defense, Office of Military Community and Family Policy. He works as a consultant on religious affairs, reviews policy guidance, and facilitates support for chaplain and family support assistance programs at the State level.

Prior to serving as a chaplain in the Air Force, Rev. Campbell pastored the College Gate Baptist Church in Anchorage, Alaska. Since entering the active duty Air Force, Rev. Campbell has served at bases around the world. He is a shining example for those of us instructed to "go into all the world and preach the good news to all creation."

I thank Rev. Campbell for his prayers today and being here today to lead the invocation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

A COMMITMENT TO STATUTORY PAYGO

(Mr. KRATOVIL asked and was given permission to address the House for 1 minute.)

Mr. KRATOVIL. Madam Speaker, I rise today in support of the statutory PAYGO legislation passed by the House yesterday. My colleagues on the other side of the aisle are certainly correct that this legislation is not perfect. Of course, I'm finding in my first seven months here in Congress that no legislation we pass in this House is perfect. Such is the nature of legislating and the compromise that comes with it.

My colleagues on the other side of the aisle, however, in my view, are in-

correct in that this legislation is not a positive step in restoring us to the financial discipline that led us to the large surpluses in the 1990s.

Statutory PAYGO holds the Federal Government to the simple, but important, principles that American families demand of themselves: you cannot spend money that you do not have, and when one part of your budget expands, another must tighten.

The passage of statutory PAYGO proves the House of Representatives can learn a lesson from the families we represent by ensuring that both new tax and entitlement legislation alike is paid for.

The large deficits we inherited as a result of the borrow-and-spend policies of the past have put pressure on funding for education, clean energy and other important investments. Our national priorities will no longer be held hostage to our lack of self-restraint when it comes to spending.

We must balance short-term deficit spending in order to pursue effective economic recovery with a commitment to restoring financial discipline in the long term.

This begins with yesterday's commitment to statutory PAYGO.

INACCURATE STATEMENTS BY PRESIDENT REGARDING HEALTH CARE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Madam Speaker, my colleagues, last night the President addressed our Nation about the issue of health care, and there were some statements made by the President last night that aren't quite accurate.

One, he said that we will keep government out of health care decisions. Now, if that's the case, I wonder why there was \$200 million set aside in the stimulus bill earlier this year so that the government could do a comparative analysis to determine which treatment was most effective in terms of a potential cure for a disease. This is clearly going to give the government information that they believe is the best treatment when the doctors and their patients may not agree.

And secondly, I'd point out that if you look at an amendment that was offered in the Energy and Commerce Committee the other night, the amendment said real simple that no government bureaucrat will make any decisions or interfere with any decision between a doctor and their patient. And I

would add that that amendment was rejected on a party-line vote.

Secondly, the President said if you like your current plan we will give you the option to keep it. I wish that were true. But as I noted the other day on the floor, under the ERISA provision, I believe that thousands of companies will drop their company health care plan because after 5 years it's going to have to be approved by the Department of Labor and the health care choices czar to ensure that the company plan meets certain Federal standards. I've got to tell you this is going to drive a lot of companies out of offering the insurance that people have today. They will have no option but to go to the government plan.

And thirdly, he said no plan will add to our deficit. Well, the Congressional Budget Office last Friday came out and said the plan that was being considered will add \$239 billion to our deficit over the next 10 years. And if you look further at this plan, you will see that while the cost of the plan is \$1.6 trillion, the tax increases don't go into effect until 2011, but the real cost of the plan doesn't begin to add up for about 5 years. And so when you get into the out years, beyond 10 years, you see these exploding deficits, because it's going to cost \$200 to \$300 billion a year more, over and above the tax increases already in this bill. At a time when we've got record deficits and record spending here in Washington, we don't need to be adding to the deficit.

And lastly, the President said Republicans want to kill health care reform and have not offered better ideas. I've got to tell you, earlier this year when I handed Speaker PELOSI the gavel, I said that when Republicans had to oppose our new President or our colleagues across the aisle, it was our obligation to say how we would do it better.

We had a better solution on the stimulus bill. We had a better solution on the budget. We believe that we had a better solution on the energy bill that was here last month. We have offered our better solution on health care. We outlined those in a letter to the President back in May when we asked for a meeting and got a nice, polite letter back from the President that said, Well, thank you for your ideas, but we'll see you at the end of the process.

Republicans have a better solution that won't put the government in charge of people's health care, that will make sure that we bring down the cost of health care for all Americans and ensure affordable access for all Americans.

PAY-AS-YOU-GO REQUIREMENTS WORK

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Madam Speaker, yesterday this House passed legislation that will restore fiscal discipline by requiring the United States Government to only spend what it can truly afford. The Statutory Pay-As-You-Go Act will roll back deficits and require all new legislation which reduces revenues or expands spending to be paid for. This is a critical piece of common sense. At long last, Congress will be required to follow the policies that families in my district in south Florida stick by every day: only spend a dollar if you can save a dollar somewhere else.

It is clear that pay-as-you-go requirements work. The last time they were in place in Congress in the 1990s we saw budget surpluses. After they lapsed in 2002, the lack of fiscal discipline allowed deficits to balloon.

Fiscal responsibility is one of my personal core values. It is what my wife and I teach our children and should guide every decision we make in government.

This bill marks a turning point in the fiscal health of our Nation. It won't happen overnight, but starting today we will begin to cut our deficit and return to surpluses.

NOT MY COUNTRY

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, earlier this week four Members of the President's Cabinet, including Secretary Sebelius, came to my home State of Louisiana to build grassroots support for ObamaCare in the rural areas, but they found themselves defending the administration's broader effort to take over the Nation's health care system. To say they were greeted by skepticism would be an understatement.

The anger over the direction this country is moving was best expressed by a gentleman who told the group, Please carry a message to Mr. Obama, that it will be a cold day in hell before he socializes my country.

The administration and a small group of very liberal Democrats are intent on pushing through a government takeover of health care, even though more than half this country does not want it.

Democrats in this House are moving forward with a health care plan that will hurt the sacred relationship between Americans and their doctor, deny access to needed treatments, and place power in the hands of Washington bureaucrats. Why are you in such a rush? Are you afraid Americans will learn the truth this time and stop it?

AMERICA CAN NO LONGER AFFORD TO WAIT FOR HEALTH CARE REFORM

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute.)

Mr. BRALEY of Iowa. Madam Speaker, on Tuesday there was a long parade of my friends from the other side coming down here to the Well to talk about the problems with the Democratic health care bill. And you just heard the distinguished minority leader talking about the cost of this bill.

Well, this is a stark reality, America. America can no longer wait for health care reform. Every person in this country pays a hidden tax of \$1,200 a year, every family in this country pays a hidden tax of \$1,800 a year, to take care of people right now who don't have health insurance but still get health care.

That's the reality that we're dealing with, and that's why we are working hard to try to transform our health care delivery system.

And my friend from Louisiana who just spoke is a perfect example of what's wrong. Right now, we know that in our country the States that provide the highest quality of care to Medicare patients get paid the least, while the State of Louisiana spends more per Medicare patient than any other State and ranks 50th on Medicare quality of assessments.

That's why Democrats are leading the charge to change the way we transform our health care system.

SCRAP THIS BILL AND LET'S START OVER ON REAL HEALTH CARE REFORM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Think about this concept of government-managed health care for just a minute. Imagine that the Federal Government told you you can have your house for free. That sounds good, right? Until they tell you that you have to live in government housing. Now what? How many Americans want to leave their homes for government subsidized housing?

Polls show that the more people learn about the government-controlled health plan, the less they support it.

Increasing the number of Americans who have health insurance is a laudable goal we all want to achieve, but paying \$1.5 trillion to get part of the way, with a government-controlled plan that eliminates choice and stifles the doctor-patient relationship, that's not the answer.

Mr. President, scrap this bill and let's start over on real health care reform.

□ 1015

WE NEED REFORM

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, the keepers of the status quo on health care are simply wrong. It is unacceptable for Americans to have their wage increases swallowed up by health care costs.

Our medical costs are rising three times faster than our wages. It consumes twice as much of our economy as it did just 12 years ago. The status quo is unacceptable.

Now some of my colleagues want to defend the status quo, trying to scare Americans to think that we're going to deliver bad medical care. Let me ask them this: Is the medical care at the Mayo Clinic in Rochester, Minnesota, so bad? I don't think so.

Our bill, basically—and we are improving this bill as we speak—is going to provide the kind of care that Americans are getting at the Mayo Clinic. Because when our bill passes, it will in fact allow and inspire doctors to do what they do at the Mayo Clinic for half the price that Americans are paying for their medical care in Miami, Florida. Half the price at the Mayo Clinic for what Americans pay in medical care.

We need reform. We're going to pass it.

MAYO CLINIC OPPOSED HEALTH CARE BILL

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, let me say this, that the Mayo Clinic opposes this health care bill because it's nonsense, it costs too much, and it's going to put America more in debt.

And that's just the way it is.

HEALTH INSURANCE REFORM MEANS STABILITY FOR EVERY AMERICAN

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Those within and without health insurance share something in common: they both lack stability and security when it comes to coverage, cost, and quality of their health care.

Every day, Americans are forced into tough decisions and circumstances that lead them to lose their health care. As the President mentioned last night, on average, 14,000 Americans a day are losing their health care.

Health insurance reform means stable coverage that can't be taken away. If your spouse is laid off or changes

jobs, you won't lose your coverage. If you or your family or coworker get sick, you won't pay more or lose your coverage.

With health insurance reform, no one is able to get between you and your doctor. It will keep government out of health care decisions, allowing you to keep the coverage you have today if you want it.

Stability has been missing from our health care system for decades. As we work to get our economy moving again, now is the time to fix it. The proposed health insurance reform bill builds upon what works and fixes what is broken.

My constituents strongly want, need, and deserve a more stable and secure health care system. And that's what we need to fight to do.

WE NEED TO SUPPORT, NOT TAX, SMALL BUSINESSES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, small businesses face challenging economic threats. Those who can afford to are struggling to provide health care to their employees.

The last thing small businesses need—and we've had 2.6 million jobs lost since the new President came in office—are more mandates and tax hikes that will destroy jobs. Unfortunately, under their health care tax, Democrats are proposing just that.

They believe small businesses should abide by government mandates and provide health care that meets a bureaucratic code or suffer an 8 percent tax and fines up to \$500,000. This is no way to treat the most prolific job-creating engine of our economy.

Republicans have solutions for affordable, accessible, and portable health care without tax hikes on families and small businesses. We reject the rationing of health care and government intrusion and propose flexibility for small businesses to band together for affordable health care.

Republicans have solutions that will empower individuals, not Big Government. We will promote new jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

NEED FOR HEALTH CARE REFORM

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Madam Speaker, I rise today to talk about the need for health care reform in this country, reform that must ensure patients can choose their doctor, is portable, and gives stability to our citizens as they

grow old, change jobs, and face health problems. It must protect those with preexisting conditions and address prevention.

I've received countless calls from constituents about the need to fix what is broken and protect what works in this health care system.

Last night, on this floor, I heard a colleague on the other side of the aisle say that all Americans have health care today, the emergency room. Well, tell that to my constituents like Carla, who called about her sister Edith, who's been without insurance since last September.

Edith is 49 years old and suffers from severe osteoarthritis. Injured at work, she had to change jobs because she was denied workmen's comp. And then, after she got a job that offered some coverage, she was laid off due to economic conditions.

Now unemployed, Edith is without health insurance, insurance she desperately needs to help cover her doctors visits and her prescriptions. Edith is a victim of a failed system.

Madam Speaker, we need health care reform in this country to ensure that Edith and countless others are not left behind.

WE THINK YOU'RE SMART ENOUGH WHEN YOU HAVE THE RIGHT INFORMATION

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Madam Speaker, I'm very disappointed because the Democrats and the administration don't think the American people are either smart enough or they don't trust them to make their own decisions.

The Democrats and the administration have introduced a reform for financial markets that is going to start telling the American people, Hey, you're not smart enough or we don't trust you to determine what kind of credit card you should have. We don't trust you, we don't think you're smart enough to determine what kind of mortgage you should take out.

We don't trust you, we don't think you're smart enough to determine what kind of car loan you should have. We don't trust you and we don't think you're smart enough to determine what kind of checking account that you should have.

Now we're going to tell the American people we don't think you're smart enough or don't trust you to pick your own health care.

You know, the American people are getting kind of tired of the Democrats telling them that they don't trust them or they don't think they're smart enough.

Madam Speaker, the Republicans have introduced a financial reform that

says to the American people: we think you're smart enough when you have the right information.

AMERICAN RECOVERY AND REINVESTMENT ACT

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Rather than emulate the *laissez faire* strategy of the previous administration, President Obama signed the American Recovery and Reinvestment Act less than a month after taking office. Now, just 5 months after its passage, some on the other side of the aisle are proclaiming it a failure.

In January 2009, before passage of the Recovery Act, the economy lost 741,000 jobs, foreclosures were at record highs, and the economic growth rate had hit negative 6.3 percent. Some \$10 trillion in wealth had been lost in the stock market.

The Recovery Act provided our States with vital funds, allowing thousands of teachers, law enforcement officials, and firefighters to stay on the job, to educate our children, and to protect our public. To call this a failure is putting rhetoric over people.

More than \$20 billion has been made available to fund over 6,000 shovel-ready transportation construction projects, over 2,500 of which are already under way.

The Recovery Act is not a cure-all to our economy's problems, but it has and will continue to make a difference for the better.

MYTH VERSUS REALITY ON HEALTH CARE

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Last night, President Obama held a prime time press conference in which he repeated many of the health care claims that are making their way around Capitol Hill. But what are the myths versus the realities?

Some even claim health care reform will not add to our deficit over the next decade. However, the nonpartisan Congressional Budget Office has released its cost estimate on the House health care legislation, showing it will increase the Federal deficit by \$239 billion over the next 10 years.

Another claim is that no one will lose health insurance they have right now. This defies reality, Madam Speaker. According to an independent study, 114 million Americans will be forced out of their current health care coverage.

Madam Speaker, it's simple: Washington-run health care will mean more deficits, more debt, and more government interference in our lives.

AMERICAN RED CROSS REAL HERO AWARD

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. Madam Speaker, I rise today to honor an exceptional constituent from my district, Mr. Billy Jack Miller of Elephant Butte, New Mexico, who was awarded the 2009 American Red Cross Real Hero Award.

This summer, Billy Jack was presented the Good Samaritan Award for rescuing an individual from drowning in Elephant Butte Lake, where he has operated a local fishing guide service for many years. The man he saved fell into the lake and became trapped between the dock and a boat.

The Good Samaritan Award honors outstanding individuals who exemplify the spirit of heroism and humanitarianism at a distinguished level and a commitment to improving the lives of others. Billy Jack embodies this achievement.

Over the years, working on the water, he has developed a knack for spotting fellow boaters in distress and is always there to lend a helping hand.

I'm proud on the occasion of this pre-eminent award to have the opportunity to commend the work of Billy Jack Miller, a great citizen of Elephant Butte, New Mexico. It is my privilege to honor Mr. Miller for his work and dedication.

CONSUMER FINANCE PROTECTION AGENCY

(Mr. BACHUS asked and was given permission to address the House for 1 minute.)

Mr. BACHUS. Madam Speaker, I received a letter yesterday from a lady, an officer in a small community bank in Alabama. I wanted to share what she said with my colleagues.

She expresses her concerns that many community bankers are expressing about the legislation under consideration by the House Financial Services Committee to create a new government bureaucracy, otherwise known as the Consumer Finance Protection Agency.

Here's what she says: I strongly support consumer protections. In fact, my bank's competitive edge rests with our customers' implicit trust that we will deal with them fairly and honestly when they visit my bank with their best interests in mind. Don't take that ability away from me to meet their unique needs.

She points out that there are countless examples of local bankers offering nonstandard loan products to consumers and customers in an effort to meet their unique needs—not to victimize them, but to give them a product that fits their purpose.

Under the proposed protection agency, however, community bankers

"would have a much harder time helping their customers. They'd have to go through all sorts of regulatory hurdles."

WE ALL WIN IN HEALTH CARE REFORM

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, I have some excellent news for the people of northeast Wisconsin, people like Mike up in Marinette, Jenny in Appleton, and Jeff in Green Bay: access to affordable health care will be enacted this year by this Congress. After all, how can we continue the losing ways of the past, where discrimination against citizens due to preexisting conditions was allowed to take place.

You're going to hear arguments from one side and the other. But we stand on the side of the American people who understand this: There shall be no discrimination to any citizen due to preexisting medical conditions. After all, we don't discriminate on the basis of the color of your skin. What about the chemistry of your skin?

The bill that's moving forward in this House will guarantee other things as well. It will guarantee small businesses will be able to reduce their costs for health care and allow them to employ more people and stimulate our economy at the greatest time of need.

□ 1030

NEW MANDATES FOR ABORTION COVERAGE IN EVERY INSURANCE PLAN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, everywhere I go people tell me they're worried about the direction our country is headed.

So far in this Congress, all we've seen are bailouts and government takeovers. We've taken over or nationalized huge sectors of our economy. We've nationalized the banking industry and the financial sector. We've nationalized the home mortgage industry. We've taken over the auto companies. We've nationalized the energy sector with cap-and-trade.

And now our friends on the other side want to nationalize the health care sector, 17 percent of our economy, a government takeover with new government mandates. And one of those hidden mandates is for abortion coverage in every insurance plan, public or private, in America.

At a time when the number of abortions is declining, doctors performing abortions are declining, the number of

abortion clinics is declining, the Congress and White House want to mandate abortion coverage in every insurance plan, public or private; another bailout in this bill, this one for the abortion industry.

What would the result be? Less jobs, more taxes, massive government spending, and a mountain of debt on our kids and grandkids.

THE TIME IS NOW TO ENACT A HEALTH CARE PLAN FOR ALL AMERICANS

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Madam Speaker, Martin Luther King, Jr., spoke of the fierce urgency of now. He talked about the fact that you cannot set a deadline or timeline on somebody else's freedom. Well, there's another civil rights movement going on today in America, and that is the right for health care.

Health care is what we need now, and we cannot delay. I urge my colleagues to come together and pass a health care reform bill before we go out for the August recess because people absolutely need it, people who are fearing being dropped or put off for preexisting conditions, people being subject to discrimination because of their age or their gender.

We've got to stop this. We have got to make sure that a caring Nation cares for the health of its people. The time is now. We cannot delay. We've had enough time, Madam Speaker.

Six decades America has debated about what to fix about our broken health care system. We've done 45 hours of markups, 79 House hearings, 215 pages of bills and work to make sure that we have every input and every point of view shared.

The time is now, Madam Speaker.

LET'S GET A BIPARTISAN COMMITTEE ON HEALTH CARE REFORM

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Madam Speaker, last night President Obama addressed the American public and urged Congress to pass health care reform. As a physician who has seen the shortcomings of our system, I am glad he strongly urges reform. I want to correct something he said about why Republicans oppose this plan and support other measures.

First, he said a public plan was needed to keep insurance companies honest. Republicans don't oppose insurance reform. We wholeheartedly embrace it. We oppose the public plan because it's a backhanded attempt at moving towards a government-run system where

care is provided not because it's the best but because it costs the least or, worse, it's rationed.

Second, he said the wealthiest Americans should shoulder the burden for everyone's health care with a surtax. What he didn't say is that those same wealthy Americans are many of the same people we're relying on to create jobs and help reduce the staggering unemployment rate. You can't have it both ways. We can't dramatically increase taxes on the wealthiest Americans to some of the highest taxes in the world and then turn around and expect job creation.

We support ensuring patients can get the care they need from their physician, reforming the insurance industry, making health care more affordable through cost containment and tax credits. Let's get these ideas, sit down and hammer out a bipartisan compromise.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas the gentleman from Georgia, Mr. Price, submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have required that none of the funds made available in this Act be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the otherwise lawful possession or use of firearms in federally assisted housing;

Whereas the Second Amendment of the United States constitution guarantees that "the right of the people to keep and bear Arms, shall not be infringed";

Whereas the Second Amendment applies equally to all Americans, regardless of who owns or pays for their housing;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Mrs. Pelosi, the Democrat leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Georgia's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as

a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. HENSARLING. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas the gentleman from Texas, Mr. Hensarling—along with the gentleman from Texas, Mr. Conaway, the gentleman from Georgia, Mr. Gingrey, and the gentlewoman from Tennessee, Mrs. Blackburn—submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, and Housing and Urban Development Appropriations Act;

Whereas the said gentleman's amendment would have encouraged the development and use of alternative fuels by the federal government from resources found abundantly in the United States and Canada such as oil sands and oil shale, furthering our ability to become more energy independent, reducing the federal government's energy costs borne by the American taxpayer;

Whereas, this is especially important at a time of a record deficit that has reached \$1 trillion for the first time in American history and a record debt that will be tripled in 10 years;

Whereas, the said amendment could help in the creation of desperately needed jobs in an economy where the unemployment rate is 9.5%—the highest unemployment rate in 26 years and climbing—and 2.6 million people have lost their job since February 2009;

Whereas, when campaigning for the presidency, then-Senator Obama said that "under my plan of a cap and trade system, electricity rates would necessarily sky rocket";

Whereas, on June 26, 2009, the Democratic Majority passed such legislation in H.R. 2454, a national energy tax also known as cap and trade, that experts have estimated will result in American families paying anywhere from \$1,500 to \$3,000 annually in additional energy costs;

Whereas, on December 6, 2006, then-Minority Leader Nancy Pelosi said, "[W]e promised the American people that we would have the most honest and open government and we will.";

Whereas, according to then-Minority Leader Nancy Pelosi's New Direction for America, "Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.";

Whereas a similar amendment was adopted by the House in 2008 during consideration of H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act, 2009 on a bipartisan vote;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically breached decades of House precedent and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Mrs. Pelosi, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Texas' amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Texas will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BROWN of Georgia. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as to the question of privileges of the House.

The form of my resolution is as follows:

Whereas the gentleman from Georgia, Mr. Brown submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have required that none of the funds made available in this Act be used for bike paths;

Whereas transportation appropriations have previously been used to build and repair bike paths;

Whereas the construction and repair of bike paths is not a legitimate function of the federal government, since they do not contribute to interstate transportation or interstate commerce;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramati-

cally and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Mrs. Pelosi, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Georgia's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. TIAHRT. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of privilege of the House.

The form of my resolution is as follows:

Whereas the gentleman from Kansas, Mr. Tiahrt submitted an amendment to the Committee on Rules to H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010; Whereas the said gentleman's amendment would have prohibited salaries and expenses from being paid to individuals who obligate money under the stimulus FHWA program for road signs that are placed at construction sites to alert motorists that the project is being paid for by stimulus money;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for free speech on this Floor; and,

Whereas the Speaker, Mrs. Pelosi, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Kansas's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the ma-

jority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Kansas will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 1045

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mrs. BACHMANN. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas the gentlewoman from Minnesota, Mrs. Bachmann submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentlewoman's amendment would have protected American taxpayers by prohibiting funds made available in the Act from being used to fund any organization that has been indicted for violations of state or federal election laws—or that employs people who have—such as the Association of Community Organizations for Reform Now (ACORN);

Whereas a similar provision was adopted by the House in 2008 during consideration of H.R. 3221, the Housing and Economic Recovery Act of 2008, and became law on June 30, 2008, but does not currently apply to all programs funded in the underlying bill;

Whereas the gentlewoman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity to protect American taxpayers on this Floor; and

Whereas the Speaker, Mrs. Pelosi, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentlewoman from Minnesota's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Minnesota will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PROVIDING FOR CONSIDERATION OF H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 669 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 669

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 160, line 6. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution; (2) not to exceed seven of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (3) not to exceed two of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The proponent of any such amendment may modify its amendatory instructions before the question is put thereon. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption

shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of the amendments specified in the first section of this resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 3288, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

POINT OF ORDER

Mr. FLAKE. Madam Speaker, I raise a point of order because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver against all points of order in the Congressional Budget Act which causes a violation of rule 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974. The gentleman has met the threshold burden under the rule. The gentleman from Arizona and a Member opposed each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Again, I rise today not because this bill may or may not violate the Unfunded Mandates Act—it may or it may not. The question here is why, again, and we're near the end of the appropriations cycle and we've been living under what is the equivalent of legislative martial law, where the majority has stated that they cannot allow appropriation bills to come to the floor because we have to get through this process. We have to move through it. The Appropriations Committee chairman said, There is a limited numbers of hours between now and the time we recess. If we want to get our work done, we have to limit the debate time that we spend on these bills.

Now, appropriating is one of the most—if not the most important—thing that Congress does. We maintain the power of the purse under article 1. This is our responsibility. And to say that we've got to move through it quickly and so we have to deny the minority party the ability to offer the amendments it wants to offer simply because we have to make the trains run on time here.

When the Republicans were in the majority, one Member said the other day that he was in the chair for over 3 days on the interior bill simply because Members on the majority side and the minority side had a lot of amendments they wanted to offer—3 days on the interior bill. Here we're allowing just an afternoon on the THUD bill. We're allowing just less than a day on the defense bill next week that contains more than a thousand earmarks that haven't been vetted by the Appropriations Committee, 540 of which are no-bid contracts to private companies. And we aren't allowing probably but a few, if history holds, amendments to that bill. And they will likely be amendments that the majority chooses.

Last week, on a previous appropriation bill, I asked for unanimous consent 16 times on 16 amendments that I had to allow us to substitute an amendment that one of my colleagues had offered that was not allowed.

So making the point that this isn't an issue of time; the time constraints were already set. We simply wanted to substitute amendments that we thought were maybe more important, that Members were denied the ability to offer, and we were rejected. Objection was raised 16 times to unanimous consent requests simply to substitute amendments. So we know what this is about. It's not about an issue of time, although that is a sorry excuse, frankly. When appropriating dollars is the most important thing we do here, we shouldn't limit ourselves to just a few days to get the appropriations process done on the floor.

But even if you accept that, the minority party simply wanted to offer the amendments it wanted to offer, not the ones that the majority party had chosen for the minority party to offer and were denied 16 times. And here again today we're going to be discussing a bill. More than 70 amendments were offered to the Rules Committee. Only, I believe, 24 were ruled in order. We just had four or five Members offer privileged resolutions to make the point that their amendments, which were germane, which should have been allowed, were not allowed by the minority party.

Madam Speaker, this isn't the way this House ought to be run. We're breaking from tradition here with the appropriations process, and at a time when we need more than ever to scrub these appropriations bills and make sure we're not spending money that we shouldn't be spending. We have a deficit that will near \$2 trillion this year. When I came to Congress just 8 years ago, that was almost the entire Federal budget. Now our budget deficit will equal that amount, and yet we're throwing appropriation bills at the floor and saying got to get them done in 1 day and not allow the minority party to offer the amendments that it would like to offer.

I would submit that while the majority party may think that they can get away with it because process arguments don't mean much outside the Beltway, I can see that. But a bad process begets bad policy, and sooner or later, it will come back to bite. And it just doesn't come back to bite the majority party; it comes back to haunt this institution. And institutionally, we ought to be better. We ought to have more regard for this institution than to simply break with precedent like this and deny the minority party the ability to offer the amendments I would like to offer.

Mr. ARCURI. Madam Speaker, I rise in opposition.

The SPEAKER pro tempore. The gentleman from New York is recognized for 10 minutes.

Mr. ARCURI. I yield myself such time as I may consume.

Madam Speaker, this point of order is not about anything other than delaying the passage of this very important bill. And I would say to my friend from Arizona, that he, himself, has probably received more amendments from the Rules Committee than the rest of Congress put together. So he certainly has had an opportunity to offer many amendments with respect to different earmarks that he feels should be removed from the bill.

So I would submit that this point of order is really about delaying the passage of what is a critically important bill, and that is the transportation appropriation bill, a bill that talks about things like funding roads so that we have safe highways for our families to travel on, things like high-speed rail so we can bring people and goods from point A to point B as quickly as possible. That's what we're here to discuss today. That's why the passage, the consideration of this rule and the passage of this rule, is so important, so we may consider this critically important bill.

□ 1100

I hope my colleagues will vote "yes" so we can consider this legislation on its merits and not stop it by virtue of a procedural motion. Those who oppose the bill can vote against the final passage. We must consider this rule, and we must pass this legislation today.

I reserve the balance of my time.

Mr. FLAKE. I yield myself the balance of my time to answer the gentleman.

I want to make the point that I'm not trying to delay the process. I could call a vote and waste 30 minutes. I'm not going to. I know the outcome here. That's not the point. The gentleman mentioned that I've been given a lot of amendments. I have, but it is only because the majority knows that they can beat them. And when I've offered to substitute some of my colleagues' amendments that were germane that simply weren't ruled in order, objec-

tion was raised 16 times to do that. So this isn't about time. This is about the majority wanting only the amendments that it wants to see on the floor.

I yield back the balance of my time.

Mr. ARCURI. I yield back the balance of my time, and urge a "yes" vote on the rule.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for the purpose of debate only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. I yield myself such time as I may consume.

I rise today as a member of the Rules Committee and also as a member of the Transportation and Infrastructure Committee in strong support of H.R. 3288, the Fiscal Year 2010 Transportation HUD Appropriations Act. H. Res. 669 provides for consideration of H.R. 3288 under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Appropriations.

The rule makes in order a total of 23 amendments, each of which is debatable for 10 minutes. The rule also provides one motion to recommit with or without instructions.

Madam Speaker, housing and transportation are two areas that must be priorities for Congress, especially when the economy slows, because we get a double return on our investment. As we have seen with the recovery bill, investment in infrastructure not only generates economic recovery by putting people back to work, but those construction jobs strengthen our transportation system and improve our housing stock. We not only put people to work, but we also get something in the long run. We get better roads. We get safer transportation. We get better housing. That is critically important.

Some of the members of the Transportation and Infrastructure Committee would have liked to have seen a greater percentage of the funding in the Recovery Act go towards infrastructure spending and, indeed, we have seen that of all the funding included in that bill the transportation

funding has resulted in saving and creating jobs faster than even we expected.

The Transportation-HUD Appropriations bill continues this investment and our commitment to utilize all of the tools available to continue this economic recovery that has already begun to take hold. Included in H.R. 3288 is \$41.1 billion to improve and repair our Nation's aging highway infrastructure. The bill includes more than \$10 billion for Federal Transit Administration, which will help transit agencies meet increased public demand for mass transit. This not only provides more transportation options to Americans during tough economic times, it also decreases traffic congestion, reduces our dependence on foreign oil, and reduces greenhouse gas emissions.

This bill adds another \$4 billion to develop and construct a national system of high-speed rail, building on the commitment we began with the recovery bill. This is the first major investment in transportation since the 1960s. High-speed rail moves more people at a lower cost, at a faster speed and with less impact on the environment than does road transportation. We have developed the most advanced highway and aviation systems in the world over the last 60 years, but in comparison to the train system in other nations such as Germany, France and even China, they have clearly exceeded what we have done here in America.

Speaking from the experience of my own delegation, the Members that represent upstate New York, we are committed to work in a bipartisan effort to make high-speed rail a reality across upstate New York. We have done so because we realize the numerous benefits that this improvement in our transportation system will have as a result of high-speed rail, not only for upstate New York, but for the Nation as a whole.

Just as we saw over a century ago with the construction of the Erie Canal, streamlining the movement of people and goods along the corridor between the eastern seaboard and Chicago, the freight gateway to the west coast, will benefit the cities at both ends and also the cities across the country through which the line will run.

Madam Speaker, this is just a sampling of the important programs and initiatives that the Transportation-HUD Appropriations Act will fund in fiscal year 2010. I urge all my colleagues to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my friend, the gentleman from New York (Mr. ARCURI), for the time, and I yield myself such time as I may consume. Last month, in the middle of the night, the majority called an

emergency meeting of the Rules Committee in order to withdraw a modified open rule which had previously been passed by the committee regarding the Commerce, Justice and Science Appropriations bill and to replace it with a draconian rule that severely limited the ability of Members from both sides of the aisle to bring amendments to the floor for debate and a vote.

That unnecessary and unfortunate procedure began the process of overturning over two centuries of precedent of open debate on appropriations bills in this House. Historically, appropriations bills, such as the one being brought to the floor today, have come to the floor under an open rule, a rule that allows any Member, from either side of the aisle, to offer amendments if the amendments are germane. Now the majority has unwisely ended that hallowed tradition and is using the Rules Committee to repress the ability of Members to offer amendments.

Each and every appropriations bill considered since that late night, or should I say early morning, meeting has restricted the prerogative of Members to offer amendments. Instead, the Speaker and the chairman of the Appropriations Committee, through the majority on the Rules Committee, decide who will offer amendments, and they decide exactly who shapes the way Congress spends the taxpayers' dollars. As of the last count, that doctrine, the Pelosi-Obey doctrine, has blocked over 600 amendments. Six hundred times already Members on both sides of the aisle in this House have been denied the ability to represent their constituents on appropriations bills.

The new doctrine and process not only breaks two centuries of tradition and precedent in the House; it also runs contrary to one of the central tenets of the Democrats' election campaign. During the 2006 campaign, they claimed that they would run Congress in a more open and bipartisan manner. On December 6 of that year, Speaker PELOSI reiterated her campaign promise. She said, "We promised the American people that we would have the most honest and open government, and we will." But here we are today, with Congress for the first time in history completely shutting down the previously open appropriations process.

When the process was first closed down last month, I explained to the majority that they should be cognizant of the repercussions of overturning two centuries of precedent. They did not listen. They have continued to bring to this floor restrictive rule after restrictive rule, 10 so far. Although I feel that the majority has caused lasting damage to the traditions of the House, there's still a chance for the majority to return to the long-held tradition of fairness and openness of debate on appropriations bills. So I urge my col-

leagues to oppose this rule so that we can return to regular order, to restore the long-held tradition of the House of openness on appropriations bills.

I once again remind my colleagues that majorities are never eternal. The precedent being set now may be used by majorities in the future. And this is not the appropriate way to run the House. It is unnecessary. It is inappropriate. It is unfair. I think it's time, Madam Speaker, that we overturn that doctrine, the Pelosi-Obey doctrine, and restore the tradition of openness in the appropriations process.

And I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I yield 3 minutes to the gentleman from Colorado, one of the new distinguished members of the Rules Committee, Mr. POLIS.

Mr. POLIS. I thank my colleague, Mr. ARCURI, for the time, and I rise today, Madam Speaker, in strong support of this rule and the underlying bill. Madam Speaker, right now, our Nation's transportation infrastructure continues to fight a losing battle with our growing needs, shrinking revenues and a dwindling highway trust fund.

Meanwhile, our public housing assistance and community support programs feel the strain of additional demand, more and more families and individuals across our country who face layoffs, foreclosures and the economic waves that have rippled through nearly every sector of our economy in every State in our Nation.

Madam Speaker, this bill will help to address the challenges of those who are particularly hard hit in a responsible and thorough manner, and I thank Subcommittee Chair OLVER and Chairman OBEY and their staffs for a job well done. This bill provides vitally needed funding for transit through investment in the Federal Transit Administration, including commuter rail systems and a focus on multi-modal transportation planning.

This bill also reflects our growing understanding of where our transportation system needs to go in the future and how to get there. We understand that the sooner we address things like vehicle miles traveled, congestion, smart growth and complete streets, the sooner we will see the environmental, health and economic benefits that the status quo is currently lacking.

Easing congestion is crucial for my district in Colorado. Even the smallest amount of congestion means major economic impacts as travelers and companies moving goods and people on Highway 70 and Highway 36 sit idle. These highways are two of the main arteries in my district that connect nearly every community and where investment in infrastructure has not kept pace with growth.

Highway 70 is the lifeblood of our mountain communities in Colorado. This bill will help ease congestion in

places like Eagle, a growing community in the mountains where, until a few years ago, rush hour was like a long lift line in Vail or too many rafts on the Colorado River. But now, this is a community that comes to a halt with rush-hour traffic that combines with regional airport traffic to yield real implications.

We all know that our Nation's housing market has been at the center of our economic troubles and that our economic troubles have only fed a cycle of more layoffs and foreclosures. These programs in this bill administered by HUD allow nonprofit organizations such as Thistle Community Housing in my district to make housing affordable for all families. Through community development grants, Thistle leverages Federal dollars with private philanthropy and local funds to not only provide affordable rental housing, but also to make the dream of homeownership possible for my constituents even of modest needs.

Make no mistake, however, this is not merely a housing subsidy program. It also promotes personal responsibility by requiring enrollment in financial literacy and job training programs. In our economic climate, these kinds of training programs are critical. To help our recovery, this bill extends the loan limits enacted in the American Recovery and Reinvestment Act through 2010 and provides for continuation of the Home Equity Conversion Mortgage program.

Madam Speaker, this bill is critical for our country because it is important for our economy, our environment, and it builds and repairs the physical infrastructure of our Nation. I urge swift passage of the rule and the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is a pleasure to yield 4 minutes to my friend from Iowa (Mr. LATHAM).

Mr. LATHAM. Madam Speaker, I thank the gentleman from Florida for the time.

I rise in opposition to this rule because I do not want to lend my support to a politically cooked process that freezes the American people out of having their say through a constructive amendment process. I know the large number of the majority Members do not want this process either for the same reasons that I don't. The majority may think that they are freezing out the minority in these rules, and they are; but more importantly, they are freezing out their own constituents and all of our constituents.

□ 1115

The truth of the matter is that these closed and structured rules are designed to avoid the tough votes, and those familiar with the situation know that. On the surface, the rules may be promoted as a means of moving the process along in a timely fashion, and

there may be some tone of truth to that; however, the real issue is the difficult votes, and that's sad, because that's what we get paid to do here. We don't get paid to duck tough votes around here.

I have to wonder sometimes if our predecessors from both parties are not looking down from the big chamber in the sky and wondering what in God's name are we doing to the process that they left us. One thing we know we're doing is cheating the American people.

The administration says that this bill is about making long-term infrastructure investments. If that is true, then our investors, or our constituents, should have a say-so in how those investments are made. Right now they have no such say, and that's a shame.

As an example, I had an amendment to move \$3 billion in "parked" money in a high-speed rail appropriation to be put—to use in the Highway Trust Fund where we desperately need those funds. The administration wants us to bail out the Highway Trust Fund, for those of you who don't know that. And I want to note, too, that in the stimulus package there is \$8 billion sitting there for high-speed rail, none of which will be spent this year.

Also, there was an agreement between the administration and Congress saying that with that \$8 billion we would appropriate \$1 billion a year for the next 5 years. My amendment would have honored the administration's request in that agreement, leaving \$1 billion in the high-speed rail account. My amendment was not made in order. That \$3 billion could have been used as an investment in my State and all of your States in a much-needed investment in the highway infrastructure that would actually create jobs now.

For some, however, that would have been a tough vote, because even though that money won't be spent on high-speed rail for a couple of years, at least, a vote to transfer to the trust fund, where it's needed today, would be a vote to remove it from the rapid rail category now, a vote that would not have been politically fashionable for some in this Chamber, and that's the reason it's not in order.

The net result is that an important investment amendment will now not be put to the investors, the taxpayers. Instead, we will institutionally duck the vote and, thereby, rob the investors of their say-so in this worthwhile investment.

I want to say, Madam Speaker, that this bill could have been a bipartisan bill. Chairman OLVER and I worked together all through this process. We had hearings. We worked in a constructive way.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional minute.

Mr. LATHAM. And I think it is an outrage and an insult to Chairman OLVER for the Rules Committee to say that you're questioning his competence and his ability to handle issues involved in this bill.

This could have been a bipartisan process. This could have been something that everyone in this House could support if, in fact, we had a process that respected the chairman, his abilities, his competence, and respected the interests of all of our constituents.

To close out people, our constituents, the people who own these investments, is simply wrong, and I ask everyone to please vote against this outrageous rule and respect the chairman, respect what the rights should be in this House of Representatives and have been since the beginning. And I would encourage everyone to vote against this outrageous rule.

Mr. ARCURI. Madam Speaker, before I recognize my colleague from New York, I would just like to make a point, and that is, throughout history, we have seen vision on the part of people, and it's that vision that brought Columbus to the New World. It's that vision that built the Panama Canal. It's the vision that built the Erie Canal. It's the vision in the Eisenhower Highway System. It's the vision that brings us and moves us forward.

This bill contains that vision. It has money in it for high-speed rail. That, I would submit, is our vision for the future. That's the kind of vision that people sent us here to Congress to continue, and it's that kind of vision that this bill contains.

With that, Madam Speaker, I would yield 3 minutes to one of the leaders in transportation in this country, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. I rise in support of the rule for the Transportation-HUD Appropriations Act, and I think that the transportation appropriation in this bill is excellent, but I'm going to focus on a different aspect of it.

I want to, in particular, thank Chairman OLVER for securing more than \$18 billion for tenant-based rental assistance and \$8.7 billion for project-based rental assistance. This represents about \$3.7 billion more than last year. This should be enough to fully fund the renewal of section 8 tenant-based and project-based rental assistance and provide \$75 million for about 10,000 new incremental tenant-based vouchers for homeless veterans.

The bill also has \$350 million for the Housing for People with AIDS program, also known as HOPWA, \$50 million more than was appropriated last year. This is a great victory for these programs, and I applaud the chairman and the committee for their efforts to secure these badly needed resources.

I also want to thank all of my colleagues who signed on to my letter to the committee in support of increases for section 8 housing and for the HOPWA program earlier this year.

For many years, our letters were ignored and we were forced to come to the floor and offer an amendment to increase funding for section 8 housing and HOPWA, where more than not we were successful at passing amendments to increase funding for these programs. I am pleased that this year, because of the efforts of the chairman, that was not necessary for us to come to the floor with an amendment.

But I do want to recognize that the need for affordable housing will still greatly outpace the supply. During this time of economic recession, much more needs to be done. I understand the Financial Services Committee is working on legislation to reform the section 8 program and authorize 150,000 additional new vouchers, and I look forward to working with them to pass that legislation so we can more properly address the severe housing crisis by substantially increasing funding for vouchers.

Similarly, while we requested \$360 million this year for the HOPWA program and \$350 million is appropriated in this bill, the National AIDS Housing Coalition estimates that over \$3.2 billion is required to truly meet the housing needs for all those living with HIV/AIDS.

While we could always do more when it comes to funding for section 8 and HOPWA, I recognize it is no small feat to increase funding for a program by \$3.7 billion in a single year for section 8 and \$350 million for HOPWA.

I commend the chairman for his leadership, and I want to thank him for his continued support for these important housing initiatives. And I also want to thank the chairman and the committee for their initiatives in the transportation field and for the funds they have brought to this.

And I want to express, while I have the opportunity, my agreement with Chairman OBERSTAR that it is essential that we pass, this year, a reauthorization of the transportation bill and not put it off for 18 months into the next Presidential election year cycle if we're going to start catching up to the necessity to keep our infrastructure from falling apart, and also if we're going to get some more stimulus for this economy that we so desperately need during this recession.

So I support the rule. I thank the chairman for yielding me time.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to another gentleman from New York, one of the freshmen here, Mr. MASSA.

Mr. MASSA. Madam Speaker, I rise today not only in support of the rule,

in support of the underlying bill, but in opposition to one of the unprecedentedly large numbers of amendments which, in fact, is being allowed to be offered to this bill. And I have sat here this morning listening to a long conversation about the lack of allocation of amendments, and yet I have yet to hear the reality that in this House and in this rule and in this Congress, the majority has offered an unprecedented number of amendments to all forms of legislation heretofore not seen in the 111th or forbearing Congresses.

The amendment today that I would like to discuss is one that reaches far down into this bill to strip out a very small amount of money for a town where I come from. Now, I know that many people don't know where Hornell, New York, is. It's a small town. It's not on the big maps of the geopolitical world, but it's where I'm from. And in fact, in that town, once a center of a bustling train industry, is a small YMCA.

And that YMCA, like many around rural America, is a community center that offers not only its basic functions but, in this case, is actually a functioning gym for a small St. Ann's Catholic school. It's also a cardiovascular rehabilitation center for a local St. James private hospital.

With unprecedented transparency and, frankly, a small amount of pride, I have fought to place not billions, not hundreds of millions, not even tens of millions, but a very small amount of money to service and return a fair value of taxation back to the community.

What I proposed to do and what I am fighting against by stopping an amendment that would strip that out, with an open heart and an open conversation with those on the other side of the aisle that would deny the citizens of this small town a return for their tax investment, is to help that small community in whatever way possible.

I rise in support of this bill and this rule in support of the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve.

Mr. ARCURI. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, I rise in support of the rule in the legislation H.R. 3288, the Transportation Appropriating bill. In particular, I want to express my support for the passenger rail funding within the bill that amounts to \$4 billion.

President Obama, Chairman OLVER, and my colleagues on the appropriations committee have demonstrated their commitment to passenger and high-speed rail by providing funding in this bill that would enable the urban, suburban, and rural communities in America to be connected by a system that will deliver both safe, swift, effi-

cient, and economical travel across our Nation.

Texas, in particular, and the congressional delegation, needs passenger and high-speed rail, and we know that throughout the country it's needed. Funding for high- and higher-speed rail will reduce congestion and pollution, create jobs, and connect communities.

The deployment of rail throughout the designated corridors in my State and throughout the country and my district is something that's drastically needed and will help enhance business alike. The San Antonio/Austin corridor area is booming and the highway is congested. Developing passenger rail is crucial to the economic development.

It is vital that we preserve the recommended levels of passenger funding in this bill. Our passenger rail system is terribly underdeveloped and underfunded when compared to other nations such as France, Italy, China, and Japan, so we need to make that investment as quickly as possible. And the high-speed rail is needed.

In Texas, we have intellectual capacity and technology to be able to make this happen and make this happen as quickly as possible. My colleagues in south Texas have joined me in support of this effort, and we will hopefully get this bill passed.

As a member of the committee, I want to encourage everyone to support this piece of legislation that allows an opportunity for us to begin to look with that vision to the future. We need to get on board and support the \$4 billion funding contained in H.R. 3288 that deals with rail.

I encourage both House and Texas colleagues to support the piece of legislation that we have before us and support the bill.

□ 1130

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would ask my friend if he has any additional speakers.

Mr. ARCURI. We have no additional speakers.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend. This has been an interesting debate. Apparently, there are some discussions, Madam Speaker, going on with our friends on the other side of the aisle.

What I will do at this point is reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I will continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would simply inquire of my friend if it is the intention of the majority to try to amend the rule.

Mr. ARCURI. We are at the present time reviewing that option, and we are looking at it, but I would like, if I may, in the meantime, to make one more point about this bill.

Mr. LINCOLN DIAZ-BALART of Florida. On your time.

If I may, Madam Speaker, I thank my friend. Obviously, I have great respect for him, and I know that he will continue to speak on the merits of the legislation being brought to the floor today.

As confirmed by my friend, it seems that the majority is considering amending the rule, I am told, to eliminate the provision which allows Members to modify the amendatory instructions in their amendments to account for changes in the bill that occurred during the printing process.

It is my understanding that the majority fears that the minority will exploit that provision to change our amendments even though that has not happened thus far.

If this were to take place, I think it would be another example of how the majority is rushing legislation to the floor without giving this system the necessary time to work. If we had an extra day, we wouldn't need this provision at all because the bill would be printed, and the Members could read the bill; but because the Rules Committee and the chairman of the Appropriations Committee are determined to push legislation through without sufficient time for the House to review the legislation, we need this provision in the rule to account for clerical problems. Rather than actually giving Members time to read the bill, they want to run the risk that Members' amendments might not be in order.

So, in short, Madam Speaker, if this amendment to the rule were to take place, I think it would be another example of how the Speaker and the chairman of the Appropriations Committee value their schedules over the rights of Members to be heard on the floor.

I reserve the balance of my time.

Mr. ARCURI. I thank my friend for his comments.

Madam Speaker, this is somewhat of a technical change that we are contemplating, but I would say this: I think what one side or what one person views as rushing a piece of legislation the other side can very well argue is necessary and that we need to do it.

One of the things that I hear from constituents at home is, you know, Congress needs to put aside the partisan bickering and move forward with the people's business. I would submit that that is exactly what we are trying to do. There is nothing more important, obviously, for Congress to do than to ensure that the funding to run the government is available. Now, obviously, both sides of the aisle have dramatic differences on how that funding should occur.

I would submit to my friend from Florida—and I mean that, my good friend and colleague from the Rules Committee—that we have a distinct

difference in terms of what a “time-table” is. We believe that we are here to ensure that we do the people’s business and that it is done and that we do the funding in appropriations bills in a timely fashion. So we are working on that, and we are considering the amendment, and we will have an answer on that very shortly.

Mr. RODRIGUEZ. Will the gentleman yield?

Mr. ARCURI. I will gladly yield to my friend from Texas.

Mr. RODRIGUEZ. In listening to some of the discussions earlier of the amendments that had been brought before and of their concerns that they were not going to be listed, I know that the Rules Committee did the right thing in not considering them since a lot of the amendments that were talked about earlier, Madam Speaker, were amendments that should be dealt more appropriately with the authorizing committees. This is an appropriating bill, and they should not be handled in legislation of this matter. In appropriating bills, we don’t have those amendments. They should go with that committee, and we need to respect the committees on the authorizing side to make sure that they do the right thing and that they do the authorizing and not through an appropriating bill.

I know this is a technical matter that will hopefully get dealt with, but in response to the discussions that you had had regarding the previous so-called lack of an opportunity to prepare those amendments, those amendments belong in an authorizing bill and not in an appropriating bill.

Let me just say that this is a major piece of legislation. It’s a bill that needs to be passed. Throughout this country, there is a tremendous need for our infrastructure. This is a bill that will allow for an opportunity to create jobs, additional jobs, and that will make things happen, especially for the fast rail system, where it makes an investment and begins to look at resources in that area. That’s one of the areas in this country where we’re lacking and where we have to have additional resources.

So I just wanted to take an opportunity to share the importance of making sure that we pass this piece of legislation.

Mr. ARCURI. Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, we are ready to close, but my understanding is that the majority hasn’t finalized its amendment to further restrict this process.

For example, with regard to this Transportation-HUD appropriations bill, the original schedule that was put out by the chairman of the Appropriations Committee, before the decision was made to end two centuries of

precedent and not permit open rules on appropriations bills, called for 2 days of debate, but the rule they’re bringing to the floor limits it, obviously, to 1 day of debate. Now they have an amendment to the rule that, apparently, they want to bring forth to further limit debate. So I am waiting until our colleagues have finalized their amendment to further restrict this process before, obviously, I close.

Having said that, I would ask my friend and colleague if he is ready with his further restrictive amendment. I will yield for the answer.

Mr. ARCURI. With respect to the question, I do take exception to your characterization of it.

Mr. LINCOLN DIAZ-BALART of Florida. The question is: With regard to the amendment to the rule, are you ready with your amendment to the rule?

Mr. ARCURI. We are not ready.

Mr. LINCOLN DIAZ-BALART of Florida. Then I will reserve the balance of my time.

Mr. ARCURI. Madam Speaker, first off, may I inquire as to the amount of time left on both sides?

The SPEAKER pro tempore. There are 12 minutes remaining for the gentleman from New York, and there are 15½ minutes remaining for the gentleman from Florida.

Mr. ARCURI. Thank you.

Madam Speaker, I would like to speak just for a couple of more minutes again about the underlying importance of passing this rule and the underlying bill.

I think there is nothing more important than transportation and infrastructure for government to ensure exists. When you look back at the history of this great institution, the first standing committee was, in fact, the Transportation and Infrastructure Committee, although then not called by that very name, but it was critically important. The framers saw the importance of having an infrastructure, of having the ability to render our ports navigable and of having functional roads. At that time, of course, rail and airlines were not even imagined, but as we transformed our Nation, it became a critical part of our infrastructure. So it is my belief that this rule and the underlying bill are critically important.

Madam Speaker, at this time, I would like to lay out on the record the amendment that we may be offering.

The amendment to the rule is, actually, rather minor. The amendment will strike from the rule a provision that is no longer necessary. There was some concern that the final version of the GPO print might not have the same page and line numbers as the ordered reported version. That did not occur, so the language in the rule to preserve the Members’ rights to fix their amendments is no longer needed.

As I indicated earlier, it is clear that this proposed amendment—again, we have not offered it yet—is really of a technical nature to allow for a correction in the rule that was passed yesterday out of the Rules Committee.

With that, Madam Speaker, I would reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, if the amendment is so simple, as my friend has pointed out, where is it?

I reserve the balance of my time.

Mr. ARCURI. May I reclaim my time?

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. ARCURI. Thank you, Madam Speaker, and I thank my friend for his cooperation in this.

As I indicated earlier, we are considering offering this amendment. With that, I would again just like to talk a little bit more about the underlying bill.

The bill that we are considering today, the THUD bill, is, again, important at this time. With our economy in the state that it is in, clearly, many people believe that the best thing that we can do for the economy is to spend on and to develop our infrastructure. It is that which we are supposed to do and that which we are asked to do.

One of the things in the Transportation and Infrastructure Committee on which we debate on a very regular basis is the surface transportation reauthorization bill, which will come up this year. We clearly believe that it is critically important, that it is important not only for our infrastructure but as a way of creating jobs. It is what we were sent to Congress to do, which is to ensure that our roads are safe, to ensure that our airports run and function the way they are supposed to and to ensure that our rail transportation infrastructure is what it should be.

Madam Speaker, I would say, at this time, we have decided that we will not be offering the amendment. Therefore, I would reserve the balance of my time, and I am prepared to close.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend. He had described the amendment, and I had argued against it. Now the decision has come not to make it, not to propose the amendment further limiting this process. So I thank my friend for having obtained a decision from his side of the aisle.

□ 1145

At this point, Madam Speaker, I yield such time as he may consume to my good friend the ranking member, Mr. DREIER.

Mr. DREIER. Madam Speaker, I as always thank my friend from Miami for yielding me this time.

I have to say I was sitting downstairs watching the proceedings here on the floor, and I have to admit, I have been

privileged to serve for nearly 2 decades on the House Rules Committee, and for 8 of those years, I was privileged to serve as chairman of the House Rules Committee. I think we've moved into uncharted waters. I know that there have been difficulties and the challenge of trying to amend rules before in the past, and it has often been done by unanimous consent where we've had a bipartisan consensus that some minor technical change needed to be made. Well, that doesn't appear to be the case right now, Madam Speaker.

As I've listened to the exchanges take place between my friend from Utica and my friend from Miami, I have to admit to being just a little bit confused. And I suspect that a number of our colleagues that don't have the opportunity to serve on the Rules Committee may be equally confused.

I think that the bottom line here is very clear. I heard a new Member from New York take the floor earlier and decry the number of amendments that have been filed by Members of the minority, indicating that this was somehow unprecedented. Well, the only thing that is unprecedented here, Madam Speaker, is the fact—and I'm sure that Mr. DIAZ-BALART has pointed this out throughout the debate—is the fact that we have never before in the history of our Republic gotten to what now I guess is appropriations bill number 10—number 9—anyway, and we've nearly completed the appropriations process. I know that after this bill we will have the Defense appropriations bill, and everyone's holding up numbers for me, Madam Speaker. I have to say that I appreciate it. I guess we've got two left after this. You all on both sides of the aisle are helping me make my point.

Never before in the history of the Republic have we seen the appropriations process closed down from the very beginning. We began the process, what was described in old Congress as a modified open rule which required preprinting, which did restrict the rights of Members. Then we got to the point where within after 20 minutes of debate under that modified open rule, we shut down the process and required the filing of amendments.

And now, here we are with two appropriations bills left, and the Rules Committee members during debate are seeing some sort of conflict taking place I believe between the Appropriations Committee and the Rules Committee, and one of the things that we pointed to throughout the debate on these last eight or nine appropriations bills has been the fact that the Rules Committee has really been controlled by the Appropriations Committee. I mean, the entire body has been controlled by the chairman of the Appropriations Committee, because the Rules Committee has simply marched in lockstep to the requests that the distinguished

chairman of the Appropriations Committee has made.

Again, it's unprecedented, and the exchange that I've just seen taking place here on the House floor is unprecedented, and I hope that we can learn from this, Madam Speaker, we can learn that there is something called regular order. And all that means is the Democrats and Republicans, the representatives of the American people, the representatives of Democrats, Republicans, Independents and people who aren't even registered to vote across the country, can have their voice heard in the appropriations process, as has been the case for 220 years, if we could have what is known as an open amendment process.

Again, this is not about Republicans. It's not about Democrats. It's about the American people and their voice, their voice in the people's House, which is what this place is known as.

And so, Madam Speaker, it saddens me that we've come to this point, and I hope that my friend from Utica and my friend from Miami will somehow be able in the next few minutes to be able to bring about a reconciliation on this challenge that we've been following.

Mr. LINCOLN DIAZ-BALART of Florida. I ask my friend, he has no additional speakers?

Mr. ARCURI. I have no additional speakers.

Mr. LINCOLN DIAZ-BALART of Florida. Again, I thank him for obtaining a decision from his leadership and in effect not moving forward with an amendment to further limit, further restrict a restrictive rule.

I'm going to be asking for a "no" on the previous question, Madam Speaker, so that we can amend this rule so we can go back to regular order, so that we can allow for an open process of debate. There is no question that this rule that the majority has brought forth will help or contribute to cementing a dangerous precedent that the majority continued to set last month. It will further damage bipartisanship and comity in this body.

I urge my colleagues to vote "no" on the previous question so that we can uphold the tradition of this House, return to the tradition of this House, of allowing free and open debate on appropriations bills. I think, if we do not do so, the majority will come to regret their decision to close down the deliberative process of the House on appropriations bills.

I think it's more unfortunate what the majority has done, and they realize overturning two centuries of precedent is a significant action, and it will inure to the detriment of each and every Member and the constituents of each and every Member of this House forever.

As I said before, majorities are never permanent. My distinguished colleague on the Rules Committee who's serving

his first term, member of the majority party said, I've never seen an open rule on an appropriations process—I'm paraphrasing him—but I don't expect to be in the majority forever, and so one day I expect to see an open rule on an appropriations bill.

Well, that was an illustrative statement in many ways, one that he recognizes that the trend that has been set by the majority of restricting the debate process on appropriations bills has now been set in a fairly definitive form, but he expects that in the future majorities will act differently. And that may not be the case, because once precedents are broken, new precedent exists for future majorities, and that would be most unfortunate if forever the Members of this House are denied the ability to introduce amendments in an open process on appropriations bills.

So, Madam Speaker, I thank you for your courtesy, and I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida.

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. ARCURI. Madam Speaker, I'd like to thank my good friend from Miami for his cooperation in management of this rule and for his courtesy in that regard. I appreciate it very much.

Madam Speaker, the Transportation-HUD Appropriations Act funds some of the most important initiatives that pay for everything from roads, bridges and railroads to housing for veterans and low-income families. In my opening remarks, I discussed the critical investments that this bill would make in our transportation system. This bill also invests in housing programs for vulnerable populations, including retirees, people with disabilities, veterans, and even children. The funding is even more essential during these tough economic times.

This bill includes funding to address the problem of homelessness among our veterans. All too often the men and women who sacrifice the most for our freedom are hit the hardest during times of economic crisis. We owe our veterans the utmost respect and gratitude for their service, and we must honor the commitment made to them. They should not have to return home to be confronted by the possibility of poverty or homelessness. To address this, H.R. 3288 includes \$75 million for veterans affairs housing vouchers to provide 10,000 of these vouchers for our homeless veterans.

It provides \$8.7 billion to provide affordable housing to 1.3 million low-income families and individuals, two-

thirds of whom are elderly or disabled. It includes another \$1 billion to rehabilitate and build new housing for low-income seniors. Currently there are 10 eligible seniors on the waiting list for each unit of available housing. In America, it is unacceptable that our Greatest Generation is faced with this shortage.

H.R. 3288 also contains important investments to revitalize our local communities, including \$4.6 billion for community development block grants, \$25 million for brownfields redevelopment, and \$250 million to fund the Hope VI competitive grants program to transform neighborhoods of extreme poverty into sustainable mixed-income neighborhoods through the demolition of severely distressed public housing.

Madam Speaker, housing and transportation are two areas that must be priorities, especially when the economy slows. The funding that H.R. 3288 provides for these programs will ensure that jobs continue to be created and that our Nation's economy continues to recover. I urge my colleagues to vote "yes" on the previous question and on the rule.

The text of the material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 669 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. NUNES. Madam Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas, on May 25, 2007, U.S. District Court Judge Oliver W. Wanger issued a ruling that directed the Bureau of Reclamation to reduce water exports from the Sacramento-San Joaquin River Delta to protect a three-inch minnow called the Delta smelt;

Whereas, on December 15, 2008, the United States Fish and Wildlife Service, based on the Wanger Ruling, issued a Biological Opinion on the Delta smelt that permanently reduced water export from the Sacramento-San Joaquin River Delta which is traditionally delivered to cities and farms in the San Joaquin Valley and the Los Angeles and San Diego basins;

Whereas according to a University of California at Davis study, based on the water reductions outlined in the Delta smelt Biological Opinion, revenue losses in the San Joaquin Valley of California for 2009 will be \$2.2 billion and job losses at 80,000;

Whereas according to the U.S. Bureau of Labor Statistics, the unemployment rate in the San Joaquin Valley has reached the highest level in the Nation;

Whereas region wide unemployment in the San Joaquin Valley of California is nearly 20 percent and some cities have an unemployment rate of 40 percent;

Whereas thousands of people who once relied on employment in the agricultural sector are now unemployed and struggling to meet their most basic needs, such as providing food for their families;

Whereas, on March, 1, 2009, the Sacramento Bee reported thousands of people have been turned away from local food banks as supplies are not ample enough to meet local needs;

Whereas, on April 14, 2009, the Fresno County, California, Board of Supervisors proclaimed that the man-made drought has created an economic crisis;

Whereas on June 4, 2009, despite the ongoing man-made drought in California, the National Marine Fisheries Service issued a new Biological Opinion on the spring-run Chinook salmon, Central Valley steelhead, the southern population of North American green sturgeon, and Southern Resident killer whales which further reduces water supplies to Californians;

Whereas, on June 19, 2009, California's Governor Arnold Schwarzenegger declared a state of emergency for Fresno County, California, and petitioned President Barack Obama to declare the county a Federal disaster area;

Whereas on June 28, 2009, the Secretary of the Interior Ken Salazar visited Fresno, California, and held a town hall meeting in which nearly 1,000 people attended to express their dissatisfaction with the lack of action by the Obama Administration;

Whereas, on July 6, 2009, the Los Angeles Times reported that during Interior Secretary Ken Salazar's town hall meeting on June 28, 2009, the Commissioner of the Bureau of Reclamation, Mike Connor, pledged to provide financial aid to starving families and an audience member replied "we don't want welfare, we want water";

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that hundreds of San Joaquin Valley farmers protested outside the Federal Building Plaza in San Francisco which houses Speaker Nancy Pelosi's district office;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported the protestors blamed Speaker Nancy Pelosi and Congressman George Miller for the water shortage in the San Joaquin Valley;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that protestors were holding signs that said "ESA Puts Fish Ahead of People", "Congress Created Drought", and "New Endangered Species: The California Farmer";

Whereas, on July 1, 2009, the Fresno Bee reported that a crowd of 4,000 marched through the streets of Fresno, California, to demand that the Federal Government end the man-made drought;

Whereas, on June 18, 2009, the Democrat leadership held open Roll Call Vote 366 for the purpose of changing the outcome of the vote;

Whereas during this vote, House Democrat leadership was seen on the House floor pressuring Members of Congress to change their Aye vote to a Nay vote in order to defeat the Nunes Amendment which would have helped to relieve the water crisis in California;

Whereas, on July 8, 2009, during the mark-up on the Energy and Water Development and Related Agencies Appropriations Act, 2010, a debate was held on the Calvert Amendment which would have restored water deliveries to Californians;

Whereas during the mark-up, the Chairman of the Appropriations Committee, David Obey, said "Recognize there are certain actions, that if you take, this bill won't pass, your earmarks in the bill won't become law";

Whereas Chairman Obey violated Clause 16 of House Rule 23 by linking passage of the Calvert Amendment to loss of earmarks;

Whereas, on July 14, 2009, despite historical tradition of open rules during the appropriations process, the Rules Committee blocked an amendment to the Energy and Water Development and Related Agencies Appropriations Act, 2010 that would have restored water deliveries to Californians;

Whereas, for two years, the House of Representatives has known about the man-made drought in California without taking legislative action to resolve the crisis;

Whereas the lack of action by the House of Representatives has demonstrated that fish are more important than families;

Whereas article 1, section 8 of the United States Constitution enumerates that the Congress shall have the power to provide for the general welfare of the United States;

Whereas the House of Representatives has willfully and knowingly failed to provide for the general welfare of the San Joaquin Valley of California; and

Whereas the failure of the House of Representatives to carry out its duties has sub-

jected the House to public ridicule and damaged the dignity and integrity of the House of Representatives: Now, therefore, be it

Resolved, That the Committee on Natural Resources is instructed to discharge H.R. 3105, the Turn on the Pumps Act of 2009, for immediate consideration by the House of Representatives.

□ 1200

The SPEAKER pro tempore. Does the gentleman from California wish to present an argument on why the resolution qualifies as privileged for immediate consideration?

Mr. NUNES. Yes, Madam Speaker.

The SPEAKER pro tempore. The gentlemen from California is recognized.

Mr. NUNES. Under rule IX, questions of the privileges of the House are those that affect its rights collectively, its safety, dignity, and the integrity of its proceedings.

Madam Speaker, this privileged resolution allows us to rectify the problems that the Democrat leadership has created out in California. If we move forward with this today, 40,000 people can go back to work and we can move on and everybody will be fine.

So I urge the passing of this resolution today, and I yield back.

The SPEAKER pro tempore. The Chair is prepared to rule.

In evaluating the resolution offered by the gentleman from California under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual. That basic principle is that a question of the privileges of the House may not be invoked to prescribe a rule or order of business for the House.

The Chair finds that the resolution offered by the gentleman from California, by directing action with respect to a bill that is pending before a standing committee, prescribes a rule or order of business. Under a long and well-settled line of precedent presently culminating in the ruling of July 17, 2009, such a resolution cannot qualify as a question of the privileges of the House.

The Chair therefore holds that the resolution is not privileged under rule IX for consideration ahead of other business. Instead, the gentleman may introduce the resolution through the hopper in the regular course.

Mr. NUNES. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. JACKSON of Illinois. Madam Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NUNES. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to lay the appeal on the table will be followed by 5-minute votes on:

Adopting House Resolution 669; and suspending the rules and adopting House Resolution 566 and House Resolution 350.

The vote was taken by electronic device, and there were—yeas 249, nays 179, not voting 5, as follows:

[Roll No. 616]

YEAS—249

Abercrombie	Etheridge	McDermott
Ackerman	Farr	McGovern
Adler (NJ)	Fattah	McIntyre
Altmire	Filner	McMahon
Andrews	Foster	McNerney
Arcuri	Frank (MA)	Meek (FL)
Baca	Fudge	Meeks (NY)
Baird	Giffords	Melancon
Baldwin	Gonzalez	Michaud
Barrow	Gordon (TN)	Miller (NC)
Bean	Grayson	Miller, George
Becerra	Green, Al	Mitchell
Berkley	Green, Gene	Mollohan
Berman	Grijalva	Moore (KS)
Berry	Gutierrez	Moore (WI)
Bishop (GA)	Hall (NY)	Moran (VA)
Bishop (NY)	Halvorson	Murphy (CT)
Blumenauer	Hare	Murphy (NY)
Bocchieri	Harman	Murphy, Patrick
Boren	Heinrich	Murtha
Boswell	Herseth Sandlin	Nadler (NY)
Boucher	Higgins	Napolitano
Boyd	Hill	Neal (MA)
Brady (PA)	Himes	Nye
Braley (IA)	Hinchey	Oberstar
Bright	Hinojosa	Obey
Brown, Corrine	Hirono	Olver
Butterfield	Hodes	Ortiz
Capps	Holden	Pallone
Capuano	Holt	Pascarell
Cardoza	Honda	Pastor (AZ)
Carnahan	Hoyer	Payne
Carney	Inslee	Perlmutter
Carson (IN)	Israel	Perriello
Castor (FL)	Jackson (IL)	Peters
Chandler	Jackson-Lee	Peterson
Childers	(TX)	Pingree (ME)
Chu	Johnson (GA)	Polis (CO)
Clarke	Johnson, E.B.	Pomeroy
Clay	Kagen	Ponce (NC)
Cleaver	Kanjorski	Quigley
Clyburn	Kaptur	Rahall
Cohen	Kennedy	Reichert
Connolly (VA)	Kildee	Reyes
Conyers	Kilpatrick (MI)	Richardson
Cooper	Kilroy	Rodriguez
Costa	Kind	Ross
Costello	Kirkpatrick (AZ)	Rothman (NJ)
Courtney	Kissell	Roybal-Allard
Crowley	Klein (FL)	Ruppersberger
Cuellar	Kosmas	Rush
Cummings	Kucinich	Ryan (OH)
Dahlkemper	Langevin	Salazar
Davis (AL)	Larsen (WA)	Sánchez, Linda
Davis (CA)	Larson (CT)	T.
Davis (IL)	Lee (CA)	Sanchez, Loretta
Davis (TN)	Levin	Sarbanes
DeFazio	Lewis (GA)	Schakowsky
DeGette	Lipinski	Schauer
Delahunt	Loebach	Schiff
DeLauro	Lofgren, Zoe	Schrader
Dicks	Lowey	Schwartz
Dingell	Lujan	Scott (GA)
Doggett	Lynch	Scott (VA)
Donnelly (IN)	Maffei	Serrano
Doyle	Maloney	Sestak
Driehaus	Markey (CO)	Shea-Porter
Edwards (MD)	Markey (MA)	Sherman
Edwards (TX)	Marshall	Shuler
Ellison	Massa	Sires
Ellsworth	Matheson	Skelton
Engel	Matsui	Slaughter
Eshoo	McCollum	Smith (WA)

Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)

Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz

Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

PROVIDING FOR CONSIDERATION OF H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOP- MENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 669, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 183, not voting 15, as follows:

[Roll No. 617]

YEAS—235

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen

NOT VOTING—5

Bishop (UT)
Hastings (FL)

McCarthy (NY)
Rangel

Stark

□ 1232

Mr. GRIFFITH changed his vote from “yea” to “nay.”

Messrs. CONYERS and FOSTER changed their vote from “nay” to “yea.”

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocciari
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo

Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hereth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa

Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns

Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt

NAYS—183

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly

Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (KS)

NOT VOTING—15

Bishop (UT)
Blunt
Cantor
Fleming
Gingrey (GA)

Kline (MN)
Lewis (GA)
McCarthy (NY)
Olver
Peterson

Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souders
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

□ 1239

Mr. ENGEL changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING NBA CHAMPION LOS ANGELES LAKERS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 566, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 566.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 8, answered “present” 8, not voting 4, as follows:

[Roll No. 618]

YEAS—413

Abercrombie	Capps	Fallin
Ackerman	Capuano	Farr
Aderholt	Cardoza	Fattah
Adler (NJ)	Carson (IN)	Filner
Akin	Carter	Flake
Alexander	Cassidy	Fleming
Altmire	Castle	Forbes
Andrews	Castor (FL)	Fortenberry
Arcuri	Chaffetz	Foster
Austria	Chandler	Foxx
Baca	Childers	Frank (MA)
Bachmann	Chu	Franks (AZ)
Bachus	Clarke	Frelinghuysen
Baird	Clay	Fudge
Baldwin	Cleaver	Gallegly
Barrett (SC)	Clyburn	Garrett (NJ)
Barrow	Coble	Gerlach
Barton (TX)	Coffman (CO)	Giffords
Bean	Cohen	Gingrey (GA)
Becerra	Cole	Gohmert
Berkley	Conaway	Gonzalez
Berman	Connolly (VA)	Goodlatte
Berry	Conyers	Gordon (TN)
Biggert	Cooper	Granger
Bilbray	Costa	Graves
Bilirakis	Costello	Green, Al
Bishop (GA)	Crenshaw	Green, Gene
Bishop (NY)	Crowley	Griffith
Blackburn	Cuellar	Grijalva
Blumenauer	Culberson	Guthrie
Blunt	Cummings	Gutierrez
Boccheri	Dahlkemper	Hall (NY)
Boehner	Davis (AL)	Hall (TX)
Bonner	Davis (CA)	Halvorson
Bono Mack	Davis (IL)	Hare
Boozman	Davis (KY)	Harman
Boren	Davis (TN)	Harper
Boswell	Deal (GA)	Hastings (FL)
Boucher	DeFazio	Hastings (WA)
Boustany	DeGette	Heinrich
Boyd	Delahunt	Heller
Brady (PA)	DeLauro	Hensarling
Brady (TX)	Dent	Herger
Braley (IA)	Diaz-Balart, L.	Herseth Sandlin
Bright	Diaz-Balart, M.	Higgins
Broun (GA)	Dicks	Hill
Brown (SC)	Dingell	Himes
Brown, Corrine	Doggett	Hinchee
Brown-Waite,	Doyle	Hinojosa
Ginny	Dreier	Hirono
Buchanan	Driehaus	Hoekstra
Burgess	Duncan	Holden
Burton (IN)	Edwards (MD)	Holt
Butterfield	Edwards (TX)	Honda
Buyer	Ehlers	Hoyer
Calvert	Ellison	Hunter
Camp	Ellsworth	Inglis
Campbell	Emerson	Inslee
Cantor	Engel	Israel
Cao	Eshoo	Issa
Capito	Etheridge	Jackson (IL)

Jackson-Lee (TX)	Mica	Schakowsky
Jenkins	Michaud	Schauer
Johnson (GA)	Miller (FL)	Schiff
Johnson, E. B.	Miller (MI)	Schmidt
Johnson, Sam	Miller (NC)	Schock
Jones	Miller, Gary	Schrader
Jordan (OH)	Miller, George	Schwartz
Kagen	Minnick	Scott (GA)
Kanjorski	Mitchell	Scott (VA)
Kaptur	Mollohan	Serrano
Kennedy	Moore (KS)	Sessions
Kildee	Moore (WI)	Sestak
Kilpatrick (MI)	Moran (KS)	Shadegg
Kilroy	Moran (VA)	Sherman
Kind	Murphy (CT)	Shimkus
King (IA)	Murphy (NY)	Shuler
King (NY)	Murphy, Patrick	Shuster
Kirk	Murphy, Tim	Simpson
Kirkpatrick (AZ)	Murtha	Sires
Kissell	Myrick	Skelton
Klein (FL)	Nadler (NY)	Slaughter
Kline (MN)	Napolitano	Smith (NE)
Kosmas	Neal (MA)	Smith (NJ)
Kratovil	Neugebauer	Smith (TX)
Kucinich	Nunes	Smith (WA)
Lamborn	Nye	Snyder
Lance	Oberstar	Souder
Langevin	Obey	Space
Larson (CT)	Olson	Speier
Latham	Olver	Spratt
Latta	Ortiz	Stark
Lee (CA)	Pallone	Stearns
Lee (NY)	Pascarell	Stupak
Levin	Pastor (AZ)	Sullivan
Lewis (CA)	Paulsen	Sutton
Lewis (GA)	Payne	Tanner
Linder	Pence	Taylor
Lipinski	Perriello	Teague
LoBiondo	Peters	Terry
Loebach	Peterson	Thompson (CA)
Lofgren, Zoe	Pingree (ME)	Thompson (MS)
Lowe	Pitts	Thompson (PA)
Lucas	Platts	Thornberry
Luetkemeyer	Polis (CO)	Tiahrt
Lujan	Pomeroy	Tiberi
Lungren, Daniel	Posey	Tierney
E.	Price (GA)	Titus
Lynch	Price (NC)	Tonko
Mack	Putnam	Towns
Maffei	Quigley	Tsongas
Maloney	Radanovich	Turner
Manzullo	Rahall	Upton
Marchant	Rangel	Van Hollen
Markey (CO)	Rehberg	Velázquez
Markey (MA)	Reichert	Visclosky
Marshall	Reyes	Walden
Matheson	Richardson	Walz
Matsui	Rodriguez	Wamp
McCarthy (CA)	Rogers (AL)	Wasserman
McCaul	Rogers (KY)	Schultz
McClintock	Rogers (MI)	Waters
McCollum	Rohrabacher	Watson
McCotter	Rooney	Watt
McDermott	Ros-Lehtinen	Waxman
McGovern	Roskam	Weiner
McHenry	Ross	Welch
McHugh	Rothman (NJ)	Westmoreland
McIntyre	Roybal-Allard	Wexler
McKeon	Royce	Whitfield
McMahon	Ruppersberger	Wilson (OH)
McMorris	Rush	Wilson (SC)
Rodgers	Ryan (OH)	Wittman
McNerney	Ryan (WI)	Wolf
Meek (FL)	Salazar	Woolsey
Meeks (NY)	Sanchez, Linda	Wu
Melancon	T.	Yarmuth
	Sanchez, Loretta	Young (AK)
	Sarbanes	Young (FL)
	Scalise	

NAYS—8

Carney	Lummis	Roe (TN)
Grayson	Paul	Sensenbrenner
Johnson (IL)	Perlmutter	

ANSWERED “PRESENT”—8

Bartlett	Hodes	Poe (TX)
Courtney	LaTourette	Shea-Porter
Donnelly (IN)	Petri	

NOT VOTING—4

Bishop (UT)	Larsen (WA)
Carnahan	McCarthy (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in the vote.

□ 1246

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE OF HARRY KALAS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 350, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 350.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 7, as follows:

[Roll No. 619]

YEAS—426

Abercrombie	Brown-Waite,	Davis (CA)
Ackerman	Ginny	Davis (IL)
Aderholt	Buchanan	Davis (KY)
Adler (NJ)	Burgess	Davis (TN)
Akin	Burton (IN)	Deal (GA)
Alexander	Butterfield	DeFazio
Altmire	Buyer	DeGette
Andrews	Calvert	Delahunt
Arcuri	Camp	DeLauro
Austria	Campbell	Dent
Baca	Cantor	Diaz-Balart, L.
Bachmann	Cao	Diaz-Balart, M.
Bachus	Capito	Dicks
Baird	Capps	Dingell
Baldwin	Capuano	Doggett
Barrett (SC)	Cardoza	Donnelly (IN)
Barrow	Carnahan	Doyle
Bartlett	Carney	Dreier
Barton (TX)	Carson (IN)	Driehaus
Becerra	Carter	Duncan
Berkley	Cassidy	Edwards (MD)
Berman	Castle	Edwards (TX)
Berry	Castor (FL)	Ehlers
Biggert	Chaffetz	Ellison
Bilbray	Chandler	Ellsworth
Bilirakis	Childers	Emerson
Bishop (GA)	Chu	Engel
Bishop (NY)	Clarke	Eshoo
Blackburn	Clay	Etheridge
Blumenauer	Cleaver	Fallin
Blunt	Clyburn	Farr
Boccheri	Coble	Fattah
Boehner	Coffman (CO)	Filner
Bonner	Cohen	Flake
Bono Mack	Cole	Fleming
Boozman	Conaway	Forbes
Boren	Connolly (VA)	Fortenberry
Boswell	Conyers	Foster
Boucher	Cooper	Foxx
Boustany	Costa	Frank (MA)
Boyd	Courtney	Franks (AZ)
Brady (PA)	Crenshaw	Frelinghuysen
Brady (TX)	Crowley	Fudge
Braley (IA)	Cuellar	Gallegly
Bright	Culberson	Garrett (NJ)
Broun (GA)	Cummings	Gerlach
Brown (SC)	Dahlkemper	Giffords
Brown, Corrine	Davis (AL)	Gingrey (GA)

Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inlee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis

Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skeltton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Neal (MA)
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman

Wolf
Woolsey

Wu
Yarmuth

Young (AK)
Young (FL)

NOT VOTING—7

Bean
Bishop (UT)
Costello
McCarthy (NY)
Mica
Pence
Schrader

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes left on this vote.

□ 1253

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OLIVER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on H.R. 3288.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 669 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3288.

□ 1255

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. The gentleman from Massachusetts (Mr. OLVER) and the gentleman from Iowa (Mr. LATHAM) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume, and hopefully that will be less than 5 minutes.

Mr. Chairman, it is my privilege and pleasure to present the fiscal year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill to the House. This bill

is the product of many hours of hearings and briefings, always with bipartisan input and excellent subcommittee member participation. I especially would like to recognize the important contributions of my ranking member, TOM LATHAM, in putting this bill together. And as with any healthy relationship, we do not always agree, but I greatly appreciate his partnership, and his input has made the bill better.

I also want to take a moment to recognize the hard work of staff, specifically on the minority side, Dena Baron, David Gibbons, Allison Fox and Doug Bobbitt; and on the majority side, Kate Hallahan, Laura Hogshead, Dave Napolitano, Lisa Pena, Alex Gillen, Janine Scianna, Andrew Burton and Blair Anderson. They have spent many late nights putting this bill together, and we would not be here today without their dedication.

There has been close communication and coordination between the minority and the majority staffs throughout this process, and the bill is better for that input.

Recognizing that today may be long, my remarks will be brief. This is a non-partisan bill, as bills related to transportation and housing should be. It invests in our Nation's infrastructure during a transformational period for both the Department of Transportation and the Department of Housing and Urban Development. The bill provides \$123.1 billion in total budgetary resources, \$48 million below the President's budget request. Within Housing and Urban Development, this bill recognizes that foreclosure rates remain high and the current economic climate and weak job market have increased demand for affordable housing. To that extent, this bill provides \$47.1 billion for HUD and targets most of the \$1.6 billion increase over the President's budget to programs that the previous administration repeatedly attempted to reduce or zero out and thus have not kept up with the need.

In contrast, Transportation is a budget in flux, largely covering programs that are in transition with major surface and aviation authorizations pending. The authorizing committees of jurisdiction in both the House and Senate have either passed or begun marking up multi-year legislation to reform and extend these important infrastructure programs. In that regard, the bill includes \$75.8 billion in transportation infrastructure investments. That is \$1.66 billion below the President's request.

Last, I want to note that in supporting the transformations taking place at each Department, this bill has emphasized investments in five key areas: one, building healthy communities with environmentally sustainable solutions; two, maintaining services in rural communities; three, supporting vulnerable populations; four,

investing in the national infrastructure; and, five, ensuring transportation safety.

In conclusion, we worked hard to balance many competing needs to produce a bill that reflects the bipartisan needs of transportation and housing. I'm pleased with the product, and I urge Members to support it.

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2010 (H.R. 3288)
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses.....	98,248	103,184	102,556	+4,308	-628
Immediate Office of the Secretary.....	(2,400)	---	(2,631)	(+231)	(+2,631)
Immediate Office of the Deputy Secretary.....	(759)	---	(986)	(+227)	(+986)
Office of the General Counsel.....	(19,838)	---	(20,359)	(+521)	(+20,359)
Office of the Under Secretary of Transportation for Policy.....	(10,107)	---	(11,100)	(+993)	(+11,100)
Office of the Assistant Secretary for Budget and Programs.....	(10,200)	---	(10,559)	(+359)	(+10,559)
Office of the Assistant Secretary for Governmental Affairs.....	(2,400)	---	(2,440)	(+40)	(+2,440)
Office of the Assistant Secretary for Administration.....	(26,000)	---	(25,520)	(-480)	(+25,520)
Office of Public Affairs.....	(2,020)	---	(2,055)	(+35)	(+2,055)
Office of the Executive Secretariat.....	(1,595)	---	(1,658)	(+63)	(+1,658)
Office of Small and Disadvantaged Business Utilization.....	(1,369)	---	(1,433)	(+64)	(+1,433)
Office of Intelligence, Security, and Emergency Response.....	(8,675)	---	(10,600)	(+1,925)	(+10,600)
Office of the Chief Information Officer.....	(12,885)	---	(13,215)	(+330)	(+13,215)
Supplemental discretionary grants for national service transportation system (emergency) (P.L. 111-5).....	1,500,000	---	---	-1,500,000	---
Financial management capital.....	5,000	5,000	5,000	---	---
Office of Civil Rights.....	9,384	9,667	9,667	+283	---
Rescission of excess compensation for air carriers....	-848	---	---	+848	---
Transportation planning, research, and development....	18,300	10,233	14,733	-3,567	+4,500
Working capital fund.....	(128,094)	---	(147,596)	(+19,502)	(+147,596)
Minority business resource center program.....	912	912	912	---	---
(Limitation on guaranteed loans).....	(18,367)	(18,367)	(18,367)	---	---
Minority business outreach.....	3,056	3,074	3,074	+18	---
Payments to air carriers (Airport & Airway Trust Fund)	73,013	125,000	125,000	+51,987	---
Emergency appropriations (P.L. 111-32).....	13,200	---	---	-13,200	---
Total, Office of the Secretary.....	1,720,265	257,070	260,942	-1,459,323	+3,872
Appropriations.....	(207,913)	(257,070)	(260,942)	(+53,029)	(+3,872)
Rescissions.....	(-848)	---	---	(+848)	---
Emergency appropriations.....	(1,513,200)	---	---	(-1,513,200)	---
Federal Aviation Administration					
Operations.....	9,042,467	9,335,798	9,347,168	+304,701	+11,370
Air traffic organization.....	(7,098,322)	---	(7,300,739)	(+202,417)	(+7,300,739)
Aviation safety.....	(1,164,597)	---	(1,231,765)	(+67,168)	(+1,231,765)
Commercial space transportation.....	(14,094)	---	(14,737)	(+643)	(+14,737)
Financial services.....	(111,004)	---	(113,681)	(+2,677)	(+113,681)
Human resource management.....	(96,091)	---	(100,428)	(+4,337)	(+100,428)
Region and center operations.....	(331,000)	---	(341,977)	(+10,977)	(+341,977)
Staff offices.....	(180,859)	---	(196,063)	(+15,204)	(+196,063)
Information services.....	(46,500)	---	(49,778)	(+3,278)	(+49,778)
Facilities & equipment (Airport & Airway Trust Fund)...	2,742,095	2,925,202	2,925,202	+183,107	---
Supplemental funding for facilities and equipment (emergency) (P.L. 111-5).....	200,000	---	---	-200,000	---
Research, engineering, and development (Airport & Airway Trust Fund).....	171,000	180,000	195,000	+24,000	+15,000

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2010 (H.R. 3288)
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization).....					
(Limitation on obligations).....	(3,600,000)	(3,000,000)	(3,000,000)	(-600,000)	---
Small community air service development program... (8,000)	(3,514,500)	(3,515,000)	(3,515,000)	(+500)	---
Administration.....	(8,000)	---	---	(-8,000)	---
Airport Cooperative Research Program.....	(87,454)	(93,422)	(93,422)	(+5,968)	---
Airport technology research.....	(15,000)	(15,000)	(15,000)	---	---
Rescission of contract authority (BY AIP).....	(19,348)	(22,472)	(22,472)	(+3,124)	---
Rescission of contract authority (P.L. 111-32)....	-80,000	---	---	+80,000	---
	-13,200	---	---	+13,200	---
Subtotal.....	(3,421,300)	(3,515,000)	(3,515,000)	(+93,700)	---
Supplemental discretionary grants for airport investment (emergency) (P.L. 111-5).....					
	1,100,000	---	---	-1,100,000	---
Total, Federal Aviation Administration.....	13,162,362	12,441,000	12,467,370	-694,992	+26,370
Appropriations.....	(11,955,562)	(12,441,000)	(12,467,370)	(+511,808)	(+26,370)
Rescissions of contract authority.....	(-93,200)	---	---	(+93,200)	---
Emergency appropriations.....	(1,300,000)	---	---	(-1,300,000)	---
(Limitations on obligations).....	(3,514,500)	(3,515,000)	(3,515,000)	(+500)	---
Total budgetary resources less emergencies.....	(15,376,862)	(15,956,000)	(15,982,370)	(+605,508)	(+26,370)
Federal Highway Administration					
Limitation on administrative expenses.....	(390,000)	(415,396)	(413,533)	(+23,533)	(-1,863)
Federal-aid highways (Highway Trust Fund):					
(Liquidation of contract authorization).....	(41,439,000)	(33,000,000)	(41,846,000)	(+407,000)	(+8,846,000)
(Limitation on obligations).....	(40,700,000)	(5,000,000)	(41,107,000)	(+407,000)	(+36,107,000)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---	---
General Fund share.....	---	36,107,000	---	---	-36,107,000
Appalachian development highway system.....	9,500	---	---	-9,500	---
Denali Access System.....	5,700	---	---	-5,700	---
Surface transportation projects.....	161,327	---	125,700	-35,627	+125,700
Additional TCSP (subject to limitation).....	143,031	---	---	-143,031	---
Rescission of contract authority (Highway Trust Fund). Administration (rescission of contract authority)....	-3,150,000	---	---	+3,150,000	---
Research (rescission of contract authority).....	-33,401	---	---	+33,401	---
Highway infrastructure investment (emergency) (P.L. 111-5).....	-11,757	---	---	+11,757	---
	27,500,000	---	---	-27,500,000	---
Total, Federal Highway Administration.....	24,624,400	36,107,000	125,700	-24,498,700	-35,981,300
Appropriations.....	(319,558)	(36,107,000)	(125,700)	(-193,858)	(-35,981,300)
Rescissions of contract authority.....	(-3,195,158)	---	---	(+3,195,158)	---
Emergency appropriations.....	(27,500,000)	---	---	(-27,500,000)	---
(Limitations on obligations).....	(40,700,000)	(5,000,000)	(41,107,000)	(+407,000)	(+36,107,000)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---	---
Total budgetary resources less emergencies.....	(37,824,400)	(41,107,000)	(41,232,700)	(+3,408,300)	(+125,700)
Federal Motor Carrier Safety Administration					
Motor carrier safety operations and programs (Highway Trust Fund)(Liquidation of contract authorization)..	(234,000)	(234,000)	(239,828)	(+5,828)	(+5,828)
(Limitation on obligations).....	(234,000)	(239,828)	(239,828)	(+5,828)	---
Motor carrier safety grants (Highway Trust Fund)					
(Liquidation of contract authorization).....	(307,000)	(289,000)	(310,070)	(+3,070)	(+21,070)
(Limitation on obligations).....	(307,000)	(310,070)	(310,070)	(+3,070)	---
National motor carrier safety program (HTF)					
(rescission of contract authority).....	-19,572	---	---	+19,572	---
Motor carrier safety (HTF) (rescission of contract authority).....	-2,231	---	---	+2,231	---
Motor carrier safety grants (HTF) (rescission of contract authority).....	-6,503	---	---	+6,503	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2010 (H.R. 3288)
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Motor carrier safety operations and programs (HTF) (rescission of contract authority).....	-4,839	---	---	+4,839	---
Total, Federal Motor Carrier Safety Admin.....	-33,145	---	---	+33,145	---
(Limitations on obligations).....	(541,000)	(549,898)	(549,898)	(+8,898)	---
Total budgetary resources.....	(507,855)	(549,898)	(549,898)	(+42,043)	---
National Highway Traffic Safety Administration					
Operations and research (general fund).....	127,000	129,774	131,736	+4,736	+1,962
Operations and research (Highway Trust Fund) (Liquidation of contract authorization).....	(105,500)	(82,000)	(108,642)	(+3,142)	(+26,642)
(Limitation on obligations).....	(105,500)	(107,329)	(108,642)	(+3,142)	(+1,313)
Subtotal, Operations and research.....	(232,500)	(237,103)	(240,378)	(+7,878)	(+3,275)
National driver register (general fund).....	---	---	3,350	+3,350	+3,350
National driver register (Highway Trust Fund) (Liquidation of contract authorization).....	(4,000)	(4,078)	(4,000)	---	(-78)
(Limitation on obligations).....	(4,000)	(4,078)	(4,000)	---	(-78)
Subtotal, National driver register.....	4,000	4,078	7,350	+3,350	+3,272
Highway traffic safety grants (Highway Trust Fund) (Liquidation of contract authorization).....	(619,500)	(626,047)	(619,500)	---	(-6,547)
(Limitation on obligations).....	(619,500)	(626,047)	(619,500)	---	(-6,547)
Highway safety programs (23 USC 402).....	(235,000)	---	(235,000)	---	(+235,000)
Occupant protection incentive grants(23 USC 405) Safety belt performance grants (23 USC 406).....	(25,000)	---	(25,000)	---	(+25,000)
State traffic safety information system improvement grants (23 USC 408).....	(124,500)	---	(124,500)	---	(+124,500)
Alcohol-impaired driving countermeasures grants (23 USC 410).....	(34,500)	---	(34,500)	---	(+34,500)
High visibility enforcement.....	(139,000)	---	(139,000)	---	(+139,000)
Child safety and booster seat grants.....	(29,000)	---	(29,000)	---	(+29,000)
Motorcyclist safety.....	(7,000)	---	(7,000)	---	(+7,000)
Grant administration.....	(7,000)	---	(7,000)	---	(+7,000)
Operations and research (rescission of contract authority).....	(18,500)	---	(18,500)	---	(+18,500)
-10,900	---	---	+10,900	---	
National driver register (rescission of contract authority).....	-544	---	---	+544	---
Highway traffic safety grants (rescission of contract authority).....	-60,200	---	---	+60,200	---
Subtotal.....	(551,856)	(630,125)	(626,850)	(+74,994)	(-3,275)
Total, National Highway Traffic Safety Admin....	55,356	129,774	135,086	+79,730	+5,312
Appropriations.....	(127,000)	(129,774)	(135,086)	(+8,086)	(+5,312)
Rescissions of contract authority.....	(-71,644)	---	---	(+71,644)	---
(Limitations on obligations).....	(729,000)	(737,454)	(732,142)	(+3,142)	(-5,312)
Total budgetary resources.....	(784,356)	(867,228)	(867,228)	(+82,872)	---
Federal Railroad Administration					
Safety and operations.....	159,445	168,770	172,533	+13,088	+3,763
Railroad research and development.....	33,950	34,145	34,145	+195	---
Capital assistance to States - Intercity Passenger Rail Service.....	90,000	---	---	-90,000	---
Capital assistance for high speed rail corridors and intercity passenger rail service.....	---	1,000,000	4,000,000	+4,000,000	+3,000,000
Emergency appropriations (P.L. 111-5).....	8,000,000	---	---	-8,000,000	---
Subtotal.....	8,000,000	1,000,000	4,000,000	-4,000,000	+3,000,000

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2010 (H.R. 3288)
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rail line relocation and improvement program.....	25,000	---	40,000	+15,000	+40,000
National Railroad Passenger Corporation					
Operating grants to the National Railroad Passenger Corporation.....	550,000	572,348	553,348	+3,348	-19,000
Office of Inspector General.....	---	---	19,000	+19,000	+19,000
Capital grants to the National Railroad Passenger Corporation.....	940,000	929,625	929,625	-10,375	---
Grants to the National Railroad Passenger Corporation (emergency)(P.L. 111-5).....	1,300,000	---	---	-1,300,000	---
Efficiency incentive grants to the National Railroad Passenger Corporation (rescission).....	-36,834	---	---	+36,834	---
Total, National Railroad Passenger Corporation..	2,753,166	1,501,973	1,501,973	-1,251,193	---
Total, Federal Railroad Administration.....	11,061,561	2,704,888	5,748,651	-5,312,910	+3,043,763
Appropriations.....	(1,798,395)	(2,704,888)	(5,748,651)	(+3,950,256)	(+3,043,763)
Rescissions.....	(-36,834)	---	---	(+36,834)	---
Emergency appropriations.....	(9,300,000)	---	---	(-9,300,000)	---
Federal Transit Administration					
Administrative expenses.....	94,413	97,478	97,478	+3,065	---
Formula and Bus Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)....	(8,670,000)	(8,852,000)	(8,852,000)	(+182,000)	---
(Limitation on obligations).....	(8,260,565)	(5,000,000)	(8,343,171)	(+82,606)	(+3,343,171)
General Fund share.....	---	3,343,171	---	---	-3,343,171
Rescission of current year contract authority....	-100,000	---	---	+100,000	---
Subtotal.....	(8,160,565)	(8,343,171)	(8,343,171)	(+182,606)	---
Research and University Research Centers.....	67,000	67,670	65,670	-1,330	-2,000
Capital investment grants.....	1,809,250	1,827,343	1,827,343	+18,093	---
Emergency appropriations (P.L. 111-5).....	750,000	---	---	-750,000	---
Subtotal.....	2,559,250	1,827,343	1,827,343	-731,907	---
Washington Metropolitan Area Transit Authority capital and preventive maintenance.....	---	---	150,000	+150,000	+150,000
Transit capital assistance (emergency) (P.L. 111-5)...	6,900,000	---	---	-6,900,000	---
Fixed guideway infrastructure investment (emergency) (P.L. 111-5).....	750,000	---	---	-750,000	---
Total, Federal Transit Administration.....	10,270,663	5,335,662	2,140,491	-8,130,172	-3,195,171
Appropriations.....	(1,970,663)	(5,335,662)	(2,140,491)	(+169,828)	(-3,195,171)
Rescissions of contract authority.....	(-100,000)	---	---	(+100,000)	---
Emergency appropriations.....	(8,400,000)	---	---	(-8,400,000)	---
(Limitations on obligations).....	(8,260,565)	(5,000,000)	(8,343,171)	(+82,606)	(+3,343,171)
Total budgetary resources less emergencies.....	(10,131,228)	(10,335,662)	(10,483,662)	(+352,434)	(+148,000)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance TF)....	31,842	32,324	32,324	+482	---
Maritime Administration					
Maritime security program.....	174,000	174,000	174,000	---	---
Operations and training.....	123,360	152,900	140,900	+17,540	-12,000
Ship disposal.....	15,000	15,000	15,000	---	---
Assistance to small shipyards.....	17,500	---	---	-17,500	---
Emergency appropriations (P.L. 111-5).....	100,000	---	---	-100,000	---
Subtotal.....	117,500	---	---	-117,500	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2010 (H.R. 3288)
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
<hr/>					
Maritime Guaranteed Loan (Title XI) Program Account:					
Administrative expenses.....	3,531	3,630	3,630	+99	---
Ship construction (rescission).....	-1,383	---	---	+1,383	---
Total, Maritime Administration.....	432,008	345,530	333,530	-98,478	-12,000
Appropriations.....	(333,391)	(345,530)	(333,530)	(+139)	(-12,000)
Rescissions.....	(-1,383)	---	---	(+1,383)	---
Pipeline and Hazardous Materials Safety Administration					
Hazardous materials safety.....	32,000	35,500	36,500	+4,500	+1,000
Administrative expenses:					
General Fund.....	18,491	18,329	19,329	+838	+1,000
Pipeline Safety Fund.....	639	639	639	---	---
Pipeline Safety information grants to communities.....	(1,000)	---	(1,000)	---	(+1,000)
Subtotal.....	(19,130)	(18,968)	(19,968)	(+838)	(+1,000)
Pipeline safety:					
Pipeline Safety Fund.....	74,481	86,334	86,334	+11,853	---
Oil Spill Liability Trust Fund.....	18,810	18,905	18,905	+95	---
Subtotal.....	(93,291)	(105,239)	(105,239)	(+11,948)	---
Emergency preparedness grants:					
Emergency preparedness fund.....	188	188	188	---	---
Limitation on emergency preparedness fund.....	(28,318)	(28,318)	(28,318)	---	---
Total, Pipeline and Hazardous Materials Safety Administration.....	172,927	188,213	190,213	+17,286	+2,000
Research and Innovative Technology Administration					
Research and development.....	12,900	13,179	12,834	-66	-345
Office of Inspector General					
Salaries and expenses.....	71,400	74,839	74,839	+3,439	---
Emergency appropriations (P.L. 111-5).....	20,000	---	---	-20,000	---
Subtotal.....	91,400	74,839	74,839	-16,561	---
Surface Transportation Board					
Salaries and expenses.....	26,847	27,032	29,800	+2,953	+2,768
Offsetting collections.....	-1,250	-1,250	-1,250	---	---
Total, Surface Transportation Board.....	25,597	25,782	28,550	+2,953	+2,768
National Infrastructure Bank (legislative proposal)...	---	5,000,000	---	---	-5,000,000
<hr/>					
Total, title I, Department of Transportation....	61,599,818	62,626,943	21,522,212	-40,077,606	-41,104,731
Appropriations.....	(16,998,830)	(62,626,943)	(21,522,212)	(+4,523,382)	(-41,104,731)
Rescissions.....	(-39,065)	---	---	(+39,065)	---
Rescission of contract authority.....	(-3,493,147)	---	---	(+3,493,147)	---
Emergency appropriations.....	(48,133,200)	---	---	(-48,133,200)	---
(Limitations on obligations).....	(53,745,065)	(14,802,352)	(54,247,211)	(+502,146)	(+39,444,859)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---	---
Total budgetary resources excluding emergencies.....	(67,211,683)	(77,429,295)	(75,769,423)	(+8,557,740)	(-1,659,872)

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2010 (H.R. 3288)
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Management and Administration					
Executive direction.....	23,799	25,969	25,969	+2,170	---
Administration, operations, and management.....	527,434	537,897	537,897	+10,463	---
Personnel compensation and benefits:					
Public and Indian Housing.....	190,390	197,074	197,074	+6,684	---
Community Planning and Development.....	94,234	98,989	98,989	+4,755	---
Housing.....	363,198	374,887	374,887	+11,689	---
Office of the Government National Mortgage Association.....	10,000	11,095	11,095	+1,095	---
Policy Development and Research.....	18,071	21,138	21,138	+3,067	---
Fair Housing and Equal Opportunity.....	69,021	71,800	71,800	+2,779	---
Office of Healthy Homes and Lead Hazard Control....	6,728	7,151	7,151	+423	---
Subtotal.....	751,642	782,134	782,134	+30,492	---
Total, Management and Administration.....	1,302,875	1,346,000	1,346,000	+43,125	---
Public and Indian Housing					
Tenant-based rental assistance:					
Renewals.....	15,200,000	16,189,200	16,387,200	+1,187,200	+198,000
Tenant protection vouchers.....	150,000	103,000	120,000	-30,000	+17,000
Family self-sufficiency coordinators.....	---	50,000	60,000	+60,000	+10,000
Administrative fees.....	1,500,000	1,493,800	1,600,000	+100,000	+106,200
Incremental family unification vouchers.....	20,000	---	---	-20,000	---
Veterans affairs supportive housing.....	75,000	---	75,000	---	+75,000
Nonelderly disabled incremental vouchers.....	30,000	---	---	-30,000	---
Working capital fund (transfer out).....	(-7,929)	---	---	(+7,929)	---
Emergency appropriations (P.L. 111-32).....	30,000	---	---	-30,000	---
Subtotal.....	17,005,000	17,836,000	18,242,200	+1,237,200	+406,200
Advance appropriations.....	4,000,000	4,000,000	4,000,000	---	---
Less appropriations from prior year advances.....	-4,158,000	-4,000,000	-4,000,000	+158,000	---
Total, Tenant-based rental assistance.....	16,847,000	17,836,000	18,242,200	+1,395,200	+406,200
Public Housing Capital Fund.....	2,450,000	2,244,000	2,500,000	+50,000	+256,000
Emergency appropriations (P.L. 111-5).....	4,000,000	---	---	-4,000,000	---
Working capital fund (transfer out).....	(-14,577)	---	---	(+14,577)	---
Subtotal.....	6,450,000	2,244,000	2,500,000	-3,950,000	+256,000
Public Housing Operating Fund.....	4,455,000	4,600,000	4,800,000	+345,000	+200,000
Revitalization of severely distressed public housing..	120,000	---	250,000	+130,000	+250,000
Choice neighborhoods.....	---	250,000	---	---	-250,000
Native American housing block grants.....	645,000	645,000	750,000	+105,000	+105,000
Emergency appropriations (P.L. 111-5).....	510,000	---	---	-510,000	---
Subtotal.....	1,155,000	645,000	750,000	-405,000	+105,000
Indian housing loan guarantee fund program account....	9,000	7,000	7,000	-2,000	---
(Limitation on guaranteed loans).....	(420,000)	(919,000)	(919,000)	(+499,000)	---
Native Hawaiian housing block grant.....	10,000	10,000	12,000	+2,000	+2,000
Native Hawaiian loan guarantee fund program account....	1,044	1,044	1,044	---	---
(Limitation on guaranteed loans).....	(41,504)	(41,504)	(41,504)	---	---
Total, Public and Indian Housing.....	29,047,044	25,593,044	26,562,244	-2,484,800	+969,200
Appropriations.....	(24,507,044)	(25,593,044)	(26,562,244)	(+2,055,200)	(+969,200)
Emergency appropriations.....	(4,540,000)	---	---	(-4,540,000)	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2010 (H.R. 3288)
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Community Planning and Development					
Housing opportunities for persons with AIDS.....	310,000	310,000	350,000	+40,000	+40,000
Working capital fund (transfer out).....	(-1,750)	---	---	(+1,750)	---
Rural housing and economic development.....	26,000	---	---	-26,000	---
Community development fund.....	3,900,000	4,450,000	4,600,607	+700,607	+150,607
Emergency appropriations (P.L.111-5).....	3,000,000	---	---	-3,000,000	---
Working capital fund (transfer out).....	(-3,175)	---	---	(+3,175)	---
Subtotal.....	6,900,000	4,450,000	4,600,607	-2,299,393	+150,607
Section 108 loan guarantees:					
(Limitation on guaranteed loans).....	(275,000)	(275,000)	(275,000)	---	---
Credit subsidy.....	6,000	---	6,000	---	+6,000
Brownfields redevelopment.....	10,000	---	25,000	+15,000	+25,000
HOME investment partnerships program.....	1,825,000	1,825,000	2,000,000	+175,000	+175,000
Emergency appropriations (P.L.111-5).....	2,250,000	---	---	-2,250,000	---
Working capital fund (transfer out).....	(-4,200)	---	---	(+4,200)	---
Subtotal.....	4,075,000	1,825,000	2,000,000	-2,075,000	+175,000
Self-help homeownership opportunity program.....	64,000	77,000	85,000	+21,000	+8,000
Homeless assistance grants.....	1,677,000	1,793,715	1,850,000	+173,000	+56,285
Working capital fund (transfer out).....	(-2,675)	---	---	(+2,675)	---
Emergency appropriations (P.L.111-5).....	1,500,000	---	---	-1,500,000	---
Total, Community Planning and Development.....	14,568,000	8,455,715	8,916,607	-5,651,393	+460,892
Appropriations.....	7,818,000	8,455,715	8,916,607	+1,098,607	+460,892
Emergency appropriations.....	6,750,000	---	---	-6,750,000	---
Housing Programs					
Project-based rental assistance:					
Renewals.....	6,868,000	7,868,000	8,474,328	+1,606,328	+606,328
Contract administrators.....	232,000	232,000	232,000	---	---
Working capital fund (transfer out).....	(-10,000)	---	---	(+10,000)	---
Subtotal (available this fiscal year).....	7,100,000	8,100,000	8,706,328	+1,606,328	+606,328
Advance appropriations.....	400,000	400,000	393,672	-6,328	-6,328
Less appropriations from prior year advances.....	---	-400,000	-400,000	-400,000	---
Total, Project-based rental assistance appropriated in this bill.....	7,500,000	8,100,000	8,700,000	+1,200,000	+600,000
Housing for the elderly.....	765,000	765,000	1,000,000	+235,000	+235,000
Working capital fund (transfer out).....	(-1,600)	---	---	(+1,600)	---
Housing for persons with disabilities.....	250,000	250,000	350,000	+100,000	+100,000
Working capital fund (transfer out).....	(-1,600)	---	---	(+1,600)	---
Housing counseling assistance.....	65,000	100,000	70,000	+5,000	-30,000
Manufactured housing fees trust fund.....	16,000	16,000	16,000	---	---
Offsetting collections.....	-10,600	-7,000	-7,000	+3,600	---
Subtotal.....	5,400	9,000	9,000	+3,600	---
Green retrofit program for multifamily housing (emergency) (P.L. 111-5).....	2,250,000	---	---	-2,250,000	---
Energy Innovation Fund.....	---	100,000	50,000	+50,000	-50,000

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2010 (H.R. 3288)
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rental housing assistance.....	27,600	40,000	40,000	+12,400	---
Rent supplement (rescission).....	-37,600	-27,600	-27,600	+10,000	---
Total, Housing Programs.....	10,825,400	9,336,400	10,191,400	-634,000	+855,000
Appropriations.....	(8,623,600)	(9,371,000)	(10,226,000)	(+1,602,400)	(+855,000)
Rescissions.....	(-37,600)	(-27,600)	(-27,600)	(+10,000)	---
Emergency appropriations.....	(2,250,000)	---	---	(-2,250,000)	---
Offsetting collections.....	(-10,600)	(-7,000)	(-7,000)	(+3,600)	---
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans).....	(315,000,000)	(400,000,000)	(400,000,000)	(+85,000,000)	---
(Limitation on direct loans).....	(50,000)	(50,000)	(50,000)	---	---
Offsetting receipts (HECM).....	-391,000	---	---	+391,000	---
Positive credit subsidy.....	---	798,000	---	---	-798,000
Administrative contract expenses.....	116,000	181,400	181,400	+65,400	---
Additional contract expenses.....	25,000	14,000	14,000	-11,000	---
Working capital fund (transfer out).....	(-46,794)	(-70,794)	(-70,794)	(-24,000)	---
Consumer education and outreach.....	---	7,500	7,500	+7,500	---
FHA - General and special risk program account:					
(Limitation on guaranteed loans).....	(45,000,000)	(15,000,000)	(15,000,000)	(-30,000,000)	---
(Limitation on direct loans).....	(50,000)	(20,000)	(20,000)	(-30,000)	---
Offsetting receipts.....	-140,000	-140,000	-140,000	---	---
Credit subsidy.....	8,600	8,600	8,600	---	---
Right of first refusal (Sec. 237).....	5,000	---	---	-5,000	---
rescission of prior year balances.....	-5,000	---	---	+5,000	---
Administrative contract expenses.....	47,871	---	---	-47,871	---
Consumer education and outreach.....	1,000	---	---	-1,000	---
Total, Federal Housing Administration.....	-332,529	869,500	71,500	+404,029	-798,000
Government National Mortgage Association (GNMA)					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans).....	(300,000,000)	(500,000,000)	(500,000,000)	(+200,000,000)	---
Offsetting receipts.....	-170,000	-720,000	-720,000	-550,000	---
Additional offsetting receipts.....	-23,000	---	---	+23,000	---
Additional contract expenses.....	12,000	---	---	-12,000	---
Total, Gov't National Mortgage Association....	-181,000	-720,000	-720,000	-539,000	---
Policy Development and Research					
Research and technology.....	58,000	50,000	50,000	-8,000	---
Fair Housing and Equal Opportunity					
Fair housing activities.....	53,500	72,000	72,000	+18,500	---
Office of Lead Hazard Control					
Lead hazard reduction.....	140,000	140,000	140,000	---	---
Emergency appropriations (P.L. 111-5).....	100,000	---	---	-100,000	---
Subtotal.....	240,000	140,000	140,000	-100,000	---
Management and Administration					
Working capital fund.....	224,000	200,000	200,000	-24,000	---
(By transfer).....	(94,300)	(70,794)	(70,794)	(-23,506)	---
Transformation initiative.....	---	20,000	20,000	+20,000	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2010 (H.R. 3288)
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Inspector General.....	120,000	120,000	120,000	---	---
Emergency appropriations (P.L. 111-5).....	15,000	---	---	-15,000	---
Subtotal.....	135,000	120,000	120,000	-15,000	---
Total, Management and Administration.....	359,000	340,000	340,000	-19,000	---
Appropriations.....	(344,000)	(340,000)	(340,000)	(-4,000)	---
Emergency appropriations.....	(15,000)	---	---	(-15,000)	---
(Grand total, Management and Administration, less emergencies).....	(1,646,875)	(1,686,000)	(1,686,000)	(+39,125)	---
GSE conforming loan limits (emergency)(P.L. 111-5)....	37,000	---	---	-37,000	---
Extension of GSE conforming loan limits.....	---	---	80,000	+80,000	+80,000
Rescissions:					
FY08 advance appropriation (rescission).....	-750,000	---	---	+750,000	---
Total, title II, Department of Housing and Urban Development.....	55,227,290	45,482,659	47,049,751	-8,177,539	+1,567,092
Appropriations.....	(38,662,490)	(41,977,259)	(43,550,679)	(+4,888,189)	(+1,573,420)
Rescissions.....	(-792,600)	(-27,600)	(-27,600)	(+765,000)	---
Advance appropriations.....	(4,400,000)	(4,400,000)	(4,393,672)	(-6,328)	(-6,328)
Emergency appropriations.....	(13,692,000)	---	---	(-13,692,000)	---
Offsetting receipts.....	(-724,000)	(-860,000)	(-860,000)	(-136,000)	---
Offsetting collections.....	(-10,600)	(-7,000)	(-7,000)	(+3,600)	---
(By transfer).....	(94,300)	(70,794)	(70,794)	(-23,506)	---
(Transfer out).....	(-94,300)	(-70,794)	(-70,794)	(+23,506)	---
(Limitation on direct loans).....	(100,000)	(70,000)	(70,000)	(-30,000)	---
(Limitation on guaranteed loans).....	(660,736,504)	(916,235,504)	(916,235,504)	(+255,499,000)	---
(Title II, non-emergency discretionary total).....	(41,535,290)	(45,482,659)	(47,049,751)	(+5,514,461)	(+1,567,092)
TITLE III - OTHER INDEPENDENT AGENCIES					
Architectural and Transportation Barriers					
Compliance Board.....	6,550	7,000	7,200	+650	+200
Federal Maritime Commission.....	22,800	24,558	23,712	+912	-846
National Transportation Safety Board:					
Salaries and expenses.....	91,000	95,400	99,200	+8,200	+3,800
Rescission of unobligated balances.....	-671	---	---	+671	---
Neighborhood Reinvestment Corporation.....	181,000	166,800	196,800	+15,800	+30,000
United States Interagency Council on Homelessness.....	2,333	2,680	2,400	+67	-280
Total, title III, Other Independent Agencies....	303,012	296,438	329,312	+26,300	+32,874
Grand total (net).....	117,130,120	108,406,040	68,901,275	-48,228,845	-39,504,765
Appropriations.....	(55,965,003)	(105,300,640)	(65,802,203)	(+9,837,200)	(-39,498,437)
Rescissions.....	(-831,488)	(-27,600)	(-27,600)	(+803,888)	---
Rescissions of contract authority.....	(-3,493,147)	---	---	(+3,493,147)	---
Advance appropriations.....	(4,400,000)	(4,400,000)	(4,393,672)	(-6,328)	(-6,328)
Emergency appropriations.....	(61,825,200)	---	---	(-61,825,200)	---
Negative subsidy receipts.....	(-724,000)	(-860,000)	(-860,000)	(-136,000)	---
Offsetting collections.....	(-10,600)	(-7,000)	(-7,000)	(+3,600)	---
(Limitation on obligations).....	(53,745,065)	(14,802,352)	(54,247,211)	(+502,146)	(+39,444,859)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---	---
Total budgetary resources less emergencies.....	(109,049,985)	(123,208,392)	(123,148,486)	(+14,098,501)	(-59,906)

I reserve the balance of my time.

Mr. LATHAM. I thank the chairman and yield myself such time as I may consume. Mr. Chairman, today is an important day in the House because we are considering a bill that has far-reaching impacts on the transportation

infrastructure across all of our districts and on all of our constituents in one way or another.

□ 1300

For that reason alone, we should be considering this bill under an open rule

so that our constituents have some say in how their tax dollars are being spent. Sadly, this is not the case.

Before I go any further, I want to tell the membership that I have really enjoyed working with Chairman OLIVER, and look forward to continuing to do

so. While, like he said, we don't always agree on everything, and especially the 25 percent increase in the allocation over last year, but that fact does not take away my belief that he is truly a devoted chairman who focuses on the resource needs of the entities under the jurisdiction of this bill, and I very much want to personally thank him for his consideration and kindness and working together. It's been a real pleasure.

I also want to tell both the majority and minority staffs that I sincerely appreciate their work throughout the process and commend them for a job, I think, very well done. And I salute all of your many hours that you put into the process, your forbearance in this often dysfunctional environment. We couldn't do it without you. And again, thank you on both sides of the aisle.

Mr. Chairman, as I said, the funding allocation for this bill for FY 2010 is 25 percent over the FY09 level. That is a huge increase, and one for which we ought to have a number of perfecting amendment votes as part of a serious debate, if for no other reason than to allow our constituents to have some say in how those funds are spent. At some point, it should start dawning on all of us that the reason we're hearing a lot of noise about some of the spending that's going on is that our constituents are waking up to the fact that they don't have a say in these exercises.

Mr. Chairman, as the administration has said about this bill, "these infrastructure investments will help build a new foundation for long-term economic growth to benefit the American people for years to come." And I agree. If we are, indeed, making long-term infrastructure investments, then the investors, or our constituents, should have a say-so on how those investments are made.

One of my biggest concerns in this bill is that we do nothing to address the coming situation with the highway trust fund that runs out of money. At a point, we will have to bail out the fund with general fund resources. I know that's not in our jurisdiction as such, but the hour is getting late, and we should all be looking for the most expeditious ways to make any contribution we can to provide the resources that allow highway infrastructure and other transportation programs to continue with some predictability.

I had an amendment to help the trust fund situation, as I mentioned earlier today, in consideration of the rule. It would have transferred \$3 billion from the Rapid Rail appropriation to the trust fund, these funds that will not be spent any time soon, while our highway trust fund screams for additional resources.

The \$3 billion are also funds that were not requested by the administra-

tion for Rapid Rail, probably because the President knows they could not be spent any time soon. Right now they are "parked funds," at a time when we do not need to be teeing up more resources to be spent on something such as an infrastructure bank which, at this point, is only a vague concept.

In the end, the amendment was not made in order, and I assume for political reasons, unfortunately. Had it been made in order, it would have given me some faith that the majority was serious about having a genuine debate on this bill which, in turn, might have drawn a few more supporters than might otherwise be the case.

I will offer a different amendment to strike the \$3 billion, which will take the Rapid Rail funding to the President's request. Let me reiterate, that's the President's request. The \$3 billion is over and above that, and I believe the President's request was a reasonable number.

It will also cancel the transfer authority to this unknown infrastructure bank that has not been authorized. Without the absence of any knowledge of where a Rapid Rail program will go or what the bank will look like, or even if any submitted rail projects are feasible, we simply do not need \$3 billion of taxpayer money being set aside for simply a concept.

Mr. Chairman, I would be remiss if I did not say that there are some good points in this bill, absent a few billion unneeded dollars, to make it a very attractive legislative product.

With respect to HUD, I only want to say that this bill fully meets the government's obligation to renew all rental assistance, support the homeless, increase support for low-income elderly and the disabled, and provide additional rental assistance for veterans. But we cannot continue to put forth resources that cannot be deployed in the near term. We simply don't have the money.

And at this point, I thank you, and I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD) for a colloquy.

Ms. ROYBAL-ALLARD. Chairman OLVER, I am honored to serve as a member of the Transportation-Housing Subcommittee, and I thank the gentleman for his leadership on the many housing and transportation challenges facing our Nation.

I understand that among the elements of the Olver amendment is additional funding for railroad research and development. As the chairman is aware, our Los Angeles community suffered a tragic rail accident when a commuter passenger train collided head on with a freight train last year. It is widely believed that this accident could have been averted and 25 lives saved had positive train control tech-

nology been in operation on the system.

I would like to clarify that it is your intention that positive train control is one of the technologies that is funded under the research and development account.

Mr. OLVER. I thank the Congresswoman from California, and I share her concern about the terrible accident in Los Angeles, as well as her resolve to help prevent further accidents.

It is, in fact, my intention that the funding provided for railroad research and development be available for positive train control research and demonstration projects. I believe PTC is a necessary addition to our national railroad system, and I thank the Congresswoman for her leadership on this issue and keeping it in our attention.

Ms. ROYBAL-ALLARD. I thank the chairman for this clarification, and I look forward to working with the gentleman on this and other issues as the bill moves forward and we continue to address safety in all modes of transportation. I appreciate the gentleman's tireless work and that of the subcommittee staff on the many complex issues under this bill's jurisdiction.

Mr. LATHAM. Mr. Chairman, I would like to yield 5 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE), who has brought a lot of knowledge and insight to the committee.

Mr. LATOURETTE. I want to thank my good friend the chairman, and I want to thank my good friend Mr. LATHAM from Iowa, a classmate from 1994.

I want to commend the chairman of the subcommittee, Mr. OLVER, and our ranking member, Mr. LATHAM, for putting together a good bill, both on the transportation and the HUD side. There will be some criticism on the floor today about how much money it spends, and let me just tell you, as someone who spent 14 years on the Transportation and Infrastructure Committee, as a Nation, we need to be embarrassed about what we spend on transportation in this country.

If you look at the American Society of Civil Engineers, their report that they come out with on an annual basis, a scorecard in terms of how we're doing, if more Americans read that scorecard, they wouldn't put their families in the minivan and take them on vacation and drive over some of the bridges in this country.

The difficulty is going to occur later this year, and I have to say I guess I'm disappointed in the administration saying that they're going to kick the highway authorization bill down the road for 18 months, which, coincidentally falls after the next midterm election.

But I have to tell you that it is, in fact, infrastructure which creates jobs, and it's infrastructure which employs people in this country. And as a Republican, I can tell you, if it hadn't been

for Dwight Eisenhower's vision on the national highway system, we would not have been the envy of the world we are today.

But sadly, now we begrudgingly, in the 6-year reauthorization, carp about spending \$35 billion a year for the entire country. And the need, I would suggest, Mr. Chairman, is far greater than that. And so, while this bill does, in fact, spend more money, and some people may not like the price tag, I think it's important.

I want to talk about two other things relative to the bill. The one is passenger rail service. You know, I had the privilege of being the chairman of the Railroad Subcommittee on Transportation, and we always seemed to give Amtrak just enough money to fail.

And if you look at Amtrak, when they took over the passenger rail service from Conrail, and we didn't want to be in the business anymore and the freight lines didn't want to be in the business anymore, they got bad track, bad rolling stock, bad management. And we sort of limp along.

And I've had friends on my side of the aisle say, well, we can't give them a billion dollars, what a big handout that is. Well, a billion dollars is a lot of money, but the fact of the matter is that if this country is ever going to move and restore passenger rail in this country, it's going to have a price. And anybody that thinks that passenger rail, as a societal prerogative, doesn't have to be subsidized is nuts.

I mean, you go over and you look at the world-class systems in Europe and in Asia. All of those countries have said for trips of 400 miles or less, we want passenger rail to be competitive with travel by car. We want passenger rail to be competitive with air travel, and they made the significant investments to make that happen.

Anybody who has, and I've had the pleasure to travel with the distinguished chairman of the Transportation and Infrastructure Committee in Europe on trains like the TGV and the Chunnel and in Japan on their high-speed rail. It goes over 200 miles an hour. The fact that we have ignored that as a mode of transportation in this country should be an embarrassment to the greatest country on Earth, and this bill begins to make significant investments in that.

The stimulus package had \$8 billion for high-speed rail. This bill has an additional \$4 billion. And I'll just tell you, I don't represent a person in the Cleveland area that wouldn't say, if I could go 150, 180, 200 miles an hour from Cleveland to Chicago that I would, in fact, do that.

And you want to talk about climate change. You know, the way to get money around here this year is, if you put green in any legislation, they give you money. But if you want to talk about climate change, I believe the last

time I checked, the statistic is 1 gallon of diesel fuel can take 1 ton of cargo from Washington, D.C., to Boston, Massachusetts. I don't know another mode of transportation that is that fuel efficient. You get cars off the road, you get trucks off the road, and you don't create the greenhouse gases that everybody is, in fact, worried about.

Mr. OBERSTAR. Will the gentleman yield?

Mr. LATOURETTE. I would be happy to yield to the chairman.

Mr. OBERSTAR. I thank the gentleman for yielding, Mr. Chairman, to compliment the gentleman on his statement. I fully subscribe to the wise words that he has expressed and to the history he's unveiled of the evolution of passenger rail in this country. And the gentleman from Florida (Mr. MICA), my partner on the Committee on Transportation and Infrastructure—

The CHAIR. The gentleman's time has expired.

Mr. LATHAM. I would yield to the gentleman from Ohio 2 more minutes.

Mr. LATOURETTE. I yield to the gentleman.

Mr. OBERSTAR. And we worked together with the gentleman from Ohio to craft an Amtrak authorization bill that opens the door to private sector investment, that creates a sustainable path for the future of surface high-speed intercity passenger rail in this country, and with the gentleman's leadership now, Mr. Chairman, on the Appropriations Committee, we're going to advance that cause.

So I thank him for that forthright statement and am delighted that he's continuing to be such a strong advocate, and I also take this opportunity to thank my colleague on the committee, the gentleman from Florida, for the partnership we've had in advancing the cause of high-speed intercity passenger rail.

Mr. LATOURETTE. I thank the chairman very much. And I would say that if you really want to know about transportation, you talk to JIM OBERSTAR of Minnesota. The man has written most of the books, and I've learned so much of what I've learned in this Congress from sitting on the other side of the aisle from him.

□ 1315

I would only say the gentleman is going to be disappointed now because I spent 14 years on his committee, on the authorizing committee, and we always chafed at the appropriators who authorized on appropriations measures. I've now gone over to the dark side, and I think it's the most wonderful system in the world.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN) for a colloquy.

Mr. LEVIN. Mr. Chairman, section 412 of the bill provides that no funds appropriated pursuant to this act may

be expended by an "entity" unless that entity agrees to comply with the Buy American Act.

The Buy American Act is part of a longstanding U.S. trade policy. That policy requires reciprocity in Federal Government procurement. Since 1979, the U.S. has agreed to open its procurement market to countries that agree to open their procurement markets to U.S. suppliers. That same policy requires the United States to not grant access to countries that are unwilling to agree to open their procurement markets to U.S. suppliers.

I believe that the intent of section 412 is to be consistent with that policy. Its intent is not to expand the scope of the Buy American Act, such as to cover businesses or other "entities" that may receive funding under this appropriations bill and that are not currently subject to the act. I also understand that section 412 is not intended to create an inconsistency with our international obligations, including our obligations under the WTO Agreement on Government Procurement.

If I might, I will now yield to the chairman for clarification.

Mr. OLVER. The gentleman is correct. Section 412 will help to ensure compliance with the Buy American Act. Because the intention is not to apply the Buy American Act to new entities, it is consistent with our international obligations.

Mr. LEVIN. I thank the chairman.

Mr. LATHAM. Mr. Chairman, I yield 5 minutes to the distinguished ranking member of the Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. Thank you so much for the time, for the introduction and for the opportunity to speak on this important Transportation and HUD funding bill.

Mr. Chairman, first of all, I want to compliment Mr. OLVER and Mr. LATHAM, the two leaders of the appropriations subcommittee, on the great job that they have done and for their efforts and for the efforts of both staffs in addressing the transportation and infrastructure needs of the Nation.

This is one of the most important bills that we will pass because this job will actually put people to work. I can tell you—and my colleagues and every one of you knows the statistics—that the national unemployment is at 9.5 percent. In my State of Florida, we're at 10.5 percent. I have some counties in my district that are at 15 percent. We have a problem. One of the ways to get people working and into jobs is by building infrastructure, and we'll actually have something tangible when we get done.

I do want to raise an issue that I have with the bill, but it is not something that is the responsibility of the authors of this legislation, Mr. OLVER

or Mr. LATHAM. They have been most cooperative. We've had a great working relationship, myself as an authorizer and the two of them as appropriators.

From time to time and in the past, there have been great battles—I've seen some of them—about authorizing on an appropriations bill. Now, I went to the Rules Committee, and I didn't get a chance to speak on the rule, so I voted against its passage. I asked the Rules Committee to pass an amendment that would have sped up the process by which we could get these dollars out so that we could actually get people working sooner rather than later. I know people have asked me for bigger government programs and for more bailouts, but now they have asked for an opportunity to work, and nothing has been harder hit than transportation projects.

I've got one little quote here from the Secretary of Transportation in Pennsylvania, who says that the unemployment rate for construction workers there is 21 percent.

It's high all over the Nation, but we can get people to work. The Rules Committee ruled out of order my amendment that would have sped up the process for the consideration of transportation projects, both for stimulus and also for this type of funding legislation.

Actually, I had my staff go through, and they just tabbed one section of this, of legislating on appropriations bills. All of these tabs represent legislating on an appropriations measure, but I don't raise any questions about these. Some of this is probably fine. We've talked together, and we agree on it.

What I'm concerned about is that the Rules Committee took the bill as it stood, but failed to take my proposed amendment. They said I was legislating on appropriations. My measure, again, would have sped up the process. Don't think we can't do that. I stood here with Mr. OBERSTAR the day that the bridge collapsed over the Mississippi River in Minneapolis. We rebuilt that bridge in 437 days. Normally, the process to rebuild that, if you went through all the normal hoops and red tape and Federal requirements, would take 6–7 years. We can do the same thing because we have a national emergency now, and we need to get this transportation money that this good, well-intended and very effective subcommittee is bringing forth. It's a good measure. They work together in a bipartisan fashion.

What I'm saying is we need to get that money, the stimulus money, out. We're having the same problem with our stimulus money, getting it out. There is \$48 billion under the Department of Transportation's responsibility. So far, we have \$771 million. Let me say the State Transportation Departments across the country are doing

their level best. They're doing a great job getting that money out, but that's less than \$1 billion of \$48 billion out.

There is a reason it's caught up in red tape. Let me take, not what a Republican Governor said, but what, I believe, North Carolina Governor Perdue said, which is that there is so much red tape that it's discombobulating.

Now, just for the record—and I will give the Clerks the proper spelling of “discombobulating” for the RECORD of the House—he said it's irritating. That's Perdue.

Here is a little engineer in a county in Indiana. He said, “I've got an engineer full time, and just 'bout all he's doing is red tape every day.”

The CHAIR. The time of the gentleman has expired.

Mr. LATHAM. I yield the gentleman from Florida 2 additional minutes.

Mr. MICA. Again, I want to take not just the Governor or the Secretary of Transportation in Pennsylvania or the Governor of North Carolina. Here is a county engineer in Elkhart County, Indiana who says, I've got an engineer full time, and that's just 'bout all he's doing is red tape every day, filling out forms, filling out forms.

So my proposal, had the Rules Committee accepted it, would have sped up the process. I didn't come here to say we should roll over any environmental requirements or regulations. What I said is we should condense the process because this, my fellow Members of Congress, is a national emergency. If you don't think it's a national emergency, go back to your office, and find some of those letters from folks who are pleading with Congress to help them find a job, to get people employed in their families so they can pay their mortgages, so they can build their dreams like we all want to do, but they're not able to do that, and we're not able to get the money out because of the red tape and constraints.

So, again, I regret that the Rules Committee rejected my proposal. I'll be back here again.

Mr. OLVER. Will the gentleman yield?

Mr. MICA. Yes, I will always yield to the chairman.

Mr. OLVER. I thank the gentleman for yielding.

To finish this and to allow him to respond in some kind of way, I would give the gentleman additional time, Mr. Chairman.

I just wanted to say that I can remember—and probably, if you think about it a little bit, you can remember, too, because my memory is probably a lot poorer than yours—times when this bill was brought to the floor, and point of order after point of order to the level of practically stripping half the bill away were made by your committee. Well, maybe you weren't the chairman at that particular time, but a few years ago, that sort of thing did happen.

The CHAIR. The time of the gentleman from Florida has again expired.

Mr. LATHAM. I yield the gentleman an additional 2 minutes.

Mr. OLVER. Furthermore, I would just simply say, of the \$47 billion, more than \$21 billion has been obligated. Those expenditures are going on. That's more than the amount that was intended to be obligated by the end of the 2009 fiscal year. We're already obligating the money into 2010, so it's getting out there pretty quickly. Though, I do have great sympathy for the position that you're taking in that it takes far too long, and I hope the authorizing will take care of that in a new event.

Mr. MICA. I know what went on in the past with my committee and its calling points of order on authorizing on an appropriations measure.

Let me say that I did not come to burn Rome. I came to help you build Rome. I have no objection to these, and I did not object on any, but I did object to my one. Here is 45 not being considered by the Rules Committee, and your committee is not the Rules Committee.

Let me say this, too: We have obligated money, but you know, I can't go back to my office and say, Mr. So-and-so or Madam So-and-so Constituent, we've obligated money. It's not out there, so there isn't that hope for a job. All I'm trying to do is get the money expedited so we can get jobs going again.

Finally, let me tell you why it's important to get that money out there now, folks. Listen to this. This is one American dollar. I can tell you that, right now, you will get the best deal ever to do infrastructure projects in the country.

The CHAIR. The time of the gentleman has again expired.

Mr. LATHAM. I yield the gentleman 1 additional minute.

Mr. MICA. My district secretary told me that bids are coming in 25 to 30 percent lower. Do you see this three-quarters of a dollar? I can get a dollar's worth of construction now for three-quarters of a dollar. We have American infrastructure on sale wholesale, and we should be getting that money out in the interest of taxpayers and building that.

Heaven forbid, you know, it's not like some of these other programs or like the bailouts. I didn't come here asking for a bailout. All I'm asking for is something tangible, and that's what your subcommittee provides so well for our Nation is something tangible—roads, bridges, highways, transit systems—all of which we need across this land from sea to shining sea. We're drowning in congestion. We don't have high-speed rail systems like the Europeans, Asians and other people around the world. So I don't mind spending it.

My dad used to say, “It's not how much you spend, Son. It's how you spend it.”

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ), who is a member of the subcommittee.

Mr. RODRIGUEZ. Mr. Chairman, I rise today in strong support of H.R. 3288, the 2010 Transportation-HUD appropriations spending bill. In particular, I want to express my support for the passage of the rail funding within the bill that amounts to about \$4 billion.

I want to thank Chairman OLVER for his leadership, and I want to thank the Appropriations Committee for demonstrating their commitment to passenger and high-speed rail by providing funding in this bill that will enable urban, suburban and rural communities in America to be connected by a system that will deliver safe, swift, efficient, and economical travel across our Nation. The \$4 billion provided in this bill will support a competitive grant process. The Federal Railroad Administration will oversee the grant application and award process.

For those who have concerns about the funding, I want to stress that current demand for passenger rail exceeds available funds in the pre-application process for passenger rail funding. Texas, for example, has requested \$3.1 billion; California has requested \$21.6 billion; Nevada has requested \$12.5 billion. Overall, 40 locations throughout America have requested in excess of \$104 billion.

The fact of the matter is that \$4 billion is only a small down payment of investment in passenger rail. Texas desperately needs the passenger and high-speed rail. Funding for high-speed rail will reduce congestion and pollution. It will create jobs, and it will connect America's communities. The San Antonio-Austin area is booming, and the highways are congested. America's passenger rail system is terribly underdeveloped and underfunded when compared to other nations, such as France, Italy, China, and Japan.

□ 1330

My colleagues in south Texas have joined me in supporting this bill, and I ask for the support of this piece of legislation.

Mr. LATHAM. I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY) for a colloquy.

Ms. WOOLSEY. I thank the chairman for all of your hard work on this bill.

As the chairman knows, there is a project in my district named the Sonoma-Marín Area Rail Transit project. We call it SMART. When fully up and running, SMART will be a 70-mile passenger rail system that connects 14 stations and runs right through the heart of my district.

This project is vital because it eases congestion on the major transportation

artery, Highway 101, by providing an alternative mode of transportation. This is a very popular project, and actually, last November, voters in my district passed a quarter-cent sales tax measure by over two-thirds majority to raise money for SMART. So it has the support of the community when a simple majority votes on a tax measure like that.

Not only is SMART a train, but the project also includes 70 miles of bike and pedestrian paths to run alongside the tracks, which revolutionizes transportation in my district.

Unfortunately, while SMART received nearly \$2 million in last year's Transportation-HUD bill, there are no funds in this bill this year, and it is my hope that as SMART moves into the New Starts process that the chairman will work with me to support this important transportation project.

Mr. OLVER. I thank the gentlewoman for bringing this matter to my attention. This is a good project. I support it, and I will be glad to work with the gentlewoman from California on this as it moves into the New Starts process.

Ms. WOOLSEY. I thank the chairman.

Mr. LATHAM. I continue to reserve.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, thank you for your hard work on this legislation and also your support for Indian country in Oklahoma for many years.

I would like to bring to the gentleman's attention an inequity and an inefficiency that currently exists within the Federal programs that assist local transit agencies with their capital projects such as buses and garages. Specifically, for alternative fuel transit buses, the Federal share is 80 percent of the capital cost of a standard diesel, plus 90 percent for the cost of vehicle-related compliance with the Clean Air Act, often referred to as the incremental cost.

In short, blending the percentages, grantees may apply for an 83 percent Federal share of the total vehicle cost. This was based on the policy that such buses contribute generally to cleaner air and maintaining compliance with the Federal air quality standards.

I would like to ask the gentleman if I'm correct in stating that this bill includes a provision that allows a 90 percent Federal share for the entire cost of a biodiesel bus?

Mr. OLVER. Mr. Chairman, the gentleman from Oklahoma is correct. Section 164 of this bill allows that.

Mr. BOREN. I understand that this biodiesel provision was included in this and several past Transportation appropriations bills for air quality and petroleum displacement reasons. However, I would like to suggest to the chairman, there is no reason not to ex-

tend the same 90 percent of the total vehicle cost benefits offered to a biodiesel bus to a natural gas bus. Natural gas-powered buses produce 22 percent less greenhouse gases than comparable standard diesel buses, and they have a proven track record of displacing imported petroleum.

It is my hope that the gentleman would be willing to work with me on this issue to provide 90 percent of the total vehicle cost to natural gas buses.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield the gentleman 1 additional minute.

Mr. BOREN. That would help transit agencies accelerate the replacement of existing diesel buses with new, fuel-efficient, alternative fueled ones. This change would make a significant contribution in America's strategy for energy independence and global climate change.

Simultaneously, it would ensure clean air and the health of our citizens, and contribute to the growth of our economy.

Mr. OLVER. I appreciate the gentleman's attention to this issue. I understand that the House authorizing committee is examining this in the context of their multiyear surface transportation reauthorization bill. In the meantime, I will be happy to work with the gentleman from Oklahoma to address this issue as we move forward in this process and conference this bill with the Senate.

Mr. BOREN. I thank the chairman for his willingness to work with me on this issue.

Mr. LATHAM. I continue to reserve.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the chairman very much and the ranking member.

I rise to support the rule that has already passed and the underlying bill.

Mr. Chairman, this is a very important step forward for the infrastructure of America, covering transportation and housing, and housing is part of infrastructure. It creates a holistic neighborhood.

I want to thank the committee for the Federal Transit Administration \$10.48 billion, which will impact the growing metro system as a New Start. I am hoping as we move forward and metro in Houston is defined as a New Start, we will also be able to use and continue to use those stimulus dollars because we are in the process of creating jobs as we speak.

I believe it is very important to support the high-speed, inner city passenger rail grants. We in Texas are working very much on high speed and believe that that is part of the transportation system of tomorrow.

I am also grateful for the airport modernization, safety and efficiency

grant of \$3.5 billion representing Houston Intercontinental Airport, one of the largest airports in the Nation, modernizing air traffic control. Just recently, we met with our air traffic controllers, and I would hope as we make our way through this particular legislation we'll also focus on encouraging the FAA to be able to work on the negotiations with the air traffic controllers for a better quality of life, better work conditions.

I am grateful as well for the number of dollars being put in for vouchers for homeless veterans, \$75 million for homeless veterans; 10,000 of those veterans will be served, \$1.3 million for low-income housing. In addition, I'm delighted that we're working for more affordable housing. We in the City of Houston are in great need, and I've been working on affordable housing for a long time.

I hope in the dollars that are going to our communities we also will be using them for what we call senior housing repair. In many of our cities, our housing stock is enormously old. It impacts our seniors, and they're in great need.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield 15 seconds to the gentlewoman.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much.

I have a large population of public housing—we call it housing development—and I'm very grateful that \$4.8 billion has been implemented or used for that, \$200 million above the President, \$345 million above 2009 for maintenance and crime prevention and energy costs, two very important aspects.

Let me just say by concluding I thank the gentleman for his work and for his housing efforts.

Mr. LATHAM. I continue to reserve.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN) for a colloquy.

Mr. BERMAN. I thank the chairman of the subcommittee, Mr. OLVER, for yielding to me to engage in a colloquy about the importance of ensuring the fairness and objectivity of the FAA's curfew application process.

I am pleased to be joined by my good friend Mr. SCHIFF who, like me, has many constituents who are greatly affected by nighttime operations at Burbank airport.

Both Burbank Bob Hope Airport and Van Nuys Airport have been actively studying nighttime flight curfews on Stage III aircraft. The Burbank-Glendale-Pasadena Airport Authority has already submitted its completed Part 161 application to the FAA requesting a nighttime curfew.

As both Mr. SCHIFF and I know, the FAA has been all-too-willing to simply disregard the impact that nighttime flight operations have on communities living by these airports. I have constituents whose sleep is routinely dis-

turbed by aircraft taking off or landing at all hours of the night from Burbank and Van Nuys airports.

I look forward to working with the gentleman and the authorizing committee in the future to ensure that the FAA gives fair consideration to the concerns of those who must live with airport noise day in and out.

I yield, if I may, to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman from California for yielding.

I am pleased that for the first time in 17 years the FAA has deemed the Part 161 nighttime curfew application officially complete. This is a big step in the right direction and shouldn't be overlooked.

I strongly believe that Bob Hope Airport in Burbank, California, has met the criteria for a curfew set by law and that a curfew would impact a relatively small number of diverted flights while delivering significant reductions in both the noise impact to surrounding communities and the cost associated with sound mitigation.

However, I share my colleague's concern that the FAA has not been serious about moving forward with mandatory curfews, despite congressional intent when Part 161 was signed into law. I look forward to working with Chairman OLVER and the authorizing committee to ensure that Part 161 has the meaning and credibility and that the process is real and can lead to results.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield the gentleman 1 additional minute, and would the gentleman yield?

Mr. BERMAN. I certainly yield to the chairman.

Mr. OLVER. I appreciate the remarks of the two gentlemen about the effects of airport noise on local communities and agree that the FAA has a responsibility to adequately and objectively weigh the concerns of those adversely impacted by nighttime takeoff and landings.

While I can't comment as to the specifics of the Burbank and Van Nuys curfew studies, I agree that the Part 161 process must serve as a credible and objective avenue for evaluating the merits of noise and access restrictions.

Mr. BERMAN. Reclaiming my time, I thank the chairman very much.

Mr. LATHAM. I continue to reserve, please.

Mr. OLVER. Could I inquire how much time there is available?

The CHAIR. The gentleman from Massachusetts has 10½ minutes remaining. The gentleman from Iowa has 8½ minutes remaining.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BRALEY) for the purposes of a colloquy.

Mr. BRALEY of Iowa. Mr. Chair, first let me thank the gentleman from Mas-

sachusetts for his hard work and dedication to moving our Nation forward in the area of transportation and all the other issues he tackles each and every day, including those he tackles with my colleague from Iowa. This bill is going to help millions of Americans, and I am pleased to support it.

I rise today in strong support of the Olver amendment to the Transportation-HUD Appropriations Act. I'm pleased to have helped secure an increase of \$3 million in this amendment for the Federal Railroad Administration's railroad research and development account. This additional money could be used for any number of research projects, including a biolubricants research study that was authorized in the Rail Safety Improvement Act of 2008, as well as other authorized activities.

The widespread use of biolubricants in the rail industry will help us reduce our dependency on foreign oil and reduce our national addiction to petroleum imports. If all industrial lubricants used annually in the United States could be replaced with biobased versions, over 2 billion gallons of petroleum per year would be replaced.

□ 1345

I look forward to seeing the FRA workup with ag-based lubricant testing facilities to see that this study is carried out.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield myself 1 minute. I assure the gentleman from Iowa that we will work together with the Federal Rail Administration to implement the 2008 Authorization Act.

Mr. LATHAM. I have no additional speakers and, again, I want to personally thank the chairman for his consideration and again say thank you to the great staff that we have on both sides of the aisle. It's been a real pleasure working with you. I appreciate it.

I yield back the balance of my time.

Mr. OLVER. I thank the gentleman from Iowa for his kindness and for his hard work and I certainly, again, join him in thanking the very fine staff who worked together very well in crafting this legislation.

It is a good bill. I believe it is a bill that deserves the support of the vast majority of the Members of the Congress.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I want to thank the leadership of the Transportation Appropriations Subcommittee for their work on this bill.

Our Nation's transportation system is at a crossroads. Now is not the time to scale back funding efforts to address our country's deteriorating infrastructure, worsening traffic congestion, poor air quality, energy use, and investments in high speed rail. These issues are all interrelated and will impact our economy, global competitiveness, and sustainability. The appropriations bill before us today is a good

one; however, it represents a mere down payment towards addressing the critical infrastructure needs of this country. In my state, these needs are readily apparent.

The State of Texas has one of the most extensive surface transportation networks in the world. Texas has more than ten thousand miles of railtrack; more than three hundred thousand miles of roadway; and more than fifty-thousand bridges—more than any other state in the nation. Financing challenges, coupled with exploding population and trade growth, are creating a perfect storm that is pushing Texas' transportation network to its breaking point. In the absence of increased funding and innovative policies, the weight of these particular challenges will adversely impact the quality of life for my constituents and citizens throughout the state.

It is imperative that we as a body focus our attention on investing in a truly national transportation system in order to address the impending infrastructure crisis. Our ports are not able to handle the volume of freight entering the United States, railroads and highways are overwhelmed with freight and delayed by bottlenecks, and intermodal facilities need to be improved to facilitate greater efficiency. With projected increases in imports over the next several decades, we have but a small window to make infrastructure improvements to ensure America is able to sustain its global competitiveness.

As I close, I would like to thank the subcommittee for including funding in the bill for Dallas Area Rapid Transit (DART) and the Interstate-30 Bridge Project in my congressional district. This funding will help advance these noteworthy projects and improve mobility for my constituents. I also want to thank the subcommittee for their inclusion of high speed rail funding. Relative to other developed nations, the United States ranks dead last with regards to developed high speed rail corridors. The demand in Texas for high speed rail is great, and the funding included in the bill will greatly aid high speed rail efforts in my state.

Just last week, the Texas Department of Transportation announced project requests to the U.S. Department of Transportation totaling \$1.9 billion dollars under the American Recovery and Reinvestment Act (ARRA). The high speed rail funding reflected in the bill is warranted and it is my intent to oppose the amendment offered by the gentleman from Iowa, Mr. LATHAM, aimed at reducing funding for this account.

I support H.R. 3288.

Mr. BLUMENAUER. Mr. Chair, the Department of Transportation estimates that the Highway Trust Fund will run short of funds this August, and that Congress will have to transfer \$5–7 billion to it to avoid a shortfall. This shortfall is occurring because the gas tax is becoming obsolete. As vehicles become more fuel efficient, they increase the demand on our transportation system, without contributing as much to its maintenance. The current revenue system has lost 33% of its purchasing power during the last 15 years, today generating only two-thirds of the revenues needed to maintain current levels of investment. Until we tie our transportation revenues to our transportation demands, this situation will worsen.

Failure to adequately fund transportation infrastructure imposes huge costs on American citizens and businesses:

Congestion costs urban Americans 4.2 billion hours and 2.8 billion unnecessary gallons of fuel each year; expressed in dollar terms this is \$87.2 billion, or \$757 per traveler.

Roughly 40,000 people every year are killed on our streets and highways, with 2.5 million more injured, at a staggering annual economic cost to society.

Higher transportation costs and higher inventory carrying costs—partially attributable to an unreliable transportation system—have pushed logistics costs to nearly 10% of GDP.

Failure to act puts America on hold, when we should be putting America to work.

It is time we sought out innovative solutions to this challenging problem. The Oregon Department of Transportation successfully tested a model where they charged drivers for the number of miles they traveled rather than the fuel they consumed. The test was convenient for drivers, protected personal privacy, and proved easily administrable. This concept was also highlighted by two blue ribbon commissions established in the prior transportation authorization. The National Surface Transportation Policy and Revenue Study Commission noted that a vehicle miles traveled charge is "the most promising alternative revenue measure" to our existing gas tax, while the National Surface Transportation Infrastructure Financing Commission reported that "a charge for each mile driven . . . has emerged as the consensus choice for the future." Both commissions found that this system was efficient at raising revenue, closely linked system demand to revenues, and could win broad public support.

My legislation calls on the Department of the Treasury to study the viability of this revenue source in every State. While evaluating mileage based revenue sources, Treasury will ensure the system protects privacy and is simple to administer. It will also convene working groups to address the most complex aspects of this transition, including road use, demand management and climate change, and technological needs. Finally, the bill creates a grant program to ensure the necessary technology is available.

The condition of our national highway and transit systems and the maintenance of our infrastructure, and the investments that we make in these systems, touch the life of every American, strengthen our economy, and protect our environment. I look forward to working with my colleagues to pass this important legislation.

Mr. HOYER. Mr. Chair, I rise in strong support of the Fiscal 2010 Transportation, Housing, and Urban Development Appropriations Act. This bill takes great strides to help the neediest Americans secure shelter in trying economic times. It also makes important investments in strong and user-friendly transportation systems, including our highways, airports, passenger rail lines, and transit networks.

But I particularly want to thank Chairmen OBEY and OLVER for including in this bill \$150 million to fund vitally needed capital and preventive maintenance improvements for the Washington Area Metropolitan Transit Author-

ity, in accordance with legislation we passed last year authorizing \$1.5 billion for WMATA over the next 10 years. It has long been clear that America's Subway deserves a strong federal commitment. After all, it serves the millions of visitors who come to visit our nation's capital, and it is the primary public transportation system servicing the federal employees who keep our government running. But with a ridership that continues to grow, WMATA's General Manager made it clear that the system requires more than \$11 billion in capital improvements from 2011 to 2020 to keep running. Without those funds, the system's aging infrastructure will continue to deteriorate.

The bill includes language directing WMATA to use the funds to first address immediate safety shortfalls identified by the National Transportation Safety Board, which include, but are not limited to, the improved crashworthiness of the agency's rail car fleet and the maintenance and modernization of WMATA's signal and automatic train control systems. The importance of those systems was vividly and painfully demonstrated in last month's Metro crash, which took the lives of nine commuters. For the sake of all those who rely on Metro, we must ensure that its safety meets the highest standard.

I urge my colleagues to support this strong appropriations bill and make clear our commitment to the efficiency and safety of America's Subway.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in strong support of this bill that provides important funding for national priorities, as well as regional projects including major projects in Harris County, TX we have been working on for years. The bill makes needed investments in transportation projects, housing projects, foreclosure prevention, and numerous other priorities.

One of the most significant projects that was included because of the benefits it will provide our district and the surrounding area is the funding for Houston METRO. This was funding our office requested, was in the President's requests, and was funded at \$75 million each for the North and Southeast Corridor Projects. FY2010 activities include final design, land acquisition, and construction for the first segments on these two lines.

Also included in the bill was \$400,000 for the flyover connecting HWY 146 and Spur 330. While this is a fraction of what I requested, it should allow additional design and planning on the project to begin. Our district encompasses a significant portion of the hurricane-threatened Gulf Coast of Texas. The State-mandated evacuation plan calls for the 70,000 residents of Baytown to travel south on Highway 146 to Spur 330 and to turn north for travel to Interstate 10. There is a direct connector from Spur 330 to I-10 westbound, however there is a major pinch point at the intersection of Highway 146 and Spur 330. All the evacuating residents must exit the main lanes and travel through three signalized intersections before reconnecting with a limited access highway.

Not only do these intersections create a bottleneck for evacuees, they also make it difficult for local emergency personnel to cross while preparing for and responding to an approaching emergency. All areas south of Highway

146 are in the storm surge zone, making evacuation mandatory, not voluntary. Our district also encompasses the entire Houston Ship Channel area and the resulting threats associated with these vital energy complexes. In addition to the evacuation criticality of this flyover, the efficient and safe movement of hazardous materials by the elimination of local traffic interaction will benefit a large portion of the District. I look forward to working with the Chairman in the future to ensure this critical project receives additional funding.

There was also \$200,000 included to acquire property along Buffalo Bayou's East Sector to create park land for continued development of the Buffalo Bayou greenway. The Buffalo Bayou Greenway Initiative promotes the economic development of Houston's innercity. The project has a major quality of life impact on not only the East End but on the entire Houston region, and I am pleased the Committee continued to provide federal funding to progress this ongoing effort. The project is taking abandoned property that is no longer viable for industrial use and transforming it into park space that is providing residents with recreational and environmental education opportunities.

Mr. Chair, I fully support this bill that provides increased resources for our nation's transportation needs, as well as strengthening social safety nets for those most in need. I urge all my colleagues to join me in supporting the passage of H.R. 3288.

Mr. ETHERIDGE. Mr. Chair, I rise in support of H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

This bill makes investments to improve transportation, housing, and critical national infrastructure, and, at least as critically, it is a jobs bill. H.R. 3288 builds on the work of the American Recovery and Reinvestment Act to create jobs and bolster our flagging economy. Unemployment rates across the country are reaching record highs, with my state of North Carolina at an average of 11.1 percent. New construction and renovation in transportation infrastructure and housing initiatives can provide thousands of desperately needed jobs. Every \$1 billion of federal investments in highways creates an estimated 34,800 jobs.

This bill provides a substantial increase in funding to repair and expand our Nation's aging infrastructure. Our transportation infrastructure provides the means to move goods and products; making it essential to the health of our larger economy as well as to the safety of every American traveler. H.R. 3288 provides \$41.1 billion to improve and repair our nation's highways, increases funding for the next generation of high speed rail, and includes \$3.5 billion for airport modernization and safety grants and \$2.9 billion to modernize the Federal Aviation Administration's air traffic control system.

H.R. 3288 also provides critical funding in the housing sector and invests in local communities, including those in rural America. Under this bill, there are more housing resources available for low income families, veterans, the elderly, and disabled individuals, including capital, operating funds, and counseling services. This bill also increases funding for Community Development Block Grants,

HOPE VI grants, and brownfields redevelopment.

This appropriations bill fully funds our most important transportation and housing priorities. I support H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 and I urge my colleagues to join me in voting for its passage.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the Transportation-HUD Appropriations Act of 2010. This bipartisan bill appropriates a total of \$123.1 billion to fund the transportation, infrastructure, housing assistance and development and transportation security priorities of the American people. The bill includes urgently needed federal funding for the Washington Metropolitan Area Transit Authority (WMATA) for which the entire Washington area delegation has long advocated.

WMATA plays a major role in supporting the federal government. By some accounts, as many as 50 percent of peak hour riders are federal employees or contractors. Last year, Congress authorized \$1.5 billion in dedicated Federal funding over 10 years for capital improvements and preventive maintenance. The legislation required the local jurisdictions to amend the WMATA compact to commit to providing matching funding, create an office of Inspector General, and enable the appointment of Federal representation on the WMATA Board. In late June, the delegation introduced companion resolutions to ratify the compact amendments.

The tragic derailment on June 22nd highlighted the importance of securing a stable and dedicated funding source for Metro modernization efforts. This bill makes the first installment of Congress' 10-year \$1.5 billion commitment by providing \$150 million in new funding for grants to WMATA for the DC Metro to address safety deficiencies and to help maintain and expand the capital's subway system. This \$150 million will help WMATA make urgent safety improvements and I thank Chairman OLVER for his attention to this critical need.

The bill also includes \$4 billion for high-speed passenger rail projects, \$10.5 billion for mass transit, \$41.1 billion for highways, and \$47 billion for the Housing and Urban Development Department.

HUD oversees the administration of many of the nation's housing assistance programs including many important community-development programs like the Community Development Block Grants program which will receive \$4.2 billion under the bill. The bill also provides \$151 million for grants under the Economic Development Initiative to finance targeted economic investments, and \$18 million for the Neighborhood Initiative Program to improve blighted or distressed areas in our neighborhoods.

The bill appropriates \$1.9 billion for HUD homeless-assistance programs and \$8.7 billion for the Section 8 program. This program is used by local housing authorities to provide rental subsidies to landlords who rent to low-income families.

Additionally, as more Americans turn to public transit, the bill invests \$10.48 billion in the Federal Transit Administration, including \$1.83 billion for new construction and \$8.34 billion for formula grants to improve existing systems.

This bill makes critical transportation investments that will put Americans to work while also helping repair crumbling highways and bridges, improve public transit, and modernize air travel. I encourage my colleagues to join me in support of the bill.

Mr. OLVER. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule and the bill shall be considered read through page 160, line 6.

The text of that portion of the bill is as follows:

H.R. 3288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$102,556,000, of which not to exceed \$2,631,000, shall be available for the immediate Office of the Secretary; not to exceed \$986,000, shall be available for the immediate Office of the Deputy Secretary; not to exceed \$20,359,000, shall be available for the Office of the General Counsel; not to exceed \$11,100,000, shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$10,559,000, shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,440,000, shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$25,520,000, shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,055,000, shall be available for the Office of Public Affairs; not to exceed \$1,658,000, shall be available for the Office of the Executive Secretariat; not to exceed \$1,433,000, shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$10,600,000, shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$13,215,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000, shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000, in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems, and reengineering business processes, \$5,000,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,667,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$14,733,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$147,569,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans for short-term working capital, \$342,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$570,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,074,000, to remain available until September 30, 2011: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS
(AIRPORT AND AIRWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the Essential Air Service Program pursuant to 49 U.S.C. 41731 through 41742, \$125,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the Essential Air Service Program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the Essential Air Service Program from any available amounts appropriated to

or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 103. The Secretary or his or her designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

FEDERAL AVIATION ADMINISTRATION
OPERATIONS
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$9,347,168,000, of which \$5,190,798,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,300,739,000 shall be available for air traffic organization activities; not to exceed \$1,231,765,000 shall be available for aviation safety activities; not to exceed \$14,737,000 shall be available for commercial space transportation activities; not to exceed \$113,681,000 shall be available for financial services activities; not to exceed \$100,428,000 shall be available for human resources program activities; not to exceed \$341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed \$190,063,000 shall be available for staff offices; and not to exceed \$49,778,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary utilize not less than \$17,084,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to

the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, including funds from fees authorized under Chapter 453 of title 49, United States Code, other than those authorized by Section 45301(a)(1) of that title, which shall be available for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$9,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That of the funds available under this heading not to exceed \$500,000 shall be provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code, and not to exceed \$120,000 shall be provided to that office through reimbursement to conduct the annual Enterprise Services Center Statement on Auditing Standards 70 audit: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of National Airspace Systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,925,202,000, of which \$2,455,202,000 shall remain available until September 30, 2012, and of which \$470,000,000 shall remain available until September 30, 2010: *Provided*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, other public authorities, and private sources, which shall

be available for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2011 through 2015, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$195,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2012: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,000,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,515,000,000 in fiscal year 2010, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$93,422,000 shall be obligated for administration, not less than \$15,000,000 shall be available for the airport cooperative research program, not less than \$22,472,000 shall be for Airport Technology Research.

ADMINISTRATIVE PROVISIONS—FEDERAL
AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation

Systems Development during fiscal year 2010.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2010, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. (a) Section 44302(f)(1) of title 49, United States Code, is amended—

(1) by striking "September 30, 2009," and inserting "September 30, 2010,"; and

(2) by striking "December 31, 2009," and inserting "December 31, 2010,".

(b) Section 44303(b) of such title is amended by striking "December 31, 2009," and inserting "December 31, 2010,".

SEC. 115. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 116. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 117. None of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 118. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

FEDERAL HIGHWAY ADMINISTRATION
LIMITATION ON ADMINISTRATIVE EXPENSES
(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$413,533,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed \$3,524,000 shall be paid from appropriations made

available by this Act and transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of projects and programs of the Federal Highway Administration, and not to exceed \$285,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code. In addition, not to exceed \$3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2010: *Provided*, That within the \$41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109-59) for fiscal year 2010: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

SURFACE TRANSPORTATION PRIORITIES

For the necessary expenses of certain highway and surface transportation projects, \$125,700,000, to remain available until expended: *Provided*, That the amount provided under this heading shall be made available for the eligible programs, projects, and activities identified under this heading in the report accompanying this Act: *Provided further*, That a project is an eligible project under this heading if the project is eligible for assistance under title 23 or chapter 53 of title 49, United States Code: *Provided further*, That funds provided under this heading shall be administered in the same manner as if

such funds were apportioned under chapter 1 of title 23, United States Code, and the Federal share payable on account of any program, project, or activity carried out with funds made available under this heading shall be determined in accordance with section 120(b) of title 23, United States Code: *Provided further*, That notwithstanding any other provision of law and the preceding clauses of this provision, the Secretary of Transportation may use amounts made available under this heading to make grants for any surface transportation project otherwise eligible for funding under title 23 or title 49, United States Code.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2010, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the day before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs

that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 through 2010; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds appor-

tioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be

subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 123. (a) In the explanatory statement referenced in section 129 of division K of Public Law 110-161 (121 Stat. 2388), the item relating to “Route 5 Overpass and River Center, St. Mary’s County, MD” in the table of projects for such section 129 is deemed to be amended by striking “Route 5 Overpass and River Center, St. Mary’s County, MD” and inserting “Safety Improvements and Traffic Calming Measures along Route 5 at St. Mary’s County, MD”.

(b) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 (123 Stat. 947), the item relating to “US 422 River Crossing Complex Project, King of Prussia, PA” in the table of projects under the heading “Transportation, Community, and System Preservation Program” is deemed to be amended by striking “US 422 River Crossing Complex Project, King of Prussia, PA” and inserting “For closed loop signal control system and other improvements for Trooper Road in Lower Providence and West Norriton Townships, Montgomery County, PA”.

(c) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 (123 Stat. 947), the item relating to “Improving the West Bank River Front, IL” in the table of projects under the heading “Transportation, Community, and System Preservation Program” is deemed to be amended by striking “Improving the West Bank River Front, IL” and inserting “East Bank River Front and Bikeway Improvements, IL”.

(d) In the explanatory statement referenced in section 186 of title I of division K of Public Law 110-161 (121 Stat. 2406), as amended by section 129(d) of division I of Public Law 111-8 (123 Stat. 947), the item relating to “Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL” in the table of projects under the heading “Transportation, Community, and System Preservation Program” is deemed to be amended by striking “Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL” and inserting “Intersection Improvements on Crawford Avenue and 203rd Street in the Village of Olympia Fields, IL”.

(e) In the explanatory statement referenced in section 129 of division K of Public Law 110-161 (121 Stat. 2388), the item relating to “Study Improvements to 109th Avenue, Winfield, IN” in the table of projects for such section 129 is deemed to be amended by striking “Winfield, IN” and inserting “Town of Winfield, City of Crown Point, Lake County, IN”.

(f) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 (123 Stat. 947), the item relating to “Ronald Reagan Parkway (Middle and Southern segments), Boone County, IN” in the table of projects under the heading “Transportation, Community, and System Preservation Program” is deemed to be amended by striking “Boone County” and inserting “Hendricks County”.

(g) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 (123 Stat. 947), the item relating to “Onville Road Intersection and Road-Widening Project, Prince William County, VA” in the table of projects under the heading “Federal Lands” is deemed to be amended by striking “Prince William” and inserting “Stafford”.

(h) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 (123 Stat. 947), the item relating to “U.S. 59/Alabama Grade Separation Project, St. Joseph, MO” in the table of projects under the heading “Interstate Maintenance Discretionary” is deemed to be amended by striking “U.S. 59/Alabama Grade Separation Project, St. Joseph, MO” and inserting “I-29 Interchange Reconstruction in St. Joseph, MO”.

(i) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 (123 Stat. 947), the item relating to “Decking and Sidewalk Replacement on the Central Avenue Overpass, South Charleston, WV” in the table of projects under the heading “Interstate Maintenance Discretionary” is deemed to be amended by striking “Decking and Sidewalk Replacement on the Central Avenue Overpass, South Charleston, WV” and inserting “General Interstate Maintenance, WV”.

(j) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111-8 (123 Stat. 928), the item relating to “Wapsi Great Western Line Trail, Mitchell County, IA” is deemed to be amended by striking “Mitchell County” and inserting “Mitchell and Howard Counties”.

(k) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111-8 (123 Stat. 928), the item relating to “Highway 169 Corridor Project Environmental Assessment, Preliminary Engineering and Planning, Humboldt, IA” is deemed to be amended by striking “Corridor Project Environmental Assessment, Preliminary

Engineering and Planning, Humboldt, IA” and inserting “Construction, Humboldt and Webster Counties, IA”.

(l) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111-8 (123 Stat. 928), the item relating to “Highway 53 Interchanges, WI” is deemed to be amended by striking “Interchanges” and inserting “Intersections”.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109-59, \$239,828,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of \$239,828,000, for “Motor Carrier Safety Operations and Programs”, of which \$8,500,000, is for the research and technology program to remain available for obligation until September 30, 2011, and \$1,000,000 shall be available for commercial motor vehicle operator’s grants to carry out section 4134 of Public Law 109-59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2010, and September 30, 2010, on the agency’s ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109-59, \$310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$310,070,000, for “Motor Carrier Safety Grants”; of which \$212,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; \$25,000,000, shall be available for the commercial driver’s license improvements program to carry out section 31313 of title 49, United States Code; \$32,000,000, shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; \$5,000,000, shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; \$25,000,000, shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109-59; \$3,000,000, shall be available for

the safety data improvement program to carry out section 4128 of Public Law 109-59; and \$8,000,000, shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: *Provided further*, That of the funds made available for the motor carrier safety assistance program, \$29,000,000, shall be available for audits of new entrant motor carriers.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87 and section 6901 of Public Law 110-28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109-59 and chapter 301 and part C of subtitle VI of title 49, United States Code, \$131,736,000, of which \$32,045,000 shall remain available until September 30, 2011: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, \$108,642,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$108,642,000 for programs authorized under 23 U.S.C. 403: *Provided further*, That within the \$108,642,000 obligation limitation for operations and research, \$26,908,000 shall remain available until September 30, 2011 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, \$4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$4,000,000 for the National Driver Register authorized under such chapter.

NATIONAL DRIVER REGISTER

For an additional amount for the "National Driver Register" as authorized by

chapter 303 of title 49, United States Code, \$3,350,000, to remain available through September 30, 2011: *Provided*, That the funding made available under this heading shall be used to carry out the modernization of the National Driver Register.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, to remain available until expended, \$619,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$619,500,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, of which \$235,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; \$25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; \$124,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2011 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; \$34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408; \$139,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; \$18,500,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109-59; \$29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109-59; \$7,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109-59; and \$7,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109-59: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: *Provided further*, That not to exceed \$750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109-59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obli-

gation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$172,533,000, of which \$15,300,000 shall remain available until September 30, 2011.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$34,145,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2010.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, \$40,000,000, to remain available until expended.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make passenger rail grants for capital projects as authorized under sections 26106 and 24406 of title 49, United States Code; the acquisition of new rolling stock; and to enter into cooperative agreements for these purposes, \$4,000,000,000, to remain available until September 30, 2015: *Provided*, That \$50,000,000 of funds provided under this paragraph are available to the Administrator of the Federal Railroad Administration to fund the award and oversight of financial assistance made under this paragraph: *Provided further*, That up to \$30,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of passenger rail service that is expected to maintain an average speed of 110 miles per hour or is reasonably expected to reach speeds of at least 150 miles per hour, including the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: *Provided further*, That up to \$50,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a state rail plan consistent with chapter 227 of title 49, United States Code: *Provided further*, That the Secretary shall issue regulations covering application procedures and grant criteria for the passenger rail grants provided under this paragraph: *Provided further*, That the Federal share payable of the costs for which financial assistance is made under this paragraph shall not exceed 80 percent: *Provided further*,

That in addition to the provisions of title 49, United States Code, that apply to the passenger rail programs funded under this paragraph, sections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this paragraph: *Provided further*, That a project need not be in a state rail plan developed under chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That up to \$5,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of implementing section 24316 of title 49, United States Code: *Provided further*, That if legislation authorizing a national infrastructure bank is enacted prior to September 30, 2010, beginning on October 1, 2010, the Secretary of Transportation may use up to \$2,000,000,000, of the amount appropriated in this paragraph to carry out such legislation including by transferring funds to the appropriate Federal agency to carry out the national infrastructure bank: *Provided further*, That if legislation enacting a national infrastructure bank is not enacted by September 30, 2010, the Secretary may use an additional \$20,000,000 of the funds available under this paragraph for the award and oversight of financial assistance made under this paragraph: *Provided further*, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101(a) of the Passenger Rail Investment and Improvement Act of 2008 (Division B of Pub. L. 110-432), \$553,348,000, to remain available until September 30, 2010: *Provided*, That the amounts available under this heading shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That the Secretary may retain up to one-half of one percent of the funds provided under this heading to implement the Operating Grants to the National Railroad Passenger Corporation in fiscal year 2010: *Provided further*, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Provided further*, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning 3 months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: *Provided further*, That the Inspector General of the Department of Transportation shall provide a report recommending to the House and Senate Committees on Appropriations 180 days after the date of the enactment of this Act on possible operational reforms that could be instituted by the Corporation: *Provided further*, That not later than 120 days

after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations its Fiscal Year 2011 plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): *Provided further*, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in its financial performance improvement plan provided in fiscal year 2009 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: *Provided further*, That the National Railroad Passenger Corporation shall submit, in electronic format, to the House and Senate Committees on Appropriations, a budget, business plan and a 5-Year Financial Plan beginning with fiscal year 2010, consistent with the provisions of section 204 of the Passenger Rail Investment and Improvement Act of 2008 (Division B of Pub. L. 110-432): *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall also include a separate accounting of targets for the Northeast Corridor; commuter service; long distance Amtrak service; state-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That, these plans shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement, and expansion of the Amtrak fleet: *Provided further*, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: *Provided further*, That the Corporation shall provide monthly reports in electronic format regarding the budget, business plan, and 5-Year Financial Plan, which shall describe the work completed to date, any changes to any plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: *Provided further*, That the Corporation's budget, business plan, 5-Year Financial Plan, and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF THE INSPECTOR GENERAL

To enable the Secretary of Transportation to make a grant to the National Railroad Passenger Corporation Office of the Inspector General for auditing the operations and capital expenditures of the National Railroad Passenger Corporation, as authorized by section 101(b) of the Passenger Rail In-

vestment and Improvement Act of 2008 (Division B of Pub. L. 110-432), \$19,000,000.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for capital grants supporting intercity passenger services as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Division B of Pub. L. 110-432), \$929,625,000, to remain available until September 30, 2010, of which not to exceed \$264,000,000 shall be for debt service obligations as authorized by section 102 of that Act: *Provided*, That in addition to the project management oversight funds authorized under section 101(d) of that Act, the Secretary may retain up to an additional one-half of one percent of the funds provided under this heading to fund expenses associated with implementing sections 208 and 212 of that Act, including the amendments made by section 212 to section 24905 of title 49, United States Code: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 151. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 152. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 154. The Administrator of the Federal Railroad Administration shall submit a report on April 1, 2010, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service

operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate.

SEC. 155. In the Explanatory Statement referenced in division I of Public Law 111-8 under the heading Railroad Research and Development the item relating to "San Gabriel trench grade separation project, Alameda Corridor, CA" is deemed to be amended by inserting "Alameda Corridor East Construction Authority Grade Separations, CA."

SEC. 156. In the Explanatory Statement referenced in division K of Public Law 110-161 under the heading Rail Line Relocation and Improvement Program the item relating to "Mt. Vernon railroad cut, NY" is deemed to be amended by inserting "Rail Line and Station Improvement and Rehabilitation, Mount Vernon, NY."

FEDERAL TRANSIT ADMINISTRATION ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$97,478,000: *Provided*, That of the funds available under this heading, not to exceed \$1,809,000 shall be available for travel: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the amounts made available under this heading not to exceed \$75,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code: *Provided further*, That upon submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2011.

FORMULA AND BUS GRANTS (LIQUIDATION OF CONTRACT AUTHORITY) (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, \$8,852,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, shall not exceed total obligations of \$8,343,171,000 in fiscal year 2010.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312-5315, 5322, and 5506, \$65,670,000, to remain available until expended: *Provided*, That \$10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and \$7,000,000

is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That \$44,370,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 5309 of title 49, United States Code, \$1,827,343,000, to remain available until expended, of which not to exceed \$200,000,000 is for section 5309(e) of such title: *Provided*, That \$2,000,000, shall be transferred to the Department of Transportation Office of Inspector General from funds set aside for the execution of contracts pursuant to section 5327(c) of title 49, United States Code, for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out section 601 of Division B of Public Law 110-432, \$150,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under "Federal Transit Administration, Capital Investment Grants" and for bus and bus facilities under "Federal Transit Administration, Formula and Bus Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2012, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2009, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital investment grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. During fiscal year 2010, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 90 percent of the net capital costs of a biodiesel bus or a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: *Provided*, That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related equipment.

SEC. 165. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 166. (a) In the explanatory statement referenced in section 186 of title I of division K of Public Law 110-161 (121 Stat. 2406), the item relating to "Broward County Southwest Transit Facility" in the table of projects under the heading "Bus and Bus Facilities" is deemed to be amended by striking "Southwest" and inserting "Ravenswood".

(b) The explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 for "Alternatives analysis" under "Federal Transit Administration-Formula and Bus Grants" is deemed to be amended by striking "Hudson-Bergen Light Rail Extension Route 440, North Bergen, NJ" and inserting "Hudson-Bergen Light Rail Extension Route 440, Jersey City, NJ".

(c) Funds made available for the Phoenix Heavy Maintenance Facility, Phoenix Dial-a-Ride facility, and the Phoenix Regional Heavy Bus Maintenance Facility in Arizona through the Department of Transportation Appropriations Acts for Fiscal Years 2005 and 2008 that remain unobligated or unexpended shall be made available to the East Baseline Park-and-Ride Facility in Phoenix, Arizona.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$32,324,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

MARITIME ADMINISTRATION MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a United States flag merchant fleet to serve the national security needs of the United States, \$174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$140,900,000, of which \$31,677,000 shall remain available until September 30, 2010, for salaries and benefits of employees of the United States Merchant Marine Academy; of which \$15,391,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which \$11,240,000 shall remain available until expended for maintenance and repair of training ships at State maritime academies.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$15,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI)
PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed \$3,630,000, which shall be transferred to and merged with the appropriation for "Operations and Training", Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME
ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration may furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under the control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. Section 51314 of title 46, United States Code, is amended in subsection (b) by inserting at the end "Such fees shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses."

PIPELINE AND HAZARDOUS MATERIALS SAFETY
ADMINISTRATION
OPERATIONAL EXPENSES
(PIPELINE SAFETY FUND)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$19,968,000, of which \$639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline Safety Information Grants to Communities" as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$36,500,000, of which \$2,699,000 shall remain available until September 30, 2012: *Provided*, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from states, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY
(PIPELINE SAFETY FUND)
(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$105,239,000, of which \$18,905,000 shall be derived from the Oil Spill Liability Trust Fund

and shall remain available until September 30, 2012; and of which \$86,334,000 shall be derived from the Pipeline Safety Fund, of which \$47,332,000 shall remain available until September 30, 2012.

EMERGENCY PREPAREDNESS GRANTS
(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), \$188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2011: *Provided*, That not more than \$28,318,000 shall be made available for obligation in fiscal year 2010 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)-(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his or her designee.

RESEARCH AND INNOVATIVE TECHNOLOGY
ADMINISTRATION
RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$12,834,000, of which \$6,036,000 shall remain available until September 30, 2012: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$74,839,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD
SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$29,800,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, to result in a final appropriation from the general fund estimated at no more than \$28,550,000.

GENERAL PROVISIONS—DEPARTMENT OF
TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles op-

erating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the explanatory statement accompanying this Act for "Ferry Boats and Ferry Terminal Facilities", "Federal Lands", "Interstate Maintenance Discretionary", "Transportation, Community and System Preservation Program", "Delta Region Transportation Development Program", "Rail Line Relocation and Improvement Program", "Rail-highway crossing hazard eliminations", "Alternatives analysis", and "Bus and bus facilities".

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$500,000 or more is announced by the department or its

modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant or cooperative agreement from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107-300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district

court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109-59: *Provided*, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

This title may be cited as the "Department of Transportation Appropriations Act, 2010".

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, \$25,969,000, of which not to exceed \$4,619,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed \$1,703,000 shall be available for the Office of Hearings and Appeals; not to exceed \$778,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$727,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed \$1,474,000 shall be available for the immediate Office of the General Counsel; not to exceed \$2,912,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed \$3,110,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed \$1,218,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,125,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed \$1,781,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed \$3,497,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed \$1,097,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed \$928,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: *Provided*, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following written notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed \$25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, \$537,897,000, of which not to exceed \$76,958,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed \$11,277,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed \$51,275,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed \$14,649,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed \$35,197,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed \$89,062,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed \$3,296,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed \$1,393,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed \$2,400,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed \$2,520,000 shall be available for the personnel compensation and benefits for the Office of Strategic Planning and Management; and not to exceed \$249,870,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: *Provided*, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.

PERSONNEL COMPENSATION AND BENEFITS

PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, \$197,074,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, \$98,989,000.

HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, \$374,887,000.

OFFICE OF THE GOVERNMENT NATIONAL
MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, \$11,095,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, \$21,138,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, \$71,800,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD
CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, \$7,151,000.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$14,242,200,000, to remain available until expended, shall be available on October 1, 2009 (in addition to the \$4,000,000,000 previously appropriated under this heading that will become available on October 1, 2009), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2010: *Provided*, That the amounts made available under this heading are provided as follows:

(1) \$16,387,200,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal year 2008 and 2009 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2010 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the most recent Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rata each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later

than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with the written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to \$150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act.

(2) \$120,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: *Provided*, That the Secretary may provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject to the availability of funds.

(3) \$1,600,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than \$1,550,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2010 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may de-

crease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2009 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities.

(4) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over.

(5) \$60,000,000 shall be for family self-sufficiency coordinators under section 23 of the Act.

HOUSING CERTIFICATE FUND

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing" and the heading "Project-Based Rental Assistance", for fiscal year 2010 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States

Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") \$2,500,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2010 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to \$15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters, excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.), occurring in fiscal year 2010: *Provided further*, That of the total amount provided under this heading, \$50,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount provided under this heading, up to \$8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2010 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2010 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,800,000,000.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), \$250,000,000, to remain available until September 30, 2011, of which the Secretary of Housing and Urban Development shall use \$10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I

of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$750,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, \$3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and \$4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to \$300,000 for related travel: *Provided further*, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$18,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$12,000,000, to remain available until expended: *Provided*, That of this amount, \$300,000 shall be for training and technical assistance activities, including up to \$100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), \$7,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$919,000,000: *Provided further*, That up to \$750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b), \$1,044,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to

subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$350,000,000, to remain available until September 30, 2011, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2012: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$4,600,607,000, to remain available until September 30, 2012, unless otherwise specified: *Provided*, That of the total amount provided, \$4,166,607,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That \$65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, \$151,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2008, 2009 and 2010, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, \$18,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced statement of the managers under this heading "Community Planning and Development" in title II of division K of

Public Law 110-161 is deemed to be amended by striking “Custer County, ID for acquisition of an unused middle school building” and inserting “Custer County, ID, to construct a community center”.

The referenced statement of the managers under this heading “Community Planning and Development” in title II of division I of Public Law 111-8 is deemed to be amended by striking “Custer County, ID, to purchase a middle school building” and inserting “Custer County, ID, to construct a community center”.

Of the amounts made available under this heading, \$150,000,000 shall be made available for a Sustainable Communities Initiative to stimulate improved regional planning efforts that integrate housing and transportation decisions, and to challenge communities to reform zoning and land use ordinances: *Provided*, That \$100,000,000 shall be for Regional Planning Grants to support the linking of transportation and land use planning: *Provided further*, That \$40,000,000 shall be for Metropolitan Challenge Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: *Provided further*, That up to \$10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Planning Grants and Metropolitan Challenge Grants programs: *Provided further*, That of the amounts made available under this heading, \$25,000,000 shall be made available for the Rural Innovation Fund to address the problems of concentrated rural housing distress and community poverty: *Provided further*, That of the amounts made available under this heading, \$25,000,000 shall be made available for the University Community Fund for grants to assist universities in revitalizing their surrounding communities, with special attention to Historically Black Colleges and Universities, Tribal Colleges and Universities, Alaska Native/Native Hawaiian Institutions, and Hispanic-Serving Institutions: *Provided further*, That the Secretary shall develop and publish guidelines for the use of such competitive funds including, but not limited to, eligibility criteria, minimum grant amounts, and performance metrics.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, \$6,000,000, to remain available until September 30, 2011, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, \$25,000,000, to remain available until September 30, 2011: *Provided*, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C. 12721 et seq.), \$2,000,000,000, to remain available until September 30, 2012: *Provided*, That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended (42 U.S.C. 12805 note), \$85,000,000, to remain available until September 30, 2012: *Provided*, That of the total amount provided under this heading, \$27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That \$53,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$10,000,000 may be made available for rural capacity building activities: *Provided further*, That \$5,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110-246.

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, \$1,850,000,000, of which \$1,845,000,000 shall remain available until September 30, 2012, and of which \$5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: *Provided*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program shall be used for permanent housing for individuals and families: *Provided further*, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*,

That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to \$8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2010.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”), not otherwise provided for, \$3,306,328,000, to remain available until expended, shall be available on October 1, 2009, and \$393,672,000, to remain available until expended, shall be available on October 1, 2010: *Provided*, That the amounts made available under this heading are provided as follows:

(1) Up to \$3,474,328,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than \$232,000,000 but not to exceed \$258,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667).

(3) Amounts recaptured under this heading, the heading “Annual Contributions for Assisted Housing”, or the heading “Housing

Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701(q)), as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, \$1,000,000,000, to remain available until September 30, 2013, of which up to \$872,000,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That, of the amount provided under this heading, up to \$90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, \$20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That up to \$2,000,000 of the total amount made available under this heading shall be for technical assistance to improve grant applications and to facilitate the development of housing for the elderly under section 202 of the Housing Act of 1959, and supportive housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, \$350,000,000, of which up to \$214,000,000 shall be for capital ad-

vances and project-based rental assistance contracts, to remain available until September 30, 2013: *Provided further*, That, of the amount provided under this heading, \$87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701(x)), \$70,000,000, including up to \$2,500,000 for administrative contract services, to remain available until September 30, 2011: *Provided*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

ENERGY INNOVATION FUND

For an Energy Innovation Fund to enable the Federal Housing Administration and the new Office of Sustainability to catalyze innovations in the residential energy efficiency sector that have promise of replicability and help create a standardized home energy efficient retrofit market, \$50,000,000, to remain available until September 30, 2013: *Provided*, That \$25,000,000 shall be for the Energy Efficient Mortgage Innovation pilot program, directed at the single family housing market: *Provided further*, That \$25,000,000 shall be for the Multifamily Energy Pilot, directed at the multifamily housing market.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, non-insured rental housing projects, \$40,000,000, to remain available until expended.

RENT SUPPLEMENT (RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z-1) \$27,600,000 are rescinded.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$16,000,000, to re-

main available until expended, of which \$7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$9,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2010 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2010, commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed a loan principal of \$400,000,000,000: *Provided*, That for new loans guaranteed pursuant to section 255 of the National Housing Act (12 U.S.C. 1715z-20), the Secretary shall adjust the factors used to calculate the principal limit (as such term is defined in HUD Handbook 4235.1) that were assumed in the President's Budget Request for 2010 for such loans, as necessary to ensure that the program operates at a net zero subsidy rate, except that no principal limit factor may be reduced below 60: *Provided further*, That during fiscal year 2010, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: *Provided further*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, \$188,900,000, of which up to \$70,794,000 may be transferred to the Working Capital Fund, and of which up to \$7,500,000 shall be for education and outreach of FHA single family loan products: *Provided further*, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2010, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and

1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, \$8,600,000, to remain available until expended: *Provided*, That commitments to guarantee loans shall not exceed \$15,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$500,000,000,000, to remain available until September 30, 2011.

POLICY DEVELOPMENT AND RESEARCH RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$50,000,000, to remain available until September 30, 2011.

FAIR HOUSING AND EQUAL OPPORTUNITY FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$72,000,000, to remain available until September 30, 2011, of which \$42,500,000 shall be to carry out activities pursuant to such section 561: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$140,000,000, to remain available until September 30, 2011, of which not less than \$20,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes

Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

MANAGEMENT AND ADMINISTRATION WORKING CAPITAL FUND (INCLUDING TRANSFER OF FUNDS)

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, \$200,000,000, to remain available until September 30, 2011: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: *Provided further*, That up to \$15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$120,000,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

For necessary expenses for combating mortgage fraud, \$20,000,000, to remain available until expended.

In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2012, for (1) research, evaluation, and program metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) information technology: "Public Housing Capital Fund," "Energy Innovation Fund," "Native American Housing Block Grants," "Native Hawaiian Housing Block Grants," "Revitalization of Severely Distressed Public Housing," "Brownfields Redevelopment," "Section 108 Loan Guarantees," "Housing Opportunities for Persons With AIDS," "Community Development Fund," "HOME Investment Partnerships Program," "Self-Help and Assisted Homeownership Opportunity Program," "Homeless Assistance Grants," "Housing for the Elderly," "Housing for Persons With Disabilities," "Housing Counseling Assistance," "Payment to Manufactured Housing Fees Trust Fund," "Mutual Mortgage Insurance Program Account," "General and Special Risk Program Ac-

count," "Research and Technology," "Lead Hazard Reduction," "Rental Housing Assistance," and "Fair Housing Activities": *Provided*, That the Secretary shall fund each of the four general purposes specified above at not less than 10 percent, and not more than 50 percent, of the aggregate transferred amount.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2010 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2010 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2010 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2010 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2010, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the

Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3 year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2010 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mort-

gage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless the Secretary of Housing and Urban Development provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2010, the Secretary shall transmit this information to the Committees by November 15, 2009 for 30 days of review.

SEC. 209. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 210. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that

a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 211. The President's formal budget request for fiscal year 2010, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 212. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 213. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2008 and 2009, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term “project-based assistance” means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term “receiving project or projects” means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term “transferring project” means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

SEC. 214. The funds made available for Native Alaskans under the heading “Native American Housing Block Grants” in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 215. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 216. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 217. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, until September 30, 2010, insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 218. Notwithstanding any other provision of law, in fiscal year 2010, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based

rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 219. During fiscal year 2010, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 220. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD’s use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 221. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–z) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 222. (a) The amounts provided under the subheading “Program Account” under the heading “Community Development Loan Guarantees” may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 223. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking “fiscal year” and all that follows through the period at the end and inserting “fiscal year 2010.”;

and

(2) in subsection (o), by striking “September” and all that follows through the period at the end and inserting “September 30, 2010.”.

SEC. 224. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 225. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, however, that a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 226. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, there is a trained allotment holder for each HUD subaccount under the headings "Executive Direction" and "Administration, Operations, and Management" as well as each account receiving appropriations for "personnel compensation and benefits" within the Department of Housing and Urban Development.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2010 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2010 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

SEC. 229. Prepayment and Refinancing.

(a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results—

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

SEC. 230. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: *Provided*, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: *Provided further*, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: *Provided further*, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: *Provided further*, That, this section shall apply to properties in fiscal year 2009 and 2010 made available as surplus Federal property for use to assist the homeless.

SEC. 231. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading "Personnel Compensation and Benefits" to any other account under this title under the heading "Personnel Compensation and Benefits" only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided*, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 232. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 233. FHA Loan Limits for fiscal year 2010. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS—For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2010, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620), notwithstanding any other provision of law, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act

(12 U.S.C. 1715z-20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008. (b) Discretionary Authority for Sub-Areas- Notwithstanding any other provision of law, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2010, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 234. GSE Confirming Loan Limits for fiscal year 2010. (a) Loan Limit Floor Based on 2008 Levels- For mortgages originated during fiscal year 2010, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)), respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 619), notwithstanding any other provision of law, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008. (b) Discretionary Authority for Sub-Areas- Notwithstanding any other provision of law, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during fiscal year 2010, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

SEC. 235. FHA Reverse Mortgage Loan Limits for fiscal year 2010. For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2010, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) shall be considered to require that in no case may the benefits of insurance under such

section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2010".

TITLE III

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,200,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901-5902, \$23,712,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$99,200,000, of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease. Of the funds provided, up to \$100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$133,000,000: *Provided*, That Section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104(a)) is amended by adding at the end of the first sentence, prior to the period, "except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule": *Provided further*, That in addition, \$63,800,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation ("NRC"), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined

by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures primarily in the subprime housing market to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of subprime mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default. Such reports shall identify successful strategies and methods for preserving homeownership and the long-term affordability of at-risk mortgages and shall include recommended efforts that will or likely can assist in the success of this program as well as an analysis of any policy and procedures that failed to result in successful mortgage foreclosure mitigation. The report shall include an analysis of the details and use of any post mitigation counseling of assisted borrowers designed to ensure the continued long-term affordability of the mortgages which were the subject of the mortgage foreclosure mitigation assistance.

UNITED STATES INTERAGENCY COUNCIL ON
HOMELESSNESS
OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$2,400,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2010 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations

Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2010. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing di-

rectly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

The CHAIR. No amendment shall be in order except the amendments printed in part A of House Report 111-219, not to exceed seven of the amendments printed in part B of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee; not to exceed two of the amendments printed in part C of the report if offered by the gentleman from Texas (Mr. HENSARLING) or his designee. Each amendment may be offered only in the order printed in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

The proponent of any such amendment may modify its amendatory instructions before the question is put thereon.

After disposition of the amendments specified in the first section of House Resolution 669, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

PART A AMENDMENT NO. 1 OFFERED BY MR. OLVER

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 111-219.

Mr. OLVER. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. OLVER:

Page 2, line 13, after the first dollar amount, insert "(reduced by \$250,000)".

Page 4, line 6, after the dollar amount, insert "(reduced by \$3,000,000)".

Page 8, line 9, after the dollar amount, insert "(increased by \$1,000,000)".

Page 8, line 16, after the dollar amount, insert "(reduced by \$1,000,000)".

Page 38, line 7, after the first dollar amount, insert "(increased by \$250,000)".

Page 43, line 3, after the dollar amount, insert "(increased by \$3,000,000)".

Page 92, line 5, strike "\$4,600,607,000" and insert "\$4,598,607,000".

Page 93, line 12, strike "\$18,000,000" and insert "\$16,000,000".

Page 93, line 22, before the period insert the following: "Provided further, That none of the funds made available under this heading may be used for the construction and facility buildout of a multi-purpose complex at Indiana University of Pennsylvania".

Page 109, lines 3 and 4, strike "except that no principal limit factor may be reduced below 60".

At the end of the bill (before the short title), insert the following:

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301-10.122 and 301-10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light

bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Massachusetts (Mr. OLVER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, this is a good amendment that makes a handful of modest changes to the bill. It adds \$250,000 for the National Highway Traffic Safety Administration to develop safety standards for the incorporation of alternative fuel technologies in vehicles.

It increases the Federal Rail Administration's Railroad Research and Development account by \$3 million, which will allow the FRA to perform multiple studies that were authorized in last year's rail safety bill. It provides \$1 million for the Federal Aviation Administration to support commercial space activities.

This amendment includes two provisions championed by Representative CUELLAR from Texas and included in previous appropriations bills, one that requires the use of energy-efficient bulbs in Federal buildings; and the second, which precludes Federal employees from flying first class.

Last, we have included a technical change to a provision that my ranking member, Mr. LATHAM, has championed in order to ensure that the Home Equity Conversion Mortgage program can be implemented without Federal subsidy.

I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I would ask for the time in opposition, although I will not oppose his amendment.

The CHAIR. Without objection, the gentleman from Iowa is recognized for 5 minutes.

There was no objection.

Mr. LATHAM. Let me just express my frustration in this amendment, and they're all good projects. There are five amendments, all of substance, that we could have agreed on. But also, looking through the list here: We have another four or five amendments that we could have agreed on, of substance, and we will agree on.

Again, I go back to the fact that the Rules Committee, the process is just totally out of whack, and the fact that while I don't oppose these—actually, one of the projects that Mr. BRALEY referred to is something that I started several years ago and has been very, very successful as far as using soybean grease as far as lubricants on railroads. It's been in practice now for several years.

It's the frustration I have that we couldn't have substantive amendments made in order. We have five Democratic amendments put in here, of sub-

stance, while we were denied that option. I think it is extremely unfair and really brings shame upon this body and the process that should be in place for all of our constituents to have their Representatives here to decide and vote on amendments which would be of importance to their districts and to the Members' constituents.

I just, again, express my total frustration with the Rules Committee. I don't blame the chairman at all, but it's just the process has totally fallen apart.

With that, I yield 2 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding. Mr. Chairman, I come before you today to protest this restrictive process.

Mr. Chairman, I have submitted a handful of very simple, straightforward, and commonsense amendments to this body. This arbitrary process of choosing which amendments are allowed to be considered on the floor is unworthy of this institution and has damaged the democratic process.

Is the majority leadership so afraid of making their Members vote against such commonsense measures as cutting this bill by half a percent that they wouldn't even allow debate?

I also submitted an amendment that would have prohibited any money in this bill to be spent on bike paths. Mr. Chairman, maintaining bike paths is clearly not a function of the Federal Government, and especially in these tough economic times and an era of large deficits.

This is not an appropriate use of Federal funds and taxpayers' dollars. At a time when our Federal Government is hemorrhaging money and selling bonds to foreign countries like China just to be able to keep the lights on, building bike paths is certainly a frivolous expense that should be cut out of this bill. Unfortunately, this amendment was not allowed to be debated.

The distinguished chairman of the Appropriations Committee has made it known that he is conducting the appropriations process in this restrictive manner in the interest of time. But, Mr. Chairman, that argument does not make any sense.

The Constitution has mandated this body with a finite number of basic responsibilities. Chief among those is allocating Federal dollars. If we cannot spend more than 1 hour debating appropriation bills that allocate hundreds of billions of dollars, then I would suggest that our priorities, the ones that deserve time on this very floor, are misplaced.

I urge my colleagues to vote "no" on this legislation and for the majority party to turn the legislative process back to regular order.

Mr. OLVER. Could I inquire how much time there is remaining.

The CHAIR. The gentleman from Massachusetts has 3½ minutes. The gentleman from Iowa has 2 minutes.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I speak in favor of the manager's amendment. This is a very important bill putting America back to work and working on infrastructure and transportation systems that are so important to America's economic vitality and growth. But also, rail transportation is important. Rail is important in many ways, both in a commercial way and in a passenger way.

This particular manager's amendment puts an additional \$3 million into the Federal Railroad Administration's Research and Development account. It's certainly the hope of many Members that this will allow for studies of high-speed rail, one of which will go from Little Rock to Memphis, and other studies, so that we can have more high-speed rail and less use of automobiles safe with the environment, and make passenger traffic more available to more people at a more reasonable cost.

Mr. LATHAM. Again, I just want to reiterate, these are good, substantive amendments. All have merit. The frustration I have is that all five are Democrat amendments, never even an opportunity. And there will be several more Republican amendments here that we'll probably agree on. I don't know why we couldn't do this. But it's frustration I have with the process, and it's very concerning to me.

Mr. BRALEY of Iowa. Mr. Chair, I rise today in strong support of the Manager's Amendment to the Transportation HUD Appropriations Act. I'm pleased to have secured an increase of \$3 million in this amendment for the Federal Railroad Administration's (FRA's) Railroad Research and Development Account. This additional money for FRA's Railroad Research and Development Account could fund the Biodegradable Lubricants study authorized in Division B: Section 405 of the Railroad Safety Enhancement Act of 2008 as well as other feasibility studies authorized in that bill, and I believe that a portion of this funding should go towards the Biodegradable Lubricants study. This study will help reduce our dependence on foreign oil and reduce our national addiction to petroleum imports. If all industrial lubricants used annually in the U.S. could be replaced with biobased versions, over 2 billion gallons of petroleum per year would be replaced.

In performing this study, the National Ag-Based Lubricants Center (NABL) at the University of Northern Iowa would be a perfect partner for the Federal Railroad Administration. NABL's expertise and resources in biobased lubricants is unmatched, and it is the only entity whose primary mission is the research and testing of agricultural-based lubricants. I thank the Chairman for including \$3 million in additional funding for the FRA's Railroad Research and Development account and I look forward to seeing the Transportation HUD Appropriations Act signed into law.

Mr. LATHAM. I will support the gentleman's amendment, and I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I believe this is a good amendment, and I would ask for its passage, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

The amendment was agreed to.

PART A AMENDMENT NO. 2 OFFERED BY MR. HENSARLING

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 111-219.

Mr. HENSARLING. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 2 offered by Mr. HENSARLING:

Strike line 20 on page 87 and all that follows through page 88, line 12.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. By any possible measurement whatsoever, spending is out of control in the Nation's Capital. Already, this Democratic-controlled Congress has spent \$1.1 trillion on a government stimulus plan costing every American household \$9,810. That included \$100 million for an after-school snack program, \$10 million for urban canals. The list goes on.

This Democratic majority in Congress has also passed an omnibus bill costing \$410 billion, weighing in at roughly \$3,500 per American household. That one included \$150,000 for lobster research in Maine and \$143,000 to develop and expand a comprehensive online encyclopedia.

Now we know, once again, after the President's press conference last evening, he and the Democrats in Congress will go forward on a government-controlled health care plan that even the Congressional Budget Office, appointed by Democrats, says will cost a minimum of a trillion dollars. Again, costing every American household roughly \$9,000.

And what do we have for all this, Mr. Chairman? What do we have?

We now have the single largest Federal deficit that we have ever had in our Nation's history. It crossed the trillion-dollar mark. There was a time not too long ago we always talked in terms of billions; and now it's trillions are rolling off the tips of our tongues.

The Federal debt, the Federal debt under this spending program will triple, triple in the next 10 years. This Congress is on a trajectory to create more debt in the next 10 years than in the previous 220. We're borrowing

forty-six cents on the dollar, mainly from the Chinese, and sending the bill to our children and grandchildren.

Mr. Chairman, it is crushing not only to the next generation; it's crushing job growth. Since the President has come into office, an additional 2.6 million Americans have lost their jobs. At 9.5 percent, we're looking at the largest unemployment that we've seen in a quarter of a century. Enough is enough.

And so I want to take the President up on a challenge that he issued to Congress just a couple of months ago. He said, "If we're going to rebuild our economy on a solid foundation, we need to change the way we do business in Washington. We need to spend money wisely."

The President went on to say, "That starts with the painstaking work of examining every program, every entitlement, every dollar of government spending and asking ourselves: Is this program really essential? Are the taxpayers getting their money's worth?" Those are the words of our President, Mr. Chairman.

□ 1400

Mr. Chairman, today I just want to focus on one program, one program out of an estimated 10,000 programs. It's called HOPE VI. Well, according to OMB—and you can look at their Web site—this is the program that has already accomplished its original objective. According to OMB, HOPE VI "has completed its goal of contributing to the demolition of 100,000 severely distressed public housing units."

Now, since achieving its original objective, OMB goes on to further say, The program is more costly than other programs that serve the same population. The program has accomplished its stated mission. And furthermore, I am told—and I hope that the distinguished chairman can shed some light on this. I'm told the program is sitting on almost \$1 billion of unexpended balances.

I mean, we're shoving more money their way, Mr. Chairman, and they can't even spend the money that they already have. It's time for us to lead by example, terminate one program, and quit borrowing the money from the Chinese and sending the bill to our children and grandchildren.

I reserve the balance of my time.

Mr. OLVER. I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I rise in opposition to the amendment. The HOPE VI program was launched in 1992 to allow the replacement of affordable housing that had deteriorated and was determined to be uninhabitable. The annual appropriations for about 10 years after that point were \$500 million per year or thereabouts.

During that time, 25 to 30 applications were awarded each year, and some of those programs went forward very expeditiously and some of them did not move forward as expeditiously. But in at least the last 5 years, under the previous administration, each year the administration attempted to rescind the appropriation that had been made the previous year and then zero out the program for the year that we were appropriating for, attempting not just to cripple but to terminate the program.

Congress refused, because many communities still had projects for the program, so we still had five or six projects per year, because the appropriation was for several years, at least 5 years, was frozen around \$100 million or thereabouts per year. Now, it is my understanding, at least, that what are—typically programs and projects that had been afforded money under the program of HOPE VI took from 3 to 7 years and that would be used to complete. Some took longer.

During the past year, we have been able to get the Department of Housing and Urban Development to spend special time, special effort, through technical assistance and working with the organizations that had the applications in, to go back and make certain that those that had been awarded in 2002 and 2003 were moving forward. They made some serious progress on that, but there is still need for this program.

At this point I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK), who is the chairman of the Authorizing Committee, because so great is the need that the Authorizing Committee has been working on that.

Mr. FRANK of Massachusetts. I thank my colleague who does an excellent job in chairing the subcommittee.

While the author of this amendment and myself both serve on the Financial Services Committee, I think I can say that on a bipartisan basis over the years, the Financial Services Committee has shown a lot of support for this program and for improving it.

The gentleman cites some unexpended balances, but here's the problem. There's kind of a catch-22 here. If program money is spent too rapidly and it is then spent inefficiently, there is criticism. What has happened with HOPE VI is that in response to some legitimate criticism, some controls were proposed to slow things down. This money ultimately gets spent, but it gets spent in a way that is less likely to be abused.

It is also the case that there is a kind of "you lose either way" argument made against public housing. Often the criticism is in that public housing warehouses people in large projects that do not have the capacity to provide a decent living environment. HOPE VI is an effort to preserve the units, because we do have a shortfall

for family public housing in many parts in the country, not in all, but by redoing the projects to remove the stigma that has attached. And if you get rid of the HOPE VI program, you then abandon the notion that you are going to go to existing public housing to try to make it more livable and less concentrated.

Now, that's not an easy thing to do. We've been working, again, in a bipartisan way on ways to improve that, to bring in other services, to coordinate how you do it. But to simply shut the program off is, I think, to say to the people who live in the public housing that was built inappropriately—the residents didn't build it, society built it and put them there.

It would say, We are abandoning any effort to improve the liveability of where you are, and also then make them more vulnerable to criticism and build opposition to the whole notion, when the alternative is to make the living conditions better for the people in the surrounding communities.

Mr. OLVER. I reserve the balance of my time.

The CHAIR. The gentleman from Texas has 1 minute remaining, and the gentleman from Massachusetts has the option of closing.

Mr. HENSARLING. Thank you, Mr. Chairman.

Again, the President of the United States says, Start the painstaking work of examining every program. Mr. Chairman, we have a program that, number one, has achieved its mission; number two, it is now effective; number three, it is duplicative of another program; number four, it has at least 5 years of appropriations in the pipeline; number five, we are looking at the single-largest deficit in the entire history of the United States of America. We have the largest unemployment rate in 25 years.

Mr. Chairman, out of 10,000 Federal programs, if you won't terminate one to quit borrowing money from the Chinese and sending the bill to our children and grandchildren, if you won't terminate this program, I mean, please, which one will you? Is there ever a point where you say, Enough debt is enough? Is there ever a point where you finally conclude that the best housing program in America is a job? Let's create the jobs. Let's not destroy the jobs. I urge adoption of the amendment.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, just last fall this House passed reauthorization legislation for HOPE VI and authorized for the first year of that \$750 million. The work of HOPE VI simply is not done. That represents how much the demand is on the part of the membership of the House.

Basically, what I would say here is that this work needs to continue. There is much need for affordable hous-

ing in this country. The HOPE VI program is not duplicated by anything else that I know of, and I would urge that the amendment be defeated.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

PART A AMENDMENT NO. 3 OFFERED BY MR.

LATHAM

The CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 111-219.

Mr. LATHAM. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 3 offered by Mr. LATHAM:

Page 44, line 8, after the dollar amount, insert "(reduced by \$3,000,000,000)".

Page 45, line 21, strike "Provided further," and all that follows through the semicolon on page 46, line 8.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. I thank the chairman very much. This really is a very simple amendment. I seek to bring the funding level for high-speed rail back down to the President's request of \$1 billion and strike the transfer authority for the National Infrastructure Bank.

When the stimulus deal was announced by the President and the Democrat leadership, we were told that the plan was to provide \$8 billion for high-speed rail in the stimulus and another \$1 billion a year for the next 5 years. My amendment meets the President's goals and his plans. We are just now embarking on this high-speed rail initiative. The stimulus funds are still in the Treasury. They haven't been spent, and there is little reason to dump another \$3 billion on top of an unspent \$8 billion since the committee hasn't even had the time to do any oversight at all in this area.

I know the chairman is going to reference that there is pent-up demand for high-speed rail, and he is going to mention \$100 billion in grant applications. Are we really ready to embark on a \$100 billion endeavor on top of the million-, billion- and trillion-dollar endeavors already under consideration? We don't even know if those grant applications have any feasibility at all.

Second, this amendment would strike the transfer to the National Infrastructure Bank. The administration requested \$5 billion for a bank in their

budget requests, but it didn't include any authorizing language at all. I know there are a few bills out there that would authorize this, and those proposals should be considered in the regular authorizing process. However, there is no bank today. There is no authorized bank in which to put this money. I'm not opposed to the bank idea, but I believe we should know what the activities and programs are that we are paying for up front.

The bill before us gives authority to transfer \$2 billion to the bank on October 1, 2010, should the bank ever be authorized by that date. Now, October 1, 2010, is actually in the 2011 fiscal year, and this committee will have the opportunity to consider funding that bank within the budget priorities for fiscal year 2011 under that 2011 allocation. There is absolutely no reason to do that now.

I did have an amendment to transfer the \$3 billion to the highway trust fund, but the Rules Committee was probably too worried that the amendment may pass. However, without the transfer, this is still a good amendment. Cutting an extra unrequested \$3 billion from this account still meets the President's request, his commitment, and would give me good reason to support this otherwise pretty good bill.

I urge the adoption of my amendment. Again, I just want to make sure people know that this is \$3 billion on top of the \$1 billion the President requested, \$2 billion of which is set aside—people talk about this money going to high-speed rail. It's not going to go there. This is set aside in a fund basically to be held so that just in case this infrastructure bank is authorized, the money will go there. This has nothing to do with high-speed rail. It has everything to do with making this a bill that people can support.

I reserve the balance of my time.

Mr. OLVER. I rise to claim the time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. First of all, I want to say that this high-speed rail, the program for combined high-speed and intercity passenger rail, that is the most important transportation initiative since the Eisenhower Interstate Highway System, the National Defense Highway System of 50 years ago, which took a generation, basically, to build. It's not going to happen quickly. It's going to take a period of time, there is no question, but it is the most important initiative. There is pent-up demand. There is a huge demand.

The first preapplication period for this bill brought in \$100 billion of applications for \$8 billion that was in place there. If we do not add significantly to that, as this bill does do, by adding \$4 billion to the \$8 billion that is already

there, then people will lose faith or wonder, Are we in this seriously? Are we going to do high-speed and intercity passenger rail, as had been proposed and put forward in the recovery bill earlier or aren't we intending to do that?

□ 1415

I think we must keep this momentum going, for if we lose it, then that would be a very bad thing to have happen. There are applications for more than 40 States in the union totaling a hundred billion dollars. Some of those are going to be in construction later this year or early next year. The actual final applications are due for the smaller projects within a month. And within 2 months after that, they are supposed to be in awards. So they are expected to be providing jobs next year.

So I think that that is a very appropriate way to keep our public momentum going toward passenger and intercity rail, high speed and intercity passenger rail.

I reserve the balance of my time.

Mr. LATHAM. I will reserve at this time.

Mr. OLVER. How much time is left now?

The CHAIR. The gentleman from Massachusetts has 3 minutes. The gentleman from Iowa has 1 minute. The gentleman from Massachusetts has the right to close.

Mr. OLVER. I yield 1½ minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Today I rise to encourage my colleagues to vote "no" on this amendment that would cut funds for high-speed and passenger rail funding. Just 1 week ago, the Department of Transportation announced that it received 278 preapplications for high-speed and intercity passenger rail funds totaling \$102 billion. Northeastern States submitted 79 applications totaling \$35 billion; the South and Southeastern States 44 applications totaling \$66 billion; Northwestern States submitted 47 applications totaling \$13 billion; and the Western States submitted 108 preapplications totaling \$38 billion.

Clearly, there is an increased demand for high-speed rail for the future and transportation of America. It will provide more efficient travel, increase U.S. jobs, reduce hydrostatic carbon emissions from all transportation sources, increase economic competitiveness, and reduce the dependence on foreign oil. And prove that freight lines will also offer more effective freight service. But the \$8 billion provided in the American Recovery Act is just the beginning.

I urge my colleagues to vote "no" on this amendment.

Mr. LATHAM. I will reserve at this time.

Mr. OLVER. I yield 1¼ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I rise in strong opposition to this amendment. It eliminates \$3 billion in high-speed rail funding for 2010, including the \$2 billion that could go to capitalize a much-needed infrastructure bank if authorized. We need to look to improve our way of life, create jobs, foster long-term economic growth, which we can do through an infrastructure bank which is an independent entity, would consider a broad range of infrastructure projects objectively, leverage hundreds of billions of dollars in private capital to put toward rebuilding America.

This is not a partisan issue. This past week the bipartisan National Governors Association endorsed the concept of an infrastructure bank by resolution. The U.S. Chamber of Commerce, labor groups strongly support this effort. President Bush's transportation secretary, Mary Peters, said there are upwards of \$400 billion in private capital available through pension funds, sovereign wealth funds.

To invest in our Nation's infrastructure, we need to harvest the power of that private capital and in a smart way and in an effective way in order for us to remain competitive in the 21st century.

I urge my colleagues to reject this amendment.

Mr. LATHAM. I yield myself the remainder of the time.

I will have to say I'm a little bit confused. First they're saying that this is a cut to high-speed rail, and then the last speaker got up here and said, Well, no, that money is not for high-speed rail, it's for some program that hasn't even been authorized yet. I'm not quite sure where we are here, because we're talking about spending the same money two or three times. I would suggest to the gentlewoman from Connecticut that there is no authorized bank. And by the language in this bill, those dollars could not be transferred until the next fiscal year, which means that the whole next year's cycle, if this bank is authorized, if that money is needed, we can do that next year.

But to have this money sit in a slush fund basically and do nothing—and everyone knows it's not going to go out the door, and the gentleman from Massachusetts knows—my chairman, who I love dearly—but he knows that I made this statement in committee. I'm not against high-speed rail. As a matter of fact, I made the statement on two different occasions that I think the \$787 billion of stimulus money could have had actually been well spent and we could have a national high-speed rail system and actually accomplish something if we would have spent all of that money in the stimulus just on high-speed rail. We would have the Eisenhower Interstate Project. I'm not

against it, but I'm just saying to have this money sit here and do nothing when we've got a critical issue, as far as the highway trust fund that needs funding immediately, is simply wrong.

Let's save the money, let's make the bill acceptable to a lot more people who can support it on a bipartisan basis.

I yield back the balance of my time.

Mr. OLVER. As the gentleman understands, the \$4 billion is available in this fiscal year for which we're appropriating only for high-speed rail. And I hope that it will remain there.

I urge the defeat of the amendment so that we will keep the momentum up and keep the building, the development of high-speed rail moving forward as fast as possible.

Mr. HARE. Mr. Chair, I rise in strong opposition to this amendment.

I thank Chairman OBEY and OLVER for including \$4 billion in this bill to create a 21st Century passenger rail system that will strengthen the economy by creating jobs, reducing congestion and improving mobility on our nation's highways.

For every \$1 billion invested in transportation, 35,000 jobs are created. With our economy suffering from one of the worst recessions in memory, this is the type of growth we should be promoting.

This money will help fund projects like the Chicago-Quad Cities-Iowa City passenger rail line near my home town. This plan will benefit businesses, leisure, and commuter travel, as well as positively impact regional commerce. In the Quad Cities alone, this project is estimated to create nearly 825 jobs and increase household income by almost \$16 million.

The amendment before us slashes funding for high-speed and intercity passenger rail and prohibits the transfer of monies to a National Infrastructure Bank to fund the future modernization of our nation's road and rail systems. This will thwart economic growth by killing future jobs.

I strongly urge my colleagues to reject this amendment, and instead, support growing our economy, improving mobility, and protecting the environment.

Mr. BRALEY of Iowa. Mr. Chair, I rise today in opposition to the Latham amendment, which could seriously jeopardize Iowa's effort to bring passenger rail to the State. For the last two and a half years, I've been a strong advocate for bringing rail service from Chicago to Iowa, and this amendment cuts the very funds that will help make this rail service a reality. This amendment could lead to a loss of Iowa jobs, as well as reduced economic development opportunities throughout the state.

Two new passenger rail routes that will provide significant public and economic benefit are the lines from Chicago to the Quad Cities and Chicago to Dubuque, Iowa. Both routes would open up large parts of rural Illinois and eastern Iowa to huge economic growth and prosperity. These routes would also provide vacation spots for residents of Chicago in scenic Dubuque and Davenport, Iowa. The availability of passenger rail heading west from Chicago could also help eliminate congestion at O'Hare airport as many airline passengers

fly regionally to the Quad Cities, Dubuque and Des Moines. Bringing rail service to Iowa would bring the opportunity to extend these Amtrak routes to Iowa City, Des Moines, Waterloo, and other cities. Many travelers would then be able to choose a train ride over the stress of the airport. Expanded passenger rail service would help reduce our dependence on foreign oil by encouraging the use of rail for travelers and decreasing the use of gasoline. Both of these routes would provide new passenger transportation through the heart of the country, bringing new opportunities to many Midwestern cities, creating jobs, and providing new transportation options for families and businesses. I can't support a proposal that could put the future of these projects in doubt.

The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

The question was taken; and the Chair announced that the yeas appeared to have it.

Mr. LATHAM. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

PART A AMENDMENT NO. 4 OFFERED BY MR. MCHENRY

The CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 111-219.

Mr. MCHENRY. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. MCHENRY:

Page 46, line 21, after the dollar amount insert "(reduced by \$1,000,000)".

Page 50, line 15, after the dollar amount insert "(increased by \$1,000,000)".

The CHAIR. Pursuant to House Resolution 669, the gentleman from North Carolina (Mr. MCHENRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, the Office of Inspectors General throughout our government do a yeoman's task at providing oversight of Federal spending, and I think it's important that these matters be brought before the House.

Mr. Chairman, at a time when Congress is burning through unprecedented amounts of taxpayer dollars, oversight and accountability are of greatest importance. We need to know who's getting the money and what it's being used for. As of the end of June, this Congress has already spent \$2.6 trillion, and we're on pace to have a \$1.8 trillion deficit this year—the largest in our Nation's history. The American people know we're spending a lot of money in Washington. Whether they like it or not is another question. But we need to make sure that we're getting value for our dollar. Amtrak has recently bene-

fited from this unprecedented funding by taking in \$1.3 billion from the so-called stimulus bill in addition to their annual appropriations of \$1.4 billion.

This makes it all the more troubling to find out that in the course of conducting his oversight activities, Amtrak's former inspector general, Fred Weiderhold, was being misinformed, deceived, and circumnavigated by lawyers and bureaucrats within his agency in his effort to track down stimulus money. And the same day that a report came out highlighting the ways in which Amtrak officials were interfering with his job, Mr. Chairman, Inspector General Weiderhold unexpectedly resigned. This raises many questions about the sudden departure of a career official, particularly where there is political pressure from the current administration for him to step down.

The Oversight and Government Reform Committee—of which I am a member—is launching currently an investigation into this matter, which occurred last month, and I look forward to seeing what comes out of this investigation. The reason why I bring it before the House is so that Members know what's happening with inspectors general across the government.

However, it doesn't just stop with the Amtrak inspector general. His resignation is only one of what seems to be a larger pattern of inspector general purges throughout the Obama administration. Gerald Walpin, the long-time inspector general for the Corporation of National and Community Service, which overseas AmeriCorps, was fired in June after his investigation into the use of grant funds for political purposes turned up some disturbing information.

Judith Gwynne, the acting inspector general for the International Trade Commission, was also fired last month, coincidentally right after Senator GRASSLEY of Iowa expressed concerns in a letter to the International Trade Commission chairwoman about the potential agency obstruction of Ms. Gwynne's investigations of contractors' activities.

Even Neil Barofsky, who is a special inspector general for the TARP—or the bailouts—has expressed worry after Treasury Department officials informed him that the Department had legal authority over his office.

We need to make sure that we have proper oversight and accountability of the funds that we're spending in this government. The American people deserve comprehensive, around-the-clock oversight of spending. That's why we have inspectors general. The administration's pattern of undermining and removing oversight when it becomes politically inconvenient makes this all more important to be brought to the attention of the House.

And the reason why I rise today is under these limited rules that we have

on appropriations bills, it's very difficult to bring issues before the whole House. And so that's why I speak today to make sure that we have inspectors general throughout the government, not just in Amtrak, that are able to do their job without political interference from any administration or any outside forces.

So that's why I rise today, to make sure that I have this opportunity to bring it before the House of Representatives and its Members.

I ask unanimous consent to withdraw my amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

PART A AMENDMENT NO. 5 OFFERED BY MR. SCHOCK

The CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 111-219.

Mr. SCHOCK. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. SCHOCK:

Page 96, line 19, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 105, line 19, after the first dollar amount, insert "(increased by \$5,000,000)".

The CHAIR. Pursuant to House Resolution 669, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHOCK. Mr. Chairman, I yield myself as much time as I may consume.

Our country continues to see a significant increase in foreclosures, which are up 18 percent this January over last. Those figures continued to rise the first quarter of 2009, with an additional 616,000 homeowners filing foreclosures. Over 25,000 of those foreclosures were in my home State of Illinois alone. And now the percentage of subprime loans in foreclosure has, for the first time ever, eclipsed 14 percent. We have all heard about these ridiculous loans: ballooning adjustable rates, reverse amortization, and interest-only mortgages which never actually provide home ownership. These vehicles of financial ruin usually have only one possible result for the homeowner: foreclosure.

And while it would be much too simplistic to place the blame for the housing crisis at the feet of these irresponsible loans, they are certainly the chief culprits. And while many programs have been enacted to help victims who have fallen victim to these deceptive practices, little has been done to ensure that this crisis does not happen again, that future homeowners are not lured by irresponsible mortgages. It is time we take some preventative action

to make certain homeowners have access to professionals which will assist them in understanding what they are getting into, and hopefully not only delinquency but ultimately foreclosure.

The amendment I am offering today is a simple transfer of funds, yet will go great lengths to ensure that the American people have access to additional necessary resources before purchasing a home.

Mr. OLVER. Will the gentleman yield?

Mr. SCHOCK. I will.

Mr. OLVER. I thank the gentleman for yielding.

I think the gentleman has found a very appropriate amendment. It takes a small amount of money from a very large program to put into a program that we have supported and I have supported strongly. I am perfectly willing to accept the gentleman's amendment.

□ 1430

Mr. LATHAM. I will join the chairman, and we will certainly be glad to accept the amendment.

Mr. SCHOCK. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

PART A AMENDMENT NO. 6 OFFERED BY MR. CAO

The CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 111-219.

Mr. CAO. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 6 offered by Mr. CAO:

Page 152, line 17, strike "bi-annually" and insert "quarterly".

The CHAIR. Pursuant to House Resolution 669, the gentleman from Louisiana (Mr. CAO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CAO. Mr. Chairman, I rise today in support of amendment No. 6 to the appropriations bill. I thank Chairman OLVER and Ranking Member LATHAM for their support and assistance.

Mr. Chairman, this amendment will require the Neighborhood Reinvestment Corporation, also known as Neighborworks, to report to Congress on a quarterly rather than biannual basis on their efforts to mitigate mortgage defaults. Given the current concerns over the state of the housing and financial markets and the outlay of taxpayer dollars, it is imperative that we pass this amendment to strengthen congressional oversight of this agency.

I'm not criticizing the good work that Neighborworks has done. In fact, I appreciate their service to several projects in my district, including a

soft-second mortgage program and the Hoops for Homes partnership with the New Orleans Hornets. However, given the size of the corporation and the scope of its financial work, Neighborworks should report to Congress more frequently to help us understand and facilitate its efforts. The Constitution allows Congress to delegate its "power of the purse" as it pleases. However, we must do so with care and deliberation, no matter how well-meaning the project. Congress needs to be balanced in its commitment to repairing the housing market. Just as we are keeping close watch over the expenditure of taxpayer funds in bailout money, we need to keep the same watch over other Federal programs.

I encourage a "yes" vote on this amendment.

I reserve my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition, but I am not opposed.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. In fact, I am willing to accept the gentleman's amendment.

Mr. LATOURETTE. Will the chairman yield?

Mr. OLVER. I'm happy to yield.

Mr. LATOURETTE. I thank the distinguished chairman. We are also pleased with the gentleman's amendment and are willing to accept it.

Mr. CAO. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CAO).

The amendment was agreed to.

PART A AMENDMENT NO. 7 OFFERED BY MR. FRELINGHUYSEN

The CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 111-219.

Mr. FRELINGHUYSEN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 7 offered by Mr. FRELINGHUYSEN:

At the end of the bill, before the short title, insert the following:

SEC. ____ None of the funds made available under this Act may be used by the Federal Aviation Administration to implement the New York/New Jersey/Philadelphia Airspace Redesign project.

The CHAIR. Pursuant to House Resolution 669, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself 1 minute.

I rise today to offer an amendment, along with my colleagues LEONARD

LANCE and RUSH HOLT of New Jersey and ELIOT ENGEL of New York, that would force the FAA to halt the implementation of its redesign of the New York/New Jersey/Philadelphia airspace unless they immediately address the issue of aircraft noise over our area. While the safety of passengers, their travel time, and the needs of the airline industry's survival is paramount, so is the right of the people on the ground, not all of whom are air travelers themselves, who have a right to a quality of life with a minimum exposure to aircraft noise overhead.

The FAA has never adequately addressed the issue of aircraft noise, despite repeated congressional requests and statutory requirements to do so, not only for our part of the country, but across the Nation, as we have heard from various colloquies today. There were 13 lawsuits seeking to block this redesign because of noise and other environmental concerns. Members of Congress have proposed several studies that have sought to find other solutions to improve the airspace. So, clearly, there is support for putting this redesign on hold.

The CHAIR. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. I yield myself another 30 seconds, Mr. Chairman.

Members of Congress have proposed several studies that have sought to find other solutions to improve the airspace, so it is clear their support for putting this redesign on hold. Mr. Chairman, despite the fact that appropriations bills over many years that fund the FAA have directed the FAA to address the issue of aircraft noise, the FAA has turned a deaf ear to this issue. Maybe they will hear us this time.

And I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the amendment that has been offered prohibits the implementation of the New York airspace design which FAA has worked on now for about 10 years, and it would appear from the gentleman's language that it is on the basis of airport noise, not the overhead noise, but rather the ground noise. Well, with airplanes nowadays, each new sequence of airplanes is quieter than they were in the past, at all levels and more efficient at all levels, whether they're flying high or low or on the ground than had been previously the case. But that is only one point here.

Many parts of this country have completed the redesign of the airspace in their regions over the last several years. And why is that important? Well, it is important because the national airspace is now carrying 750 million passengers per year and is expected to be increasing by 50 percent

between now and 2025. Today, already, 40 percent of all flight delays in the national airspace system are part of the New York area flights, both incoming and outgoing, which then causes backups all over the country.

We know we are approaching gridlock in our air traffic control system, which is based on a ground-based sight by radar system which is technologically a half century old. It is really old technology. We know we need to switch to a network satellite-based system for traffic control much more quickly than the present estimate of the year 2025.

To do that, we must finish airspace redesign all over the Nation, but particularly because of the congestion, the extensive congestion in the New York area, particularly in the New York area. So the space design and modern satellite-based traffic control allows planes to fly closer together, higher up, on a direct path, save energy in the process, run quieter because they can stay higher longer and be on the ground less than previously was the case.

The added capacity is absolutely necessary and will finally reduce delays in this most congested area by allowing the redesign benefits to accrue from environmental purposes, reducing emissions. Benefits are provided to the controllers because the new technology increases the flexibility in routing and helps balance their workload, and this amendment would delay the removal of congestion. It would prolong the use of outdated, inefficient technology. It would put noise reduction that is in the design process at bay, and it would delay the safe expansion of our air traffic travel capacity.

We have to move on in this 21st century and develop the fully new technology. This amendment should be defeated.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I'm pleased to yield 1 minute to my colleague from New Jersey (Mr. HOLT).

Mr. HOLT. I thank my colleague, Mr. FRELINGHUYSEN, for yielding time to me. I certainly support what the chairman has done in this bill, and I commend him for it. I'm not opposed to redesign of our airspace, but I am opposed to FAA's current redesign plan. The FAA developed and implemented the redesign without consulting key stakeholders, for example, the National Air Traffic Controllers Association, who are the primary users of these procedures.

Last year the FAA changed what is known as the "dispersal headings" for Newark and Philadelphia airports despite insufficient testing, unpublished procedures and failing to train the pilots and controllers. This led to frequent miscommunication between pilots and controllers, planes steering off course and near-collisions.

This amendment would strike the funding for continuing the New York/New Jersey/Philadelphia metropolitan airspace design to allow time for the FAA, the National Air Traffic Controllers and other parties to work together to develop a comprehensive, multilateral approach to improving the system. Funding this project, going ahead as it is, is putting the safety of our constituents at risk, not dealing properly with noise or the efficiency of air travel. I urge my colleagues to support the amendment.

Mr. FRELINGHUYSEN. I would like to yield time to Mr. ELIOT ENGEL from New York.

Mr. ENGEL. Mr. Chairman, I rise today in strong support of the gentleman from New Jersey's amendment to restrict funding for the FAA's ill-conceived New York/New Jersey/Philadelphia airspace redesign plan. This plan was jammed down our throats with zero input from the residents it harms the most. It would put an additional 200 to 400 flights a day over my constituents in Rockland County, New York, with lots and lots of overhead noise, and the FAA won't even tell us how much. They tried to do it without any kind of public hearing. They tried to sneak it. They have been a bad player and have acted in bad faith. There was no notification to myself or other elected officials whose districts are affected. The residents have not had ample opportunities to have their concerns and comments heard.

Landing at Newark Airport right over my communities is totally unacceptable. The noise level will be increased and, again, FAA doesn't tell us how much. I have let President Obama, Secretary LaHood and FAA Administrator Babbitt know that I am totally opposed to this. I commend the gentleman from New Jersey for this amendment. This plan must be defeated. It is not going to serve anyone, certainly not our country.

Mr. OLVER. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. COSTELLO) who is the chairman of the Aviation Subcommittee of Transportation and Infrastructure.

Mr. COSTELLO. Mr. Chairman, I thank you for yielding.

Mr. Chairman, I rise in opposition to the amendment offered by my friend from New Jersey. The amendment would prevent the FAA from funding the implementation of the New York/New Jersey/Philadelphia metropolitan airspace redesign. The FAA's airspace redesign efforts will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing and ultimately saving money for the airlines and airspace users in fuel costs.

After 9 years of evaluation and a cost of over \$53 million to the taxpayers, the FAA announced that it would implement a new airspace structure for

the five major airports and several regional airports serving the New York/New Jersey/Philadelphia metropolitan area in September 2007.

Congestion and delays in this region ripple through the entire aviation system and cause delays all throughout our entire national airspace system. The FAA did extensive analysis and held more than 120 public meetings in five States throughout the environmental process. Delay benefits are estimated to reach 20 percent by the year 2011 compared to the amount of delays the air traffic system would have without the changes.

According to the FAA, one-half million fewer people will be exposed to noise under this plan compared to no change at all. In July 2008, the GAO issued a report on the airspace redesign and concluded the FAA's methodology to assess operational and noise impacts was reasonable.

Mr. Chairman, we must not delay the redesign project. We must modernize our airspace and move forward with the NextGen Air Transportation System.

Mr. FRELINGHUYSEN. Mr. Chairman, in closing, let me thank both Chairman OLVER and Mr. LATHAM, the ranking member, for a good bill. We are just trying to perfect it. And let me just say to Mr. COSTELLO, and I thank him for his leadership on these issues, I got the \$53 billion through the appropriations process. And you would think that they could at least recognize the high incidence of aircraft noise over New York and New Jersey. This is a wake-up call to the FAA. We are not the only States where redesign is about to happen. I do think people on the ground have a right to let the FAA know, as they proceed with their redesign plans, that aircraft noise does affect the quality of life for Americans all around the Nation.

Mr. GARRETT of New Jersey. Mr. Chair, I rise in strong support for the amendment offered by the gentleman from New Jersey, Mr. FRELINGHUYSEN, to require that the FAA restrict the use of any funding for the implementation of the New York/New Jersey/Philadelphia metropolitan area airspace redesign.

I have no issue with improving the quality of air travel; I agree that flight delays are a serious problem, particularly at New York-area airports. I simply want to ensure that a fair and appropriate balance is reached between the quality of flight in the air and the quality of life on the ground.

For many years now, I have fought the FAA on its current plan to redraw the airspace over New York, New Jersey, and Connecticut. It would redirect thousands of flights per year over the houses of many of my constituents. This increased aircraft noise affects peoples daily lives in many ways. It is more than a nuisance. Aircraft noise can adversely affect children in schools; the elderly in nursing facilities; and families in their homes. Additionally, these homes may decrease in value as a result of this aircraft noise.

Proponents of the airspace redesign have long maintained that it is necessary to redesign the airspace because a significant portion of the delays in our national airspace derive from the tri-state area. We have long maintained that redesigning the airspace in the way the FAA is proposing would have very little effect on delays but would adversely affect the lives of thousands of people.

There is still time for the FAA to achieve a balance in this process between the needs of those in the air and those on the ground. This amendment would force the FAA to delay implementation of the redesign plan and find an alternative that would achieve a better balance between competing interests. I strongly support the gentleman's amendment, and urge its adoption.

Mr. MICA. Mr. Chair, I rise in strong opposition to this amendment.

The Frelinghuysen Amendment is yet another example of Congress wrongfully interfering with vital aviation infrastructure projects. It would bring to a screeching halt the years of investment, in time, expertise, and money, which the FAA has contributed to this important airspace redesign project.

The last comprehensive change to the airspace in the Northeast occurred in 1987 and 1988—over twenty years ago.

Since that time, air traffic has grown significantly, new markets have developed at home and abroad, aircraft are significantly quieter, aircraft performance has improved, and regional jets have replaced many of the turboprops. Just as the nation's highway infrastructure must change over time to meet increased demand, to maintain safety and relieve congestion, so must the airspace.

To meet this increase in demand, the FAA announced in April 1998 the initiation of the New York/New Jersey/Philadelphia (NY/NJ/PHL) Airspace redesign project.

For the next seven years, the FAA conducted numerous public meetings and received input from a variety of aviation industry and community interests, public agencies, and political representatives. The FAA released a Draft Environmental Impact Statement in 2005 outlining the project's environmental impacts. Following a series of public meetings, many of which presented alternative plans, the FAA released its Final Environmental Impact Statement in 2007.

This redesign plan should come as no surprise to Congress. The FAA has hosted 14 Congressional briefings since March 2003. Clearly, the entire process has been conducted in an open and transparent manner.

The proposed airspace redesign will address the most critical problem in today's air traffic control system—air traffic congestion.

The redesign involves four of our nation's most congested airports: Newark, LaGuardia, JFK, and Philadelphia. Even with the current downturn in air travel, these airports remain the most delayed in the system. Almost 83% of chronically delayed flights begin in New York Air Traffic Control airspace. The system of air corridors around New York and Philadelphia are currently congested and are due for even more traffic in the future.

As seen repeatedly, severe weather adds to the problem of an already congested air traffic system. The airspace redesign will improve

operations in severe weather. Delay savings could be as much as \$1 million per day.

A 1999 independent aviation study found that air traffic congestion nationwide could cost \$46 billion to the nation's economy in 2010, resulting from a change in travel time of 3 minutes per flight. This includes costs to airlines, loss of service to people who wish to travel, and over 200,000 lost jobs in aviation and other industries.

Despite the years of the hard work, the open and transparent process, adherence to safety, regulatory and environmental requirements, and the tremendous benefits to the airspace system, the New York/New Jersey/Philadelphia economies, and the Nation as a whole, this amendment would throw it all away.

The FAA must be able to redesign outdated airspace configurations rendered inefficient and obsolete by air traffic control modernization, improvements in aircraft systems, and the growing demands of the aviation system.

It is imperative that these decisions be made in a manner that is insulated from political influence.

This amendment severely undermines FAA's efforts to reform an inefficient and overburdened key component to our national airspace. I urge my colleagues to oppose it.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

PART A AMENDMENT NO. 8 OFFERED BY MRS. BLACKBURN

The CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 111-219.

Mrs. BLACKBURN. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 8 offered by Mrs. BLACKBURN:

At the end of the bill (before the short title) insert the following:

TITLE V—FIVE PERCENT REDUCTION

SEC. 501. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The CHAIR. Pursuant to House Resolution 669 the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

□ 1445

Mrs. BLACKBURN. Mr. Chairman, as I have said so often this year, I rise in

defense of the American taxpayer. And once again, we find ourselves on the floor considering still more Federal spending. That spending hasn't brought back the millions of lost jobs. Our constituents are still asking, Where are the jobs? And as my colleagues have promised me, they're going to continue to ask that question.

It hasn't promoted the economic growth that is so desperately needed. What it has done, it has produced a deficit that will likely top \$2 trillion this year. It has contributed to the largest Federal debt this Nation has ever known. That is the debt that my grandchildren will have to pay in missed opportunities and needless sacrifices.

Mr. Chairman, my amendment applies a 5 percent cut to this appropriations bill. That is a 5 percent cut to programs whose spending has increased by 146 percent over the last 3 years. That is 146 percent over the last 3 years. That is a 5 percent cut to programs that have already gotten \$62 billion this year from the stimulus.

Mr. Chairman, I will shortly yield my time, but before I do, let me preview what I am sure my distinguished colleague will say in objecting to my amendment. He is likely to suggest that across-the-board cuts are bad because they do all the careful bipartisan work that is necessary to produce a good bill. And we know that everyone works hard on this legislation. We appreciate that. But we know there is more work that can be done in perfecting these bills.

He'll tell us that this bill has made tough choices already this year, and respectfully, I disagree. How many hard choices have we really made as a body when we have seen spending more than \$14 billion than was spent last year?

My esteemed colleagues may go through a litany of vital programs that would be destroyed by a 5 percent across-the-board cut. What my colleagues don't many times mention is that a 5 percent cut would allow each of the programs to still grow by 11 percent from last year's funding. And probably what we will hear is that this committee isn't really spending that much more, if you don't count the stimulus spending.

Now, all of these are things that we have heard this year during these 5 percent debates, but, Mr. Chairman, I will say I do count that stimulus spending. I count every penny we're spending because, indeed, it is my grandchildren who are some day going to have to pay this money back.

And with that, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the gentlewoman from Tennessee is quite cor-

rect. I will claim that an across-the-board cut of the sort that has been proposed in this amendment is the worst possible way that one can do this sort of thing.

In my opening remarks, I pointed out that this legislation has some \$47 billion of appropriation for housing programs and that it's above the President's request in that area because we are trying to fill the gap for what has happened over the last 8 years of cuts in so many of the housing investment programs. And let me just give you an example of this.

One of the points I made in the opening was that one of the things we were particularly trying to do in the very good housing parts of this legislation was to support vulnerable populations. And so in replacement of several years, 5 years in a row of cuts in elder housing and in disabled housing, in tenant- and project-based assistance in our PHA's major programs, we didn't always allow the cuts that the administration had applied and had requested, and we usually, in fact, didn't do that because people in here are concerned about what's going on in the matter of people's lives. However, the cuts were made.

And I would like to just point out that if you go back to the year 2001 and use a 1 percent, a 1 percent per year inflationary factor to each of those housing program investments that we would make, that would bring you to a point \$1.5 billion above where the present legislation proposes in this bill.

So what I'm saying there is that an across-the-board cut of the sort that has been suggested by the gentlewoman from Tennessee simply cuts those places that we particularly wanted to put money into in order to fill the gap that has been growing over a period of years, and it's the wrong thing to do.

It would hurt our elders. It would hurt our people who are in affordable housing in either the tenant- or the project-based systems. It would cut Hope VI. It would cut the program for housing for people with AIDS, the elder and disabled housing and CDBG. All of those were programs that were deliberately reduced year after year or recommendations made for a reduction, and, in fact, over time had been reduced substantially compared with the '01 appropriation.

So this has particularly bad effects on those programs, particularly the housing programs that have been well-funded in the bill that we have before us.

I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Chairman, I will simply point out that we have to realize that this is taxpayer money, not government money, and what we are hearing from the taxpayers of this great Nation is that spending is out of control. A \$1 trillion deficit is too

much. A Federal debt that is at record levels is too much spending. And taxpayers are telling us they are tired of us spending money on programs they don't want. And it's, as one of my constituents has said, that we are spending money she hasn't made on programs that she doesn't want. And they are right to speak out to us about this.

I will also point out that our States, which function under balanced budget amendments, are great labs of experimentation in State budgeting. Our States make across-the-board cuts. In making an across-the-board cut in this appropriations bill, you would still have 11 percent growth in these programs. And that is significant because in the last 3 years, as I said, this funding has increased 146 percent.

You have programs in this bill that received 62 billion additional dollars through the stimulus, and a 5 percent cut would save the American taxpayer \$3.44 billion. That would be the savings that is there.

We all know as we budget at the Federal level we use baseline budgeting, and a good thing about making across-the-board cuts is that it helps reset that baseline. And what we have seen with our Federal budget, as we have had the additional spending with our stimulus, with these additional appropriations, is those numbers are rising. And yes, indeed, the taxpayers are reminding us they are going through the roof and they are tired of that. They want the spending, the out-of-control spending to stop.

Every year, taxpayers sit down and they write out their check to Uncle Sam, and when they send that check in, they know they're delaying their priorities.

I urge support of the amendment.

Mr. OLVER. I would just reiterate that while I'm not in favor of cutting the bill that we have put forward, I think it is a good bill, that this is by far the worst way that you could possibly do that, and I would urge the defeat of the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

PART A AMENDMENT NO. 9 OFFERED BY MR. BURTON OF INDIANA

The CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 111-219.

Mr. BURTON of Indiana. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. BURTON of Indiana:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used by Amtrak to provide free alcohol.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BURTON of Indiana. Well, first of all, I want to thank the Rules Committee for making this amendment in order, and I don't think it's controversial. I hope my colleague agrees with that.

Back in the summer of 2007, Amtrak was trying to get more passengers on their luxury line, and so they decided that they would give people a \$100 coupon to get free alcohol on the trip. It was a way to try to encourage ridership. Well, unfortunately, that didn't work, and 1 year later the GrandLuxe line on Amtrak shut down, and they no longer have used the \$100 incentive by giving people \$100 worth of alcohol to ride the train.

And so what my amendment does is—very simply says that that will not be included in any future Amtrak legislation, that we will no longer be giving free alcohol as an incentive for people to ride the train. And I might add, with all of the rail accidents we've had recently, it's probably a darn good idea.

I reserve the balance of my time.

Mr. OLVER. I claim the time in opposition, though I am not opposed to it and I will not oppose it.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. LATHAM. Does the gentleman yield?

Mr. OLVER. I will yield.

Mr. LATHAM. I rise in support of the amendment also.

Mr. BURTON of Indiana. Well, thank you very much.

You know, I learned one thing a long time ago, Mr. Chairman. When you've got everything going the right way, you shut up. So with that, I yield back the balance of my time.

Mr. OLVER. I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was agreed to.

PART A AMENDMENT NO. 10 OFFERED BY MR. JORDAN OF OHIO

The CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 111-219.

Mr. JORDAN of Ohio. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 10 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. _____. Appropriations made in this Act are hereby reduced in the amount of \$20,050,000,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, let me first say I appreciate the work of the chairman and our ranking member. But what I also appreciate is the fact that last week, for the first time in American history, our deficit reached \$1 trillion, and we are not through the fiscal year yet, and some estimate that this could go as high as \$2 trillion. So what I bring before the body today is a very straightforward amendment.

It says let's take that first step in trying to get our fiscal house in order. Let's take that, what I will call, modest first step. Let's go back to where we were just 9½ months ago, before the stimulus, before the omnibus, before all this ridiculous spending got ahold of Congress. Let's go back to where we were just 9½ months ago and let's live on that amount of money in this appropriation bill. After all, there are all kinds of families, all kind of small business owners, all kinds of American taxpayers who are doing just that.

□ 1500

Now, just like in the amendment a little while ago that my colleague from Tennessee offered, I am sure that the gentleman from Massachusetts will be opposed to this one, and will stand up and say, Well, we can't have this cut.

Again, remember, this is not a cut. This is taking us back to where we were less than a year ago before we had done the stimulus and the omnibus spending. As I indicated, it is exactly where a lot of families—and maybe more importantly—a lot of small business owners are functioning right now.

Mr. Chairman, I would reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Well, it sounds so simple, only 9½ months ago, but in fact, of course, the funding level that has been proposed here would take this bill back to the appropriated level for the fiscal year 2008. We're talking about the year 2010. We're talking about a year starting several months from now and going forward a year, and he's talking about 9½ months ago being the end of that

fiscal year, the end of the 2008 fiscal year, and that was funding the year prior to that. So it is really taking a step backward 2 years in the funding level.

As everybody knows, while we have had a bad economy, the inflation level has stayed relatively low—that's true—but this kind of a funding level, taking \$20 billion out of this appropriation, then has the effect of cutting a huge number of programs by an average of 16 percent for the next fiscal year. It is an unsustainable number for the kinds of efforts that one needs to have in housing. As I've indicated, for housing, there is growth in this. I agree there is growth in this bill.

On the transportation side, the major point of growth is in the high-speed rail program. The high-speed rail program is putting forward money that actually will extend out over a series of years. It doesn't all happen in the first year by any means at all. We all know that. It creates jobs over a period of time in the building of that infrastructure.

In the case of housing, again, if one tries to cut the housing programs, it will be particularly bad for vulnerable populations, and we should not do that.

I oppose the amendment, and I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I would just ask the question: How bad does it have to get? Do we have to get to a \$2 trillion deficit? Do we have to get to a \$3 trillion deficit? How bad does it have to get before we can simply say this: Let's just hold the line. Let's just quit making the problem worse. How bad does it have to get before we can do something that every single family has had to do at some point in their lives and that every single small business owner has had to do at some point? How bad does it have to get before we can take the first step—again, that modest first step?

Think about where we're heading. Over the next 10 years, with the pace of spending we're at right now, the Federal debt is going to go to \$23 trillion. Now think about what it takes to pay that off. You first have to balance the budget. Then you have to run a \$1 trillion surplus for 23 straight years, and that doesn't even count the interest, which is now approaching \$1 billion a day.

I offered a balanced budget. A few months ago, we voted on the budget, which sets the context for this. I offered a balanced budget, and we reviewed it. Our budget didn't balance until the last year, until the 10th year of the budget window. We didn't balance until the last year, and we were viewed as the radicals.

I go back home and talk to folks. In my district, they look at me, and they say, JORDAN, you big sissy. Balance it in 4 or 5 years. What are you doing taking 10 years? That's the perspective the

American people have. Yet, here in Washington, we continue to spend and spend and spend, and we can't even take that simple, modest first step of saying, You know what? Let's just live on what we were living on 9 months ago. Let's start to get our fiscal house in order. Let's start to do what the American people have to do all the time. That's all this amendment does.

Mr. Chairman, I would yield back the balance of my time, and I would urge a "yes" vote.

Mr. OLVER. There is no direction in the amendment, itself. It merely says out the total expenditure by \$20 billion, which is one-sixth of the sum total of the legislation. All I can do is say, if one were to do that by one-sixth of the appropriation for affordable housing, for our tenant- and project-based systems, we would be putting out 400,000 families. Yes, it's bad, but it's those low-income families who are probably in the worst shape and in the most needy shape of all. I'm not sure that we want to do that. I certainly don't want to see that happen, and I hope the majority will not want to see that happen.

Let me just close by urging a "no" vote on this amendment. It is a slash-and-burn kind of an amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

PART A AMENDMENT NO. 11 OFFERED BY MR. NEUGEBAUER

The CHAIR. It is now in order to consider amendment No. 11 printed in part A of House Report 111-219.

Mr. NEUGEBAUER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 11 offered by Mr. NEUGEBAUER:

At the end of the bill (before the short title), insert the following:

TITLE IV

ADDITIONAL GENERAL PROVISIONS

SEC. 414. Appropriations made in this Act are hereby reduced in the amount of \$13,553,000,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, I rise today on a simple mission: to help get some of the taxpayers' money back.

We passed an historic spending bill back in February, saddling our chil-

dren and our grandchildren with mountains of debt. We were told that these funds would go towards projects that were targeted, temporary and, most importantly, timely—referred to as "shovel-ready." Well, guess what, Mr. Chairman?

According to the White House's own Web site, recovery.gov, just 11 projects have been awarded by the Department of Transportation so far. Just 11 projects. So we rushed out to spend \$20-plus billion. We were told we can't wait until we get through the normal appropriations process. We've got to go spend this money right now so we can get it out and so we can create the jobs. Let me tell you how reliable this recovery.gov is.

Just this week, a military installation in my district was featured on the Drudge Report for what appeared to be excessive amounts of stimulus spending. It turns out that an error was, in fact, made by—you guessed it, Mr. Chairman—the operators of recovery.gov. They couldn't even enter a contract award correctly onto the Web site, which is supposed to be the model of government transparency. This is just one more example of how flawed this recovery process has been.

One of the things that astounds me is that we said we had to go out and spend all of this money and that it was going to create jobs. Well, the question is: Where are the jobs, Mr. Chairman? What we've seen since we passed this recovery package is that people have lost their jobs. Today, 14 million people are out of work; 9.5 percent of Americans don't have jobs. Do you know what we're helping them do now? We're saying, You know what? We know you don't have a job, and we know you're having a hard time getting by. Do you know what we're going to do? We're going to pile up mounds and mounds and mounds of debt so that your children and grandchildren will have to work 25 hours a day just to pay the debt.

Mr. Chairman, what this simple amendment does is say, You know what? We were wrong. We thought we could spend this \$21 billion. We needed to get it out immediately. We found out we can't, so we're going to give part of that money back. We're going to give \$13 billion of it back.

Let me tell you the logic of what this bill does today. We said we had to rush to get this \$21 billion spent. What we're saying and what we know is that now 13 projects and less than \$1 billion of contracts have been awarded. Do you know what we're going to reward the government to do? We're going to say, Y'all did such a bad job of not spending the \$21 billion we gave you back in the spring that we're going to reward you. We're going to give you another \$21 billion of the taxpayers' money. By the way, Mr. Chairman, it's \$21 billion we don't have. It's \$21 billion we don't have.

So what we're going to have to do is not only give them another \$21 billion, but we're going to have to borrow \$21 billion from China or from Japan or from some other country. It just doesn't make sense to keep going down this path. Mr. Chairman, we have to stop that.

I reserve the balance of my time.

Mr. OLVER. I claim time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, this amendment is \$13 billion. Therefore, compared with what I call "slash and burn," this is slash and burn a little bit less than the previous one. Generally, there is no direction as to how one might do it, and I'm left with the question of what kinds of impacts this one might have.

I would point out that it would have an impact of now, not the 16 percent but only an 11 or 12 percent cut—roughly 11, I guess it would be—on all of our transit programs, on the public transportation programs that we fund and that move people around in as efficient a way as they possibly can. It would have a similar effect on all of our air traffic safety programs, on all of the efforts that we have to make in order to have our airports and our air traffic controller systems function appropriately. All of those things come from this kind of an amendment. This would take us back to a freeze of the '09 levels, not the '08 levels, which was the previous one, but it would be a freeze at the '09 levels.

I oppose the amendment. I urge defeat of the amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. I dare to disagree with the gentleman. What we're stopping from happening here is what we call in Texas "double dipping," because we gave them \$21 billion from some of these same programs less than 6 months ago. They've only spent 11 percent of it, so I don't think we're cutting anything.

What we're saying is we're going to cut out the monkey business here. We're not going to allow them to double dip, and we're going to give that money back to the American people, Mr. Chairman. They're not even going to spend this \$21 billion probably in the next fiscal year. They've spent only 11 percent since the inception of this bill. So we're not cutting anything. We're just saying, Hey, you're having trouble spending the first \$21 billion. We'd like this \$21 billion back. If you want to bring it back in another appropriations bill, we'll allow you to do that, but the problem is that we are accumulating this huge debt. Our national debt is at \$11.7 trillion. That's \$37,000 for every American in this country.

In just a few months, I'm going to have my third grandchild. Do you

know what? I'm going to give that child a present or, I guess, the government is going to give that child a present. I'm going to write a letter and say, Your granddaddy was here to inform you that, on your birthday, you owe \$37,000 right out of the chute.

The American people are fed up with it. They want their money back. We cannot allow these government agencies to double dip. They're not spending the American taxpayers' money wisely. They're not creating jobs, and they're sick and tired of it. They're fed up. If you really want to make a mark in this Congress, vote for this amendment, and give the American people their money back.

With that, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, the gentleman has just made an argument and continues to make an argument about the level of debt.

In 1980, when President Carter left office, the national debt of the country was about \$1 trillion. Twelve years later, the debt of the country had reached \$4 trillion. It had quadrupled. It had quadrupled in those 12 years. In the following 8 years, the debt went up again by another \$1.4 trillion, so that at the end of President Clinton's term, the debt had gone up about one-third more, just slightly more than one-third more. Then during the Presidency of the previous President, we saw the debt go from \$5.4 trillion to \$10.5 trillion as he left office. Then it went up almost double in just an 8-year period.

Now there is concern since we have been in a recession for more than a year now, the first five quarters of which were clearly in the previous administration with the housing crisis, a deep recession with severe losses of jobs throughout the last year. They're continuing. This is a deep recession, but this is not a time to be cutting our most vulnerable people through this sort of action. This action is the wrong action to take. We will grow out of this over time. I urge defeat of the amendment.

□ 1515

I yield back my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Chair announced that the yeas appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

PART A AMENDMENT NO. 12 OFFERED BY MR. STEARNS

The CHAIR. It is now in order to consider amendment No. 12 printed in part A of House Report 111-219.

Mr. STEARNS. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 12 offered by Mr. STEARNS:

At the end of the bill (before the short title) insert the following:

SEC. _____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 25 percent.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, my amendment is a little bit like Mr. NEUGEBAUER's, pretty much straightforward. It freezes the transportation spending in the Transportation-HUD appropriations bill just simply at last year's level. Obviously with the economy contracting and unemployment rising, it's not responsible to drastically increase spending by almost \$14 billion, and this represents a 25 percent increase over our current levels. This funding obviously does not even include the \$62 billion that came from the stimulus act.

So if the stimulus act funding is taken into account, even with the 25 percent reduction that I am proposing, funding for the Department of Transportation and the Department of Housing and Urban Development would receive an increase of \$48 billion over last year. And that's, of course, with the stimulus package.

So think about this. You have this bill. You have the stimulus package, which adds additional money. So in a sense we're asking just to freeze the spending level at 2009-fiscal year level.

You know, when you take a look at all the appropriations spending combined, funding for programs within this bill will have increased 146 percent since the Democrats took over in the year 2007. This level of spending is simply unsustainable in the light of the Nation's growing deficits and the debt.

Now, there's a lot of good programs in this bill that I strongly support, but increasing all these programs by 25 percent at a time when we're drowning in debt and experiencing the worst economic crisis in decades is simply unwise. For example, discretionary spending for the Department of Transportation is increased by \$4.5 billion, or 27 percent, including a 25 percent increase for the Office of the Secretary and a whopping 1,384 percent increase for the Federal Railroad Administration.

The Department of Housing and Urban Development also receives an increase of \$1.6 billion, or 3 percent, in discretionary spending, including a 100 percent funding increase for the HOPE VI program. The HOPE VI program, President Obama proposed that program to eliminate it.

So approving this huge increase without doing anything about the budget disaster looming on the horizon obviously is only going to magnify the problems for this country. Families across my congressional district and across the country are having trouble. They are tightening their belts during this tough economic time. They don't have the luxury of an unlimited government credit card that allows them to simply throw borrowed money at every single problem they face. Instead, they have to set priorities and make tough spending decisions.

So I don't think it is too much to ask Congress to do the same thing, and I say to my colleagues on that side, are your constituents getting a 25 percent increase over the last year? I don't think so.

This Congress and President Obama continue to ignore the fact that this reckless spending will bury our children and our grandchildren under a mountain of debt. In fact, in a recent report, the nonpartisan Congressional Budget Office warned that excessive spending proposed by this administration and the Democrat leadership in Congress such as contained in this bill, as a good example, will drive the Department-to-GDP ratio from 41 percent to a staggering 71 percent. You know, we're just doubling the national debt in 5 years. So we must hold the line, attempt to hold the line on spending and make sound budget choices that are sustainable and that do not rely on continued deficits and borrowing.

Obviously, there's plenty of blame to go around, but here at this point we have an opportunity to stand up. We have a lot of work to do. I think this is a good amendment. I think we should start forward by simply passing my amendment, by saying that we should hold the line here and keep the spending under control.

I urge my colleagues to support this. I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I thank the gentleman for his amendment. The gentleman's amendment is actually slash-and-burn sort of squared, essentially, because it puts the whole pressure of the reduction—it's not as large a dollar reduction—but it is all focused deliberately and directly upon discretionary expenditure.

And of course, when the gentleman points out that he is strongly in favor of a lot of the programs here, I'm sure that there are a few of those programs that are discretionary programs, perhaps not all of them, though I suspect that there are a fair number of programs that he doesn't particularly like and that are mandatory programs as well.

So, again, we have here a very large cut in the budget that is proposed by taking 25 percent out of the discretionary programs, and the arguments would only be repetitious, and I don't mean to take people's time.

I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, how much time do I have?

The CHAIR. The gentleman from Florida has 1 minute.

Mr. STEARNS. I would say to my colleague from western Massachusetts, the beautiful country up there, you have in this bill, there's a 25 percent increase for the Office of Secretary.

I would ask my colleagues, are his constituents getting a 25 percent raise in western Massachusetts, you know, running from Springfield up to Deerfield across from Hatfield over to Amherst. I don't think they're getting a 25 percent increase.

And if you look at the Federal Railroad Administration, it has a whopping 1,384 percent increase. So I would ask my colleague to address those two questions. Does he support a 25 percent increase for the Office of Secretary, and does he support a whopping 1,384 percent increase for the Federal Railroad Administration?

I reserve the balance of my time.

Mr. OLVER. We have in this legislation and in the Recovery Act earlier this year, we have added enormous additional responsibilities to both the Secretary of Transportation, our good former colleague, very popular former colleague, now-Secretary Ray LaHood, in order to administer those properly and do what they are told to do under the Recovery Act, to get all of those moneys out and moving. For instance, they have gotten some 300 applications thereabouts for the high-speed rail moneys, the high-speed rail and inner city passenger rail programs. You've got to have people to look at those programs, to assess them, to decide which ones are the better ones, to move the paperwork so that we will be able to actually have those projects out where they're going to get people to work as quickly as it's possible to do.

And the same thing is true for the Federal Rail Administration. The Secretary's office has certain key responsibilities added to his. It is not nearly as much as the increase of responsibilities that has been given to the Federal Rail Administration, which is really where the first monitoring and the first assessment and grading of all of the projects that have come in is. It's an enormous program that is there, but it is part of what was expected to have to happen in order to make the high-speed rail and inner city passenger rail programs work.

So I have no apology whatsoever for additional administrative assistance for making those things happen. If we hadn't done that, we would have been killing the programs before they even

could even get started, and that was not the purpose of the American Recovery Act in the first place.

And again, I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, I think the gentleman hasn't answered the question: Why a 1,384 percent increase for the Federal Railroad Administration?

Another question he hasn't answered is, why is he increasing 100 percent funding for the HOPE VI program, which the President of the United States, your President, said he proposed to eliminate?

I reserve the balance of my time.

The CHAIR. The gentleman's time has expired.

Mr. OLVER. How much time do I have?

The CHAIR. The gentleman from Massachusetts has 1½ minutes.

Mr. OLVER. Well, I will simply say on that one that the President actually proposed a totally new program which had not been authorized at the \$250 million level. We, instead, decided because it was not authorized that we would leave it to authorization, and it was somewhat similar. It was in some ways an expansion of the HOPE VI program and alteration of the HOPE VI program, he would say quite significant alteration of that program, for a \$250 million program.

Instead, we put that money that he had requested into the HOPE VI, which we had in this Chamber, perhaps without the gentleman's vote, we had reauthorized last fall but hadn't been acted upon by the Senate. It will be, again, acted upon by the House later this year, and there will be a reauthorization, I would guess, within this year for the HOPE VI program, and that's where the money has been placed.

I yield back my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

PART A AMENDMENT NO. 13 OFFERED BY MR. TURNER

The CHAIR. It is now in order to consider amendment No. 13 printed in part A of House Report 111-219.

Mr. TURNER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 13 offered by Mr. TURNER:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that (1) is provided assistance by the Department of Housing and Urban Development, and (2)(A) is or would be located on property of the Department of Veterans Affairs, or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Ohio (Mr. TURNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. TURNER. Mr. Chairman, this amendment is a pro-veteran amendment that would prohibit HUD funds from going toward enforcing regulations against a veteran's preference in HUD financing or HUD-financed housing that is built on a VA campus or is using a VA-enhanced use lease.

This issue came to light in the Third District of Ohio because of a conflict between HUD rules and regulations and VA rules and regulations. In Dayton, Ohio, the St. Mary's Neighborhood Development Corporation has been attempting for several years to construct senior housing on the campus of the Dayton VA Medical Center.

St. Mary's was able to obtain an enhanced-use lease from the VA to construct the housing on the Dayton VA campus. They were also able to obtain HUD section 202 funding that would allow for the financing of the construction for low-income senior housing. So we have VA providing the land and HUD providing funding, both VA and HUD agreeing that this would be an excellent project to help us respond to homeless veterans, to provide low-income housing for veterans, and also to respond to the needs of seniors in the community.

However, HUD has previously asserted that St. Mary's may not be able to use these critical dollars if the VA lease requires a specific preference for veterans to occupy the proposed facility on the VA grounds. HUD has prohibited a preference given to veterans housing in this facility on the Dayton VA campus. The VA rules and regulations require that the VA assert and request a preference for that housing to be built on their campus.

This amendment seeks to solve this issue by prohibiting funds in the bill to allow HUD to enforce their restriction against a preference for veterans. This is good for seniors, and this is good for veterans.

I reserve the balance of my time.

□ 1530

Mr. OLVER. Mr. Chairman, I claim time in opposition, though I am not opposed.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. LATHAM. Would the gentleman yield?

Mr. OLVER. I would yield to the gentleman.

Mr. LATHAM. I certainly would support the gentleman's amendment also.

Mr. TURNER. I appreciate their support.

I'm happy to yield back the balance of my time.

Mr. OLVER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The amendment was agreed to.

PART A AMENDMENT NO. 14 OFFERED BY MR.

RANGEL

The CHAIR. It is now in order to consider amendment No. 14 printed in part A of House Report 111-219.

Mr. RANGEL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 14 offered by Mr. RANGEL:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to implement or enforce the requirement under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c)); relating to community service).

The CHAIR. Pursuant to House Resolution 669, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Chairman, I'm joined in this amendment by Mr. FRANK of Massachusetts, Ms. WATERS of California, Mr. WATT of North Carolina; and what it actually does is to prohibit the implementation of the Public Housing Community Service requirement that those people who live in public housing are required to put in a certain number of community service hours.

Nowhere do we have where people who find themselves in public housing have to be mandated to do certain hours of volunteer work. Indeed, there's no funds available to enforce this mandate.

The housing authority in the city of New York and other housing authorities around the country think this is a worthless addition and vindictive that is put into the bill.

It does not require section 8 and other people who are recipients of public housing to do this. We have been successful in having it delayed. It should be repealed. We just have not got around to reviewing the entire legislation.

It's not effective. It's not working. It's really an insult to people who donated so much to their country and

their community who find themselves in need of housing subsidy, to be mandated, more or less, to provide public service when those people who are able to do volunteer work are doing it anyway.

So I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. The purpose of the service commitment was sound at the time, and it still is. Residents were asked to participate in making their community better, improve the social interaction, and provide services for their communities including day care, education, after-school monitoring, and facility management.

No one that is unable to participate is penalized, whether elderly, students, working parents, or any other of a long list of exemptions that are allowable under the law.

The intent is not to make people work for their money. It's to ensure that those who live in the community participate in keeping it safe, sanitary, affordable, and a vibrant community. This is what we ask of ourselves and our neighbors.

For those who do participate, flexibility is the centerpiece of the requirement. Residents have great flexibility over what service is provided and when it's provided. Every attempt is made to ensure that the services of the parent can be made to benefit the children or the elderly citizens living in the authority.

Keep in mind, we're only talking about 8 hours a month. Eight hours a month. This is not a hardship.

It has provided a great benefit to each housing authority where it's been actively implemented. If this requirement is removed, those services will be lost because every indication from the housing authority leadership indicates that there are no funds to replace the services now being provided by those residents.

One of the arguments I've heard is that it's hard on the PHAs to administer the program. This is just ridiculous. Authorities receive millions in Federal funds each year to administer Federal requirements, and if the service is lost, I don't see anyone proposing to reduce the administrative funds provided in this bill. PHAs receive funds for federally required activities, and they should use them for those purposes.

Frankly, I think it's a requirement that should stay in place and is no more than what we all require of ourselves and our communities. When I go home it would be pretty hard to explain to my voters that 8 hours a month is just too great a burden to ask in order to ensure that their investment in the well being of the people and property is sustained.

I reserve the balance of my time.

Mr. RANGEL. How much time do I have remaining?

The CHAIR. The gentleman has 3½ minutes remaining.

Mr. RANGEL. I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the chairman of the Ways and Means Committee for his leadership on this issue, which has been sustained.

The question is not whether or not we should be working to see that public housing residents require the skills, et cetera, that will help them, but how to do it.

The community service requirement is a slapdash, honored in the breach. It's a mandate resisted and resented by the people who have to administer it. We have in the bill that we voted out of committee today by a large vote, bipartisan vote, the reform of the voucher system, which both the public housing and for vouchers includes the Moving to Work program, which is a sophisticated and balanced way to do this and provides funding for it.

Those who administer public housing want to do that. They want to help people do this. But imposing on them the requirement to do work, imposing on people who are already underfunded the obligation to mandate whether every public housing resident is doing 8 hours of leaf raking and snow shoveling doesn't help anybody. It advances nothing. And it gets in the way of efficient administration.

We will do this the right way. And this is the wrong way, according to everyone who has been involved in a serious way with it.

Mr. LATHAM. I would yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the chairman and I thank Mr. LATHAM for yielding. I rise in opposition to this amendment. I was glad to hear the chairman of the full Financial Services Committee address this issue, because I was on that committee for 12 years. We've had this debate, and it's lasted hours and hours and hours.

And I will just indicate I'm glad he's moving new legislation, but I would note that two of the cosponsors of this amendment, the full committee chairman and the subcommittee chairman in charge of this particular issue, and if there's a problem with the service requirement, I hope they're going to fix it. He said he has.

Secondly, on March 31 of this year, we passed the Edward M. Kennedy Serve America Act, H.R. 1388. The President believes in community service. I assume anybody that voted for the act believes in community service. I know I did. And we are going to encourage community service.

As Mr. LATHAM indicated, this is 2 hours a week, 8 hours a month. I would

accept the argument that some have made on the other side that this is taking a slap at people who are in a position to require public assistance for housing; but I would suggest that when we are just bailing everybody out, when we give billions of dollars to people on Wall Street, over my objection, for horrible business decisions in the subprime market and the securitization of mortgages, when we have given billions of dollars to car executives, automobile executives who have not reformed their business practices in 30 years and now find themselves to be bankrupt, when we have bailed out people that purchased homes they had no business purchasing because they could never afford it based upon their means, I would suggest we go in the direction not of removing this requirement, but let's put community service on the Wall Street bankers.

Let's put it on the guys that run General Motors and Chrysler. Let's put it on the people that have purchased homes and have thrust this Nation into debt.

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. LATOURETTE. I'm happy to yield.

Mr. FRANK of Massachusetts. I must have misplaced the bill. Should I look for a number that I hadn't seen? If the gentleman wants to do it, why haven't you?

Mr. LATOURETTE. I appreciate the gentleman's question. I would just say since the majority resumed this 111th Congress, almost every rule that's come to the floor has been closed.

Mr. FRANK. Would the gentleman yield again?

Mr. LATOURETTE. I'd be happy to yield.

Mr. FRANK of Massachusetts. The gentleman offered a resolution to the committee I chair. We passed it out unanimously. The gentleman knows he has always gotten a fair hearing in our committee. But I can't listen to what he doesn't say.

Mr. LATHAM. May I inquire as to how much time remains.

The CHAIR. The gentleman has 30 seconds remaining.

Mr. LATHAM. I would yield 30 seconds to the gentleman from Ohio.

Mr. LATOURETTE. I would just say to the gentleman, I praised the gentleman on the floor for voting that Resolution of Inquiry out 63-0. I would also note that the distinguished majority leader of the House, although you took that action more than 3 weeks ago, has yet to schedule that bill for activity on the floor.

Mr. FRANK of Massachusetts. Would the gentleman yield? He wouldn't be in charge of the other one. You and I can work it out. So come to me about Wall Street and we'll make a deal.

Mr. RANGEL. I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, this isn't about community service. Community service is something you do voluntarily, something you sign up for. Indentured servitude is when you are told this is what you will do because you are getting something from the government.

Now, if that's what you want to do, that's fine with me. I like the idea of Wall Street people doing it. I also like the idea of little children who are getting free lunches, let's get them to work. And don't forget the senior citizens in senior housing. Let's get them to work. They can do a lot. And let's not forget the farmers who get agricultural subsidies to the tune of hundreds of thousands dollars. Let's get them to work.

Not ask them, not encourage them. Let's demand it. And let's do it on the basis of how much they earn. Because my guess is if you're talking about poor people in public housing—first of all, I wouldn't vote for 8 hours a month, 8 hours a year, or 8 minutes in a year. It's indentured servitude no matter how you slice it.

Now, I know early America was built on the back of indentured servitude. I know that. Most of the ancestors of the people in room were indentured. At one time in this country, about two-thirds of the people in America were.

It's wrong. We stopped it. We can't let it go on today.

Mr. RANGEL. Mr. Speaker, I say this to my Republican friends that I sincerely wish we had a better balance of parties in this House and in this country. I sincerely wish that the things that we were debating would not be the rich against the poor, but it would be what we could do collectively to make this a stronger country, better educated, better health care, things that we can do to secure us.

It would seem to me that when issues like this come up, that America—you can bet your life—that the minority party, if it concerns the poor, if it concerns people that need some help, if it concerns health, if it concerns education, we can almost depend that they would be walking lock-stock in opposition.

Some of the reasons that they give would appear to be meritorious. But why is it that we always find the opposing party wanting to penalize, wanting to punish, and wanting to show that they have no compassion for those Americans who are less fortunate than themselves?

I do hope that we can find some middle ground, not just to punish the Wall Street activists, which clearly that's rhetorical; but that we can find some way that we can offer something so that the Republican Party would be able to get rid of this terrible stigma they have somehow thrust on them, that if it means compassion, if it means energy, if it means giving a

hand out and a hand up, that we can depend on their support.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The amendment was agreed to.

The CHAIR. It is now in order to consider amendments printed in part B of House Report 111-219.

PART B AMENDMENT NO. 1 OFFERED BY MR.

FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 1 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds in this Act under the heading "Federal Aviation Administration—Grants-in-Aid for Airports" shall be available for the Terminal Replacement project at Grand Forks International Airport in Grand Forks, North Dakota, and the amount in the first proviso under such heading is hereby reduced by \$500,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would prohibit \$500,000 from going to the Grand Forks International Airport in Grand Forks, North Dakota, and would reduce the overall cost of the bill by a commensurate amount.

This is money going to an airport terminal. Yet we're told that the funds that are being earmarked from this Airport Improvement Program account of the bill, this is a widely used competitive grant program that others can apply for grants from. The Competitive Grant Program stipulates later that the funds can't generally be used for terminals or terminal improvements.

So the biggest question here, I guess, is why in the world we're designating money from this account that is an account for competitive grants to be received by applicants, why we're designating it as an earmark to an airport terminal that typically falls outside of the purview of the funds in this account.

I hope the sponsor can illuminate on that subject.

And I reserve the balance of my time.

□ 1545

Mr. POMEROY. Mr. Chair, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from North Dakota is recognized for 5 minutes.

Mr. POMEROY. I salute my colleague Mr. FLAKE for, once again, his vigor in trying to raise questions relative to spending. Certainly, these are public

assets we're talking about, and it's a fine thing to have a discussion in the full light of day here in the House of Representatives for each and every line item, including a \$500,000 issue that has been raised relative to the Grand Forks airport terminal. I, as a Representative of Grand Forks, am proud to give the details relative to what is an extremely important project for North Dakota.

Airport improvement moneys in North Dakota typically run through the North Dakota Aeronautics Commission. I would submit into the RECORD a letter from the North Dakota Aeronautics Commission relative to their support of this project as the first priority.

Mr. FLAKE has raised the question in terms of whether airport improvement money raised is used for terminals. Most of it isn't, some of it is. I have a chart here that shows about 12 percent, nearly 13 percent is used for terminals, and I would wager that nearly every Member of the Chamber has some evidence of airport improvement grant money being used for terminals.

Now, why would it be used for terminals when principally its direction is elsewhere? Because each of us is encountering, in our districts, situations where the terminals, frankly, get beyond repair and must be attended to on a priority basis for the needs of the general public. The conditions of this airport are truly, deeply problematic. They involve issues of safety.

Under the present layout of the airport terminal relative to the tower, a line of sight is actually blocked by virtue of how they're forced to use the terminal. Believe it or not, the Grand Forks International Airport is the 22nd busiest airport in the country. You might think, How can that possibly be? Well, we're proud to host the University of North Dakota pilot training programs under the John Odegard School, one of the truly elite university-based pilot training programs in the country, with enrollment well over 1,000 students. They place a tremendous traffic burden on what would otherwise be a small airport facility.

So safety issues really matter, especially considering the fact that you have got a lot of inexperienced pilots doing their training at this particular facility.

We have issues of public safety. Severe inundation of basement areas resulting in everything from mold to threatened mechanical equipment, sump pumps running around the clock. Again, for a fairly substantial major facility, these are pitiful problems for a facility that desperately need to be addressed.

We have security issues by the TSA screening equipment linked to equipment in this basement area. We have ADA code deficiencies. One might ask, Well, is there a cheaper thing you can do than build a new terminal? A major

renovation triggers addressing all of the ADA deficiencies in the building. That involves a massive amount of money.

The Aeronautics Commission, the experts in North Dakota on this, believed it was essential to address in this fashion. Passenger load this year up 11 percent over '08. It is an airport that continues to grow. It is a facility that needs to be done.

So I thank Mr. FLAKE, my friend, for giving me the chance to explain these aspects of it. I stand here prepared to answer any questions the gentleman may have.

NORTH DAKOTA AERONAUTIC
COMMISSION,
Bismarck, ND, Apr. 3, 2009.

Congressman EARL POMEROY,
U.S. Senate,
Washington, DC.

DEAR HONORABLE CONGRESSMAN POMEROY: The North Dakota Aeronautics Commission has reviewed the 2010 FAA Airports Improvement Program. In priority order, we ask that the following airports be given strong consideration of FAA's Discretionary Grants:

1. Grand Forks International Airport—Construct a two level air passenger terminal capable of boarding jet and regional aircraft. The building is designed for energy efficiency, improved circulation of safety and security screening, and future expansion if necessary. Total cost in 2010 is \$11,840,632 with FAA share at \$9,264,744. The state share is estimated at \$500,000 and local share at \$791,499.

2. Devils Lake Regional Airport—Construct Runway 13 extension, improve safety area, relocate perimeter road, relocate Rwy 31 ILS system, and construct parallel taxiway. In 2010, the total cost is \$6,000,000 with FAA share at \$5,700,000. State and local share is \$150,000 each.

3. Minot International Airport—Reconstruct Taxiway C and purchase Snow Removal Equipment. In 2010, the total cost is \$2,152,631 with FAA share at \$2,045,000. The state and local share is \$53,816 each.

4. Wahpeton Harry Stern Airport—Reconstruct Runway 15/33, taxiways, apron and lighting system including safety area improvements. In 2010, the total cost is \$7,368,421 with FAA share is \$7,000,000. The state and local share is \$184,421 each.

These projects are ready to be constructed with the FAA 2010 allocations. We appreciate your support of FAA funding for enhancing safety with these proposed improvements at these North Dakota airports.

Sincerely,

MARK HOLZER,
Interim Director.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman for the explanation. I hope the reason the airport is so busy is that so many people from North Dakota are coming to Arizona in the wintertime at least, but, unfortunately, they go back in the summertime.

I'm not questioning the need for renovations to the terminal. In the research we did, we found there—they said, The terminal has serious mold problems and other things that are a danger to employees and to travelers. That is not what is the question here.

The question is—and we have this question with virtually every appro-

priations bill that we now deal with—is that we appropriate money to the various agencies, and we'll instruct them to establish a competitive grant program to distribute the moneys to worthy recipients. Then the folks at home in the municipal airports or States or whatever district they're in will decide that they want to apply for these funds, increasingly over the last couple of decades.

I'm not blaming Democrats. Republicans are just as guilty of this, but we have earmarked those accounts that we have told the agencies to establish. In this particular case, this earmark is taken from an account that is supposed to be competitively offered, and grants are to be awarded on a competitive basis on the basis of merit.

But what happens—and we talked about this a few weeks ago with another big grant program, this one with regard to flood chrome districts in the Homeland Security bill. The problem is the folks at home in all of our districts want to apply for these moneys, and when they apply for these moneys, they find that sometimes half of them or 75 percent or all of the moneys in that account are gone because particular Members, largely on the Appropriations Committee or other powerful Members, have gotten earmarks to take those funds before anybody can apply for them.

Now, I would submit that if we don't like the way the agencies are distributing this money, let's change it. Let's not grant them that money. Let's do it differently. But let's not set up a competitive grant program, an account at an agency, or instruct them to, and then circumvent it ourselves. That, unfortunately, is what we see all too much of, and that's what we have, it seems to me, an example of here.

I reserve the balance of my time.

Mr. POMEROY. The gentleman has stated his case well, but he's shooting at the wrong target this time. I'm not going to stand here and say every dollar in the appropriations process is perfectly directed. Nothing is perfect. I believe that the steps that we have made—certainly to address some of the concerns raised by my friend from Arizona—have helped bring transparency to this process where all this business is conducted in the full light of day.

I've got a problem with the appropriation at issue. It's not nearly big enough. We saw \$2 million. We have got \$500,000 for a project that is going to cost \$22 million.

The CHAIR. The time of the gentleman from North Dakota has expired. The gentleman from Arizona has 1½ minutes remaining.

Mr. FLAKE. I thank the Chair.

Like I said, I don't think the appropriations process—you can never have a perfect process anywhere you go, but I would submit that when you have literally thousands and thousands and

thousands of congressional earmarks, many of which are earmarking programs that we have instructed the agencies—earmarking moneys that we've instructed them to establish a competitive grant program for, then we have a problem. If we don't like the way the agencies do it, let's change that. We control it because we control the purse. But let's not run a parallel program that turns into really a spoils system.

With that, I urge adoption of the amendment.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 4 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, designated as No. 4 of part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" shall be available for the Murphy Theatre building renovation project of the Murphy Theatre Community Center, Inc., in Wilmington, Ohio, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Economic Development Initiative grants in the second paragraph under such heading) are each hereby reduced by \$250,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

This amendment would prohibit \$250,000 in funding for the Murphy Theatre Community Center, Inc. for building renovation, and it would reduce the cost of the bill by a commensurate amount.

According to the sponsor's Web site, funding would go to the complete renovation of the Murphy Theatre. The theater is a focal point of downtown Wilmington, Ohio. It's 90 years old and has been in constant use since it opened. It's now in need of major rehabilitation.

According to the Murphy Theatre Web site, the theater was built by the

shrewd Chicago Cubs owner Charles Webb Murphy in 1918, and "When he built the Murphy, he owned his hometown," it says. Mr. Murphy has his name painted on the theater's rear large wall, enough to be seen from the railroad tracks, and when the town druggist questioned the town's financial viability, he was quoted as saying, "Dan, that's not an investment, that's a monument." That sounds like a great theater.

I think many districts and towns across this country have something similar. The question here is, should the Federal taxpayers' moneys, should the taxpayers in the State of Washington or Wisconsin or Arizona or Alaska or elsewhere be sending their hard-earned tax dollars to Washington to be earmarked to renovate a theater in Ohio?

With that, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Chairman, I want to yield as much time as he may consume to my good friend and colleague from Dayton, Ohio, MIKE TURNER, the sponsor of this particular provision in the law, to answer the gentleman from Arizona's question.

Mr. TURNER. Thank you, Mr. LATOURETTE. I appreciate you yielding time to me.

Wilmington, Ohio, is in my congressional district, and it has seen a number of challenges over recent years. Of course, all across the country we are all experiencing the economic downturn, but specifically, in Wilmington, Ohio, they are experiencing the closure of DHL's North American hub, which was located there. The closure of DHL's operations will result in the loss of approximately 8,000 jobs, mainly in Clinton and Highland Counties in my district.

As a result, the Ohio delegation has sought increased Federal assistance to help the community as they recover from this economic emergency. The Ohio delegation has been successful in acquiring Federal dollars to help retrain former DHL employees and also help to create an economic development plan to move the community forward with possession of the Wilmington Airpark. Additionally, I have sought congressional earmarked funding for Wilmington projects which are needed, especially given their special economic circumstances.

The 91-year-old Murphy Theatre in Wilmington, Ohio, is both a local landmark and a community center that still hosts a wide range of events. The Murphy Theatre, which opened in 1918, was placed on the National Register in 1982, and the Murphy Theatre soon became the actual, as well as symbolic, heart of the downtown. The Murphy

even hosted a John Philip Sousa concert. Today the Murphy Theatre hosts an average of 35 events a year, serving approximately 6,000 adults and 4,000 children.

Funding for this project will provide critical infrastructure assistance to ensure the viability of this local landmark. In addition to air conditioning and heating replacement, the Murphy Theatre needs roof repair, new auditorium seating, and interior plasterwork repairs from damage sustained from the leaky roof.

Wilmington hasn't the funds to perform even basic repairs to stabilize the condition of this American landmark. This funding request is vital to protect a historic treasure and also to ensure that it continues to meet strong local demand as a community center for entertainment and town activities.

Mr. Chair, I submit for the RECORD copies of letters in support of the project from David Raizk, the mayor of Wilmington; Randy Riley, a Clinton County commissioner; and Donny Mongold, the president of the Murphy board of trustees.

THE CITY OF WILMINGTON,
Wilmington, Ohio, July 22, 2009.

Re Murphy Theatre Restoration Assistance—
\$250,000.

Hon. MICHAEL TURNER,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN TURNER: I am writing today in support of a federal appropriation for \$250,000 for the Murphy Theatre in Wilmington, Ohio. For many years the historic Murphy Theatre has struggled with the need to replace the HVAC system and restore the building to modern standards. The Murphy Theatre Board has done an excellent job at maintaining the facility but are now at a point where major renovations must occur. In the heart of the downtown business district, the Murphy Theatre is one of our anchor businesses. This funding will make it possible for the Murphy to serve that key role for many generations to come and will help keep the heart of downtown Wilmington vibrant for our citizens, visitors, and other businesses.

Sincerely yours,

DAVID L. RAIZK,
Mayor.

CLINTON COUNTY COMMISSIONER,
Wilmington, Ohio, July 22, 2009.

Hon. MICHAEL TURNER,
Longworth House Office Building,
Washington, DC.

CONGRESSMAN TURNER: Thank you for all you do for our community and especially for the work you are doing to obtain funding for the Murphy Theatre in downtown Wilmington.

As you are aware, this classic old theatre is a central fixture in our community. We see the Murphy Theatre as the centerpiece in the redevelopment of our downtown core.

Unfortunately, because of the lack of air conditioning it is often impossible to use the theatre in the summer and, with the old system, it is very expensive to heat the building in the winter.

With your help and with the assistance of others in congress, we can solve this problem by allocating funds to fix the heating and air conditioning system in this beautiful, old theatre.

Preserving this historical theatre and improving it for continued community use is a very appropriate use of the \$250,000 appropriation.

As always, please do not hesitate to contact me for more information on this outstanding project.

Sincerely,

RANDY RILEY,
Commissioner.

THE MURPHY THEATRE,
Wilmington, Ohio, July 22, 2009.

Mr. JOE HEATON,
Washington, DC.

DEAR MR. HEATON: The Murphy Theatre has been a historic icon of our City since being built in 1918. Many decades of folks have visited our theatre to watch movies, catch a live stage performance, hold an important community meeting, watch or participate in our annual Murphy community Christmas show or watch a county school musical performance.

This beautiful Murphy Theatre is a vital part of our community. We would like for future generations to enjoy the theatre as well as the history which accompanies it.

The boiler system which heats the Murphy is some fifty plus years old. It is old and unreliable, not to mention the high cost to operate and maintain this worn out system. We are in need of a new efficient updated heating and air system. Our survival depends on replacing this boiler as well as needing other capital improvements (i.e.; roof repair).

I respectfully request and highly support funding to help us keep this vital historic icon alive and well in our community for decades to come.

Thank you,

Sincerely,

DANNY W. MONGOLD,
President, Murphy Board of Trustees.

Mr. Chair, this amendment by Mr. FLAKE will not save one Federal dime. This community will lose important funding to support a local landmark while they recover from the loss of over 8,000 jobs.

Mr. LATOURETTE. I reserve the balance of my time.

Mr. FLAKE. I thank the Chair. I thank the gentleman for that explanation. That sounds like a wonderful theater. As I mentioned, I think we all have them in our districts.

My own hometown of Mesa a few years ago decided to construct a theater, and it was a hard-fought process to get the local residents to tax themselves to build this particular theater. That's as it should be. If the community feels that it needs a theater and it needs to renovate a theater, I think it falls on the local residents to decide, because they are the ones, frankly, that benefit from that.

But we can't have a policy at the Federal level where we renovate every theater across the country, particularly while we're running a deficit that could hit \$2 trillion this year. How many theaters out there are in need of repair? How many districts are experiencing high unemployment? I can tell you mine is. All of them out there are.

□ 1600

At some point I think we have to decide that perhaps we can't fully fund

this account, which is for economic development initiatives. Now, I won't make the case at all that this theater doesn't fall within the purview of this program. There is nothing that could possibly not fall under the purview of economic development initiatives. Whenever you spend money anywhere, there is some economic benefit, if only fleeting. So it fits well within the program, but I think it behooves us now to say you know, maybe we ought to forego that. Maybe we ought to decide we ought to change the 301(b)s and the 302(a)s and all of the numbers so we do save money on this, so we do actually spend less this year than we did last year, perhaps, because we're spending it elsewhere.

We cannot continue to spend money as we're spending money, and I would submit this is a good place to start to say let's not fund some of these renovations of theaters under the guise of economic development that clearly anything could fall under and virtually every district around the country could claim that they need. But we just can't decide here in Congress we're going to fund that one and that one but not that one. It doesn't make sense to do it that way.

Mr. LATOURETTE. Can I ask how much time I have?

The CHAIR. The gentleman from Ohio has 2½ minutes remaining.

Mr. LATOURETTE. Let me just say, the gentleman from Arizona, his amendment in this case is misguided and it, in my mind, exercises judgment that I hope not many in this House agree with.

Mr. TURNER has stated the case. You know, this business about the local residents taxing themselves to build the theater. The local residents of Wilmington, Ohio, don't have jobs anymore. DHL pulled out in a town of, I think, 15,000; 8,000 of them lost their jobs. What are they supposed to tax?

And also, if we are supposed to be elected—each of us represented by the 700,000 people, well, then what are we doing here? Why don't we just hand off the entire Federal budget and all of the decisions to the President of the United States and his functionaries? Why do we have a legislative branch? We have a legislative branch because we do have the power of the purse, and we are local representatives closest to the people that get put on the ballot every 2 years, the shortest term in the United States Constitution, so people could keep an eye on us, and if they don't like us, throw us out.

Well, MIKE TURNER is supposed to stand up for the people in Wilmington, and the biggest need that he's found in Wilmington to fit this bill is to renovate this theater, which he has described as the heart and soul of Wilmington, Ohio, which has had its guts ripped out by this economy. High school graduations take place in this

theater. It is a meeting place. The center of town. And if the duly elected representative to the United States House of Representatives from that area says that this is a need in this district, then by God, he should do it and the Constitution authorizes it.

I urge a defeat of the amendment.

I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 7 OFFERED BY MR.
FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 7 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" shall be available for the construction of the Triangle Building by Alianza Dominicana, Inc., in New York, New York, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Economic Development Initiative grants in the second paragraph under such heading) are each hereby reduced by \$250,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

Let me just comment on the last amendment that was offered. The gentleman mentioned that every Member here represents their own district, and they should advocate for their own district. Pretty soon, if that's the only standard we had, parochial interests would completely take over.

It's like the debate we're having right now on the F-22 or on military base closures. Virtually every Member here has a military base in their district. That's why we had to, through the military base commissions, take that out of the hands of Members, because we simply couldn't shut down military bases when we needed to because there is a process called "log rolling" in this case, where if you get some money for a theater in your district, I'll take money for a baseball field in mine. You won't challenge my spending, and I won't challenge yours.

That happens all too frequently in this case, and that's why you would hope that you have enough people who say, You know, I could get money for a baseball field in my district, but by golly, that will make us run a deficit that we can't sustain over time. And that's why I would hope that you would have people here to make decisions and say we can't fund every district in the country. So maybe we shouldn't have an account that allows Members to simply earmark wherever they will.

I would submit that that applies to this as well. This amendment would prohibit a quarter of a million dollars from going to Alianza Dominicana, Incorporated, for a construction of a new headquarters in Manhattan. According to the sponsor, these funds would be for a capital grant toward the development of the Triangle Bridge, which is a 48,000, six-story mixed use development currently being constructed that will house for-profit business and nonprofit community services.

I reserve the balance of my time.

Mr. RANGEL. I rise to claim the time in opposition.

The CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. Thank you, Mr. Chairman.

Well, judging what the attitude of the gentleman from Arizona believes is national, Federal, or something that should make us proud, I am a little reluctant to debate with him because he has a different idea than I and other Members have.

But I can tell you this: That in the great City of New York, we had immigrants come from all over the world. We have Chinatown, we have Little Italy, we have the Lower East Side, we have the Jewish community. But we also have a place called Washington Heights, and in my opinion, that's where the Statue of Liberty should be, because so many groups came there, raised their kids there and moved to other parts of the city and the country: the Irish, the Italians, Jews, Catholics. But somehow the Dominican Republic is the last one that's had its people come to New York and to America for a better way of life. Unlike most ethnic groups, they didn't have their own Murphy theater, they didn't have a place to go to. They didn't have museums, they didn't have a cultural center. And so it was the community that got together with the not-for-profits. We went to our mayor, we went to our governor, and they came to me. So it was the city, the State and the Federal Government that said, We should anchor a place of culture where kids can go after school, where we have sports, gymnasiums, poets, health care, and some place where the Dominicans can say that in a great country and in a great city and in a great community, they had a place anchored.

So they brought all of these not-for-profits together. We were able to raise

money from the private sector, the property was given to us by the city, and we were very, very excited and hoped there would be a place where every Member of Congress, when they have a chance to visit the great city of New York, will say, Show me your city. And we'll take you straight to Alianza Dominicana, and show you that this is the quality of beauty, of culture, that we would hope that you would enjoy as we have so many other centers and museums that we would attempt to show off.

I would want my country and this Congress to be a part of that, and that's why I proudly support this allocation for that purpose.

I reserve the balance of my time.

Mr. FLAKE. I thank the sponsor of the earmark.

But let me just say the problem with accounts like this, these economic development initiatives, as I said, is a catch-all term and it seems to act as an account that Members can simply earmark. But here's what happens with the earmarking process. We're told in very highfalutin terms all the time about how Members of Congress know their districts better than those darn bureaucrats over in the agencies. And I can show you here what happens when you have that attitude. Apparently, only the powerful Members in this body—either those who are on the Appropriations Committee, which makes up 14 percent of this body, just under 14 percent, or if you include chairmen and ranking minority members—powerful committees in leadership. That takes it up to just under 24 percent.

But if you look here, here's the appropriations process this year. We have the numbers for all of the bills now, finishing with defense.

But if you look here in virtually every case, that small percentage of under 25 percent takes the bulk—in some cases, in some bills up to 70 percent—of the dollar value of the earmarks.

And so this notion that Members know their districts best, that those halfwit bureaucrats, they don't know what they're doing so we have to earmark those funds because they won't allocate them on the basis of merit, well, this is what occurs. This is what—I don't know how else to refer to it—but a spoil system where the Appropriations Committee and other powerful Members say this is where the dollar should go.

In this bill, I would commend those involved in this bill, 24 percent of the body is only taking 46 percent of the dollar value of the earmarks. That's the lowest total in any of the bills that we've dealt with this year. Next week we will be dealing with the defense, where we will be up to 58 percent.

So before we believe the rhetoric, it's just the Members working their will here and every Member has a right to

represent their district, somebody would have to explain why certain Members get to represent their districts so much better than other Members year in and year out.

Again, as I said, if we don't like how the agencies distribute this money, we should tell them they have to change it. But we can't simply run a parallel program and say, All right. We're going to earmark these dollars. And in this case, it sounds like a wonderful program in New York. I'm not questioning the merits of it at all. I'm questioning why we're doing it by earmark. Why doesn't that program, those involved couldn't apply for the money and compete against those from across the country who are doing the same, instead of going to a powerful Member and saying, Here, will you earmark those dollars for us.

In many cases—it's not the case in this case—but in many cases, you have competitive accounts and people will apply for a grant and not receive it on a competitive basis. Those that are involved will say it doesn't have the merit that others do. So then they will go to their Member and say, Earmark these dollars. And we have some cases—not in this bill—but some cases where the Member will earmark and go around the system that we have told the agencies to create.

So, again, if we don't like how the agencies are doing it, let's change it. Let's not run a parallel system like that.

I reserve the balance of my time.

Mr. RANGEL. I object to the amendment, and I yield back the balance of my time.

Mr. FLAKE. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 8 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk, Mr. Chairman, designated as No. 8 of part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds provided in this Act under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" shall be available for the renovation of a vacant building for

economic development by the City of Jal, New Mexico, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Economic Development Initiative grants in the second paragraph under such heading) are each hereby reduced by \$400,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit funding for the City of Jal, New Mexico, for use in renovating a vacant building and reduce the cost of the bill by a commensurate amount.

According to the sponsor's Web site, the building would be renovated with funds in this bill. The building that would be renovated is a former site of a junior high school which has sat vacant for a number of years.

The purpose of the project is to replace the building's roof, windows, doors, and upgrade its plumbing and electrical systems in order to attract a private buyer. However, the sponsor's description of the earmark says the city already has a buyer in mind—Louisiana Energy Services, which already has declined to purchase the old school due to its condition.

I reserve the balance of my time.

Mr. TEAGUE. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from New Mexico is recognized for 5 minutes.

Mr. TEAGUE. Mr. Chairman, I would like to thank the distinguished chairman of the Appropriations subcommittee for yielding to me and for working with me to invest in important projects in my congressional district.

I rise today in opposition to the amendment that has been offered by my colleague from Arizona. The amendment would strike an appropriation of funds from the Economic Development Initiative at HUD that I worked with my friend, the chairman of the subcommittee, to secure for the community of Jal, New Mexico.

Although I'm opposed to the amendment, I am pleased that the gentleman from Arizona has decided to offer it. The fact that he can and does offer amendments like this, brings the focus of the House and the Nation on certain projects, is exactly why this process has integrity. And it's why I feel comfortable participating in it for the benefit of my constituents in places like Jal, New Mexico.

□ 1615

I am happy to defend and debate the merits of this project, and I look forward to convincing a majority of my colleagues that this amendment should be defeated.

Mr. Chairman, Jal, New Mexico, is tucked into the southeast corner of my

State and my congressional district. In fact, if it weren't for 5 miles and the grace of God, Jal would be sitting in Texas. It's a long way from pretty much everything, a long way from the Finance Committee of the State legislature in Santa Fe, and it's even farther from the faceless bureaucrats who staff the Federal agencies in Washington, D.C.

If not for Jal's elected representation in Congress, no one in this town would likely ever know the name of the place, or that it existed at all. Mr. Chairman, that's my job, to put Jal on the map, to know the priorities and the needs of communities like Jal and to work to address them. If there is a problem in my district, it is my job to get to work solving it.

So here is Jal's problem: the city of Jal owns the Burke Junior High School building, which is a 40,000-square-foot building that was utilized from 1968 to 1986 as the Jal Middle School. The building has now been vacant for a number of years, and for the facility to be put to use again, the city would need to replace the building's roof, doors, windows and a complete upgrade of plumbing and electrical systems.

This is what the EDI appropriation will fund. With the renovation of the building, the city of Jal hopes to attract private industry to town. Having a tenant in the building will create jobs in Jal and increase the town's tax base. Projects like this are exactly why the Economic Development Initiative was legislated in the first place, and I'm proud to have sponsored this appropriation for Jal.

Mr. Chairman, I'm not going to stand by and hope that some faceless bureaucrat looks kindly upon a place like Jal. I know the community's needs. I know the problems. I was elected to stand up for places like Jal, New Mexico, not hope that someone else does. Again, I thank the gentleman from the Arizona for his principled and important participation in this process. I urge my colleagues to reject this amendment.

I reserve the balance of my time.

Mr. FLAKE. I should mention that this money is going to be used to renovate this building. The sponsor already has a buyer in mind. I mentioned Louisiana Energy Services, which already declined to purchase the old school due to its condition. LES is a subsidiary of URENCO, which is a global nuclear fuel company and currently holds approximately one-quarter of the world's share of uranium enrichment services. According to the Web site, LES is working toward constructing the first-ever centrifuge enrichment facility in the U.S., which would be based just a few miles from Jal. The hope is, apparently, to renovate this facility and then get this company to buy it. Now that is economic development, I grant you, certainly, and then the proceeds apparently would go to the city.

But that's just saying that we ought to give \$400,000 to the city, apparently. This isn't going to be used for a public purpose. It's being sold off to a private company. Now, every city in this country is hurting financially. I think we have established that. But here we had it raised again that we are not going to rely on some faceless bureaucrat. I'd forgotten the term always used, not "feckless" or "hapless," but "faceless" bureaucrats. It seems strange to me that we won't trust these faceless bureaucrats to distribute earmarks or distribute Federal funding, but we will trust them with health care.

In the context of this debate, that's what seemed odd to me. But given that, simply, if we don't like the way they're distributing money, and we believe that this money should be distributed, and I would question that, I would question the existence of this Economic Development Initiative money that we have here, we probably ought to get rid of it completely given the dire straits we are in financially as a Federal Government.

But if we're going to have it, then we ought to ensure that the agencies set up a program by which every jurisdiction in this country has an equal opportunity to compete, and not just individual Members of Congress, and as I explained before, in particular, powerful members on the Appropriations Committee or those in powerful leadership positions. That's not the way to distribute taxpayer money in this regard.

With that, I reserve.

Mr. TEAGUE. I thank the gentleman for his concerns. LES is a uranium enrichment facility that currently employs about 2,000 people in the Eunice-Hobbs-Jal area. It's a major employer and one of the biggest employers in the area. The building and operation of the LES plant is now about a \$4 billion project, so its operations and its impact extend across a few different communities in the area.

It's my understanding that Jal would like to attract LES to town, possibly making use of the renovated Burke school. However, the renovated school would be open for use by any number of companies. This appropriation is a fine example of the community using the EDI program to attract private investment.

I reserve my time.

Mr. FLAKE. How much time is remaining?

The CHAIR. The gentleman has 2 minutes remaining, and the gentleman from New Mexico has 30 seconds remaining. The gentleman from Arizona has the right to close.

Mr. FLAKE. Again I would say, what the Web site says is that the buyer is likely to be this company, LES, a subsidiary of URENCO; and that's fine. But we might as well be giving them

the \$400,000 and allowing them to renovate it and then purchasing it, or giving the city that much. And that's fine if that's what we decide to do. But this is no way to distribute these kinds of moneys. This is no way to run a program.

I would submit that when you have a deficit that may hit \$2 trillion this year, at some point, somewhere, sometime this body has to say enough is enough. And if we can't keep a half million dollars from going to a program like this, where are we going to start? Where are we going to say enough is enough? Where are we going to say, we are going to get this deficit under control and we are really going to go after entitlement suspending now? If we can't do it here, where can we do it?

With that, I reserve.

Mr. TEAGUE. Once again, I appreciate the concerns of my colleague from Arizona, and I would just ask my colleagues to vote in support of Jal and all small communities in New Mexico and vote against this amendment.

I yield back my time.

Mr. FLAKE. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 9 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk designated as No. 9 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" shall be available for the Monroe County Farmer's Market facility construction project of the Monroe County Fiscal Court, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Economic Development Initiative grants in the second paragraph under such heading) are each hereby reduced by \$250,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit a quarter of

a million dollars in funding for the Monroe County Farmers' Market facility construction and would reduce the cost of the bill by a commensurate amount. The sponsor of this earmark says in his Web site that "these funds will be used to construct a new market facility that will promote economic development and provide added benefits to the local community."

Farming is an important component of Kentucky's economy. According to the Kentucky Department of Agriculture, Kentucky farmers sold nearly \$5 billion worth of farm products in 2007 alone. Given the number of farmers' markets throughout the State, that is not too surprising. The Department of Agriculture's Web site shows that there are more than 100 farmers' markets currently up and running in the Commonwealth of Kentucky. Nearly 200 vendors participated in these markets in 2008. Farmers' markets in Kentucky appear to be both successful and profitable.

So my question is why are we saddling the taxpayers with a bill for construction of one more farmers' market? I have no doubt that this farmers' market in Kentucky has seen a drop in business as a result of the economy. Virtually every business across this country has. I also think that we could find that these earmarks do benefit the agricultural community there. That isn't any doubt.

The question again here is how do we choose? And why do we say, all right, we're going to aid this one but not another one? And in particular at a time like this, why are we taking money from the taxpayers and then distributing it out as we see fit, rather than allowing them to keep it themselves?

With that, I reserve.

Mr. LATHAM. I claim the time in opposition.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I would like to recognize the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I thank the gentleman for yielding. I rise to, not surprisingly, oppose this amendment from the gentleman of Arizona. And I might say to him that we all appreciate his concern, his dedication and his commitment to fiscal responsibility. But I would also say that even if we eliminated all earmarks of the legislative branch, it still would not make any dent at all in our deficit and debt in this country.

And so I would ask the gentleman and simply suggest that let's look at some more meaningful ways to deal with this issue. For example, I think most Members would agree with you that the vast majority of earmarks do probably go to appropriators rather than nonappropriators. And I think many Members would be willing to join you in an effort to try to change the

House rules in some way and maybe deal with that issue. I might also say that under the PAYGO rules of this Congress and the last Congress, the 110th Congress, they waived PAYGO rules enough times that the amount that they waived was \$450 billion.

So I would ask the gentleman to join me in a resolution that I introduced yesterday to simply say that if the PAYGO rules are waived, that any Member of Congress has a right to raise a point of order and have a vote on the waiving of the PAYGO rules. I think those are two ways to more substantively address your concerns.

As far as Monroe County, Kentucky, let me just say this: Monroe County, Kentucky, is a county of 11,000 people located in south central Kentucky. It is primarily economically driven by agriculture and the textile industry, except the textile industry has closed down over the last 10 years or so. The unemployment rate in Monroe County right now is 15 percent. The most important economic engine in Monroe County is agriculture. And that's why I requested, at the request of the county judge and the fiscal court and the mayor of the community coming to me and asked for \$250,000, to develop this farmers' exchange facility to help the economic development in that area.

I might also point out that on September 16, 2008, the chairman of the House Transportation and Infrastructure Committee, JAMES OBERSTAR, and U.S. Delegate ELEANOR HOLMES NORTON presented a \$2 million EDA investment check to the Government of the District of Columbia to help restore and upgrade the historic Eastern Market where farmers bring their goods and people buy and sell them.

Now Monroe County does not have access to high-priced lobbyists. There's not a lot of influence in Monroe County. So when they came to me—and I don't get that many earmarks—I simply felt it was the proper thing to do, to help this community overcome its high unemployment, to try to stimulate the economy in a small way and to help the farmers in that area. So I would urge and request that the Members vote to defeat the gentleman from Arizona's amendment.

Mr. LATHAM. I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining?

The CHAIR. The gentleman from Arizona has 4½ minutes remaining. The gentleman from Iowa has 1 minute.

Mr. FLAKE. I'll make a note before I yield to the gentleman from Utah. I recall that Eastern Market earmark for D.C., and I challenged that one as well. We shouldn't have distributed that money either.

I yield 1½ minutes to the gentleman from Utah.

Mr. CHAFFETZ. With all due respect to my colleague, I'm sure that the people of Monroe County are wonderful,

beautiful people, and I wish them nothing but the best. But to suggest that \$250,000 doesn't matter is fundamentally what is absolutely totally wrong with this institution. We are \$12 trillion in debt. We are spending \$600 million a day in interest, and the people of Utah and the people of Florida and the people of Michigan should not pay to try to build up another Monroe County Farmers' Market.

I opposed a parking lot, a \$750,000 appropriation, for the city of Provo in my district because I do not believe it's the fundamental and proper role of government to try to transfer a group of shoppers from one mall to another mall. I opposed in Utah a million-dollar expenditure for the Shakespeare Festival because they wanted a new lighting system. This is what is wrong with America.

□ 1630

We have to say no to something. If we can't say no to a farmers market, what in the world are we going to say no to? Time after time after time the gentleman from Arizona has identified projects that fundamentally have absolutely no, no Federal nexus. When is this body going to stand up and take a stand and say, It's not our money; it's the people's money? And we should not be spending Federal taxpayer dollars on another farmers market if it's in my district, if it's in Kentucky, no matter where it is.

Mr. LATHAM. I will yield the balance of my time to a colleague from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Look, ED WHITFIELD has been in this House since 1995. He knows his district better than anybody that has spoken on this amendment, and he's described a need in his area. And I would just suggest that if this earmark thing was such a great idea and it really captured the hearts and minds of the American people and would do anything to reduce spending in a significant way, JOHN MCCAIN would be President of the United States today and we would have had a different budget resolution. We would have had different 302(b) allocations.

But again, to deny a Member of Congress the opportunity to identify districts—and I'm not going to say faceless bureaucrats because I'm with the gentleman from Arizona about this health care business. That's a non-starter for me. But I will tell you that to basically say we're not going to spend the money, we're going to punt, we're not going to do our jobs and represent other people and we're going to let President Obama and his team spend all the dough, it's just wrong. I urge defeat of the amendment.

Mr. FLAKE. The gentleman from Kentucky makes a wonderful point about overall spending. Earmarks represent a small portion of Federal spending, a very small portion. The

problem is, as my colleague in the Senate Dr. COBURN calls them, the gateway drug to spending addiction. And the problem with earmarks is that when you load them up in bills, you will support bills, both the majority and the minority, that you would in no other case support.

Now, take for example, in 2005, we re-authorized the highway bill. In that bill, it was a \$285 billion multiyear authorization. We knew because the chairman of the Appropriations Committee stood up at that time and said, We don't have the money in this bill to fund what is being authorized. We're going to run short. Sure enough, we've run short. We had to transfer \$8 billion into that bill just a while ago. We were asked to transfer another \$6 billion, and there will be more and more.

But you know why that bill passed when everybody in this body knew that we were spending money we didn't have? Because it had 6,300 earmarks in it, and nearly every Member of this body had some. And they knew that if they didn't support it, they might get their earmarks yanked out when it went to conference. That's the problem with this body, and that's the problem with earmarks.

Earmarks are much greater than the sum of their parts. They force you to support bills you would in no other case support simply because you've got your earmarks in and you have to support that bill. And so, that's the problem here.

And then year after year, we say, "Well, they're only a small part, and if we cut funding for this earmark, it won't cut funding for the bill. It will just go somewhere else," when we could, if we wanted to, simply lower the allocation for the bill by the amount that the earmarks represent. But we don't do that so we can use the excuse later that we can't get rid of these earmarks because it won't save any money.

Well, I don't think the people across the country are buying that. They've heard that song too much. We'll have a deficit this year that might approach \$2 trillion. We need to start somewhere, and I would suggest we start here.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 10 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk designated as number 10 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "Federal Highway Administration—Surface Transportation Priorities" shall be available for the Millennium Technology Park project in New Castle, Pennsylvania, and the amount otherwise provided under such heading is hereby reduced by \$500,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit the use of \$500,000 for the Millennium Technology Park in New Castle, Pennsylvania, and would reduce the spending in the bill by the same amount.

According to the sponsor's Web site, the money would be used to design and construct the Millennium Technology Park, on which ground was broken in 2006. The technology park was initiated by the Lawrence County Economic Development Corporation to create "new advanced job opportunities by providing small to large forward-thinking companies with prepermitted, shovel-ready sites."

With that, I reserve the balance of my time.

Mr. ALTMIRE. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. ALTMIRE. I thank the gentleman from Arizona for allowing me the opportunity to come to the floor and discuss a project in my district that I'm very proud of. This is a project that is on a border area between Ohio and Pennsylvania.

The service region for the project, the coverage area for the employment base, and the economic development opportunity spans nine counties in two different States. And it's in an area of the country that has suffered greatly with the loss of manufacturing jobs over the past several decades, and it's in an area of the country that's trying to retool itself and trying to gain traction with economic development activities, especially in high tech fields, high technology manufacturing.

It's in an area where there used to be heavy manufacturing, an industrial site that has been reconfigured to play the role now across nine counties of job growth. It's expected that when this project is completed, it's going to create 2,500 jobs, and the money that we're directing towards that project through this bill isn't in the absence of community support. We have generated 18.7

million through the State of Pennsylvania and through local community sources to fund this project.

This is a project that's ongoing. As the gentleman from Arizona points out, it was initiated in 2006, and the \$500,000 that we're talking about today specifically goes towards access roads. And the Federal Government, as the gentleman knows, does play a role in transportation funding. That's what this bill is all about.

So we're talking about a continuation of a project that was initiated 3 years ago, that's going to create 2,500 jobs, that's going to serve nine counties across three States, and that's going to help continue the rebirth of a region in the country that has suffered. I can think of no better way to spend transportation money than on a project of this sort.

And I reserve the balance of my time.

Mr. FLAKE. Again, we have here, this is money going to a technology park. Where in the world is the Federal nexus there, I would ask. Why is it that we're being asked, as taxpayers in California and New Mexico, Arizona, New York, to pay for a technology park to attract businesses in Pennsylvania? Under that kind of rubric, what wouldn't qualify for money? Why wouldn't we just scatter money all over? Apparently we have, with a \$2 trillion deficit, but we can't continue to do that.

One thing that these technology parks and money for them typically does, they're usually called new business incubators, and what they turn out to be incubators of is earmarks. In fact, this very project received a \$500,000 earmark 2 years ago, and my bet is that next year, or the year after or so, there will be another earmark for the same project because you can never have enough business for a district. No Member of Congress will ever take the podium and say, Hey, I've got too much business in my district. We don't need to construct another technology park. We can't use another earmark. Please, no more.

It's going to continue to go and go and go. But where do we stop? Where do we say enough is enough? We can't continue to put out money this way.

I reserve the balance of my time.

Mr. ALTMIRE. I would say in response to the gentleman from Arizona, the funding that we're talking about, again, is transportation funding, and it's going to build access roads. The funding for the technology park, 18.7 million, has already gone towards the park itself. We're talking about the transportation component of that to build the roads.

And before I yield to the chairman of the committee, what I will say is the gentleman holds up the chart that talks about the earmarks that go to appropriators and people who've been in this House a long time. Well, look,

I'm a second-term Member. I'm not an appropriator, and I'm not a chairman of a high-level committee, but I was elected to represent the Fourth Congressional District of Pennsylvania. I was elected to survey the need and to do everything I can to fight for my constituents and to fight for my district.

And despite the fact that I'm not a chairman, despite the fact that I'm not on one of the exclusive committees, I was able to convince the committee to put this money in because this is a good use of taxpayer funding. This is going to create jobs. This is going to grow the economy in two States across nine counties.

And I would yield the remainder of my time to Chairman OLVER.

Mr. OLVER. I thank the gentleman for yielding, and I thank you for your careful defense of the job that you do as a Representative there for New Castle, Pennsylvania.

I asked for the time because just a few minutes ago the gentleman from Arizona had spoken about the distribution of earmarks and how it seems to favor certain Members or committees, and I wandered over to see, and I suspect that I and my ranking member are in trouble for the nature of that chart.

But, as a part of your argument, the gentleman's argument, the gentleman mentioned that maybe the Federal agencies can do a better job of distributing funding more equitably. However, one really ought to look a little bit at what has been the historical record and some fairly recent historical record.

In fiscal 2007, we included no earmarks in this bill.

The CHAIR. The time of the gentleman has expired.

Mr. FLAKE. May I inquire as to the time remaining?

The CHAIR. The gentleman from Arizona has 2½ minutes.

Mr. FLAKE. I yield 30 seconds to the gentleman to finish his thought.

Mr. OLVER. I thank the gentleman. That was very kind of you.

In fiscal 2007, we included no earmarks in this bill and gave complete discretion to the Secretary of Transportation. Remember, that was the year that the majority tipped, but we still had the previous President in place. The result of that was that the Secretary of Transportation distributed over \$1 billion of discretionary money to five cities, to five places, five single places.

Mr. FLAKE. I thank the gentleman for making that point, and I have no grief for faceless bureaucrats, believe me. I don't want them running my health care. But if we don't like the way they're doing things, let's change it. Let's not appropriate the money.

Frankly, this account from which these funds are drawn probably, in my view, should not exist. I mean, eco-

nomics development initiatives? You can fit anything under that. And it's just an excuse to give out money here from Congress or let the bureaucrats do it.

I'm not saying that we should give all of our money there and say don't do it. If we don't like the way they do it, then set up a structure and say, You have to do it by merit. And if we don't like the way you've distributed it the following year and we can prove that you did it on a basis that is not equitable, then we cut your funding completely the next year.

That's what our purview is, not to say we don't like the way you do it so we're going to set up a system by which the appropriators take upwards of a low of 46 percent, appropriators and powerful Members, when they represent only 24 percent of the body, and a higher limit of 70 percent.

Mr. OLVER. Would the gentleman yield another 30 seconds?

Mr. FLAKE. Fifteen.

Mr. OLVER. Well, if the gentleman would place all the earmarks funded in this bill in '08 or '09 on a map and show where those had actually gone, you'd find that the earmarks have been spread much more widely, much more evenly among all 50 States and the territories than you would find by the bureaucrats.

Mr. FLAKE. He makes the point exactly. We shouldn't appropriate this money at all. This money for economic development should stay in the hands of small business before it's taxed and let them do with it as they will: cut their payroll tax, cut something else, leave it with them. Don't take it and then distribute it by means of congressional earmark or Federal bureaucrat fiat. I'm saying don't spend it that way. But if we don't like how they do it, let's not create a parallel program that is just as inequitable.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 1645

PART B AMENDMENT NO. 11 OFFERED BY MR.

FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, a final amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 11 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "Federal Highway Administration—Surface Transportation Priorities" shall be available for the reconstruction of Rib Mountain in Wisconsin, and the amount otherwise provided under such heading is hereby reduced by \$500,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would remove \$500,000 in funding for the reconstruction of Rib Mountain Drive in Wisconsin, and it would reduce the cost of the bill by a commensurate amount.

I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I reserve the balance of my time.

The CHAIR. The gentleman from Wisconsin has the right to close.

Mr. FLAKE. Mr. Chairman, doesn't the sponsor of the amendment have the right to close?

The CHAIR. A member of the Appropriations Committee, if in opposition to an amendment, has the right to close.

Mr. FLAKE. Oh, okay. All right. I should have known.

According to the sponsor of this earmark, the funds would go for additional turn lanes, signals and a sidewalk on Rib Mountain Drive. The certification letter for this earmark refers to this particular stretch of road as the "primary roadway in a commercial district," and it says that the project will "enhance both safety and efficiency."

I have no doubt that it will do this. I have no doubt, but my understanding is that the State of Wisconsin has a program where they grant funding for programs like this, for projects like this on a priority basis. Apparently, the State of Wisconsin didn't see this as a priority or they would have funded it, or perhaps they did, but in realizing there was a powerful Member here in Congress, felt they didn't have to because the Federal taxpayer could pick up the tab.

So, here again, why are we paying for a roadway that doesn't serve an interstate purpose? This is not part of the Interstate Highway System. Again, here, it's a parochial interest, and I understand that, and the Member will advocate fiercely for it and for his right to get that earmark. Certainly, the Member, my good friend from Wisconsin, is in a position to do that. The question is why. Why do we continue with a program like this?

Let me show you this chart again. Here is the appropriations chart for this year. We have all of the legislation that we have considered so far. We have just shy of 24 percent of the Members of the House. This includes the appropriators, who make up between 13 and 14 percent. The leadership Members and ranking minority members and chairmen of committees get a low of 46 percent in this bill and a high of 70 percent in the Financial Services bill.

This seems to be a pattern, and it's a pattern that stretches beyond. Last year, I think there were similar spoils here. I understand that. Members, when they're here longer, apparently understand their districts better than Members who haven't been here as long, but it begs the question: Why do we continue to do this? I always appreciate when the chairman stands and says that earmarks grew under Republican rule. They did, and that's something that will haunt us, I think, forever, and as Republicans, it should. The chairman also says, when he was chairman of the Appropriations Committee prior to the Republicans' taking over in '94, there were no earmarks whatsoever in the Labor-HHS bill, not one earmark. Tomorrow, we'll consider that bill. I think there are well over 1,000 earmarks in that bill. There are over 1,000 earmarks in the bill today. There are well over 1,000 earmarks in the defense bill that we'll consider later next week.

Just because Republicans ramped it up doesn't mean the Democrats have to continue it this way. Some will make the case that we've cut down the number and the dollar value. That's a good thing. Yet, when you go from zero and say with pride "there were no earmarks when I chaired the committee before, and now there are only 1,000, and we should feel good about that," there's something wrong with this picture.

Again, it's not just the money and the earmarks. It's not just that we're spending on a local transportation project that should be funded locally. It's that, when you get earmarks like this in a bill and when you include 1,000 of them, you gather support for a bill that, in this case today, increases overall spending by 13 percent, I believe, over last year's bill. In a year when our deficit will approach \$2 trillion, we are here, saying that's okay. We'll have a big vote on this bill—Republicans and Democrats is my guess—largely because there are so many earmarks in this bill that people think "I've got a little piece of it, so I'm going to vote for the broader bill." That's what has driven up spending under Republicans and Democrats alike.

When we lard up these bills with earmarks and pet projects, we grease the skids for them to pass when we should stand up and say that we cannot sus-

tain this level of spending. Again, it's not just a Democrat thing or a Republican thing. This body, as a whole, is guilty of it, but earmarks are a large part of that, and we have to recognize it. You can cloak it in whatever language you want with regard to "representing my constituents," but every constituent is out there, wanting money. I can tell you mine want to keep a lot more of theirs rather than send it to Washington so Washington can decide, well, I'm going to spend a little on a roadway in Wisconsin.

With that, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, the project under discussion is a transportation project, and this is a transportation bill. Until 10 years ago, my State, Wisconsin, was a donor State to highway trust funds, at one time getting just a 70-cents-on-the-dollar return on our Federal gas taxes. As a delegation, we fought like the devil for over 30 years to turn that around. We finally have. Despite that fact and the changes we've been able to make, Wisconsin, along with other Great Lakes States, still ranks way down the list—45th, 46th, 47th on its per capita return on Federal dollars.

In contrast, the gentleman's State, Arizona, does much better. Compared to Arizona, for example, Wisconsin receives about \$759 less from the Federal Government per capita. Arizona does very well, for instance, in Federal procurement dollars, getting about \$866 per capita more than Wisconsin. In grant programs, such as highway funds, Arizona gets about \$130 per capita more from the Federal Government than does Wisconsin.

When I came to Congress, Wisconsin had 10 Members in the House. Arizona, I believe, had 3. Arizona has had a huge growth in population during the subsequent 40 years, and it has been financed, in very large part, by Federal dollars. I don't remember how much the Central Arizona Project cost, but it was billions. I think what the gentleman is suggesting is, now that Arizona has got his, that he begrudges somebody else trying to get pennies by comparison.

Let me point out that, in this bill, Arizona gets \$13 million in earmark funds. He says that Wausau, the community where this highway is being repaired, is not on the interstate. Well, why on Earth should we confine Federal responsibility only to communities lucky enough to be on interstate roads? Why should we tell small rural towns, "Sorry. Go off in the corner. You don't have a right to participate in Federal support?"

With respect to this particular project, we are trying to help the community of Rib Mountain, part of the Wausau metropolitan area. We are trying to fix some problems on that heavily traveled and congested commercial

corridor by adding turn lanes and a median traffic signal. On July 4, two 15-year-old girls were hospitalized by an accident in the very location where this road is to be modernized. I make no apology whatsoever for trying to improve that situation.

I would also point out, if you want to talk about me, the unemployment level right now in the Wausau area is well over 12 percent. The last time I checked, the unemployment level in Mesa was 7.3 percent.

The gentleman from Utah also was commenting on the previous earmark, complaining about that fund. The unemployment level in Utah is 5.9 percent, less than half of what it is in my community. I don't see why I should apologize for trying to get a few items for my district.

I would also note one other thing. If you want to talk about earmarks, as the gentleman knows, they make up less than 1 percent of the discretionary part of the Federal budget. I've never seen a Congress change any President's budget by more than 3 percent. That 3 percent difference in congressional decisions versus Presidential decisions is the difference between having a President and having a King. I make no apology whatsoever for the Congress' trying to occasionally exercise its responsibilities in terms of the power of the purse.

I would also point out one other thing. If you take a look at the real cause of the deficit, the gentleman goes after these very small projects, and then suggests that they have a major impact on the deficit. I don't know where the gentleman was when the previous administration was turning \$6 trillion in projected surpluses into a \$1 trillion deficit. I don't know where the gentleman was when the administration was spending \$1 trillion on a misguided war in Iraq. Those are the items that raise the cost of government. Those are the items that add to the deficit. Those are the items that significantly add to the debt. I make no apology for this project in that context.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

It is now in order to consider amendments printed in part C of House Report 111-219.

PART C AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 3 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "Department of Transportation—Federal Highway Administration—Federal-Aid Highways (Limitation on Obligations)" shall be available for the Doyle Drive Replacement project in San Francisco, California, and the amount otherwise provided under such heading is hereby reduced by \$2,000,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that would strike a \$2 million earmark requested by the Speaker of the House for the Doyle Drive Replacement Project in San Francisco. Apparently, this drive is owned and operated by the California Department of Transportation, known as Caltrans, which acquired it in 1945 and which charges tolls from vehicles coming across the Golden Gate Bridge.

According to the Web site, the money, among other things, would be used to "raise the original profile of the southbound lanes to preserve the cultural relationship between the upper and lower portions of the Presidio."

It would "reconfigure the Girard Road interchange to preserve the Gorgas Avenue streetscape adjacent to the historic warehouses and to improve views to the Palace of Fine Arts."

Now, Mr. Chairman, I'm not here to tell you that all earmarks are bad. I'm not even here to tell you that somehow this is a bad use of somebody's money. I've never been a particular fan of the earmark system, but I don't come here to debate that today. I've heard a number of people say, "Well, relative to the Federal budget, this is kind of pennies and nickels." Well, yes, maybe it is. I hope, number one, I'm never in Congress so long that I consider \$2 million to be pennies and nickels, but if it is, you know, and if you don't start saving those pennies and nickels, how will you ever save the dollars?

Frankly, with the oppressive treatment we have at the Rules Committee, the amendments that Republicans would offer that would save billions of dollars somehow are never quite made in order.

So, Mr. Chairman, why is this important? I think it's important because we need to take stock of where we are as a Nation. Since President Obama was elected, we have seen now the highest deficit we've ever seen in our Nation's history. It's over \$1 trillion. Mr. Chairman, it's on its way to \$1.8 trillion.

That means, since the Democrats have taken control of this House, the Federal deficit has increased tenfold. The national debt is being tripled under their watch, under their budget—tripled—with more debt in the next 10 years than in the previous 220.

□ 1700

So, yes, maybe \$2 million is small relative to that, but Mr. Chairman, again, if you don't change the culture of spending, how are you ever going to change the spending?

And I wish the Speaker of the House was on the floor now. I would pose a question to her that I've posed before. Early in her career when she was in the minority, she said, It is just absolutely immoral, immoral for us to heap those deficits on our children. And so I would respectfully ask the Speaker of the House, if it's immoral to do it, why are you doing it? This is \$2 million, 2 million more dollars of deficit that, according to the Speaker of the House, is immoral.

The Speaker also has said, prior to becoming the Speaker of the House, I'd just as soon do away with all earmarks; you can't have Bridges to Nowhere for America's children to pay for. I would respectfully ask the Speaker of the House if she was on the floor now, Madam Speaker, if you would just as soon do away with earmarks why don't you lead by example and quit asking for them?

It appears in this appropriations cycle that she has requested herself, or jointly with others, 30 earmarks worth \$36 million. According to Taxpayers for Common Sense, in the last appropriations cycle, Mr. Chairman, Speaker of the House PELOSI ranked 16th out of 435 Members of Congress on the number of earmarks she requested.

Again, at a time of trillion-dollar deficits maybe there's time to say "no" to one project today so we can say "yes" to our children's future tomorrow.

I reserve the balance of my time.

Mr. OLIVER. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLIVER. Mr. Chairman, I rise in opposition to the amendment. Let me make a few remarks about the general process and then about this amendment, and then maybe I will even have a little bit more time.

As indicated in the report to this bill, the funding for earmarks on the Transportation and HUD appropriations bill in 2010 has been cut to 50 percent of the 2006 levels. I would remind the gentleman that in the 2006 budget there was both a Republican majority in both branches and the President of the United States as well.

Also, this year, Chairman OBEY introduced new requirements to continue

our effort to ensure that the appropriations process is open, transparent and worthy of the public's trust. As part of that, the committee vetted each request with the agency under whose jurisdiction an earmark would fall. Also, each request has been publicly disclosed on Members' Web sites so everyone can know exactly what has been asked by every Member and what ones are being funded.

I oppose the particular amendment here because the funds here, the \$2 million of funds, are being used to replace Doyle Drive with a new parkway connecting the Golden Gate Bridge and the Golden Gate National Recreation Area. Federal funds would be used for project design work and the right-of-way acquisition. Doyle Drive is the only link between the San Francisco peninsula and Northern California counties, and is, therefore, designated as a postdisaster recovery route.

Doyle Drive was built the year I was born and is reaching the end of its useful life. The lack of shoulders and the absence of a dividing median create dangerous operating conditions and often result in serious accidents. The drive is ranked as the fifth-worst bridge in the Nation and the worst in California on the measure of structural insufficiency. 100,000 drivers, 18,000 transit riders use that Doyle Drive every day. So for those reasons I think this is a very important earmark.

Then I would like to comment, and I oppose, again, the amendment. I would like then to use the rest of my time to point out something that I did a little bit earlier, which was to point out that at the end of the Carter administration there was \$1 trillion of national debt. That took us from the Presidency of President Washington all the way 190 years to 1980 to get \$1 trillion of national debt. Twelve years later, the national debt was over \$4 trillion, more than four times, more than quadrupled in that 12 years. That's the 12 years of the greatest debt increase in the history of the country by any percentage-wise.

In the Presidency of President Clinton, the debt went up another one-third, 33 percent, in that 8 years, which is quite modest compared to what it then went up during the next administration, the years from 2001 through 2009. The debt during that period went up from \$5.3 trillion—I think maybe I said 5.4 the last time I made this, hadn't quite gone down that much—but in any case, it's gone up over \$10 trillion by the end of the Bush administration. So that's another doubling, the largest actual number of dollars of debt increase in trillions of any kind but not the largest percentage. This was only a doubling there.

And where the gentleman gets the idea that the debt will be a tripling under the present President, I cannot imagine. It will take at least seven

more years for us to have any idea what the level of the debt will be at the end of that time. He might be surprised, we might all be surprised that it will be a good deal more modest than the kinds of numbers that the gentleman is using today.

Mr. LATHAM. Would the gentleman yield?

Mr. OLVER. I would be happy to yield.

Mr. LATHAM. I just want to make the comment that, unlike Doyle Drive, you have not come to the end of your useful life.

Mr. OLVER. I reserve the balance of my time.

The CHAIR. The gentleman's time has expired.

Mr. HENSARLING. Mr. Chairman, I certainly concur with the gentleman from Iowa.

It was a fascinating history lesson that the gentleman from Massachusetts provided us with, but here are the facts.

According to the Congressional Budget Office, which happens to be appointed by Democrats, we have the largest deficit in the history of the Nation at \$1 trillion, 1.8 estimated at the end of the year, and it is CBO that says that the 10-year budget will triple the national debt.

I would ask the gentleman from Massachusetts, again, if this funding is so important, why isn't it paid for by the State of California, the city of San Francisco, or how about those toll roads? And is it really worth borrowing the money from the Chinese and sending the bill to our children and grandchildren at this time? I think not.

I would urge adoption of the amendment.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

PART C AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk designated No. 4.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 4 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "Department of Transportation—Federal Highway Administration—Surface Transportation Priorities" shall be available for the Philadelphia Mu-

seum of Art Transportation Improvement Program in Pennsylvania, and the amount otherwise provided under such heading is hereby reduced by \$750,000.

The SPEAKER pro tempore. Pursuant to House Resolution 669, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an earmark designated for the Philadelphia Museum of Art, transportation improvement program, for three-quarters of \$1 million, I believe requested by the gentleman from Pennsylvania, who is on the floor.

There is no doubt, Mr. Chairman, that the Philadelphia Museum of Art is one of the great art museums in America. I've had the occasion to visit it actually on two occasions, I believe. Many in America recognize the steps as the "Rocky" steps from the popular film "Rocky."

According to the sponsor's Web site, the earmark will be used for, "Intermodal transportation improvement project to resolve pedestrian and vehicular issues at the convergence of Kelly Drive, Spring Garden Street, Art Museum Drive, Pennsylvania Avenue, and Fairmont Avenue." Sounds like a lot of avenues and streets coming together.

Again, Mr. Chairman, let's take stock of where we are: \$1 trillion deficit, the largest in America's history. It will increase tenfold in just 2 years under this Democratic majority, a feat I do not believe that has ever been achieved in our Nation's history.

According to the Congressional Budget Office, again, appointed by Democrats, we will triple the national debt in 10 years. More debt, more debt in the next 10 years, Mr. Chairman, than in the previous 220. Again, don't take my word for it; ask the Congressional Budget Office.

And so I have no doubt that this is a good use of money once again. I have no doubt that this great art museum could use this money, but I have a number of questions.

Number one, why is this a Federal responsibility? You know, why didn't this money go to the Dallas Museum of Art? How about the Museum of Modern Art in New York? How about the Art Institute in Chicago? How about the Legion of Honor Museum in San Francisco? How about the hundreds and hundreds, if not thousands, of other art museums in the Nation, are they not equally deserving, Mr. Chairman?

And if this is a Federal responsibility, is it really a Federal priority at a time when, under this Democratic majority, we now have the highest rate of unemployment that we've had in a quarter of a century—2.6 million more Americans unemployed since President Obama took office? Maybe, maybe our priority ought to be to try to create

more jobs, and there are hundreds of thousands of small businesses, including many in the Fifth Congressional District of Texas that could benefit from that money and create jobs and preserve jobs.

And then, Mr. Chairman, if I concede the argument that somehow this is not only a Federal responsibility but a Federal priority, again, is it of equal priority to creating jobs? Is it of equal priority to the money that goes to the National Institutes of Health for cancer research? Is it of equal priority to setting up more rural clinics for our veterans' health care? I think not.

And although, again, I have no doubt that this is a good use of someone's funds, that at a time of \$1 trillion deficit, at a time of the worst unemployment we have had in 25 years, you know, it just doesn't meet the test of the taxpayers and the struggling families in this Nation.

And, again, if we don't say "no" to somebody's project today, we cannot say "yes" to our children's future tomorrow.

And with that, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. BRADY of Pennsylvania. I rise in opposition to the amendment.

The gentleman from Texas does not seem to understand that this money does not go to the art museum. The art museum is located in the city of Philadelphia, and it benefits the entire region. This isn't private property. It's a public street that runs around a city-owned building. The contracts for this work will be let by Pennsylvania's transportation department, administered by the city of Philadelphia, and this is already an approved TIP project.

The museum is located in one of the most dangerous high-traffic areas in the city of Philadelphia, where major roadways, as the gentleman indicated, I-76, Martin Luther King Drive, Kelly Drive, Schuylkill River Trails and the Ben Franklin Parkway converge. This area has proven to be extremely dangerous for drivers and pedestrians alike.

Just a month ago, a father and son were struck by an SUV, critically injuring them while biking on Martin Luther King Drive on the south side of the art museum. Such accidents are frightening and common in this area, as anyone who has visited the art museum can attest.

I requested funding for this earmark because it's vitally important for the safety and well-being of my constituents, as well as the millions of others who visit Philadelphia every year.

I fully support this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I certainly respect what the gentleman

says, and he says that clearly I don't understand aspects of the project.

What he doesn't seem to understand is that the taxpayers in the Fifth Congressional District of Texas, frankly, don't want to pay for his transportation projects, and they have transportation needs of their own.

If this is such a priority, why doesn't the Commonwealth of Pennsylvania take it out of their share of the Federal Highway Trust Fund? Why doesn't the State of Pennsylvania take it from their taxpayers? Why doesn't the City of Philadelphia take it from their taxpayers, or maybe the art museum has to charge a little bit more so that the struggling taxpayers of the Fifth District of Texas and all over America don't have to pay more in taxes or borrow more money from the Chinese to help the art museum in Philadelphia.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I yield 2 minutes to the gentleman from Pennsylvania, City of Philadelphia (Mr. FATTAH).

□ 1715

Mr. FATTAH. I rise in opposition to this amendment, and to support my colleague who has offered this very worthy project that's needed. The Philadelphia Art Museum is the finest art museum anywhere in the world, as far as I'm concerned, because I'm from the city of Philadelphia.

But I think we all know that it's critically important to invest in these needed infrastructure repairs, and I'm very happy that the committee saw fit to include this.

I'd hoped that we would at one point think about the real cost to our taxpayers of these amendments that are being offered. I think we probably have spent more than \$750,000 on these amendments attacking earmarks, when in fact this is 1 percent of the bill. Even if this amendment passed, this money would not go against the deficit. This money would go to be spent in some other way.

So the point here is this is a needed project. I support it. I thank the chairman for including it. I thank my colleague from Philadelphia for his very effective fight to get this included in this transportation bill.

I think one thing that this amendment shows is that you're doing your job and working hard. And it benefits, like you said, the entire region.

I thank the gentleman for yielding time.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time I have remaining and who has the right to close.

The CHAIR. The gentleman from Texas has 15 seconds. The gentleman from Texas does have the right to close. The gentleman from Pennsylvania has 2½ minutes.

Mr. HENSARLING. I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Chairman, I find it ironic that people think the citizens of Philadelphia and of Pennsylvania don't pay Federal taxes, but they do.

The reason why government was formed is to protect our citizens. So I thank the gentleman for offering his amendment, to allow me to stand here and represent my constituents, the constituents of the city of Philadelphia, in my district, and also to be able to do my job to show them I am bringing back resources to keep not only them safe, but to keep the millions of visitors, the children, everyone that does visit this art museum, keeping them safe. That's exactly what this funding would do.

Again, I ask for a "no" vote on this amendment.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, I will just point out to the gentleman from Pennsylvania that, according to his own Web site, the recipient is the Philadelphia Museum of Art, again, one of America's great art museums.

But I don't want to borrow money from the Chinese to send the bill to my children and grandchildren at a time of a trillion-dollar deficit.

Start saving the pennies and nickels and perhaps the dollars.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-219 on which further proceedings were postponed, in the following order:

Amendment No. 2 printed in part A by Mr. HENSARLING of Texas;

Amendment No. 3 printed in part A by Mr. LATHAM of Iowa;

Amendment No. 7 printed in part A by Mr. FRELINGHUYSEN of New Jersey;

Amendment No. 8 printed in part A by Mrs. BLACKBURN of Tennessee;

Amendment No. 10 printed in part A by Mr. JORDAN of Ohio;

Amendment No. 11 printed in part A by Mr. NEUGEBAUER of Texas;

Amendment No. 12 printed in part A by Mr. STEARNS of Florida;

Amendment No. 1 printed in part B by Mr. FLAKE of Arizona;

Amendment No. 4 printed in part B by Mr. FLAKE of Arizona;

Amendment No. 7 printed in part B by Mr. FLAKE of Arizona;

Amendment No. 8 printed in part B by Mr. FLAKE of Arizona;

Amendment No. 9 printed in part B by Mr. FLAKE of Arizona;

Amendment No. 10 printed in part B by Mr. FLAKE of Arizona;

Amendment No. 11 printed in part B by Mr. FLAKE of Arizona;

Amendment No. 3 printed in part C by Mr. HENSARLING of Texas;

Amendment No. 4 printed in part C by Mr. HENSARLING of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

PART A AMENDMENT NO. 2 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 276, not voting 11, as follows:

[Roll No. 620]

AYES—152

Akin	Frelinghuysen	McKeon
Alexander	Gallegly	McMorris
Bachmann	Garrett (NJ)	Rodgers
Bachus	Gingrey (GA)	Miller (FL)
Bartlett	Gohmert	Miller, Gary
Barton (TX)	Goodlatte	Mitchell
Biggert	Granger	Moran (KS)
Bilbray	Graves	Neugebauer
Bilirakis	Guthrie	Nunes
Blackburn	Harper	Olson
Blunt	Hastings (WA)	Paul
Boehner	Heller	Paulsen
Bono Mack	Hensarling	Pence
Boozman	Herger	Petri
Brady (TX)	Hoekstra	Pitts
Broun (GA)	Hunter	Polis (CO)
Brown (SC)	Inglis	Posey
Brown-Waite,	Issa	Price (GA)
Ginny	Jenkins	Putnam
Buchanan	Johnson (IL)	Radanovich
Burgess	Johnson, Sam	Rehberg
Burton (IN)	Jordan (OH)	Reichert
Buyer	King (IA)	Richardson
Calvert	King (NY)	Roe (TN)
Camp	Kingston	Rogers (KY)
Campbell	Kirk	Rogers (MI)
Cantor	Kline (MN)	Rohrabacher
Carter	Kratovil	Rooney
Cassidy	Lamborn	Roskam
Chaffetz	Lance	Royce
Coble	Latham	Ryan (WI)
Coffman (CO)	Latta	Sanchez, Loretta
Cole	Lee (NY)	Scalise
Conaway	Lewis (CA)	Schmidt
Cooper	Linder	Schock
Crenshaw	Lucas	Sensenbrenner
Culberson	Luetkemeyer	Sessions
Deal (GA)	Lummis	Shadegg
Dreier	Lungren, Daniel	Shimkus
Duncan	E.	Shuster
Ehlers	Mack	Simpson
Emerson	Manzullo	Smith (NE)
Fallin	Marchant	Smith (TX)
Flake	McCarthy (CA)	Souder
Fleming	McCaul	Stearns
Forbes	McClintock	Sullivan
Foster	McCotter	Teague
Fox	McHenry	Terry
Franks (AZ)	McHugh	Thompson (PA)

Thornberry
Tiahrt
Wamp

Westmoreland
Whitefield
Wilson (SC)

NOES—276

Abercrombie	Frank (MA)	Murphy (CT)
Ackerman	Fudge	Murphy (NY)
Aderholt	Gerlach	Murphy, Patrick
Adler (NJ)	Giffords	Murphy, Tim
Altmire	Gonzalez	Murtha
Andrews	Gordon (TN)	Myrick
Arcuri	Grayson	Nadler (NY)
Austria	Green, Al	Napolitano
Baca	Green, Gene	Neal (MA)
Baird	Griffith	Norton
Baldwin	Grijalva	Nye
Barrow	Gutierrez	Oberstar
Bean	Hall (NY)	Obey
Becerra	Hall (TX)	Olver
Berkley	Halvorson	Ortiz
Berman	Hare	Pallone
Berry	Harman	Pascarell
Bishop (GA)	Hastings (FL)	Pastor (AZ)
Bishop (NY)	Heinrich	Payne
Blumenauer	Herseth Sandlin	Perlmutter
Boccieri	Higgins	Peters
Bonner	Hill	Peterson
Bordallo	Himes	Pierluisi
Boren	Hinchee	Pingree (ME)
Boswell	Hirono	Poe (TX)
Boucher	Hodes	Pomeroy
Boyd	Holden	Price (NC)
Brady (PA)	Holt	Quigley
Braley (IA)	Honda	Rahall
Bright	Hoyer	Rangel
Brown, Corrine	Inslee	Reyes
Butterfield	Israel	Rodriguez
Cao	Jackson (IL)	Rogers (AL)
Capito	Jackson-Lee	Ros-Lehtinen
Capps	(TX)	Ross
Capuano	Johnson (GA)	Rothman (NJ)
Cardoza	Johnson, E. B.	Roybal-Allard
Carnahan	Jones	Ruppersberger
Carney	Kagen	Rush
Carson (IN)	Kanjorski	Sablan
Castle	Kennedy	Salazar
Castor (FL)	Kildee	Sánchez, Linda
Chandler	Kilpatrick (MI)	T.
Childers	Kilroy	Sarbanes
Christensen	Kind	Schakowsky
Chu	Kirkpatrick (AZ)	Schauer
Clarke	Kissell	Schiff
Clay	Klein (FL)	Schrader
Cleaver	Kosmas	Schwartz
Clyburn	Kucinich	Scott (GA)
Cohen	Langevin	Scott (VA)
Connolly (VA)	Larsen (WA)	Serrano
Conyers	Larson (CT)	Sestak
Costa	LaTourette	Shea-Porter
Costello	Lee (CA)	Sherman
Courtney	Levin	Shuler
Crowley	Lewis (GA)	Sires
Cuellar	Lipinski	Skelton
Cummings	LoBiondo	Smith (NJ)
Dahlkemper	Loeb	Smith (WA)
Davis (AL)	Lofgren, Zoe	Snyder
Davis (CA)	Lowe	Space
Davis (IL)	Lujan	Speier
Davis (KY)	Lynch	Spratt
Davis (TN)	Maffei	Stark
DeFazio	Maloney	Stupak
DeGette	Markey (CO)	Sutton
Delahunt	Markey (MA)	Tanner
DeLauro	Marshall	Taylor
Dent	Massa	Thompson (CA)
Diaz-Balart, L.	Matheson	Thompson (MS)
Diaz-Balart, M.	Matsui	Tiberi
Dicks	McCollum	Tierney
Dingell	McDermott	Titus
Doggett	McGovern	Tonko
Donnelly (IN)	McIntyre	Towns
Doyle	McMahon	Tsongas
Driehaus	McNerney	Turner
Edwards (MD)	Meek (FL)	Upton
Edwards (TX)	Meeke (NY)	Van Hollen
Ellison	Melancon	Velázquez
Ellsworth	Mica	Visclosky
Engel	Michaud	Walden
Eshoo	Miller (MI)	Walz
Etheridge	Miller (NC)	Wasserman
Faleomavaega	Miller, George	Schultz
Farr	Minnick	Waters
Fattah	Mollohan	Watson
Filner	Moore (KS)	Watt
Fortenberry	Moran (VA)	Waxman

Weiner
Welch
Wexler

Wilson (OH)
Wittman
Wolf

Woolsey
Wu
Yarmuth

NOT VOTING—11

Barrett (SC)	Kaptur	Platts
Bishop (UT)	McCarthy (NY)	Ryan (OH)
Boustany	Moore (WI)	Slaughter
Hinojosa	Perriello	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining on the vote.

□ 1743

Messrs. CAO, FILNER, TIM MURPHY of Pennsylvania, LEVIN, BERRY, Mrs. NAPOLITANO, Mr. McDERMOTT, Ms. CASTOR of Florida, Messrs. ORTIZ, GRIJALVA, BERMAN, ADERHOLT, and BAIRD changed their vote from “aye” to “no.”

Messrs. NEUGEBAUER, THORNBERRY, CRENSHAW, TIAHRT, PETRI, EHLERS, KIRK, PUTNAM, DREIER, KING of New York, and BURGESS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SLAUGHTER. Mr. Chair, on rollcall No. 620, had I been present, I would have voted “no.”

PART A AMENDMENT NO. 3 OFFERED BY MR. LATHAM

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. LATHAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 136, noes 284, not voting 19, as follows:

[Roll No. 621]

AYES—136

Akin	Camp	Frelinghuysen
Alexander	Campbell	Gallegly
Austria	Capito	Garrett (NJ)
Bachmann	Carter	Gingrey (GA)
Bachus	Cassidy	Gohmert
Bartlett	Chaffetz	Goodlatte
Barton (TX)	Coffman (CO)	Gordon (TN)
Billirakis	Cole	Granger
Blunt	Conaway	Guthrie
Boehner	Crenshaw	Hall (TX)
Bonner	Culberson	Harper
Bono Mack	Davis (KY)	Hastings (WA)
Boozman	Deal (GA)	Heller
Boustany	Dreier	Hensarling
Brady (TX)	Duncan	Herger
Bright	Emerson	Herseth Sandlin
Broun (GA)	Fallin	Hoekstra
Brown (SC)	Flake	Hunter
Buchanan	Fleming	Inglis
Burgess	Forbes	Issa
Burton (IN)	Fortenberry	Jenkins
Buyer	Fox	Johnson, Sam
Calvert	Franks (AZ)	Jones

Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCauley
McClintock
McCotter

NOES—284

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bocieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Cantor
Cao
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent

McHenry
McKeon
McMorris
Rodgers
Miller (FL)
Moran (KS)
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney

Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Smith (TX)
Stearns
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Shock
Schradler
Schwartz

Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)

Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

Himes
Hodes
Holt
Issa
Jackson-Lee (TX)
Johnson (IL)
Jones
Kanjorski
King (IA)
Kingston
Kirk
Kissell
Kosmas
Kucinich
Lamborn
Lance
Latta
Lewis (CA)
Lucas
Lummis
Lungren, Daniel E.
Manzullo
Marchant

NOES—313

Abercrombie
Ackerman
Aderholt
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehner
Bonner
Boozman
Bordallo
Boswell
Boucher
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)

Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Filner
Flake
Fleming
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Fudge
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Honda
Hoyer

Sensenbrenner
Sestak
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Tierney
Tsongas
Turner
Visclosky
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rothman (NJ)
Royce
Ryan (WI)
Scalise
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Jordan (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan

NOT VOTING—19

Barrett (SC)
Bishop (UT)
Capuano
Cleaver
Davis (IL)
Dicks
Hall (NY)
Higgins
Israel
Johnson (IL)
Kennedy
Matheson
McCarthy (NY)
McHugh

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1746

Mr. CARSON of Indiana changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 7 OFFERED BY MR. FRELINGHUYSEN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 116, noes 313, not voting 10, as follows:

[Roll No. 622]

AYES—116

Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Bachus
Bartlett
Blackburn
Blunt
Bocieri
Bono Mack
Boren
Boustany
Brady (PA)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Campbell
Cantor
Carney
Cassidy
Clarke
Coffman (CO)
Cole
Conaway
Conyers
Dahlkemper

Delahunt
Doggett
Dreier
Edwards (TX)
Engel
Fattah
Forbes
Foxy
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Hall (NY)
Harper
Hensarling

Moore (KS)	Rodriguez	Smith (WA)	Broun (GA)	Hastings (WA)	Nye	Klein (FL)	Murtha	Scott (VA)
Moran (KS)	Rogers (AL)	Snyder	Brown (SC)	Heinrich	Olson	Kosmas	Nadler (NY)	Serrano
Moran (VA)	Rogers (KY)	Space	Brown-Waite,	Heller	Paulsen	Kucinich	Napolitano	Sestak
Murphy, Patrick	Rogers (MI)	Speier	Ginny	Hensarling	Pence	Langevin	Neal (MA)	Shea-Porter
Murphy, Tim	Rohrabacher	Stark	Buchanan	Herger	Peters	Larsen (WA)	Norton	Sherman
Murtha	Rooney	Stupak	Burgess	Hoekstra	Petri	Larson (CT)	Oberstar	Shuler
Nadler (NY)	Ros-Lehtinen	Sutton	Burton (IN)	Hunter	Pitts	Latham	Obey	Skelton
Napolitano	Roskam	Tanner	Buyer	Inglis	Platts	LaTourette	Oliver	Slaughter
Neal (MA)	Ross	Taylor	Calvert	Issa	Poe (TX)	Lee (CA)	Ortiz	Slaught
Neugebauer	Roybal-Allard	Teague	Camp	Jenkins	Posey	Levin	Pallone	Smith (NJ)
Norton	Ruppersberger	Thompson (CA)	Campbell	Johnson (IL)	Price (GA)	Lewis (CA)	Pascrell	Smith (WA)
Nye	Rush	Thompson (MS)	Cantor	Johnson, Sam	Putnam	Lewis (GA)	Pastor (AZ)	Snyder
Oberstar	Ryan (OH)	Thornberry	Capito	Jones	Radanovich	Lipinski	Payne	Space
Obey	Sablan	Tiahrt	Carter	Jordan (OH)	Rehberg	LoBiondo	Perlmutter	Speier
Olson	Salazar	Tiberi	Cassidy	King (IA)	Roe (TN)	Loebach	Perriello	Stark
Oliver	Sanchez, Linda	Titus	Castle	King (NY)	Rogers (AL)	Lofgren, Zoe	Peterson	Stupak
Ortiz	T.	Tonko	Chaffetz	Kingston	Rogers (KY)	Lowey	Pierluisi	Sutton
Pastor (AZ)	Sanchez, Loretta	Towns	Coble	Kirk	Rogers (MI)	Lujan	Pingree (ME)	Tanner
Paulsen	Sarbanes	Upton	Coffman (CO)	Kirkpatrick (AZ)	Rohrabacher	Lynch	Polis (CO)	Teague
Perlmutter	Schakowsky	Van Hollen	Cole	Kline (MN)	Rooney	Maffei	Pomeroy	Thompson (CA)
Perriello	Schauer	Velázquez	Conaway	Kratovil	Ros-Lehtinen	Maloney	Price (NC)	Thompson (MS)
Peters	Schiff	Walz	Cooper	Lamborn	Roskam	Markey (CO)	Quigley	Tierney
Peterson	Schmidt	Wamp	Crenshaw	Lance	Royce	Markey (MA)	Rahall	Titus
Petri	Schock	Wasserman	Culberson	Latta	Ryan (WI)	Marshall	Rangel	Tonko
Pierluisi	Schrader	Schultz	Lee (KY)	Lee (NY)	Scalise	Massa	Reichert	Towns
Pingree (ME)	Schwartz	Waters	Deal (GA)	Linder	Schmidt	Matheson	Reyes	Tsongas
Poe (TX)	Scott (GA)	Watson	Dent	Lucas	Schock	Matsui	Richardson	Turner
Polis (CO)	Scott (VA)	Watt	Diaz-Balart, L.	Luetkemeyer	Sensenbrenner	McCollum	Rodriguez	Van Hollen
Pomeroy	Serrano	Waxman	Diaz-Balart, M.	Lummis	Sessions	McDermott	Ross	Velázquez
Price (NC)	Sessions	Weiner	Donnelly (IN)	Lungren, Daniel	Shade	McGovern	Rothman (NJ)	Visclosky
Putnam	Shadegg	Welch	Dreier	E.	Shadegg	McHugh	Roybal-Allard	Walz
Quigley	Shea-Porter	Westmoreland	Driehaus	Mack	Shimkus	McIntyre	Ruppersberger	Wasserman
Rahall	Sherman	Wilson (OH)	Duncan	Manzullo	Shuster	McMahon	Rush	Schultz
Rangel	Shimkus	Woolsey	Ellsworth	Marchant	Simpson	Meek (FL)	Ryan (OH)	Waters
Reichert	Shuler	Wu	Emerson	McCarthy (CA)	Smith (NE)	Meeks (NY)	Sablan	Watson
Reyes	Shuster	Yarmuth	Fallin	McCaul	Smith (TX)	Melancon	Salazar	Watt
Richardson	Skelton	Young (AK)	Flake	McClintock	Souder	Michaud	Sanchez, Linda	Waxman
			Fleming	McCotter	Stearns	Miller (NC)	T.	Weiner
			Forbes	McHenry	Sullivan	Miller, George	Sanchez, Loretta	Welch
			Fortenberry	McKeon	Taylor	Minnick	Sarbanes	Wexler
			Fox	McMorris	Terry	Mollohan	Schakowsky	Wilson (OH)
			Franks (AZ)	Rodgers	Thompson (PA)	Moore (KS)	Schauer	Wolf
			Frelinghuysen	McNerney	Thornberry	Moore (WI)	Schiff	Woolsey
			Gallely	Mica	Tiahrt	Moran (VA)	Schrader	Wu
			Garrett (NJ)	Miller (FL)	Tiberi	Murphy (CT)	Schwartz	Yarmuth
			Gerlach	Miller (MI)	Upton	Murphy, Tim	Scott (GA)	Young (AK)
			Gingrey (GA)	Miller, Gary	Walden			
			Gohmert	Mitchell	Wamp			
			Goodlatte	Moran (KS)	Westmoreland			
			Granger	Murphy (NY)	Whitfield			
			Graves	Murphy, Patrick	Wilson (SC)			
			Guthrie	Myrick	Wittman			
			Hall (TX)	Neugebauer	Young (FL)			
			Harper	Nunes				

NOT VOTING—10

Barrett (SC)	Moore (WI)	Spratt
Bishop (UT)	Myrick	Sullivan
Johnson, Sam	Paul	
McCarthy (NY)	Pence	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1749

Mr. HALL of New York changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 8 OFFERED BY MRS. BLACKBURN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 252, not voting 6, as follows:

[Roll No. 623]

AYES—181

Aderholt	Bachus	Boehner
Adler (NJ)	Bartlett	Bonner
Akin	Barton (TX)	Bono Mack
Alexander	Bean	Boozman
Altmire	Biggert	Boren
Arcuri	Bilirakis	Boustany
Austria	Blackburn	Brady (TX)
Bachmann	Blunt	Bright

NOES—252

Abercrombie	Clyburn	Gordon (TN)
Ackerman	Cohen	Grayson
Andrews	Connolly (VA)	Green, Al
Baca	Conyers	Green, Gene
Baird	Costa	Griffith
Baldwin	Costello	Grijalva
Barrow	Courtney	Gutierrez
Becerra	Crowley	Hall (NY)
Berkley	Cuellar	Halvorson
Berman	Cummings	Hare
Berry	Dahlkemper	Harman
Bilbray	Davis (AL)	Hastings (FL)
Bishop (GA)	Davis (CA)	Herseth Sandlin
Bishop (NY)	Davis (IL)	Higgins
Blumenauer	Davis (TN)	Hill
Boccieri	DeFazio	Himes
Bordallo	DeGette	Hinchey
Boswell	Delahunt	Hinojosa
Boucher	DeLauro	Hirono
Boyd	Dicks	Hodes
Brady (PA)	Dingell	Holden
Braley (IA)	Doggett	Holt
Brown, Corrine	Doyle	Honda
Butterfield	Edwards (MD)	Hoyer
Cao	Edwards (TX)	Inslie
Capps	Ehlers	Israel
Capuano	Ellison	Jackson (IL)
Cardoza	Engel	Jackson-Lee
Carnahan	Eshoo	(TX)
Carney	Etheridge	Johnson, E.B.
Carson (IN)	Faleomavaega	Kagen
Castor (FL)	Farr	Kanjorski
Chandler	Fattah	Kaptur
Childers	Filner	Kennedy
Christensen	Foster	Kildee
Chu	Frank (MA)	Kilpatrick (MI)
Clarke	Fudge	Kilroy
Clay	Giffords	Kind
Cleaver	Gonzalez	Kissell

NOT VOTING—6

Barrett (SC)	Johnson (GA)	Paul
Bishop (UT)	McCarthy (NY)	Spratt

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1752

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 10 OFFERED BY MR.

JORDAN OF OHIO

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 287, not voting 7, as follows:

[Roll No. 624]

AYES—145

Aderholt	Bachmann	Biggert
Akin	Bachus	Blackburn
Alexander	Bartlett	Blunt
Austria	Barton (TX)	Boehner

Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxy
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie

NOES—287

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay

Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)

Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Wilson (SC)
Wittman

Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslie
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kissell
Klein (FL)
Kosmas

Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano

Barrett (SC)
Bishop (UT)
Culberson

Neal (MA)
Norton
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmuter
Perriello
Peterson
Petri
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Welch
Schauwer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak

NOT VOTING—7

McCarthy (NY)
Paul
Price (NC)
Spratt

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1755

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 11 OFFERED BY MR. NEUGEBAUER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 166, noes 267, not voting 6, as follows:

[Roll No. 625]

AYES—166

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggart
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming

Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Nye
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Miller (FL)

NOES—267

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan

Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins

Hill McMahon
Himes McMerney
Hinchey Meek (FL)
Hinojosa Meeks (NY)
Hirono Melancon
Hodes Mica
Holden Michaud
Holt Miller (NC)
Honda Miller, George
Hoyer Mollohan
Inslee Moore (KS)
Israel Moore (WI)
Jackson (IL) Moran (VA)
Jackson-Lee Murphy (CT)
(TX) Murphy, Patrick
Jenkins Murphy, Tim
Johnson (GA) Murtha
Johnson, E. B. Nadler (NY)
Kagen Napolitano
Kanjorski Neal (MA)
Kaptur Norton
Kennedy Oberstar
Kildee Obey
Kilpatrick (MI) Oliver
Kilroy Ortiz
Kind Pallone
Kissell Pascarell
Klein (FL) Pastor (AZ)
Kosmas Payne
Kucinich Perlmutter
Langevin Perriello
Larsen (WA) Peterson
Larson (CT) Pierluisi
Latham Pingree (ME)
LaTourette Platts
Lee (CA) Polis (CO)
Levin Pomeroy
Lewis (GA) Price (NC)
Lipinski Quigley
LoBiondo Rahall
Loeb sack Rangel
Lofgren, Zoe Reichert
Lowey Reyes
Luján Richardson
Lynch Rodriguez
Maffei Rogers (KY)
Maloney Ross
Markey (CO) Rothman (NJ)
Markey (MA) Roybal-Allard
Massa Ruppersberger
Matheson Rush
Matsui Ryan (OH)
McCollum Sablan
McDermott Salazar
McGovern Sanchez, Linda
McHugh T.
McIntyre Sanchez, Loretta

NOT VOTING—6

Barrett (SC) Conyers Paul
Bishop (UT) McCarthy (NY) Woolsey

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1758

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 12 OFFERED BY MR. STEARNS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 279, not voting 8, as follows:

[Roll No. 626]

AYES—152

Aderholt Foxx
Akin Franks (AZ)
Alexander Gallegly
Austria Garrett (NJ)
Bachmann Gerlach
Bachus Gingrey (GA)
Bartlett Gohmert
Barton (TX) Goodlatte
Biggert Granger
Blackburn Graves
Blunt Guthrie
Boehner Hall (TX)
Bonner Harper
Bono Mack Hastings (WA)
Boozman Heller
Boustany Hensarling
Brady (TX) Herger
Bright Hoekstra
Broun (GA) Hunter
Brown (SC) Inglis
Brown-Waite, Issa
Ginny Jenkins
Burgess Johnson (IL)
Burton (IN) Johnson, Sam
Buyer Jones
Calvert Jordan (OH)
Camp King (IA)
Campbell Kingston
Cantor Kirk
Capito Kirkpatrick (AZ)
Carter Kline (MN)
Cassidy Kratovil
Castle Lamborn
Chaffetz Lance
Coble Latta
Coffman (CO) Lee (NY)
Cole Linder
Conaway Lucas
Crenshaw Luetkemeyer
Culberson Lummis
Davis (KY) Lungren, Daniel
Deal (GA) E.
Dent Mack
Diaz-Balart, L. Manullo
Diaz-Balart, M. McCarthy (CA)
Dreier McCaul
Duncan McClintock
Emerson McCotter
Fallin McHenry
Flake McKeon
Fleming Miller (FL)
Forbes Miller (MI)

NOES—279

Abercrombie Cardoza
Ackerman Carnahan
Adler (NJ) Carney
Altmire Carson (IN)
Andrews Castor (FL)
Arcuri Chandler
Baca Childers
Baird Christensen
Baldwin Chu
Barrow Clarke
Bean Clay
Becerra Cleaver
Berkley Clyburn
Berman Cohen
Berry Connolly (VA)
Bilbray Conyers
Bilirakis Cooper
Bishop (GA) Costa
Bishop (NY) Costello
Blumenauer Courtney
Boccheri Crowley
Bordallo Cuellar
Boren Cummings
Boswell Dahlkemper
Boucher Davis (AL)
Boyd Davis (CA)
Brady (PA) Davis (IL)
Bralley (IA) Davis (TN)
Brown, Corrine DeFazio
Buchanan DeGette
Butterfield Delahunt
Cao DeLauro
Capps Dicks
Capuano Dingell

Hastings (FL) McGovern
Heinrich McHugh
Herseth Sandlin McIntyre
Higgins McMerney
Hill Meek (FL)
Himes Meeks (NY)
Hinchey Melancon
Hinojosa Mica
Hirono Michaud
Hodes Miller (NC)
Holden Miller, George
Holt Mitchell
Honda Mollohan
Hoyer Moore (KS)
Inslee Moore (WI)
Israel Moran (VA)
Jackson (IL) Murphy (CT)
Jackson-Lee Murphy (NY)
(TX) Murphy, Patrick
Johnson (GA) Murphy, Tim
Johnson, E.B. Murtha
Kagen Nadler (NY)
Kanjorski Napolitano
Kaptur Neal (MA)
Kennedy Norton
Kildee Oberstar
Kilpatrick (MI) Obey
Kilroy Oliver
Kind Ortiz
King (NY) Pallone
Kissell Pascarell
Klein (FL) Pastor (AZ)
Kosmas Payne
Kucinich Perlmutter
Langevin Perriello
Larsen (WA) Peters
Larson (CT) Peterson
Latham Pierluisi
LaTourette Pingree (ME)
Lee (CA) Platts
Levin Polis (CO)
Lewis (CA) Pomeroy
Lewis (GA) Price (NC)
Lipinski Quigley
LoBiondo Rahall
Loeb sack Rangel
Lofgren, Zoe Reichert
Lowey Reyes
Luján Richardson
Lynch Rodriguez
Maffei Rogers (KY)
Maloney Rothman (NJ)
Markey (CO) Roybal-Allard
Markey (MA) Ruppersberger
Massa Rush
Matheson Ryan (OH)
Matsui Sablan
McCollum Salazar
McDermott Sanchez, Linda
T.
Young (FL)

NOT VOTING—8

Barrett (SC) McMahon Ross
Bishop (UT) McMorris
Marchant Rodgers
McCarthy (NY) Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains on this vote.

□ 1801

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MCMAHON. Mr. Chair, on rollcall No. 626, I inadvertently voted “present”, and I meant to vote “no.”

PART B AMENDMENT NO. 1 OFFERED BY MR.

FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 108, noes 327, not voting 4, as follows:

[Roll No. 627]

AYES—108

Akin	Heller	Moran (KS)
Bachmann	Hensarling	Myrick
Bartlett	Herger	Neugebauer
Bilbray	Hoekstra	Nunes
Blackburn	Hunter	Olson
Blunt	Inglis	Pence
Boehner	Israel	Petri
Boozman	Issa	Pitts
Boustany	Jenkins	Posey
Brady (TX)	Johnson (IL)	Price (GA)
Bright	Johnson, Sam	Rehberg
Broun (GA)	Jordan (OH)	Roe (TN)
Buchanan	Kind	Rogers (MI)
Burgess	King (IA)	Rohrabacher
Burton (IN)	Kingston	Roskam
Camp	Kirk	Royce
Campbell	Kline (MN)	Ryan (WI)
Cantor	Lamborn	Scalise
Cassidy	Lance	Schauer
Castle	Latta	Schmidt
Chaffetz	Linder	Schock
Coble	Luetkemeyer	Sensenbrenner
Coffman (CO)	Lummis	Sessions
Conaway	Lungren, Daniel	Shadegg
Cooper	E.	Smith (NE)
Deal (GA)	Mack	Stearns
Duncan	Manzullo	Sullivan
Ehlers	Marchant	Terry
Flake	McCarthy (CA)	Thornberry
Fleming	McCaul	Tiberi
Forbes	McClintock	Upton
Fox	McCotter	Walden
Franks (AZ)	McHenry	Wamp
Garrett (NJ)	McMorris	Westmoreland
Gingrey (GA)	Rodgers	Wilson (SC)
Goodlatte	Miller (FL)	Wittman
Graves	Minnick	

NOES—327

Abercrombie	Buyer	Delahunt
Ackerman	Calvert	DeLauro
Aderholt	Cao	Dent
Adler (NJ)	Capito	Diaz-Balart, L.
Alexander	Capps	Diaz-Balart, M.
Altmire	Capuano	Dicks
Andrews	Cardoza	Dingell
Arcuri	Carnahan	Doggett
Austria	Carney	Donnelly (IN)
Baca	Carson (IN)	Doyle
Bachus	Carter	Dreier
Baird	Castor (FL)	Driehaus
Baldwin	Chandler	Edwards (MD)
Barrow	Childers	Edwards (TX)
Barton (TX)	Christensen	Ellison
Bean	Chu	Ellsworth
Becerra	Clarke	Emerson
Berkley	Clay	Engel
Berman	Cleaver	Eshoo
Berry	Clyburn	Etheridge
Biggart	Cohen	Faleomavaega
Billirakis	Cole	Fallin
Bishop (GA)	Connolly (VA)	Farr
Bishop (NY)	Conyers	Fattah
Blumenauer	Costa	Filner
Bocieri	Costello	Fortenberry
Bonner	Courtney	Foster
Bono Mack	Crenshaw	Frank (MA)
Bordallo	Crowley	Frelinghuysen
Boren	Cuellar	Fudge
Boswell	Culberson	Gallely
Boucher	Cummings	Gerlach
Boyd	Dahlkemper	Giffords
Brady (PA)	Davis (AL)	Gohmert
Braley (IA)	Davis (CA)	Gonzalez
Brown (SC)	Davis (IL)	Gordon (TN)
Brown, Corrine	Davis (KY)	Granger
Brown-Waite,	Davis (TN)	Grayson
Ginny	DeFazio	Green, Al
Butterfield	DeGette	Green, Gene

Griffith	Matsui	Ryan (OH)
Grijalva	McCollum	Sablan
Guthrie	McDermott	Salazar
Gutierrez	McGovern	Sanchez, Linda
Hall (NY)	McHugh	T.
Hall (TX)	McIntyre	Sanchez, Loretta
Halvorson	McKeon	Sarbanes
Hare	McMahon	Schakowsky
Harman	McNerney	Schiff
Harper	Meek (FL)	Schrader
Hastings (FL)	Meeks (NY)	Schwartz
Hastings (WA)	Melancon	Scott (GA)
Heinrich	Mica	Scott (VA)
Hereth Sandlin	Michaud	Serrano
Higgins	Miller (MI)	Sestak
Hill	Miller (NC)	Shea-Porter
Himes	Miller, Gary	Sherman
Hinche	Miller, George	Shimkus
Hinojosa	Mitchell	Shuler
Hirono	Mollohan	Shuster
Hodes	Moore (KS)	Simpson
Holden	Moore (WI)	Sires
Holt	Moran (VA)	Skelton
Honda	Murphy (CT)	Slaughter
Hoyer	Murphy (NY)	Smith (NJ)
Inslee	Murphy, Patrick	Smith (TX)
Jackson (IL)	Murphy, Tim	Smith (WA)
Jackson-Lee	Murtha	Snyder
(TX)	Nader (NY)	Souder
Johnson (GA)	Napolitano	Space
Johnson, E.B.	Neal (MA)	Speier
Jones	Norton	Spratt
Kagen	Nye	Stark
Kanjorski	Obeyer	Stupak
Kaptur	Oliver	Sutton
Kennedy	Ortiz	Tanner
Kildee	Pallone	Taylor
Kilpatrick (MI)	Pascarella	Teague
Kilroy	Pastor (AZ)	Thompson (CA)
King (NY)	Paulsen	Thompson (MS)
Kirkpatrick (AZ)	Payne	Thompson (PA)
Kissell	Perlmutter	Tiahrt
Klein (FL)	Perriello	Tierney
Kosmas	Peters	Titus
Kratovil	Peterson	Tonko
Kucinich	Pierluisi	Townes
Langevin	Pingree (ME)	Tsongas
Larsen (WA)	Platts	Turner
Larson (CT)	Poe (TX)	Van Hollen
Latham	Polis (CO)	Velázquez
LaTourette	Pomeroy	Visclosky
Lee (CA)	Price (NC)	Walz
Lee (NY)	Putnam	Wasserman
Levin	Quigley	Schultz
Lewis (CA)	Radanovich	Waters
Lewis (GA)	Rahall	Watson
Lipinski	Rangel	Watt
LoBiondo	Reichert	Waxman
Loeb sack	Reyes	Weiner
Lofgren, Zoe	Richardson	Welch
Lowey	Rodriguez	Wexler
Lucas	Rogers (AL)	Whitfield
Lujan	Rogers (KY)	Wilson (OH)
Lynch	Rooney	Wolf
Maffei	Ros-Lehtinen	Woolsey
Maloney	Ross	Wu
Markey (CO)	Rothman (NJ)	Yarmuth
Markey (MA)	Roybal-Allard	Young (AK)
Marshall	Ruppersberger	Young (FL)
Massa	Rush	
Matheson		

NOT VOTING—4

Barrett (SC)	McCarthy (NY)
Bishop (UT)	Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains on the vote.

□ 1804

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 4 OFFERED BY MR.

FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were post-

poned and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 328, not voting 6, as follows:

[Roll No. 628]

AYES—105

Akin	Heller	Neugebauer
Bachmann	Hensarling	Nunes
Bartlett	Hoekstra	Nye
Barton (TX)	Hunter	Olson
Bean	Inglis	Paulsen
Bilbray	Issa	Pence
Blackburn	Jenkins	Petri
Bono Mack	Johnson (IL)	Pitts
Boustany	Johnson, Sam	Poe (TX)
Bright	Jordan (OH)	Price (GA)
Broun (GA)	Kind	Roe (TN)
Burgess	King (IA)	Rogers (MI)
Burton (IN)	Kingston	Rohrabacher
Campbell	Kirk	Rooney
Cassidy	Kline (MN)	Roskam
Castle	Lamborn	Royce
Chaffetz	Lance	Ryan (WI)
Coble	Lee (NY)	Scalise
Coffman (CO)	Linder	Schauer
Conaway	Luetkemeyer	Sensenbrenner
Cooper	Lummis	Sessions
Deal (GA)	Lungren, Daniel	Shadegg
Ehlers	E.	Shimkus
Fallin	Mack	Smith (NE)
Flake	Manzullo	Souder
Fleming	Marchant	Stearns
Fortenberry	McCarthy (CA)	Sullivan
Foster	McCaul	Terry
Fox	McClintock	Thornberry
Franks (AZ)	McCotter	Upton
Garrett (NJ)	McHenry	Walden
Gohmert	McMahon	Wamp
Goodlatte	Miller (FL)	Westmoreland
Graves	Minnick	Wilson (SC)
Hall (TX)	Moran (KS)	
Harper	Myrick	

NOES—328

Abercrombie	Braley (IA)	Courtney
Ackerman	Brown (SC)	Crenshaw
Aderholt	Brown, Corrine	Crowley
Adler (NJ)	Brown-Waite,	Cuellar
Alexander	Ginny	Culberson
Altmire	Buchanan	Cummings
Andrews	Butterfield	Dahlkemper
Arcuri	Buyer	Davis (AL)
Austria	Calvert	Davis (CA)
Baca	Camp	Davis (IL)
Bachus	Cantor	Davis (KY)
Baird	Cao	Davis (TN)
Baldwin	Capito	DeFazio
Barrow	Capps	DeGette
Becerra	Capuano	Delahunt
Berkley	Cardoza	DeLauro
Berman	Carnahan	Dent
Berry	Carney	Diaz-Balart, L.
Biggart	Carson (IN)	Diaz-Balart, M.
Billirakis	Carter	Dicks
Bishop (GA)	Castor (FL)	Dingell
Bishop (NY)	Chandler	Doggett
Blumenauer	Childers	Donnelly (IN)
Blunt	Christensen	Doyle
Bocieri	Chu	Dreier
Boehner	Clarke	Driehaus
Bonner	Clay	Duncan
Boozman	Cleaver	Edwards (MD)
Bordallo	Clyburn	Edwards (TX)
Boren	Cohen	Ellison
Boswell	Cole	Ellsworth
Boucher	Connolly (VA)	Emerson
Boyd	Conyers	Engel
Brady (PA)	Costa	Eshoo
Brady (TX)	Costello	Etheridge

Faleomavaega	Lowey	Ross
Farr	Lucas	Rothman (NJ)
Fattah	Lujan	Royal-Allard
Filner	Lynch	Ruppersberger
Forbes	Maffei	Rush
Frank (MA)	Maloney	Ryan (OH)
Frelinghuysen	Markey (CO)	Sablan
Fudge	Markey (MA)	Salazar
Gallely	Marshall	Sánchez, Linda
Giffords	Massa	T.
Gingrey (GA)	Matheson	Sanchez, Loretta
Gonzalez	Matsui	Sarbanes
Gordon (TN)	McCollum	Schakowsky
Granger	McDermott	Schiff
Grayson	McGovern	Schmidt
Green, Al	McHugh	Schock
Green, Gene	McIntyre	Schrader
Griffith	McKeon	Schwartz
Grijalva	McMorris	Scott (GA)
Guthrie	Rodgers	Scott (VA)
Gutierrez	McNerney	Serrano
Hall (NY)	Meek (FL)	Sestak
Halvorson	Meeks (NY)	Shea-Porter
Hare	Melancon	Sherman
Harman	Mica	Shuler
Hastings (FL)	Michaud	Shuster
Hastings (WA)	Miller (MI)	Simpson
Heinrich	Miller (NC)	Sires
Herseth Sandlin	Miller, Gary	Skelton
Higgins	Miller, George	Slaughter
Hill	Mitchell	Smith (NJ)
Himes	Mollohan	Smith (TX)
Hinchee	Moore (KS)	Smith (WA)
Hinojosa	Moore (WI)	Snyder
Hirono	Moran (VA)	Space
Hodes	Murphy (CT)	Speier
Holden	Murphy (NY)	Spratt
Holt	Murphy, Patrick	Stark
Honda	Murphy, Tim	Stupak
Hoyer	Murtha	Sutton
Inslee	Nadler (NY)	Tanner
Israel	Napolitano	Taylor
Jackson (IL)	Neal (MA)	Teague
Jackson-Lee	Norton	Thompson (CA)
(TX)	Oberstar	Thompson (MS)
Johnson (GA)	Obey	Thompson (PA)
Johnson, E. B.	Oliver	Tiahrt
Jones	Ortiz	Tiberi
Kagen	Pallone	Tierney
Kanjorski	Pascarell	Titus
Kaptur	Pastor (AZ)	Tonko
Kennedy	Payne	Towns
Kildee	Perlmutter	Tsongas
Kilpatrick (MI)	Perriello	Turner
Kilroy	Peters	Van Hollen
King (NY)	Peterson	Velázquez
Kirkpatrick (AZ)	Pierluisi	Visclosky
Kissell	Pingree (ME)	Walz
Klein (FL)	Platts	Wasserman
Kosmas	Polis (CO)	Schultz
Kratovil	Pomeroy	Waters
Kucinich	Posey	Watson
Langevin	Price (NC)	Watt
Larsen (WA)	Putnam	Waxman
Larson (CT)	Quigley	Weiner
Latham	Radanovich	Welch
LaTourette	Rahall	Wexler
Latta	Rangel	Whitfield
Lee (CA)	Rehberg	Wilson (OH)
Levin	Reichert	Wittman
Lewis (CA)	Reyes	Wolf
Lewis (GA)	Richardson	Woolsey
Lipinski	Rodriguez	Wu
LoBiondo	Rogers (AL)	Yarmuth
Loeback	Rogers (KY)	Young (AK)
Lofgren, Zoe	Ros-Lehtinen	Young (FL)

NOT VOTING—6

Barrett (SC)	Gerlach	McCarthy (NY)
Bishop (UT)	Herger	Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1807

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 7 OFFERED BY MR.
FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on

the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 124, noes 310, not voting 5, as follows:

[Roll No. 629]

AYES—124

Akin	Gohmert	Moran (KS)
Austria	Goodlatte	Myrick
Bachmann	Graves	Neugebauer
Bartlett	Guthrie	Nunes
Bean	Hall (TX)	Olson
Bibbert	Halvorson	Paulsen
Bibray	Heller	Pence
Bilirakis	Hensarling	Petri
Blackburn	Herger	Pitts
Blunt	Hoekstra	Platts
Boehner	Hunter	Poe (TX)
Bono Mack	Inglis	Price (GA)
Boozman	Issa	Putnam
Boustany	Jenkins	Roe (TN)
Brady (TX)	Johnson (IL)	Rogers (MI)
Bright	Johnson, Sam	Rohrabacher
Broun (GA)	Jordan (OH)	Rooney
Burgess	Kind	Roskam
Burton (IN)	King (IA)	Royce
Campbell	Kingston	Ryan (WI)
Cantor	Kirk	Scalise
Cassidy	Kline (MN)	Schauer
Castle	Lamborn	Schmidt
Chaffetz	Lance	Schock
Coble	Latta	Sensenbrenner
Coffman (CO)	Linder	Sessions
Conaway	Luetkemeyer	Shadegg
Cooper	Lungren, Daniel	Shimkus
Deal (GA)	E.	Smith (NE)
Dent	Mack	Souder
Duncan	Manullo	Stearns
Ehlers	Marchant	Sullivan
Fahl	McCarthy (CA)	Taylor
Flake	McCaul	Terry
Fleming	McClintock	Thornberry
Forbes	McCotter	Tiberi
Fortenberry	McHenry	Upton
Foster	McMorris	Walden
Fox	Rodgers	Wamp
Franks (AZ)	Mica	Westmoreland
Garrett (NJ)	Miller (FL)	Wilson (SC)
Gingrey (GA)	Minnick	Wittman

NOES—310

Abercrombie	Boswell	Childers
Ackerman	Boucher	Christensen
Adler (NJ)	Boyd	Chu
Alexander	Brady (PA)	Clarke
Altire	Braley (IA)	Clay
Andrews	Brown (SC)	Cleaver
Arcuri	Brown, Corrine	Clyburn
Baca	Brown-Waite,	Cohen
Bachus	Ginny	Cole
Baird	Buchanan	Connolly (VA)
Baldwin	Butterfield	Conyers
Barrow	Buyer	Costa
Barton (TX)	Calvert	Costello
Becerra	Camp	Courtney
Berkley	Cao	Crenshaw
Berman	Capito	Crowley
Berry	Capps	Cuellar
Bishop (GA)	Capuano	Culberson
Bishop (NY)	Cardoza	Cummings
Blumenauer	Carnahan	Dahlkemper
Bocieri	Carney	Davis (AL)
Bonner	Carson (IN)	Davis (CA)
Bordallo	Carter	Davis (IL)
Boren	Castor (FL)	Davis (KY)
	Chandler	Davis (TN)

DeFazio	Kucinich	Rehberg
DeGette	Langevin	Reichert
Delahunt	Larsen (WA)	Reyes
DeLauro	Larson (CT)	Richardson
Diaz-Balart, L.	Latham	Rodriguez
Diaz-Balart, M.	LaTourette	Rogers (AL)
Dicks	Lee (CA)	Rogers (KY)
Dingell	Lee (NY)	Ros-Lehtinen
Doggett	Levin	Ross
Donnelly (IN)	Lewis (CA)	Rothman (NJ)
Doyle	Lewis (GA)	Royal-Allard
Dreier	Lipinski	Ruppersberger
Driehaus	LoBiondo	Rush
Edwards (MD)	Loeback	Ryan (OH)
Edwards (TX)	Lofgren, Zoe	Sablan
Ellison	Lowey	Salazar
Ellsworth	Lucas	Sánchez, Linda
Emerson	Lujan	T.
Engel	Lynch	Sanchez, Loretta
Eshoo	Maffei	Sarbanes
Etheridge	Maloney	Schakowsky
Faleomavaega	Markey (CO)	Schiff
Farr	Markey (MA)	Schrader
Fattah	Marshall	Schwartz
Filner	Massa	Scott (GA)
Frank (MA)	Matheson	Scott (VA)
Frelinghuysen	Matsui	Serrano
Fudge	McCollum	Sestak
Gallely	McDermott	Shea-Porter
Gerlach	McGovern	Sherman
Giffords	McHugh	Shuler
Gonzalez	McIntyre	Shuster
Gordon (TN)	McKeon	Simpson
Granger	McMahon	Sires
Grayson	McNerney	Skelton
Green, Al	Meek (FL)	Slaughter
Green, Gene	Meeks (NY)	Smith (NJ)
Griffith	Melancon	Smith (TX)
Grijalva	Michaud	Smith (WA)
Gutierrez	Miller (MI)	Snyder
Hall (NY)	Miller (NC)	Speier
Hare	Miller, Gary	Spratt
Harman	Miller, George	Stark
Harper	Mitchell	Stupak
Hastings (FL)	Mollohan	Sutton
Hastings (WA)	Moore (KS)	Tanner
Heinrich	Moore (WI)	Teague
Herseth Sandlin	Moran (VA)	Thompson (CA)
Higgins	Murphy (CT)	Thompson (MS)
Hill	Murphy (NY)	Thompson (PA)
Himes	Murphy, Patrick	Tiahrt
Hinchee	Murphy, Tim	Tierney
Hinojosa	Murtha	Titus
Hirono	Nadler (NY)	Tonko
Hodes	Napolitano	Towns
Holden	Neal (MA)	Tsongas
Holt	Norton	Turner
Honda	Nye	Van Hollen
Hoyer	Oberstar	Velázquez
Inslee	Obey	Visclosky
Israel	Oliver	Walz
Jackson (IL)	Ortiz	Wasserman
Jackson-Lee	Pallone	Schultz
(TX)	Pascarell	Waters
Johnson (GA)	Pastor (AZ)	Watson
Johnson, E. B.	Payne	Watt
Jones	Perlmutter	Waxman
Kagen	Perriello	Weiner
Kanjorski	Peters	Welch
Kaptur	Peterson	Wexler
Kennedy	Pierluisi	Whitfield
Kildee	Pingree (ME)	Wilson (OH)
Kilpatrick (MI)	Polis (CO)	Wolf
Kilroy	Pomeroy	Woolsey
King (NY)	Posey	Wu
Kirkpatrick (AZ)	Price (NC)	Yarmuth
Kissell	Quigley	Young (AK)
Klein (FL)	Radanovich	Young (FL)
Kosmas	Rahall	
Kratovil	Rangel	

NOT VOTING—5

Barrett (SC)	Lummis	Paul
Bishop (UT)	McCarthy (NY)	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains on this vote.

□ 1810

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. LUMMIS. Mr. Chair, on rollcall No. 629, I was detained unavoidably. Had I been present, I would have voted "aye."

PART B AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 125, noes 310, not voting 4, as follows:

[Roll No. 630]

AYES—125

Akin	Gingrey (GA)	Moran (KS)
Austria	Gohmert	Myrick
Bachmann	Goodlatte	Neugebauer
Bartlett	Graves	Nunes
Barton (TX)	Hall (TX)	Olson
Bean	Halvorson	Paulsen
Bilbray	Harper	Pence
Bilirakis	Heller	Petri
Blackburn	Hensarling	Pitts
Blunt	Herger	Platts
Boehner	Hoekstra	Poe (TX)
Bono Mack	Hunter	Price (GA)
Boozman	Inglis	Putnam
Boustany	Issa	Roe (TN)
Brady (TX)	Jenkins	Rogers (MI)
Bright	Johnson (IL)	Rohrabacher
Broun (GA)	Johnson, Sam	Rooney
Brown-Waite,	Jordan (OH)	Roskam
Ginny	Kind	Royce
Burgess	King (IA)	Ryan (WI)
Burton (IN)	Kingston	Scalise
Campbell	Kirk	Schauer
Cantor	Kline (MN)	Schmidt
Cassidy	Lamborn	Schock
Castle	Lance	Sensenbrenner
Chaffetz	Latta	Sessions
Coble	Linder	Shadegg
Coffman (CO)	Luetkemeyer	Shimkus
Conaway	Lummis	Smith (NE)
Cooper	Lungren, Daniel	Souder
Davis (KY)	E.	Stearns
Deal (GA)	Mack	Sullivan
Duncan	Manzullo	Terry
Ehlers	Marchant	Thornberry
Emerson	McCarthy (CA)	Tiberi
Fallin	McCaul	Upton
Flake	McClintock	Walden
Fleming	McCotter	Wamp
Forbes	McHenry	Westmoreland
Fortenberry	McMorris	Wilson (SC)
Fox	Rodgers	Wittman
Franks (AZ)	Miller (FL)	Young (FL)
Garrett (NJ)	Minnick	

NOES—310

Abercrombie	Berman	Brown (SC)
Ackerman	Berry	Brown, Corrine
Aderholt	Biggart	Buchanan
Adler (NJ)	Bishop (GA)	Butterfield
Alexander	Bishop (NY)	Buyer
Altmire	Blumenauer	Calvert
Andrews	Bocchieri	Camp
Arcuri	Bonner	Cao
Baca	Bordallo	Capito
Bachus	Boren	Capps
Baird	Boswell	Capuano
Baldwin	Boucher	Cardoza
Barrow	Boyd	Carnahan
Becerra	Brady (PA)	Carney
Berkley	Braley (IA)	Carson (IN)

Carter	Jackson-Lee	Pingree (ME)
Castor (FL)	(TX)	Polis (CO)
Chandler	Johnson (GA)	Pomeroy
Childers	Johnson, E. B.	Posey
Christensen	Jones	Price (NC)
Chu	Kagen	Quigley
Clarke	Kanjorski	Radanovich
Clay	Kaptur	Rahall
Cleaver	Kennedy	Rangel
Clyburn	Kildee	Rehberg
Cohen	Kilpatrick (MI)	Reichert
Cole	Kilroy	Reyes
Connolly (VA)	King (NY)	Richardson
Conyers	Kirkpatrick (AZ)	Rodriguez
Costa	Kissell	Rogers (AL)
Costello	Klein (FL)	Rogers (KY)
Courtney	Kosmas	Ros-Lehtinen
Crenshaw	Kratovil	Ross
Crowley	Kucinich	Rothman (NJ)
Cuellar	Langevin	Roybal-Allard
Culberson	Larsen (WA)	Ruppersberger
Cummings	Larson (CT)	Rush
Dahlkemper	Latham	Ryan (OH)
Davis (AL)	LaTourette	Sablan
Davis (CA)	Lee (CA)	Salazar
Davis (IL)	Lee (NY)	Sánchez, Linda
Davis (TN)	Levin	T.
DeFazio	Lewis (CA)	Sanchez, Loretta
DeGette	Lewis (GA)	Sarbanes
Delahunt	Lipinski	Schakowsky
DeLauro	LoBiondo	Schiff
Dent	Loeb	Schrader
Diaz-Balart, L.	Lofgren, Zoe	Schwartz
Diaz-Balart, M.	Lowey	Scott (GA)
Dicks	Lucas	Scott (VA)
Dingell	Lujan	Serrano
Doggett	Lynch	Sestak
Donnelly (IN)	Maffei	Shea-Porter
Doyle	Maloney	Sherman
Dreier	Markey (CO)	Shuler
Driehaus	Markey (MA)	Shuster
Edwards (MD)	Marshall	Simpson
Edwards (TX)	Massa	Sires
Ellison	Matheson	Skelton
Ellsworth	Matsui	Slaughter
Engel	McCollum	Smith (NJ)
Eshoo	McDermott	Smith (TX)
Etheridge	McGovern	Smith (WA)
Faleomavaega	McHugh	Snyder
Farr	McIntyre	Space
Fattah	McKeon	Speier
Finer	McMahon	Spratt
Foster	McNerney	Stark
Frank (MA)	Meek (FL)	Stupak
Frelinghuysen	Meeks (NY)	Sutton
Fudge	Melancon	Tanner
Galleghy	Mica	Teague
Gerlach	Michaud	Thompson (CA)
Giffords	Miller (MI)	Thompson (MS)
Gonzalez	Miller (NC)	Thompson (PA)
Gordon (TN)	Miller, Gary	Tiahrt
Granger	Miller, George	Tierney
Grayson	Mitchell	Titus
Green, Al	Mollohan	Tonko
Green, Gene	Moore (KS)	Towns
Griffith	Moore (WI)	Tsongas
Grijalva	Moran (VA)	Turner
Guthrie	Murphy (CT)	Van Hollen
Gutierrez	Murphy (NY)	Velázquez
Hall (NY)	Murphy, Patrick	Visclosky
Hare	Murphy, Tim	Walz
Harman	Murtha	Wasserman
Hastings (FL)	Nadler (NY)	Schultz
Hastings (WA)	Napolitano	Waters
Heinrich	Neal (MA)	Watson
Herseth Sandlin	Norton	Watt
Higgins	Nye	Waxman
Hill	Oberstar	Weiner
Himes	Obey	Welch
Hinche	Oliver	Wexler
Hinojosa	Ortiz	Whitfield
Hirono	Pallone	Wilson (OH)
Hodes	Pascarell	Wolf
Holden	Pastor (AZ)	Woolsey
Holt	Payne	Wu
Honda	Perlmutter	Yarmuth
Hoyer	Perrilli	Young (AK)
Inlee	Peters	
Israel	Peterson	
Jackson (IL)	Pierluisi	

NOT VOTING—4

Barrett (SC)	McCarthy (NY)
Bishop (UT)	Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1813

So the amendment was rejected. The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 9 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 331, not voting 10, as follows:

[Roll No. 631]

AYES—98

Akin	Harper	Moran (KS)
Austria	Heller	Myrick
Bachmann	Hensarling	Neugebauer
Bean	Herger	Nunes
Bilbray	Hoekstra	Nye
Blackburn	Hunter	Olson
Boehner	Inglis	Paulsen
Bono Mack	Issa	Pence
Boustany	Jenkins	Petri
Bright	Johnson, Sam	Pitts
Broun (GA)	Jordan (OH)	Poe (TX)
Burgess	Kind	Price (GA)
Burton (IN)	Kingston	Roe (TN)
Campbell	Kline (MN)	Rogers (MI)
Cantor	Lamborn	Rohrabacher
Cassidy	Lance	Rooney
Chaffetz	Latta	Roskam
Coffman (CO)	Lee (NY)	Royce
Conaway	Linder	Ryan (WI)
Cooper	Luetkemeyer	Scalise
Deal (GA)	Lummis	Schauer
Fallin	Lungren, Daniel	Schmidt
Flake	E.	Schock
Fleming	Mack	Sensenbrenner
Fortenberry	Manzullo	Sessions
Foster	Marchant	Shadegg
Fox	McCaul	Shimkus
Franks (AZ)	McClintock	Smith (NE)
Garrett (NJ)	McCotter	Sullivan
Gingrey (GA)	McHenry	Thornberry
Gohmert	McMahon	Wamp
Goodlatte	Miller (FL)	Westmoreland
Graves	Minnick	Wilson (SC)

NOES—331

Abercrombie	Berry	Brown (SC)
Ackerman	Biggart	Brown, Corrine
Aderholt	Bilirakis	Brown-Waite,
Adler (NJ)	Bishop (GA)	Ginny
Alexander	Bishop (NY)	Buchanan
Altmire	Blumenauer	Butterfield
Andrews	Blunt	Buyer
Arcuri	Bocchieri	Calvert
Baca	Bonner	Camp
Bachus	Boozman	Cao
Baird	Bordallo	Capito
Baldwin	Boren	Capps
Barrow	Boswell	Capuano
Bartlett	Boucher	Cardoza
Barton (TX)	Boyd	Carnahan
Becerra	Brady (PA)	Carney
Berkley	Brady (TX)	Carson (IN)
Berman	Braley (IA)	Carter

Castle Jackson (IL)
 Castor (FL) Jackson-Lee
 Chandler (TX)
 Childers Johnson (IL)
 Christensen Johnson, E. B.
 Chu Jones
 Clarke Kagen
 Clay Kanjorski
 Cleaver Kaptur
 Clyburn Kennedy
 Coble Kildee
 Cohen Kilpatrick (MI)
 Cole Kilroy
 Connolly (VA) King (NY)
 Conyers Kirk
 Costa Kirkpatrick (AZ)
 Costello Kissell
 Courtney Klein (FL)
 Crenshaw Kosmas
 Crowley Kratovil
 Cuellar Kucinich
 Culberson Langevin
 Cummings Larsen (WA)
 Dahlkemper Larson (CT)
 Davis (AL) Latham
 Davis (CA) LaTourette
 Davis (IL) Lee (CA)
 Davis (KY) Levin
 Davis (TN) Lewis (CA)
 DeFazio Lewis (GA)
 DeGette Lipinski
 Delahunt LoBiondo
 DeLauro Loeb sack
 Dent Lofgren, Zoe
 Diaz-Balart, L. Lucas
 Diaz-Balart, M. Luján
 Dicks Lynch
 Dingell Maffei
 Donnelly (IN) Maloney
 Doyle Markey (CO)
 Dreier Markey (MA)
 Driehaus Marshall
 Duncan Massa
 Edwards (MD) Matheson
 Edwards (TX) Matsui
 Ehlers McCarthy (CA)
 Ellison McCollum
 Ellsworth McDermott
 Emerson McGovern
 Engel McHugh
 Eshoo McIntyre
 Etheridge McKeon
 Faleomavaega McMorris
 Farr Rodgers
 Fattah McNeerney
 Filner Meek (FL)
 Forbes Meeks (NY)
 Frank (MA) Melancon
 Frelinghuysen Mica
 Fudge Michaud
 Gallegly Miller (MI)
 Gerlach Miller (MS)
 Giffords Miller, Gary
 Gonzalez Miller, George
 Gordon (TN) Mitchell
 Granger Mollohan
 Grayson Moore (KS)
 Green, Al Moore (WI)
 Green, Gene Moran (VA)
 Griffith Murphy (CT)
 Grijalva Murphy (NY)
 Guthrie Murphy, Patrick
 Gutierrez Murphy, Tim
 Hall (NY) Murtha
 Hall (TX) Nadler (NY)
 Halvorson Napolitano
 Hare Neal (MA)
 Harman Norton
 Hastings (FL) Oberstar
 Hastings (WA) Obey
 Heinrich Oliver
 Hereth Sandlin Ortiz
 Higgins Pallone
 Hill Pascrell
 Himes Pastor (AZ)
 Hinchey Payne
 Hinojosa Perlmutter
 Hirono Perriello
 Hodes Peters
 Holden Peterson
 Honda Pierluisi
 Hoyer Pingree (ME)
 Inslee Platts
 Israel Polis (CO)

Pomeroy
 Posey
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Rogers (AL)
 Rogers (KY)
 Ros-Lehtinen
 Ross
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sablan
 Salazar
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Shuster
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Souder
 Space
 Speier
 Spratt
 Stark
 Stearns
 Stupak
 Sutton
 Tanner
 Taylor
 Teague
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Tiahrt
 Tiberi
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Whitfield
 Wilson (OH)
 Wittman
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (AK)
 Young (FL)

NOT VOTING—10

Barrett (SC) Johnson (GA) Paul
 Bishop (UT) King (IA) Terry
 Doggett McCarthy (NY)
 Holt Miller (NC)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in the vote.

□ 1816

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 10 OFFERED BY MR.

FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 329, not voting 5, as follows:

[Roll No. 632]

AYES—105

Akin Graves
 Austria Hall (TX)
 Bachmann Heller
 Bartlett Hensarling
 Bilbray Herger
 Blackburn Hoekstra
 Blunt Inglis
 Boehner Issa
 Bono Mack Jenkins
 Boozman Johnson (IL)
 Boustany Johnson, Sam
 Brady (TX) Jordan (OH)
 Bright Kind
 Broun (GA) King (IA)
 Burgess Kirk
 Burton (IN) Kline (MN)
 Campbell Lamborn
 Cantor Lance
 Cassidy Latta
 Castle Linder
 Coble Luetkemeyer
 Coffman (CO) Lummis
 Conaway Lungren, Daniel
 Deal (GA) E.
 Duncan Mack
 Ehlers Marchant
 Fallon McCarthy (CA)
 Flake McCaul
 Fleming McClintock
 Forbes McCotter
 Forben McHenry
 Wasserman McMorris
 Fox McMorris
 Garrett (NJ) Rodgers
 Gingrey (GA) Miller (FL)
 Gohmert Minnick
 Goodlatte Moran (KS)

NOES—329

Abercrombie Baird
 Ackerman Baldwin
 Aderholt Barrow
 Adler (NJ) Barton (TX)
 Alexander Bean
 Altmire Becerra
 Andrews Berkley
 Arcuri Berman
 Baca Berry
 Bachus Biggert

Boyd
 Brady (PA)
 Braley (IA)
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Buchanan
 Butterfield
 Buyer
 Calvert
 Camp
 Cao
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Carter
 Castor (FL)
 Chaffetz
 Chandler
 Childers
 Christensen
 Chu
 Clarke
 Clay
 Cleaver
 Clyburn
 Cohen
 Cole
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Crenshaw
 Crowley
 Cuellar
 Culberson
 Cummings
 Dahlkemper
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (KY)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Dreier
 Driehaus
 Edwards (MD)
 Edwards (TX)
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Faleomavaega
 Farr
 Fattah
 Filner
 Foster
 Frank (MA)
 Frelinghuysen
 Fudge
 Gallegly
 Gerlach
 Giffords
 Gonzalez
 Gordon (TN)
 Granger
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Gutierrez
 Hall (NY)
 Hall (TX)
 Halvorson
 Hare
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Hereth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Honda
 Hoyer
 Inslee
 Israel
 Harman
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Hereth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Holt
 Honda
 Hoyer
 Hunter
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 Johnson (GA)
 Johnson, E. B.
 Jones
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 King (NY)
 Kingston
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kosmas
 Kratovil
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lucas
 Luján
 Lynch
 Maffei
 Maloney
 Manzullo
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCollum
 McDermott
 McGovern
 McHugh
 McIntyre
 McKeon
 McMahon
 McNeerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murtha
 Nadler (NY)
 Napolitano
 Neal (MA)
 Norton
 Oberstar
 Obey
 Oliver
 Ortiz
 Pallone
 Pascrell
 Pastor (AZ)
 Payne
 Perlmutter
 Perriello
 Peters
 Peterson
 Pierluisi
 Pingree (ME)
 Platts
 Polis (CO)
 Napolitano
 Neal (MA)
 Norton
 Nye
 Oberstar
 Obey
 Oliver
 Ortiz
 Pallone
 Pascrell
 Pastor (AZ)
 Paulsen
 Payne
 Perlmutter
 Perriello
 Peters
 Peterson
 Pierluisi
 Pingree (ME)
 Platts
 Polis (CO)
 Pomeroy
 Posey
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Rogers (AL)
 Rogers (KY)
 Rooney
 Ros-Lehtinen
 Ross
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sablan
 Salazar
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schock
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Shuster
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Space
 Speier
 Spratt
 Stark
 Stupak
 Sutton
 Tanner
 Taylor
 Teague
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Tiahrt
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Van Hollen
 Velázquez
 Visclosky
 Walz
 Wasserman
 Schultz

Waters	Welch	Woolsey
Watson	Wexler	Wu
Watt	Whitfield	Yarmuth
Waxman	Wilson (OH)	Young (AK)
Weiner	Wolf	Young (FL)

NOT VOTING—5

Barrett (SC)	Franks (AZ)	Paul
Bishop (UT)	McCarthy (NY)	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1819

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 11 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 329, not voting 5, as follows:

[Roll No. 633]

AYES—105

Akin	Hensarling	Neugebauer
Austria	Herger	Nunes
Bachmann	Hoekstra	Olson
Bartlett	Hunter	Paulsen
Bilbray	Inglis	Pence
Blackburn	Issa	Petri
Boehner	Jenkins	Pitts
Bono Mack	Johnson (IL)	Poe (TX)
Boozman	Johnson, Sam	Price (GA)
Boustany	Jordan (OH)	Radanovich
Brady (TX)	Kind	Roe (TN)
Bright	King (IA)	Rogers (MI)
Broun (GA)	Kingston	Rohrabacher
Burgess	Kirk	Rooney
Burton (IN)	Kline (MN)	Roskam
Campbell	Lamborn	Royce
Cantor	Lance	Ryan (WI)
Cassidy	Latta	Scalise
Chaffetz	Linder	Schmidt
Coffman (CO)	Luetkemeyer	Sensenbrenner
Conaway	Lummis	Sessions
Cooper	Lungren, Daniel	Shadegg
Deal (GA)	E.	Shimkus
Duncan	Mack	Smith (NE)
Ehlers	Marchant	Souder
Fallin	McCarthy (CA)	Stearns
Flake	McCaul	Sullivan
Fleming	McClintock	Terry
Foxx	McCotter	Thornberry
Franks (AZ)	McHenry	Tiberi
Garrett (NJ)	McMorris	Walden
Gingrey (GA)	Rodgers	Wamp
Goodlatte	Miller (FL)	Westmoreland
Graves	Minnick	Wilson (SC)
Harper	Moran (KS)	Wittman
Heller	Myrick	

NOES—329

Abercrombie	Arcuri	Bean
Ackerman	Baca	Becerra
Aderholt	Bachus	Berkley
Adler (NJ)	Baird	Berman
Alexander	Baldwin	Berry
Altmire	Barrow	Biggert
Andrews	Barton (TX)	Bilirakis

Bishop (GA)	Gonzalez	Mitchell
Bishop (NY)	Gordon (TN)	Mollohan
Blumenauer	Granger	Moore (KS)
Blunt	Grayson	Moore (WI)
Boccieri	Green, Al	Moran (VA)
Bonner	Green, Gene	Murphy (CT)
Bordallo	Griffith	Murphy (NY)
Boren	Grijalva	Murphy, Patrick
Boswell	Guthrie	Murphy, Tim
Boucher	Gutierrez	Murtha
Boyd	Hall (NY)	Nadler (NY)
Brady (PA)	Hall (TX)	Napolitano
Braley (IA)	Halvorson	Neal (MA)
Brown (SC)	Hare	Norton
Brown, Corrine	Harman	Nye
Brown-Waite,	Hastings (FL)	Oberstar
Ginny	Hastings (WA)	Obey
Buchanan	Heinrich	Olver
Butterfield	Hereth Sandlin	Ortiz
Buyer	Higgins	Pallone
Calvert	Hill	Pascrell
Camp	Himes	Pastor (AZ)
Cao	Hinchee	Payne
Capito	Hinojosa	Perlmutter
Capps	Hirono	Perriello
Capuano	Hodes	Peters
Cardoza	Holden	Peterson
Carnahan	Holt	Pierluisi
Carney	Honda	Pingree (ME)
Carson (IN)	Hoyer	Platts
Carter	Inslee	Polis (CO)
Castle	Israel	Pomeroy
Castor (FL)	Jackson (IL)	Posey
Chandler	Jackson-Lee	Price (NC)
Childers	(TX)	Putnam
Christensen	Johnson (GA)	Quigley
Chu	Johnson, E. B.	Rahall
Clarke	Jones	Rangel
Clay	Kagen	Rehberg
Cleaver	Kanjorski	Reichert
Clyburn	Kaptur	Reyes
Coble	Kennedy	Richardson
Cohen	Kildee	Rodriguez
Cole	Kilpatrick (MI)	Rogers (AL)
Connolly (VA)	Kilroy	Rogers (KY)
Conyers	King (NY)	Ros-Lehtinen
Costa	Kirkpatrick (AZ)	Ross
Costello	Kissell	Rothman (NJ)
Courtney	Klein (FL)	Roybal-Allard
Crenshaw	Kosmas	Ruppersberger
Cuellar	Kratovil	Rush
Culberson	Kucinich	Ryan (OH)
Cummings	Langevin	Salazar
Dahlkemper	Larsen (WA)	Sanchez, Linda
Davis (AL)	Larson (CT)	T.
Davis (CA)	Latham	Sanchez, Loretta
Davis (IL)	LaTourrette	Sarbanes
Davis (KY)	Lee (CA)	Schakowsky
Davis (TN)	Lee (NY)	Schauer
DeFazio	Levin	Schiff
DeGette	Lewis (CA)	Schock
Delahunt	Lewis (GA)	Schrader
DeLauro	Lipinski	Schwartz
Dent	LoBiondo	Scott (GA)
Diaz-Balart, L.	Loeb sack	Scott (VA)
Diaz-Balart, M.	Lofgren, Zoe	Serrano
Dicks	Lowey	Sestak
Dingell	Lucas	Shea-Porter
Doggett	Lujan	Sherman
Donnelly (IN)	Lynch	Shuler
Doyle	Maffei	Shuster
Dreier	Maloney	Simpson
Driehaus	Manzullo	Sires
Edwards (MD)	Markey (CO)	Skelton
Edwards (TX)	Markey (MA)	Slaughter
Ellison	Marshall	Smith (NJ)
Ellsworth	Massa	Smith (TX)
Emerson	Matheson	Smith (WA)
Engel	Matsui	Snyder
Eshoo	McCollum	Space
Etheridge	McDermott	Speier
Faleomavaega	McGovern	Spratt
Farr	McHugh	Stark
Fattah	McIntyre	Stupak
Filner	McKeon	Sutton
Forbes	McMahon	Tanner
Fortenberry	McNerney	Taylor
Foster	Meek (FL)	Teague
Frank (MA)	Meeks (NY)	Thompson (CA)
Frelinghuysen	Melancon	Thompson (MS)
Fudge	Mica	Thompson (PA)
Galleghy	Michaud	Tiahrt
Gerlach	Miller (MI)	Tierney
Giffords	Miller (NC)	Titus
Gohmert	Miller, Gary	Tonko
	Miller, George	Towns

Tsongas	Waters	Wolf
Turner	Watson	Woolsey
Upton	Watt	Wu
Van Hollen	Waxman	Yarmuth
Velázquez	Weiner	Young (AK)
Visclosky	Welch	Young (FL)
Walz	Wexler	
Wasserman	Whitfield	
Schultz	Wilson (OH)	

NOT VOTING—5

Barrett (SC)	McCarthy (NY)	Sablan
Bishop (UT)	Paul	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1822

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 124, noes 309, not voting 6, as follows:

[Roll No. 634]

AYES—124

Akin	Garrett (NJ)	McMorris
Austria	Gerlach	Rodgers
Bachmann	Gingrey (GA)	Mica
Bartlett	Goodlatte	Miller (FL)
Barton (TX)	Granger	Minnick
Biggert	Graves	Moran (KS)
Bilirakis	Harper	Myrick
Blackburn	Hastings (WA)	Neugebauer
Boehner	Heller	Nunes
Bono Mack	Hensarling	Olson
Boozman	Herger	Paulsen
Boustany	Hoekstra	Pence
Brady (TX)	Hunter	Petri
Bright	Inglis	Pitts
Broun (GA)	Issa	Platts
Brown-Waite,	Jenkins	Price (GA)
Ginny	Johnson (IL)	Radanovich
Buchanan	Johnson, Sam	Roe (TN)
Burgess	Jones	Rogers (MI)
Burton (IN)	Jordan (OH)	Rohrabacher
Campbell	King (IA)	Rooney
Cantor	Kingston	Roskam
Carter	Kirk	Royce
Cassidy	Kline (MN)	Ryan (WI)
Castle	Lamborn	Scalise
Chaffetz	Lance	Schmidt
Coble	LaTourrette	Sensenbrenner
Coffman (CO)	Latta	Sessions
Conaway	Linder	Shadegg
Cooper	Luetkemeyer	Shimkus
Deal (GA)	Lummis	Smith (NE)
Dent	Lungren, Daniel	Souder
Duncan	E.	Stearns
Ehlers	Mack	Sullivan
Fallin	Marchant	Terry
Flake	McCarthy (CA)	Thornberry
Fleming	McCaul	Tiahrt
Forbes	McClintock	Tiberi
Fortenberry	McCotter	Upton
Foxx	McHenry	
Franks (AZ)	McKeon	

Walden	Westmoreland	Wittman	Snyder	Tierney	Watson	NOES—326	
Wamp	Wilson (SC)	Young (AK)	Space	Titus	Watt	Abercrombie	Ehlers
			Speier	Tonko	Waxman	Ackerman	Ellison
			Spratt	Towns	Weiner	Aderholt	Ellsworth
			Stark	Tsongas	Welch	Adler (NJ)	Emerson
Abercrombie	Etheridge	McHugh	Stupak	Turner	Wexler	Alexander	Engel
Ackerman	Faleomavaega	McIntyre	Sutton	Van Hollen	Whitfield	Altmire	Eshoo
Aderholt	Farr	McMahon	Tanner	Velázquez	Wilson (OH)	Andrews	Etheridge
Adler (NJ)	Fattah	McNerney	Taylor	Visclosky	Wolf	Arcuri	Faleomavaega
Alexander	Filner	Meek (FL)	Teague	Walz	Woolsey	Austria	Farr
Altmire	Foster	Meeks (NY)	Thompson (CA)	Wasserman	Wu	Baca	Fattah
Andrews	Frank (MA)	Melancon	Thompson (MS)	Schultz	Yarmuth	Bachus	Filner
Arcuri	Frelinghuysen	Michaud	Thompson (PA)	Waters	Young (FL)	Baird	Foster
Baca	Fudge	Miller (MI)				Baldwin	Frank (MA)
Bachus	Gallegly	Miller (NC)				Barrow	Frelinghuysen
Baird	Giffords	Miller, Gary	Barrett (SC)	Bishop (UT)	McCarthy (NY)	Bean	Fudge
Baldwin	Gohmert	Miller, George	Bilbray	Ellsworth	Paul	Becerra	Gallegly
Barrow	Gonzalez	Mitchell				Berkley	Giffords
Bean	Gordon (TN)	Mollohan				Berman	Gohmert
Becerra	Grayson	Moore (KS)				Berry	Gonzalez
Berkley	Green, Al	Moore (WI)				Biggart	Gordon (TN)
Berman	Green, Gene	Moran (VA)				Bishop (GA)	Granger
Berry	Griffith	Murphy (CT)				Bishop (NY)	Grayson
Bishop (GA)	Grijalva	Murphy (NY)				Blumenauer	Green, Al
Bishop (NY)	Guthrie	Murphy, Patrick				Boccheri	Green, Gene
Blumenauer	Gutierrez	Murphy, Tim				Bonner	Griffith
Blunt	Hall (NY)	Murtha				Bordallo	Grijalva
Boccheri	Hall (TX)	Nadler (NY)				Boren	Guthrie
Bonner	Halvorson	Napolitano				Boswell	Gutierrez
Bordallo	Hare	Neal (MA)				Boucher	Hall (NY)
Boren	Harman	Norton				Boyd	Halvorson
Boswell	Hastings (FL)	Nye				Brady (PA)	Hare
Boucher	Heinrich	Oberstar				Brady (TX)	Hare
Boyd	Herseht Sandlin	Obey				Braley (IA)	Harman
Brady (PA)	Higgins	Oliver				Brown (SC)	Harper
Braley (IA)	Hill	Ortiz				Brown, Corrine	Hastings (FL)
Brown (SC)	Himes	Pallone				Brown-Waite,	Hastings (WA)
Brown, Corrine	Hinche	Pascrell				Ginny	Heinrich
Butterfield	Hinojosa	Pastor (AZ)				Buchanan	Herseht Sandlin
Buyer	Hirono	Payne				Butterfield	Higgins
Calvert	Hodes	Perlmutter				Buyer	Hill
Camp	Holden	Perriello				Calvert	Himes
Cao	Holt	Peters				Camp	Hinche
Capito	Honda	Peterson				Cao	Hinojosa
Capps	Hoyer	Pierluisi				Capito	Hirono
Capuano	Inslee	Pingree (ME)				Capps	Hodes
Cardoza	Israel	Poe (TX)				Capuano	Holden
Carnahan	Jackson (IL)	Polis (CO)				Cardoza	Holt
Carney	Jackson-Lee	Pomeroy				Carnahan	Honda
Carson (IN)	(TX)	Posey				Carney	Hoyer
Castor (FL)	Johnson (GA)	Price (NC)				Carson (IN)	Inslee
Chandler	Johnson, E. B.	Putnam				Carter	Israel
Childers	Kagen	Quigley				Castle	Jackson (IL)
Christensen	Kanjorski	Rahall				Castor (FL)	Jackson-Lee
Chu	Kaptur	Rangel				Chandler	(TX)
Clarke	Kennedy	Rehberg				Childers	Johnson (GA)
Clay	Kildee	Reichert				Christensen	Johnson, E. B.
Cleaver	Kilpatrick (MI)	Reyes				Chu	Jones
Clyburn	Kilroy	Richardson				Clarke	Kagen
Cohen	Kind	Rodriguez				Clay	Kanjorski
Cole	King (NY)	Rogers (AL)				Cleaver	Kaptur
Connolly (VA)	Kirkpatrick (AZ)	Rogers (KY)				Clyburn	Kennedy
Conyers	Kissell	Ros-Lehtinen				Cohen	Kildee
Costa	Klein (FL)	Ross				Cole	Kilpatrick (MI)
Costello	Kosmas	Rothman (NJ)				Connolly (VA)	Kilroy
Courtney	Kratovil	Roybal-Allard				Conyers	King (NY)
Crenshaw	Kucinich	Ruppersberger				Costa	Kirkpatrick (AZ)
Crowley	Langevin	Rush				Costello	Kissell
Cuellar	Larsen (WA)	Ryan (OH)				Courtney	Klein (FL)
Culberson	Larsen (CT)	Sablan				Crenshaw	Kosmas
Cummings	Latham	Salazar				Crowley	Kratovil
Dahlkemper	Lee (CA)	Sánchez, Linda				Cuellar	Kucinich
Davis (AL)	Lee (NY)	T.				Culberson	Langevin
Davis (CA)	Levin	Sanchez, Loretta				Cummings	Larsen (WA)
Davis (IL)	Lewis (CA)	Sarbanes				Dahlkemper	Larsen (CT)
Davis (KY)	Lewis (GA)	Schakowsky				Davis (AL)	Latham
Davis (TN)	Lipinski	Schauer				Davis (IL)	LaTourette
DeFazio	LoBiondo	Schiff				Davis (TN)	Lee (CA)
DeGette	Loebsack	Schock				DeFazio	Lee (NY)
Delahunt	Lofgren, Zoe	Schrader				DeGette	Lewis (CA)
DeLauro	Lowey	Schwartz				Delahunt	Lewis (GA)
Diaz-Balart, L.	Lucas	Scott (GA)				DeLauro	Lipinski
Diaz-Balart, M.	Luján	Scott (VA)				Dent	LoBiondo
Dicks	Maffei	Serrano				Diaz-Balart, L.	Loebsack
Dingell	Maffei	Sestak				Diaz-Balart, M.	Lofgren, Zoe
Doggett	Maloney	Shea-Porter				Dicks	Lowey
Donnelly (IN)	Manzullo	Sherman				Dingell	Lucas
Doyle	Markey (CO)	Shuler				Doggett	Luján
Dreier	Markey (MA)	Shuster				Donnelly (IN)	Lungren, Daniel
Driehaus	Marshall	Simpson				Doyle	E.
Edwards (MD)	Massa	Sires				Dreier	Lynch
Edwards (TX)	Matheson	Skelton				Edwards (MD)	Maffei
Ellison	Matsui	Slaughter				Edwards (TX)	Maloney
Emerson	McCollum	Smith (NJ)					
Engel	McDermott	Smith (TX)					
Eshoo	McGovern	Smith (WA)					

NOT VOTING—6

Barrett (SC) Bishop (UT) McCarthy (NY)
 Bilbray Ellsworth Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1825

So the amendment was rejected.
 The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 4 OFFERED BY MR.

HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 326, not voting 4, as follows:

[Roll No. 635]

AYES—109

Akin	Graves	Myrick
Bachmann	Hall (TX)	Neugebauer
Bartlett	Heller	Nunes
Barton (TX)	Hensarling	Olson
Bilbray	Herger	Paulsen
Bilirakis	Hoekstra	Pence
Blackburn	Hunter	Petri
Blunt	Inglis	Pitts
Boehner	Issa	Posey
Bono Mack	Jenkins	Price (GA)
Boozman	Johnson (IL)	Radanovich
Boustany	Johnson, Sam	Roe (TN)
Bright	Jordan (OH)	Rogers (MI)
Broun (GA)	King (IA)	Rohrabacher
Burgess	Kingston	Roskam
Burton (IN)	Kirk	Royce
Campbell	Kline (MN)	Ryan (WI)
Cantor	Lamborn	Scalise
Cassidy	Lance	Schauer
Chaffetz	Latta	Schmidt
Coble	Linder	Sensenbrenner
Coffman (CO)	Luetkemeyer	Sessions
Conaway	Lummis	Shadegg
Cooper	Mack	Shimkus
Davis (KY)	Manzullo	Smith (NE)
Deal (GA)	Marchant	Stearns
Duncan	McCarthy (CA)	Sullivan
Fallin	McCauley	Terry
Flake	McClintock	Thornberry
Fleming	McCotter	Tiahrt
Forbes	McHenry	Tiberi
Fortenberry	McKeon	Walden
Fox	McMorris	Wamp
Franks (AZ)	Rodgers	Westmoreland
Garrett (NJ)	Miller (FL)	Wilson (SC)
Gingrey (GA)	Minnick	Wittman
Goodlatte	Moran (KS)	

Simpson	Teague	Waters
Sires	Thompson (CA)	Watson
Skelton	Thompson (MS)	Watt
Slaughter	Thompson (PA)	Waxman
Smith (NJ)	Tierney	Weiner
Smith (TX)	Titus	Welch
Smith (WA)	Tonko	Wexler
Snyder	Towns	Whitfield
Souder	Tsongas	Wilson (OH)
Space	Turner	Wolf
Speier	Upton	Woolsey
Spratt	Van Hollen	Wu
Stark	Velázquez	Yarmuth
Stupak	Visclosky	Young (AK)
Sutton	Walz	Young (FL)
Tanner	Wasserman	
Taylor	Schultz	

NOT VOTING—4

Barrett (SC)	McCarthy (NY)
Bishop (UT)	Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1828

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010”.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. SNYDER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 669, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 669, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LATHAM. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LATHAM. In its current form, I am.

Mr. OLVER. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentleman reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Latham moves to recommit the bill H.R. 3288 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 4, strike lines 11 through 16, and insert the following:

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$10,233,000.

Page 7, strike line 16 and all that follows through line 23 on page 10, and insert the following:

FEDERAL AVIATION ADMINISTRATION
OPERATIONS
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$9,335,798,000, of which \$5,190,798,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,300,739,000 shall be available for air traffic organization activities; not to exceed \$1,231,765,000 shall be available for aviation safety activities; not to exceed \$14,737,000 shall be available for commercial space transportation activities; not to exceed \$113,681,000 shall be available for financial services activities; not to exceed \$100,428,000 shall be available for human resources program activities; not to exceed \$330,607,000 shall be available for region and center operations and regional coordination activities; not to exceed \$190,063,000 shall be available for staff offices; and not to exceed \$49,778,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary utilize not less than \$17,084,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the

funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, including funds from fees authorized under Chapter 453 of title 49, United States Code, other than those authorized by Section 45301(a)(1) of that title, which shall be available for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$9,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That of the funds available under this heading not to exceed \$500,000 shall be provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code, and not to exceed \$120,000 shall be provided to that office through reimbursement to conduct the annual Enterprise Services Center Statement on Auditing Standards 70 audit: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

Page 12, strike lines 12 through 25, and insert the following:

RESEARCH, ENGINEERING, AND DEVELOPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$180,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2012: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

Page 38, strike lines 1 through 15, and insert the following:

NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION
OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109-59 and chapter 301 and part C of subtitle VI of title 49, United States Code, \$129,774,000, of which \$32,045,000 shall remain available until September 30, 2011: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

Page 39, strike line 21 and all that follows through line 2 on page 40.

Page 42, strike lines 18 through 23, and insert the following:

FEDERAL RAILROAD ADMINISTRATION
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$168,770,000 of which \$15,300,000 shall remain available until September 30, 2011.

Page 44, strike line 1 and all that follows through line 13 on page 46, and insert the following:

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL
CORRIDORS AND INTERCITY PASSENGER RAIL
SERVICE

To enable the Secretary of Transportation to make passenger rail grants for capital projects as authorized under sections 26106 and 24406 of title 49, United States Code; the acquisition of new rolling stock; and to enter into cooperative agreements for these purposes, \$1,000,000,000, to remain available until September 30, 2015: *Provided*, That \$50,000,000 of funds provided under this paragraph are available to the Administrator of the Federal Railroad Administration to fund the award and oversight of financial assistance made under this paragraph: *Provided further*, That up to \$30,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of passenger rail service that is expected to maintain an average speed of 110 miles per hour or is reasonably expected to reach speeds of at least 150 miles per hour, including the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: *Provided further*, That up to \$50,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a state rail plan consistent with chapter 227 of title 49, United States Code: *Provided further*, That the Secretary shall issue regulations covering application procedures and grant criteria for the passenger rail grants provided under this paragraph: *Provided further*, That the Federal share payable of the costs for which financial assistance is made under this paragraph shall not exceed 80 percent: *Provided further*, That in addition to the provisions of title 49, United States Code, that apply to the passenger rail programs funded under this paragraph, sections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this paragraph: *Provided further*, That a project need not be in a state rail plan developed under chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That up to \$5,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of implementing section 24316 of title 49, United States Code.

Page 62, strike lines 11 through 21, and insert the following:

PIPELINE AND HAZARDOUS MATERIALS SAFETY
ADMINISTRATION
OPERATIONAL EXPENSES
(PIPELINE SAFETY FUND)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$18,968,000, of which \$639,000 shall be derived from the Pipeline Safety

Fund: *Provided*, That \$1,000,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline Safety Information Grants to Communities" as authorized under section 60130 of title 49, United States Code.

Page 62, strike line 22 and all that follows through line 11 on page 63, and insert the following:

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$35,500,000, of which \$2,699,000 shall remain available until September 30, 2012: *Provided*, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from states, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

Page 65, strike line 19 and all that follows through line 8 on page 66, and insert the following:

SURFACE TRANSPORTATION BOARD
SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$27,032,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, to result in a final appropriation from the general fund estimated at no more than \$25,782,000.

Page 78, strike line 6 and all that follows through line 7 on page 85, and insert the following:

PUBLIC AND INDIAN HOUSING
TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 143711 et seq.) ("the Act" herein), not otherwise provided for, \$13,911,000,000, to remain available until expended, shall be available on October 1, 2009 (in addition to the \$4,000,000,000 previously appropriated under this heading that will become available on October 1, 2009), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2010: *Provided*, That the amounts made available under this heading are provided as follows:

(1) \$16,189,200,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal year 2008 and 2009 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2010 funding cycle shall provide

renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the most recent Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with the written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to \$150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act.

(2) \$103,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: *Provided*, That

the Secretary may provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject to the availability of funds.

(3) \$1,493,800,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than \$1,443,800,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2010 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2009 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities.

(4) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher

assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over.

(5) \$50,000,000 shall be for family self-sufficiency coordinators under section 23 of the Act.

Page 85, strike line 21 and all that follows through line 14 on page 87, and insert the following:

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") \$2,244,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2010 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to \$15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters, excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.), occurring in fiscal year 2010: *Provided further*, That of the total amount provided under this heading, \$50,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount provided under this heading, up to \$8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2010 to public housing agencies that are designated high performers.

Page 87, strike lines 15 through 19, and insert the following:

PUBLIC HOUSING OPERATING FUND

For 2010 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,600,000,000.

Page 88, strike line 13 and all that follows through line 23 on page 89, and insert the following:

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996

(NAHASDA) (25 U.S.C. 4111 et seq.), \$645,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, \$3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and \$4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to \$300,000 for related travel: *Provided further*, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$18,000,000.

Page 90, strike lines 1 through 9, and insert the following:

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$10,000,000, to remain available until expended: *Provided*, That of this amount, \$300,000 shall be for training and technical assistance activities, including up to \$100,000 for related travel by Hawaii-based HUD employees.

Page 91, strike lines 12 through 24, and insert the following:

COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$310,000,000, to remain available until September 30, 2011, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2012: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

Page 92, strike line 1 and all that follows through line 16 on page 95, and insert the following:

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$4,450,000,000, to

remain available until September 30, 2012, unless otherwise specified: *Provided*, That of the total amount provided, \$4,016,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the “Act” herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That \$65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, \$151,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2008, 2009 and 2010, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, \$18,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced statement of the managers under this heading “Community Planning and Development” in title II of division K of Public Law 110-161 is deemed to be amended by striking “Custer County, ID for acquisition of an unused middle school building” and inserting “Custer County, ID, to construct a community center”.

The referenced statement of the managers under this heading “Community Planning and Development” in title II of division I of Public Law 111-8 is deemed to be amended by striking “Custer County, ID, to purchase a middle school building” and inserting “Custer County, ID, to construct a community center”.

Of the amounts made available under this heading, \$150,000,000 shall be made available for a Sustainable Communities Initiative to stimulate improved regional planning efforts that integrate housing and transportation decisions, and to challenge communities to reform zoning and land use ordinances: *Provided*, That \$100,000,000 shall be for Regional Planning Grants to support the linking of transportation and land use planning: *Provided further*, That \$40,000,000 shall be for Metropolitan Challenge Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable

communities: *Provided further*, That up to \$10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Planning Grants and Metropolitan Challenge Grants programs: *Provided further*, That of the amounts made available under this heading, \$25,000,000 shall be made available for the Rural Innovation Fund to address the problems of concentrated rural housing distress and community poverty: *Provided further*, That of the amounts made available under this heading, \$25,000,000 shall be made available for the University Community Fund for grants to assist universities in revitalizing their surrounding communities, with special attention to Historically Black Colleges and Universities, Tribal Colleges and Universities, Alaska Native/Native Hawaiian Institutions, and Hispanic-Serving Institutions: *Provided further*, That the Secretary shall develop and publish guidelines for the use of such competitive funds including, but not limited to, eligibility criteria, minimum grant amounts, and performance metrics.

Page 96, strike lines 6 through 14.

Page 96, strike line 15 and all that follows through line 2 on page 97, and insert the following:

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C. 12721 et seq.), \$1,825,000,000, to remain available until September 30, 2012: *Provided*, That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

Page 97, strike lines 3 through 23, and insert the following:

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended (42 U.S.C. 12805 note), \$77,000,000, to remain available until September 30, 2012: *Provided*, That of the total amount provided under this heading, \$27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That \$46,500,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$10,000,000 may be made available for rural capacity building activities: *Provided further*, That \$3,500,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110-246.

Page 98, strike line 1 and all that follows through line 2 on page 100, and insert the following:

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate reha-

bilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, \$1,793,715,000, of which \$1,788,715,000 shall remain available until September 30, 2012, and of which \$5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: *Provided*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program shall be used for permanent housing for individuals and families: *Provided further*, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to \$8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2010.

Page 100, strike line 3 and all that follows through line 10 on page 102, and insert the following:

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”), not otherwise provided for, \$7,706,328,000, to remain available until expended, shall be available on October 1, 2009, and \$393,672,000, to remain available until expended, shall be available on October 1, 2010: *Provided*, That the amounts made available under this heading are provided as follows:

(1) Up to \$7,868,000,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject

to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than \$232,000,000 but not to exceed \$258,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667).

(3) Amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

Page 102, strike line 11 and all that follows through line 6 on page 104, and insert the following:

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701(q)), as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, \$765,000,000, to remain available until September 30, 2013, of which up to \$637,000,000 shall be for capital advance and project based rental assistance awards: *Provided*, That, of the amount provided under this heading, up to \$90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, \$20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under

section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That up to \$2,000,000 of the total amount made available under this heading shall be for technical assistance to improve grant applications and to facilitate the development of housing for the elderly under section 202 of the Housing Act of 1959, and supportive housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

Page 104, strike line 7 and all that follows through line 14 on page 105, and insert the following:

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, \$250,000,000, of which up to \$114,000,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2013:

Provided further, That, of the amount provided under this heading, \$87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

Page 146, strike line 20 and all that follows through line 4 on page 47, and insert the following:

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,000,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

Page 147, strike line 16 and all that follows through line 8 on page 148, and insert the following:

NATIONAL TRANSPORTATION SAFETY BOARD SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$95,400,000 of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease. Of the funds provided, up to \$100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements.

Page 148, strike line 9 and all that follows through line 8 on page 153, and insert the following:

NEIGHBORHOOD REINVESTMENT CORPORATION PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$133,000,000: *Provided*, That Section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104(a)) is amended by adding at the end of the first sentence, prior to the period, ", except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule": *Provided further*, That in addition, \$33,800,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation ("NRC"), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures primarily in the subprime housing market to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of subprime mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default.

These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a workout strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default. Such reports shall identify successful strategies and methods for preserving homeownership and the long-term affordability of at risk mortgages and shall include recommended efforts that will or likely can assist in the success of this program as well as an analysis of any policy and procedures that failed to result in successful mortgage foreclosure mitigation. The report shall in-

clude an analysis of the details and use of any post mitigation counseling of assisted borrowers designed to ensure the continued long-term affordability of the mortgages which were the subject of the mortgage foreclosure mitigation assistance.

Mr. OLVER (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. ISSA. Objection.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. LATHAM (during the reading.) Mr. Speaker, I withdraw the motion to recommit.

The SPEAKER pro tempore. The motion to recommit is withdrawn.

MOTION TO RECOMMIT

Mr. LATHAM. Mr. Speaker, I have a motion to recommit at the desk.

Mr. OLVER. Mr. Speaker, I reserve a point of order on the motion.

The SPEAKER pro tempore. The point of order is reserved.

Is the gentleman opposed to the bill?

Mr. LATHAM. In its present form, I am, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Latham moves to recommit the bill H.R. 3288 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 4, line 16, after the dollar amount insert "(reduced by \$4,500,000)".

Page 8, line 3, after the dollar amount insert "(reduced by \$11,370,000)".

Page 8, line 13, after the dollar amount insert "(reduced by \$11,370,000)".

Page 12, line 19, after the dollar amount insert "(reduced by \$15,000,000)".

Page 38, line 7, after the first dollar amount insert "(reduced by \$1,962,000)".

Page 39, strike line 21 and all the follows through line 2 on page 40.

Page 42, line 21, after the dollar amount insert "(reduced by \$3,763,000)".

Page 44, line 8, after the dollar amount insert "(reduced by Page \$3,000,000)".

Page 45, beginning on line 21 strike "Provided further, That if" and all that follows through line 13 on page 46.

Page 62, line 17, after the first dollar amount insert "(reduced by \$1,000,000)".

Page 62, line 25, after the dollar amount insert "(reduced by \$1,000,000)".

Page 65, line 23, after the dollar amount insert "(reduced by \$2,768,000)".

Page 66, line 8, after the dollar amount insert "(reduced by \$2,768,000)".

Page 78, line 12, after the dollar amount insert "(reduced by \$331,000,000)".

Page 78, line 20, after the dollar amount insert "(reduced by \$198,000,000)".

Page 81, line 9, after the dollar amount insert "(reduced by \$17,000,000)".

Page 82, line 10, after the dollar amount insert "(reduced by \$106,200,000)".

Page 85, line 6, after the dollar amount insert "(reduced by \$10,000,000)".

Page 86, line 1, after the dollar amount insert "(reduced by \$256,000,000)".

Page 87, line 19, after the dollar amount insert "(reduced by \$200,000,000)".

Page 88, line 17, after the dollar amount insert "(reduced by \$105,000,000)".

Page 90, line 5, after the dollar amount insert "(reduced by \$2,000,000)".

Page 91, line 17, after the dollar amount insert "(reduced by \$40,000,000)".

Page 92, line 5, after the dollar amount insert "(reduced by \$150,607,000)".

Page 96, strike lines 6 through 14.

Page 96, line 19, after the dollar amount insert "(reduced by \$175,000,000)".

Page 97, line 8, after the dollar amount insert "(reduced by \$8,000,000)".

Page 97, line 15, after the dollar amount insert "(reduced by \$6,500,000)".

Page 97, line 20, after the dollar amount insert "(reduced by \$1,500,000)".

Page 98, line 12, after the first and second dollar amounts insert "(reduced by \$56,285,000)".

Page 100, line 8, after the dollar amount insert "(reduced by \$606,328,000)".

Page 100, line 14, after the dollar amount insert "(reduced by \$606,328,000)".

Page 102, line 20, after the dollar amount insert "(reduced by \$235,000,000)".

Page 102, line 22, after the dollar amount insert "(reduced by \$235,000,000)".

Page 104, line 20, after the dollar amount insert "(reduced by \$100,000,000)".

Page 104, line 21, after the dollar amount insert "(reduced by \$100,000,000)".

Page 147, line 1, after the dollar amount insert "(reduced by \$200,000)".

Page 147, line 24, after the first dollar amount insert "(reduced by \$3,800,000)".

Page 148, line 22, after the dollar amount insert "(reduced by \$30,000,000)".

□ 1915

The SPEAKER pro tempore. Does the gentleman from Massachusetts continue to reserve his point of order?

Mr. OLVER. I do not. I withdraw my point of order.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Speaker, I thank you very much. I want to wish the Members a good evening. I'm sorry about the delay here.

Mr. Speaker, this motion to recommit is really quite simple. It simply reduces the accounts that exceed the levels recommended in the budget request back down to the President's proposed level. I'm quite confident the funding levels proposed by the President are sufficient, and frankly, if the higher levels of funding were required, the budget request would have identified higher funding levels.

Let me say again that I would be a strong supporter of this bill if the funding levels weren't so astronomically out of proportion with the current reality. I hold a very positive view of Chairman OLVER and admire his thoughtful and fair approach to this bill, but a 25 percent increase over the funding level of fiscal year '09 is absurd, especially in the context of the huge sums of funding provided to the Department of Transportation and HUD through the stimulus bill. This bill would fund these agencies at \$68

billion on top of the more than \$61.8 billion they received through the stimulus. How can these agencies possibly spend through this funding in an efficient and effective manner?

So in response to this reckless pattern, my motion would reduce the bill's bottom line by cutting only those accounts that were funded over and above the President's request. This motion to recommit saves the U.S. taxpayers \$5.4 billion.

I would ask for your support for this motion to recommit. I think in today's fiscal climate, it is totally appropriate and is something that we should do. This is about our kids and our grandchildren in the future. And just to bring it back to the President's request, I don't think this is something that is too much to ask from anyone.

I yield back the balance of my time.

Mr. OLVER. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, I think it's quite ironic that the amendment that's being offered is one to reduce the funding and conform the funding to the President's request, but it's exactly what the now minority has done year after year in rubber-stamping the President's position. That's what's so ironic about it.

We, on the other hand, have taken an independent view with a very good subcommittee, with some Members on the minority side who have joined us on some of this and, in fact, have taken a position substantially in support of the idea which is at the core of this legislation that we are doing something more for vulnerable populations.

Virtually everything that has been removed in reductions from this bill is in those things, but not all of them, virtually all, in the area of assistance for vulnerable populations. Let me just go down the list.

We have section 8, tenant-based housing and section 8 project-based housing, a total of a \$798 million reduction, all of them back to the President's requests. But the needs got greater from when the requests were made because of what is happening, because there are more homeless, because there are more people out of work than there were at the time the request was made, in all good faith.

The Native American Block Grant for the poorest of the poor is reduced by \$105 million.

Elder housing, which we had raised by \$235 million, and the housing for the disabled people, which we had raised by \$100 million, which, by the way, all of this was taken through the full Appropriations Committee and approved by the Appropriations Committee and sent to the floor.

Homeless assistance has been reduced by \$56 million.

The public housing operating fund has been reduced by \$200 million.

The public housing authority's capital fund, reduced by \$256 million.

The housing for people with AIDS, reduced by \$40 million.

The HOME Program for affordable housing, rental housing, as well as first-time homeownership is reduced by \$175 million. All of these to conform with the President's number.

Our committee and our Members feel very strongly that those vulnerable populations need a little bit more under the circumstances that we are dealing with at the present time, so we put it in, and that's the way we voted today.

Now, beyond that, we have had a strong vote on the issue of high-speed rail and the items related to it, a vote which was earlier today, 136 for an amendment to strike the very thing that is backing this motion to 284 against, including 40 Members from the minority side who voted with the majority on that issue.

Beyond that, we have the amendment which reduces the FAA's safety positions in two different areas; one by removing 150 aviation inspectors, which we went above the President's request, I think quite legitimately, for aviation safety, and also 35 additional people that we put in for rail safety. We've had some rail problems. We believe that there are problems that needed to be dealt with.

So all of those things have been done. I think we should keep exactly what we have done, the vote before, and reject this motion to recommit.

I yield time to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding. I would urge a "no" vote on this. I simply think that we are entitled to ask one question: Why on Earth, if we're supposed to take this motion seriously, were we required to listen through the reading of a 55-page amendment, witness it being withdrawn, and then have them introduce an amendment which is virtually the same in an identical form?

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LATHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 192, nays 226, not voting 15, as follows:

[Roll No. 636]

YEAS—192

Aderholt	Gallegly	Minnick
Adler (NJ)	Garrett (NJ)	Mitchell
Akin	Gerlach	Moran (KS)
Alexander	Giffords	Murphy (NY)
Austria	Gingrey (GA)	Murphy, Patrick
Bachmann	Gohmert	Murphy, Tim
Bachus	Goodlatte	Myrick
Bartlett	Granger	Neugebauer
Barton (TX)	Graves	Nunes
Bean	Guthrie	Nye
Biggert	Hall (TX)	Olson
Blibray	Harper	Paulsen
Bilirakis	Hastings (WA)	Pence
Blackburn	Heller	Perriello
Boehner	Hensarling	Peters
Bonner	Herger	Petri
Bono Mack	Hoekstra	Pitts
Boozman	Hunter	Poe (TX)
Boustany	Inglis	Posey
Brady (TX)	Issa	Price (GA)
Bright	Jenkins	Putnam
Broun (GA)	Johnson (IL)	Radanovich
Brown (SC)	Johnson, Sam	Rehberg
Brown-Waite,	Jones	Roe (TN)
Ginny	Jordan (OH)	Rogers (AL)
Buchanan	King (IA)	Rogers (KY)
Burgess	King (NY)	Rogers (MI)
Burton (IN)	Kingston	Rohrabacher
Buyer	Kirk	Rooney
Calvert	Kirkpatrick (AZ)	Ros-Lehtinen
Camp	Kline (MN)	Roskam
Campbell	Kratovil	Royce
Cantor	Lamborn	Ryan (WI)
Cao	Lance	Scalise
Capito	Latham	Schmidt
Carter	LaTourette	Schock
Cassidy	Latta	Sensenbrenner
Castle	Lee (NY)	Sessions
Chaffetz	Lewis (CA)	Shadegg
Coble	Linder	Shimkus
Coffman (CO)	LoBiondo	Shuler
Cole	Lucas	Shuster
Conaway	Luetkemeyer	Simpson
Crenshaw	Lummis	Smith (NE)
Culberson	Lungren, Daniel	Smith (TX)
Dahlkemper	E.	Souder
Davis (KY)	Mack	Stearns
Deal (GA)	Manzullo	Sullivan
Dent	Marchant	Taylor
Diaz-Balart, L.	Markey (CO)	Terry
Diaz-Balart, M.	Marshall	Thompson (PA)
Donnelly (IN)	McCarthy (CA)	Thornberry
Dreier	McCauley	Tiahrt
Ehlers	McClintock	Tiberi
Ellsworth	McCotter	Turner
Emerson	McHenry	Upton
Fallin	McHugh	Walden
Flake	McKeon	Wamp
Fleming	McMorris	Westmoreland
Forbes	Rodgers	Whitfield
Fortenberry	McNerney	Wilson (SC)
Foster	Mica	Wittman
Fox	Miller (FL)	Wolf
Franks (AZ)	Miller (MI)	Young (AK)
Frelinghuysen	Miller, Gary	Young (FL)

NAYS—226

Abercrombie	Capuano	Davis (TN)
Ackerman	Cardoza	DeFazio
Altmire	Carnahan	DeGette
Andrews	Carney	Delahunt
Arcuri	Carson (IN)	DeLauro
Baca	Castor (FL)	Dicks
Baird	Chandler	Dingell
Baldwin	Childers	Doggett
Barrow	Chu	Doyle
Becerra	Clarke	Driehaus
Berkley	Clay	Edwards (MD)
Berman	Cleaver	Edwards (TX)
Bishop (GA)	Clyburn	Ellison
Bishop (NY)	Cohen	Engel
Blumenauer	Connolly (VA)	Eshoo
Bocchieri	Cooper	Etheridge
Boren	Costa	Farr
Boswell	Costello	Fattah
Boucher	Courtney	Filner
Boyd	Crowley	Frank (MA)
Brady (PA)	Cuellar	Fudge
Braley (IA)	Cummings	Gonzalez
Brown, Corrine	Davis (AL)	Gordon (TN)
Butterfield	Davis (CA)	Grayson
Capps	Davis (IL)	Green, Al

Green, Gene	Maffei	Sánchez, Linda	Baird	Gutierrez	Pallone	Burton (IN)	Inggris	Nye
Griffith	Maloney	T.	Baldwin	Hall (NY)	Pastor (AZ)	Buyer	Issa	Olson
Grijalva	Markey (MA)	Sanchez, Loretta	Barrow	Halvorson	Payne	Calvert	Jenkins	Paulsen
Gutierrez	Massa	Sarbanes	Bean	Hare	Perlmutter	Camp	Johnson (IL)	Pence
Hall (NY)	Matheson	Schakowsky	Becerra	Harman	Perriello	Campbell	Johnson, Sam	Pitts
Halvorson	Matsui	Schauer	Berkley	Hastings (FL)	Peters	Cantor	Jones	Platts
Hare	McCollum	Schrader	Berman	Heinrich	Peterson	Capito	Jordan (OH)	Poe (TX)
Harman	McDermott	Berry	Bishop (GA)	Hereth Sandlin	Petri	Carter	Kind	Posey
Hastings (FL)	McGovern	Bishop (NY)	Higgins	Himes	Pingree (ME)	Cassidy	King (IA)	Price (GA)
Heinrich	McIntyre	Blumenauer	Hinchey	Hinchoy	Polis (CO)	Castle	King (NY)	Putnam
Hereth Sandlin	McMahon	Boccieri	Hirono	Hirone	Pomeroy	Chaffetz	Kingston	Radanovich
Higgins	Meek (FL)	Boren	Hodes	Holde	Price (NC)	Coffman (CO)	Kirk	Rehberg
Hill	Meeks (NY)	Boswell	Holden	Holt	Quigley	Cole	Kline (MN)	Roe (TN)
Himes	Melancon	Boucher	Holt	Honda	Rahall	Conaway	Kratovil	Rogers (AL)
Hinchey	Michaud	Boyd	Hoy	Hoyer	Rangel	Crenshaw	Lamborn	Rogers (KY)
Hinojosa	Miller (NC)	Brady (PA)	Inslee	Inslee	Reichert	Culberson	Lance	Rogers (MI)
Hirono	Miller, George	Braley (IA)	Israel	Israel	Reyes	Davis (KY)	Latham	Rohrabacher
Hodes	Mollohan	Bright	Jackson (IL)	Jackson (IL)	Richardson	Deal (GA)	Latta	Rooney
Holden	Moore (KS)	Butterfield	Cao	Cao	Rodriguez	Dent	Lee (NY)	Roskam
Holt	Moore (WI)	Capps	Capuano	Capuano	Ros-Lehtinen	Dreier	Lewis (CA)	Royce
Honda	Moran (VA)	Cardoza	Carnahan	Carnahan	Ross	Driehaus	Linder	Ryan (WI)
Hoyer	Murphy (CT)	Carney	Castor (FL)	Castor (FL)	Rothman (NJ)	Duncan	Lucas	Scalise
Inslee	Murtha	Kaptur	Chandler	Chandler	Roybal-Allard	Emerson	Luetkemeyer	Schmidt
Israel	Nadler (NY)	Kennedy	Childers	Childers	Ruppersberger	Fallin	Lummis	Schock
Jackson (IL)	Napolitano	Kildee	Chu	Chu	Rush	Flake	Lungren, Daniel	Sensenbrenner
Jackson-Lee	Neal (MA)	Kilpatrick (MI)	Clarke	Clarke	Ryan (OH)	Fleming	E.	Sessions
(TX)	Oberstar	Kilroy	Clay	Clay	Salazar	Forbes	Mack	Shadegg
Johnson (GA)	Obey	Kissell	Cleaver	Cleaver	Sanchez, Loretta	Fortenberry	Manzullo	Shimkus
Johnson, E. B.	Oliver	Kosmas	Clyburn	Clyburn	T.	Fox	Marchant	Shuster
Kagen	Ortiz	Kucinich	Coble	Coble	Sarbanes	Franks (AZ)	Markey (CO)	Simpson
Kanjorski	Pallone	Langevin	Cohen	Cohen	Schakowsky	Frelinghuysen	Marshall	Smith (NE)
Kennedy	Pascarell	Larsen (WA)	Connelly (VA)	Connelly (VA)	Schauer	Gallegly	Matheson	Smith (TX)
Kildee	Pastor (AZ)	Larsen (CT)	Conyers	Conyers	Schiff	Garrett (NJ)	McCarthy (CA)	Souder
Kilpatrick (MI)	Payne	Lee (CA)	Cooper	Cooper	Schrader	Gerlach	McCaul	Stearns
Kilroy	Perlmutter	Levin	Costa	Costa	Schwartz	Gingrey (GA)	McClintock	Sullivan
Kind	Peterson	Lewis (GA)	Costello	Costello	Scott (GA)	Gohmert	McCotter	Taylor
Kissell	Pingree (ME)	Lipinski	Courtney	Courtney	Scott (VA)	Goodlatte	McHenry	Terry
Klein (FL)	Polis (CO)	Loebbeck	Crowley	Crowley	Serrano	Granger	McKeon	Thompson (PA)
Kosmas	Pomeroy	Lofgren, Zoe	Cuellar	Cuellar	Sestak	Graves	McMorris	Thornberry
Kucinich	Price (NC)	Lowey	Dahlkemper	Dahlkemper	Shea-Porter	Guthrie	Rodgers	Tiahrt
Langevin	Quigley	Lujan	Davis (AL)	Davis (AL)	Sherman	Hall (TX)	Mica	Tiberi
Larsen (WA)	Rahall	Lynch	Davis (CA)	Davis (CA)	Shuler	Harper	Miller (FL)	Upton
Larsen (CT)	Rangel	Maffei	Davis (IL)	Davis (IL)	Sires	Hastings (WA)	Miller (MI)	Walden
Lee (CA)	Reichert	Maloney	Davis (TN)	Davis (TN)	Slaughter	Heller	Miller, Gary	Wamp
Levin	Reyes	Markey (MA)	DeFazio	DeFazio	Smith (NJ)	Hensarling	Minnick	Westmoreland
Lewis (GA)	Rodriguez	Massa	DeGette	DeGette	Smith (WA)	Herger	Moran (KS)	Whitfield
Lipinski	Ross	Matsui	Delahunt	Delahunt	Snyder	Hill	Myrick	Wilson (SC)
Loebbeck	Rothman (NJ)	McCollum	Diaz-Balart, L.	Diaz-Balart, L.	Space	Hoekstra	Neugebauer	Wittman
Lofgren, Zoe	Roybal-Allard	McDermott	Dicks	Dicks	Speier	Hunter	Nunes	Young (FL)
Lowey	Ruppersberger	McGovern	Dingell	Dingell	Spratt			
Lujan	Ryan (OH)	McHugh	Doggett	Doggett	Stark			
Lynch	Salazar	McIntyre	Donnelly (IN)	Donnelly (IN)	Stupak			
		McMahon	Doyle	Doyle	Sutton			
		Meek (FL)	Edwards (MD)	Edwards (MD)	Tanner			
		Meeks (NY)	Edwards (TX)	Edwards (TX)	Teague			
		Melancon	Ehlers	Ehlers	Thompson (CA)			
		Michaud	Ellison	Ellison	Thompson (MS)			
		Miller (NC)	Ellsworth	Ellsworth	Tierney			
		Miller, George	Engel	Engel	Titus			
		Mitchell	Eshoo	Eshoo	Tonko			
		Mollohan	Etheridge	Etheridge	Towns			
		Moore (KS)	Farr	Farr	Tsongas			
		Moore (WI)	Fattah	Fattah	Turner			
		Moran (VA)	Filner	Filner	Van Hollen			
		Murphy (NY)	Foster	Foster	Velázquez			
		Murphy, Patrick	Frank (MA)	Frank (MA)	Visclosky			
		Murphy, Tim	Fudge	Fudge	Walz			
		Murtha	Giffords	Giffords	Wasserman			
		Nadler (NY)	Gonzalez	Gonzalez	Schultz			
		Napolitano	Gordon (TN)	Gordon (TN)	Waters			
		Neal (MA)	Grayson	Grayson	Watson			
		Oberstar	Green, Al	Green, Al	Watt			
		Obey	Green, Gene	Green, Gene	Waxman			
		Oliver	Griffith	Griffith	Weiner			
		Ortiz	Grijalva	Grijalva	Welch			
					Wexler			
					Wilson (OH)			
					Wolf			
					Woolsey			
					Wu			
					Yarmuth			
					Young (AK)			

NOT VOTING—15

Barrett (SC)	Duncan	Richardson
Berry	Kaptur	Rush
Bishop (UT)	McCarthy (NY)	Schiff
Blunt	Paul	Smith (NJ)
Conyers	Platts	Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There is less than a minute remaining in this vote.

□ 1941

Messrs. MURPHY of Connecticut, CARNEY, Ms. PINGREE of Maine, and Mr. TEAGUE changed their vote from “yea” to “nay.”

Mr. TIM MURPHY of Pennsylvania changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill. Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 256, nays 168, not voting 9, as follows:

[Roll No. 637]

YEAS—256

Ackerman	Altmire	Arcuri
Adler (NJ)	Andrews	Baca

Aderholt	Biggert	Boustany
Akin	Bilbray	Brady (TX)
Alexander	Bilirakis	Brown (GA)
Austria	Blackburn	Brown (SC)
Bachmann	Boehner	Brown-Waite,
Bachus	Bonner	Ginny
Bartlett	Bono Mack	Buchanan
Barton (TX)	Boozman	Burgess

NAYS—168

Boustany	Brady (TX)	Brown (GA)
Brown (SC)	Brown-Waite,	Ginny
Buchanan	Burgess	

NOT VOTING—9

Abercrombie	Blunt	Pascarell
Barrett (SC)	McCarthy (NY)	Paul
Bishop (UT)	Murphy (CT)	Skelton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1948

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. ANDREWS, from the Committee on Armed Services, submitted a privileged report (Rept. No. 111-221) on the resolution (H. Res. 602) requesting that the President and directing that the Secretary of Defense transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3293, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-222) on the resolution (H. Res. 673) providing for consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT AS MEMBERS TO FINANCIAL CRISIS INQUIRY COMMISSION

The SPEAKER pro tempore. Pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (P.L. 111-21), and the order of the House of January 6, 2009, the Chair announces a joint appointment by the Speaker and the majority leader of the Senate and an appointment by the Speaker on the part of the House to the Financial Crisis Inquiry Commission:

Joint appointment:

Mr. Phil Angelides, Sacramento, California, Chairman

Speaker's appointments:

Ms. Brooksley Born, Washington, D.C.

Mr. John W. Thompson, Woodside, California

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 22, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 5 of the Fraud Enforcement and Recovery Act of 2009 (P.L. 111-21), I am pleased to appoint the following individuals to the Financial Crisis Inquiry Commission.

The Honorable William M. Thomas of Bakersfield, California (Vice Chairman)

Mr. Peter J. Wallison of Old Snowmass, Colorado

Both Mr. Thomas and Mr. Wallison have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

A CONTRABAND FLOW CHART

(Ms. FOXX asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, this organizational chart is a chart that represents the new way that health care would be handled in the United States under the Democrats' plan. This is a chart that we will not be allowed, though, to send out to our constituents because it has been ruled inappropriate to send out. But we want the American people to see it.

The other thing that people need to know about the Democrat health bill is that it's going to give higher taxes to small businesses and it's going to destroy jobs. According to the Democrats' plan, filers making \$280,000 will be hit with a 1 percent surtax. Filers making \$400,000 will be hit by a 1.5 percent surtax, and filers making \$800,000 will be hit by a 5.4 percent surtax.

Because most small businesses pay their taxes as part of their owner's individual tax filing, a majority of those hit by this new tax will be small businesses. According to the National Association of Manufacturers, an industry hard hit by the economy, 68 percent of manufacturers file as S corporations with an average income of \$570,000. We also know this bill will destroy 4.7 million jobs. That's too many jobs to destroy in this country. We don't need this health care bill.

VAGUE AND GENERAL HEALTH CARE REFORM

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, during his prime time press conference last night, President Obama spoke in vague generalities about his care proposal in claiming the plan is deficit neutral. The nonpartisan Congressional Budget Office disagrees, the CBO, found that the legislation would increase the deficit by \$239 billion over a 10-year period. The CBO director recently said the administration's plan significantly expands the Federal responsibility for health care costs, but you wouldn't know this from having watched last evening's press conference. Not one reporter questioned the President about the CBO's findings. Instead the media, once again, gave the President a free pass and deprived Americans of all the facts surrounding health care.

HEALTH CARE REFORM WILL BENEFIT SMALL BUSINESS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, America's small businesses are facing a health care crisis, and they need our help. Small businesses pay 18 percent more for the same health insurance

benefits as large businesses, hampering these incubators of recovery and growth. We must fix the broken health care system to help our Nation's entrepreneurs and their employees.

Half of all Americans work for a small business. That's half of the Nation's private, nonfarm gross domestic product. Economic recovery and sustained growth depend on strong small businesses. Health reform could save small businesses up to \$855 billion, growing the economy and creating new jobs. Our small businesses are in critical condition. If we fail to treat this crisis, we put our Nation's economic well-being and recovery at risk.

HEALTH CARE REFORM LOOPHOLES ALLOW ILLEGAL IMMIGRANTS TO GET BENEFITS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, when CBS News anchor Katie Couric asked President Obama if illegal immigrants could participate in his health care plan, his answer was "no." However, here are the facts which have not been reported by the media. There are gaping loopholes in the health care bill that allow illegal immigrants to receive taxpayer-funded benefits.

The bill contains no verification mechanism to ensure that illegal immigrants do not apply for benefits. In fact, Democrats rejected an amendment to close this loophole. And the bill leaves open the possibility that if one citizen family member is eligible for benefits, then the whole family, including illegal immigrant family members, is also eligible for the benefits. The proposed health care scheme could force the American people to pay for the health care of illegal immigrants. This is simply another reason to oppose it.

PHYSICIAN-OWNED AND SPECIALTY HOSPITALS WILL BE EMBRACED BY THE HEALTH CARE REFORM BILL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think the real truth is that Americans want real health care reform. They understand that families are paying \$1,800 a year for the uninsured, \$1,200 if you're a single individual, costs that will continue to grow without health care reform. Fourteen thousand Americans lose their health care every day. All of the issues that my friends on the other side talk about they know are workable issues.

The bottom line is access to health care. In Texas, our effort and intent is to embrace and work with physician-

owned and specialty hospitals. We want to make sure that they are protected in this health care reform. Why? Because they provide services to Americans and Texans that others cannot provide. We want to ensure that there is access to health care all over, but we also don't want to have smoke and mirrors. My friends on the other side should get at the table of negotiation, make sure our specialty and physician-owned hospitals are protected and allowed to grow if they are in the process of building, not use the arbitrary deadline; but, yes, we should face the question, save Americans \$1,800 a year, \$1,200 for an individual, stop the bleeding, stop the 14,000 that are losing their health care.

RESOLUTION OF THE SANTA FE, TEXAS, CHAMBER OF COMMERCE

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, House Republicans and even some Democrats have been highlighting the problems with the proposed health care bill this Congress is considering. Santa Fe, Texas, in the district that I represent, has 10,500 hardworking folks with concerns about this massive intrusion of government-run health care. Just this week, the Santa Fe Chamber of Commerce passed a resolution strongly opposing the proposals the majority has put forward.

I think the voice of small-town America can say it even better than I can. The highlights of the resolution include: "The Santa Fe Chamber of Commerce expresses its opposition to any legislation that develops national health care in the United States." This proposal will require huge tax increases in order to subsidize the planned program.

And one more passage: "The Federal Government should not be in the business of controlling and manipulating the health care system." The good people of Santa Fe, Texas, understand the problems with government-run health care. I wish my colleagues on the other side of the aisle did as well.

RESOLUTION

Be it resolved that the Board of Directors of the Santa Fe Chamber of Commerce express its opposition to any legislation that develops National Healthcare in the United States, and

Whereas, the health care plan as proposed creates huge inequities among all hardworking wage earners in America, and

Whereas, this proposal will require huge tax increases in order to subsidize the planned program, and

Whereas, the Federal Government should not be in the business of controlling and manipulating the health care system, and

Whereas, the enactment of a government-run, health care insurance program is not sustainable. No confidence exists in the Fed-

eral Government's ability to deliver the cost containments necessary to expand coverage of the uninsured, and

Whereas, the private health care insurance industry has the existing tools to contain costs and the incentives necessary to improve quality and affordability for their customers, and

Whereas, under the health care reform bill, access to health care will become unreasonable to the highest degree. The rationing of health care in countries with socialized medicine has led to patients dying because they were forced to wait too long to receive treatment, and

Whereas, the solution in health care reform lies in improving the quality and affordability of health care through market-based changes, and

Whereas, the focus on health care reforms should be directed in finding ways to make private health care coverage more affordable and to provide fair and adequate reimbursements for care.

Therefore, be it resolved that: The Board of Directors of the Santa Fe Chamber of Commerce representing 225 businesses in our community states through this resolution its strong opposition to the proposed changes in our country's health system through government interference and control, and

Be it further resolved that a copy of this resolution be forwarded immediately to our elected representatives in the U.S. House of Representatives and Senate.

Passed this day of July 21, 2009

Signed by: Andrea Brinegar 2009 Santa Fe Chamber of Commerce, Inc., Chairman of the Board.

STOP CENSORING THE HEALTH CARE CHART

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute.)

Mr. BRADY of Texas. Mr. Speaker, what is the Speaker trying to hide? Last week, America got the first peek at what the Democratic government-run health care plan would look like; and what people saw, based upon the economists on the minority staff of the Joint Economic Committee, was 31 new Federal programs, agencies, commissions and mandates in between them and their doctors ensuring that unelected bureaucrats would choose what doctors they can see, what treatments they deserve and what medicines they can receive. This is not the type of health care system Americans want.

But today, the Democrat House is blocking Republicans from sharing this important flow chart with their constituents. Why are we censoring the American Congress? Why are we preventing the public from seeing what the Democrat health care plan will do? We deserve, our public deserves the right to know what this health care will do to their lives and their family's lives.

It is time to let America know. Stop the censoring. Let us share the health care chart with our constituents.

□ 2000

IT'S TIME THE AMERICAN PEOPLE GET TO SEE THE TRUTH

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, I think it's so important for the American people to understand that right now in Congress this is considered contraband. This is very controversial. Even though this represents the Democrats' health care plan, we are not, as Members of Congress, allowed to put this chart up on our Web sites. We're not allowed to send this chart out to our constituents across America.

What are the Democrats worried about, Mr. Speaker? Could it be because this is the latest board game in the United States, that the American health care consumer stands on this side of 31 bureaucracies and they have to figure out how to get through 31 bureaucracies before they can get to their doctor? Or could it be, Mr. Speaker, because this will cost 5 million jobs? Or could it be, Mr. Speaker, because this will cost \$2 trillion in additional deficit?

I can understand why the Democrats wouldn't want the American people to see this, but I don't understand how you can make the claim that this is the most transparent Congress in the history of this country, if you won't even let the American people see that there are 31 bureaucracies that stand between average Americans and their doctor.

Mr. Speaker, it's time that the American people get to see the truth. This shouldn't be contraband.

THE AMERICAN PEOPLE HAVE A RIGHT TO KNOW

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I can't believe it. The Democrats have 70-some more Members in this Chamber than we do, and yet they're afraid to let the American people know what's in their health plan. This thing, I call it a thing, has 31 new Federal agencies, commissions and mandates in it, and that's between the doctor and their patient. And the American people have a right to know these things, and they're saying we can't put it on our Web site. We can't mail it to our constituents. We can't tell them about it. That is censorship.

They shouldn't have to worry. With 70-some more votes than we have, they ought to be able to do anything they want to in this House. But even Democrats don't like this plan. That's why they can't get it out of the House and can't even get it out of committee right now.

The American people have a right to know. Censorship should never happen in the House of Representatives, the people's House, and I'd say to the Speaker, let's get with it. The American people should see what they're going to get if they pass your plan.

CENSORSHIP IN THIS HOUSE

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, during the American Revolution, often Voltaire was quoted for saying, I disagree with what you say, but I will defend to the death your right to say it. Man, the revolution has been turned on its head.

Now we're told that you cannot use government resources to use the term "government-run health care" because that offends the majority, so they are censoring the mail, censoring the resources here. But now we are, until they turn off the mikes and the lights again this year, we're able to hold posters here on the floor. Here's another thing that's been censored.

Mr. Speaker, this is outrageous. Just because anybody disagrees with what we say, it's no reason to shut down our right to say it. This country can't proceed with this kind of censorship.

CENSORSHIP

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I serve on the Franking Commission for this body. The purpose of the Franking Commission essentially is to make sure that government resources are not used in a way that would look like it's campaign purposes; that is, we are very careful about how many times you use the personal pronoun "I," how many times you can have your picture in a newsletter. But never in the history of this House have these rules been used to censor Members from articulating a point of view on an issue that is before this House.

This chart has been introduced into the record, the official record of consideration of the health bill before the Ways and Means Committee, and yet we have been told by the majority, we've been told that it's been taken above the level of those of us on the Franking Commission. We've been told that we cannot use this. Why? Because they disagree with our opinions expressed herein.

I didn't know that one of the obligations of the minority was to accept censorship because the majority does not want our efforts to get in their way of passing a health bill that takes control of health away from people and puts it in the government.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KRATOVL). The Chair announces a correction to an earlier vote tally. On roll call vote No. 628, the ayes were 105 and the noes were 328.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CENSORSHIP BY THE MAJORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I've been in this House for a long time and I've served with a number of Presidents. I've served with a number of Democrat and Republican Speakers. I've served with colleagues that are very good friends of mine that are Democrats and Republicans, and I've never had a problem getting along with them. And even though we have strong differences with my Democrat colleagues, at least I felt they were fair most of the time. In fact, they always tried to be fair. And I've talked to the majority leader about problems. We've talked to a lot of the Members that are chairmen of committees about problems, and they've been very fair in most cases. But I have never, ever seen anything like this.

This is a chart that shows the Democrats' health care plan. We've been talking about it tonight. KEVIN BRADY worked this up, and it's very, very accurate. It shows all of the committees or agencies that are going to be created that the American people are going to have to go through to get health care. There are 31 new Federal agencies, commissions and mandates that will come between the patient and their doctor.

Now, we have had problems dealing with the post office. The post office has had their stamps going up because they're not making the profit that they should. We have problems with HHS. We have problems with the automobile industry now that's now called Obama Motors. We have all kinds of problems right now because government cannot handle the things that the private sector can.

Now, we do need to improve health care. We need to make some changes that will be positive, and the Republicans have a plan to do that, but to say that that is something that we should not show the American people is really tragic. It is censorship. The American people have a right to know. We're their elected representatives.

I represent almost 700,000 people in Indiana, and a lot of them are calling, asking what this new health care plan's going to do to them, and we wanted to send this out to those people so that they could see with their own eyes what they're going to have to go through to get health care, how much it's going to cost and how long it will take. But they're saying, the Democrats are saying we cannot send this out to our constituents. That is just wrong. It's censorship. And in all years I've been in this body, I've never seen anything like this.

There have been a lot of differences with the Speakers of the Democrats in the past, but there's never, ever been anything like this. And I'd say to the Speaker if she were here tonight, "Change this, Madam Speaker. This is something that even you should never tolerate, the censorship of a Member of Congress from telling his constituents what's really going on around here, especially when their health care is concerned."

OVER 5,000 NOW DEAD IN AFGHANISTAN AND IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, five American soldiers have been killed in Afghanistan so far this week. That brings the death toll in July to 31, making this the deadliest month for our troops since the conflict in Afghanistan began.

We also passed another tragic milestone this week. According to official Department of Defense statistics, over 5,000 American troops have now died in Iraq and Afghanistan, combined.

Of course, the human tragedy is even greater than that, because the 5,000 figure doesn't include the number of wounded American troops or the casualties suffered by the troops of other nations. It also doesn't include Iraqi civilian casualties or the military family members whose lives have been devastated. The human tragedy is so great, you can't really calculate it. And of course you must add in the Afghanistan civilian casualties as well.

What has been the reaction of this, in this Congress to the catastrophe? Well, we have passed yet another supplemental funding bill to keep the fighting going. But the situation in Afghanistan is becoming more and more dangerous. The U.S. Command expects that roadside or suicide bombings against our troops will be 50 percent higher this year than last year. In the first week of June, alone, there were more than 400 attacks, the highest level since 2001. And the Pentagon has admitted that we are losing troops at an alarming rate.

I voted against the supplemental funding bill because 90 percent of it

pays for the military-only approach that has been such a failure in Afghanistan. Less than 10 percent of the supplemental goes to pay for the non-military activities that can actually prevent extremism in Afghanistan. These include economic development, reconstruction, humanitarian aid, civil affairs, and diplomacy. Even National Security Advisor James Jones has said that nonmilitary approaches are vital and that they have always been lagging.

Well, it's time for them to stop lagging, Mr. Speaker. It's time to put those ideas front and center. We must also launch a new regional diplomatic surge that engages Afghanistan's neighbors in efforts to help the Afghan people and strengthen the central government's ability to deliver services and protect the citizens.

In addition to Afghanistan, we must also pay attention to other parts of the world where extremists take advantage of poverty and lack of opportunity to recruit new members. In these areas, America must invest in basic human needs like jobs, like health, education, education especially for girls and women who are often completely shut out of the classroom.

□ 2015

This is what the people want. This is what they need from America, not more innovations, not more occupations. This is what will bring real hope for the people's future, and this is what will help to avoid adding extremists in the first place.

Mr. Speaker, by changing and by supporting smart power over other priorities and goals, we can give the people of Afghanistan help. We can help them build a stable and functioning state. We can save the lives of our troops, and we can go a long way toward defeating extremism and stopping those who threaten our security—oh, and it would save billions of dollars as well.

PROMOTE AVIATION THROUGH RESPONSIBLE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, good evening.

Since the Wright brothers left the ground for the first time at Kitty Hawk, aviation has fascinated our collective imagination, contributed to unprecedented interaction among people, and grown to become one of the most important industries in our Nation.

Whether it was aviators of the past, like Charles Lindbergh, Amelia Earhart, or those more recently, like Steve Fossett, who flew a solo, nonstop trip around the world that began and ended in Salina, Kansas, aviation has had a unique ability to capture our at-

tention and to inspire us to achieve things which we once thought were impossible.

Advances in aviation technology and engineering have led to the development of larger, faster, more fuel-efficient planes that carry passengers and goods around the world. The ease of travel and shipment modern aviation allows has contributed to a worldwide economic growth and to new opportunities for leisure travel for far more people than ever before. In America, the aviation industry accounts for more than \$1 trillion in economic activity each year. Millions of Americans are employed by this critical industry that facilitates so many other economic transactions.

As a Kansan, I take special pride in the aviation industry, which has deep roots in our State. Pioneers in the industry, such as Glenn Stearman, Walter Beech, Clyde Cessna, Bill Lear, and Amelia Earhart, all have important connections to the Sunflower State. Many of these innovators helped establish Wichita as the "Air Capital of the World." Today, a who's who of aviation companies operates in the city of Wichita, including Boeing, Airbus, Bombardier, Cessna, Hawker Beechcraft, Spirit Aerosystems, and Raytheon.

In Kansas, the aviation industry accounts for 20 percent of the State's manufacturing employment, and it employs tens of thousands of Kansans. Engineers, machinists, mechanics, inspectors, scientists, and technicians are dedicated to producing the best aircraft in the world. These employees take great pride in what they do, and they deserve our support.

Yet the industry faces significant challenges. The recession has hit aviation hard, and many workers have lost their jobs. During the difficult times that we're in, Congress especially needs to be supportive of this critical component of America's manufacturing base. Efforts to demagogue about the use of private planes and business aviation by private corporations harm this industry. I was troubled in January, during the consideration of the TARP Reform and Accountability Act, that provisions to limit businesses from leasing or from using general aircraft for business purposes were almost included in the final legislation. Doing so would have lowered the national aviation production, and it would have hurt workers everywhere, especially in Kansas, where more than 54 percent of our country's aviation products are manufactured.

Congress must remember the importance of this industry, not only to our national economy but to so many local and regional economies within the country. It is in our collective interest to protect and to encourage growth in the general aviation community.

As a member of the Congressional Aviation Caucus, I work to inform and

to educate Members of Congress about the importance of this industry to our Nation. Congress was right to, once again, reject the "user-fee" proposal that would have further harmed general aviation. User fees would have unfairly burdened the general aviation industry. Congress must continue to oppose unnecessary taxes or fees on general aviation. Those in Congress must also question and fight the impractical regulations, such as the Transportation Security Administration's large aircraft security proposal, which would apply to many of the planes owned by individuals and small companies.

When it comes to key American industries, aviation is at the top of the list. I encourage my colleagues to join me in pledging to do all we can to promote aviation through responsible policy.

THE PUBLIC'S OPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, the American Medical Association has given a ringing endorsement of H.R. 3200, America's Affordable Health Choices Act. This legislation contains a strong public insurance option which would guarantee that quality, affordable health care is available to all Americans.

The AMA has not always been on board with health care reform. Many of us remember their opposition to President Clinton's efforts. Yet the AMA and the millions of doctors it represents now realize that the status quo system is broken. They understand the urgency of the problem, and they recognize that the pending bill is a major part of the solution.

The AMA's strong voice joins the chorus of Americans who want this Congress to pass a health care reform bill that includes a public option. Nearly three-quarters of all Americans want the option to participate in a government-administered health insurance plan that competes on a level playing field with private insurers. Popular support for the public option is not a partisan issue. Seventy-one percent of independent voters support the public option, and so do half of all Republican voters.

Americans want this bill. They want the public option, and they want us to act now.

Americans understand the critical role the public option plays in slowing skyrocketing health care costs. A government-administered plan can provide quality insurance at a low cost, leading by example to make the health care market more efficient.

Efficiency will save families money. If we fail to act, the cost of health care for the average family of four will rise

by \$1,800 annually for years to come. The public option is not just important for families. It's also key to putting our Nation's economy on the road to a full and sustainable recovery. If we don't contain health care costs, then our Nation's budget deficit will continue to spiral out of control.

Let us be very clear. The public option is not an attempt to drive private insurers out of business. Some State governments already offer their employees a choice between public and private health insurance, and private insurers have fared just fine.

A public option is critical to containing the health care costs that weigh so heavily on our Nation's families and on our Nation's economy. The public option does what a good private policy should do. It promotes primary care. It caps out-of-pocket spending so that a family medical crisis no longer means a family financial crisis. It establishes shared accountability between doctors, patients and the insurer. It institutes new payment structures to promote critical reforms. It will ensure that patients are able to get the medically effective treatments their doctors recommend. In short, it provides high-quality care at an affordable price.

Just like private plans, the public option will be financially self-sustaining, receiving no special government funding beyond a loan to get it off the ground. The public plan will be bound by exactly the same rules that regulate private insurers. In other words, the public plan will compete on a level playing field with private insurers.

Some powerful industries have spoken out against the public option. They prefer the status quo where decisions about treatment a patient receives are determined according to a company's bottom line rather than according to what a patient needs.

On the side of meaningful reform, the most important voice of all is calling for the inclusion of a public option. That loud chorus is the voice of the American people. Now is the time to listen to them. Now is the time for health reform with a strong public option.

DEMOCRAT CENSORSHIP OF GOP VIEWS OF HEALTH CARE REFORM

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, when I served in this House the first time around, the Cold War was still ongoing, and there was a term that often appeared in the press. It was called Samizdat, S-a-m-i-z-d-a-t. That word was used to describe communications which conveyed the opinions of people disfavored by an oppressive regime. It was the personally

published commentary among peoples who felt they were oppressed in Communist countries. Why? Because their opinions were not allowed to be expressed in the official press.

Today, we have a situation in this House in which Mr. HERGER, Mr. LAMAR SMITH, Mr. LAMBORN, Mr. BONNER, Mr. WESTMORELAND, Mr. OLSON, Mr. SHUSTER, Mr. ROSKAM, Mr. MCCOTTER, Mr. GINGREY, Mr. FLEMING, Mr. BOUSTANY, Mr. CONAWAY, and Mr. PRICE thus far have been refused by the majority permission to express their points of view with respect to one of the most critical issues facing our country, that of reforming our health care system.

One of the most distinguished Members of this body, a member of the Ways and Means Committee, Congressman KEVIN BRADY from Texas, in working with the Republican economic staff of the Joint Economic Committee, came up with this chart, outlining what we believe to be the bureaucratic nightmare contained in the majority's proposal for health care.

Now, the majority disagrees with our interpretation of the facts, and that's part of politics. That's part of this body, but the majority has now said we will not allow you in the minority to use any official communications mechanisms to share your views of the impact of this legislation on your constituents.

Now, why does this seem strange?

Well, it just happens that, in 1993, we were faced with what later became known as HillaryCare, an attempt by the Clinton administration to take over health care by the Federal Government. At that time, Republicans also came up with a flowchart that showed the bureaucratic morass that would result from that proposal. I have with me a copy of the permission from the franking commission at that time that this be allowed. The only difference I can see between the two charts is that one is in black and white and that one is in color.

What has happened in the interim? Well, HillaryCare was defeated. The President said we can't stand to defeat his particular proposal, that they somehow have all of the answers.

Now, some people may say, "Well, what is it that the franking commission is supposed to do? What are your rules?" The rules have been established essentially to make sure that Members do not abuse the right of communication by turning their publications into campaign pieces, so we limit the number of pictures one can have there, the number of references that can be made to the Member, himself or herself.

To give you an example of what we on the Republican side have approved, I have a newsletter that has gone out by one of the Members on the Democratic side in which the claim was made that the stimulus package has

helped create and save 3.5 million Americans jobs. I think that's absurd; I think that is a point of argument, but I don't believe that we ought to stop a Member of Congress from the Democratic side from making that assertion to his constituents.

I have another one with me that was approved in which a Democratic Member has claimed that 3.5 million jobs nationwide have been created—215,000 jobs in New York and 7,200 jobs in her particular district.

Then I have a copy of a letter that was approved last year from the Speaker, herself, in which she says that the New Direction Congress—that's how she defines it—also fought to increase compensation for our troops in the face of opposition from the Bush administration. It then goes on to criticize the President even though he signed it.

We disagree with the characterizations that were in Speaker PELOSI's letter, but we didn't think it was our purpose to censor her. Let's get rid of censorship and allow the American people to hear the facts as they are argued on both sides.

□ 2030

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010)

The Speaker pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under sections 442(a) and (b) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit a revised 302(a) allocation for the Committee on Appropriations for fiscal year 2010. Section 422(a) of S. Con. Res. 13 directs the chairman of the Committee on the Budget to adjust discretionary spending limits for certain program integrity initiatives if such an initiative is included in an appropriations bill. The bill H.R. 3293 (Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes) includes appropriations for certain such initiatives in accordance with S. Con. Res. 13. Section 422(b) of S. Con. Res. 13 permits the chairman of the Committee on the Budget to adjust discretionary spending limits for the Low-Income Home Energy Assistance Program under specified conditions. H.R. 3293 meets the requirements of section 422(b) of S. Con. Res. 13. A table is attached.

This adjustment is filed for the purposes of section 302 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act of 1974, as amended, this adjusted allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS
COMMITTEE 302(a) ALLOCATION

(In millions of dollars)

	BA	OT
Current allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,088,659	1,307,323
Changes for H.R. 3293 (Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act):		
Program integrity initiatives:		
Fiscal Year 2009	0	0
Fiscal Year 2010	846	734
LIHEAP:		
Fiscal Year 2009		
Fiscal Year 2010	1,900	1,463
Revised allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,091,405	1,309,520

OUR FREE ENTERPRISE SYSTEM
AND THE ROLE OF BIG GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Tennessee (Mr. WAMP) is recognized for 60 minutes as the designee of the minority leader.

Mr. WAMP. Mr. Speaker, what we will see over the next 60 minutes is a conversation here on the floor of the United States House of Representatives about our economy, this issue of energy, and innovation; frankly, our free enterprise system in the future, the role of the government, and I think the problems with excessive spending.

But I want to open by talking a little bit about how I have vested my time and energies as a Member of the House over these last 15 years—because it's a privilege to serve my last term here in the House as I am a candidate for governor of the State of Tennessee now—but I will tell you, I am one on the Republican side that has been extraordinarily active on alternative energy. For 8 years, I chaired the Renewable Energy and Energy Efficiency Caucus here in the House with Congressman—now Senator—MARK UDALL of Colorado.

We built a caucus of over half the House, almost evenly divided between Democrats and Republicans, and advocated while Republicans were in the majority for unprecedented investments in renewable energy technologies. None of us got as far as we would like to have gotten, but we need to be realistic about how far we have gotten and what the capacity is for renewable sources today.

But in 2005, we wrote the Energy Policy Act. Some people didn't like it, others did, but without question it had more investments in the renewable and energy efficiency sectors than any bill that had ever been signed into law before, and I was proud to help write that very language in that bill. So I've got a long history on alternative energy and moving towards new sources.

But I voted against the recent cap-and-trade legislation because the differences today are not differences in goals or motives, because I think all

Members of the House want the United States to move away, as much as possible, from fossil fuels or dirtier ways to create energy for our country's competitiveness. But the fact is, we have not developed these alternative sources yet to move as rapidly away as the leadership of the Congress now proposes if we're going to remain competitive. Their approach is much more a regulatory approach, and our approach is much more an innovation and technology approach.

A year and a half ago, I was in China, in Shanghai, where you couldn't see from one side of the Bund, the river, to the other. Extraordinarily bad pollution. So we broached the subject with the Chinese: Where are you on the environment? Basically, the answer you get from the Chinese is, you are entitled to your industrial revolution; we're entitled to ours.

Well, there's a big difference between when the United States had their industrial revolution and China having theirs now if there's no environmental regulation, because they're literally one-fifth of the world's population and climbing, and they are far and away the biggest polluters in the world. And if you think they're doing a cap-and-trade scheme to regulate their pollution or their air quality or their carbon emissions, you're kidding yourself. They're exactly the opposite.

And here we are seriously considering a scheme that will dramatically regulate our productivity and our competitiveness, raise the cost of energy, frankly raise taxes to pay for it and, at the worst time since the Great Depression, strangle our ability actually to pull out of this economic downturn. And that is the beauty of American innovation.

Not long ago, I was personally speaking with the prime minister of Australia, and he was telling me that he had great hope for the future because the U.S. had such innovation that we would lead the world out of this economic malaise. But I've got to tell you, we are now moving more towards big government regulation and the lack of innovation than at any time in modern history, instead of moving towards it.

Now, I think this is a challenge that we share in the House, but we have got to get back to a reasonable middle ground because American innovation is the only way to turn this economy around. Our entrepreneurship is the beautiful, what I call the goose, that lays the golden egg, the engine that creates the revenues to get back to a balanced budget. That's how the budget got balanced in the 1990s. We did slow the growth of spending below inflation and that was laudable, but it was new revenues in the information sector. People like Bill Gates. We actually led the world for so long on the information revolution that revenues surpassed expenses, and we balanced the budget.

We could do that again with energy. I call it the En-Tech agenda, where we would have a robust, U.S.-led manufacturing explosion in new energy solutions instead of this regulatory scheme that says we're going to actually limit the amount of energy that can be produced by certain sources and mandate a certain amount by other sources. And the harsh reality is those sources are not available, and the irony of ironies on the floor of this House is that the very people who are opposed to coal and clean coal and new investments on how to better use fossil resources are the same people, many of them, like the gentleman from Massachusetts and the gentleman from California whose very names this legislation is under, WAXMAN and MARKEY, that are anti-nuclear.

The one single technology in the United States that can rapidly move us away from fossil electricity production, they're against it, too. So if you're against nuclear and you're against coal, what you end up being for is a lack of electricity and a lack of energy and a lack of competitiveness and a lack of innovation and a lack of manufacturing.

And the question was asked on the floor earlier this week, where are the jobs? I hate to admit this, but a lot of those jobs are in China and India, and they are going other places. That's where those jobs are, because our manufacturing sector is leaving because we're not unleashing the innovation and the entrepreneurship and the incentives for people to take risk and invest; just the opposite.

And back-to-back behind this cap-and-trade scheme, which is a big regulatory and tax burden on the American people and small business, then you talk about this health care scheme; this is a one-two punch that lands America flat on its back. And I've got to tell you, the American people are turning against it, and that's why the majority party can't pass the bills even through the committees. They have punted for the week, even though they are in a big hurry, because they want to do it before their approval rating falls too low, and they don't have the political capital to do it. And why would you rush the largest transformation in modern American society, this health care scheme, through before your political clout evaporates? That is really an un-American approach.

Now, we've got some people on the floor tonight that want to speak. Dr. VIRGINIA FOXX, an outstanding Member from North Carolina, comes, and I yield to her.

Ms. FOXX. Well, I want to thank my colleague from Tennessee (Mr. WAMP), whose loss to this House is going to be immeasurable. His contribution here in the House of Representatives representing his district in Tennessee has

been outstanding. Not only has he done a fantastic job as a legislator, but his leadership in our weekly prayer breakfast has been exemplary. I should think of some better adjectives to say, but exemplary will have to do. He is really a tremendous role model for all of us in his attendance, in his caring for others, and he is going to be very much missed in the House when he leaves here. He didn't pay me to say that. He didn't know I was going to say that, but it needs to be said. Fortunately, we have him for the next 17 months still in the Congress, and I'm very, very grateful to him.

He has set the stage very well on this issue of the cap-and-trade bill, which the majority in this House pushed through the House with no chance for people to read, a 300-page amendment brought to the Rules Committee at 2:30 in the morning, and then the bill brought to the floor later that day.

There is a lot of sentiment out in the public now by the American people about the fact that people voted for that bill without having read it. Now, fortunately for our side, most of us voted against the bill. We knew pieces of it, and we knew there was enough bad in that bill to vote "no," because the bill is going to do a lot of negative things in this country.

It's going to raise taxes. It's going to raise the cost of utilities. The President warned during his campaign last year, he admitted it—and we're quoting him—he admitted that, you know, under his energy plan, utility rates would necessarily skyrocket. Well, skyrocketing means probably an average of \$3,000 more to pay for energy for the average family. The average family is going to have to pay over \$3,000 more a year for energy.

The American people deserve better, and as my colleague from Tennessee (Mr. WAMP) said, we are the most innovative people in the world, and the reason we are the most innovative people in the world is because we are the freest people in the world. This country was founded on the concept of freedom, founded on the concept of innovation. Many people don't realize that, until this country was formed, never before had a people believed that they weren't the property of another human being. We believed in freedom, God-given freedom, and that's what formed this country.

Now, through the people in charge of this Congress, the Democrats in charge of this Congress, and a Democrat President, they are working at every level of our lives, every aspect of our lives, to take away that freedom. They want to take away our ability to have low-cost energy.

Many people also don't make the connection between the fact that the reason we were such a manufacturing powerhouse for so long was that we had low-cost, reliable energy. India and

China didn't have low-cost, reliable energy. They couldn't count on having the energy they needed to run their plants 24 hours a day, 7 days a week like we did. It helped us tremendously to become a manufacturing powerhouse. But with the cap-and-tax bill and the concepts that the Democrats have put forward, it's going to seriously undermine that ability.

Republicans want us to be energy independent, and I am highly insulted when over and over the President and the leadership of the majority party say that Republicans don't have an answer, that we just want the status quo, that we're the Party of No. We're not the Party of No. We're the party of doing things right.

Let's stick with what has worked in this country over the years. We can look at Europe and see what they've done. They've tried cap-and-tax, and what has it done? Bankrupted them. Spain wanted to create lots of green jobs, they said. They have the highest unemployment rate in Europe, over 15 percent.

We can look across the ocean and see how this has failed, and it just is mind-boggling that the people who are in charge of this Congress and in the White House think that they can replicate what was done in Europe and have a different outcome. It's never happened before. It's never going to happen again, and as my colleague from Tennessee said, we are facing one of the greatest takeovers of our freedoms through cap-and-tax and the health care plan that's being proposed.

But you know, the American people are still in charge. They stopped a bad immigration bill a couple of years ago that was being debated in the Senate. They stopped it cold. We can stop these things, too. And what I'm urging people to do is—you don't have to write to most of us, all of us are going to be on the floor tonight—and say, Don't vote for this health care plan. We know that. We're not going to do it.

□ 2045

Cap-and-tax has passed the House, gone to the Senate, but put the pressure on your Senators and write to somebody who lives in a district who is represented by someone who voted for cap-and-tax and tell them you're going to remember that, they're going to remember that. Encourage them to do that.

We have other very eloquent Members on the floor tonight who want to speak on this issue so I'm going to yield back to my good friend, Mr. WAMP from Tennessee.

Mr. WAMP. I thank the gentlelady for her intellect and her insight and dogged determination on behalf of the people of North Carolina. She raised two issues I want to address before yielding to the gentleman from Georgia.

One, she said that sometimes Republicans are called the Party of No. I would say to the gentlelady, if that means saying "no" to tax increases and large rate increases in your electricity bills at a time of economic duress by the people we represent, then, yes, we would be the Party of No.

And she said something about bad legislation was stopped. I remind people that the immigration reform proposals were made by a Republican President, and they were wrong. And Republicans in the Congress stopped the President from going forward.

One question I would ask today is: At what point are the Democrats in the majority here going to stop the Democrat President from a wrong-headed proposal when the American people are clearly against it? Yet, this is where you have to stand up and say, This is not only bad for America, Mr. President; it's bad for our party. And we said that and immigration reform did not go forward under Bush, because it was wrong-headed. The American people weren't for it.

And here, today, we would ask: Are you just going to follow the President of the United States and his Chief of Staff down this very liberal road? And for how long? And for the 52 so-called Blue Dogs, it's going to be a real test. What are you for? More for the liberal leadership of your party or the values that you say that you represent?

So I'd like to yield to the gentleman from Georgia, Dr. BROWN, who's been a really dynamic Member of Congress in his relatively short tenure, but he worked a long time and worked really hard to get here and he brings a depth of experience.

I yield to Dr. BROWN of Georgia for as much time as he may consume.

Mr. BROWN of Georgia. Thank you, Mr. WAMP. I appreciate you yielding me some time.

Mr. Speaker, government is growing, freedom is going. Many of us came to the floor through Special Orders and said, Where are the jobs? Mr. WAMP very eloquently told you, Mr. Speaker, where the jobs are. They're going to China and India and Sri Lanka and all the different countries around the world where the energy costs and the environmental regulations aren't such a hamper to industrial growth and development.

Mr. Speaker, I have several manufacturing plants in my district in northeast Georgia that have told me if that tax-and-trade, cap-and-tax bill passes the U.S. Senate, that they're just going to have to lock the door. They're going to lock the door and all the people who work in those factories in northeast Georgia are going to be out of work.

Right now, today, this very day, many of the counties in my Tenth Congressional District of Georgia have unemployment rates pushing over 14 percent. In Georgia, just a couple of days

ago, it was announced that the State unemployment rate is 10.1 percent.

I heard today in Augusta, Georgia, which because of all the job-producing entities that have to do with government, State and Federal Government, such as the Eisenhower Army Hospital on Fort Gordon, Fort Gordon itself, the Savannah River site Department of Energy facility over in South Carolina, in my good friend GRESHAM BARRETT's district, and the Medical College of Georgia, my alma mater, those four entities, plus the VA hospital—we have two VA hospitals in Augusta, Georgia—those give a buffering effect to job losses. But in Augusta, Georgia, it's 10.1 percent now, from what I understand.

So where are the jobs? Well, they've left. And why? If you look at what has happened, we see over and over again our colleagues on the Democratic side blame George W. Bush for this bad economy and all the things that are going on today. I heard Members of the Democratic Party just this week blame the stagnation and poor economy on George W. Bush.

Well, George Bush was a big-spending President. There's no question about that. He did create some deficit and debt. There's no question about that. And I was against that. I wasn't here during most of that period of time in Congress, but the last almost 2 years of his Presidency, I was here, and I voted against every big spending bill, every tax increase.

But I want to remind you, Mr. Speaker, and I want to remind the American people, if I can speak to them directly, that it's been on the Democratic leadership for the last 2½ years that most of the jobs have been lost. And if we look at the deficit and debt that's been created just in the last 6 months under this Democratic administration and under the rule of NANCY PELOSI and HARRY REID in Congress, we have seen more debt, more deficit created than George Bush ever thought about doing.

The Democrats need to quit talking about George W. Bush because it's their deficit, it's their debt.

And then they passed this tax-and-trade bill. They call it that. They also call it cap-and-tax because it's about taxes. The President himself a few weeks ago said he had to pass this cap-and-trade bill to be able to fund his health care reform. Now what's that mean? It means that he needs the revenue.

It's about revenue. It's not about the environment. In fact, that bill, if it passes in the U.S. Senate, is going to cost more jobs. And it's going to hurt the very people that I hear over and over again that the Democrats claim that they represent.

They claim the Republicans only represent Big Business, but actually, Mr. Speaker, it's the Democratic Party that represents Big Business, because

Big Business prospers under Big Government.

It's small business that we as Republicans represent. And this energy bill that's sitting over in the Senate is going to hurt small business. It's going to hurt everybody. It's going to hurt the poor people because they're going to be paying for higher energy costs.

Dr. FOXX was talking about it, and I think my good friend Mr. WAMP from Tennessee was saying that everybody in this country is going to have to pay more. They're going to pay more for gasoline. When you flip on the light switch in your home, you're going to pay more for that electricity. When you go buy groceries, you're going to pay more for groceries. When you go to the drug store to buy your medications, you're going to pay more because these energy costs are going to be passed to every single good and service in America. Every single one.

It's been estimated that it's going to cost, because of higher energy costs, the average family, as Dr. FOXX was saying, over \$3,100 per average family in America. Now some people try to refute that. The MIT economist said, Well, we're taking this a little out of context. But the thing is, what he looks at is not what it's going to cost people out of their pocketbook. In reality, it's going to cost every average family in this country over \$3,100 per average family for higher energy costs if that bill passes the U.S. Senate.

So we're going to lose jobs. We're going to lose jobs because small businesses are going to have a hard time paying the energy costs with this tax-and-trade bill that this House passed.

All small business can do is increase the cost of their goods and services to the public or they have to cut back or they have to cut back on their expenses. And the way they do that is by letting people go or reducing salaries or cutting hours to their employees.

So the average worker in this country is going to take home less money if that tax-and-trade bill passes the U.S. Senate. This health care reform bill that we hear the Democrats are going to bring before the August break is going to cost more jobs.

Well, how many more jobs are these two bills going to cost? Mr. Speaker, it's estimated it's going to cost many millions of Americans, working class, blue collar, small business jobs all across this country.

Just last night, the President said if the burden primarily falls on the middle class, he won't be for it. That's hogwash because his bill, his plan is going to fall on the backs of everybody, including the middle class. It's not true. Middle class is going to pick up the bill for this health care reform, for the tax-and-trade. We've got to stop it.

Now, Republicans aren't going to stop it. Only the American people can stop it. Former U.S. Senator Everett

Dirksen one time said when he feels the heat, he sees the light, Mr. Speaker. And what he's saying is when he gets calls and letters, faxes, e-mails, visits about an issue, he starts feeling the heat.

Most Members of Congress in the House and the Senate are going to be running for reelection at some point. Most want to get reelected. And so when their constituents contact them about an issue, that's how we feel the heat.

So, Mr. Speaker, if I can speak out to the American people and tell them what to do to defeat this, Mr. Speaker, what I would tell every single individual who wants to solve the economic problems is to stop this cap-and-tax bill that the Senate is debating, also this health reform bill that's going to destroy quality health care, put a Washington bureaucrat between every patient and their doctor and the decisions are going to be made by that Washington bureaucrat, not by the patient, not the patient's family, but by a Washington bureaucrat. It's not going to even cover everybody, and it's going to be extremely expensive, according to the Congressional Budget Office.

If the American people really understood what was going on in those two bills, they would rise up and say "no" to their U.S. Senators, "no" to their Members of this House, to their U.S. Congressmen. They can call, Mr. Speaker, they can e-mail, they can fax letters, they can visit the district offices, State offices, and say "no" to cap-and-trade, "no" to Barack Obama's plan, ObamaCare, and it's critical that we do that, because if we don't, our economy is going to be destroyed, jobs are going to be destroyed, the environment is not going to be any better worldwide. In fact, I think it will be worse.

And we're going to go down a road towards exactly what Mr. Obama's good friend Hugo Chavez has taken in Venezuela. We have a clear picture of what's going to happen in America if we continue down this road that this administration and the leadership in this House and the Senate today, the Democrat leadership, has taken us. All we have to do is look off the shore of Florida at Cuba and see where America is going, because that's the picture of what this country is going to be like several decades from now if we go down this road the way we're going.

So I hope, Mr. Speaker, that the American people will understand. God says in Hosea 4:6, My people are destroyed for lack of knowledge.

Please, please, our American people need to be informed. We need to have that knowledge spread among the people. And the American people, Mr. Speaker, need to rise up and say "no" to ObamaCare, "no" to cap-and-trade, "yes" to jobs, "yes" to a strong economy, "yes" to creating jobs.

We're accused, as Dr. FOXX said, of being the Party of No on the Republican side. But, actually, we are the Party of Know, K-N-O-W. We know how to stimulate the economy, we know how to create jobs. We know how to be good stewards of the environment. And we will be. And that's what we need to do.

I thank the gentleman from Tennessee for yielding. God bless you.

□ 2100

Mr. WAMP. Thank you, Dr. BROUN. And before I yield to the gentleman from Virginia, I just want to follow up to say, in my 15 years here, I have tried to temper my partisanship. And this is not, to me, about Republicans and Democrats. It truly is about all Americans and how serious these choices that we're making are for everyone. I don't think either party has an exclusive on integrity or ideas.

The truth is, in 2009 neither party has a whole lot to brag about because, as Dr. BROUN said, the previous administration—and I think President Bush restored honor and integrity to the White House at the time it needed it. He and Laura Bush are two of the finest people in history. But we lost our party's identification over these last several years by spending too much, making mistakes, and not being consistent. But that doesn't mean that what's happening today is either okay or better. As a matter of fact, it's like the mistakes we made on steroids.

The budgets proposed by this President so far exceed all of the deficit spending that President Bush had over his 8 years. It's remarkable. It's actually breathtaking that we would be doing this. The whole question of "Where are the jobs?" this week came up over the stimulus. Nearly \$800 billion of one-time spending. No way any analyst would say more than 15 percent of that spending would even create a single job. 85 percent of it was, frankly, pent-up welfare and social spending, their priorities that they thought hadn't been funded adequately over the last 8 years. They threw all that money at new government programs and more government spending. That's why the unemployment rate in Washington, D.C., is the lowest in the country today, because Washington jobs are growing, but jobs in the hinterland are shrinking.

Now, economies rise and fall. They're cyclical by definition. But the government can either make it worse or make it better by their policies. Unfortunately, these policies are actually making it worse. That's why the question comes after the stimulus and the bailouts and the borrowing and the spending, "Where are the jobs?" because we're going the other way the more you do that.

It didn't work in Japan. They called it "the lost decade" because they tried

to borrow their way into success and a good economy. It doesn't work. You can't borrow your way out of debt. You can't spend your way to prosperity. Other countries have tried it, and it failed. And here we are making this big mistake. It's not a Republican/Democrat thing. It's whoever is doing it needs to stop for the good of the American people.

I yield to the very well-schooled ranking member of the Agriculture Subcommittee on Energy and former lead Republican on the Agriculture Committee, the gentleman from Virginia (Mr. GOODLATTE) for as much time as he needs.

Mr. GOODLATTE. Well, I thank the gentleman from Tennessee, my good friend, for yielding me this time and for organizing this excellent discussion about what we need to do about America's energy policy and about creating those jobs because we know we have the ideas. We have been talking about them for well over a year now in terms of the American Energy Act and things that we have been doing to try to bring this Congress in the right direction on the creation of new jobs by creating an America that is not dependent upon foreign sources of energy.

I have had the privilege of traveling to the gentleman's district in Tennessee to talk about one of those areas. We held a conference down there, talking about renewable fuels, particularly fuels generated by switchgrass and other forms of agricultural production other than corn, which has been such a problem in our country today. That is right there, and that is something that we can do.

We all support developing other forms of new technology. We want to find a cheaper way to build solar cells. We want to find a less expensive way to generate electricity from wind or to generate power from geothermal and other new technologies. We also want to encourage as much energy efficiency as we possibly can. All of those things will help our families and help our businesses. It will help them remain competitive and preserve and create jobs.

But we also know that it is absolutely important, if America is going to create new jobs, that we have to utilize the resources that we have in this country, that we have been dependent upon for a long time. And until you have new technologies, you don't raise the cost of the types of energy that people are dependent upon.

More than half of our electricity comes from coal, a resource which we have in tremendous abundance in this country. Twenty percent of our electricity comes from nuclear power, another area that the gentleman from Tennessee and I share a very strong common interest in, he having Oak Ridge in his congressional district and I having Lynchburg, a major nuclear

power center in the country, in my congressional district.

The legislation that we voted on a month ago here in the Congress did nothing to promote the most greenhouse gas-reducing form of electricity generation, nuclear power. That, to me, seemed to be something that was completely and totally neglected in that legislation.

Coal, on the other hand, wasn't neglected. It was thrown out in a way that will raise the cost of electricity to my constituents and anybody in the country from areas that are heavily dependent upon electricity generation from coal, which, by the way, is most of the country.

So that was the wrong approach. The right approach is the American Energy Act. Many of us—I think everybody who is here this evening—came back here to Washington last August when gasoline prices were \$4 a gallon and oil was \$140 a barrel. We took the floor in a darkened Chamber day after day after day to talk to the people who were touring the Capitol. People around the country were aware of what we were doing to tell the story of what needed to be done.

We came back into session in September, and that was completely ignored. And we never have revisited the need to have a comprehensive energy act where, if we really made this a top priority of our country, we would become free of dependence upon foreign oil and other foreign sources of energy in 15 or 20 years. And even more importantly, we would create millions of jobs, exploiting those resources that we have in this country.

This is not a new idea. This is how America came to be a strong Nation, a competitive Nation, a Nation with millions of jobs. The reminder of the importance of doing this is right there above us on the wall, above our Speaker's rostrum, above the American flag, above our Nation's motto, "In God we trust," at the very top of the wall, a famous quote from Daniel Webster that says, "Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered."

That saying, more than 150 years old, is every bit as important today as it was back when Daniel Webster said it. That's what we have to hearken to; not the idea that somehow government will solve all of these problems, that government can provide people with all the health care they need, paying for it with taxes on small businesses and losing jobs, mandating all kinds of new agencies and institutions, more than 30 to run this crazy program; not with the cap-and-tax proposal that will cost American jobs, raise the cost of living for every American, make it harder for

manufacturers and farmers and others to be competitive with other countries around the world that have no intention of engaging in a practice that raises unnecessarily the cost of the basic ingredient for manufacturing and agricultural success and really enjoying a good standard of living for anyone's life, and that is having access to affordable sources of energy.

It is certainly not going to be solved by having this government spend through the roof. We saw back in January the most amazing single appropriations bill ever, the so-called stimulus package to create jobs. Now here we are 6 months later, and the question is being asked day after day after day, not just by those of us here in the Congress but by people all across America, "Where are the jobs?"

Well, you don't get them by government spending. You get them by returning to the ingenuity of the American people, their hardworking spirit, their knowledge that it is the free enterprise system that will bring this economy back. But we delay day after day after day and dig the hole deeper and deeper and deeper when we pile up debt like this—\$1 trillion. That is a stack of thousand-dollar bills 63 miles high.

And then in March we went on to pass the budget for next year. We said, "Ooh, I'll outdo that." I voted against it. Mr. WAMP voted against it. Others here talking tonight voted against it. Every Member of our party voted against it, but also a lot of Members in the other party voted against a budget that has a \$1.2 trillion deficit for next year. That's a stack of thousand-dollar bills 75 miles high, which reaches up into outer space, and we don't see any end to it.

The 10-year projection for the budget passed by the majority party and the President never sees it going below—the highest deficit ever before this year was \$450 billion. It never gets below \$600 billion ever again as far as the eye can see. That will cost jobs. That will raise the cost of living. That will raise interest rates and inflation. It is devastating to our country.

We need to return to sound fiscal responsibility. We need to return to an opportunity to have an American energy policy that creates millions of jobs here by drilling for oil offshore and on Federal lands; by extracting the huge resources we have of natural gas; by building new, safe, more modern, latest-technology nuclear power plants; by using clean-burning coal technology and advancing that and developing new technologies. All of these things coupled together will lead to a bright future. But the path we are on now worries all Americans, and we need to turn off of it as quickly as possible.

I thank the gentleman again and hope that the message that sits on our

wall, let us develop the resources of our land—not Venezuela, not Nigeria, not Saudi Arabia. Let us develop the resources of our land. That will lead to the creation of the jobs that people are looking for and the restoration of our economy. I thank the gentleman.

Mr. WAMP. The gentleman's comments are spot-on. We're grateful he came and participated and for his really brilliant leadership here in the House.

Another one of our smarter Members from the Republican side is the gentleman from Michigan. There are other Members coming to the floor, so I am going to withhold my comments.

I yield such time as he may consume to the chairman of the House Republican Policy Committee, THADDEUS MCCOTTER of Michigan.

Mr. MCCOTTER. I thank the gentleman from Tennessee.

When the cap-and-tax national energy tax bill was passed from the House, the Congress went on a break, and when people went home on break, they found out how much the American people did not like the cap-and-tax bill that this House passed. In fact, I remember being home—I am sure a lot of Members had this moment, both people who voted for it and voted against it. You go to the grocery store, somebody might recognize you. They would look around. They would walk up and they'd say, Are you my Representative? And you'd say, Yes. They'd look at you and look around again, and they'd say, Dude, this is crazy. This cap-and-tax is crazy. I would just say, Yes, it is. And I said, Especially in Michigan, our State where we have a 15.2 percent unemployment rate, where we are a manufacturing giant now in difficult times, why the Federal Government would make it harder to manufacture in the United States, why we would be but a Senate vote and a Presidential signature away from a radical, ideological imposition on America's energy future that will raise people's energy taxes and will kill their jobs.

I still can't figure out why we would do this. It is absolutely insane to add massive government spending, debt and regulatory burdens on a recessive economy, and why you would threaten to raise tax rates on people at the very time we need the entrepreneurial genius of the American people to grow this economy, create jobs and start to stabilize ourselves for the future and the international competition in this age of globalization.

Now, when I say it's insane, people say, Well, isn't that a little harsh? I say no. I'm 43. As I was growing up, we had a new book put in front of us in school. It was called Ecology. It had a nice picture of the world on it from outer space. I was like, Oh, this is nice. And in the course of learning about ecology, my generation, Generation X,

was told that the greatest threat we faced wasn't the Soviet Union. I tended to disagree even at an early age. I was a bit precocious about the Russians.

They told me in my generation that we would freeze to death in the next ice age if we didn't reduce pollution. Flash forward. My wife and I, our children are in school. Today our children's generation is being told that unless the government regulates the economy and raises energy taxes, they will face a climate change in which global warming will destroy their way of life.

So we have gone from ice to fire, and yet the solution remains the same, oddly, from the proponents of the cap-and-tax legislation who say, We have to have government control of the weather, raise your energy taxes, dictate your lifestyle and devastate your jobs all so that we can prevent global warming. This from the people who told me there was an ice age coming.

□ 2115

That, to me, is not sane. That is not realistic. That is not based on science. That is based on ideology, and ideology applied to a nation at a struggling time leads to dire ramifications for the American people.

I want to show you the extreme to which this goes. When in the majority the Republican Party heard about the debt dangers the United States faced, especially debts from nations such as Communist China, I agree with that. Now that the Democratic majority and President Obama are racking up unprecedented levels of debt and unprecedented levels of spending, I want to show you what the Commerce Secretary said about cap-and-trade regulations in our relations with Communist China. This is from *The Wall Street Journal*. But yesterday, Commerce Secretary Gary Locke said something amazing: U.S. consumers should pay for Chinese greenhouse gas emissions. You see, the Communist Chinese, in one of the ironies of life, are tending to protect their manufacturing base more than the free market—United States—from governmental intrusions, regulations, and taxation.

Now, what Mr. Locke, our Commerce Secretary, said was this. It's important that those who consume the products being made all around the world to the benefit of America. And it's our own consumption activity that's causing the emission of greenhouse gas. Americans need to pay for that.

I want you to think about this. After President Clinton signed the permanent normalization trade relations with Communist China, we in Michigan, before the rest of the country, started asking where are the jobs. Why is manufacturing in America hurting? Why is it going offshore? Where is it going? We knew where it was going. It was going to Communist China.

So we have a two-for here. We have the Commerce secretary saying that he

doesn't seem to mind that the jobs are going over there and that what we really need to do is, if the United States decides to continue to pass legislation that impedes and impairs and harms its manufacturing base, not that we should seek fair trade with Communist China, but what we should do is borrow money from Communist China with interest to pay them for their greenhouse gas emissions to get them to adopt the very thing that American people do not want to adopt in America. I want you to think about this. I'm going to borrow money with interest from Communist Chinese to give to them so they can be environmentally sound.

Now, I do not understand why, given what happens to our party here in the House, why the Commerce Secretary did not say that the Communist China is the party of "no." And I think it would have been appropriate. But I also would not expect that from an administration whose vice president says we have to keep spending to keep from going bankrupt. I had no idea that that meant that not only would he spend the money here, he'd spend the money over in Communist China and borrow from them to give it back, leaving you, the American taxpayer, with the interest.

And it also would not be surprising to me from an administration who said we have to spread the wealth around. I don't think the President said quite how far he said he was going to spread your wealth. I don't remember him saying that that the world would be a better place in, we take U.S. taxpayer money, send it to Communist China to make red bureaucrats green. I would have liked to have heard that. I'm sure a lot of people would have liked to have heard that around October last year where their money was going to wind up, rather than announced now via the Commerce Secretary.

The frustration that the American people feel is that they realize our prosperity comes from the private sector, not the public sector. They understand that we do not want a radical cold-turkey shift from fossil fuels into some nebulous green energy future. What we want to see is maximum American energy production, common-sense conservation and free-market green technological innovations that will transition us into a more environmentally sound economy of the future.

What we see in an ideologically rife House, Senate, and administration is the opposite. They want to do cold turkey on fossil fuels and the existing economy and move us into a radical, and again, ill-defined green economy that in many ways—with the absence of nuclear and others—proves impossible to obtain in a reasonable period of time without doing more damage to a recessed economy.

I thank the gentleman from Tennessee for his time.

Mr. WAMP. I thank the gentleman from Michigan.

Before I yield time to the gentleman from Louisiana, Mr. Speaker, can you tell me how much time we have remaining?

The SPEAKER pro tempore. I believe you have approximately 10 minutes.

Mr. WAMP. I just want to point out that I believe there are shared goals in the House, but there clearly is some great difference in the approaches again to these goals. And the problem with these two big issues that are pending before the American people is that they involve energy and health care. And energy is the one big issue that can bring us to our knees economically. We've seen that because of the price of oil, the availability of electricity can paralyze our economy, and frankly, the cost of this move is heavy, the price is high.

And that's why it is so important—really, the big issues in the world today clearly are water—it's a big issue around the world. It's going to be scarce, harder to come by, can create conflict. Energy is going to be scarce, hard to come by. We are all interested in air quality—and the environment is important—but there has to be a balance of regulation.

And then this issue of health. The American people do not want the government to get between their health care provider and themselves, particularly between the doctor-patient relationship. And I have to tell you this leap does that. And you don't see people leaving here to go to Canada and Great Britain now for their health care. It's the other way around because they've already gone on these systems that are being proposed here.

I want to come back before the bottom of the hour and talk about nuclear. But I want to yield to a member of the Commerce Committee, the gentleman from Louisiana who's brought great expertise to the Congress, is an energy production expert because of the State that he comes from, and knows that we have to increase the energy capacity in order to maintain our competitiveness globally today in a global economy. We can't restrict our sources of energy and stay competitive.

Mr. SCALISE from Louisiana is recognized for such time as he may consume.

Mr. SCALISE. Well, I thank the gentleman from Tennessee. I appreciate your leadership on this issue and the fact that you are willing to come here tonight and talk about some of these challenges that our country's facing. And when you look across our country today, people are facing many challenges.

But I think what's even more concerning to people when they look here in Washington, and they look at what's happening in the Congress, and they look at what this administration is doing, I think it's frightening people

across the country. The fact that they see these policies that are being proposed, and some of these policies that have actually passed. In January, when President Obama took the oath of office, one of his first steps was to pass this unprecedented spending bill that he called the stimulus bill and he rammed it through Congress, a bill that everybody knows that nobody that voted for the bill had time to read because they rammed it through so fast, because they said it needed to pass because it was going to stop unemployment from reaching 8 percent. Well, now we're at 9½ percent unemployment, and that number is climbing.

The problem is our deficit is climbing even higher. We exceeded a trillion dollars in deficit just a week ago. Unprecedented in our country's history. And people are looking at that and saying, Why is it that every American family is cutting back to manage and live within their means? State governments have been cutting their budgets to live within their means. Why is it that Washington and Congress, especially, is spending money out of control at a rate that is unprecedented, and it cannot be contained?

And then they look at the policies. And I think that's what's concerning people especially today. And they look at this crazy energy proposal, this cap-and-trade energy tax and this proposal to have a government takeover of our health care system. And clearly reforms need to be made to health care, but there is bipartisan agreement on a number of reforms that can be made to allow people to have the portability so if they move from one job to another, they can take their health care with them.

But a real competition in health care or address pre-existing conditions, there is bipartisan agreement on all of those issues. Not one of those is in the President's bill because he chose to go it alone. He said, I don't need to work with Republicans. And in fact, he's not even working with moderate Democrats. He's decided to go with the most far extreme leftists that want to just have a government takeover of health care where, literally, a bureaucrat in Washington that's not elected, didn't even go through a Senate confirmation, can have the ability to tell you which doctor you can see or even if you can get an operation.

And we've seen the devastating results in countries like Canada, in England, where they've done the exact same thing. And now those people who have the means in those countries come to America to get health care. Because even with our flaws—and we've got flaws in our system that need to be worked out—but even with our flaws, we have the best medical care in

the world. And yet they want to destroy that system by having a government take it over and then add \$800 billion of new taxes on the backs of American families.

And if that wasn't enough, that leads us into the topic that I know my friend from Tennessee really started off talking about, and that's energy. This cap-and-trade energy tax that actually passed this House, and I sit on the Energy and Commerce Committee and we debated that for weeks, and I strongly opposed their bill because their bill doesn't address the energy problems in our country. We don't have an energy policy in America. Imagine that. The greatest country in the history of the world, the most industrialized nation in the world, doesn't have a true energy policy. We've got the ability to create a comprehensive energy policy that actually eliminates our dependence on Middle Eastern oil. And we filed a bill.

Some people would lead you to believe there is no alternative out there. It's just this cap-and-trade energy tax or nothing.

Well, there is a different approach. There was an approach called the American Energy Act, which I'm proud to be a cosponsor of. I know my friend from Tennessee is a cosponsor of. It's an all-of-the-above policy. It says yes, we should pursue those alternative sources of energy like wind and solar power. But unfortunately, those technologies aren't advanced enough yet. You can't run your car or house on wind or solar. You surely couldn't run a hospital on wind and solar because they're intermittent sources of energy, and so you need some other forms to keep power generating in this country. And so yes, you have coal production and we should advance the technologies to make clean coal technology.

But you also need to advance nuclear power; nuclear power emits zero carbon. It's a zero carbon emission source of energy. Eighty percent of Europe is on nuclear power now. It wasn't on their bill. They discouraged it. We need to move towards those other alternatives.

We also need to recognize the existing types of energies we have in our country, and that's oil and natural gas. It's also some of the new sources and technologies that we have, like these tar sands in the Midwest which right now are prohibited from being explored by Federal policy. In fact, if you go into the Gulf of Mexico, there are many areas there where there are huge reserves of oil and natural gas that are banned from even being explored.

I've taken a few Members out to the Gulf of Mexico a few weeks ago. We went out to the largest natural gas exploration facility in the country. It's called Independence Hub. Nine hundred million cubic feet of gas a day. Actu-

ally represents 2 percent of our entire country's natural gas needs. It's out there in the Gulf of Mexico, and they have greater capacity. In fact, we keep finding more and more reserves of natural gas every day. In north Louisiana, I'm proud to have gone out and visited the area in Shreveport, Louisiana, called Hainesville. Hainesville shale find is the largest new find of natural gas in our country's history. It was just found 3 years ago, and we continue to find more and more reserves like that.

So there are all kind of natural resources that our country can use, and yet Federal policy blocks it. And the only answer President Obama gives us is this cap-and-trade energy tax—which actually limits our ability to explore American resource of energy and gives greater power to those oil OPEC barons in Saudi Arabia and other countries in the Middle East that don't like our way of life. So we've got to get a comprehensive energy policy, and we've got to move away from this idea of taxing businesses, taxing families, raising electricity costs—which their bill does—and go to a policy that adopts a comprehensive, all-of-the-above approach.

So here at this time I'm going to yield back to my friend from Tennessee. But we're talking in the same week that Neil Armstrong and Buzz Aldrin and Collins landed on the Moon, the Apollo 11 mission. The 40th anniversary this week. I had the honor of meeting them. True American heroes. When I talked to Neil Armstrong earlier this week, what I told him was, What you did, what your crew did and what all of the NASA officials did, they inspired a Nation because they showed us what the greatness of America can be if we truly set our minds in a bipartisan way. And back then under President Kennedy when he said and set that objective that we were going to go to the Moon by the end of the 1960s, the entire country came together, Republicans and Democrats. We can do that again.

But President Obama's got to set aside the partisanship and this extreme radical policy, and we can get there.

□ 2130

Mr. WAMP. I thank the gentleman. As I close out our hour tonight, I want to say when the question is asked, where are the jobs, if all of the applications pending right now before the Nuclear Regulatory Commission for nuclear plants were approved, that would be 17,500 permanent jobs and 62,000 construction jobs. Nuclear is maybe the single largest step towards stimulus, economic opportunity and global warming progress, all of those things that we need.

We can reprocess and recycle the spent fuel. This administration doesn't want to bury it in Yucca Mountain.

They won the election. That's their prerogative. Let's move as France has, and Japan and other countries, towards taking the spent fuel and turning it back into energy. We can deal with this. We built 100 reactors in less than 20 years, and now we know so much more about it, if we said we were going to build another 100 reactors in the next 20 years, we would have a robust U.S. economy with new electricity capacity.

And when we bring on new capacity, we will lower the cost instead of increasing the cost. This regulatory cap-and-trade scheme increases the cost, reduces the supply, by definition, because we're going to need new electricity and energy capacity. So tonight we just close, Mr. Speaker, by saying that American innovation and entrepreneurship, free enterprise, can help solve these problems without the government burden.

THE PROGRESSIVE MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, what a pleasure it is to claim this hour, this Special Order, on behalf of the Congressional Progressive Caucus. The Congressional Progressive Caucus is the body of Members of Congress who believe that we're all better off together than we are separated and apart. We believe that we need a mixed economy, in which, yes, people are entitled to pursue their private dreams and make their money, but also there are certain things that we should do together, things like take care of the water, things like provide for transportation, things like provide for education and things like health care.

The Progressive Caucus is the body of people here in the Congress who stand by the idea that the civil rights movement was a great moment in American history, that FDR and the New Deal was another great moment in American history and that the steps forward to end slavery was a great moment in American history.

And yet the greatest moments of American history have not yet been written but are really still in front of us. We still have more people to bring into the ambit, bring into the embrace of this great American ideal, the progressive ideal, this idea that America has not yet done the best it can do. We have more people to include, more people to help find that internal light of their own and that this is the time to walk forward into that history.

We have the Congressional Progressive Caucus that comes together today. We started out, Mr. Speaker, as a group that said, we would like to see in

the area of health care a single-payer system. This was our position. But we've compromised, because we're practical progressives. We said we can have health care reform if we have a public option, but we can't go any further than that. There must be a public option in the health care plan. And it looks like we are going to have one. We are excited about the prospect of seeing this public option. It appears as though it is moving forward, Mr. Speaker. And it's a good thing because it's what America needs. It's what America needs.

This is the Progressive Message, and we are here to talk about health care tonight. Health care, Mr. Speaker, is the boiling issue. It is the issue that is all the talk around the Congress; it is the issue that is all the talk around America. The fact of the matter is, Mr. Speaker, it is a fact, it is a belief and a firmly held belief of my own that health care is a movement that is essentially a civil rights movement. It has the same level of intensity as that movement. And it has the same urgency as that movement.

I'm inspired by the words of Martin Luther King, Mr. Speaker, who said that we have the fierce urgency of now, the fierce urgency of now, that we can't say that somebody else can get their freedom at some other time, at a more convenient time, at a time when it makes sense and is comfortable for everybody.

No, he said civil rights now, not later, and not have to say today we have got to have health care for all, right now, not later. The fierce urgency of now, Mr. Speaker.

I want to let you know, Mr. Speaker, that when I was watching television last night, I was tuned into President Barack Obama. And I want to let you know that I was very proud of President Obama last night, Mr. Speaker. President Obama came before the American people and articulated a case, as skillfully as any arguer or orator ever could, for health care, health care now.

The thing that really grabbed my attention, Mr. Speaker, is when he was asked by a reporter, why does it have to be now, and the reporter asked in somewhat of a challenging and slightly derisive tone of voice, why does it have to be now? Can't it just be some other time? Mr. Speaker, President Obama said, you know, I can't delay it when I read the letters that I get. The letters tell me that we have got to act now. We can't put it off another day. We've got to do it now. And I actually was cheering at the television screen as President Obama was saying these things. It's so nice to have a President that you truly agree with and believe in and think is a real champion for the people who elected him.

So in that spirit of President Obama saying that the letters and the stories

that people are going through propel him toward action, let me share a few stories of my own, Mr. Speaker, because my constituents write me letters too, and those help move me and motivate me toward action for true health care reform. Instead of my hitting you first with the facts and figures and all those things, I just want to start out tonight, Mr. Speaker, with stories and letters from my constituents.

Let me talk about Mary from Minneapolis, Minnesota. Mary says, my daughter needed her wisdom teeth out. At the same time, with insurance, we were told to pay \$375, which we did, then got billed over \$1,000, resubmitted, eventually the amount was reduced to \$750. In the meantime, my husband got no paycheck. I have calcium deposits in my back which make it difficult to walk, and I can't afford the copays, so I'm waiting until it's so bad that I can't walk.

Mr. Speaker, Mary needs help. Mary needs a caring, committed government that is listening to her and is going to help bring forth legislation which can allow her to work with her doctor and her health care provider with the solutions that she needs. No government official in the middle between Mary and her health care provider. That's nothing but spooky, scary stuff, and it's not true.

Let's hear from Denise: I find more and more often that my family and I are skipping doctor visits for preventive care, and when we would have made a visit to the doctor in the past, but now can't afford the copayments to be seen. This is especially true for childhood illnesses such as allergy visits or medication, dental problems that could potentially be serious, and injuries that, in reality, should be checked out by a doctor. My family is insured. Yet because of our current employment situation, combined with rising health care costs, it has come out of reach to have the kind of health care we have enjoyed in the past. I feel that we are being left behind for an inability to be able to bear the burden of the cost. This may mean that we will pay dearly in the future for things that could have been prevented or less serious had they been able to see a doctor initially.

As I listen to Denise from Minneapolis's story, I'm thinking, Mr. Speaker, about the global, the larger trends in our society that are sweeping her up and affecting her. She's talking about being insured, having a job, but having to go without because of the costs of copays and premiums. Well, Mr. Speaker, one of these startling facts that you might want to know is that over the last 9 years, premiums have doubled for people who have insurance, and while wages have been flat, premiums have been increasing much faster than wages have, and this has made a squeeze on the American household budget. Denise needs a hand,

Mr. Speaker. Denise needs somebody to care.

Janice from Golden Valley, Minnesota: I've worked every day since I turned 15, and I'm currently 51. I'm married with two teenage children. I have a college degree. We have always lived a balanced and frugal life. We do not take exotic trips and mostly buy generic groceries and thrift or discount store clothing. I do not and never have smoked or drank, and I have been in my job for 20 years, yet I bring home less and less each year due primarily to health care premiums and costs. Health care premiums and copays cost about 25 to 30 percent of my income. Health care premiums cost me more than my Federal, State, Social Security, union dues and retirement plan deduction combined from each paycheck.

The increase has been so great that we have stopped being able to contribute to savings for 4 years. The one thing I fear more than anything is me or my family member getting sick because of what treatment will cost even beyond the premium costs. When I have a strange new sensation in my eye or a vein hurting in my leg or a dull pain in my chest, I just pray it will go away on its own because I'm afraid of what it will cost me.

We pay out so much for health care insurance, yet we cannot afford to really even use it. And I feel even worse for those who have no health insurance at all. This reflects badly on what America has become, a place where only the wealthiest survive and profit by a few takes priority over the basic needs of all.

Mr. Speaker, let me tell you about the story of Anita. I'm armed with statistics tonight, Mr. Speaker, and I have them. But they don't mean a thing next to these stories of these citizens, these good, honest Americans from my State of Minnesota whose stories I want to bring to you tonight.

Let me talk to you about Cynthia from Minnesota. Cynthia says: As an asthmatic and a mother of an asthmatic, I would think the insurance company would be happy that we go for our annual check up and would be willing to cover our medicines so that we stay healthy and don't end up costing them more. Much to my surprise, the insurance company would not cover our asthma checks, and the cost of our prescriptions has gone through the roof. Unfortunately, our meds are not part of the formulary drug list. What ends up happening is I cover my child's meds, and I don't get any. I just hope we are near each other if I have an attack.

Mr. Speaker, that is no way to treat Americans who are trying to make it in this society.

How about this one. Maria from Minnesota: My daughter is 24. She has had a polycystic ovarian disease since she

was 15 requiring three surgeries, five hospital visits and many, many office calls. This is a chronic condition which will probably result in infertility or at the least difficulty in achieving pregnancy. This is physically draining, as she is often in pain and has been on many narcotic pain meds, including Vicodin, Percocet and OxyContin.

In addition, the idea of not having children is a tough thing to face as a teenager and young adult. If that wasn't enough, she also has a degenerative disk disease in her cervical spine. This has resulted in a herniated disk and chronic constant pain. Again, there is no cure for this and no real treatment. Since she is an adult, she no longer is eligible to be under our insurance plans. She has a BA degree, but has not been able to find long-term employment in her field which would offer benefits. Rather, she is managing a bar restaurant, which is a good job, but it's not what she went to school for.

□ 2145

She's working as a bartender at least 60 hours a week, on her feet all the time. She pays her own bills, lives on her own, but because of her chronic condition, has not been able to get COBRA insurance and, instead, has a policy through a private insurance company paying over \$200 a month, which doesn't cover many of her needs. This is outrageous.

Please, please understand she is not sitting at home waiting for a handout. She's so motivated and such a hard worker, but the insurance costs are eating up her paychecks. She's my hero, as I can't imagine facing these conditions and then having the minimum coverage while paying the maximum bill.

Mr. Speaker, I just thought I'd start off this Progressive Hour with some real stories from real people, real stories for real people who are dealing with a very difficult situation. Mr. Speaker, let's not relegate them to the status quo.

My colleagues, many of them on the other side of the aisle, are essentially saying let's keep it how it is. Let's stop moving so fast. Let's not let this process move along too quickly. And some have been caught offhandedly making the comments that they think that they can take President Obama down. Is that what this is about, taking somebody down?

This should be about lifting somebody up, the American people, lifting them up, not trying to score a partisan point in a political game. This is real life people are going through, real life like the Minnesotans that I just talked about. But as I speak here tonight, Mr. Speaker, I can assure you that in every State in this Union and in every territory of this country, there are stories exactly like these.

Mr. Speaker, I want to talk about what the bill actually does a little bit, but before I do, I want to talk a little bit about the cost of this health care reform because, you know, first of all, there is this big fear thing around cost, and this is one of the major ways that some detractors are trying to stop things. So first let's talk about the individual cost, the cost to the person.

Without reform, the cost of health care for the average family of four is estimated to rise \$1,800 every year for years to come, and insurance companies will make more health care decisions. Okay. Status quo, hand the insurance companies 1,800 bucks every year. In 2 years that's 3,600, in 4 years it's more than that. The fact is this is the status quo. And I was so proud to hear President Obama last night saying, if somebody offered you a plan that was going to double, that was guaranteed to double in cost and was going to push more people into the ranks of the insured, would you want that, because that's what we have now. Again, another brilliant oratorical flourish rooted in the truth.

So one cost is the 1,800 bucks every year estimated to increase, but let's talk about the individual costs a little bit more. If we have health care reform, if we have health care reform, Mr. Speaker, no more copays or deductibles for preventive care. That will help a family budget. No more rate increases for preexisting conditions, gender or occupation. That will help the family budget. No more annual cap on out-of-pocket expenses. That's going to help the family budget. Group rates of a national pool, if you buy your own plan, that should hold costs down. Guaranteed affordable oral, hearing and vision care for your kids, that will definitely help the family budget out.

The fact is that this bill is designed to help families deal with the escalating costs of health care. It's not about increasing costs or increasing debt or anything like that. It's about helping the family budget stay in a place where families can actually get ahead a little bit for the first time in a long time, for the first time under a budget, under an economic philosophy where the rich didn't have enough and the poor had too much in the minds of some people.

The fact is, Mr. Speaker, we need to talk about costs tonight. We need to talk about it, and I want to go now to the recent—the CBO budget scores have been tossed around a lot. We've been hearing a lot about what the CBO says. The CBO says this, the CBO says that. Let me talk about what the CBO actually says, really says.

On July 17, the Congressional Budget Office released estimates confirming that the health care insurance reform policies of H.R. 3200, America's Affordable Health Care Choices Act, are deficit-neutral over a 10-year budget win-

dow. That means that they don't add to the budget. They're deficit-neutral, even producing a \$6 billion surplus.

CBO estimated that the cost of the bill's insurance reforms was \$1.042 trillion, while the bill's cost savings and revenues totaled about \$1.48 trillion. This is over a 10-year period. CBO estimated that these reforms will provide affordable coverage for 97 percent of Americans 2 years after the program starts. Now, that's really something, Mr. Speaker.

It was also reported in the press, CBO also estimated that the overall bill has a net cost of \$239 billion over 10 years, but this is entirely due to additional provisions in the bill to maintain current Medicare physician payment rates costing \$245 billion over 10 years by preventing scheduled draconian cuts.

The House agreed earlier this year that this \$245 billion cost would be exempt from PAYGO. The President's budget acknowledged the flawed Medicare physician payment formula and allotted money to address it. Then, in voting for the budget resolution in April, the House voted to exempt Medicare physician payment provisions from PAYGO. The statutory PAYGO bill to be considered by the House this week, passed through this House this week, also exempts these provisions from PAYGO.

Mr. Speaker, let me also add that this bill preserves and increases options, plan options. Those eligible for the exchange—and I'll talk about that in a moment—choose from all options, private and public. No one can steer them to any particular plan.

CBO projects that by the year 2019 about 9 to 10 million Americans, or a little more than 3 percent of Americans, will choose the public option. CBO projects that the most of these using the exchange will choose private sector plans. This confirms that the bill creates a level playing field where the public option will compete with private plans on a fair basis and that the public plan will not necessarily push them out of existence.

Again, I'm a single-payer advocate, but I wanted to talk about, just a little bit about this cost, because this is the very thing that detractors are using to try to scare Americans away from real health care reform with, and I think that Americans deserve better. They deserve the truth, and they should know that this plan is one that's designed to help save them money. Let's talk a little bit more about health care costs.

Health care costs for small businesses have grown 30 percent since the year 2000. The average family premium costs \$1,100 more per year because our health care system fails to cover everyone. The average individual premium costs \$410 or more.

The fact is we're joined here tonight by one of the great, great, great stalwarts and heroes of health care reform,

none other than JOHN CONYERS, chairman of the Judiciary Committee, second-most senior Member of the House of Representatives.

Good evening, Congressman CONYERS.

Mr. CONYERS. Would the distinguished gentleman yield to me?

Mr. ELLISON. Certainly I will yield to the distinguished gentleman from Michigan.

Mr. CONYERS. Thank you, Mr. ELLISON, and to our colleague and friend, STEVE KING, who is also on the floor enjoying the proceedings.

I came down merely to let you know how much I admire and respect your determination to make sure that every American can listen and learn about the importance of health care, the issues as you see them developing, and what it means for all of us to come up with the best possible result that we can.

The 44th President of the United States brought his case to the public last night, a brilliant explanation, very persuasive, very intellectual, and then he answered more than a dozen questions from the press. It was very instructive. I was moved by that last night, and I'm moved by the gentleman from Minnesota (Mr. ELLISON) this night as well, because what you're doing is so very, very important.

I get calls in my office, and I have the unique tendency to answer my own phone. And people are very surprised when I answer the phone and they're telling me what to tell the Congressman, and I explain to them who I am, and they're pleased and flattered by that. But a lot of those calls are about health care. Some of them are very moving, like some of the stories that you've related here tonight. Other people are not happy about health care, and some hope that we don't come up with a bill, a few. But most people realize that this struggle has been going on for 30, 40, 50 years.

Harry Truman began talking about universal health care, and then Lyndon Johnson was able to come through with Medicare. And in respect to Harry Truman's determination, although unsuccessful, he went to the Harry Truman Library in Missouri to sign the Medicare bill.

There's a rich history, a legacy about how we've gone through these different changes. And now the President, after only a few months, calls us together in the White House at a White House summit to declare his determination to do more about this system—we call it a system. It's a broken-down, non-working system—about health care. And so it's so interesting to study what all of our Presidents, what our leaders have done and why it's so important when we think of the millions and millions of people that don't have health care.

I'm going to say something here tonight that, to me, I want to put in per-

spective the issues. The plan, as I understand it, that's being proposed does not relieve everybody of the threat of not having health care. It is not a universal system.

Let's put these things on the table. I am for a universal system of health care. I've worked with doctors, medical scholars, nurses for years now, and they say that that's the only way we're going to reduce costs. And for anybody that's talking about—it's bad enough that we don't have single-payer health care involved in this, except for the tremendous efforts of the gentleman from Ohio, DENNIS KUCINICH, who's got it in one of the committee's bills that would allow States to develop health care if they chose an option.

□ 2200

But we don't even know what the public option is finally going to be. There are those that don't even want to give the opportunity of Americans to choose between their health care plans, and the controls of the insurance industry have been legendary. It's been written, spoken about, people's own experience.

And then if I hear anybody talk about the government controlling medicine, it's the health insurance companies that are controlling medicine, not the doctor.

So I just want to listen, take in the wisdom that you have brought to this body and enjoy this discussion. I hope any other of our colleagues that want to join in this can participate as well if they choose, and I'm just so proud you're doing it tonight and that I can just add my comments to this decision of yours to once again take out a Special Order to discuss this subject.

Mr. ELLISON. Well, I want to thank the gentleman from Michigan, Chairman CONYERS, for coming down here. We have a chance to do a little bit of give-and-take. Actually, I'd like to ask the gentleman a few questions if the gentleman would take a question.

And my question is for you, Mr. Chairman, is why do you author H.R. 676, the single-payer bill, and why did you work so hard to try to get so many authors in the House? And you ended up getting about 80-plus authors. And why did you go all over the country, to my State of Minnesota, and talk to so many people? Why did you work so hard to push this idea of single payer forward?

I yield to the gentleman.

Mr. CONYERS. Well, improving our health care system is the most single fundamental domestic issue that we can deal with. The second most important is creating a full employment society. And both go together, because if you've got your health and don't have any employment, I don't know if you're in worse shape than a person who has employment and doesn't have any availability for health care.

They're both fundamental rights that are inherent in a constitutional system of democracy, and we've been working on this for so long.

I remember when the First Lady then, Hillary Rodham Clinton, called us into the White House and asked us to hold back on our push for universal single-payer health care when her husband became President, because she, with Ira Magaziner, was going to work on health care reform. We did. We met. I remember and said, look, we should honor her request. There had never been a First Lady in the White House designated by the President to work on an issue this momentous, and so we pulled back. It did not succeed. It wasn't her fault. She had no way of estimating how powerful the corporate medical sources in health care were and that were determined not to make this universal or to make any changes at all.

And so this, to me, is one of the highest issues that all of us in the Congress can repair to, and I'm so proud that we now have a total of 85 Members of the House now on H.R. 676. I'm proud that we have it in the health care reform as an option for States so that we can overcome some of the restrictions that will be relieved through the Kucinich amendment to allow States that want to begin this global experiment.

That's how it started in Canada. It was a province in Canada that first passed it, and then another, and yet another. And of course, Canadians are overwhelmingly, extremely proud of the system that they have. No, it's not perfect, but very few things in this life are. They're working on it, and we're not copying it. We're looking at health care systems from around the world, everywhere, all countries that have them and the problems in countries that don't have them, and so this is an exciting global setting.

I was even in China not too long ago examining their system, which sometimes they're very efficient, and in other places, they don't exist at all. But we're putting the study together so that the plan that we create is an American plan, created by us, benefiting from all the improvements and problems of other countries that have universal health care systems.

And so even though my primary concerns are the Judiciary Committee issues, some of which tie into health care, the bankruptcies caused by health care are in our committee, and now we're having hearings on medical bankruptcies next week in the Judiciary Committee, and I know my colleagues on both sides of the aisle will no doubt attend these hearings.

And so there's a relationship. There's a relationship in creating a full employment program. I will be talking to some of the Caucus members tomorrow morning about unemployment and the importance that we sever the link between unemployment and health care,

because what has happened in Detroit is that, as the plants are closed and people laid off and no longer have employment, guess what? They no longer have health care either.

So the relationship of employment-based health care to unemployment is profound, and a person without employment needs health care guaranteed and assured, needs health care, whether he's working or not. He needs it even perhaps more than when he is working.

And so as the unemployment continues unfortunately to rise, more and more people who once enjoyed health care from the employer-based system don't have it anymore.

Mr. ELLISON. If the gentleman will yield for another question, do you think, Chairman CONYERS, that your advocacy for single-payer health care, H.R. 676, which was widely supported, wildly supported in my district when you showed up to talk about it in Minnesota—we packed the house. Everybody was so excited. We've had several other hearings on health care since then. People always mention that hearing because the spirit was so high. Do you think that that effort for a single payer actually helped gain enough momentum to at least make sure we had a public option for consideration in the current version of the bill?

Mr. CONYERS. I think a distinct relationship, and there are many people that have told me—and I'd like to compare it with your experience and our colleagues'. There are those who have said, first of all, they're disappointed that a single-payer system, which is the most popular in the country and has the most numerous supporters in the Congress of any other plan, did not get more consideration. But they said, well, at least we ought to have a strong public option at a minimum, and so, yes, there is a relationship between those who still seek a single-payer system who demand that there be a public option.

Unfortunately, there are some of our colleagues who are still not persuaded that we need a public option even.

□ 2210

There are reservations in the other body. And so it still remains to be seen what is really going to happen in that regard.

Mr. ELLISON. If the gentleman would yield back, I wonder if the gentleman would offer another question. As the Chair of the Judiciary, the chief author of H.R. 676, we're talking about a public option. Could you offer your opinion as to why anyone who claims to be in favor of free markets would be afraid of having the public option included in other private insurance offerings in the exchange?

The health care proposal is that if you have your health insurance, employer-based health insurance, you can keep that and that some improvements

would be no exclusion for preexisting condition, no discrimination for age and gender. And then, the second thing, if you have a government program now, like Medicare, you can keep that. And we try to get more people enrolled in Medicaid who are eligible for that.

And then, of course, the third option, the new option, would be the exchange standardized benefits, which would include eight private insurance offerings, together with a public option.

And so my question to you is: Why are the free marketeers afraid of a public option? What are they scared of? I thought they were in favor of competition.

I yield to the gentleman.

Mr. CONYERS. Well, it's clear that many in the insurance field—remember, there are over 1,200 or 1,300 different insurance policies for health care, dozens and dozens of companies writing their own policies and plans, creating huge administrative overhead for doctors who are practicing, who frequently have to hire more and more administrative people just to sort through all of the policies of patients that come to visit them.

So they don't want competition. They don't want a free market. They want a market in which the ones that have the business and have been in it for a long time don't have to share it with anybody. And they certainly don't want to have to face the competition of an effective public option, which almost surely would be less expensive and perhaps more efficient than most of the private insurance systems. Why? Because they won't have the advertising costs, the overhead costs, the administrative costs—all of these things that burden and raise the cost of private insurance.

The same way with Medicare. Medicare costs have an overhead of 3 percent. In the private sector, the insurance policies run 10, 15, 17 percent or more in cost. All the advertising we see, at least in my area, these huge billboards, Come to this hospital because we're better at this particular health service. Another hospital, Come to this hospital; we're specialists in this particular service. And so on.

MRI equipment, the overuse of equipment. And doctors tell me if they're in a hospital and another hospital nearby gets new MRI equipment, they have to go get it to compete with theirs, and they don't really need it, but they want to have state-of-the-art, the latest thing.

And so this fee-for-services notion keeps raising the cost of health care. Many of the people that complain about these costs don't realize that the public option will almost surely lower the cost of health care.

Mr. ELLISON. Well, if the gentleman yields back, if the cost of health care is lower for families, will this allow them

to be able to meet more of their basic needs and put food on the table, send kids to school, buy adequate amounts of clothing? Will this allow them to escape having to rely on credit cards and payday lenders just to be able to make it through the week?

I yield to the gentleman.

Mr. CONYERS. The answer is yes. No question about it. This is what the goal of health care reform is about, to lower the costs, which, by the way, each year the costs keep increasing and we have to find ways to deal with it.

There are other reasons that costs go up. We have got to tackle this on a realistic basis. This isn't about emotions or whether a capitalist system is being challenged or not. We have plenty of examples in which—your highway systems aren't run by different companies, your water systems, your electricity.

Health care is a matter of having it available to every citizen, regardless of their ability to pay. Of course, many of the people that end up in bankruptcy, they had health insurance. They didn't know that what they needed it for wasn't covered by the health insurance that they have.

And so, for me, it's been such an interesting field of endeavor to meet and talk with these really wonderful doctors in different parts of the country, at the medical schools, and to have made their acquaintance and then to learn of all the innumerable citizens who are so grateful to us for dealing with their problems.

By the way, this isn't some kind of circumstance that applies in rural areas as opposed to urban areas or in conservative areas as compared to liberal areas. These people are in the same fix all across the country in every one of the congressional districts.

I yield.

Mr. ELLISON. That's an interesting point. Do people who live in conservative areas where their Representatives are fighting for the status quo, are these people exempt from these escalating health care costs, these escalating premiums? And do people who live in the so-called "red" States, folks who are being excluded for preexisting conditions, being dropped, do people who have Representatives who fight for the status quo get some sort of a pass under our current health care system?

Mr. CONYERS. Not on your life. We're all experiencing much the same thing. I had hearings around the country on this subject. And I remember going to the Upper Peninsula of Michigan. Our good colleague, the gentleman from Michigan, BART STUPAK, had invited me up there for hearings.

I thought the urban areas were in trouble. I got a lesson. The rural areas were in even more difficulty in some respects.

□ 2220

Let me explain what I mean. They were of the opinion that they couldn't

get doctors or nurses to come up there to serve their population. I remember their telling me about one doctor whose wife had said, At the end of this year, I'm leaving. I'm going back. I just don't fit in here. I'm not comfortable.

And there are people that would love to be in the Upper Peninsula of Michigan. It's beautiful. I have people rhapsodic about the beauty of the outdoors. But this wasn't for her. This was the only doctor. They were begging the doctor not to leave, and his wife. They knew if she left, he would leave, too. They were flying people from upper Michigan to Wisconsin because they didn't have any way to serve people who needed serious hospital treatment.

So we find that in Minnesota, up there at the Canadian-Michigan border, in that State, I remember distinctly talking with farmers who called their health insurance agents and said, Please. I'm a successful farmer. Please come out and help me get insurance. I remember distinctly this one farmer said, The insurance agent said you don't want me to come out to quote you a price because I know you can't afford it. We don't even want to bother even trying to sell you insurance because I don't care how successful a farmer you are, because with you and your family, you won't be able to afford it, so we don't even need to try to sell you the policy.

There are all sorts of circumstances going on that I learn of as I accept invitations around the country to meet with health care experts in hospitals, in medical schools, in town hall meetings where people are trying to get some relief from this terrible fact that originally 37 but now 50 million people are without any insurance at all. And more people who are losing their jobs end up going into that column as well.

Mr. ELLISON. Well, if the gentleman yields back, I just want to point out that you mentioned Medicare has an administrative fee of about 3 to 5 percent. The fact is, however, that if you look at the top five health insurance companies, their administrative costs are 17 percent, and if you look at the average overall private insurance, it's about 14 percent.

What do they spend all that money on? How come they can't get down to a reasonable percentage of medical loss ratio? Does the fact that some of these CEOs just get exorbitant pay have anything to do with it? And if there was a public option—the CEO of the public option, I guess, would be Governor Sebelius, who is the Secretary of HHS, Health and Human Services. She is not making \$10 million a year as a public servant. I guess my question is what are they spending all that money on. How come they can't be more efficient?

Mr. CONYERS. Well, exorbitant salaries to the chief executives and the managers of the company, as you

imply, runs into millions of dollars annually, and many of them are the precise people who, through their lobbyists on K Street, are fighting any kind of serious health care reform. It's not a pretty picture.

Mr. ELLISON. Well, if the gentleman would yield, it was recently reported that the lobbyists are spending \$1.4 million a day to try to stop health care. Why would they want to spend so much money? And does this amount of money, \$1.4 million a day, how does that compare to the profits that they reap by, say, excluding people? They are excluding their enrollees and are not covering medical procedures.

Mr. CONYERS. Well, there is a relationship, and that's what makes it so difficult for us to come to a conclusion and to do something about this. Notwithstanding the great intellect of the President and his determination to correct the situation, there are people that put profits before health care. I'm sorry that that's the case, but that's what it really comes down to.

Mr. ELLISON. I just want to say that in this last 5 minutes that we're here tonight with this Progressive Hour that the goal and the purpose and the soul of our efforts to reform health care should focus on the word care, health care. We should act like we care. This is not widgets; this is people.

At the beginning of this hour, Mr. Speaker and Congressman CONYERS, I shared stories about people from my district. I know you could have done the same thing. You get letters. The President gets letters. We all get letters. But care should be what drives us. I believe that you, Mr. CONYERS, have worked so hard and done so much to start with a single payer, but because of your advocacy, we have gotten to a point where a public option is a real option, and I thank you for that.

But public option is not the best name. It could be called patient option or a we're-in-this-together option, an option that says that we're going to have a public plan that could compete with the private plans, that could have some real cost drivers; not just drive down cost, but can offer best practices so that we really put an emphasis on health care and wellness, not just on processing people, fee-for-service, overutilization, which, as you know, has been a very serious, serious problem.

I think as we close up, Mr. Speaker—and I want to leave the gentleman from Michigan time to make some closing remarks, and we'll give him the final word since he's so eloquent—I just want to say that it's important for us to understand that if Americans want real health care reform, the time is now, I think, Mr. Speaker, to raise your voice. I'm not saying what people should or shouldn't do, but I'm saying that if you want health care reform, this is not the time to be silent. It's a time to raise your voice. And if you

happen to live in an area where you have a Representative who is not for reform, I think that this is an especially important time to have something to say about that and exercise your constitutional right and offer your views on that.

I just want to say that we've fought hard here, and this piece of legislation that we're fighting for now is every bit of a civil rights issue as the 1964 Civil Rights Act. The 1964 Civil Rights Act was passed just a few years before you came to Congress, Mr. CONYERS, so you really were in the ambit and in the aura of this great triumph of American democracy. You were a friend of Martin Luther King. In fact, Rosa Parks worked in your office for many years and was a dear friend of yours throughout her life.

I think I feel something like what you must have felt then, that we are on the doorstep of seeing great change in the American democracy, but it's going to take the energy and the prayers and the voices of everyone to get us over the line. When the President comes out on the television here at prime time, it's not just because he doesn't have anything else to do.

It's serious. It's important, and it's very essential that everybody click in, raise their voice and make sure that if you want health care reform, if you want an end to being dropped and kicked off and denied for a preexisting condition, that if you're tired of discrimination because of gender and because of age, if you feel that a public option should be able to compete with a private insurance to drive cost down, and if you really believe that in our country that a health insurance company should be able to operate with a 4 or 5, 6 or 7 percent administrative cost as opposed to 17, 18, 19 percent, completely inefficient, then it's time to step up and do something about it. It's time to step forward.

If you want to do something about health care disparities between people of color and other people, it's time to step up and do something about it. This is not the time to sit back and figure. Well, CONYERS will probably save us. Obama will save us. Somebody will do the right thing. No, this is time for everybody to step up and demonstrate their own leadership.

With the moments remaining, I just want to yield—I think that's it. The gentleman from Michigan has yielded to me. Therefore, what I'm going to do is thank the Speaker for allowing us to come to the floor tonight and talk about the Progressive Caucus, arguing for a public option, starting out our debate for single-payer health care, but being reasonable and being practical and saying that we've got to have a public option, that that is where we stop compromising.

We've done our part already. We are proud that people like Congressman

KUCINICH have made it possible for States to be able to pursue single-payer. We're practical Progressives. We're not doctrine here. We're practical. What we want is good results for the people of the United States so we can join the 36 other countries in this world who have national health insurance.

With that, Mr. Speaker, I yield back the balance of my time.

□ 2230

HILLARYCARE AND THE NEW HEALTH CARE PLAN

The SPEAKER pro tempore (Mr. MINNICK). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. I want to acknowledge the presence of the chairman of the Judiciary Committee here tonight and Mr. ELLISON both. I appreciate the young man from Minnesota coming down here and spending an hour down here. I expect that out of him since he's got all of that youthful vigor. But the chairman of the Judiciary Committee could have found something else to do, and I think this is a testimonial to his commitment and his belief in the policy.

And so as much as I was tempted to engage in that debate, I was also very interested in the exchange from the gentleman of Minnesota and the chairman of the Judiciary Committee.

There are other Members off doing other things tonight, and perhaps doing nothing. But some of us are interested in the future of America.

And I wanted to point out this chart that I am sure will be something that the gentleman from Michigan (Mr. CONYERS) will recognize, or at least when I describe it he will recognize it.

This is the flow chart from Hillary's national health care plan from 1993. And it has some differences between that and the current plan that we have. But I had this chart on the wall in my construction office when it was available in 1993, and it hung there throughout the decade. And I believe it's still somewhere in my archives unsorted. They're still some things left over from that from the time I sold my business out to my oldest son.

But this chart animated me. It animated me because I'm a private-sector person. I'm a person who had to make a living competing on low-bid and being efficient producing and building things, and I provided health insurance for my employees and retirement plans for my employees. And I was one of the early people to do that. I recall back in the 1980s, that was an exception in people that were within the scope of the business that I was in and many other businesses. And I was happy to do all I could do because I wanted to keep em-

ployees working for me. I wanted to give them the best employment we could, the best employment package we could.

And when I saw this come out, this Hillary's plan, I began to look through all of this chart, all of these new programs, acronyms that I don't know that the gentleman from Michigan could come up with what these mean today. I thought I knew them all back then. But there were many of them new government programs.

And some of this is similar to the proposals that are out there today. The stark difference, is this is black and white. The new flow chart is in Technicolor. I imagine a generation from now it's going to be 3-D. But it creates whole new different programs and new different agencies, and that was enough to put the brakes on this program back in the early 1990s.

When the American people got a look at all of this government that was prescribed, all of the hoops they were going to have to jump through, they concluded that they didn't want to make that big change and didn't want to make that big leap.

So just the idea of this chart, I think, if this chart had been pulled out of the equation, I think perhaps Hillary's health care plan would have passed. But the American people can see—and in one snapshot picture—this huge growth in government that comes about and the loss in freedom. This is about freedom. And when I look down through this list, I see HMO provider plan. Global budget plan. A global budget plan for a national health care plan? All of these agencies over on this side, DOL, PWBA, I don't even know what those mean any more, but grown, creating new government. How it's interrelated with State government, a national health board. That sounds pretty familiar. Executive office of the President sitting on the top of that.

But this chart was something that caused the American people to wonder how many lines would they stand in, how many government agencies would they have to deal with. And when you look at Americans standing in line, it's pretty—you know we do that occasionally in the cities when things are busy in the grocery store or wherever. If you are standing in line, you are giving up some of your freedom, your time that you could be doing something different with. And when you stand in line for retail, you always have the opportunity to go for another line. When you stand in line for government, there is only one line, and you shall wait until that line slowly progresses through the door.

We have a new chart here, and this is the chart that reflects the new language, and this chart is—this is a chart that when the American people absorb all of the components of this, they will also understand that there is freedom that will be lost.

I put this out here because I want to make sure that the gentleman from Michigan can see this. And I want to make this point because this is a dialogue situation that we have here on the floor. When I looked at this chart, I will say that reading the bill over and over again doesn't draw a description that you can see in your head the way you can if you have the chart to follow.

This is 31 new government agencies. This is 31 new hoops that people have to jump through. They won't have to jump through every one to get their tonsils out, but they will have to jump through some new ones to get their tonsils out or a hip replacement, or a knee or whatever it might be.

But in this whole flow chart that reflects these many pages of legislation, the one that I bring my attention to—and the one that causes me concern—is this right here, this little segment down at the bottom: Traditional health insurance plans. These are the 1,200 or 1,300 plans that the chairman of the Judiciary Committee alluded to. I call that a lot of competition; 1,200 to 1,300 health insurance plans competing against each other for the premium dollar. They're out there trying to devise new packages and new ways to market and different ways to accommodate the needs of the health insurance consumer. Thirteen hundred. In fact, my number is over 1,300 of these policies.

Well, under this proposal, this new national—the House Democrats' health plan, this new health care plan, any health insurance policy that you have today would have to go into this circle, this purple circle here called the "qualified benefits health care plans." They would be the private-sector plans. So these 1,300 or so plans would have to meet the newly written government regulations in order to qualify under the qualified plans.

Those regulations will not be specified out in this bill. They won't say in the bill that you have a certain deductible or a certain copayment or no copayment. There will be some regulations that will be written in there such as, perhaps, portability—which I know that we need to address—but in any case, the qualified health benefit plans, that's the pool that this whole box of 1,300 would have to go into. They will have to meet the new standards, the new standards that will be written by the Health Choices Administration Commissioner, whom we can confidently define as a health choices administration czar. It's just "commissioners" have a better sound to it today, because we have 32 czars. We're kind of worn down on czars, but commissioners are okay.

This commissioner will, with whatever board that directs him and whatever direction he gets from the White House, and perhaps with input from the House and the Senate, perhaps will

write new regulations. And he will tell these 1,300 and some health insurance policies, You will conform to these standards in order to be qualified. If you are not a qualified health insurance plan, you will not be allowed under this law to sell insurance in the United States of America.

So, when the President promises that if you like your health insurance plan, you get to keep it, I do not believe that the President could be able—with any kind of confidence—to make that promise, because in reality, he doesn't know yet what these qualified health benefits plans are. But we do know that they aren't going to qualify every plan as it is. They may not qualify any plans as they are. But they will be pushed into this circle here, and they will have to be written in such a way that the new plan, this other purple circle, the public health plan—that's the public option that the gentlemen had been speaking about over this last hour. The public option is designed to compete against these 1,300-and-some private health insurance plans.

Now, there are a couple of things that can happen. If the public option is having trouble competing, they can either lower the premiums and subsidize them with tax dollars, or they can raise the regulations on the private plans so that the health insurance plan today that people have—one of those 1,300-and-some plans that are there—they have to meet the new government regulations. You raise the regulations, you raise the cost, you raise the premiums.

These policies will not be the same policies if this health insurance plan changes. That's why the President can't make that promise. He can make the promise, but he can't keep it, and the American people know he can't keep it.

So the difference between this full technicolor plan and the HillaryCare plan behind us in black and white is this: That the HillaryCare plan was a single-payer plan. It was a plan that was not quite one-size-fits-all, but it was one government plan for all.

This is a transitional plan to HillaryCare plan. This is a plan that sets up and transfers all private health insurance today into government-approved, qualified health benefit plans. The government will write the regulations. They will say what's mandated. They will tell the companies what they have to provide for insurance, what they have to cover, whether they can have deductibles, whether they can have copayments, and what kind of portability may or may not exist. And I think the portability will exist.

□ 2240

By the time they write the regulations, you won't be able to tell whether you have a private health insurance plan or whether you have the public

option because they will be written under the same rules. So it will just be the difference of whether someone is out there still hanging on.

I can tell you what happened in Germany. Germany has the longest history with a public health insurance plan of any country in the world. They put it in under Otto Von Bismarck, for political reasons I might add. And today, even though they have a private option as we are being promised here, 90 percent of the health insurance in Germany is the public plan. It is the plan that they write and they put the dollars into it. The 10 percent that are out there that have private plans are mostly people that are self-employed, that are making the kind of an income that allows them to go outside the government market to buy some health insurance that they think might give them a little bit better access to the health care, 10 percent private, 90 percent public, 90 percent government.

Now I don't know what is in this dialogue or in this bill that is going to change our way of thinking, that will change what happens here in the United States. But we know that as much as people say about how popular the Canadian health care plan may be, they keep coming to the United States for health care from Canada. And in Canada, there is a law that prohibits the Canadians from jumping ahead in the line. They have lines now that, let's see, the numbers, I will recall them, a 360-day waiting period for a knee joint, for a new knee joint and 196 days waiting for a new hip joint.

In America, well, we can get you in tomorrow or next week. What's your pleasure? We will make sure we adjust the schedule of the health care providers so that we do get people in for that kind of surgery, whether it is heart surgery, knee surgery, hip surgery, whatever it might be. We don't have waiting lines in the United States, unless they are waiting at the emergency room with people that are walking in there.

I will point out, also, Mr. Speaker, that the dialogue that we have heard, not just here in the previous hour ahead of me, but constantly throughout this entire health care debate, has been the blending, the merging and the confusing of the terms "health care" and "health insurance."

For example, when the gentleman said just previously, "Millions and millions of people who don't have health care," that was the chairman. Well, we don't have anybody in America that doesn't have health care. Everyone in America has access to health care. But we don't have everybody in America that is insured. When we blur the terms and we say that there are millions of people that don't have health care, we need to drag that thing back to the reality of the truth and make it the point that, no, everybody has

health care. At least if they will access it, they have health care. But they don't all have health insurance.

When you take the full numbers of people in the United States and you start subtracting from that the numbers of people who are just simply not exercising an option of picking up health insurance, we will hear the number that there are 44 million to 47 million people in America that are uninsured.

But when you start subtracting from that, first, I'm not interested in insuring the illegals in America. I think those people that came into the United States illegally should go home. I think we have got an obligation to put them back in the condition they were in prior to them breaking the law. We should not reward them for violating our immigration laws. So the illegals should be subtracted. Also, newly arriving immigrants are supposed to take care of themselves. They can't hardly press themselves on the public dole and plead with us that the minute they arrive here we should provide them health insurance. We provide them health care. Nobody gets turned away. But they cannot demand health insurance. Then when you subtract from that the people that are making over \$75,000 a year, they could surely find a way to take care of some health insurance with some income like that.

And you shake this number down, what are we really after here? We are after a number that identifies those people who apparently can't take care of themselves, who can't take care of their own health insurance, the chronically uninsured. The chronically uninsured in America are a number between 10.1 million and 12 million, depending on whether you believe the two-professor study at Penn State University or a number that came out from one of our nonpartisan organizations here, and I hesitate to quote them.

But 10.1 to 12 million, some place in that zone, is the total number of those who are chronically uninsured in America. Divide that out, say 11 million, and divide it by 306 million, you're in the zone of about 4 percent. We have the best health care system in the world. We do spend a high percentage of our gross domestic product on health care, and we have got the best health care system in the world. I won't argue that we shouldn't take some dollars out of this, because there are a lot of dollars in our health care system. But we are looking at upsetting the best health care system in the world to try to address the 4 percent of our population that are chronically uninsured.

Why would we do that? What is our goal? Don't we know some things from all of the experience that we have had in dealing with people who have had public policies offered to them? If you look across the States, what percentage of those kids that are eligible are

signed up for SCHIP? And we look at how government abuses SCHIP when in Wisconsin 87 percent of those signed up for State Children's Health Insurance Program are adults, and in Minnesota, the gentleman from Minnesota, Mr. ELLISON's, State, 66 percent were adults? They were abusing the system. They were not using the system.

If you look at the numbers of people who are eligible for Medicaid versus those who are actually signed up for Medicaid, just slightly over half of those that are eligible for Medicaid are actually signed up. So why would we think that we can fix this problem of the 4 percent of the population that is chronically uninsured even if we do bring a public plan and a public option? Why would we think that they would sign up? I don't think they are going to sign up in any greater numbers than they do for SCHIP or any greater numbers than they do for Medicaid.

One of the reasons is because a certain percentage of the population is just simply not responsible enough to step up to that responsibility. And there is supposed to be a reward in this country for people who do take the initiative and take care of themselves. But I'm concerned about this loss of freedom. I'm concerned about this transition of the traditional health insurance plans crowded into the qualified health benefits plans with new regulations written that may compel them to pay certain benefits that would be morally objectionable to many of us.

And then it is written so that they would compete with the public benefits plan. And seeing also that this is a transition to get us to the HillaryCare plan which was a complete substitution of the private health insurance in America and replaced with a government-run plan, another major moral objection that I have.

I will say this is actually the moral objection, and I will tell this in an anecdotal form. Sometime in the early 80s, at least sometime in the 80s, my Congressman was Fred Grandy. Many people will remember Fred Grandy as Gopher on "Love Boat." He was a very smart guy, a Harvard graduate, a policy wonk. He still has left an impression upon colleagues I serve with here on how smart and how policy-able he is and was active in those years.

It was unusual for a Member of Congress to come to my little town. Fred Grandy did do a stop in my little town of Odebolt, and we met in the basement of the Lutheran church. There was a pretty good crowd for a small town. There were about 80 people there. I went and sat down in the front row. Most of the reason is because I can't hear very well in the back row. Of those 80 people there, Congressman Fred Grandy proposed his model for a national health care plan. As he described it, I listened to it carefully.

Then he stopped, and he said, how many of you in the room are employers? I raised my hand. I remember looking around the room, and there were 12 of us with our hands up, a dozen out of 80 or so that were employers. And then he asked the question, how many of you provide health insurance for your employees? I left my hand up. But it was the only hand up out of the 80 in the room. And then Congressman Grandy came directly in front of me, and he leaned down and he said, and of the way I have described this national health plan, how much will this change the way you do business? And I gave him the answer that was in the front of my head, and I think I would do that pretty much today, as well. I said, well, Congressman, it probably won't change the way I do business very much unless you're going to compel me to pay for abortion, in which case I quite likely will no longer be an employer. That was my answer. It was a blunt answer, and it was exactly what I was thinking. And the place erupted in applause. I had no idea that there was a nerve out there to be touched in that fashion. I had no idea that I would ever enter into public life in any fashion. I had no idea that I'd be serving on the Judiciary Committee at a time like this, no idea I would be standing here on the floor of Congress relating a story that was more than 20 years old where I found out it wasn't just me that considers requiring Americans to pay tax, to take their tax dollars to fund the ending of innocent human life and calling that the expansion of freedom is abhorrent to many Americans.

□ 2250

And that, at the core of this, I don't know how this administration avoids the position that they have taken, but I don't know how American people step up and get out their checkbook and write a check to the IRS if that check is going to go into—or write a check for health insurance premiums for that matter—if that check is going to go into Planned Parenthood, the abortion clinic, into the snuffing out of innocent human life.

When it gets to the point where it is a moral principle, the American people, I don't believe, will tolerate the imposition of a policy like that. And this policy, some will say, well, we don't have any proof that it's going to be, we're going to be compelled to pay for abortion in this health insurance plan. The history of the entire funding of abortions since *Roe v. Wade* has been, if there is not a specific exemption in the bill, if there's not a specific exemption passed by Congress, then government will fund abortions. That's how it has been since 1973.

And so this bill, when it was offered in committee to prohibit any of this money from going to abortions, that

amendment was shot down on almost exactly a party-line vote. So this Congress has already spoken. If anybody thinks that this massive, technicolor flowchart, new health care plan, crowd your private plan into competing against the public plan and eventually the public plan swallowing all of the private plans, if anybody thinks this isn't designed today by the people in power in this Congress to fund abortion, they would be wrong.

And we had the opportunity of the White House Budget Director, when asked the question, he would not rule it out that they would be funding abortions under this program. So, we all have to take them at their word, their spoken or unspoken word. But if the legislation doesn't explicitly exclude abortion, we know that they are going to be seeking to fund abortion.

Sixty-nine percent of Americans oppose taxpayer funding for abortion according to a Zogby poll just last year, 69 percent oppose. And in May of 2009, a Gallup poll finds that 51 percent of Americans identify themselves as pro-life. But if you start dropping off some of the exceptions, you go right on up the line as high as 75 or more percent. And no one can win the argument, if you ask them what instant their life began if they believe in the sanctity of human life, unless they take the position that they are pro-life.

And so I think that this legislation that goes after a big chunk of our economy, at least 17 percent of our economy, it goes directly after a strong moral objection that many of us hold against abortion itself, let alone compelling people to fund abortions here in the United States or in a foreign land.

And now, Mr. Speaker, I take you back to the President's basic principles that he's argued about as to why he says we need to establish this national health care plan. His principle is this: The economy is a mess. It's not quite any longer in free fall, but we are in an economic situation that's quite difficult. And he says, President Obama, health care is broken. And he also contends that we can't fix our economy unless we first fix health care. Well, health care/health insurance, let's put that all together, because now I think he's talking about the package.

And so here's the situation. The economy is in a shambles. It's limping along. It doesn't show any signs of recovery. It may still be declining. And so with a bad economy, and the President says we have to overhaul the health care system in America in order to recover economically, here's the principle.

How do you bring something out economically if you're going to propose a \$1.2 trillion to \$2 trillion plan that's going to require increasing taxes by \$800 billion or \$900 billion and leave, by all accounts, at least a negative \$239.1 billion deficit created by all of this?

How do you, if we can't afford a health care plan that we have, how do you create one that costs \$1 trillion to \$2 trillion more, increases the deficit and increases the taxes, how do you create all that and say that's a fix? It looks to me like no, it's more like an addiction on increasing taxes and increasing government.

Here's a conclusion that I've come to, Mr. Speaker. No matter what kind of logic this side of the aisle will apply, no matter what the metrics are from an economic approach, no matter what we can point to that shows that this is the best health care system in the world—and by the way, before I get to the conclusion on the no matter whats, I want to list the things that I do agree on.

We spend too much money on health care in this country, too high a percentage of our GDP. We have to do something about portability in America, because when people move from job to job, they should not have to stay in a job because their health insurance doesn't go with them if they leave. We agree on those things.

Something else that's missing from this flowchart, though, is liability reform. Medical malpractice insurance is too high, and it is a significant part of this, but, you know, if you can produce all government workers producing all the health care, then you can end up with sovereign immunity and we can maybe get rid of this litigation in the end, if that's where it's going. I suspect it's not.

So those are the two things that we agree on. Costs too much money, we need to make it portable. Aside from that, there are many other solutions that I would apply.

One of them would be if health insurance premiums are deductible for anyone, if they're deductible for the corporation or the employer, they should be deductible for everyone. The same kind of commodity should be deductible for an individual, for the ma and pa shop, for the farms. They should be deductible for everybody in America in the same fashion that they're deductible for a company. That would move a lot of people out of their existing programs and let them market or shop and own their own policy. So I'm for full deductibility.

I'm for expanding health savings accounts. I'm for limiting the liability under medical malpractice, adopting the language that we passed out of the Judiciary Committee and off the floor of this House about 3 or 4 years ago that caps the noneconomic damages at \$250,000. I'm for doing those things.

I don't know anybody that's for doing nothing. We want to do all we can to fix this program, but we want to keep the competition in place and we want people to keep their freedom. But it does not follow logically, Mr. Speaker, for the President to claim that we are

in an economic difficulty of proportions not seen since the Great Depression and that we can't fix the economy without first fixing health care/health insurance, and that the fix for health care and health insurance is a \$1 trillion to \$2 trillion government spending program with an \$800 billion and \$900 billion tax increase, with a \$239.1 billion deficit.

How does going further in debt, spending more money, solve a problem for a health insurance program that already spends too much money? If you put more money into the system, where are they taking it out? I don't see where they're taking it out except squeezing down Medicare. That's one of the components that are there, and I've seen numbers as high as \$500 billion that might be, not in here on this flowchart, but in the finer print of the bill.

If they squeeze down Medicare, Medicare that, in my district and on average is paying only 80 percent of the cost of delivering the service, and in Iowa, out of the 50 States, we have the lowest Medicare reimbursement State in the entire country. We have the lowest reimbursement rate. We are in the top five in quality year after year. There are a number of different categories. Sometimes we're number one in some of the categories. But out of all 50 States, when you look at the aggregate of the quality of the health care, Iowa ranks in the top five consistently year after year after year, and we are last in reimbursement rate in the country year after year after year.

And so this idea of squeezing \$500 billion out of the Medicare reimbursement rates because they think somebody's making too much money, what happens is it pushes those costs over onto the private payers, called cost shifting. You shift the cost. At some point, this bubble has to burst. I think that this bill squeezes it to the point where the bubble bursts.

And so I would make this point, too, that we should get our verbiage right. We should call health care health care. That's the providers. That's the service. That's when we are taking care of patients. We should call health insurance health insurance. That's when a premium gets paid to an insurance company and the insurance company pays the liability that comes when there's a claim, when there's health care provided.

□ 2300

That's the difference. I've watched this verbiage get confused over the immigration debate over the last few years, too. I made the point then—and in fact it was to the White House at the time—that they couldn't get past the idea that they were proposing amnesty. They tried to redefine amnesty, and the American people didn't buy it. We can't redefine this language around

health care. The American people are not going to buy it. They know the difference between health insurance and health care. And they like to know where it is because they know their very lives are at stake, and they don't want to stand in line.

I have a chart here that describes the quality of American health care. This is the survival rate of cancer patients compared to different regions. Here's prostate cancer, here's breast cancer. There's two good indicators that are there. If you look at the United States, our survival rates are at the top in both prostate and breast cancer. And then when you see the—shall I call it burgundy here—that's Canadian. Canadian survival rates are higher, substantially higher, especially for prostate, than they are for Europe or for England. Europe and England are down, Canada's up, the U.S. is better than Canadian. It's also the case when you look at breast cancer, only it's not so stark, the difference between Europe and England and the United States.

I look at this and I think, how did Canada be so close to the United States with survival rates of cancer? We have the best survival rates here, by the way. How can Canada be so close? Could some of it be that because Canada is so close, Mr. Speaker? Could it be that Canadians come from Canada down into Detroit to get their cancer treatment? Could it be that they're coming down to the Mayo Clinic in Minnesota to get their cancer treatment, and could that be one of the reasons why their survival rates are better in Canada as compared to the other countries that have a socialized medicine program?

But make no mistake, Mr. Speaker, this is socialized medicine. It's the government writing the rules. It's taking away your freedom. You can't own your health insurance policy the way you own it today. The government will interfere and intervene and will write new rules. And when the President says that you get to keep your plan if you like it, I guess maybe if you're working for a company, you may get to keep your plan if you don't like it. But when Wal-Mart makes a decision, as they did a couple of weeks ago, that they would endorse an employer mandate health insurance plan, that should tell us something.

Why would Wal-Mart do that? They insure about 52 percent of their people. Their competition insures about 46 percent of theirs. So there's a little push there competitively. But surely they have to think that the health insurance for their employees is going to be cheaper if it's under a public plan.

So when the President says if you like your health insurance plan, you get to keep it, what does he say if Wal-Mart, for example, should decide that they're going to drop all of their private insurance carriers and policies

and go over onto the public plan? Doesn't Wal-Mart or any employer have the option to shift if we offer? If we offer people a public plan over here in this chart, is it the President's position, that a company can't switch? Is he saying to a company that's providing health insurance to their employees, if your employees like these plans, you have to keep it? Is he saying that to the descendants of Sam Walton?

I don't think so. I think companies will make that decision. It will be an economic decision. It may well be a moral decision for a lot of our responsible employers as well. But the President cannot guarantee that you get to keep your health insurance plan. That decision will be made by the employer if he provides it. And if you're an individual that owns your own plan, that plan will still have to qualify to be sold in the United States of America. It will not be legal to sell health insurance in America unless you comply under this circle with the qualified health benefits plans, the rules of which will be written by the health insurance czar.

Thirty-one different agencies there. There's a lot of freedom that's lost, a lot of lines will be created, a lot of freedom will be lost, some lives will be lost, and we know that people die in line.

Mr. Speaker, I have a couple of subjects that I wanted to address when I came here tonight, and I wanted to just take this little moment while the Chair of the Judiciary Committee was here and ask, as we've had many of these discussions and dialogues, if he would be open to a little colloquy. I would make the point to the gentleman from Michigan that today the Government Reform Committee released a report on ACORN. I have read the executive report on ACORN. From my perspective if the 82 pages of report that's released support the statements made in that executive summary, it is earth-shaking for me to read all the implications of that.

I know that you've had some real interest in looking into ACORN to examine the propriety of the operations that they have, with the very breadth of all the corporations that are affiliated, and I would just inquire if the gentleman has had an opportunity to read the executive summary of the Government Reform report at this point.

Mr. CONYERS. If the gentleman will yield, I haven't read it yet. But I will be reviewing it tomorrow and I will be prepared to discuss this with him next week.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman for that commitment. I look forward to having that dialogue. This is something that you know I've been very concerned about for many months. I know that the chairman of the Judiciary Committee has taken a real interest in

this. This is real evidence, as I understand it, real definitive evidence that's now in the CONGRESSIONAL RECORD in a composite form.

Hopefully the chairman and his committee staff could take a real thorough look at this and either produce a response to the evidence that's there, or I would be very interested in opening up hearings so we could examine ACORN.

Would the chairman have any inclination on what he might do at this point?

Mr. CONYERS. Not until I've examined the document the gentleman has referred to.

Mr. KING of Iowa. Reclaiming my time, I thank the chairman for his indulgence in this. Again I appreciate it. It's late at night here, and JOHN CONYERS is here engaging in this health care debate and paying attention to the things that matter. I did intend to bring up the ACORN issue at this point, so it wasn't an injection into the dialogue.

If the gentleman had further points, I would be happy to yield.

Mr. CONYERS. Well, I haven't seen the report that you've reviewed. But I will be happy to look at it next week. We're in dialogue. We see each other every day that we're in session. I will be delighted to discuss it with you.

Mr. KING of Iowa. Reclaiming my time, I thank the chairman again for his indulgent attention to the matter. I will at this point, then, move on to that subject matter. And unless the gentleman from Texas came to speak on health care and health insurance, I would be happy to yield.

Mr. GOHMERT. I appreciate my friend from Iowa yielding and that is something I did want to mention, as I am still so deeply disturbed by the fact that this Congress would be censored, where we did not have the freedom to debate, when that ability is what gave us this country, is what started this country. If you go to the Speaker's Web site, you will find all kinds of references that are clearly political and clearly demeaning to Republicans. Yet I don't know of any Republican that has said that she needs to personally pay for her Web site since it's political.

Yet here we find out today that we're not allowed to use the term "government-run health care" because that is considered political and demeaning to the Democrats' plan and, therefore, if we're going to put that in any correspondence, then we have to personally pay for it. We can't do like the Democrats have done, when they send out all this mail trashing Republicans, some of it valid, a few years ago, that we were overspending.

And so I thought perhaps the silver lining would be when they got the majority they'd do what they said and cut spending, but it's gone the other direction. Nonetheless, in the chart, as I'm

sure my friend from Iowa has pointed out, that has these 31 different new created entities, we're not allowed to put that, we're told, on our Web site. Otherwise, we'll have to pay for the Web site. We're not allowed to send that out in any literature because the fact of the business is, that might educate people on just what it is that's going on here. But we were told we have to use the term "public option" rather than "government-run health care."

□ 2310

JOHN CARTER was told today that if he was going to use the term "government-run health care," he would have to pay for his mail-out. He couldn't use franking to do so. That he would have to use the term "public option."

It is so outrageous that in this body we're being censored by people who have made a living out of being political. It is just outrageous. And I've got too many friends on the other side of the aisle that I can't believe would condone that kind of conduct. Because they should have the freedom to criticize any Republican plan. We should have the freedom to criticize any Republican plan. And we both should have the freedom to criticize the Democratic plan. That's supposed to be constitutional. Yet, we're told we can't use political, demeaning terms to their health care plan.

I'm telling you, it is socialized medicine on its way. It is nationalized health care. It is the government's effort to take over your body.

I've got three daughters, my friend knows. While somebody is under my roof and I'm paying their health care bills, then I feel like I've got the right to tell them you need to eat better, you need to do this, you shouldn't do that, because I'm paying for their health care bill. And if they're going to run it up doing something, then I have a right to have some injection and control over that. That's what this is about.

I've said it months ago, that what we're running into in this body is the GRE, the Government Running Everything. And that's what is taking over health care.

Once the government has this government-run program, let's face it, you cannot in the private sector compete with a government, especially a Federal Government program. Because it can run in the red and it can count on being funded by the government. You can't compete with that if you're in private business because you can't run in the red. You've got to run in the black or you go bankrupt. Well, it used to be you went bankrupt, unless the government wants to run in and bail you out because you're good buddies with people in the government.

Nonetheless, I talked today, this morning, with a lady from Tyler. And I love her delightful British accent, because she's originally from England.

And she had called wanting to speak with me, really needing to speak with me about health care.

She told me that her mother died of cancer and she herself was later found to have breast cancer, and that if she had been under the system her mother was, she would have died. But she's alive because she's in the United States and is a citizen here. Her mother is dead because her mother was in England and she didn't get the kind of care she would have here in America that Sue got. I don't want people dying like that unnecessarily. And the government has to put you on lists.

I will yield to my friend from Iowa. Have you quoted the President on that town hall? I see my friend shaking his head.

This was Pam Stern on the town hall meeting with the President and talked about her mother, that she's now 105, but over 5 years ago her doctor said that he couldn't do any more to help her unless she had a pacemaker. But she's nearly 100 years old.

And the daughter felt like—her doctor—that she ought to get a pacemaker. Everybody was in favor of it, except her arrhythmia specialist, who had never met her. So her doctor said, He needs to meet you, because that's going to be worth a thousand words.

So he makes an appointment with the arrhythmia specialist. He meets with Pam Stern's mother and he realizes—and, according to Pam—that because he saw her and her joy of life, then he said he was indeed going to go forward with the pacemaker because this woman had a real zeal for life and was enjoying life and doing well.

And so Ms. Stern went on and said to the President—was asking about his plan and was wondering what treatment someone elderly could have, and asked this, basically: Outside the medical criteria for prolonging life for someone who is elderly, is there any consideration that can be given for a certain spirit, a certain joy of living, quality of life, or is it just a medical cutoff at a certain age?

And I went online early this morning and watched this YouTube and typed it up myself and went back and forth to make sure I got everything right. I left out two or three uhs.

Anyway, he says, "We're suggesting—and we're not going to solve every difficult problem in terms of end of life care. A lot that is going to have to be—we as a culture and as a society starting to make better decisions within our own families and—and—for ourselves."

I've have got to pause here. The woman is 105. She got a pacemaker 5 years ago, and her quality of life is excellent. How does she need to make better decisions within her family? Her family is supposed to tell her you can't have a pacemaker because it's time for you to just roll over and die?

But the President goes on. He says, "But what we can do is make sure that at least some of the waste that exists in the system that's not making anybody's mom better, that is loading up on additional tests or additional drugs that the evidence shows is not necessarily going to improve care, that at least we can let doctors know and your mom know that, You know what, maybe this isn't going to help. Maybe you're better off not having the surgery but taking a—a painkiller."

The woman got a pacemaker and has had a wonderful quality of life, a zeal and a joy for life and, according to this President, maybe what we just should have told her is, You don't need a pacemaker. You need a painkiller.

It is just unconscionable. We value life more than that in this country. And what grieves me most—and I heard on the news; I don't know if it's true—that AARP is now endorsing this. If they are, then at some point, bless their hearts, they're going to owe their members an apology. Because if we go to this proposed plan that supposedly on the news they said today they were endorsing the President's plan, then the people who will be hurt dramatically will be the seniors. They will go on lists like Sue's mother did in England and they will die because that's what will happen.

That's how you keep a socialized medicine plan from going broke. You put people on long lists, they stay there, and then they die.

Mr. KING of Iowa. Briefly reclaiming my time, I hope to come back to the gentleman from Texas. I would add to this that in this bill there's also language in there that sets up government counselors to go and see the family and talk to the children of people who are aging and presumably to counsel them on hospice care and end of life decisions in order to avoid the cost of taking care of people when they get older.

This is going to be an economic equation that's going to be counseled by people who will go to college to learn how to do that and they'll get a check from the Federal Government to go and visit the children of our senior citizens, and perhaps our senior citizens, and counsel them in why a pacemaker is not a good option; why pain pills are a good option instead.

This changes our values. When I think about the President answering that question with recommending a prescription for pain pills, even after the fact, what kind of arrogance does it take for an individual who, let me just say, has no medical training, has not examined the patient. Just simply tosses out a prescription because he is President of the United States. That is a very high degree of self-confidence and that is very much an understatement on my part.

I'd illustrate also what happens with the health insurance. When you see the

private health insurance plans get crowded into the public health benefits plan and they have to compete against the public, they will have set up under this bill a very similar scenario to what we had when the Federal Government decided to get into the flood insurance business.

□ 2320

Now, you can look across the country and try to buy a private flood insurance plan, and all you can find out on the market is a Federal flood insurance plan because the Federal plan crowded out the private plans and crowded it out because they didn't charge premiums that reflected the risk. And the result is, the Federal flood insurance plan is \$18 billion in the red. They've starved out all the competition. The government has a monopoly on flood insurance. They set the premiums, and the taxpayers in America are subsidizing the flood insurance for other Americans to the tune of \$18 billion. That's the deficit.

When government gets in this business, we lose those automatic checks and balances that come with competition, and we lose the human nature of dealing with people individually. I don't want to be in these end-of-life decisions. I don't want to write the rules for that, and I wouldn't think that a President would want to make such a prescription of take the pain pills. It's what you have. Old age is terminal, so take a pain pill until it's over. That's what I hear was prescribed to this lady.

I yield to my friend from Texas.

Mr. GOHMERT. My friend from Iowa's words are exactly right. Like my friend from Iowa said, this is after the fact, after we know it's helped, he still says that at least we can let the doctors know and your mom know that, you know what, maybe this isn't going to help. Maybe you're better off not having the surgery but taking a painkiller.

But let me also point out, the President is a very smart individual, well educated, extremely articulate, obviously very good and persuasive, but he won't be the one making the decisions. It will be some bureaucrat who is not as smart as the President. That's where this is going.

I have shared on this floor before about a gentleman from Canada I've talked to whose father died in the last year or so, whose father was on a list to get a bypass surgery for 2 years, and some bureaucrat kept moving people in front of his father. I said I thought it was a crime to move up the list in Canada. He said it is illegal to pay somebody to move you up, but it's not a crime. In fact, it's required that the government has bureaucrats in little cubicles somewhere that are not nearly as smart as President Obama who read these things, look at this stuff and say, you know what, let's move this guy in

front of his father and this guy. They kept moving people in front of him for 2 years, and he died because the bureaucracy was wrong. His father really did need the surgery.

So it's scary enough that the President would say about a woman who had successful pacemaker surgery 5 years ago that, you know what, maybe we just should have said to her, You're better off without the surgery. Take a painkiller. Well, imagine somebody who is not even as smart as he is making those decisions for you. So this is really dangerous stuff before us.

And if I might add one more thing, you know, some people say that this debate over health care is all about politics. I just want to say, if this debate over health care were really just about politics, the smartest thing that my friend from Iowa and I could do is sit back, say nothing and let this bill pass, not point out all the dangerous stuff in this thing, the life-ending stuff in this, the freedom-ending stuff in it, just sit back and not say anything, because what would happen is the bill would pass if we didn't stand up against it and didn't let the people in America know how bad it is so they didn't inform their Congressman. Just sit back and let America find out how many freedoms are taken away, how many loved ones they lose because they're in this system. The American public, I believe, would be so irate, they would turn out the Democratic majority for at least two or three more generations, they would be so irate. That's the political side of it.

But the factual side is, this is so bad, and we care so deeply because we know where this goes. I saw socialized medicine in the Soviet Union as an exchange student there in '73. I don't want this. I know how it goes. I would rather stay in the minority and be free of this kind of government intervention that ends lives and takes money for abortions and takes money to have people take a painkiller and die instead of having the pacemaker they need. I would rather do that and stay in the minority than have people endure this kind of plan. That's politics. And if we were smart politically, we wouldn't point out all the problems. We would just go home and let America find out and then put us in the majority party.

Mr. KING of Iowa. Reclaiming my time, I completely agree with the judge in that statement. This is a horrible policy for America. I would put it out this way: This is the HillaryCare plan. This is 1993 HillaryCare, the flowchart that I think sunk HillaryCare. The chart that scared the American people and mobilized them to ring the phones off the hook then, to run ads and raise their resistance because they did not want to have a government-run plan that took away their freedom. That's HillaryCare. This is ObamaCare. If you hated HillaryCare, you can't like ObamaCare.

This flowchart, the black-and-white HillaryCare flow chart, was devastating to a national health care agenda. Can I say, a government-run health care program? Can I say that about the old one, I wonder? I wonder if this one was mailed off by frank mail. I wonder if the people in charge then in 1993 had ruled that there wasn't freedom of speech on the part of Members of Congress. I will bet that this chart went into all kinds of envelopes and got spread all the way across America, and people opened it up and put it on their kitchen counter and stuck it up with magnets on the refrigerator and thought, What are they doing there in Washington, D.C.? We didn't send them there to grow a Big Government program. They rejected it. That was the end of the momentum of the Clinton Presidency then when HillaryCare went down.

Now we have ObamaCare, and the censoring of this—first of all, I want to make this point that I don't really need to show this chart and send it to my constituents. They already know what we're going into. They know that my vote on this and my effort on this thing are pretty well settled. I have said for years that I'm going to oppose any national health care plan.

No amount of logic is going to change the minds of the people over on this side of the aisle. They have come to a political conclusion, a conclusion that they're going to band together and they're going to pass something that President Obama will sign. He'll sign most anything as long as it says that it's got the public health plan in it. If it has the public health plan in it, it will starve out the private and we will have what almost all of them have said from the beginning.

They want a single-payer plan, a government plan. They don't believe in private health insurance. They don't believe in the best health care system of the world. They do believe in censoring, but the American people cannot be censored. We have Internet. We have Twitter. This kind of a chart can be forwarded all over this country, and by tomorrow morning it could be on every computer if the American people just decided they wanted to make sure that you could see it. You can't understand this health care program if you read the print, but if you look at this chart on your screen, you will pick up the phone, and the American people will be scared enough, I think, to jam the phone lines again in field offices.

I yield to the gentleman from Texas. Mr. GOHMERT. I realize the gentleman's time is going to expire at 11:30, but I just wanted to finish. This is about freedom of life, pursuit of happiness. This is about freedom and life, and Mark Levin's book *Liberty and Tyranny*, he has got so many tremendous quotes, but I just wanted to make this final comment.

President Reagan—this quote's in the book—said "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free." That's why we're here fighting.

I yield back the balance of my time.

Mr. KING of Iowa. When men were free. Reclaiming my time, and concluding. I want to conclude. However appropriate it was, the statement made by the gentleman from Texas, that when the President says if you like your health insurance plan, you can keep it, here is what the bill actually says.

Section 102, "By the end of the 5-year period, a group health plan must meet the minimum benefits required under section 121." That set qualified plan I talked about, no plan is going to be the same in 5 years as it is today. If you like your health insurance plan that you have, as John Shadegg said, get ready to lose it or rise up and defend your freedom.

With that, Mr. Speaker, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SALAZAR, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 30.

Mr. JONES, for 5 minutes, July 30.

Mr. DANIEL E. LUNGREN of California for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Friday, July 24, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

2778. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Reporting (DFARS Case 2007-D006) (RIN: 0750-AF77) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2779. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Beverages: Bottled Water [Docket No.: FDA-2008-N-0446] received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2780. A letter from the Director, Office of Personnel Management, transmitting a report on agencies' use of the Physicians' Comparability Allowance Program for fiscal year 2008, pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Oversight and Government Reform.

2781. A letter from the Acting Chief Acquisition Officer, Office of the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-35; Introduction [Docket FAR 2009-0001, Sequence 6] received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2782. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2783. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2784. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report for Fiscal Year 2008 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2785. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2786. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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2791. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2792. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2793. A letter from the General Counsel & Senior Policy Advisor, Executive Office of the President, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2794. A letter from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting the 2008 management report of the Federal Home Loan Bank of Dallas, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2795. A letter from the General Counsel, FHFA, Federal Housing Finance Board, transmitting the Board's final rule — Privacy Act Implementation (RIN: 2590-AA07) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2796. A letter from the Director, Office of Personnel Management, transmitting the Office's Annual Privacy Activity Report to Congress for 2008; to the Committee on Oversight and Government Reform.

2797. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2798. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Disclosure and Amendment of Records Pertaining to Individuals Under the Privacy Act — received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2799. A letter from the Chairman, Postal Regulatory Commission, transmitting the Commission's annual report for fiscal year 2008 on the Federal Employee Antidiscrimination and Retaliation Act of 2002, pursuant to Public Law 107-174; to the Committee on Oversight and Government Reform.

2800. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the Institution's audited financial statement for fiscal year 2008, pursuant to 20 U.S.C. 57; to the Committee on Oversight and Government Reform.

2801. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Recovery Act Measurement Science and Engineering Research Grants Program [Docket Number: 090306283-9284-01] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2802. A letter from the Deputy Director, NIST, Department of Commerce, transmit-

ting the Department's final rule — Recovery Act Measurement Science and Engineering Research Fellowship Program [Docket Number: 090306281-9287-01] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2803. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Professional Research Experience Program (PREP); Availability of Funds [Docket Number: 090401620-9621-01] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2804. A letter from the Director, Regulation Policy & Management, Department of Veterans Affairs, transmitting the Department's final rule — Foreign Medical Program of the Department of Veterans Affairs — Hospital Care and Medical Services in Foreign Countries (RIN: 2900-AN07) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. House Resolution 602. Resolution requesting that the President and directing that the Secretary of Defense transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism; with an amendment (Rept. 111-221). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 673. Resolution providing for consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-221). Referred to the House Calendar.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3219. A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes (Rept. 111-223). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3155. A bill to amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes; with an amendment (Rept. 111-224). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 2770. A bill to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes; with an amendment (Rept. 111-225). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1293. A bill to amend title 38, United States Code, to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services (Rept. 111-226). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, and Mr. HARE):

H.R. 3303. A bill to amend the Port-to-Port Act of 1947 to suspend the statute of limitations for certain rights of action under the Fair Labor Standards Act during investigations by the Secretary of Labor; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YARMUTH (for himself, Mr. ROGERS of Kentucky, Mr. DAVIS of Kentucky, Mr. GUTHRIE, Mr. WHITFIELD, and Mr. CHANDLER):

H.R. 3304. A bill to designate the current and future Department of Veterans Affairs Medical Center in Louisville, Kentucky, as the "Robley Rex Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. SULLIVAN (for himself, Mr. LUCAS, Mr. BOREN, Mr. COLE, and Ms. FALLIN):

H.R. 3305. A bill to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the "H. Dale Cook Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. TANNER (for himself and Mr. SAM JOHNSON of Texas):

H.R. 3306. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. JONES, Mr. MCINTYRE, Mr. BROWN of South Carolina, Mr. CRENSHAW, Mr. STEARNS, Mr. WESTMORELAND, and Mr. MILLER of Florida):

H.R. 3307. A bill to direct the Secretary of Commerce to conduct a study of the population of the South Atlantic red snapper fishery, and to limit the authority of the Secretary to promulgate any interim rule that prohibits fishing in the South Atlantic red snapper fishery; to the Committee on Natural Resources.

By Mr. SHULER (for himself, Mr. ALTMIRE, Mr. ARCURI, Mr. BARROW, Ms. BEAN, Mr. BISHOP of Georgia, Mr. BOUCHER, Mr. DAVIS of Alabama, Mr. GORDON of Tennessee, Mr. HILL, Mr. KAGEN, Mr. KANJORSKI, Mr. MARSHALL, Mr. MCINTYRE, Mr. MELANCON, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SPACE, Mr. STUPAK, Mr. TAYLOR, Mr. VISCLOSKEY, Mr. CHILDERS, Mr. BOYD, Mr. NYE, Mr. KISSELL, Mr. KRATOVIL, Mr. GRIFFITH, Mr. BRIGHT, Mr. MINNICK, Mr. DONNELLY of Indiana, Mr. ROSS, Mr. ELLSWORTH, Mr. RODRIGUEZ, Mr. CARNEY, Mr. BARRETT of South Carolina, Mr. BOOZMAN, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMPBELL, Mr. COBLE, Mr. CONAWAY, Mr. CRENSHAW, Mr. DUNCAN,

Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. LINDER, Mr. MCCAUL, Mr. GARY G. MILLER of California, Mrs. MYRICK, Mr. POE of Texas, Mr. ROHRBACHER, Mr. ROSKAM, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. ROE of Tennessee, Mr. MCCLINTOCK, Mr. CULBERSON, Mr. OLSON, Mr. WHITFIELD, Mr. TIAHRT, Mr. LAMBORN, Mr. HUNTER, Mr. BILBRAY, Mr. MCHENRY, Mr. ROYCE, Mr. GALLEGLY, Mr. DAVIS of Kentucky, Mr. GOODLATTE, Mr. GRAVES, Mr. MANZULLO, Mr. LUTKEMEYER, Mrs. CAPITO, Mr. MORAN of Kansas, and Mr. DEAL of Georgia):

H.R. 3308. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Ways and Means, Education and Labor, Oversight and Government Reform, Armed Services, Agriculture, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OLSON:

H.R. 3309. A bill to amend the Fair Labor Standards Act of 1938 to postpone the increase in the minimum wage for 1 year; to the Committee on Education and Labor.

By Mr. BACHUS (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. SMITH of Texas, Mr. FRANKS of Arizona, Mr. ISSA, Mr. NEUGEBAUER, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mr. PRICE of Georgia, Mrs. BIGGERT, Mrs. CAPITO, Mr. JONES, Mr. POSEY, Mr. LANCE, Mr. MARCHANT, Mr. ROYCE, Mr. LEE of New York, Mr. LUCAS, Mr. ROSKAM, Mrs. BACHMANN, Ms. JENKINS, Mr. BARRETT of South Carolina, Mr. SCALISE, Mr. GOODLATTE, Mr. GERLACH, and Mr. RYAN of Wisconsin):

H.R. 3310. A bill to reform the financial regulatory system of the United States, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Education and Labor, Transportation and Infrastructure, the Judiciary, Agriculture, Oversight and Government Reform, the Budget, Rules, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER:

H.R. 3311. A bill to direct the Secretary of the Treasury to establish a pilot program to study alternatives to the current system of taxing motor vehicle fuels, including systems based on the number of miles traveled by each vehicle; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself, Ms. DELAUNO, Ms. HERSETH SANDLIN, Mr. PERRIELLO, Mr. SMITH of Washington, Mr. FARR, Mr. CROWLEY, Mr. MCGOVERN, Mr. OBEY, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Mr. DOYLE, and Mr. LANGEVIN):

H.R. 3312. A bill to provide for programs that reduce the number of unplanned pregnancies, reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, the Judiciary, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAUER (for himself, Mr. LEVIN, Mr. DINGELL, Mr. PETERS, Ms. KILPATRICK of Michigan, Mr. KILDEE, and Mr. CONYERS):

H.R. 3313. A bill to modify and waive certain requirements under title 23, United States Code, to assist States with a high unemployment rate in carrying out Federal-aid highway construction projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHAUER (for himself, Mr. LEVIN, Mr. DINGELL, Mr. PETERS, Ms. KILPATRICK of Michigan, Mr. KILDEE, and Mr. CONYERS):

H.R. 3314. A bill to amend title 23, United States Code, to assist States with a high unemployment rate under the equity bonus program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARSON of Indiana (for himself, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mr. STARK, Mr. SHIMKUS, Mr. MEEKS of New York, Mr. GRAYSON, and Mr. SABLON):

H.R. 3315. A bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks of child care providers; to the Committee on Education and Labor.

By Mr. HOLDEN:

H.R. 3316. A bill to suspend temporarily the duty on 11-Aminoundecanoic acid; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 3317. A bill to direct the Commissioner of Food and Drugs to revise the Federal regulations applicable to the declaration of the trans fat content of a food on the label and in the labeling of the food when such content is less than 0.5 gram; to the Committee on Energy and Commerce.

By Ms. KILROY:

H.R. 3318. A bill to establish by law a permanent Investor Advisory Committee within the Securities and Exchange Commission to give investors a greater voice in the Securities and Exchange Commission's work; to the Committee on Financial Services.

By Mr. MCCLINTOCK (for himself, Mr.

BILBRAY, Mr. NUNES, Ms. WATSON, Mr. CALVERT, Mr. BACA, Mr. RADANOVICH, Ms. LINDA T. SANCHEZ of California, Mr. GALLEGLY, Mr. HERGER, Mr. MCKEON, Mr. SCHIFF, Mrs. BONO MACK, Mr. FARR, Mr. THOMPSON of California, Mr. DANIEL E. LUNGREN of California, Mr. MCNERNEY, Mrs. DAVIS of California, Mrs. NAPOLITANO, Mr. ROHRBACHER, Mr. MCCARTHY of California, Ms. LEE of California, Mr. GARY G. MILLER of California, Ms. MATSUI, Ms. HARMAN, Ms. WATERS, Ms. WOOLSEY, Mr. WAXMAN, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. ISSA, Ms. ZOE LOFGREN of California, Mr. CARDOZA, Mr. COSTA, Mr. HUNTER, Mr. ROYCE, Mr. LEWIS of California, Mr. CAMPBELL, Mr. HONDA, Mrs. CAPPS, Mr. SHERMAN, Mr. BECERRA, Ms. ROYBAL-

ALLARD, Ms. RICHARDSON, Mr. BERMAN, Mr. DREIER, Mr. STARK, Ms. SPEIER, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Ms. CHU, and Mr. FILNER):

H.R. 3319. A bill to designate the facility of the United States Postal Service located at 440 South Gullwing Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MOORE of Kansas (for himself and Mr. PAYNE):

H.R. 3320. A bill to amend title 28, United States Code, to provide an exception to the requirement of motion to the court of appeals before filing certain second or subsequent petitions for habeas corpus, and for other purposes; to the Committee on the Judiciary.

By Ms. MOORE of Wisconsin (for herself and Mr. CARSON of Indiana):

H.R. 3321. A bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families; to the Committee on Education and Labor.

By Mr. MURPHY of New York (for himself and Mr. TONKO):

H.R. 3322. A bill to respond to the current over-supply of milk by temporarily increasing the payment rate for payments under the milk income loss contract program and by directing the Secretary of Agriculture to facilitate the efforts of producer associations and other third parties to remove dairy cows from production, and for other purposes; to the Committee on Agriculture.

By Ms. NORTON:

H.R. 3323. A bill to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses; to the Committee on Armed Services.

By Mr. HALL of New York (for himself, Mr. FILNER, Mr. RODRIGUEZ, Mr. CAPUANO, Ms. BORDALLO, and Mr. ALTMIRE):

H. Con. Res. 168. Concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day"; to the Committee on Armed Services.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. CAO, and Ms. ZOE LOFGREN of California):

H. Res. 672. A resolution calling on the Government of the Socialist Republic of Vietnam to release imprisoned bloggers and respect Internet freedom; to the Committee on Foreign Affairs.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. MCCARTHY of California, and Mr. HARPER):

H. Res. 674. A resolution extending the deep gratitude of the House of Representatives to the men and women of the United States Capitol Police for the vigilance, courage, and professionalism that they demonstrate daily in protecting Congress from all manner of threats; to the Committee on House Administration.

By Mr. PRICE of North Carolina (for himself, Mr. DREIER, Mr. WEXLER, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. MANZULLO, Mr. BERMAN, Ms. ROS-LEHTINEN, Ms.

HIRONO, Mrs. CAPPS, Ms. GRANGER, Mr. FORTENBERRY, Mr. BOOZMAN, Mr. BOUSTANY, Ms. ROYBAL-ALLARD, Mr. FARR, Ms. SCHWARTZ, Mr. ETHERIDGE, Mr. ELLISON, Mr. MILLER of North Carolina, Mr. POMEROY, Mr. MCDERMOTT, Mr. LEVIN, Mr. COOPER, Mr. PAYNE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BUCHANAN, Mr. GINGREY of Georgia, Mr. DELAHUNT, Mr. GORDON of Tennessee, Ms. WOOLSEY, Mr. SABLAN, and Ms. MOORE of Wisconsin):

H. Res. 675. A resolution condemning the July 17, 2009, terrorist bombings in Indonesia and expressing condolences to the people of Indonesia and the various other countries suffering casualties in the attacks; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. EDWARDS of Maryland.
H.R. 24: Mr. SHERMAN, Mr. SESTAK, and Mr. SCHOCK.
H.R. 39: Mr. HINCHEY, Mr. MCGOVERN, Mr. HEINRICH, Mr. INSLEE, Ms. SPEIER, Mr. RYAN of Ohio, and Mr. SERRANO.
H.R. 42: Mr. BERMAN.
H.R. 52: Mr. WEXLER.
H.R. 122: Mr. MARCHANT.
H.R. 213: Mr. WITTMAN and Ms. HERSETH SANDLIN.
H.R. 268: Mr. WITTMAN.
H.R. 333: Mr. TURNER and Mr. CHAFFETZ.
H.R. 433: Mr. WITTMAN.
H.R. 482: Mr. BUYER.
H.R. 510: Mr. KING of Iowa.
H.R. 690: Mr. SHULER, Mr. ISRAEL, and Mr. ROONEY.
H.R. 718: Mr. PAUL and Mrs. MYRICK.
H.R. 827: Mr. CARSON of Indiana.
H.R. 836: Mr. CUELLAR, Mr. PASTOR of Arizona, Mr. DAVIS of Kentucky, Mr. ROGERS of Alabama, Mr. BACA, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 881: Mr. KLINE of Minnesota and Mr. MORAN of Kansas.
H.R. 905: Mr. EHLERS.
H.R. 930: Mr. BARTLETT.
H.R. 953: Mr. KAGEN.
H.R. 1032: Ms. HERSETH SANDLIN.
H.R. 1076: Mr. PLATTS.
H.R. 1091: Mr. GEORGE MILLER of California.
H.R. 1103: Mr. CRENSHAW.
H.R. 1132: Mr. BRADY of Pennsylvania, Mr. NADLER of New York, Ms. HERSETH SANDLIN, and Mr. SPACE.
H.R. 1177: Mr. MCINTYRE, Mr. POSEY, and Mr. GRAVES.
H.R. 1215: Ms. KILPATRICK of Michigan, Ms. HIRONO, and Mr. HINCHEY.
H.R. 1250: Mr. WEXLER, Mr. BISHOP of New York, Mr. ROGERS of Kentucky, Ms. BEAN, and Mr. BONNER.
H.R. 1313: Mr. HALL of New York, Ms. FALLIN, and Mr. THOMPSON of California.
H.R. 1327: Mr. MARSHALL and Mr. MARCHANT.
H.R. 1351: Ms. SPEIER.
H.R. 1352: Mr. DAVIS of Alabama, Ms. FOXX, Mr. ROTHMAN of New Jersey, and Mr. KIND.
H.R. 1410: Mr. ROTHMAN of New Jersey.
H.R. 1425: Mr. PIERLUISI.
H.R. 1441: Mr. LATHAM, Mr. PAYNE, Mr. CRENSHAW, and Mr. MORAN of Kansas.
H.R. 1474: Mr. TONKO.
H.R. 1547: Mrs. EMERSON.
H.R. 1557: Mr. HIMES.

H.R. 1585: Mr. MOORE of Kansas.
H.R. 1589: Ms. WATERS and Mr. KUCINICH.
H.R. 1646: Mr. HARE.
H.R. 1670: Mr. FARR.
H.R. 1702: Mr. MCNERNEY.
H.R. 1716: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1818: Mr. CAPUANO.
H.R. 1826: Mr. JACKSON of Illinois.
H.R. 1829: Mr. BARROW.
H.R. 1831: Mr. PASCRELL, Mr. MURTHA, Mr. ABERCROMBIE, and Mr. GORDON of Tennessee.
H.R. 1844: Mr. GRIJALVA, Mr. JACKSON of Illinois, and Mr. PASTOR of Arizona.
H.R. 1894: Ms. MATSUI.
H.R. 1925: Mr. HIGGINS, Mr. LOEBSACK, and Mr. MICHAUD.
H.R. 1956: Mr. CASTLE.
H.R. 1974: Mr. GRIJALVA.
H.R. 1977: Ms. SCHAKOWSKY and Ms. JACKSON-LEE of Texas.
H.R. 2000: Ms. BERKLEY.
H.R. 2002: Mr. BOOZMAN, Mr. PRICE of North Carolina, and Mr. SARBANES.
H.R. 2035: Mr. KILDEE.
H.R. 2058: Mr. HOLT and Mr. ROTHMAN of New Jersey.
H.R. 2061: Mr. GARRETT of New Jersey.
H.R. 2084: Mr. GORDON of Tennessee.
H.R. 2113: Mr. GRIJALVA.
H.R. 2122: Mr. BURTON of Indiana.
H.R. 2137: Mr. JACKSON of Illinois, Mr. HINOJOSA, and Mr. BUTTERFIELD.
H.R. 2190: Ms. BALDWIN, Mr. FILNER, Mr. PAYNE, Ms. ESHOO, Mr. MILLER of North Carolina, and Mr. HOLT.
H.R. 2194: Mr. WAMP, Mr. HONDA, Mr. ISSA, Mr. SMITH of Texas, Mr. JORDAN of Ohio, Mrs. CAPITO, Mr. KENNEDY, Mr. SCOTT of Georgia, Mr. ROGERS of Kentucky, Mr. MARSHALL, Mr. AL GREEN of Texas, Mr. BUYER, and Mr. KINGSTON.
H.R. 2222: Mr. HOLDEN and Mr. MILLER of North Carolina.
H.R. 2254: Mr. LUCAS.
H.R. 2256: Mr. JOHNSON of Georgia and Mr. MEEKS of New York.
H.R. 2262: Ms. SCHAKOWSKY, Mr. SMITH of Washington, Ms. WATERS, Mr. PASTOR of Arizona, and Mr. GUTIERREZ.
H.R. 2268: Mr. MINNICK.
H.R. 2269: Mr. JACKSON of Illinois and Mr. GRIJALVA.
H.R. 2277: Mr. COHEN.
H.R. 2296: Mrs. HALVORSON, Mr. LATTA, and Mr. BOYD.
H.R. 2329: Mr. LOBIONDO, Mr. MORAN of Kansas, Mrs. BONO MACK, Mr. PUTNAM, Mr. ROONEY, and Mr. ROTHMAN of New Jersey.
H.R. 2396: Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KAGEN.
H.R. 2455: Ms. SHEA-PORTER, Mr. STARK, and Mr. RANGEL.
H.R. 2476: Mr. HELLER.
H.R. 2480: Mr. PATRICK J. MURPHY of Pennsylvania and Mrs. MALONEY.
H.R. 2493: Mr. MCHENRY and Mr. CARNAHAN.
H.R. 2542: Mrs. DAVIS of California.
H.R. 2561: Mr. GRAYSON.
H.R. 2565: Mr. THOMPSON of California.
H.R. 2648: Mr. CHANDLER.
H.R. 2681: Mr. CARSON of Indiana and Mr. SABLAN.
H.R. 2692: Mr. COSTELLO.
H.R. 2710: Mr. PRICE of North Carolina and Mr. CONYERS.
H.R. 2732: Mr. WILSON of South Carolina.
H.R. 2733: Mr. BONNER.
H.R. 2759: Mr. LARSON of Connecticut, Mr. MICHAUD, Mr. MCINTYRE, and Mr. JACKSON of Illinois.
H.R. 2766: Mr. BAIRD.
H.R. 2787: Mr. YOUNG of Alaska.

H.R. 2799: Mr. BRADY of Pennsylvania, Mr. CONNOLLY of Virginia, and Mr. RANGEL.
H.R. 2801: Mr. YOUNG of Alaska.
H.R. 2831: Ms. SCHAKOWSKY.
H.R. 2894: Mr. COSTELLO.
H.R. 2902: Mr. DEFazio.
H.R. 2906: Mr. ROGERS of Michigan and Ms. BERKLEY.
H.R. 2946: Mr. SPACE and Mr. GORDON of Tennessee.
H.R. 2964: Mr. LOBIONDO.
H.R. 2992: Mr. JOHNSON of Illinois.
H.R. 2993: Mr. LUCAS.
H.R. 3017: Ms. HIRONO and Mr. THOMPSON of California.
H.R. 3020: Mr. KRATOVLIL.
H.R. 3036: Mr. JOHNSON of Illinois.
H.R. 3042: Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. BRADY of Pennsylvania, Ms. KILROY, and Mr. CONNOLLY of Virginia.
H.R. 3043: Mr. CARSON of Indiana, Mr. DOGETT, Mr. FILNER, Mr. McDERMOTT, and Ms. WOOLSEY.
H.R. 3053: Mr. STARK.
H.R. 3057: Mrs. LOWEY, Mr. BISHOP of New York, and Mr. RYAN of Ohio.
H.R. 3070: Mr. GRIJALVA, Mr. McMAHON, and Ms. KILPATRICK of Michigan.
H.R. 3092: Mr. WEXLER.
H.R. 3102: Ms. KILPATRICK of Michigan.
H.R. 3106: Ms. KILPATRICK of Michigan and Mr. GRIJALVA.
H.R. 3110: Mr. FILNER and Mr. McMAHON.
H.R. 3116: Mr. ROSS.
H.R. 3131: Mr. COBLE, Mr. LATTA, Mr. BROUN of Georgia, Ms. FOXX, Mr. GINGREY of Georgia, Mr. SHADEGG, Ms. FALLIN, Mr. KING of Iowa, Mrs. SCHMIDT, Mr. ISSA, Mr. PENCE, Mr. CONAWAY, Mr. CHAFFETZ, Mr. KINGSTON, Mr. FLEMING, and Mr. PITTS.
H.R. 3144: Ms. GIFFORDS.
H.R. 3164: Mr. HONDA and Mr. NYE.
H.R. 3168: Mr. McDERMOTT.
H.R. 3186: Mr. FILNER.
H.R. 3212: Mr. PAULSEN and Ms. SCHAKOWSKY.
H.R. 3221: Mr. HONDA, Ms. CHU, Mr. HALL of New York, Mr. DINGELL, and Mr. LEVIN.
H.R. 3225: Mr. HINCHEY, Ms. HIRONO, Mr. OLVER, and Mr. STARK.
H.R. 3232: Ms. KAPTUR, Mr. DRIEHAUS, and Ms. WATERS.
H.R. 3245: Ms. EDWARDS of Maryland and Mr. DAVIS of Illinois.
H.R. 3250: Mrs. LOWEY, Ms. CLARKE, Mr. KING of New York, Mr. LEE of New York, and Mr. CAO.
H.R. 3264: Ms. BORDALLO.
H.R. 3265: Mr. MORAN of Virginia.
H.R. 3269: Ms. WATERS.
H.J. Res. 26: Mr. WEINER.
H. Con. Res. 51: Mr. PENCE, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. SIRES, Mr. CROWLEY, and Mr. WILSON of South Carolina.
H. Con. Res. 74: Mr. MURPHY of Connecticut.
H. Con. Res. 98: Ms. WOOLSEY.
H. Con. Res. 121: Mr. BISHOP of Georgia, Mr. HUNTER, and Mr. TURNER.
H. Con. Res. 126: Mr. SNYDER and Mr. McDERMOTT.
H. Con. Res. 128: Ms. SHEA-PORTER, Ms. ROS-LEHTINEN, and Mr. MCGOVERN.
H. Con. Res. 157: Mr. ROHRBACHER and Mr. WILSON of Ohio.
H. Con. Res. 159: Mr. ACKERMAN and Mr. MILLER of North Carolina.
H. Con. Res. 163: Mr. KILDEE, Mr. ORTIZ, Mr. DOGETT, Mr. MCGOVERN, and Mr. SABLAN.
H. Con. Res. 167: Mr. COSTA.
H. Res. 57: Mr. TIBERI.
H. Res. 175: Mr. ROTHMAN of New Jersey.
H. Res. 252: Mrs. BONO MACK.

H. Res. 267: Mr. ROGERS of Michigan.
H. Res. 291: Mr. ISRAEL, Mr. CAPUANO, Mr. MOORE of Kansas, Mr. GRIJALVA, and Mr. KING of New York.
H. Res. 333: Mr. STARK.
H. Res. 403: Mr. COHEN.
H. Res. 459: Mrs. BIGGERT, Mr. COSTELLO, Mr. JOHNSON of Illinois, and Mr. HARE.
H. Res. 494: Mr. MILLER of North Carolina, Mr. ORTIZ, and Mr. JOHNSON of Georgia.
H. Res. 510: Mr. CONYERS.
H. Res. 511: Mr. McDERMOTT, Mr. GRIJALVA, Mr. DELAHUNT, Mr. FALEOMAVAEGA, Ms. WATSON, Mr. DINGELL, Mr. PAYNE, Ms. HIRONO, Mr. TIERNEY, Mr. TANNER, and Ms. JACKSON-LEE of Texas.
H. Res. 555: Mr. HONDA, Mr. ROTHMAN of New Jersey, Mr. REHBERG, Mr. WILSON of South Carolina, Mr. SIRES, Mr. GALLEGLY, Ms. ZOE LOFGREN of California, Mr. FORTENBERRY, and Ms. MCCOLLUM.
H. Res. 569: Mr. CONYERS, Mr. HOLT, Ms. GIFFORDS, Mr. BOSWELL, Mr. OLVER, Mr. FILNER, Mr. RANGEL, Ms. KAPTUR, Mr. CONNOLLY of Virginia, Mr. DELAHUNT, Mr. SMITH of Washington, Mr. KING of Iowa, Mr. ELLISON, Ms. MCCOLLUM, and Mr. HONDA.
H. Res. 583: Mr. SABLAN.
H. Res. 599: Mr. HINCHEY.
H. Res. 605: Mr. CULBERSON, Mr. PRICE of North Carolina, Mr. HUNTER, Mr. DENT, and Ms. KILROY.
H. Res. 608: Ms. BORDALLO.
H. Res. 611: Mr. CULBERSON.
H. Res. 619: Mr. BROWN of South Carolina, Mr. SHIMKUS, Mr. STEARNS, and Mr. NUNES.
H. Res. 630: Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Mr. FATTAH, Mr. BISHOP of Georgia, and Mr. RODRIGUEZ.
H. Res. 659: Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, and Ms. CLARKE.
H. Res. 663: Ms. GINNY BROWN-WAITE of Florida.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative OBEY of Wisconsin, or a designee, to H.R. 3293, the Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3293

OFFERED BY: MR. KLINE OF MINNESOTA

AMENDMENT No. 1: Page 2, line 19, after the dollar amount, insert “(reduced by \$195,000,000)”.

Page 6, line 7, after the dollar amount, insert “(reduced by \$195,000,000)”.

Page 8, line 3, after the dollar amount, insert “(reduced by \$50,000,000)”.

Page 8, line 12, after the dollar amount, insert “(reduced by \$130,000,000)”.

Page 8, line 21, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 43, line 16, after the first dollar amount, insert “(reduced by \$300,000,000)”.

Page 43, line 20, after the dollar amount, insert “(reduced by \$300,000,000)”.

Page 84, line 17, after the dollar amount, insert “(reduced by \$100,000,000)”.

Page 84, line 18, after the dollar amount, insert “(reduced by \$100,000,000)”.

Page 86, line 25, after the dollar amount, insert “(reduced by \$148,000,000)”.

Page 87, line 9, after the dollar amount, insert “(reduced by \$38,000,000)”.

Page 91, line 23, after the dollar amount, insert “(increased by \$1,000,150,000)”.

Page 91, line 24, after the dollar amount, insert “(increased by \$1,000,150,000)”.

Page 94, line 8, after the dollar amount, insert “(reduced by \$88,000,000)”.

Page 94, line 9, after the dollar amount, insert “(reduced by \$4,400,000)”.

Page 94, line 11, after the dollar amount, insert “(reduced by \$83,600,000)”.

Page 95, line 23, after the dollar amount, insert “(reduced by \$88,000,000)”.

Page 107, line 7, after the dollar amount, insert “(reduced by \$111,615,000)”.

Page 107, line 8, after the dollar amount, insert “(reduced by \$8,997,000)”.

Page 107, line 9, after the dollar amount, insert “(reduced by \$102,618,000)”.

Page 107, line 16, after the dollar amount, insert “(reduced by \$21,607,000)”.

Page 107, line 18, after the dollar amount, insert “(reduced by \$7,500,000)”.

Page 107, line 21, after the dollar amount, insert “(reduced by \$5,000,000)”.

Page 108, line 1, after the dollar amount, insert “(reduced by \$5,210,000)”.

Page 108, line 11, after the dollar amount, insert “(reduced by \$47,139,000)”.

Page 109, line 11, after the dollar amount, insert “(reduced by \$9,208,000)”.

Page 109, line 15, after the dollar amount, insert “(reduced by \$1,188,000)”.

H.R. 3293

OFFERED BY: MR. KINGSTON

AMENDMENT No. 2: Page 14, line 11, insert before the period the following: “*Provided*, That not less than \$20,000,000 shall be used for technology-based overpayment prevention, detection, and collection infrastructure investments to conduct such reviews”.

H.R. 3293

OFFERED BY: MR. BUYER

AMENDMENT No. 3: Page 29, line 7, after the dollar amount, insert the following: “(increased by \$10,359,000)”.

Page 28, line 8, after the dollar amount, insert the following: “(increased by \$10,359,000)”.

Page 107, line 7, after the dollar amount, insert the following: “(reduced by \$10,359,000)”.

Page 107, line 9, after the dollar amount, insert the following: “(reduced by \$10,359,000)”.

H.R. 3293

OFFERED BY: MR. BUYER

AMENDMENT No. 4: Page 29, line 7, after the dollar amount, insert the following: “(increased by \$12,670,000)”.

Page 107, line 7, after the dollar amount, insert the following: “(reduced by \$12,670,000)”.

Page 107, line 9, after the dollar amount, insert the following: “(reduced by \$12,670,000)”.

H.R. 3293

OFFERED BY: MR. CAO

AMENDMENT No. 5: Page 44, line 4, after the dollar amount, insert “(reduced by \$17,000,000)”.

Page 47, line 5, after the dollar amount, insert “(increased by \$17,000,000)”.

H.R. 3293

OFFERED BY: MR. CAO

AMENDMENT No. 6: Page 84, line 17, after the dollar amount, insert “(increased by \$30,000,000)”.

Page 94, line 8, after the dollar amount, insert “(reduced by \$16,000,000)”.

Page 94, line 9, after the dollar amount, insert “(reduced by \$16,000,000)”.

Page 102, line 7, after the first dollar amount, insert “(reduced by \$14,000,000)”.

H.R. 3293

OFFERED BY: MR. BUYER

AMENDMENT No. 7: Page 97, line 18, after the first dollar amount, insert the following: “(increased by \$16,000,000)”.

Page 107, line 7, after the dollar amount, insert the following: “(reduced by \$16,000,000)”.

Page 107, line 9, after the dollar amount, insert the following: “(reduced by \$16,000,000)”.

H.R. 3293

OFFERED BY: MR. LAMBORN

AMENDMENT No. 8: Page 110, strike line 23 and all that follows through page 12, line 16.

H.R. 3293

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 9: At the end of the bill, before the short title, insert the following:

SEC. ____ None of the funds made available under this Act may be used to fund Presidential Rank Award payments for Distinguished Executive or Meritorious Executive award recipients.

H.R. 3293

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 10: At the end of the bill, before the short title, insert the following:

SEC. ____ Appropriations made in this Act are hereby reduced by 0.05 percent.

H.R. 3293

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT No. 11: At the end of the bill (before the short title) insert the following:

SEC. 524. None of the funds made available in this Act may be used in contravention of the Defense of Marriage Act (Public law 104-199).

H.R. 3293

OFFERED BY: MR. CAMP

AMENDMENT No. 12: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used by any entity receiving funds under this Act, other than the Centers for Medicare & Medicaid Services, to alter Medicare reimbursement rates under part A or B of title XVIII of the Social Security Act.

H.R. 3293

OFFERED BY: MR. CANTOR

AMENDMENT No. 13: At the end of the bill (before the short title), insert the following:

SEC. 524. None of the funds appropriated or made available under this Act may be used by the Corporation for Public Broadcasting to find that the broadcast of a religious service by a recipient of Community Service Grants is in violation of the eligibility criteria for community service grants.

H.R. 3293

OFFERED BY: MR. CARTER

AMENDMENT No. 14: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used to promulgate, amend, or repeal any regulation pursuant to

the Federal Family Education Loan program under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

H.R. 3293

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT No. 15: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used to establish or implement any requirement that an individual receive vaccination for human papillomavirus (HPV) as a condition of school admittance or matriculation.

H.R. 3293

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT No. 16: At the end of the bill (before the short title), insert the following:

SEC. 524. None of the funds made available in this Act may be used to implement subsections (a) and (c) of section 7131 of title 5, United States Code.

H.R. 3293

OFFERED BY: MR. GRAVES

AMENDMENT No. 17: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used to promulgate, issue, implement, administer, or enforce any regulation that requires an owner of a small business concern as defined in section 3 of the Small Business Act (15 U.S.C. 632) to offer a health benefits plan to an employee.

H.R. 3293

OFFERED BY: MS. JENKINS

AMENDMENT No. 18: Add at the end, before the short title, the following new section:

SEC. ____ Section 1820(c)(2)(B)(i) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)) is amended by inserting “, or was located in such a rural area at the time that the hospital was originally designated as a critical access hospital under this paragraph (but subsequently such a rural area was redesignated as an urban area, as defined in section 1886(d)(2)(D)),” after “(or equivalent unit of local government) in a rural area (as defined in section 1886(d)(2)(D))”.

H.R. 3293

OFFERED BY: MR. SAM JOHNSON OF TEXAS

AMENDMENT No. 19: At the end of the bill (before the short title), insert the following:

SEC. 524. None of the funds made available in this Act may be used to fund the defense of the case Brian Hall et al v. Leavitt et al (case number 1:2008cv01715) being heard in United States District Court for the District of Columbia.

H.R. 3293

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 20: At the end of the bill (before the short title), insert the following:

SEC. 524. None of the funds made available in this Act shall be made available to the Association of Community Organizations for Reform Now, Acorn Beneficial Assoc., Inc., Arkansas Broadcast Foundation, Inc., Acorn Children's Beneficial Assoc., Arkansas Community Housing Corp., Acorn Community Land Assoc., Inc., Acorn Community Land Assoc. of Illinois, Acorn Community Land Association of Louisiana, Acorn Community Land Assoc. of Pennsylvania, ACORN Community Labor Organizing Center, ACORN Beverly LLC, ACORN Canada, ACORN Center for Housing, ACORN Housing Affordable Loans LLC, Acorn Housing 1 Associates, LP, Acorn Housing 2 Associates, LP, ACORN Housing 3 Associates LP, ACORN Housing 4 Associates, L.P., ACORN International, ACORN VOTES, Acorn 2004 Housing Develop-

ment Fund Corporation, ACRMW, ACSI, Acorn Cultural Trust, Inc., American Environmental Justice Project, Inc., ACORN Fund, Inc., Acorn Fair Housing Organization, Inc., Acorn Foster Parents, Inc., Agape Broadcast Foundation Inc., Acorn Housing Corporation, Arkansas Acorn Housing Corporation, Acorn Housing Corp. of Arizona, Acorn Housing Corp. of Illinois, Acorn Housing Corp. of Missouri, New Jersey ACORN Housing Corporation, Inc., AHCNY, Acorn Housing Corp. of Pennsylvania, Texas ACORN Housing Corporation, Inc., American Institute for Social Justice, Acorn law for Education, Rep. & Training, Acorn Law Reform Pac, Affiliated Media Foundation Movement, Albuquerque Minimum Wage Committee, Acorn National Broadcasting Network, Arkansas New Party, Arkansas Acorn Political Action Committee, Association for Rights of Citizens, Acorn Services, Inc., Acorn Television in Action for Communities, Acorn Tenants' Union, Inc., Acorn Tenant Union Training & Org. Project, AWA, Baltimore Organizing Support Center, Inc., Bronx Parent Leadership, Baton Rouge ACORN Education Project, Inc., Baton Rouge Assoc. of School Employees, Broad Street Corporation, California Acorn Political Action Committee, Citizens Action Research Project, Council Beneficial Association, Citizens Campaign for Fair Work, Living Wage Etc., Citizens Consulting, Inc., California Community Network, Citizens for April Troop, Clean Government Pac, Chicago Organizing and Support Center, Inc., Council Health Plan, Citizens Services Society, Campaign For Justice at Avondale, CLOC, Community and Labor for Baltimore, Chief Organizer Fund, Colorado Organizing and Support Center, Community Real Estate Processing, Inc., Campaign to Reward Work, Citizens Services Incorporated, Elysian Fields Corporation, Environmental Justice Training Project, Inc., Franklin Acorn Housing Corporation, Flagstaff Broadcast Foundation, Floridians for All PAC, Fifteenth Street Corporation, Friends of Wendy Foy, Greenwell Springs Corporations, Genevieve Stewart Campaign Fund, Hammurabi Fund, Houston Organizing Support Center, Hospitality Hotel and Restaurant Org. Council, Iowa ACORN Broadcasting Corp., Illinois Home Day Care Workers Association, Inc., Illinois Acorn Political Action Committee, Illinois New Party, Illinois New Party Political Committee, Institute for Worker Education, Inc., Jefferson Association of Parish Employees, Jefferson Association of School Employees, Johnnie Pugh Campaign Fund, Louisiana ACORN Political Action Committee, Louisiana Acorn Fair Housing, Inc., Labor Neighbor Research & Training Center, Inc., Service Employee Int UNION L100, Local 100 Health and Warfare Fund, Local 100 Political Action Committee, Local 100 Retirement Plan, Service Employees International Union L880, Local 880 SEIU Political Action Committee, Local 880 SEIU Power Political Action Committee, Massachusetts ACORN Political Action Committee, Maryland ACORN Political Action Committee, Mott Haven ACORN Housing Development Fund, Mutual Housing Association of New York, Inc., MHANY A/A/F Neighborhood Restore HDPC, MHANY 2003 Housing Development Fund Corporation, Missouri Home Day Care Workers Association, Inc., McClellan Multi Family Corporation, Minnesota ACORN Political Action Committee, Neighbors for Athelia Ray, Neighbors for Maria Torres, Neighbors for Ted Thomas, New Mexico ACORN Fair Housing, Inc., New Mexico ACORN Political Action Committee,

New Mexico Organizing Support Center, New Orleans Campaign for a, New York Agency for Community Affairs, Inc., New York Acorn Political Action Committee, New York Organizing and Support Center, Oregon ACORN Political Action Committee, Pennsylvania ACORN Political Action Committee, Pugh Election Committee, People's Equipment Resource Corporation, Progressive Houston, Pennsylvania Institute for Community Affairs, Inc., Phoenix Organizing and Support Center, Inc., Progressive St. Louis, Referendum Committee for an Accountable Future, Rhode Island APAC, Sixth Avenue Corporation, San Jacinto Street Corp, St. Louis Organizing and Support Cen-

ter, Inc., St. Louis Tax Reform Group, Inc., Service Workers Action Team, Texas United City-County Employees, Texas United School Employees, Inc., United Security Workers for America, Local, Volunteers for America, Inc., Voting for America, Inc., Washington ACORN Political Action Committee, WARN, Working Families Association, Inc., Wal-Mart Workers Association, 385 Palmetto or 650 Political Action Committee.

H.R. 3293

OFFERED BY: MR. LEWIS OF CALIFORNIA

AMENDMENT NO. 21: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used by the Secretary of

Health and Human Services to promulgate, issue, implement, administer, or enforce any regulation with respect to a program of health insurance not in existence as of July 15, 2009.

H.R. 3293

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 22: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to make coverage or reimbursement decisions resulting from comparative effectiveness research in any health insurance plan administered by the Secretary of Health and Human Services.

SENATE—Thursday, July 23, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by American Legion national chaplain Rev. Lawrence L. Vollink from Ypsilanti, MI.

The guest Chaplain offered the following prayer:

Let us pray.

For all of our honorable Senators and staff, we pray, eternal God. We thank You for all of the blessings You have bestowed upon us, especially for this great Nation we are privileged to serve. We ask that You be with all of our leaders who are making the decisions that affect us, that You would endow them with courage and conviction, adding wisdom to their knowledge and flavoring it with humility.

May our motivations be out of our love for all people to help them to live peacefully. We ask for tasks that are suited to our strength, but we ask for Your strength for any task You have given us. Help us to live in the knowledge that You have matched us to this hour in history and that the place and time of our service to You and to our country is not random but by Your wisdom and direction.

Father, walk close to our Senators, that they may not fail. Remind all of us, Lord, that Your wisdom is not found in an hour, a day, or a year but in a process that lasts a lifetime, with You, Lord, by our side. We ask for patience, for understanding, as our Senators serve this beloved country.

We ask that You watch over our Armed Forces this day and always.

O Lord, You are our strength and shield. Bless us with Your abiding presence, now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 23, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of the Department of Defense authorization bill. Last night, I filed cloture on this bill. The vote is expected to occur 1 hour after we come in tomorrow. Germane first-degree amendments must be filed at the desk prior to 1 p.m. today in order to be considered postcloture. Rollcall votes in relation to amendments are expected to occur throughout the day and into the evening. This is the time for people who have indicated they want to offer amendments to do so. We had a lot of down time in which Members could have, but we are making progress on the bill. It is my understanding, from speaking to the managers, that for the most contentious issues, there is a pathway to completion. I hope that in fact is the case.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE WEEK VII, DAY II

Mr. McCONNELL. Madam President, last night, the President, to his credit, reiterated what the American people have been saying for weeks: that the Democratic health care proposals we have seen so far aren't where they need to be. I couldn't agree with him more. President Obama also said that rising health care costs are an imminent threat to our economy and that any reform must reduce these long-term costs.

The problems the President highlighted are real and, here again, Republicans agree with him. Unfortunately, the solutions to these problems are not in the Democrat plans now working their way through Congress. In fact, the bills we have seen would make these problems even worse. The director of the Congressional Budget Office has said that these proposals would increase overall health care spending, not reduce it. All of us want health care reform. But we want reform that brings down costs and long-term spending, not a so-called reform that makes things even worse.

The President also said health care reform must not increase the national debt. Republicans agree with that too. But, again, both Democrat bills we have seen would saddle Americans with hundreds of billions of dollars of additional debt, making the situation even worse. Just yesterday, the Chairman of the Federal Reserve warned that unless we get serious about spending and debt, we are endangering not only our recovery from the current recession but also endangering future economic growth. That is why he said any health care reform must get control of costs. Otherwise, it could bankrupt both our government and eventually our entire economy.

So the last thing we need is a flawed health care bill that adds to the national debt and increases long-term health care costs. Instead of trying to rush through proposals that don't work, we need to take the time to do it right and make the reforms the American people are asking for—reforms that won't put us on the road to bankruptcy.

DEBT AND SECURITY

Mr. McCONNELL. Madam President, earlier this year I came to the Senate floor and outlined a number of foreign policy principles that have served our Nation well in the past and which I believe would serve us well in the future. In doing so, it was my hope that these principles would serve as the basis of steady bipartisan cooperation between the Senate and the new administration. These principles transcend party; they are time-tested; and they can be summed up in a single sentence: the cornerstone of U.S. National security policy lies in maintaining a strong and ready defense and in keeping our alliances strong.

As the Senate continues to debate the Defense authorization bill, I would

like to take the opportunity to reiterate the importance of this fundamental principle of action and to highlight something that seriously endangers our ability to uphold it. I am referring to our Nation's staggering National debt.

The national debt threatens our way of life; it threatens the value of our national currency; and it threatens our ability to pay for entitlements that millions of Americans depend on. Yet, just as importantly, the national debt also endangers our position in the world, the long term capabilities of our military, and the long-term viability of the all-volunteer force that is currently serving us so ably and courageously in two very challenging wars. And that is why it is increasingly urgent that we focus on this growing threat and do something about it.

Let us put the current situation in context. The story of the American military over the past century reflects what historians have described as a feast or famine approach to defense. The pattern goes back at least as far as our entry into World War I and extends through our involvement in World War II, the Korean war, and Vietnam. In every case, the U.S. military underwent an abrupt expansion of manpower and armaments only to be followed by calls for a drawdown in the size of our force and a reduction in defense spending. This pattern, though not always well-advised, may have been understandable in some cases in the past. But the nature of our current threats and position in the world makes it indefensible today.

With developments in weapons technology, America no longer has the luxury of isolation. And September 11 showed us that we can no longer leave ungoverned territories unwatched. The demands on today's military are constant. We are either on offense, or we are at risk. Feast or famine and isolationism no longer work.

And this is why our ever-growing national debt is so perilous—because even those who believe as I do that a strong and ready defense is the cornerstone of our security will not be able to guarantee it if current fiscal trends persist. Put simply: if we do nothing to pay down this debt and address the needs of Social Security, Medicare, and Medicaid, then America risks finding itself so weakened financially that some day in the not-too-distant future we just will not have the resources we need to equip and maintain our forces in the places they are needed most.

Consider the fact that the Federal Government is now spending an average of \$100 million a day just to pay the interest on a single piece of legislation, the \$1 trillion stimulus bill that Congress passed earlier this year. Or that it is estimated we will pay \$347 billion in interest on just this one bill over the next 10 years. At current rates of

spending, that is enough to provide health care for our Nation's veterans for more than 5 years. It is enough to cover the salaries and benefits of all our active-duty and reserve forces for 2½ years. Or it is nearly \$350 billion we could put back into the pockets of the American people at a time when they could really use it.

And that is just one piece of legislation. Now imagine what it costs to finance our entire national debt. By the end of the decade, it is estimated that under the President's budget we will spend nearly \$800 billion a year just to cover the interest on the national credit card—not reducing what we owe, but just keeping the creditors from knocking on the door. Here is the frightening part of where we are: by 2017, the amount of money we are expected to spend on interest alone will exceed the amount of money we are expected to spend that year on all of defense.

The implications of this for our national security are clear. More and more, our ability to deploy forces with state-of-the-art weaponry is in competition with our financial obligation to the countries that hold our debt, and we get closer to the day when countries that hold large amounts of U.S. debt, such as China and Saudi Arabia, could directly influence the foreign policy decisions of a future President.

We also get closer to the day when our allies and partners will rethink the value of a relationship with the United States.

Sooner or later, we will have to face the fact that we are on a path that leads to some very unpleasant choices. Either we default on our debts, which we will not do, print more money to cover those debts and tempt a massive inflationary spiral, or be forced to withdraw from our security commitments, just as Great Britain did at the end of the Second World War.

America's all-volunteer force costs a lot of money to maintain. Indeed, one of the major reasons we have been able to avoid conscription in this country since the Vietnam war has been our ability to maintain recruiting and retention policies through an attractive retirement system, recruiting bonuses, incentive pay and sensible housing allowances. In current dollars, military personnel costs have increased from \$69 billion to \$131 billion a year over the past decade.

But these necessary expenses will soon be crowded out by the growing cost of long-term entitlements and the growing principal and higher and higher interest payments on our debt. And spending increases we now regard as necessary may no longer be possible. The choice is clear: in order to provide for the common defense, we must reform entitlement programs that are consuming a larger and larger share of our budget and reduce the national debt.

Cutting \$100 million here or there in discretionary costs will not do the trick. In 1965, discretionary spending accounted for 62 percent of the budget. Today, it accounts for just 38 percent. As discretionary spending has become a smaller and smaller part of the pie, mandatory spending on entitlements and debt has become a bigger and bigger part of the pie. In 1965, mandatory spending and interest accounted for 38 percent of the budget. Today, they account for 62 percent or nearly two-thirds of the entire budget.

This means that in order to face our problem head on, we will have to address the problem of entitlement spending. And the only serious option on the table is the Conrad-Gregg proposal which would provide a clear pathway for fixing these long-term challenges by forcing us to get debt and spending under control.

I have had a number of good conversations about this proposal with the President. Based on those conversations, I am hopeful it will be given serious attention. For the safety and security of our Nation, the Conrad-Gregg proposal deserves broad bipartisan support.

Every Secretary of Defense must confront the tension between America's near-term readiness and future investment. But some future Defense Secretary will no longer be able to make either choice if we do nothing to address the problem of long-term debt. Regardless of the global threats we face, we will be forced to field a smaller and less capable force. The money will not be there.

When most Americans think about threats to our security, they come up with a standard list. But few people include our growing national debt. They should—because it is real and it is serious.

Based on current trends, it is quite possible to imagine some future Chairman of the Joint Chiefs of Staff walking into the Oval Office one day and informing the Commander in Chief that he has no choice: he can either protect the sealanes in the Persian Gulf or he can protect the sealanes in the Sea of Japan, but he cannot do both. On that day the United States of America will no longer be the guarantor of the international trading system, sea lines of communication, the security of our allies, or even our own independence.

All of this should matter to Members of the Senate. Americans trust our Nation's intelligence and uniformed personnel to protect them from distant threats. But it is incumbent upon the men and women of this body—those of us who control the purse strings—to make sure the Nation's resources are managed in a way that enables these forces to do their work. The men and women of the Senate must look beyond the narrow demands of a single political term in office or the next election

to the long-term security of our Nation and, indeed, the world. No one else can protect the American people from the diminishment of power and capability that come with our dangerous and ever-increasing national debt.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS BRIAN L. GORHAM

Mr. McCONNELL. Madam President, with sadness I rise today to speak about a fallen warrior from my home State of Kentucky. On December 31, 2007, PFC Brian L. Gorham succumbed to injuries sustained earlier that month when an explosive device struck his vehicle while on patrol in Afghanistan.

Private First Class Gorham hailed from Woodburn, KY. He was 21 years old and was able to spend the last days of his life not halfway around the world but back in America—in a hospital in Fort Sam Houston, TX, to be precise—surrounded by his loving family.

For his bravery in uniform, Private First Class Gorham received several medals, awards, and decorations, including the Army Good Conduct Medal, the Purple Heart, and the Bronze Star Medal.

At Brian's funeral service in Franklin, KY, hundreds of people came to offer their sympathies to his family and friends. Brian's father, Toney Gorham, said:

It's hard to believe that so many people, a lot of them I don't know, walked up to me, shook my hand or patted me on the back, and told me, "We're proud that your son fought for us and sacrificed for us."

Maybe it is not so surprising if you know the dedication Brian put into everything he did from a very early age. Jack Wright, Brian's Sunday school teacher, remembers when Brian was a young middle school student who would participate in the two-hand touch football games that were played after Bible study services on Wednesday nights.

"Brian was never the biggest or fastest," Jack says, "But no one put more effort into the game and no one enjoyed playing any better than Brian."

That enthusiasm carried over when Brian joined the football team at Drakes Creek Middle School. Brian also liked basketball and baseball and could often find a pickup game with the neighborhood kids many nights after school.

In high school, Brian joined the Junior ROTC Program, and just like in those football games, he put his all into becoming the best. He succeeded by being in the first group to complete his ROTC Program's Leadership Academy.

That achievement was symbolized, on Brian's dress uniform, by a silver band around his right shoulder. Jack Wright remembers Brian would proudly wear his ROTC uniform to services at

Woodburn Baptist Church for many years.

Brian still found time for fun, of course. He loved to fish, explore the caves near his house, and float down the creek in his friend's boat. One time Brian and some of his friends were racing go-carts and decided to hold a contest to see who could drive through a huge mud puddle and come out the muddiest.

This is one contest Brian's parents are probably glad he did not win. Another boy was so muddy that when his mom came to pick him up, she made him ride home in the trunk rather than on the seat.

Brian was close to his sister Brandie and his brother Henry. When they were kids, Brandie made Brian play dolls with her, although the easy-going Brian did not seem to mind. Henry was his big brother's little shadow. The two would watch wrestling together and act out the wrestling moves.

Henry remembers during one of his football games at school, both his parents were unable to attend. Henry was not doing so well until he heard his big brother Brian cheering him on from the sidelines. That gave him the extra confidence he needed.

Brian's mother Shirley also remembers a time when she and Toney went away for the weekend, and Brian called her to say he was cooking dinner for some friends and not to worry, they were sharing the cost. He said he would have food ready for them, too, when they got back.

So Shirley and Toney came home to find Brian had barbecued, and they sat down to a wonderful meal. It was not until the next day when Shirley realized Brian had emptied out the freezer, and there was nothing left in the house to cook.

Brian graduated from Greenwood High School in 2003, and after serving as commander of his school's Junior ROTC Program, he enlisted in the Army. He was assigned to Company D, 1st Battalion, 503rd Infantry Regiment, 173rd Airborne Brigade Combat Team, stationed in Vicenza, Italy.

Brian's family remembers how Brian loved what he was doing and took pride in his work. His mother Shirley was proud of her son's humanitarian work in uniform. In Afghanistan he distributed seeds to the Afghan farmers and helped provide security for the engineers to build roads and rebuild the country.

Madam President, we must keep Brian's family and friends in our thoughts as I recount his story for the Senate today. We are thinking of his mother and father, Shirley and Toney Gorham; his sister Brandie Dixon, and her husband Lawrence; his brother Henry; his maternal grandparents, Roger and Esther Bunch; his paternal grandmother, Neil Tabor; his aunt, Regina Peterson; and many other beloved family members and friends.

Madam President, Brian had a 1976 Chevy pickup that was passed down through the family. He called it Old Blue. He would often have a hard time starting it and had to wake up his sister to start it for him on some days.

When Brian was in the hospital in Texas, he told his father that he wanted the two of them to work on restoring Old Blue together. Brian did not get to finish that task. But Toney has the pickup in his garage now, and he promises to fulfill his son's wish.

Our country must also fulfill a promise to PFC Brian L. Gorham and forever honor his service. It is the least we can do after his tremendous sacrifice.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1390, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Kyl amendment No. 1760, to pursue United States objectives in bilateral arms control with the Russian Federation.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, we are now back on the bill, as the clerk has indicated, and as the Acting President pro tempore has indicated. It was agreed to last night in our unanimous consent request that I offered and was accepted that the next order of business would be to take up the Kyl amendment, and there would be protected either a second-degree or a side-by-side amendment to that amendment; and then we would move, after that, to an amendment by the Senator from Connecticut, Mr. LIEBERMAN, and a side-by-side or second-degree amendment could then be offered by the Senator from Indiana, Mr. BAYH.

Madam President, I see my friend from Arizona is here. In a moment, I am going to suggest we reverse the order of that because of Senator KERRY's requirements this morning. I have no objection at some point to entering into a time agreement on Kyl, by the way, at all. That is not the purpose, to delay that to a cloture moment. But I think the minority would want to see the language of any side-

by-side before there was an agreement to a time agreement. If not, I am happy to enter into a time agreement on Senator KYL's and any second degree or side-by-side at any time my good friend from Arizona wants to do that.

But in order for the convenience of the parties, if Senator LIEBERMAN and Senator BAYH could come down now—if they can do that—I would like to inquire about that and dispose of their amendments first and then take up the Kyl amendment with a time agreement—just to reverse the order of those two because of the Finance Committee's meetings this morning, which Senator KERRY needs to attend.

I have not had a chance to talk to my friend from Arizona about this just because of the way the morning goes. That is what I would like to suggest. If that can be done, it would simplify things.

There are also a number of other things we need to do. We have—and I think the Senator from Arizona is familiar with this—an amendment on voting rights for the troops which I think has been cleared. It is a bipartisan amendment which is going to need about 15 minutes of debate, I understand. That could be done as well, hopefully.

But my goal, if it is agreeable to the Republican manager, would be to basically flip the two, with time agreements for both, going first to the Lieberman and Bayh amendments, if they are able to do it.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, let me just say to my friend, the distinguished chairman, all of our Members have very busy schedules. The Senator from Arizona, whose amendment it is, happens to be the second ranking Republican and has heavy responsibilities. I would point out that we waited for a couple hours yesterday for the same Senator yesterday afternoon to be able to come to the floor to address another amendment. At the same time, the clock is running because the majority leader has filed cloture on the bill.

So are we going to run the proceedings here, consideration of the authorization bill, based on the priorities of one Senator or are we going to carry out what we all agreed to last night in the unanimous consent agreement? There was no objection last night from the Senator from Massachusetts. He could have objected. So now we want to turn everybody else's schedules on their heads because one Senator has some other priorities.

Obviously, we are going to finish the bill because the majority leader filed cloture, and we have to close out the bill, after spending nearly a week on two issues, hate crimes and guns, neither of which had a single thing to do with the Defense authorization bill—because, unprecedented in the 20-some

years I have been a member of the Armed Services Committee, the majority leader of the Senate came to the floor and proposed a hate crimes bill that had not been through the committee of jurisdiction and was, obviously, very controversial on this side.

So after getting bollixed up for a week and a half—or at least a week—on those two issues, we enter into a unanimous consent agreement when the majority leader files cloture to close off debate on this side. That is the reason it is done. So now we are supposed to overturn, some 10 hours later, a unanimous consent agreement because one Senator cannot fit it into his schedule, when the sponsor of the amendment is the No. 2 ranking member on this side? There is something wrong with that process.

I will be glad to discuss it with the distinguished chairman and we will try and see if we can adjust to it. In the meantime, the clock continues to run and we have fewer and fewer amendments that will be germane and be allowed to be discussed, because we find out this morning, after a unanimous consent agreement which could have been objected to last night, one Senator has a schedule that dictates we turn the unanimous consent agreement on its head.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. LEVIN. Madam President, if the Senator would withhold that request for a moment so I may comment.

Mr. MCCAIN. I withhold my request.

Mr. LEVIN. Madam President, I was not suggesting that we not proceed this morning; I was suggesting that we reverse the order to accommodate a Senator who is going to be offering a second-degree amendment. If that is not acceptable, we do not need to do that. I was simply trying to accommodate the Senator so that the second-degree or side-by-side amendment that was in the unanimous consent proposal last night could be offered by him. If that is not agreeable to the Republican side, then I obviously am not going to make the suggestion. But it would not delay anything; all it would do would be to change the order of events to accommodate us. If that is not acceptable to the minority, then I will obviously not make that unanimous consent proposal.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I would ask the distinguished chairman, then, in the spirit of compromise, can we arrange a time agreement on the Lieberman amendment that is reasonable so that perhaps we could take up the Kyl amendment later in the morning so that at least that might not upset his schedule, since we are making accommodation for the sponsor of a second-degree amendment, which seems to be our priority.

Mr. LEVIN. Madam President, of course, that is exactly what I was proposing. I appreciate the willingness of the Senator from Arizona to try to work that out.

There is no problem with the time agreement on the Lieberman-Bayh matters because the reason we couldn't do that is that the Bayh language was not available in time for the minority side to consider a time agreement. We would be happy to have a time agreement of 1 hour on the Lieberman amendment, 1 hour on the Bayh amendment; 2 hours together, in other words. We are happy to have a time agreement on Senator KYL's amendment, but we were only suggesting that we reverse the order to accommodate things here. It would not result in any additional use of time; it would not delay anything; it would simply reverse the order for the accommodation of the Senator who needs to be here to offer a second-degree amendment, if we are going to do it, or a side-by-side to Senator KYL's first-degree amendment.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, obviously, whatever is most convenient to the chairman and ranking member is fine, subject to what I had planned, because of our conversations last night, to be able to do this this morning. By this afternoon, I am going to have a lot of conflicts. In fact, I too am on the Finance Committee where Senator KERRY is right now and I am supposed to be there but made this arrangement.

I don't believe the business before the Finance Committee is going to last very long at all. In fact, it was a very quick matter to be resolved. So as long as we can try to get the amendments relating to the START treaty resolved before afternoon, I am perfectly willing to agree to anything that is acceptable to everybody else here, and it seems to me we should be able to accomplish that.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, let me say we can have 1 hour for each side on the Lieberman amendment and then move directly to the Kyl amendment, if that is agreeable.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, what we need to do along that line is to see if we can get an agreement from Senator LIEBERMAN and from Senator BAYH on a time agreement on those two amendments. I would suggest, as the Senator from Arizona did, that there be an hour equally divided on each, which will be a total of 2 hours, and then if the majority leader is agreeable to this—

Mr. MCCAIN. Maybe we need a quorum call for a moment.

Mr. LEVIN. I suggest the absence—

Mr. LIEBERMAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I wanted to say that as the overnight proceeded, there are a number of people who want to come down and speak on our side, so I wish to ask that on our amendment we have at least an hour and a half, perhaps two. I hope not to use it, but I think this is going to be a significant debate.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I suggest that we seek an agreement that there be 2 hours on the two amendments together, one equally divided between the Senator from Connecticut and the Senator from Indiana.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for consideration of amendments this morning be switched and that the Senate now consider the Lieberman amendment No. 1627 and the Bayh amendment No. 1767; that the amendments be debated concurrently for a total of 150 minutes, with 90 minutes under the control of Senator LIEBERMAN and 60 minutes under the control of Senator BAYH; that no amendments be in order to either amendment; that upon the use or yielding back of time, the vote in relation to the amendments occur at a time to be determined, with the first vote in relation to the Bayh amendment, to be followed by a vote in relation to the Lieberman amendment, with 2 minutes of debate prior to the second vote.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. I thank the Presiding Officer and I thank my colleagues for working this out to try to accommodate all of us the best we can.

I yield the floor.

Mr. LIEBERMAN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1627

Mr. LIEBERMAN. Madam President, I have consulted with the chairman of the Armed Services Committee, Sen-

ator LEVIN, and the ranking member, Senator McCain, and they have urged me to go forward and call up my amendment on the alternate engine and begin debating it to expedite matters while we are awaiting Senator BAYH to come over. I call it up at this time.

The ACTING PRESIDENT pro tempore. The clerk will report.

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. McCain, Mr. Reed, Ms. Snowe, Mr. Schumer, Mr. Inhofe, Mr. Dodd, Mrs. Hutchison, Ms. Collins, Mr. Kyl, and Mr. Cornyn, proposes an amendment numbered 1627.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Defense to make certain certifications with respect to the development of an alternative propulsion system for the F-35 Joint Strike Fighter program before funds may be obligated or expended for such system and to provide, with offsets, an additional \$282,900,000 for the procurement of UH-1Y/AH-1Z rotary wing aircraft and an additional \$156,000,000 for management reserves for the F-35 Joint Strike Fighter program)

On page 39, strike lines 4 through 17, and insert the following:

SEC. 211. LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM; INCREASE IN FUNDING FOR PROCUREMENT OF UH-1Y/AH-1Z ROTARY WING AIRCRAFT AND FOR MANAGEMENT RESERVES FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.

(a) LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended for the development or procurement of an alternate propulsion system for the F-35 Joint Strike Fighter program until the Secretary of Defense submits to the congressional defense committees a certification in writing that the development and procurement of the alternate propulsion system—

(1) will—

(A) reduce the total life-cycle costs of the F-35 Joint Strike Fighter program; and

(B) improve the operational readiness of the fleet of F-35 Joint Strike Fighter aircraft; and

(2) will not—

(A) disrupt the F-35 Joint Strike Fighter program during the research, development, and procurement phases of the program; or

(B) result in the procurement of fewer F-35 Joint Strike Fighter aircraft during the life cycle of the program.

(b) ADDITIONAL AMOUNT FOR UH-1Y/AH-1Z ROTARY WING AIRCRAFT.—The amount authorized to be appropriated by section 102(a)(1) for aircraft procurement for the Navy is increased by \$282,900,000, with the amount of the increase to be allocated to amounts available for the procurement of UH-1Y/AH-1Z rotary wing aircraft.

(c) RESTORATION OF MANAGEMENT RESERVES FOR F-35 JOINT STRIKE FIGHTER PROGRAM.—

(1) NAVY JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby increased by \$78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800N) for management reserves.

(2) AIR FORCE JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800F) for management reserves.

(d) OFFSETS.—

(1) NAVY JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby decreased by \$219,450,000, with the amount of the decrease to be derived from amounts available for the Joint Strike Fighter (PE # 0604800N) for F136 development.

(2) AIR FORCE JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby decreased by \$219,450,000, with the amount of the decrease to be derived from amounts available for the Joint Strike Fighter (PE # 0604800F) for F136 development.

Mr. LIEBERMAN. This amendment I am introducing with Senator McCain as my lead cosponsor, and with a strong bipartisan group of cosponsors, including Senator Reed of Rhode Island, and Senators Snowe, Schumer, Inhofe, Dodd, Hutchison, Collins, Kyl, and Cornyn. I am very grateful for that support.

To state it briefly, and then to go into some detail, this amendment would remove funding from this bill that was added by way of amendment in the Armed Services Committee for \$439 million to build a second engine for the Joint Strike Fighter plane.

I will argue, on behalf of the amendment I have introduced with Senator McCain and others, that it is a waste of \$439 million to build for a plane a second engine, which we don't need. In fact, estimates are that continuing acquisition of this second engine will cost over \$6 billion of taxpayer money that we don't need to spend because there has been a competition for the engine to be used in the Joint Strike Fighter, which is now the heart and soul of America's hopes for the future when it comes to tactical aviation—particularly after the Senate terminated the F-22 program the other day.

So there was a competition to build the engine for the Joint Strike Fighter. General Electric, in its proposal, lost that competition. Pratt & Whitney won that competition.

Now, by way of legislation, the proponents of the second engine for this plane are trying to achieve, by legislation, what they could not achieve by competition. It is not only that it is an

unnecessary expenditure of \$439 million in the coming year, and more than \$6 billion, for a second engine that we don't need for that plane, but it has consequences. It is not just that we are spending taxpayer money, but I will go into this in some detail in a moment.

Regarding putting that money to use on that second engine, a general from the Air Force overseeing this Joint Strike Fighter program told our committee it would delay the Joint Strike Fighter, which our services are desperately waiting for. They need this tactical fighter. So it would delay the program and, in fact, this Air Force general testified to our committee that putting money into the bill for the second engine, and continuing to fund it, would result, over the next 5 years, in a reduced capacity to build Joint Strike Fighters by 53 planes.

So to spend the money to build a second engine for a plane, when we don't need a second engine—because the first one won the competition and is performing very well—we are going to reduce the buy of this tactical fighter that our military needs by 53 planes over the next 5 years.

How do my friends who support the second engine pay for it? Well, in the Armed Services Committee bill, which is before us, which Senator MCCAIN, I, and others are trying to remove, they defund the acquisition of helicopters, which are desperately needed by our marines, particularly those fighting in Afghanistan.

There will be an alternative proposal made this morning in the amendment Senator BAYH will introduce, I presume, because there has been so much protest to defunding this acquisition of helicopters that the marines need in battle in Afghanistan, in order to pay for a second engine, which is unnecessary, for the Joint Strike Fighter. Instead, the amendment will defund the acquisition of C-130s, which are specially fitted for our special operations forces. Again, they are carrying out extremely dangerous and critical missions in Afghanistan, Iraq, and other places, where they are courageously taking on particularly the terrorists who attacked us on 9/11.

That is the essence of the argument. This second engine is a program President Obama has described as "an unnecessary defense program that does nothing to keep us safe, but rather prevents us from spending money on what does keep us safe."

That warning from President Obama about the consequences of funding the second engine for the Joint Strike Fighter is realized already in the part of the bill Senator MCCAIN and I and others are trying to withdraw and in the amendment my friend from Indiana will introduce because it takes money from the Marines and the Air Force special operations community in areas they and we desperately need.

I wish to add that, this morning, I was grateful and honored to receive a letter from Secretary of Defense Robert Gates, in which the Secretary of Defense strongly and clearly expresses his opposition to the alternate engine, the second engine, an unnecessary engine—the \$6 billion unnecessary engine for the Joint Strike Fighter—and his support for the amendment that Senator MCCAIN and I and others have introduced.

I ask unanimous consent that the letter from Secretary Gates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE PENTAGON,
Washington, DC, July 22, 2009.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security
and Governmental Affairs, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The Department of Defense supports striking from legislation any provision that would require the development or procurement of an alternative propulsion system for the F-35 Joint Strike Fighter.

The current engine is performing well with more than 11,000 test hours. In addition, the risks associated with a single engine provider are manageable as evidenced by the performance of the F-22 and F/A-18E/F, both Air Force and Navy programs supplied by a single engine provider. The Air Force currently has several fleets that operate on a single engine source. Thus, further expenditures on a second engine are unnecessary and will likely impede the progress of the overall F-35 program.

It is my belief that the JSF program presented in the President's budget request is in the best interests of national security. If a final bill is presented to the President containing provisions that would seriously disrupt the F-35 program, the President's senior advisors will recommend that the President veto the bill.

Sincerely,

ROBERT M. GATES,
Secretary of Defense.

Mr. LIEBERMAN. I will read from the letter. It is three paragraphs:

The Department of Defense supports striking from legislation any provision that would require the development or procurement of an alternate propulsion system for the F-35 Joint Strike Fighter.

The current engine is performing well with more than 11,000 test hours. In addition, the risks associated with a single engine provider are manageable as evidenced by the performance of the F-22 and F/A-18E/F, both Air Force and Navy programs supplied by a single engine provider. The Air Force currently has several fleets that operate on a single engine source.

I draw back from the letter. What is unusual is to have a second engine. Logically, if we want to buy a car, it would be nice to have a second engine in the garage but would we pay the extra money for it if we had a perfectly good engine in the car? Back to the letter:

Thus, further expenditures on a second engine are unnecessary and will likely impede the progress of the overall F-35 program.

It is my belief that the JSF program presented in the President's budget request is in the best interests of national security. If a final bill is presented to the President containing provisions that would seriously disrupt the F-35 program, the President's senior advisors will recommend that the President veto the bill.

I intend to show in my argument this morning that, in fact, this Armed Services Committee bill—if the amendment Senator MCCAIN and I are proposing is not adopted—will seriously disrupt the F-35 program, the Joint Strike Fighter program and, therefore, will be occasion for the President's advisors to recommend he veto this entire and critically necessary bill.

I thank Secretary Gates for expressing support for the amendment Senator MCCAIN and I and others—Senator SCHUMER, Senator DODD, Senator KYL—have offered to strip this unnecessary expenditure of money from the bill.

Our amendment, as I have said, would restore funding that was taken from the U.S. Marine Corps helicopter, the Huey, when the committee voted to fund the alternate engine. The vote to cut 10 Marine Corps helicopters comes at a time the Marines are conducting a major offensive in the mountains of Afghanistan where the high altitudes and hot weather require the best capabilities Congress can provide them, including these Hueys.

In fact, in recent statements from the Joint Staff and Marine Corps leadership, it is clear how urgently the Marines need the enhanced capabilities of the UH-1 Huey on the battlefield. Speaking before the Armed Services Committee of the Senate on Thursday, July 9, the Vice Chairman of the Joint Chiefs, General Cartwright, said to the members of the committee:

Those helicopters are, in fact, critical.

He continued:

The helicopter for the Marines is one of their most lethal weapons. They are the most effective in the battlefield, particularly in the counterinsurgency arena.

They are effective in built-up urban areas and in compounds because they can be discreet, so the value of those helicopters is significant.

The day after General Cartwright appeared, I received a letter from the Commandant of the Marine Corps, GEN James Conway.

Madam President, I ask unanimous consent to have printed in the RECORD the letter from General Conway.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 10, 2009.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SIR: The Marine Corps greatly appreciates your interest in the UH-1Y/AH-1Z program. Procurement of less than the optimum ramp of 28 H-1s during Fiscal Year 2010 will lead to continued reliance on aging helicopters that should have been retired from

the inventory years ago. This happens at a time when the Secretary of Defense appears poised to issue guidance to the Military Departments to increase rotary-wing assets to conduct current and future Irregular Warfare conflicts.

As we focus on operations in Afghanistan, sustaining the introduction of the H-1 is vital to our future success. We have prioritized UH-1Y deliveries early in the program in an effort to quickly replace our aging fleet of UH-1N helicopters. While the UH-1N has served us well for many decades, it has now reached the point where its available power and key aircrew systems are simply not adequate for robust combat operations. As typically configured, UH-1N loads are often reduced to just two or three combat configured Marines when operating at high density altitudes. Because of these severe operational limitations, we have been very aggressive in transitioning to the significantly improved capabilities of the UH-1Y. Our first Marine Expeditionary Unit detachment of three new aircraft deployed to the Central Command AOR this year when only ten UH-1Ys had been delivered to the fleet. In November 2009, we plan to deploy our first full squadron to Afghanistan where the UH-1Y's improved payload and airspeed in that challenging environment will serve our Marines well.

Once we deploy the UH-1Y to theater, we want to keep it there. However, in order to sustain our anticipated combat deployment schedule, production must remain on track. With recent deliveries occurring well ahead of schedule and substantial contractor investments in tooling and long-lead materials, there is tangible evidence that the production rate of 28 helicopters contained in the President's budget request can be met.

I greatly appreciate the opportunity to correspond with you and expand on this important subject. The supporting documentation you requested is attached. If you have any additional questions, please do not hesitate to call on me. I also thank you for your leadership and longstanding efforts on behalf of our men and women in uniform.

Sincerely,

JAMES T. CONWAY,
General, U.S. Marine Corps,
Commandant of the Marine Corps.

Mr. LIEBERMAN. Madam President, in his letter, General Conway writes:

Procurement of less than the optimum ramp up of 28 H-1s in fiscal year 2010 will lead to continued reliance on aging helicopters that should have been retired from the inventory years ago. As we focus on operations in Afghanistan, sustaining the introduction of the H-1 is vital for our future success.

He continues:

Because of the severe operational limitations of the Corps' legacy helicopters, the Marines are transitioning toward the significantly improved capabilities of the UH-1Y.

General Conway points out that the Corps has already sent three UH-1Y to Afghanistan and will deploy its full squadron of them this November. This is a plane the Marines desperately need in combat today.

I also want to read from a letter I received from Major General Bockel, retired, Army Reserve, now acting director of the Reserve Officers Association. General Bockel says in his letter to me:

The Reserve Officers Association, representing 65,000 Reserve Component members, supports the Lieberman-McCain Alternate Engine Amendment. This amendment restores critical funding to procure helicopters that the United States Marine Corps urgently needs in Afghanistan.

I suspect the Reserve Officers Association will no more support an effort to ask our special operations forces, as the second-degree or side-by-side amendment Senator BAYH will offer, to pay the bill for an unnecessary second engine than he was to see our Marines foot the bill.

I ask unanimous consent to have printed in the RECORD Major General Bockel's letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESERVE OFFICERS ASSOCIATION,
Washington, DC, July 21, 2009.

Hon. JOSEPH LIEBERMAN,
Hart Office Building,
Washington, DC.

DEAR CHAIRMAN LIEBERMAN: The Reserve Officers Association, representing 65,000 Reserve Component members, supports Lieberman-McCain Alternate Engine Amendment. This amendment restores critical funding to procure helicopters that the United States Marine Corps (USMC) urgently needs in Afghanistan.

In the Senate Armed Services Committee's mark of the National Defense Authorization Act, the bill would cut funds for the procurement of Marine Corps UH-1Y helicopters and the AH-1Z Super Cobra in order to fund an unnecessary "alternate engine" for F-35 Joint Strike Fighter.

The Bell UH-1Y Venom is a twin-engine medium size utility helicopter, part of the USMC's H-1 upgrade program, replacing the Marines aging fleet of UH-1N Twin Huey light utility helicopters first introduced in the early 1970s. The Corps' current fleet of utility helicopters face noticeable operational limitations at high altitudes, which is not a problem for the new UH-1Y. Because of the severe limitations, which can have an impact on operational agility, the USMC is aggressively transitioning to the new aircraft.

The Pentagon had requested 28 AH-1Z and UH-1Y helicopters, but NDAA markups have reduced these numbers to offset funding. This amendment would restore \$482.9 in funding that was stripped from the U.S. Marine Corps UH-1Y program, which is an action that ROA supports.

Thank you for your efforts on this key issue, and other support to the military that you have shown in the past. Please feel free to have your staff call ROA's legislative director, Marshall Hanson, with any question or issue you would like to discuss.

Sincerely,
DAVID R. BOCKEL,
MAJOR GENERAL, USAR (RETIRED),
Acting Executive Director.

Mr. LIEBERMAN. Madam President, let me talk now about what this amendment would do. It would essentially remove the funding for the second engine, but it does it in a way that I think is thoughtful. It requires that there be no obligation of any funds on the development of a second engine for the Joint Strike Fighter unless and until the Secretary of Defense certifies

to Congress that the development and procurement of such an engine will reduce the total life-cycle costs of the program, improve the operational readiness of the F-35 fleet, and avoid either disrupting the Joint Strike Fighter Program or resulting in procurement of fewer Joint Strike Fighter aircraft during the life cycle of the program.

Why do we propose these conditions? Because they are the benefits the proponents of the second engine claim it will deliver. So we ask that the second engine be judged on its alleged merits. And I hope my colleagues will agree that this is a fair way to go at this.

I have spoken already at the outset about the fact that there was a competition for the engine for the Joint Strike Fighter that took place in 1996. Ultimately, one engine won the competition while the other lost. Understandably, but not acceptably, the makers of the engine that lost have come back to achieve by legislation—or attempt to—what they could not achieve by competition.

The proponents of the second engine have also claimed that it would lower costs on the Joint Strike Fighter Program overall. I have cited numbers that come from the Pentagon and elsewhere arguing on the other hand that this program will cost over \$6 billion of taxpayer money without any showing, really, that it will save money. Developing a second engine, quite logically and following common sense, would require the Department of Defense to maintain two logistics operations to support it—tails, as it is called in the military, two tails, two sets of training manuals, two sets of tooling component improvement parts. These additional and unnecessary expenses would raise operations and sustainment costs for the Joint Strike Fighter throughout the life cycle of the program.

I want to get to the impact funding a second engine—an unnecessary engine, a costly engine—would have on the Joint Strike Fighter Program.

On June 9, the Armed Services Committee Subcommittee on Air and Land, which I have the honor of chairing, heard testimony from LTG Mark Shackelford, Military Deputy Officer to the Secretary of the Air Force for Acquisition. He is in charge of acquisition. I asked General Shackelford whether development of a second engine would disrupt the Joint Strike Fighter Program. His explanation is detailed but important to hear. It has a very strong message:

The fiscal year 2010 production quantity for the joint strike fighter is 30 aircraft, split between three variants.

That means with three different services.

If forced to pay for the alternate engine, we would have to reduce that to two to four, depending on which of the variants. That has a negative effect on the unit cost of the remaining aircraft if you are buying fewer. It

also ripples into next year's quantities, and then as we take that 2010 increment of dollars and extend that out through the future year defense program—

Which is the 5-year so-called fit up that the Pentagon does planning on—there are equal decrements in terms of the numbers of aircraft that we can buy with the remaining dollars.

After hearing that—decrements, decreases, reduction in the number of aircraft we can buy—I asked General Shackelford how many fewer Joint Strike Fighters would be purchased over that 5-year period if we went ahead with the second engine. He responded:

Over the 5-year period, it would be 53.

I cannot emphasize that enough—53 fewer aircraft that we otherwise would have purchased for the Air Force, Navy, and Marine Corps that are desperately in need of them over the next 5 years; 53 fewer planes because we are going to spend that money buying a second engine we do not need. That really would be a major disruption to the Joint Strike Fighter Program. But it is avoidable, and it is avoidable by adopting the amendment Senator McCain and I, Senator SCHUMER, Senator DODD, Senator KYL, Senator HUTCHISON, Senator COLLINS, and Senator SNOWE—a very broad bipartisan group—have offered.

I close this opening statement in support of our amendment and in opposition to the amendment my friend from Indiana will offer with this quote from President Obama when he sent the defense budget to us on May 15. Here is the quote from the President:

We're going to save money by eliminating unnecessary defense programs that do nothing to keep us safe but rather prevent us from spending money on what does keep us safe. One example is a \$465 million program to build an alternate engine for the joint strike fighter. The Defense Department is already pleased with the engine it has. The engine it has works. The Pentagon does not want and does not plan to use the alternate version.

President Obama concludes:

That is why the Pentagon stopped requesting this funding 2 years ago.

That is why I respectfully ask my colleagues, in the interest of the taxpayers, in the interest of the Joint Strike Fighter Program, to protect funding for the Marines, for the Hueys, the special operations forces of the Air Force, for the C-130s, to protect the Navy, Air Force, and Marines, who are waiting for the Joint Strike Fighter. I ask you to vote against the amendment offered by my friend from Indiana and for the amendment I have the honor to offer.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

AMENDMENT NO. 1767

Mr. BAYH. Madam President, I ask unanimous consent to call up my amendment No. 1767.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Indiana [Mr. BAYH] proposes an amendment numbered 1767.

Mr. BAYH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the continued development of a competitive propulsion system for the Joint Strike Fighter program and additional amounts, with an offset, for UH-1Y/AH-1Z rotary wing aircraft and Joint Strike Fighter program management reserves)

On page 39, strike lines 4 through 17, and insert the following:

SEC. 211. CONTINUED DEVELOPMENT OF COMPETITIVE PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER PROGRAM.

(a) IN GENERAL.—Of the amounts authorized to be appropriated or otherwise made available for fiscal year 2010 for research, development, test, and evaluation for the F-35 Lightning II aircraft program, not more than 90 percent may be obligated until the Secretary of Defense submits to the congressional defense committees a written certification that sufficient funds have been obligated for fiscal year 2010 for the continued development of a competitive propulsion system for the F-35 Lightning II aircraft to ensure that system development and demonstration continues under the program during fiscal year 2010.

(b) ADDITIONAL AMOUNT FOR UH-1Y/AH-1Z ROTARY WING AIRCRAFT.—The amount authorized to be appropriated by section 102(a)(1) for aircraft procurement for the Navy is hereby increased by \$282,900,000, with the amount of the increase to be allocated to amounts available for the procurement of UH-1Y/AH-1Z rotary wing aircraft.

(c) RESTORATION OF MANAGEMENT RESERVES FOR F-35 JOINT STRIKE FIGHTER PROGRAM.—

(1) NAVY JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby increased by \$78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800N) for management reserves.

(2) AIR FORCE JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800F) for management reserves.

(d) OFFSET.—The amount authorized to be appropriated by section 103(1) for aircraft procurement for the Air Force is hereby decreased by \$438,900,000, with the amount of the decrease to be derived from amounts available for airlift aircraft for the HC/MC-130 recapitalization program.

Mr. BAYH. Madam President, I wish to begin by thanking my colleague from Connecticut and my friend, JOE LIEBERMAN. We have worked together

on so many issues and so well that I find this to be an odd set of circumstances today where we have a difference of opinion on this issue. But even here, we have worked collegially to call up our respective amendments in a timely manner.

I regret the order of offering the amendments was changed because I know the Senator had speakers on his approach to this issue, as I had. I wish their voices could be heard. I am grateful Senator LEVIN will be speaking shortly in support of my approach. I think the fact he is chairman of the Armed Services Committee lends some credence to our approach. I thank the Senator for his cooperation and courtesy. I so much enjoy, as with Senator MCCAIN as well, our working together on so many different issues. I thank Senator MCCAIN for his courtesy in trying to respect the time of the various Members who planned their schedules and planned to speak here. I thank Senator LIEBERMAN for all that. We do, however, have a difference of opinion on this important issue.

This amendment will restore funding for Marine Corps helicopters and the Joint Strike Fighter management service reserves. Let me repeat for my colleagues who are concerned about funding for the Marine Corps helicopters or the number of Joint Strike Fighters which will be purchased, my amendment deals with those concerns. So many of the very appropriate comments Senator LIEBERMAN was making about the Marine Corps, about the helicopters, about the testimony of the services in favor of those helicopters, those are no longer relevant. Under my amendment, the helicopters are provided for, so many of his comments about the need for Joint Strike Fighters and the number of tails, the number of planes, those comments are no longer relevant. We have full funding for the number of Joint Strike Fighters.

I know this debate has proceeded rapidly, it has changed rapidly, but all of that commentary about helicopters and the number of Joint Strike Fighters has been taken care of by my amendment and is no longer relevant to the consideration of the underlying issue, which is the importance of competition and how best to go about saving money and procuring engines for this vitally important program.

I should also say that a number of statements were read about the President and his points of view. I think it is important for my colleagues who care about the comments from the President's staff about a recommendation of a veto to point out that in those comments, they were speaking directly to the number of planes, which has now been taken care of. That has now been addressed. They were not referring to the underlying opinion of the GAO and the whole fiscal aspect of this, which is

a legitimate debate, but those comments and concerns were not raised as legitimate grounds for a veto threat by the President of the United States. So that has been taken care of as well.

What is on the table is preserving competition in the Joint Strike Fighter Engine Program. My friend and colleague's amendment No. 1627 strikes funding for this commonsense program. I wish to set the record straight by preserving this competition.

The Joint strike Fighter is a massive acquisition program. By 2030, this fighter will make up the vast majority of our tactical air fleet. Investing now to ensure competition over the life of the JSF is good government and sound management practice. Understanding this, my colleagues in the Armed Services Committee prudently included \$439 million to continue development of the competitive engine.

As most of our colleagues know, I am very concerned with our Nation's growing deficit. I have consistently opposed bills that spend too much, including the omnibus spending bill and the recent budget. I have supported amendments to strike wasteful spending.

I understand the importance of restraint, and I would not be here today if I did not truly believe this competitive engine strategy will save the taxpayers money.

I am not alone in this view. In 1996, Congress initiated the F-136 competitive engine program because we knew then, as we still know now, competition results in lower cost, improved performance, increased reliability, and greater contractor responsiveness. Since then, Congress has maintained unwavering support for this program for 13 consecutive years.

I want to be clear that there was never a competition for the GSF engine development. I heard the word "competition" used repeatedly by my friend and colleague. I hold in my hand copies of the contracts, the contracts for the engine that has just been alleged to have been let competitively. The first contract was on January 23, 1997, to Pratt & Whitney, in the sum of \$804 million. It sets in bold print "this contract was not competitively procured."

Let me repeat that in plain English. This contract for the engine program about which it was just stated repeatedly that there was a competition, was, in fact, not competitively let. It is in plain English. A Federal Government document refutes that contention.

The second contract, dated October 26, 2001, once again to Pratt & Whitney, in the sum of \$4,830,000—this contract was not competitively procured. There was no competition for the engine program. It is a matter of public record in plain black and white. If you care about competition, you will support my approach to dealing with this issue.

This is an engine program whose total cost will top \$100 billion. There is

simply no justification for awarding a sole-source noncompetitive contract in this area. The General Accounting Office has consistently supported funding a second engine as a fiscally responsible approach that would yield long-term cost savings for taxpayers.

On May 20 of this year, the GAO reaffirmed this view when discussing the cost to complete the second engine and stated:

A competitive strategy has the potential for savings equal to or exceeding the amount across the life cycle of the engine. Prior experience indicates it is reasonable to assume that competition on the GSF engine program could yield savings of at least as much. As a result, we remain confident the competitive pressures could yield enough savings to offset the costs for competition over the GFS program's life.

GAO went on to elaborate on the nonfinancial benefits of procuring a second amendment:

Our prior work, along with studies by the Department of Defense and others, indicate there are a number of nonfinancial benefits that may result from competition, including better performance, increased reliability, and improved contractor responsiveness.

The long history in the Department of Defense is that when you award sole-sourced, noncompetitive contracts to a single provider, costs go up, responsiveness goes down, the taxpayers suffer. That is what my amendment will avoid.

Further, in light of the increased investment Secretary Gates and the administration have chosen to make in the GSF program, limiting the Department of Defense to a single source has implications for our readiness and strategic posture. If we have problems with the primary engine, we will have no alternative. There will be no second supplier with any ability to produce a comparable engine. Production delays or engine failures could prove catastrophic for an already thin tactical air fleet.

Anybody who thinks that a large contract to a single vendor without competition—again I reiterate, as the contracts specifically indicate, they were not competitively bid—anyone who thinks that is a good way for the government to do business should support the Lieberman amendment.

Some may very well argue that my amendment constitutes business as usual or is, in fact, wasteful, but many of these individuals have, in fact, supported this approach as good public policy in the past. They were right then. I am right today.

We need to keep the primary contractors honest and the only way to do that is through competition. There was no competition in the award of these contracts. We now maintain that competition through the adoption of this amendment.

There were several other Senators who were intending to speak on behalf of this amendment. Because of the

change in schedule, they may not be able to be with us. We will have to wait and see about that, but again I thank Senator MCCAIN for his courtesy in attempting to ensure that they could speak. I know there were some in opposition to my approach who wanted to speak as well. Senator KENNEDY co-sponsors my amendment and is fully supportive. Because of health care concerns he could not be here today. I do wish to share with our colleagues and for the record a statement he issued on June 24, as a part of the Armed Services Committee markup on this issue, in support of my approach.

Senator KENNEDY, a longstanding member of the Armed Services Committee:

For the fourth year in a row, the Department of Defense continues to ignore the will of the Congress on the production of an alternate Joint Strike Fighter engine in order to reduce risk to our forces, protect against any cost overruns, preserve the U.S. industrial base and support our international partners.

That is what our amendment is designed to accomplish and that is why Senator KENNEDY supports it. He goes on to say:

I remember well the "Great Engine Wars" of the 1980s, and the development of an acquisition strategy, considered controversial at the time, that ultimately delivered stronger and more cost-effective fighter aircraft to the nation. That issue began a decade earlier, when the decision to sole-source the F-15's F100 engine resulted in rushed development to meet program timelines, inadequate responses to program shortfalls, and mounting frustration over our inability to address these discrepancies without additional resources. Ultimately, the Air Force, the Navy and Congress agreed that the short-term and long-term benefits of industrial competition would meet these challenges and deliver results.

That experience is as relevant today as it was then, because we face a similar challenge. The Joint Strike Fighter is one of the largest military aircraft programs in history, with \$100 billion allocated for engines alone. In light of recent defense acquisition challenges and the growing "fighter gap" in our air forces, these decisions could not be more important, or their results more far-reaching.

Critics emphasize the short-term cost savings of the sole-source procurement strategy and cite reports showing different timelines to re-coup program costs. But dramatic long-term opportunity costs are missing from this debate, and are conspicuous in their absence.

That is what the GAO was referring to in the study I cited before.

Competition for the Joint Strike Fighter engine has compelling advantages and avoids past pitfalls. Dual-sourcing will build vital operational redundancy into the fleet, avoiding a single point of failure for the engine malfunctions and spare parts shortages experienced in the past with other fleet-wide groundings. Competition delivers an inherent incentive for manufacturers to absorb and contain cost growth, even as it encourages responsiveness by contractors, continuous product improvement, and innovation. All of these factors are less evident in sole-source contracts.

The alternate engine program appropriately diversifies capability and capacity across the U.S. industrial base and ensures that sustained production, maintenance, and availability of critical components are not concentrated in a single provider. In addition, the F136 alternate engine program considers the sustained participation of key international partners and stakeholders, especially the United Kingdom, and Australia, Canada, Denmark, Italy, the Netherlands, Norway, and Turkey as well. Their commitment is important to the future of the Joint Strike Fighter program and our basic security relationships.

For these reasons, I strongly support the addition of \$438 million in the FY 2010 National Defense Authorization Act to sustain the F136 alternate Joint Strike Fighter engine program.

Those are the words of Senator KENNEDY.

In conclusion and by way of summary, the Marine Corps helicopter issue has been taken care of. That is no longer an issue. We fully provide for that.

Allegations about the number of procurements for the Joint Strike Fighters has been taken care of. That is no longer an issue.

Statements by the President's staff with regard to a possible Presidential veto related to the potential reduction in the number of fighters, that issue has been taken care of.

As I mentioned, the contracts for the engines themselves, in black and white, given to Pratt & Whitney on the dates in these legal documents, say very clearly, and I quote once again: "This contract was not competitively procured."

That is a matter of public record. This debate is about competition, the benefits of competition. I support them. That is why I urge my colleagues to support our amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I rise in support of the amendment which has been described by the proponent and opponent. Obviously, it would strip from the Defense authorization bill a provision that authorizes funding for an alternate engine for the F-35 Joint Strike Fighter.

Underscoring Senator LIEBERMAN's point and as was the case with the provision this body addressed in the F-22 program, funding for an alternate engine for the JSF at this time is something the Department of Defense has not asked for and does not want. It is not reflected in either the President's budget request or any of the Services' unfunded priorities list.

I believe there is good reason why neither the Department nor any of the services at this time want an alternate engine for the JSF. That reason is perhaps best expressed in a letter that Senator LIEBERMAN has already quoted from and had printed in the RECORD,

from Secretary Gates. He concludes by saying:

It is my belief that the Joint Strike Fighter Program presented in the President's budget request is in the best interests of national security. If a final bill is presented to the President concerning provisions that would seriously disrupt the F-35 program, the President's senior advisers will recommend that the President veto the bill.

Before I go much further, I would like to apologize to all Members who had planned to speak on this very important amendment and had arranged their schedules to do so. We have obviously changed the timing, despite the unanimous consent agreement to the contrary, apparently to accommodate one Senator's schedule.

I hope, because this is a very important issue, that Senators both in support of Senator BAYH's position and in support of this amendment would seize the opportunity to come down and address this issue.

Some have cited the benefits of competition as a reason to pursue a second engine for the Joint Strike Fighter, but a competition for this engine was already conducted. It was already conducted as a part of the original flyoff competition for the Joint Strike Fighter itself. The current airframe manufacturer and engine team won.

In 1996, Lockheed Martin, Boeing, and McDonnell Douglas originally competed for the two Joint Strike Technology Concept Demonstration Awards. In connection with that, each of those airframe manufacturers solicited engine proposals from Pratt & Whitney and General Electric. Pratt & Whitney won the competition as to Lockheed Martin and Boeing, and General Electric won separately as to McDonnell Douglas. Lockheed Martin and Boeing were selected to proceed to concept demonstration—where Lockheed Martin ultimately won in 2001.

That is exactly how most military aircraft engines are selected—as a team, combining an airframe with a powerplant. That makes sense, I might say. Obviously, we do not want them being developed separately. So with regard to a second engine, we are not talking about competition, we are actually talking about another bite at the apple.

I hope the great engine war is over. I know of no data or analysis that supports that taxpayers will see any net savings from subjecting the engine for the JSF to any further competition.

I do not believe there is anybody who believes more in competition than the Senator from Connecticut and me, including the chairman. We need to have competition. But there comes a point where you have to make a decision in the development of both the aircraft and the engine and move forward. At some point you have to abandon the alternate engine or, in some cases, there have been advocates of an alternate aircraft itself, to perform the same

mission, as in the case of the tanker, and to move forward in order to proceed in a fashion which is in the best interests of the taxpayers and the defense of the country.

That is why the Secretary of Defense feels so strongly on this issue that he says the President's senior advisers will recommend that the President veto the bill if the Lieberman amendment is not adopted.

The fact is also funding an alternate engine over the next 6 years has been estimated to cost the program about \$5 billion, the equivalent of 50 to 80 aircraft, according to the program manager.

Also, given that continuing development of a second engine would require in excess of \$600 million in fiscal year 2010 alone, according to the Military Deputy to the Assistant Secretary of the Air Force for Acquisitions, GEN Mark Shackelford. Paying for the engines in just that year would require cutting production of at least two Joint Strike Fighters this year alone.

There may be some nonfinancial benefits to subjecting the engine program for the Joint Strike Fighter to additional competition—improved contractor performance at the margins, for example.

Like Senator LIEBERMAN, I am not persuaded those benefits are worth an additional cost of \$5 billion to the Joint Strike Fighter's bottom line over the next 6 years. Certainly there are more cost-effective ways of ensuring contractor performance.

In my view, the possibility of a fleetwide grounding due to a single engine—that is another argument that is made by proponents of a second engine—is overstated. In fact, the only other U.S. military aircraft with an alternative engine is the F-16. All other aircraft have single-engine sources and have worked well.

There is no doubt the cost growth of the engine has been a huge problem. From fiscal year 2007 to 2008, the engine costs have grown specifically to meet the needs of the Marine Corps for a version capable of short takeoff and vertical landing. But I suggest the challenge there is to ensure that development costs leading to production remain stable, not to introduce a new engine to the program that will most assuredly add more uncertain testing requirements, complexity, and ultimately cost to the program.

So I believe the provision currently in the bill would be seriously disruptive because one of the offsets it uses to fund developing and buying a second engine derives from research, development, and testing and evaluation efforts supporting the program itself.

Also, it is my understanding the offset is of the C-130, which obviously is very much required in our operations in Iraq and Afghanistan. Remember, Secretary Gates restructured the Joint

Strike Fighter Program this year precisely to provide for more robust developmental testing over the next 5 years to ensure that the program stays on its planned budget. Taking money out of the program's research, development, and testing and evaluation effort will, in my view, most assuredly disrupt the program.

One of the lessons of history on this program is its stability in funding is absolutely vital to executing that program soundly, the instability in funding—the disruption that the provision introduces into the bill—brings the bill within the scope of a veto threat.

For these reasons, I urge my colleagues to support the amendment under consideration and prohibit any additional funding for an alternate engine program for the Joint Strike Fighter.

Let me also point out to my colleagues, I think this Secretary of Defense has decided, in an incredible act of courage, to take on certain institutions and the way we do business. I think this Secretary of Defense has decided to take on—and I know he has—the military-industrial-congressional complex which lards on porkbarrel projects and unnecessary spending which, in many respects, places parochial interests over the national interests. Obviously, he feels so strongly about it that he would recommend a veto by the President of the United States. That would be regrettable, obviously, because we have so many important provisions in this bill for the men and women who are serving this country, from the wounded warriors, to a pay raise, for so many things—to the amendment of Senator LIEBERMAN's that we adopted yesterday that we would provide an additional 30,000 members of the U.S. Army so we can better pursue the conflict in Iraq and Afghanistan.

So, obviously, as of yesterday, the Secretary of Defense feels so strongly on this issue that he would recommend that the President veto the entire bill. Does that mean it would kill a bill? No. But it does mean there would be a significant period of delay in passing this legislation and therefore delay the ability of the Pentagon and the military to implement some of the very important provisions of this legislation.

So I would urge my colleagues to examine this issue carefully, as I am sure they do all of the issues before this body. Also I would hope they would take into consideration the views of our distinguished Secretary of Defense.

I do not agree on every issue with the Secretary of Defense, and neither does my colleague, Senator LIEBERMAN. But I think he is on the right track. I think he can bring about change, at least on how we acquire weapons and how we spend money, and end these atrocious, outrageous cost overruns we have experienced in literally every single weapon

system in recent years, which have cost the taxpayers incredible amounts of money, and end this earmarking and porkbarrel process that I will talk more on today.

Every day just about we pick up a paper and hear about, or go on line and hear about, some organization that got an earmark and their waste, mismanagement, and in some cases criminal behavior as far as use of the taxpayers' dollars are concerned. We have to do the big things and the small things. This is a big thing.

I respect, enormously, the Senator from Indiana. There has been no more valuable member of the Armed Services Committee than Senator BAYH. I respect his views. I understand where he is coming from in the name and sake of competition.

Senator LIEBERMAN's and my argument is that the time for competition is over, and it is time to move forward with a tested engine that will, one, accelerate the development and operational entrance by the F-22, and also save some \$5 billion of the taxpayers' money.

So I hope my colleagues will examine this issue very carefully and support the Lieberman amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I wanted to speak very briefly because I note the presence on the floor of the Senator from Ohio. I want to speak simply to thank Senator MCCAIN for his very strong and thoughtful statement. I am honored that he is the cosponsor of the amendment.

Senator MCCAIN has enormous credibility in two areas that have come together in this amendment. The first is his support of the men and women of our military. The second is his opposition to wasteful spending of taxpayer dollars. And the two come together here.

Of course, as he has argued so compellingly, there are a lot of times when the wasteful spending of taxpayer dollars for military acquisitions is not only harmful in itself because it is wasteful, but it takes money away from things we need more.

That is the case here. The money that will be spent, \$5, \$6, \$8 billion over the next 6 years by various estimates, will result in 50 to 80 fewer Joint Strike Fighters produced in that time. The Navy, Air Force, and Marines are waiting with anxiety for these tactical fighters.

In addition to that, the folks who want to fund this second engine have to find the money somewhere. They find it not only by delays in the Joint Strike Fighter Program, but by either, as the amendments today give the alternative—the first one was to take it from the Marine Corps for helicopters that are needed in Afghanistan.

The one that Senator BAYH has before us will take the money from the Air Force special operations community for C-130s that they need for Iraq, Afghanistan, and throughout the world. It is not worth it.

I thank Senator MCCAIN for his strong statement and for his cosponsorship.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. VOINOVICH. Who is managing this side of the debate?

The ACTING PRESIDENT pro tempore. Senator BAYH and Senator LIEBERMAN.

Mr. VOINOVICH. I ask unanimous consent that I take some of the time of Senator BAYH, who is supposed to be managing.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VOINOVICH. Madam President, I rise today to speak in support of the competitive sourcing for the Joint Strike Fighter engines. Senator BAYH's compromise amendment continues our support for competition for the Joint Strike Fighter engines and restores the funding for the Marine Corps helicopters that I know a number of my colleagues are concerned about.

From my understanding of what happened is that in the Armed Services Committee, Senator BAYH was concerned that the committee did not have money in the budget for competition for the Joint Strike Fighter. As a result of that, he moved to amend and took money away from the helicopters that Senator LIEBERMAN is so concerned about.

Today we are here because the Senator from Connecticut wants to restore that money for those helicopters, and at the same time, those of us who are concerned about competition would like to see the money included so we can continue competition for the Joint Strike Fighter.

As most of you know, I am a former Governor and mayor who has been an ardent champion of fiscal responsibility and total quality management in government. I am not a Johnnie-come-lately to this whole business of efficiency in terms of our defense budget.

Since 1990, the Department of Defense acquisition management has been under GAO's high risk list, and that is why, in my capacity as chair and now ranking member of the Subcommittee on Oversight and Government Management, I strongly supported reforms at the Defense Department that address contracting weaknesses and promote good business practices to support our men and women in uniform.

I want everyone to understand, this is not the F-22. This is about competition, fiscal responsibility, and good government management. When I came to the Senate, I remember Dwight D.

Eisenhower talked about the military-industrial complex. I must say, since I have been a Senator, he had it wrong. It is the military-industrial-congressional complex.

If you watch how things are done on the floor of the Senate, a lot of it has got to do with protecting the business in our States, even though in some instances it is not in the best interests of our country. I am proud to say, in spite of the fact that in my State we lost about 500 jobs, I voted to eliminate the F-22.

That is what we should see more of here. But too often, when we make our decisions, it has got more to do with the corporations in our respective States and the jobs than it has to do with what is in the best interests of the country or what is fiscally responsible.

I think all of us should be concerned about it. I am going to leave here at the end of next year. But it seems to me if we do not start paying more attention to that, we are going to continue to be in trouble.

In testimony before the House Armed Services Committee this past May, the Government Accountability Office stated that competition, competition for the Joint Strike Fighter engine will yield long-term cost savings for taxpayers.

Does that mean it is not going to cost a little more at the front end because we are going to have more than one company competing for that engine? Of course it is going to cost a little bit more. But that testimony GAO gave cited an example of engine competition for the F-16. OK? We had competition for the F-16. Let's remember that this Joint Strike Fighter is going to be the fighter for all of the Federal agencies. It is going to be with us for the next 25 or 30 years.

That testimony for the F-16 said: It reduced engine costs for the F-16 by over 20 percent. In other words, by putting a little money up front and having competition between the companies that wanted to do the engines, we, over the contract, saved 20 percent.

I commend to my colleagues the GAO testimony before the Subcommittee on Air and Land Forces, Committee on Armed Services, House of Representatives. This is quite a report. For those who are really interested in the subject, I ask them to read this or have their staff look at it. It is entitled "Joint Strike Fighter Strong Risk Management Essential as Program Enters Most Challenging Phase."

It is interesting the way the company that was originally chosen to do this has had cost overruns even in the beginning—and the two companies that were competing with them have been on budget and on time for the RECORD. By the way, it is right here in this GAO report. All you have to do is read the report. It is there.

Let me read what the report says:

A competitive strategy has the potential for savings equal to or exceeding that amount across the life cycle of the engine. Prior experience indicates that it is reasonable to assume that competition on the Joint Strike Fighter engine program could yield savings. . . . As a result, we remain confident that competitive pressures could yield enough savings to offset the [upfront] costs of [development] over the JSF program's life.

Let me repeat that:

As a result, we remain confident that competitive pressures could yield enough savings to offset the [upfront] costs of [development] over the [Joint Strike Fighter] program's life. Most of us understand competition.

We have laws against antitrust, trying to make sure that one company doesn't get an advantage over another. I think most of my colleagues understand competition brings out the best and the lowest price.

The GAO testimony goes on to address the impact competition has on quality of product and incentives to perform:

Our prior work, along with studies by the [Department of Defense] and others, indicate there are a number of nonfinancial benefits that may result from competition, including better performance, increased reliability, and improved contractor responsiveness.

I heard the Senator from Arizona speak eloquently about all of the overruns and expenses and everything else about it. If he were here, I would say to him: Hey, what we want to do is have some competition on this engine so we get the best price, the best quality, the most responsiveness.

We don't need the GAO to confirm common sense. We all know that competition leads to lower cost, improved performance, increased reliability, and helps to keep our contractors honest. Without a competitive engine, over 90 percent of our fighter aircraft will be powered by one engine by 2030. Think about that. One company will have that contract. Giving an extraordinarily large contract to a single vendor without competition is reckless and irresponsible. Our government has an obligation to keep our contractors honest, and the surest way to achieve that honesty is through competition. I urge colleagues to support the Bayh compromise amendment that preserves competitive sourcing for the Joint Strike Fighter engine.

We have an opportunity. I can understand the Senator from Connecticut was upset because we took money out of the helicopters to maintain the competition. What Senator BAYH is trying to do is come up with an amendment that will restore the money so we can buy the helicopters and, at the same time, maintain competition on the Joint Strike Fighter.

I urge my colleagues to study this issue. Please, if they have a chance, they or their staffs ought to look at this report by the GAO. It substantiates the reasons why we are so ardent in terms of our support for competition for the Joint Strike Fighter.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I yield myself such time as I need from the time allotted.

Let me respond to a few points made in this debate.

First, as was clear, the original place that proponents of this second engine, which I believe is an unnecessary engine or unnecessary expenditure of taxpayer money, the place from which they would take the money originally for the Huey helicopters for the marines, I think there was a lot of upset about that. So the choice that Senator BAYH has put before us today would cut the HC-130 and MC-130 aircraft which would seriously impact both the Air Force's air combat command and the special operations command. This is a late-breaking development this morning, the change of source of the funding, but we asked for a response from the office of the Secretary of Defense and it was this, that this "take" from these two variants of the C-130s that the Air Force special operations command is using in Afghanistan, Iraq, and elsewhere, wherever they are needed in the world, the Secretary of Defense says this would slow down the rate at which the aircraft would be delivered.

The argument Senator BAYH made is that in the supplemental we adopted earlier, three additional MC-130s and four HC-130s were included, seven planes. But the Air Force says to us this morning: Based on the JROC validation requirements—that is the joint operating committee that determines acquisition—the Air Force has validated requirements for 37 MC-130s and 78 HC-130s.

The Air Force, including the Air Force special operations command and air combat command, is grateful for the seven the supplemental gave them, but they need many more. They need 115 total, and so far we have given them 7. Removing the nine planes that were in the President's budget for the Air Force to fund the unnecessary second engine is not a costless move. It would do damage to the Air Force and its program.

I know Senator REED is here and wants to speak on the amendment before us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, I rise in support of the Lieberman-McCain amendment. I commend both of them for their efforts in this regard. This represents part of what I believe Secretary Gates is trying to do, which is to focus on immediate consequential threats and necessary equipment while we continue to maintain deterrents for the future.

This second engine has not been fully validated by the Secretary of Defense.

This amendment requires such validation. In addition, one of the aspects of the underlying legislation is that the alternate engine for the Joint Strike Fighter would be paid for in part by taking away funds to purchase additional UH-1Y helicopters for the Marine Corps. This request was in the President's budget. These helicopters are absolutely critical to ongoing operations in Afghanistan and throughout the world. The wear and tear on equipment, particularly in Afghanistan and Iraq, has been considerable. If we don't upgrade or repair these pieces of equipment on a regular basis, we will not have the lift to combat our opponents across the globe.

By comparison, right now in Great Britain there is an argument about the sufficiency of helicopters their forces have. We don't want to get into such an argument down the road. We want to make sure our forces in the field have the equipment they need to carry the fight to our opponents.

I think this amendment is extremely well crafted. It puts the money where it should be to help our tactical airlift, marines particularly, helicopter airlift. It requires the Secretary to justify and validate that a second engine would reduce the whole life cycle cost and improve the operational readiness of the F-35. We should go forward with helicopters and let the Secretary make a judgment about the efficacy of the second engine.

I thank the Senator for yielding to me.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Rhode Island, Senator REED, for taking the time to come over to the Chamber. I know the schedule changed. We had to adjust things. His presence and the strength of his statement—he is a senior member of the Armed Services Committee—and his support mean a lot to this cause.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Michigan.

Mr. LEVIN. I yield myself 10 minutes of the time of Senator BAYH.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 10 minutes.

Mr. LEVIN. Madam President, I oppose the Lieberman amendment that would eliminate funding for the Joint Strike Fighter alternate engine. The committee voted 12 to 10 to keep this competition going. I emphasize, this is not a new engine that is being introduced. This effort is to have a competitive engine. This effort has been supported by Congress for many years. Indeed, our Armed Services Committee had a vote on this 2 years ago where we determined to maintain the competition. This year's vote was 12 to 10.

A fundamental tenet for reforming the Defense Department's acquisition

system is ensuring competition throughout the development and production cycle of major acquisition systems, whenever and wherever that makes sense. In the case of the Joint Strike Fighter Program, Congress has concluded repeatedly that competition makes sense because of the size of this buy.

The JSF program is planned to be one of the largest acquisition programs ever undertaken by the Defense Department. The Defense Department intends to buy more than 2,400 JSF aircraft, with our foreign partners slated to buy at least another 600. That means we are talking about a program of more than 3,000 aircraft. That means more than 3,000 engines. The cost of the engines alone will exceed \$50 billion over the life of the program. This is not an issue such as whether we add F-22s. This is a matter of whether we are going to have competition in a program everybody supports and where we intend to purchase about 3,000 planes.

A number of studies have been done trying to estimate the economic costs and benefits of developing a second engine. The analysis of our Government Accountability Office, which Congress directed to review this, came out a few years ago. Michael Sullivan, GAO Director of Acquisition and Sourcing Management, testified as follows in March 2006 before the House Armed Services Committee:

The current estimated remaining life cycle cost for the JSF engine under the sole-source scenario is \$53.4 billion. To ensure competition by continuing the JSF alternate engine program, an additional investment of \$3.6 billion to \$4.5 billion may be required.

This was back in 2007. It is a lot less than that now to complete this program.

Continuing from the testimony:

However, the associated competitive pressures from this strategy could result in savings equal to or exceeding that amount across the life cycle of the engine. The cost analysis that we performed suggests that a savings of 10.3 to 12.3 percent would recoup that investment, and actual experience from past engine competitions suggests that it is reasonable to assume that competition on the JSF engine program could yield savings of at least that much. These results are dependent on how the government decides to run the competition, the number of aircraft that are ultimately purchased, and the exact ratio of engines awarded to each contract. In addition, DOD-commissioned reports and other officials have said that non financial benefits in terms of better engine performance and reliability, improved industrial base stability, and more responsive contractors are more likely outcomes under a competitive environment than under a sole-source strategy. [Department of Defense] experience with other aircraft engine programs, including that for the F-16 fighter, has shown competitive pressures can generate financial benefits of up to 20 percent during the life cycle of an engine program and/or the other benefits mentioned. The potential for cost savings and performance improvements, along with the impact the engine program could have on the industrial

base, underscores the importance and long-term implications of [Department of Defense] decision making with regard to the final acquisition strategy.

A few months ago, before the Armed Services Committee, in May of 2009, that same Mr. Sullivan of the GAO said that his study of 2007 is still relevant and the same conclusions can be drawn.

This is not a new engine which is being introduced. This is an engine development program to provide competition which has been long underway. The Department of Defense and Congress have approved, authorized, and appropriated spending so far of \$2.5 billion for this alternate engine. The most important point I think I can make is this is not \$4 billion or \$5 billion or \$6 billion additional funds we are talking about. In order to complete the development of this competitive engine, it will require \$1.8 billion. So that \$2.5 billion is already sunk into this engine development program. That is probably two-thirds of its cost already sunk into it. The question is, do we complete the development of this alternative engine at a cost of about \$1.8 billion? That would conclude the cost for the engine contractor and other government costs for that program, for testing activities and for oversight. So again, the issue is not whether to introduce a new engine. The question is, do we complete the development of a second engine which is already two-thirds paid for?

We received a letter this morning—I received a letter this morning—from the Secretary of Defense, and the letter concludes that if the final bill presented to the President contains provisions that would seriously disrupt the F-35 program, the President's senior advisers will recommend that the President veto the bill.

If the final bill presented to the President contained provisions that would seriously disrupt the F-35 program, I would recommend to the President that he veto the bill. There is no serious disruption to the F-35 program that would occur whether or not the Bayh amendment is adopted. The Bayh amendment makes triply sure there will be no disruption at all, even a minute disruption, in the F-35 program. It is not going to be disrupted at all.

The funding for this alternate engine in the bill which the committee approved came from a Marine helicopter program, a part of which could not be produced this year. So the committee determined that it could safely take funds that were requested for that program, which could not be spent this year. A question has been raised about that. There is no one on this committee, there is no one in this Senate, who wants to slow down a Marine helicopter program. None of us will permit that to happen. That program is a vital program. We have spent a lot of money on it. It is critically necessary.

The decision, which was made by the Armed Services Committee, was to simply take funds which could not be spent for that program, because of development delays, and to spend that, instead, for the second engine. However, what the Bayh amendment does is to make triply sure, to reassure everybody there cannot possibly be any impact on a Marine helicopter program, by finding a separate, a different, a distinct source, an alternate source, for this second engine.

So the Bayh amendment removes any question about Marine helicopters. If adopted, that will be off the table. It was off the table in any event. But everybody wants to assure the Marines, assure our people that there is not going to be any impact on a Marine helicopter program for any reason, much less a second engine.

There is another question which some have raised about whether two engines—

The ACTING PRESIDENT pro tempore. The Senator has consumed 10 minutes.

Mr. LEVIN. I thank the Acting President pro tempore.

Madam President, how much time is left for Senator BAYH?

The ACTING PRESIDENT pro tempore. Twenty-seven minutes.

Mr. LEVIN. I would, in that case, conclude my statement. If there is additional time for Senator BAYH, I will then ask at a later point for some of that time. But for those reasons, and more, which I have not yet been able to reach, I very much support the Bayh amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LIEBERMAN. Madam President, I yield to the Senator from Georgia, Mr. CHAMBLISS, such time as he requires.

Mr. LEVIN. Madam President, if I could ask the Senator from Georgia, about how much time does he believe he would be using?

Mr. CHAMBLISS. No more than 10 minutes.

Mr. LEVIN. Madam President, I ask unanimous consent that after that 10-minute time is used Senator KERRY be recognized for a period of up to 10 minutes on Senator BAYH's time.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I thank the Senator from Connecticut for yielding time on this critically important issue.

As we have been here debating on the floor for the last 2 weeks now the respective issues relative to the priorities from a Defense authorization standpoint, we have done everything other than going from increasing pay for our military personnel to the ter-

mination of what I argued on the floor last week and this week of the latest, most technologically advanced warfighting machine that has ever been produced by mankind. But the decision was made to terminate the F-22.

The F-22, not only from a technology standpoint, was providing valuable test material for the follow-on fighter, but it also is powered by two engines, one engine of which is going to be on the F-35. And here we are now talking about the issue of whether we should continue with a competitive second engine for an airplane that now has an engine that is being flown, has been flown, has been tested by the Air Force on the F-22. It has successfully flown on the F-22 for years now, and also has flown successfully in what limited testing has been done on the F-35.

We have put all of our eggs in the F-35 basket now. As I said during the debate on the F-22, I am a big supporter of the F-35. It is a great airplane. I know it is going to succeed. But we are at a point, with respect to the cost of all weapons systems, where we have to look more toward where we are going to be in future years from a cost standpoint and with regard to what we are able to provide our men and women.

When you look at items that need to be included in the mix from a competition standpoint, there is nobody who supports competition more than I do. That is the reason I supported the second engine—up to a point in time. But when it came up again last year, it was pretty obvious we were at a point where the engine, manufactured by Pratt & Whitney—two of which fly on the F-22; only one of which is needed for the F-35—is a good engine. It is doing the job. It has passed the test. So I decided last year we needed to move away from the spending of the money on the second engine, and let's concentrate on providing, obviously, the two engines for the F-22, and the one engine on the F-35.

We have something else thrown into the mix. I did not support Senator BAYH's amendment in committee, for what I still think are all of the right reasons from the standpoint of: Do we need competition for an engine that is successful? For an engine we know is working? For an engine for which we know what the cost is today?

Why do we need the second engine? Well, I know detractors have said—and they have made the argument to me—that: Look, that engine may fail. Something may happen to that engine. I agree for a point in time that could have happened. But we have been at this with respect to the engine that is powering the F-35 for years now, and it is a success. So I reached a point in time last year when I decided we did not need the additional competition from the standpoint of the second engine and, obviously, the committee reached that same result this year.

Now we are changing horses a little bit more. Instead of using the discontinuance of the helicopters, the Marine helicopters, we are taking money from six C-130Js to fund the competitive second engine for the F-35, and the competition is going to be between the new engine we have tested and have had in production now for several years against an engine we know to be successful.

Well, the issue has gotten even more sensitive to me because I know how critically important the C-130J is to our men and women who are in combat today—not those who might be going into combat and might need this weapon system somewhere down the road. Our men and women in theater today depend every single day on the C-130J, and on the C-130Hs, even, that are old airplanes, that are in theater, that are flying our men and women. They are looking to get the new C-130Js to help them transport themselves as well as equipment from one part of the theater to the other, from outside the theater into the theater. Our special operations men and women are looking to the C-130J for the gunship operations they carry out.

Here we are going to say to those men and women: Well, we think it is more important to have competition for a second engine against an engine we know is successful than it is to provide you with the latest, most technologically advanced airlift capability we can give you. That makes no sense whatsoever to me from a national security standpoint.

All of us have been to Iraq and Afghanistan at some point or another. I have been to Iraq eight times. I have been to Afghanistan twice. When we go over there, we fly into either Kuwait or Jordan or some neighboring country. Then we are transported from that country into Iraq or into Afghanistan. What have we flown on? I would say not 99 percent of the time but 100 percent of the time when we are transported into theater, we fly on C-130s. All of us have had the experience of seeing date plates on C-130s we are flying on into theater, where rockets are being fired occasionally at those weapons systems, and we have had some issues relative to that. But the date plates on those airplanes we fly on almost consistently are in the 1960s or 1970s.

So today what we are asking our men and women to do is to fly C-130s that are 40 years old, 30 years old, or whatever it may be, that are not equipped with the latest, most technologically advanced weapons systems, and here we are saying to those men and women that we are going to take away from you the entrance of additional C-130Js into theater because we think it is important we have competition for a second engine on the F-35.

This makes absolutely no sense from either a fiscal standpoint or a national

security standpoint. The C-130J is a great airplane. We have nine of them in this authorization bill. This particular amendment takes six of those nine out of the bill and pays for the funding—the remainder of the funding—on the second engine. That second engine is a great engine. It has performed magnificently. But it is competing with an engine that also is performing magnificently.

So to say we now ought to take a weapons system, such as the C-130J that our men and women depend on every single day to fly them around within Afghanistan—because they need these airplanes to land, they need an airplane that can land on a short runway; and the C-130 has that capability to fly our men and women around Iraq, to fly our men and women who carry out special operations and missions and have the gunships—the guns that are mounted on the C-130J to be transformed into a gunship—we are going to take away that capability and that need from our men and women to fund a second engine for an airplane that already has an engine on it, that is performing well, that we know is successful, for which we know how much it costs today. It is not like we are going to see a reduction in price on the engine of the F-35 because we complete the testing and the procurement of an alternative engine. That is not going to happen, and that is not the issue. The issue comes down to the point of are we going to take, in this case, a weapon system away from our men and women to fund a second engine to compete with an engine that is already successful.

I would say that, obviously, I felt very strongly and was very emotional about the discontinuance of the F-22 for all of the right reasons, but this is one of those issues that makes even less sense than the discontinuance of the F-22. We need to make sure we spend tax money wisely. We have had the competition on the F-35. It is time we move down the road of building and procuring as many of those as we can. With the ramp-up this bill calls for, under the direction of the chairman, we are going to be buying a lot of F-35s in a short period of time. They have a great engine on them today. It works. It is successful. That is where we need to concentrate. That is where we need to spend our money. We don't need to spend the money on the second engine, nor do we need to take six C-130 airplanes out of this budget to pay for an engine we are probably never going to buy.

So I would simply urge my colleagues to vote in support of the Lieberman amendment and to vote against the Bayh second-degree amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Madam President, I rise to join my colleague, Senator KENNEDY, in opposing the Lieberman amendment to eliminate funding for the Joint Strike Fighter alternative engine. I disagree with the arguments that were just made by the Senator from Georgia who actually is inaccurate by saying it is going to take away a weapon system from our military at the current time. It doesn't take any weapon system away whatsoever. It simply changes the schedule of production with respect to the C-130s, but all of the C-130s will be built. So no system is taken away. It is important to try to be accurate about what is at stake here.

As does Senator KENNEDY and a lot of other people, including Senator BAYH and others, I believe the alternative engine is critical to reduce risks to our forces, to protect against cost overruns, to preserve the U.S. industrial manufacturing base, and to support our international partners. It is a little strange, I might add, to have some of our friends on the other side of the aisle who are usually quick to come up here and support competition in the American marketplace arguing that we shouldn't have competition and that we ought to have a single-source production for engines, where we have already seen that there are problems frequently in those single-source production lines.

I strongly support the second-degree amendment offered by Senator BAYH and Senator KENNEDY that would provide more than \$156 million for the management reserves of the Joint Strike Fighter Program and more than \$280 million for the Marine Corps helicopter fleet. This will allow the Senate to preserve funding for the vital Marine Corps helicopters without eliminating competition for the Joint Strike Fighter's competitive alternative engine program.

Let me say the funding for the Joint Strike Fighter alternative engine has been important to Senator KENNEDY for a long period of time. As we all know, he is being treated back in Massachusetts and is not here today, but his statement in support of the amendment he is offering with Senator BAYH has already been put into the RECORD by Senator BAYH. I wish to simply reference one thing Senator KENNEDY has said:

Competition for the Joint Strike Fighter engine has compelling advantages and avoids past pitfalls. Dual-sourcing will build vital operational redundancy into the fleet, avoid a single point of failure for the engine malfunctions and spare part shortages experienced in the past with other fleet-wide groundings. Competition delivers an inherent incentive for manufacturers to absorb and contain cost growth, even as it encourages responsiveness by contractors, continuous product improvement, and innovation.

All of us know that is the way we are most effective at producing all of our

goods in this country. We do it through competition. It is that kind of competition that spurs innovation, and it avoids cost overruns. Senator KENNEDY is 100 percent accurate in his analysis of this issue, and I hope Senators will weigh his measurement of this based on his years of experience on the Armed Services Committee as well as on the facts regarding this particular engine proposition.

The alternate engine program spreads capability and capacity across the U.S. industrial base. What it does is it ensures the production, maintenance, and availability of critical components so they are not concentrated in the hands of one single producer.

Why does that matter? Well, the current engine for the Joint Strike Fighter has had testing issues. It is simply not appropriate to stand here and suggest that everything is absolutely hunky-dory with the single-source program. The fact is, there have been two engine blade failures within the past 2 years requiring a redesign, remanufacture, and delays in the flight test program. In fact, the engine has yet to even be flight tested in the most stressing flight regime—the vertical landing mode. Those tests have been delayed for up to 2 years, and they are now scheduled to take place in September.

It is precisely that kind of delay that begs for this kind of alternative engine program. In fact, the 2007 Institute of Defense Analysis study concluded:

Competition has the potential to bring benefits in addition to reduced prices, including force readiness, contractor responsiveness, and industrial base breadth.

So I don't believe it is in the best interests of our military to have the major part of the fighter fleet dependent on a single-engine type provided by a single manufacturer. It is simply too risky, and experience tells us it is too risky.

In the 1970s, many of the F-15s and F-16 fleets were grounded as a result of reliability and durability issues because the aircraft were dependent on one engine type. Similarly, the AV-8 Harrier was grounded for 11 months due to engine problems. With over 2,400 F-35s currently planned for procurement and each of the services going to be dependent on one engine and one aircraft type for the vast majority of its capability, it simply doesn't make sense to put all of it into one engine manufacturer—one engine and one producer. We certainly don't want to take the risk of the entire F-35 fleet being grounded. Competition will avoid that potential.

So I ask my colleagues to oppose the Lieberman amendment, support the Bayh-Kennedy amendment to provide additional funding to the Joint Strike Fighter Program and to the Marine Corps helicopter fleet. I believe that is the way we best eliminate risk and best serve the armed services and the needs of this particular aircraft.

Madam President, I reserve the remainder of the time to Senator BAYH. Does the Senator from Ohio wish to speak?

Mr. BROWN. Madam President, I wish to speak to thank Senator BAYH for his work and Chairman LEVIN and Senator KERRY in opposition to the amendment.

Mr. KERRY. Madam President, I yield the Senator such time as he may use on behalf of Senator BAYH.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, I wish to thank Chairman LEVIN for his leadership and Senator BAYH for his work.

This debate is about competition. It is about how our government spends money.

Earlier this year, the Senate passed a comprehensive DOD procurement reform law. Now we are debating a Defense authorization bill of more than \$660 billion. We need to continue to reform the procurement process. We need to make sure Congress is not just a rubber stamp.

We are debating today whether we should end a near monopoly on engines and long-term maintenance for the Joint Strike Fighter to one company. The Department of Defense created the alternative engine program in the mid-1990s because DOD knew such a program would foster competition between engine manufacturers. Competition fosters cost savings and improved performance and flexibility. Now we are debating whether the Senate should create a monopoly in buying just one engine for more than 2,400 aircraft.

What would happen if we end the alternative engine program? One engine manufacturer, frankly, would have us over a barrel. The government would have no option. The government would have no bargaining power. That is what we are talking about today. We are debating whether we should clear the field and have no competition, not even the threat of competition, for our Nation's most important aerial defense program.

What would happen if performance standards changed? I tell my colleagues, we will become price-takers. The company will tell us how much they want for making the required changes. We will have to accept it. What would happen if the manufacturer decided they can't deliver the engine at the agreed price? We would be price-takers again.

What if we needed to ramp up production to defend our Nation but we have only one production line? We would be in trouble. What if there are skyrocketing costs in production? We would have to pay them.

If this amendment passes, we are setting the stage for inflated costs. We are setting the stage for inadequate capacity.

So as we work to find ways to save money in this bill, as we work to reduce our budget deficit, we are contemplating cutting funding for a program that could lower the cost of the JSF and save our government billions of dollars while creating a more reliable aircraft, and we are debating whether to limit the military's ability to pick the best engine possible.

We have been talking about an alternate engine program, but that is a bit of a misnomer. It is not an alternate engine; it is a competition between engines to ensure we pick the right one. Remember the famous competition between engine manufacturers for the F-16. The so-called great engine war saved our government billions of dollars and provided our military with the best engine possible.

The F-16 has kept our Nation safe for a generation. It is in large part because the military was able to pick the best possible engine. That competition made it possible to avoid massive cost overruns, to avoid production problems, to avoid performance issues. That is why we have a competitive engine program now. We are not talking about one alternate engine; we are talking about two engine alternatives. It is an important distinction. It is about competition.

What we are debating is an effort by some to declare the competition over, even though this body has provided funding for two engines over and over. We are going to buy more than 2,400 Joint Strike Fighters and costs will keep going up. According to news reports, we are talking at least \$300 billion.

We need to make sure we spend this money wisely. By eliminating the alternate engine program just to save a few dollars today, we are jeopardizing billions later—\$300 billion, 2,400 planes, the next generation aircraft that will serve the entire military for decades.

We have to get this right the first time. There are no do-overs. The JSF is a single-engine fighter. Any problem with its engine could ground the entire fleet. This would waste billions of tax dollars, and even more importantly, it would jeopardize our military's ability to defend our Nation.

We need to get this right. We need to make sure we are not granting a monopoly today that we are going to be stuck with for 10 years or 20 years or 30 years from now. Let's keep the second engine program going. Let's have a competition. Let's make sure our military has the best plane possible.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I wish to respond to a few of the statements that have been made by the proponents of the second engine which I

feel very strongly is a costly waste of taxpayer money and is unnecessary.

The argument has been made: why stop competition? I can't say it often enough that there has been competition. There was a competition in the 1990s between these two great engine manufacturers: Pratt & Whitney and General Electric. Pratt & Whitney won the competition fair and square. They did it, as Senator CHAMBLISS said, with an engine that has now had an enormous amount of experience. The Air Force has had experience with it in the F-22, and it has worked extraordinarily well.

Secretary Gates, in his letter to us today, says the current engine is performing well with more than 11,000 test hours. So there has been a competition. General Electric, which manufactures the second engine which lost the competition, is trying, in my opinion—I love this company. I respect them. They are headquartered in Connecticut, but they are trying to achieve through legislation what they could not achieve through competition, and it is costly.

It is costly. It delays the Joint Strike Fighter Program. Earlier this week, we terminated the F-22 technical air fighter program. That means we are all in the Joint Strike Fighter Program. This is our single hope and the specific program to take us to the future for American tactical air war combat.

This second engine—the money for it—according to testimony before the Senate Armed Services Committee will cost the Air Force between 50 and 83 fewer Joint Strike Fighters for the Air Force, Army, and Navy over the next 5 years. That is a lot to pay for.

There has been competition and it is over. This engine that has been selected is a good one, and it will continue to perform well and not delay the program.

I want to say a few other things about what has been said. There has been some citing of a GAO report issued in May of this year that suggested that, in the long term, a second engine might result in savings. I think it is important to say that the opinion of the GAO is not documented in their report on that matter, and it is not shared by other authorities who have done independent analyses.

The Institute for Defense Analyses says flat out that GAO underestimated the required government investment to develop an alternative engine by nearly \$4 billion. One of the supporters of the second engine earlier said that we have already spent over \$2 billion on it, and there is only a need to spend another \$1.5 billion or \$1.8 billion. Of course, any dollar we spend on an engine that I believe we don't need should go to other programs in the Department of Defense. It is a waste of dollars.

JULY 23, 2009.

In the GAO report itself, which is cited by proponents of the second engine, it is quite clear that they say an additional investment of \$3.5 billion to \$4.5 billion in development and production costs may be required for this program.

That means an additional \$3.5 billion to \$4.5 billion, in the coming years totaling over \$6 billion—some say even more—for a second engine, which would be nice to have, like it would be nice to have a lot of things, but we cannot afford it.

The fact that we cannot afford it is demonstrated by the amendments introduced by the proponents of the second engine. We will have to cannibalize, or take from the Marine Huey helicopters and from the Air Force C-130s being used by the special operations and Air Force combat command in battle today.

Let me go to this GAO argument. My friend from Massachusetts cited an Institute of Defense Analyses statement offered in testimony before the House in March of this year. There is another line in that that makes a very powerful point on the question of savings from the second engine. To break even financially, according to the Institute of Defense Analyses—I am quoting from that:

To offset fully the estimated \$8.8 billion investment to establish the alternative JSF engine would require a savings rate, during the production phase, of 40 percent on a net present value basis.

That is a little complicated. Here is the key from the independent Institute of Defense Analyses:

Savings of this magnitude are implausible, considering the 11 to 18 percent savings realized in other competition.

So it is way beyond what we have seen before. I want to quote from testimony received in our committee, a very interesting exchange between Senator BEGICH, a member of our subcommittee, and the representative of the Navy and the Air Force. Senator BEGICH, in reference to the GAO report cited, indicated that the F-136, the second engine, had better efficiency and opportunity, "but you seem to disagree with that," the Senator says to the witnesses, and I believe that the current Joint Strike Fighter engine is the course you are taking. Vice Admiral Architzel of the Navy says:

While we generally support competition, the cost of continuing to develop a second engine versus being able to use that in procurement dollars for aircraft or in the cost also to maintain the 2 engines, the Navy supports the Department of Defense in just having this one F-35 engine.

Lieutenant General Shackelford, from the Office of Acquisition of the Air Force, says a very important quote regarding the GAO report that has been cited by proponents of the second engine:

In this particular case, the analysis that the Office of the Secretary of Defense did to

look at the costs associated with a second engine yielded a different result from what the GAO reported, which basically says the costs associated with development of a second engine would be something that we would consider unaffordable in the current timeframe, while we would be doing the development. That benefit down the road, in terms of comparative costs, would be more of a wash than the more optimistic version of what the GAO report said.

So when we look at balancing the risk of having one engine versus the costs of paying for the second—be it costs within the program, which would be taken out of production aircraft with a negative effect in terms of unit costs, or even having to source these dollars someplace else within the Air Force—we don't consider the purchase of a second engine to be an affordable solution.

Again, competition has occurred. It is over. We have to really go forward with the Joint Strike Fighter Program, not delay it, or waste money on it or take money from other programs to fund this one.

I will introduce this for the RECORD. I ask unanimous consent to have printed in the RECORD two letters, one from Military Families United, and another from the Vets for Freedom.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 23, 2009.

Hon. JOE LIEBERMAN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of Military Families United and the military families throughout the country we represent, I am writing today in support of restoring funding to the FY2010 National Defense Authorization Act to procure additional UH-1s and HC-130s.

As we continue to increase deployments of our forces in Afghanistan, the strain on our military hardware will greatly increase thus making it more necessary that we continue to procure and recapitalize vital equipment at a sustainable rate. Without this equipment America's brave men and women in uniform will be put in greater danger. They deserve the best equipment available to defend themselves and successfully complete the mission they have been asked to accomplish. Providing the necessary funds for the procurement and recapitalization of both the UH-1 and the HC-130 will afford our Armed Forces the ability to successfully execute our military engagements overseas.

Our warfighters deserve the very best equipment we can provide them. To that end, Military Families United aggressively supports this effort to restore funding for the procurement and recapitalization of these vital weapons systems. We must never forget the sacrifices the brave men and women of our Armed Forces make every day in the service of our nation and for the cause of Freedom. I look forward to working with your office to get this important legislation passed.

Sincerely,

BRIAN WISE,
Executive Director,
Military Families United.

Hon. JOSEPH I. LIEBERMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LIEBERMAN: Vets for Freedom has always fought for the success of the mission and fielding the needs of war-fighters serving our country in harms way. Recently, we've seen attempts made in Congress to strip funding from the Marine Corps H-1Y Huey helicopter program and from the Special Operations Command's C-130 fleet.

Both pieces of equipment play a key role in making both our troops more effective and lethal on the battlefield: by both transporting Marines into the fight and allowing our Special Operations Forces to take the fight to the Taliban and Al-Qaeda around the country. Both of the H-1Y Huey and HC/MC-130 Hercules are mission critical assets for the fight we are in today and tomorrow—and the Secretary of Defense and Commandant of the U.S. Marine Corps agree.

Vets for Freedom calls on the Senate to fund these two critical programs and ensure that our troops have the equipment and support they need to successfully accomplish their current mission.

Sincerely,

PETE HEGSETH,
Chairman, Vets for Freedom.

Mr. LIEBERMAN. This is from Bryan Wise, executive director of Military Families United:

... I am writing today in support of funding to the FY2010 National Defense Authorization Act to procure additional UH-1s and HC-130s.

... Providing the necessary funds for the procurement and recapitalization of both the UH-1 and the HC-130 will afford our Armed Forces the ability to successfully execute our military engagements overseas.

... Military Families United aggressively supports this effort to restore funding for the procurement and recapitalization of these vital weapons systems. We must never forget the sacrifices the brave men and women of our Armed Forces make every day in the service of our Nation and for the cause of freedom.

The second letter, from the Vets of Freedom, is signed by Pete Hegseth, a distinguished and decorated veteran, who is chairman of Vets for Freedom. He says:

Vets for Freedom has always fought for the success of the mission and fielding the needs of war-fighters serving our country in harm's way. Recently, we've seen attempts made in Congress to strip funding from the Marine Corps H-1Y Huey helicopter program and from the Special Operations Command's C-130 fleet.

Both pieces of equipment play a key role in making our troops more effective and lethal on the battlefield: by both transporting Marines into the fight and allowing our Special Operations Forces to take the fight to the Taliban and al-Qaida around the country. Both of [these programs] are mission critical assets for the fight we are in today and tomorrow—and the Secretary of Defense and Commandant of the U.S. Marine Corps agree.

I appreciate these letters. They speak volumes, and I hope they will lead my colleagues to oppose the Bayh amendment and support the amendment we have introduced.

I yield the floor.

Ms. SNOWE. Madam President, I rise in support of Senator LIEBERMAN's

amendment to the National Defense Authorization Act for Fiscal Year 2010, which would eliminate funding for an alternate engine for the F-35 Joint Strike Fighter, JSF.

President Obama singled out the alternate engine as wasteful government and he specifically did not request funding for an alternative engine in his budget proposal to the Congress. On May 7, President Obama said that "we're going to save money by eliminating unnecessary defense programs that do nothing to keep us safe—but rather prevent us from spending money on what does keep us safe. One example is a \$465 million program to build an alternate engine for the Joint Strike Fighter. The Defense Department is already pleased with the engine it has. The engine it has works. The Pentagon does not want—and does not plan to use—the alternative version. That's why the Pentagon stopped requesting this funding two years ago."

In fact, the administration has already stated its intention to veto a defense authorization bill that is presented to the President that includes funding for an alternative engine. The June 24, 2009 Statement of Administration Policy on HR 2647, the House Defense authorization bill, which also includes funding for development of an alternative engine, noted that "... the Administration objects to provisions of [HR 2647] that mandate an alternative engine program for the JSF. The current engine is performing well with more than 11,000 test hours. Expenditures on a second engine are unnecessary and impede the progress of the overall JSF program. Alleged risks of a fleet-wide grounding due to a single engine are exaggerated. The Air Force currently has several fleets that operate on a single-engine source."

In addition, the Secretaries and Chiefs of the Air Force and Navy have all said that they do not need or want a second engine for the JSF. When Air Force Chief of Staff General Schwartz testified before the Senate Armed Services Committee on May 21, 2009, he said that if he were asked where he would put his next available dollar for the F-22 program, "it would not be in a second engine." Chief of Naval Operations Admiral Gary Roughead is also opposed to the second engine, stating, "... keeping parts for two engines on the decks of aircraft carriers is not advisable. Therefore you can put me solidly in the one-engine camp."

It has been suggested that competition for these engines would be good for the military. Quite simply, there has already been a competition and it was won by Pratt & Whitney. In 1996, the Pratt & Whitney engine was the engine of choice for two of three competitors for the Joint Strike Fighter: Boeing and Lockheed Martin. The third competitor, McDonnell Douglass, selected the General Electric engine.

When McDonnell Douglass was not selected for a key milestone in the JSF development, concept demonstration, while Lockheed Martin and Boeing were selected, the General Electric engine was eliminated as a future engine for the JSF. In fact, the P&W engine was well positioned for this competitive success in the JSF competition by previously besting competing engines in 1991 for use in the F-22. Moreover, the only other aircraft in the U.S. military inventory that has a dual source for engines is the F-16. All other military aircraft have a single source engine, and it is a strategy that works. Single source jet engines are the rule, not the exception.

In terms of the industrial base, the leaders of the potential alternate engine teams would suggest that without an alternate engine they might be shut out of the military aircraft engine business. However, these teams already provide engines for multiple military aircraft platforms. In contrast, Pratt & Whitney will only make aircraft engines for the Joint Strike Fighter with the closing of the C-17 and F-22 lines. In a sense, the reverse would be more accurate.

This is especially important to me since much of the JSF engine work will go through the Pratt & Whitney facility in my home State of Maine. The 1,375 highly skilled employees at the P&W North Berwick facility should not have their jobs jeopardized for an unnecessary competition. A competition that they already won.

This debate should not even be occurring. The President and the U.S. military say they do not want or need this alternate engine. There is no reasonable justification for spending on a second engine when the first engine is performing admirably. I urge my colleagues to support Senator LIEBERMAN's amendment.

Mr. LEAHY. Madam President, I rise in strong support of the alternate engine for the F-35 Joint Strike Fighter. The Armed Services Committee, which has reviewed the program carefully, made the sensible move in restoring the almost \$440 million necessary this year to continue design and development of the alternate engine, known as the F136 engine, made by General Electric Aviation.

The F-35 Joint Strike Fighter Program will likely emerge as the largest tactical aircraft program in the Nation's history.

Given developments in unmanned aerial vehicles, it could also be the country's last major tactical aircraft program. The F-35 will provide a tremendous general purpose capability to replace the Air Force's aging F-16s, the Marine Corps' AV-8Bs, and older versions of the F/A-18. We have to get development of this aircraft right. The kind of delays and cost overruns that have plagued development of so many

other defense programs recently would be absolutely unacceptable in this far-reaching program.

An alternate engine would create competition. Competition would force both production teams to deliver a better product at a better price to the government.

An alternate engine would prevent a single-point failure in the F-35s continued development. If one program reaches insurmountable obstacles, the Department of Defense will be able to rely on the other engine. Finally, an alternate engine would ensure that the country has more than one military engine manufacturer.

Several nonpartisan, rigorous studies from groups such as the Institute for Defense Analyses and the Government Accountability Office have underscored the benefits of an alternate engine.

There is some question as to whether the existence of a second engine and the resulting competition would save money over the life of the program. One need only look to the history of the F-16 engine in the 1970s and the 1980s for an answer, which is a resounding yes. In that case, the availability of two engines resulted in a decline in price for the overall aircraft, allowing the government to buy more for less. Opponents of the alternative engine claim that cutting the engine will allow more planes to be built, when in fact what will happen is that the overall cost of the program will increase and incentives to build the best engine will be eliminated.

Real cost savings, improved performance: these are the reasons that we simply must continue development of the Alternate Engine for the Joint Strike Fighter. And it is these reasons that I will vote to continue forward with this absolutely essential investment that ensures we are getting the best product for our troops and at the best price for taxpayers.

Mr. MCCAIN. Madam President, what is the time situation?

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Connecticut has 26 minutes. The Senator from Indiana has 14 minutes. Who yields time?

Mr. LIEBERMAN. Might I ask my friend from Oklahoma how much time he needs?

Mr. INHOFE. A couple minutes.

Mr. LIEBERMAN. I yield to the Senator from Oklahoma up to 5 minutes of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I look at this issue and think about not just the hours and days and months but years we have talked about this. A lot of people have changed their mind and have gone back and forth on it. I think at the time Senator WARNER was here, he actually took a couple of positions.

I look at it simply. I have been concerned about the funding and about

some of what we need to have. We all had different ideas on the additional F-22s. I look at this and I see that the only current U.S. military aircraft with a new engine source is the F-16. All the rest have single engine sources. It has worked well, and there is no military requirement for the alternate engine.

I have come to the conclusion it would cost over \$5 billion to fund the alternate engine and, over the next year, it will cost the program—I have seen estimates from 50 to 80 aircraft, according to the program manager.

Congress has directed three studies on the alternative engine, and we have gone over studies in our Armed Services Committee. Two out of the three studies of the alternate engine stated there would never be any cost savings associated with the competition.

There has never been actual data—only anecdotal—that proves there was ever any cost savings brought about by what someone called the “great engine war” on the F-16s.

It seems to me it is a savings without the alternate engine, which will allow us to have more capability, more aircraft.

I strongly support the Lieberman-McCain amendment.

I yield the floor.

Mr. BAYH. How much time remains on our side, Madam President?

The PRESIDING OFFICER. The Senator from Connecticut has 23 minutes. The Senator from Indiana has 14 minutes.

Mr. MCCAIN. Madam President, I want to add some additional comments about the \$438 million that would be taken from the HC/MC 130s recapitalization program to fund development of the alternate engine.

I don't think there is any doubt that given the conflict in Afghanistan, as well as Iraq, but particularly now in Afghanistan, as we move into the southern part of the country, the HC/MC 130s are critical weapons systems. Their platforms are designed to specifically support our special operations warriors, which is the kind of fight we are in. It is an irregular fight, and it puts increasing demands on our special forces.

As we know, these aircraft are specialized C-130s that are specifically designed for that fight. They have capabilities, such as aerial refueling and gunship weaponry, that meet the requirements of the special operations command.

I would be very reluctant and strongly opposed to taking funding away from special operations and using it to fund the second motor for the Joint Strike Fighter. It is a time, obviously, when we are fighting two irregular wars, and it is not a time to take this funding away.

According to the Defense Department, the current military require-

ment for the HC/MC 130s aircraft is 60. The Department recently recognized that the need to modernize the aging, worn-out special operations and combat search and rescue fleets is urgent.

According to the Office of the Secretary of Defense, “the cut to these aircraft would slow down deliveries to the warfighter of the HC-130 and the MC-130 impacting both the Air Force's Air Combat Command and Special Operations Command.”

According to the Air Force “based on the JROC validated requirements for 37 MC-130s and 78 HC-130s, the Air Force, including the Air Force Special Operations Command and Air Combat Command, would benefit from an even greater acceleration of the recapitalization rate of all 9 aircraft that remain in the President's budget.

Taking that money out of this program would delay the delivery of new aircraft to the warfighter. I think that if General McChrystal were here, and our other leaders, they would make it very clear that in the very difficult situation we face in Afghanistan—large areas of geography that need to be traveled and controlled—these aircraft are very much needed. I hope my colleagues will also take that into consideration as we consider this vote.

I congratulate the Senator from Indiana for a very eloquent argument on behalf of his position. Again, I state my appreciation for the very important role he plays as a member of the Armed Services Committee. This is one of the few times we disagree, but I think he has presented his side of the argument with eloquence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Madam President, perhaps I should quit while I am ahead following those very generous remarks by my friend and colleague from Arizona. I am compelled, however, to save a few minutes of my time for Senator LEVIN, who is the chairman of the Armed Services Committee and is supportive of our amendment, for him to offer a few additional observations. I do want to close with a few closing remarks.

First, I thank Senator KENNEDY, who could not be with us today but who is a strong supporter of our amendment, and Senators KERRY, VOINOVICH, BROWN, and Senator LEVIN I have mentioned, who spoke in support of this amendment. I thank them.

I do want to address a couple of points that have been raised, first with regard to the issue of the Marine Corps helicopters. Again, for those who care about the helicopters, for those who care about supporting the Marine Corps, we have taken care of that issue. The Marine helicopters will be fully funded. So that is off the table. For the assertions made in the reduction of the number of Joint Strike Fighters to be procured, we fully fund-

ed the administration's request, and there will be no reduction because of my amendment. We have taken care of that issue. That is no longer relevant.

The President's staff recommending a veto was premised on the presumption that there would be a reduction in the number of planes purchased. Since that has been taken care of, the veto threat is no longer relevant. It has been taken care of.

There have been comments made about the C-130 procurement. I, too, support the C-130 procurement. We have fully funded—fully funded—the administration's request. It was passed in the supplemental. The money is there, in recognition of that. That is why the House of Representatives fully eliminated the account we are using to fund the second engine.

For those who care about the C-130, as do I—and I thought Senator MCCAIN's comments were very appropriate about the need for that important plane—that has been fully funded. In fact, what has been proposed in our authorization is a duplicate funding, a double funding. So for those of us who care about duplication, this, in fact, would save the taxpayers money, which I understand is one of the premises underlying the Lieberman amendment. Accepting their premise, this is a fully appropriate funding source.

Finally, I would like to address this issue of competition once again. It has been asserted and alleged over and over that there was a competition, that the competition was won by Pratt & Whitney, that there was competition, competition, competition. I hold in my hands copies of the contracts given to Pratt & Whitney. I hold them right here. Cover page, January 23, 1997, Pratt & Whitney, \$804 million, et cetera, in bold type:

This contract was not competitively procured.

Let me repeat that:

This contract was not competitively procured.

The second contract is for the engine dated October 26, 2001, Pratt & Whitney, in this case \$4.8 billion. Once again, in bold type—bold type—so people can read it and understand:

This contract was not competitively procured.

It could not be any plainer than that for those of us who can read these documents. There was not a competition with regard to this engine. It is a sole-source contract.

Therein lies the issue. It is not about helicopters. It is not about the number of planes that are procured. It is not about the C-130. All of those things have been taken care of. It is about your belief that competition is in the best interest of the taxpayers—and quality. If you believe that, you support this amendment. If you believe single-source, noncompetitively bid

contracts, such as these, are in the best interests of quality and protecting the taxpayers, then you will support Senator LIEBERMAN's amendment. That is what this is all about.

Since I don't have much time—how much time do I have, Madam President?

The PRESIDING OFFICER. The Senator has 10½ minutes.

Mr. BAYH. Madam President, I don't want to exhaust it all. I quoted at length in my previous comments from the General Accounting Office, and there are a variety of studies. It is asserted that GAO did not offer much reasoning for their comments. I point out once again that they state very clearly the savings from this competition; the second engine has the potential to be equal to or exceeding its cost. Prior experience, they indicate, points to this and that they are confident competitive pressures could yield these kinds of savings. The GAO is well on record. I understand there is a dispute from other entities and other studies, but that is the GAO's opinion.

This all comes down to competition, whether my colleagues embrace it, in which case they support our amendment, or if they do not—and I suppose there may be legitimate arguments in favor of noncompetitive bidding—they will support the other amendment.

I yield the floor.

Mr. LEVIN. Madam President, will the Senator from Indiana yield me 3 minutes?

Mr. BAYH. Absolutely.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, let me confirm what the Senator from Indiana said. This issue does not involve 130s. Congress has put all the money in for 130s that the President requested. The reason this money for 130s was in our committee report is because we did not know at the time that the supplemental appropriations bill would put money in for the 130s. So we do not need this money for the 130s to fully finance the request of the President of the United States for 130s.

I wish to reiterate one point I made earlier. This is not an issue of whether we insert a new engine, whether we start down the road with a second engine. That issue was resolved years ago by Congress when we started to fund a second engine for the purpose of competition. We have already put \$2.5 billion into this second engine. Roughly \$1.8 billion more is needed. So our sunk costs are approximately two-thirds of the cost of this second engine.

We have consistently supported it in the Armed Services Committee. This is not new. We feel the value of competition will more than make up for all of the costs and surely far more than make up for the final costs which we need in order to complete the development of this second engine.

I do support the Bayh amendment. I think it makes sense in terms of the fundamental point of competition, it makes sense fiscally, and it makes good sense in terms of the quantity we are buying. There is a huge buy, 2,500 planes, engines, and perhaps 500 more in terms of the export market. It is a huge buy. With this size buy and given the precedent of other planes—at least three that have had two engines available for them—with that precedent and with these savings, I hope the Bayh amendment is accepted.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, first, I ask unanimous consent that the Senator from New Hampshire, Mrs. SHAHEEN, be added as a cosponsor to the amendment Senator McCain and I and others have offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I thank my friend from New Hampshire for joining us on this amendment. We have a dispute about whether there was competition. I guess it depends on what you describe as competition.

There clearly was competition for the Joint Strike Fighter plane engine in the 1990s. In 1996, Pratt & Whitney and General Electric each submitted engine proposals to the three airframe manufacturers that were competing for the Joint Strike Fighter contract: Lockheed, Boeing, McDonnell Douglas. Two of the three selected the Pratt & Whitney engine, and it happened that those two airframe manufacturers were down-selected for the final competition. Ultimately, in 2001, Lockheed was selected to start the design and development with the Pratt & Whitney engine.

I believe there was a competition. General Electric lost. It has gone the other way on other occasions. And this is a legislative attempt to achieve by legislation what could not be achieved through competition.

Secondly, my dear friend Senator LEVIN, the chairman, and I may have an effectual disagreement on how much more going for the second engine will cost. He believes it will be \$1.8 billion. I cited earlier in this debate statistics that show it will be between \$4.5 and \$5.5 billion. That is not the main point. Madam President, \$1.8 billion is a lot more to spend on an engine I have submitted to my colleagues we do not need. Not only do we not need it, the Air Force testified before our committee that if we spend this money on a second engine, we are going to get, by General Shackelford's testimony to us, 53 fewer Joint Strike Fighters in the next 5 years. We will not be able to afford them. That is a serious consequence.

What about this engine that has been selected? The F-135 engine has flown over 11,000 test hours and delivered 12

flight test engines. The F-135 uses a core that has been delivered and is being used in the F-22. It will have close to 1 million flight hours by the time this selected engine, the Pratt & Whitney F-135, enters operational service in 2012. That is quite a remarkable record and one that justifies what Secretary Gates said to us in a letter he sent to us this morning: "The current engine is performing well with more than 11,000 test hours." I think the record is a clear one.

I, again, respectfully thank my friend from Indiana. Senator McCain said he has argued well. He is a dear friend. We would rather be on the same side on issues. We both feel strongly about this issue. Therefore, I respectfully urge my colleagues to vote against the Bayh amendment and for our amendment which would end funding for a second unnecessary engine.

I thank the Chair, and I yield the floor.

Mr. BAYH. Madam President, unless my friend and colleague from Arizona has something new and shocking to say, I am going to yield back the remainder of my time.

First, I thank both of my colleagues for the tenor of the debate. We have some honest differences of opinion. I find myself much more comfortable working with my colleague, Senator LIEBERMAN, in a variety of capacities. Senator McCain and I are one of a hearty band of a few who come to the floor in agreement to oppose wasteful measures. I look forward to resuming that partnership in the future even though we have a respectful difference of opinion today. I only wish all our debates could be as focused and collegial as this has been.

Having said that, I thank my colleagues. Unless Chairman LEVIN has anything additional to say, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, has all the time been yielded back?

Mr. LIEBERMAN. I ask my friend from Arizona if there is anything more he would like to say.

Mr. McCain. I think we are prepared to vote.

Mr. LIEBERMAN. Madam President, I will say very briefly, to wind up, the Bayh amendment does remove the 130s from the Air Force. It is true they got money in the supplemental, but statements we got this morning from the Air Force and the Office of the Secretary of Defense, the 130s they got in the supplemental, which are critically needed, leave open—in other words, they are nowhere near their requirements for that plane which is critically important to the Air Force and particularly to our special operations forces in Afghanistan, Iraq, and throughout the world in the war on terrorism.

I would just close by reading a statement from President Obama, when he introduced his defense budget on May 15.

We are going to save money by eliminating unnecessary Defense programs that do nothing to keep us safe but rather prevent us from spending money on what does keep us safe. One example is a \$465 million program to build an alternate engine for the Joint Strike Fighter. The Defense Department is already pleased with the engine it has. The engine it has works. The Pentagon does not want and does not plan to use the alternate version. That is why the Pentagon stopped requesting this program funding 2 years ago.

And then from Secretary Gates, just today:

It is my belief the Joint Strike Fighter program presented in the President's budget request is in the best interest of national security. If a final bill is presented to the President containing provisions that would seriously disrupt the F-35 Joint Strike Fighter program, the President's senior advisers will recommend that the President veto the bill.

That is from Secretary Gates' letter.

So I submit to my colleagues, I believe we have shown today that the second engine funding will seriously disrupt the Joint Strike Fighter Program. Again, I respectfully ask my colleagues to oppose the amendment from our good friend from Indiana and support the amendment we have offered.

I thank the Chair, and if there is no one else who wants to speak, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent that at 12:35 p.m., all time remaining for debate with respect to these amendments, Nos. 1627 and 1767, having been yielded back, the Senate then proceed to vote in relation to the amendments in the order previously entered, with the second vote 10 minutes in duration and all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I modify that unanimous consent request and ask that the vote begin immediately at 12:34 and a half p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1767 offered by the Senator from Indiana. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—38

Baucus	Dorgan	Lugar
Bayh	Feingold	McCaskill
Begich	Gillibrand	McConnell
Brown	Graham	Murkowski
Bunning	Hagan	Murray
Burr	Hutchison	Sanders
Burriss	Inouye	Stabenow
Cantwell	Johanns	Thune
Carper	Kerry	Vitter
Cochran	Landrieu	Voinovich
Conrad	Lautenberg	Warner
Corker	Leahy	Webb
Cornyn	Levin	

NAYS—59

Akaka	Feinstein	Nelson (FL)
Alexander	Franken	Pryor
Barrasso	Grassley	Reed
Bennet	Gregg	Reid
Bennett	Harkin	Risch
Bingaman	Hatch	Roberts
Bond	Inhofe	Rockefeller
Boxer	Isakson	Schumer
Brownback	Johnson	Sessions
Cardin	Kaufman	Shaheen
Casey	Klobuchar	Shelby
Chambliss	Kohl	Snowe
Coburn	Kyl	Specter
Collins	Lieberman	Tester
Crapo	Lincoln	Udall (CO)
DeMint	Martinez	Udall (NM)
Dodd	McCain	Whitehouse
Durbin	Menendez	Wicker
Ensign	Merkley	Wyden
Enzi	Nelson (NE)	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 1767) was rejected.

Mr. LEVIN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1627

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1627, offered by the Senator from Connecticut.

Mr. LEVIN. Madam President, I ask unanimous consent, with the concurrence of the proponents and the opponents, that the 2 minutes be yielded back and that this be voice voted.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back.

The question is on agreeing to amendment No. 1627.

The amendment (No. 1627) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. CARPER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1760

Mr. KYL. Madam President, let me take a moment to indicate to colleagues where we are at the moment. The pending business is my amendment, amendment No. 1760, dealing with the START treaty. We need to have our nuclear weapons program modernized consistent with the START treaty.

What we are thinking of doing is to start the debate with about 2 minutes of conversation, and then if we are able to work out an agreement with the chairman of the Armed Services Committee and other members who have an interest in this, we can avoid a long, protracted debate and potentially a lot of votes on alternatives as well as this amendment.

In the meantime, other business on the bill could be conducted. I think the next business the chairman intends would be for Senator SCHUMER to speak. So what I would suggest is that we move forward to try to work out an agreement. The essence is simply this, for my colleagues who are interested in this START treaty: We know there is a treaty, or at least we hope a treaty is going to be submitted to the Senate late this year.

We would be reducing the number of nuclear warheads and delivery systems in an agreement with the Russians. That makes it even more necessary to put some money into our current nuclear program, the infrastructure and our nuclear stockpile, to bring it up to snuff, to modernize it, and to ensure that it meets the test for safety, security, and credibility.

We need to have a plan for doing that, that is at least no later than the point at which the treaty would be submitted to the Senate so we know what we are going to be able to support. Hopefully, what we would do is convey to the administration jointly, Democrats and Republicans, our desire to have that submittal to the Senate to have a study we could put into law as a part of this bill that would call for bringing in that modernization program and thereby avoid voting specifically on the amendment No. 1760 I have proposed.

We are trying to work out the details of that. If we can do that, we can probably save quite a bit of time.

Mr. LEVIN. Madam President, let me thank my friend from Arizona. First of all, we are trying to work out an approach which would be satisfactory to the issue and will save a lot of time if we can work it out. If we cannot, we can go to a vote on his amendment. The regular order would be to go back to the Kyl amendment as I understand it at this point. We are going to ask

unanimous consent that the Senator from New York be recognized to introduce an amendment, that it be in order for him to do so, and that after 15 minutes we vote.

I ask unanimous consent that after 15 minutes of debate, with no amendments being in order to the amendment, we then proceed to a vote, understanding it would be a voice, and then the regular order would be restored, which is the Kyl amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, if the chairman would agree, the Senator from Montana wants to take some time to talk about his amendment which is germane, but he wants to talk about it. We have not had a chance to examine it. Then we could go back to the Kyl amendment, pending hopefully an agreement.

Mr. LEVIN. I would modify my unanimous consent request that after the disposition of the Schumer amendment, then Senator TESTER be recognized for 10 minutes to talk about his amendment, without the consent to offer it.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Reserving the right to object, is there a time agreement on the Schumer amendment?

Mr. LEVIN. Fifteen minutes is what I reserved.

Mr. CHAMBLISS. Thank you. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

AMENDMENT NO. 1764

(Purpose: To ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes)

Mr. SCHUMER. I ask unanimous consent to set aside the pending amendment so we can call up amendment No. 1764.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1764.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SCHUMER. I ask unanimous consent I be yielded 5 minutes of the 15; Senator BENNETT, the ranking member of the Rules Committee, be given 5 minutes; and Senator CHAMBLISS be given 5 minutes, divided that way.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. SCHUMER. I rise to talk about Amendment No. 1764, called the MOVE Act, The Military and Overseas Voter Empowerment Act of 2009. I first wish to thank my colleague, Senator BENNETT, for his hard work. He was indispensable in getting this done, as were Senator CHAMBLISS and Senator BEN NELSON of Nebraska and Senator CORNYN, who had previous legislation that was similar. I also wish to thank the Chairman, Senator LEVIN, as well as Senator MCCAIN, for helping us.

The MOVE Act is a bipartisanship solution to a serious, yet all too familiar, problem. The bottom line is, our soldiers overseas have a very difficult time in voting. With the MOVE Act, with 58 cosponsors, we can tackle this problem head on and make voting for our military overseas men and women easier.

We chaired a hearing in the Rules Committee that brought up the problems, and they are shocking. The bottom line is very simple. If you are in the military, it is very difficult to comply with State registration laws. You have to go through two post offices, military mail, and then the regular post office. There is no availability of notaries. Many States require notaries.

There is also the problem, of course, that you have to do everything, by many State laws, by mail. And the mail takes forever when you are overseas.

Couple that with the fact that for absentee voting, which by definition these voters have to use, there are serious deadlines. All too often our soldiers get their absentee ballot after the deadline has passed to send them in. All too often, even more frequently, the voting ballot does not arrive by the deadline the State has set.

So these are serious problems. The bottom line is, with technology, they all could be overcome. We have faxes, we have e-mails, we have computers, and we do not use them for our soldiers overseas. They can risk their lives for us, we can at least allow them to vote. They take orders from the Commander in Chief. They are the first people who ought to be allowed to elect and vote for a Commander in Chief.

If we can deploy tanks and high-tech equipment and food to the frontlines, we can figure out a way to deliver ballots to our troops so they can be returned and counted. That is what the MOVE Act does, correcting the many flaws that riddle absentee ballots for overseas voting.

The numbers are very troubling. More than a quarter of all ballots either come in too late or are not counted. That is a serious problem. When our soldiers who have so much else on their minds go out of their way to get the

absentee ballot cast, then it is not counted. That is frustrating. That is wrong. That is not American.

So our bill—and the details are available in the RECORD—deals with that issue. One soldier sent to the Overseas Vote Foundation a letter which said: "I hate that because of my military service from overseas, I was precluded from voting."

That soldier continues: "Of all people, deployed servicemembers should have a guaranteed ability to vote." That sums it up. That sums it up.

The MOVE Act will ensure it by allowing ballots to be sent electronically, dealing with the time gaps and all the other problems we face. It is bipartisan. Again, both Senator BENNETT and I on the Rules Committee support it. Senator CHAMBLISS and Senator BEN NELSON, who have done such a good job, are the cosponsors of this legislation. We can finally solve this problem, which is unacceptable, by moving this legislation.

I ask my colleagues, how can a marine in Fallujah find a notary? Why are we making things so hard? How can somebody who goes out of his or her way to cast a ballot have that ballot not counted? This legislation solves the problem in a fair, measured way that is cognizant of the rights of States to set the voting laws as they wish. I hope we will have unanimous support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I am happy to cosponsor the bill Senator SCHUMER has just discussed, the Military and Overseas Voters Empowerment Act or the MOVE Act. As the ranking member of the Rules Committee, I have served alongside Chairman SCHUMER and commend him for his decision to make this a priority and move it through the committee. Our military personnel make tremendous sacrifices for this country, and we need to make sure they are able to exercise their right to vote. I thank Senator SCHUMER's staff as well for the cooperative way in which we have moved this forward and for his willingness to deal with two other colleagues on the committee, Senator CHAMBLISS and Senator NELSON.

When the legislation was introduced in its original form, I raised concerns with Senator SCHUMER about some of its provisions. He worked with me and my staff to address those concerns, and the amendment before us today effectively does so. That is why I am pleased to now be a cosponsor of the bill.

The difficulties our service personnel face in attempting to vote have been well documented. The Senator from New York has described them. I believe this amendment deals with them in a proper fashion.

I want to clarify several points for the record. We recognize that election

administration is carried out at the local level, and we have no intention of transferring those functions to the State in this legislation. The amendment makes clear that States may comply with the obligations imposed on them hereunder by delegating their responsibilities to other jurisdictions in the States, just as they have for so many years in complying with the Uniformed and Overseas Citizens Absentee Voting Act. Also, the amendment requires States seeking Federal funds to meet the requirements imposed by this amendment to update their State plans which have been previously submitted pursuant to HAVA, the Help America Vote Act. The amendment clarifies that only States seeking the funds authorized by and appropriated pursuant to this amendment are obligated to update their State plans.

With that clarification, I thank Senator SCHUMER and my other colleagues who worked so hard on this legislation: the two I mentioned, Senators CHAMBLISS and NELSON, as well as Senator CORNYN, who is not a member of the committee but who has worked on it. I appreciate their bringing the issue before the Senate. I am proud to support it and look forward to its unanimous passage.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise to express my strong support for amendment No. 1764 offered by the Senator from New York, Mr. SCHUMER. With the leadership of Senator SCHUMER and Senator BENNETT, we have crafted one of the most substantive and comprehensive military and overseas voting reforms we have seen in years. This amendment tackles some very tough issues while taking States rights into account.

In May of this year, Senator BENNETT was consumed with another issue, and he asked me to cochair a hearing with Senator SCHUMER on military and overseas voting. We heard testimony from numerous witnesses regarding the difficulty of military and overseas voting. This amendment addresses some of those concerns and is a significant step toward ensuring that military and overseas voters are not disenfranchised.

The amendment establishes uniform standards for the request and delivery of blank balloting material that takes into account all available technologies. It makes sure all overseas voters have time to vote by requiring States to send out ballots to military and overseas voters at least 45 days before election day. It utilizes expedited mail delivery services for our uniformed members serving overseas, ensuring a timely delivery of completed ballots. It establishes a requirement for service Secretaries to designate voter registration agencies at military installations to assist with voter registration and

aid our voting assistance officers. It lays the groundwork to gather needed information to continue to improve the overseas absentee voting process and will help existing voting oversight organizations gather key voting metrics to help make key decisions ahead of future elections.

Not since the passage of the Uniformed and Overseas Citizens Absentee Voting Act in 1986 have we proposed such significant legislation designed to help the men and women of the military who time and time again are called upon to defend the rights and freedoms we Americans hold so sacred.

Unfortunately, our military is one of the most disenfranchised voting blocks we have. Today we have the opportunity to correct this problem. I am extremely pleased with this legislation and proud to have been a part of the team that put this amendment together.

There are 57 other cosponsors which is representative of the strong support for this amendment and significant concern around the country regarding this issue. I thank Senator SCHUMER and his staff for leading this effort and helping make this legislation become a reality. I thank Senator BEN NELSON, my good friend and colleague, on the Armed Services Committee, for his efforts in this matter. It would not have happened without his strong leadership.

I also thank Senator BENNETT and his staff for their strong efforts in putting this bill in the proper perspective and making sure that all issues were properly addressed. I also thank Senator CORNYN for his leadership over the years on this issue. Senator CORNYN is not a member of the Rules Committee, but he has been very engaged on this issue over the last several years. His input was valuable. There is no question that his support for the amendment and contributions he and his staff have made to the amendment have made what was a good amendment a much better one.

Lastly, I thank the secretary of state of the State of Georgia, Karen Handel, also a very valuable asset to us as we went through the process of putting this bill together. She and her staff responded very timely and were honest in the feedback we got from them. Their contributions helped make sensible changes that make the amendment better. Their partnership on this effort will move us forward in the right direction toward ensuring every overseas voter wishing to vote will be able to do so.

Again, to my colleague from New York, it has been a pleasure to work on this. It is one other asset that we can give to our men and women in uniform; that is, to make sure they have the ability to participate in what we all take for granted but a very precious right, that being the right to vote.

I yield the floor.

Mr. NELSON of Nebraska. Mr. President, I rise in strong support of amendment No. 1764, better known as the Military and Overseas Voter Empowerment Act. I wish to express my appreciation to Senators SCHUMER and CHAMBLISS for their leadership and excellent work on this issue and acknowledge the outstanding support and contributions of Senators BENNETT and CORNYN, whose involvement has improved this bill and whose ongoing support will help us enact it into law. This effort has been constructive and bipartisan all the way, as evidenced by our list of 58 bipartisan cosponsors, and I am very proud of the bill we have produced.

We owe it to our men and women in uniform to protect their right to vote. And for military and overseas voters, that right is only as good as their ability to cast a ballot and have it counted. For years, we have known of the obstacles these brave Americans face in exercising their right to vote, often when far from home and in harm's way. I firmly believe this legislation will make a huge impact in empowering our military and overseas voters to have their votes counted, no matter where they find themselves on election day.

Simply put, the status quo for these voters is unacceptable. It is hard for military families to keep their voter registration information current, and it is often difficult to deliver ballots to overseas voters in enough time for them to vote and return the ballot by the time the polls close.

The poor results from recent elections speak for themselves. In 2008, statistics from the seven States with the greatest number of deployed troops show that one in four military and overseas voters were unable to have their vote counted. In 2006, the situation was even worse: according to the U.S. Election Assistance Commission, up to two-thirds of ballots requested by voters under the Uniformed and Overseas Citizens Voting Act were either not cast or not counted.

We discussed these numbers and heard testimony from State and local officials at a hearing in the Rules Committee earlier this year. The challenges we face are significant, but a number of very excellent recommendations were made at that hearing, and Senators SCHUMER and CHAMBLISS and I immediately got to work on a common-sense bill to improve and streamline the process for these voters. The bill we came up with was amended and reported unanimously by the Rules Committee last week. The product of that effort is now before the Senate as an amendment to the Defense bill.

I urge the adoption of the amendment, and I will push for it to be enacted into law in this bill, because as State and local election officials know, voting reforms need to be put in place

well in advance. The way they see it, the next Federal election is right around the corner. Now is our chance to make a difference for 2010.

This legislation harnesses technology to speed up the voting process by allowing registration and ballot requests to be sent electronically. It ensures that military and overseas voters have time to vote by requiring ballots to be sent out 45 days before the election and allowing blank ballots to be sent electronically. It also provides some flexibility to States that cannot meet the 45-day deadline, as long as they come up with an alternative plan to ensure time to vote. In addition, it will harness the creativity of States and local officials by authorizing pilot projects to test new voting technology, with appropriate safeguards for privacy and security. The legislation also requires the Department of Defense to play a more significant role in facilitating voter registration and in collecting and returning voted ballots in cooperation with the Postal Service.

The MOVE Act, as we call it, has the support of the Alliance for Military and Overseas Voting Rights, which is a coalition of over 30 military associations, nonprofit organizations, elected officials, and student groups dedicated to ensuring that Americans abroad have an equal right and opportunity to vote. We also have the support of many other groups, including the National Association of County Officials, which is especially important because having the support of State and local officials means that our efforts are endorsed by the people who actually carry out elections in this country, which can often be a thankless job.

In conclusion, I would like to thank all 57 of the amendment's cosponsors, especially Senators SCHUMER and CHAMBLISS and the others I mentioned who have shown real leadership on this issue. This amendment is bipartisan, noncontroversial, and necessary to solve a persistent problem that has dogged our troops and overseas voters for years. We tackle those problems head-on, and I think we will see real, tangible results from this legislation.

Mr. President, it is our responsibility to ensure the right to vote for the men and women of our Armed Forces and others serving overseas; they protect our rights, and we have an opportunity today to return the favor by passing the MOVE Act. I urge the amendment's adoption.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I will note that this amendment passed unanimously out of the Committee on Rules, which has joint jurisdiction, last week.

I yield back all remaining time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1764.

The amendment (No. 1764) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. SCHUMER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1564

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I come to the floor today to say a few words about amendment No. 1564, an amendment I am seeking agreement on, and hopefully we will achieve agreement between the majority and minority. This amendment will allow but not require the Secretary of each service branch to allow family members of fallen servicemembers to attend one memorial service as a way of helping to honor those who give their lives to our Nation. Although the Defense Department's current regulations permit the services to provide transportation of family members to the burial service of a servicemember killed on Active Duty, the regulations do not allow travel to memorial services. This can be particularly painful when a parent or sibling cannot afford to travel to a memorial service held by a unit or even other family members.

Although some charity groups have been able to help families attend memorial services for their fallen loved ones when servicemembers die in service to their country, it is the government's moral obligation to help their families in every possible way. This is not an abstract problem; it is all too real to some families.

A little over a year ago, on May 1, 2008, a soldier with a family in both Montana and Arizona was seriously wounded while serving in Iraq. Four days after being injured he was being transferred from an Army hospital in Germany to Walter Reed. While en route, the soldier's injuries worsened and the plane was diverted to Halifax, Nova Scotia. It was there that he passed away on May 15.

Like too many children today, this soldier grew up with divorced parents. His father is a constituent of mine. His mother is a constituent of the distinguished ranking Republican on the Armed Services Committee. When his family and friends in Phoenix organized a memorial service for him, his father asked the casualty affairs officer assigned to him if the Army could pay for him to attend the memorial service. He was told, no; that it is not an authorized expense. The Army cannot pay for such a plane ticket.

My office was contacted, and we were able to work out with a nonprofit organization to obtain a plane ticket for the soldier's father to attend the memorial service but only after considerable frustration and pain.

This amendment would make travel to a single memorial service an author-

ized expense. It is supported by the Gold Star Mothers.

Our troops and veterans have earned every benefit and every paycheck they get from our country. Every single Member of the Senate has been steadfast in that support. But the families of folks who serve this country have earned our Nation's support and respect as well. Sometimes we do not do enough to recognize the sacrifice that comes along with having a loved one in the Armed Forces. This amendment provides the families of our servicemembers one small measure of support and appreciation.

I thank Senators LEVIN and MCCAIN for the work they have done on this bill and, hopefully, the work they did to get this amendment accepted.

I also wanted to take some time this afternoon to speak about a dire situation in Columbus, MT. At this moment there are 1,300 employees of the Stillwater Mining Company who are going to work wondering about the future of their company and the future of their jobs. Yesterday a bankruptcy court in New York nullified a contract between Stillwater Mine, the only palladium and platinum producer in the United States, and General Motors. General Motors petitioned the bankruptcy court to drop its precious metals contract with the Montana mining company so it can instead use foreign, cheaper suppliers based outside this country, specifically in Russia and South Africa. I would have a big problem under any circumstances for an American corporate icon to choose foreign suppliers over a viable American option, but when we consider that General Motors only exists today due to the direct assistance of the American taxpayer, this decision is appalling and weakens our American manufacturing base.

As a member of the Senate Banking Committee, I attended the marathon hearings late last year where the domestic automakers pleaded for government assistance. On November 18 of last year, I relayed to executives from Ford, Chrysler and, yes, GM the importance of spending taxpayer funds in the United States. I said I would have to ask: Where is the money going to be spent, who is it going to be spent on, and what country is it going to be spent in? Those are all critically important questions.

If we are using taxpayer dollars, from my perspective, it ought to be spent in the United States. In response, I was assured that taxpayer funds would be spent domestically to rebuild the auto manufacturers. By negating Stillwater's contract, GM is not investing domestically. They are not investing in American jobs. They are not investing in this country. It goes against the grain when we see a viable company that has recently gotten into trouble, such as GM, go against what they told me in committee.

When General Motors came pleading to the Senate late last year, they spoke of the fate of their employees, but they also spoke of the fate of small parts manufacturers, miners, dealerships, and other interconnected businesses dependent on GM.

I voted against giving taxpayer dollars to the auto manufacturers, just as I voted against the Wall Street bailout. The auto manufacturers didn't convince me they would spend the money wisely and that they would spend it in the United States. I wish I were wrong, but they are not spending the taxpayer dollars wisely, in my opinion, and they are not spending the taxpayer dollars in the United States. And it is the folks at Stillwater, like many auto dealerships in Montana and across rural America, who are hurting.

With its \$50 billion in taxpayer funds, General Motors recently emerged from bankruptcy, and with its first repayment on the \$50 billion owed to the American taxpayer, the new GM has decided to dump its only domestic supplier of palladium. They have failed to present a significant need to do business with foreign suppliers when they can contract with a company right here in America that employs more than 1,300 hard-working Americans.

For the last decade, Stillwater has supplied GM with palladium and rhodium, which are used to make catalytic converters that filter pollutants from vehicle exhaust. The palladium sales to auto companies accounted for 42.8 percent of Stillwater's revenue last year.

General Motors' rejection of its contract with Stillwater will result in company losses of about \$500,000 per month and almost certainly means losing countless good-paying American jobs—and those American jobs, in this case, happen to be in Montana.

Stillwater is one of Montana's largest employers. The economic well-being of 1,300 Montanans at Stillwater who work at the mines in Nye and Big Timber is no doubt in serious trouble. GM's actions threaten the well-being of families, numerous small communities, and dozens of interconnected Montana businesses.

Immediately after the court ruled against Stillwater and its employees, I joined with the senior Senator from Montana, MAX BAUCUS, in urging General Motors to reconsider their decision to choose foreign suppliers over a proven domestic partner.

I still hope they make the right decision and realize the new GM only exists today because of the American taxpayers—taxpayers such as the Montanans who work at the Stillwater mines. Maybe they do not care about placing American jobs at risk, but the fact is—as I do, and we do—they should.

I cannot express adequately today the disappointment I have had and that I have with GM's decision to negate the

contract with Stillwater Mining. It is part of that manufacturing base that I think is so critically important to this country, and they are turning their back on it.

With that, I yield the floor, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I wish to ask unanimous consent to engage in a colloquy for a minute with the distinguished chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I understand we are hopefully close to an agreement on the Kyl amendment and then we could set up, following that agreement, the Burr amendment, followed by an Akaka amendment, and our staffs will be working on further amendments so our colleagues will know.

Mr. LEVIN. Our goal is precisely that. We are trying to work out an agreement with Senator KYL. Staffs are trying to work out a time agreement. The order, though, hopefully will be Senator BURR and then Senator AKAKA. But we have to make sure the proper committees are notified that are involved in those amendments, and then we could, I think, have a unanimous consent agreement. That is our goal.

Mr. MCCAIN. I thank the chairman. For the benefit of our colleagues I still think it is possible—and I think the chairman would agree—to finish up by tonight, if we could have expeditious handling of the amendments but which may require us to finish by tomorrow, I hope.

Mr. LEVIN. I am very pleased to hear the optimistic assessment. I can't honestly say I share that optimism, but I will be delighted to be surprised.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak as in morning business while we are waiting for the outcome of the negotiations that I had a colloquy with the chairman about.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARMARK REFORM

Mr. MCCAIN. Mr. President, I have long spoken about the broken appropriations process and the corruption it breeds. I remain deeply concerned over the damage done to our country and, indeed, this institution by their continued abuse. I ask my colleagues: How many more pay-to-play scandals will it take before we enact comprehensive and meaningful earmark reform?

Look at the scandals over the last 5 years alone: Former U.S. Representative Randy Cunningham sits in a Federal prison today for selling earmarks. Among the many bribes Cunningham admitted receiving was the sale of his house at an inflated price; the use of a yacht, free; a used Rolls Royce; antique furniture; Persian rugs; jewelry; and a \$2,000 contribution for his daughter's college graduation party. In return, he earmarked untold millions of dollars and pressured the Department of Defense to award contracts to his co-conspirators.

Of course, Senator DORGAN and I spent nearly 2 years investigating the Indian lobbying practices of Jack Abramoff, who reportedly dubbed appropriations committees "a favor factory." One former Senate staffer pled guilty to accepting gifts in exchange for helping Mr. Abramoff's team on appropriations matters. An ex-official in the Department of Justice pled guilty to accepting bribes for helping Mr. Abramoff's client secure millions of dollars to build a jail. In all, over 20 people—including an ex-Congressman, administration officials, congressional staffers, and lobbyists—have been indicted, convicted or pled guilty.

The Department of Justice investigation into this matter still continues to this day.

We have today multiple pay-to-play scandals unfolding before our eyes. We read weekly, almost daily, news article after news article about numerous criminal investigations revolving around earmarks. Take, for example, the ongoing criminal investigation into the PMA Group. Most Americans have probably never heard of the PMA Group. The PMA Group was a DC lobbying firm with deep ties to Capitol Hill and a reputation for securing lucrative earmarks for its clients, especially defense earmarks. As I have said many times, it is the "Willie Sutton Syndrome," because when he was asked why he robbed banks, he said: "That's where the money is." The reason why a lot of these corrupting earmarks came out of defense is because that is where the money is.

The PMA Group boasted more than \$15 million in revenue last year. The PMA Group clients reportedly received \$300 million in defense earmarks for fiscal year 2008 and \$317 million for fiscal year 2009. The PMA Group and its clients spread around a lot of campaign contributions in an attempt to curry favor with lawmakers.

Last November, the Federal Bureau of Investigation raided PMA's offices and the home of its founder, Paul Magliocchetti. According to news reports, prosecutors were initially focused on whether Mr. Magliocchetti used a Florida wine steward and a golf

club executive as a front to funnel illegal donations to lawmakers. The Washington Post examined campaign contributions reportedly given by employees of the PMA Group and found listed in donor records "several people who were not registered lobbyists and did not work for the lobbying firm," including a 75-year-old California man who had never even heard of the firm.

Since then, the Department of Justice has raided the offices of a number of PMA clients and their business partners. A Federal grand jury reportedly subpoenaed records from one U.S. Representative's congressional and campaign offices and the FBI is interviewing his staffers.

Last week, we read about yet another scandal involving people and firms in PMA's orbit. According to a July 15 Associated Press news article, the former head of the defense contractor, Coherent Systems International, pled guilty in Federal court to defrauding the U.S. Government and accepting kickbacks. Two former PMA clients are reportedly caught up in the scandal.

According to court documents, in October of 2005, the Air Force Research Lab awarded Coherent an \$8.1 million contract to deliver four Ground Mobile Gateway Systems. An \$8.2 million earmark contained in a tsunami relief bill funded the contract. Get that: It was for a Ground Mobile Gateway System included in a tsunami relief bill. Not surprisingly, Coherent had lobbied for that earmark. At the time, Coherent was represented by a firm called KSA Consulting.

Coherent submitted to the government at least \$1.8 million in purchase orders outside the scope of the Air Force contract. What did the government get for its \$1.8 million? Coherent paid two subcontractors, which were also represented by KSA Consulting, almost \$600,000 for software that was not called for under the Air Force contract. What did Coherent do with the software? It literally threw the software in a closet where it sat collecting dust.

Coherent paid another subcontractor \$650,000 for the delivery of five prototypes, also not part of the prime contract. Some reports suggest that this is the same subcontractor that allegedly bribed Coherent's president and whose offices the FBI raided earlier this year.

Coherent also paid Schaller Engineering, a former PMA client, \$200,000 for technology that was never delivered. We now know where the money went. On July 21, 2009, Roll Call reported that the former Air Force contracting official, on the Mobile Common Data Link Gateway program, pled guilty to "skimming money from an earmark that was provided to a Pennsylvania defense contractor." In his plea agreement, the official admits to approving invoices that were not part of the contract and then taking the kickback from the defense contractor.

This is outrageous, but I also believe it is only the tip of the iceberg. We will undoubtedly see the continued march of news reports about further indictments and guilty pleas.

Earmarks breed corruption, purely and simply. The current earmarking process doesn't stop it or adequately guard against it. So I ask my colleagues: How many more scandals must we suffer before we enact meaningful earmark reform? How low must Congress's approval rating sink before we act to repair this institution's reputation? How many more lawmakers, staffers, government officials, and contractors have to go to jail before we actually fix this process?

Unfortunately, Congress's earmarking practices have grown worse, not better, just about every year I have served in the Senate. This year promises to be the worst. We began the year by passing a \$400 billion Omnibus appropriations bill with almost 9,000 earmarks in it. Contrary to his promise to the American people to stem the tide of earmarks, the President refused to veto that pork-laden bill. In fact, he signed it in a quiet room far from the public eye. I might add, using the rationale it was "last year's business," even though it was passed this year.

Two weeks ago, the Senate approved a \$44 billion Department of Homeland Security appropriations bill. It was over \$200 million more than last year's bill and almost \$100 million more than the President's budget request. It, too, was laden with numerous unrequested, unauthorized earmarks added at the direction of members of the Appropriations Committee in the Senate. Rest assured, we will see more earmarks in the other appropriations bills that come to the floor later this year. Even the pending fiscal year 2010 national defense authorization bill is not insulated from the practice.

Americans all over the country are hurting. People are losing their jobs, their savings, and their homes. So what do we do? We continue this disgraceful earmarking process, elevating parochialism and patronage politics over the true needs and welfare of this Nation. The President pledged during his campaign he would work to eliminate earmarks. The Speaker of the House promised to drain the swamp. Given the abysmal state of our economy, Americans can no longer wait for them to make good on their promises. Earmark reform is needed and it is needed now.

Mr. President, I ask unanimous consent that the following articles be printed in the RECORD:

July 21, 2009: "Ex-Air Force Employee Pleads Guilty in Case Tied to Murtha Earmark."

The Hill, July 21, 2009: "Second Contractor Pleads Guilty in Earmark Probe."

July 21, 2009: "Inquiries Focus on Subcommittee Ties."

July 15, 2009: "Ex-Defense Contractor CEO Enters Fraud Guilty Plea."

Washington Post, February 14, 2009: "Despite Listing, Donors Don't Work For Firm Being Probed."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Roll Call, July 21, 2009]

EX-AIR FORCE EMPLOYEE PLEADS GUILTY IN CASE TIED TO MURTHA EARMARK

(By Paul Singer)

A former Air Force employee pleaded guilty Monday to skimming money from an earmark that was provided to a Pennsylvania defense contractor by Rep. John Murtha (D-Pa.).

In the plea agreement, Mark O'Hair admits he was the Air Force official responsible for evaluating contract proposals and making technical evaluations of contracts under the "battlefield airman" program, which was designed to integrate battlefield communication technology.

According to the plea agreement, filed in a federal court in Florida, in May 2005, "Congress passed a tsunami relief act which included within the provisions of the act an \$8.2 million earmark for the development of the 'Mobile Common Data Link Gateway.' Coherent Systems International, Inc. (CSI) had lobbied for this earmark appropriation."

Roll Call reported in June that Coherent was represented by KSA Consulting, the lobbying firm that employed Murtha's brother, Kit, and that the Congressman had provided this earmark to Coherent by eliminating the same sum from a project that had been designated for a previous client of his brother's firm.

O'Hair admits in the plea agreement that he approved several purchase orders from Coherent for items that were not part of the Gateway project, including \$275,000 to VidiaFusion Inc. and \$300,000 to Gensym, both for software that was provided but never used. Gensym and VidiaFusion were both clients of KSA as well.

O'Hair also approved a payment of \$650,000 to Kuchera Industries—a firm close to Murtha that was raided by the FBI earlier this year for products that were not part of the Gateway contract, and \$200,000 to Schaller Engineering for "target tags" that were never provided. Schaller was represented by the PMA Group lobbying firm, which was raided by the FBI in November.

Richard Schaller, the founder of Schaller Engineering, then distributed the \$200,000 to O'Hair through another company he created and to his business partner Thomas Sumrall, according to the plea agreement. Sumrall has also pleaded guilty in the case, but Schaller has not.

Richard Ianieri, the former CEO of Coherent Systems, pleaded guilty July 14 to charges linked to the same scheme. He has also pleaded guilty in a Pennsylvania court to taking kickbacks from a subcontractor referred to as "K" for favorable treatment under government contracts. Coherent worked closely with Kuchera Industries and shared a facility with the company. Bill Kuchera, the owner of Kuchera Industries, has not been charged in the case.

Roll Call has previously reported that Kuchera, Sumrall, Schaller, Ianieri, O'Hair and two KSA executives—Ken Stalder and Richard Weiss—as well as a staffer from Rep. Murtha's district office met with several other defense contractors in September 2005 at the Nemacolin resort in Pennsylvania to

discuss opportunities to provide communication technologies to the military.

Murtha has not been accused of any wrongdoing in the case, and his office has said that anyone involved in illegal activity connected to the project should be punished.

[From the Hill, July 21, 2009]

SECOND CONTRACTOR PLEADS GUILTY IN
EARMARK PROBE
(By Susan Crabtree)

A former Air Force contractor pleaded guilty Monday to a false statement and conflict-of-interest charge in a widening case involving several defense companies with ties to Rep. John Murtha (D-Pa.).

Mark O'Hair faces up to 10 years in prison and a \$500,000 fine for omitting any reference to his position as a director of a defense company on financial disclosure forms required for his position as a civilian program officer. The company received more than \$200,000 in government contracts while O'Hair was in charge of awarding contractors for the Air Force Research Laboratory at Eglin Air Force Base in Florida.

After retiring from the Air Force in 2001, O'Hair became the senior electronic engineer with the Air Force Research Lab Munitions. Two years later, he became the contracts program manager for the Battlefield Airman program, which was designed to improve the military's battlefield communications systems.

O'Hair is the second defense contractor in a week to plead guilty and agree to cooperate with a federal probe of an earmarked contract Murtha directed to several companies.

Last week, Richard Ianieri, the former chief executive of Coherent Systems International Corp., pleaded guilty to accepting \$200,000 in kickbacks. He received the kickbacks from companies that he had parceled off some portions of the contract to; however, he received little to no concrete work in return.

Murtha is not accused of any wrongdoing in either case.

O'Hair's sentencing hearing is scheduled for October.

[From Politico, July 21, 2009]

INQUIRIES FOCUS ON SUBCOMMITTEE TIES
(By John Bresnahan)

The Appropriations Defense Subcommittee—always considered the high altar of congressional spending power—has suddenly become a liability for lawmakers touched by criminal inquiries scrutinizing the nexus of lobbyists, earmarks and Pentagon contracts.

Just in the past week: A Pennsylvania businessman with ties to Rep. John Murtha (D-Pa.) pleaded guilty in a kickback scheme, leading to new questions about Murtha's role in getting earmarks for his brother's lobbying business. FBI agents raided a Florida company linked to Rep. Bill Young (R-Fla.), leading Young to withdraw a \$4 million funding request for the firm the next day. And Rep. Pete Visclosky (D-Ind.) asked the Federal Election Commission for permission to use his campaign funds to pay legal bills of current and former staffers as part of the investigation into the PMA Group, a lobbying shop that specialized in defense earmarks.

None of these lawmakers, who oversee more than \$500 billion in Pentagon spending, have been accused of wrongdoing, and no one other than Visclosky and his former chief of staff, Charles Brimmer, has even been subpoenaed at this point.

But this web of legal actions, all focused on suspicious ties between lobbying, military contractors and the billions in funding they receive, has once again cast a negative light on the relationship between lawmakers and earmark recipients.

At this point, it's unclear whether the separate Justice Department actions are part of one broad investigation into earmarking and government contractors or are separate probes on different tracks.

But the Department of Justice has certainly focused on some of the most powerful members of Congress. Murtha is chairman of the Defense Subcommittee, while Young, who chaired the full Appropriations Committee for six years, is currently ranking member of the panel. In addition to serving on Defense, Visclosky is chairman of the Appropriations Energy and Water Subcommittee.

All three lawmakers have consistently pushed tens of millions of dollars in earmarks for companies back in their districts. While Murtha may be the most well-known practitioner of the trade, both Young and Visclosky are masters of earmarking, as well.

"The chickens are coming home to roost," said Steve Ellis, vice president of Taxpayers for Common Sense, a government watchdog group that opposes earmarking.

The Justice Department is "beating the drums, that's for sure. They're really stirring things up," said a former Appropriations Committee staffer turned lobbyist. "Everyone is kind of waiting for the next shoe to drop."

And while the criminal investigations heat up at DOJ, House Speaker Nancy Pelosi (D-Calif.) is not protecting her members, letting ethics inquiries move ahead inside the House. The ethics committee has begun a preliminary review of lawmakers' ties to PMA, after Democrats initially blocked such a probe.

"We are going to let the chips fall where they may," said a top aide to one Democratic leader. "If they did something wrong, they are going to have to pay for it. We're not going to cover anything up for them."

The seemingly constant questions about Murtha and his relationship with legally troubled contractors have caused the most political headaches for Pelosi, who pledged to stop the "culture of corruption" she believes thrived under the Republican-controlled Congress.

In November, the FBI raided the offices of the PMA Group. Murtha has received more than \$2.7 million in campaign donations from PMA, its lobbyists and clients over the past decade, but there have been no charges filed until now. The PMA search was followed in January by another federal raid on Kuchera Defense Systems, a Pennsylvania firm that has received more than \$50 million in federal contracts via Murtha earmarks.

Last Wednesday, Richard "Rick" Ianieri, former CEO of Coherent Systems International, pleaded guilty to taking \$200,000 in kickbacks from a subcontractor on an \$8.2 million Air Force contract earmarked by Murtha. Coherent's lobbyist was Robert "Kit" Murtha, the congressman's brother, who helped them win that earmark.

"We had no knowledge of these disturbing transactions, and if they are true, then the individuals and companies in question should be held accountable under the law," said Matt Mazonkey, Murtha's spokesman.

On the same day that Ianieri pleaded guilty, federal agents raided Conax Florida Corp. of St. Petersburg, Fla. Young has ear-

marked more than \$28 million for Conax, a maker of safety devices for NASA and the Pentagon, since 2005, according to the St. Petersburg Times.

According to the Federal Election Commission record, Young received \$6,000 in campaign contributions from Conax employees.

Young has never attracted the same kind of scrutiny for his earmarks as Murtha, although the St. Petersburg Times reported last year that Young steered more than \$73 million in federal funds to a defense firm and nonprofit groups where two of his sons work. "You're going to have a hard time, with Young, finding people to say he's somehow dirty or put him in the same category as Murtha," said a former Appropriations Committee aide.

Visclosky, the least well-known of the defense appropriations trio, meanwhile, is searching for ways to cover his legal bills—and those of his staffers snared by his investigation.

Visclosky and Brimmer were issued subpoenas last month by a federal grand jury in Washington that is investigating PMA.

"It is possible that additional subpoenas or requests for information could be forthcoming for additional current and/or former staff members," wrote Michael Malczewski, Visclosky's treasurer.

With his reputation harmed by the PMA controversy, Visclosky has temporarily stepped aside from overseeing the energy and water spending bill. He has also given up \$18,000 in PMA-related contributions.

While this swirl of legal action around companies and lobbyists looks bad for these lawmakers, it's important to point out that none of them have been accused of enriching themselves personally—and that's what brought down lawmakers in other recent cases.

The charges against former Reps. Bob Ney (R-Ohio), Jim Traficant (D-Ohio), William Jefferson (D-La.) and Rick Renzi (R-Ariz.) and Sen. Ted Stevens (R-Alaska) involved taking official actions that directly benefited their own wallets.

"To my knowledge, none of these cases that are being discussed in the press have come up with any evidence of that at all," noted Scott Lilly, a former staff director for the House Appropriations Committee who is now a senior fellow at the Center for American Progress.

But the scrutiny of the Department of Justice into who gets earmarks and how they get them must be rattling Capitol Hill.

"They realize that even with the best of intentions, you really need to know a lot about the people who are being helped by this process," Lilly added. "And you need to know they're on the level."

EX-DEFENSE CONTRACTOR CEO ENTERS FRAUD
GUILTY PLEA

(By Christine Armario)

PENSACOLA, FL. (AP).—The former chief executive of a defense contractor with ties to Rep. John Murtha pleaded guilty in federal court Tuesday to a kickback scheme and defrauding the Air Force, and promised to cooperate in an ongoing criminal investigation.

Federal prosecutors said Richard S. Ianieri solicited kickbacks from a subcontractor in Pennsylvania while he headed Coherent Systems International Corp. Ianieri also was charged with filing false purchase orders related to an Air Force contract in Florida.

Ianieri pleaded guilty to both charges during a hearing in Pensacola and is scheduled to be sentenced in September. He could face up to 15 years in prison.

A nine-page plea agreement that Ianieri signed says the government will urge a lighter prison sentence if he provides substantial assistance "in the investigation or prosecution of other persons who have committed offenses."

Following Ianieri's plea, Murtha spokesman Matthew Mazonkey said it is not the congressman's job to oversee companies and that "if they broke the law, then they should be held accountable for their actions."

Murtha, D-Pa., has directed hundreds of millions of dollars in government contracts over the years to Coherent and other defense contractors through a process called earmarking.

"This case isn't about earmarks," said Mazonkey. "It's about individuals within the defense industry and the Defense Department accused of defrauding the government."

Executives at Coherent and two other companies named in court papers in Ianieri's Florida case have donated over \$95,000 to Murtha's re-election campaigns and his political action committee since 2002, according to Federal Election Commission records.

One of the companies is Kuchera Industries Inc. of Windber, Pa. about 10 miles from Murtha's political home base of Johnstown.

A felony information filed in Pittsburgh states that Ianieri was given two kickbacks totaling nearly \$200,000 from a company identified only as "K" for "improperly obtaining and rewarding favorable treatment" regarding a defense subcontract.

In an April 2006 news release, Murtha announced that Coherent and Kuchera Defense Systems were working "virtually as one company" on 14 contracts worth \$30 million to develop high-tech military gear.

Kuchera's offices were raided by federal agents in January. Kuchera built high-tech military components that Coherent designed.

The Florida charges concern a Coherent contract given through the Air Force Research Laboratory to deliver four Ground Mobile Gateway Systems, which are designed to help soldiers and pilots trace U.S. units and cut down on friendly fire.

The United States paid Coherent \$5.9 million to build the systems. According to federal court papers, Coherent subsequently paid about \$1.8 million to subcontractors for the delivery of software and materials that were not part of the contract.

Ianieri was charged with presenting purchase orders to the Air Force that he knew were "false, fictitious and fraudulent," court records state.

Murtha also has ties to lobbyists for some of the companies under scrutiny. His brother worked from 2004 to 2006 for KSA Consulting, of Rockville, Md., which lobbied for Coherent. Another lobbying firm, PMA Group, represented two of the companies involved in the Florida investigation.

Founded by a lobbyist who has long been close to Murtha, PMA and its defense contractor clients have donated over \$2 million to Murtha's re-election campaigns and to his political action committee over the years.

Ianieri's attorney, W. Thomas Dillard, of Knoxville, Tenn., declined to comment after the hearing. He would not address questions regarding whether Murtha had sponsored an \$8.2 million earmark that included the money for Coherent. Murtha's spokesman also has refused to say whether the congressman was the sponsor.

Dillard also refused to say whether his client could implicate Murtha or other members of Congress in allegedly illegal conduct.

[From The Washington Post, Feb. 14, 2009]

DESPITE LISTING, DONORS DON'T WORK FOR FIRM BEING PROBED

(By Carol D. Leonnig)

Marvin Hoffman is listed in campaign finance records as one of the many lobbyists with the powerful PMA Group donating money to lawmakers. But Hoffman is a soon-to-retire information technology manager in Marina del Rey, Calif., who has never heard of the Arlington lobbying firm or the Indiana congressman to whom he supposedly gave \$2,000.

"It's alarming that someone is stealing my identity somewhere," Hoffman, 75, said in an interview. "I've never heard of this company."

Another contributor listed as a PMA lobbyist is, in fact, a sales manager for an inflatable boat manufacturer in New Jersey. John Hendricksen said he did make campaign donations but never worked at PMA and does not know how he ended up listed in records that way.

These errors, along with other unusual donations linked to the firm, come as the Justice Department examines allegations that PMA may have violated campaign finance laws. The offices of PMA, which ranked last year as the 10th-largest Washington lobbying firm by earnings, were raided in November by FBI agents and Defense Department investigators.

Federal investigators are focused on allegations that PMA founder Paul Magliocchetti, a former appropriations staffer close to Rep. John P. Murtha (D-Pa.), may have reimbursed some of his staff to cover contributions made in their names to Murtha and other lawmakers, according to two sources familiar with the investigation. PMA has long had a reputation for securing earmarks from congressional appropriators, particularly for defense contractors, and it has donated generously to influential members of Congress. Magliocchetti personally gave \$98,000 in campaign donations last year, according to campaign records.

Federal election laws limit the amount of money individuals may contribute to candidates, but lobbying firms often show their clout by collecting and bundling contributions. It is illegal for employers to reimburse donors for their contributions.

The Washington Post examined contributions that were reported as being made by PMA employees and consultants, and found several people who were not registered lobbyists and did not work at the lobbying firm. It is unclear whether the donors misidentified as PMA associates are part of the federal probe.

A PMA spokesman said the firm's management does not know Hoffman or Hendricksen and does not know how the errors were made in reports to the Federal Election Commission.

"It's up to the campaigns to report contributions in their FEC filings," said PMA spokesman Patrick Dorton.

FEC spokeswoman Mary Brandenberger said she has not often seen such misidentified donations, but if a complaint were received, the commission would first question the campaign about its record-keeping.

Jan Witold Baran, a campaign finance and ethics expert and Wiley Rein lawyer, said the errors pose serious questions and should be cleared up.

"It's true that candidate campaigns have the responsibility for disclosure, but the information they obtain usually comes from the contributor or the person who solicited

from the contributor," Baran said. "The question is: Where did that information come from?"

Murtha aide Matthew Mazonkey said the congressman was not the recipient of the erroneous donations.

PMA, founded in 1989 by Magliocchetti, a former Murtha aide to the House Appropriations Committee, has enjoyed a high success rate in winning earmarks for its clients, which include such major defense contractors as Lockheed and General Dynamics. PMA also represents a circle of lesser-known but also successful contractors such as Argon ST, MTS Technologies, DRS Technologies and Advanced Acoustic Concepts. Many PMA clients have opened offices in Murtha's western Pennsylvania district, donated generously to him, and received millions in earmarks requested by the congressman.

In the last election cycle, PMA and its clients donated \$775,000 to Murtha's campaigns. Last year, those clients received earmarks worth \$299 million and arranged by Murtha and his colleagues.

The majority of PMA's 35 lobbyists had worked on Capitol Hill or at the Pentagon. Several of the top lobbyists were also PMA directors and had ties to lawmakers.

Two men listed in campaign finance reports as together giving \$30,000 to lawmakers and being part of the PMA Group team are not Washington lobbyists at all. They live and work in the Florida resort community of Amelia Island, where PMA founder Magliocchetti has a beachfront condominium. Both are listed as directors of PMA.

John Pugliese had been a sommelier at the posh Ritz-Carlton Hotel on the island, his family said. Jon C. Walker is in charge of golf marketing at the neighboring Amelia Island Golf Club, according to club personnel and its Web site. They each donated identical amounts to the same lawmakers, in 12 installments each, almost always on the same date.

Walker and Pugliese did not return repeated phone calls and messages.

Pugliese is listed as a PMA Group "associate," and Walker is a PMA Group "consultant" in finance records.

Rebecca DeRosa, who is listed as a part-time accountant at PMA and director, recently married Magliocchetti and has given generously on PMA's behalf for several years. Last year alone, she personally gave \$73,000 to lawmakers and congressional political action committees, records show. For most of those donations, she is listed as a PMA employee. Her donations included \$22,000 to the Democratic Congressional Campaign Committee and \$4,250 to Rep. James P. Moran Jr. (D-Va.).

DeRosa did not answer her phone or return calls to the Gaithersburg office of the DRS subsidiary, where she is listed as an employee.

Mr. McCain. So I wish to tell my colleagues, I will be coming to the floor a lot and talking about this, sometimes with charts. This practice has to stop. We cannot afford not only the earmarking because of the costs, but we can't afford to have the continued corruption that is associated with this.

I know some of my colleagues are offended when I use the word "corruption," but when former Members of Congress are residing in Federal prison and their aides and former staffers and

others are indicted and convicted in Federal court, I don't know how you can describe it as anything else.

So we will be talking a lot more in the days and weeks ahead. The American people are sick and tired of it and so am I.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise to speak about an amendment I filed. I ask unanimous consent to be recognized for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I appreciate the time to speak about this amendment to the National Defense Authorization Act for fiscal year 2010 to implement a number of essential reforms to cost comparison studies at the Department of Defense.

There is an old expression, principally in the legal community, in our system of justice, where they say "justice delayed is justice denied." That theme—not the same concept necessarily—is part of what I am talking about. When we are studying how government agencies are delivering services to the taxpayers, sometimes we study too long, and especially in the context of what I am about to speak of. I do thank the cosponsors of this amendment, several Senators, including Senators BROWN, SCHUMER, MIKULSKI, KENNEDY, MURRAY, GILLIBRAND, and FEINGOLD.

The reforms included in the amendment will achieve two very important goals: First, it will save taxpayer dollars, and it will enhance protections for workers across the Department of Defense.

I had the great honor to serve the people of Pennsylvania for 8 years—two terms as auditor general of the State—where I was a fiscal watchdog looking after money spent, and I audited and sometimes investigated how money was spent; then 2 years as State treasurer. So I have a sense of what government studies and reviews entail. Sometimes they take too long and defeat the purpose because of their length. Sometimes they should be doing their jobs every day instead of responding to an endless study.

Some of the language is a little arcane, but when you talk about competitive sourcing, which is known, as a lot of these things are in government—I hate to use acronyms or short phrases—but competitive sourcing, in this context, is known as the A-76 process.

Here is basically what it is. You don't need to know the numbers. We

need to know what we are talking about. It is a government-wide initiative that subjects functions performed by government employees to public-private competition. We are all for competition and always have been. I believe many of my colleagues know in this context we have some real problems.

This privatization process has been marked by controversy at great cost to taxpayers. Many workers in the Federal Government bring years of experience, dealing with problems and dealing with particular programs; and they also, because of that experience, bring a particular kind of expertise and skill to that work. We all know what happened just 2 years ago at Walter Reed Army Medical Center. The list could go on and on, but here are a couple examples: appalling conditions for those who serve our country, and run down facilities and inadequate care for our returning veterans.

All of this was uncovered back then, and I know improvements have been made. Part of the problem rested with a 6-year cost comparison review, which had an impact on the center's staffing. In 2006, the Garrison Commander, who was responsible for managing base operation support activities at Walter Reed, wrote that as a "direct" result of the A-76 study, "we face the critical issues of retaining skilled clinical personnel for the hospital and diverse professionals for the Garrison, while confronted with increased difficulties in hiring."

Continuing with the quotation, "Due to the uncertainty associated with this issue," meaning the review underway, "Walter Reed continues to lose other highly qualified personnel."

That was then, at the time; he wrote that a few years ago.

The point is, even something as grave and serious as the problems we experienced at Walter Reed, part of the reason for that can be traced to the problems with these kinds of studies.

Despite the heroic efforts by Senator MIKULSKI from Maryland, the study continued and the problems persisted at the facility. In 2008, GAO conducted reviews of the cost comparison process at the Department of Labor and the Forest Service, finding it impossible to verify cost savings. They concluded at that time that the problems with the A-76 process were systemic.

Today, the Department of Defense is the only agency with A-76 studies in the process. According to the DOD, there are almost 30 A-76 studies still in process, involving about 3,600 employees. By next month, three-quarters of these studies will be at least 2 years old. A couple of examples bring this issue into clear life.

Currently, the Defense Logistics Agency is reviewing 279 employees who perform installation management services in my home State of Pennsylvania

and also in Virginia and Ohio. Prior to the study, this management of this agency said the A-76 study would be disruptive and recommended an internal effort instead, believing it would lead to greater savings. However, as is the common practice, the savings for this study have already been counted, and the people who ran the A-76 program refused the request from the agency management to scrap the study, as they should have. If it is not saving money and helping the taxpayers, it should be scrapped. Therefore, 279 employees, some of whom work in Pennsylvania, are uncertain of their future and have been forced to put off major life decisions.

A similar situation is ongoing at West Point, where two studies continue despite requests to terminate them. These decisions to proceed with studies in the face of unyielding and reasonable opposition and alternatives are indeed troubling.

The amendment before the Senate addresses these issues in a number of ways.

First, the amendment establishes a Department of Defense-specific, 1-year suspension of new A-76 studies, consistent with the government-wide suspension included by Senator DURBIN in the financial services appropriations bill.

Secondly, my amendment closes the loophole that currently allows certain DOD functions to be given to contractors by converting smaller functions to contractors without conducting any cost comparisons.

Third, our amendment establishes a 24-month time limit for how long studies can last—from the beginning of preliminary planning to the final award decision. Currently, there are no established time limits on A-76 studies, which only increases the costs.

Fourth, the amendment addresses issues pending with A-76 studies and directs DOD to suspend these studies and determine, based on several criteria, whether their completion is justifiable.

Fifth, the amendment improves the process for workers by adding briefings to affected employees about contracting out decisions.

Finally, the amendment makes technical corrections to ensure that Federal employees have bid protest rights, building on previous efforts by Members of the Senate.

The A-76 process is about cost comparison. Due to the ambiguity around the timelines and the process, these lengthy studies often fail to create promised long-term savings.

This amendment addresses these lingering issues with A-76 studies by lending necessary clarity to the process. In addition, these reforms will improve conditions for workers. Lengthy studies have been shown to compromise the capacity of agencies to perform their

missions by placing both the critical functions of the agency and employees who perform these functions in limbo.

Finally, I urge my colleagues to support the amendment for this reason: It will promote fiscal responsibility, save money for taxpayers, while ensuring those who have the experience, expertise, and skill are able to carry out their tasks in the Department of Defense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator BURR be recognized next to offer an amendment. I understand there is not going to be opposition on this side and that he will accept a voice vote on it. Then I ask unanimous consent that Senator AKAKA be recognized to offer his amendment, which he talked about last night.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. BURR. What is the pending amendment?

The PRESIDING OFFICER. The Kyl amendment.

Mr. BURR. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1554

Mr. BURR. Mr. President, I call up amendment No. 1554, the Military Spouses Residency Relief Act.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. BURR], for himself, Mr. BAYH, Ms. SNOWE, Mr. UDALL of Colorado, Mr. WICKER, Mr. THUNE, Mr. ENZI, Mr. JOHANNES, and Ms. MURKOWSKI, proposes an amendment numbered 1554.

Mr. BURR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To guarantee the equity of spouses of military personnel with regard to matters of residency)

At the end of subtitle G of title V, add the following:

SEC. 573. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL FOR VOTING PURPOSES.

(a) IN GENERAL.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking “For” and inserting the following:

“(a) IN GENERAL.—For”;

(2) by adding at the end the following new subsection:

“(b) SPOUSES.—For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office,

a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to have become a resident in or a resident of any other State.”; and

(3) in the section heading, by inserting “AND SPOUSES OF MILITARY PERSONNEL” before the period at the end.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by striking the item relating to section 705 and inserting the following new item:

“Sec. 705. Guarantee of residency for military personnel and spouses of military personnel.”.

(c) APPLICATION.—Subsection (b) of section 705 of such Act (50 U.S.C. App. 595), as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act, regardless of the date of the military or naval order concerned.

SEC. 574. DETERMINATION FOR TAX PURPOSES OF RESIDENCE OF SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571) is amended—

(1) in subsection (a)—

(A) by striking “A servicemember” and inserting the following:

“(1) IN GENERAL.—A servicemember”; and

(B) by adding at the end the following:

“(2) SPOUSES.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember's military orders if the residence or domicile, as the case may be, is the same for the servicemember and the spouse.”;

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(3) by inserting after subsection (b) the following new subsection:

“(c) INCOME OF A MILITARY SPOUSE.—Income for services performed by the spouse of a servicemember shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the spouse is not a resident or domiciliary of the jurisdiction in which the income is earned because the spouse is in the jurisdiction solely to be with the servicemember serving in compliance with military orders.”; and

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in paragraph (1), by inserting “or the spouse of a servicemember” after “The personal property of a servicemember”; and

(B) in paragraph (2), by inserting “or the spouse's” after “servicemember's”.

(b) APPLICATION.—Subsections (a)(2) and (c) of section 511 of such Act (50 U.S.C. App. 571), as added by subsection (a) of this section, and the amendments made to such section 511 by subsection (a)(4) of this section, shall apply with respect to any return of State or

local income tax filed for any taxable year beginning with the taxable year that includes the date of the enactment of this Act.

SEC. 575. SUSPENSION OF LAND RIGHTS RESIDENCY REQUIREMENT FOR SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 508 of the Servicemembers Civil Relief Act (50 U.S.C. App. 568) is amended in subsection (b) by inserting “or the spouse of such servicemember” after “a servicemember in military service”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to servicemembers in military service (as defined in section 101 of such Act (50 U.S.C. App. 511)) on or after the date of the enactment of this Act.

Mr. BURR. Mr. President, this is a very simple amendment. Under current law, our military men and women, about every 3 years, are repositioned in the country or out of the country. Their orders change. When they make that change, it is beneficial to them, and I believe to society, that their spouses and children go with them.

Years ago, we made accommodations for those military personnel so they could pick a State of residency, even though they moved frequently. They could choose the State in which they grew up or the State they might retire in or a State they had visited during their assignments that they thought was the best or most advantageous place for them to claim residency. That provided that every State they went to, they didn't have to change their driver's license or voter registration or basically change everything in their lives.

Now with the size of our military and the constant deployments we are in—this continuation of every 3 years, getting reassigned to a different post—what we realized from a quality-of-life standpoint was that we forgot about the spouses as it relates to the accommodations of a new surrounding. When we think about it, spouses who leave and go with the servicemember, they go into a community unemployed. They have to look for a job. They have to go to the DMV, the department of motor vehicles, and get a driver's license and reregister to vote. I might also say their husband or wife could claim residency somewhere, and they may not be on the title of the house they own or the property they own.

The fact that the spouse cannot claim a State of residency consistent with the servicemember means they are at a tremendous disadvantage from the standpoint of what they own. It is easier to put it in the servicemember's name because they are protected regardless of where their orders send them.

Very simply, this amendment extends the same privilege to a spouse that it does to a servicemember, so they can claim that State of residency, keep that one constant driver's license, and they can pay joint taxes in a State versus being forced to file separate

taxes where there may be tax implications so that those military families pay more taxes than if they could file jointly. They still have the challenge of walking into a community unemployed, and they might leave a business behind because they believe the fabric of their family is that important.

That is what we ask all of our military families to deal with. This is a simple way to make life a little easier on the spouses of our servicemembers and to make sure they don't have to change everything in their lives just because their spouse has been reassigned but only certain things that they will have to deal with.

I remind my colleagues there is a stand-alone bill, S. 475. It had a hearing in the Veterans' Affairs Committee. It was passed unanimously out of the Veterans' Affairs Committee. It is identical to my amendment today.

I urge my colleagues to support this amendment. With the Chair's agreement, I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 1554.

The amendment (No. 1554) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I understand under the previous order, the Senator from Hawaii is now to be recognized to call up his amendment.

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1522

Mr. AKAKA. Mr. President, I ask to set aside the pending amendment and call up amendment No. 1522 to enhance the retirement security of Federal employees.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. BEGICH, Mr. KOHL, Ms. MIKULSKI, Mr. CARDIN, Mr. INOUE, Mr. WEBB, and Mr. WARNER, proposes an amendment numbered 1522.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. AKAKA. Mr. President, as chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am proud to join with Senators COLLINS, LIEBERMAN, VOINOVICH, MURKOWSKI, BEGICH, KOHL, MIKULSKI, CARDIN, INOUE, WEBB, and WARNER in this bipartisan effort to correct certain inequities in the Federal Government retirement system.

This amendment is very similar to an amendment that was included in the House-passed fiscal year 2010 national Defense authorization bill. Each of these revisions is much needed and has been thoroughly debated by the appropriate committees in the House and Senate. Many of the changes were requested by the administrators of the retirement plans and are strongly supported by many organizations. The list of supporters is too long to read here, but it includes every major Federal employee union, postal unions, supervisors, and postmasters, the Federal Law Enforcement Officers Association, and several government managers groups. I spoke in more detail last evening about the substance of the amendment.

I strongly encourage my colleagues to support this amendment, the Federal retirement reform provisions, and the bill as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, this amendment by Senator AKAKA, the distinguished chairman of the Veterans' Affairs Committee, I would imagine has some very good and helpful provisions associated with it. It also applies to Federal employees and perhaps some Department of Defense employees are included in that. But it is a very large amendment. It is composed of six retirement-related provisions and some expenditure of funds.

As I understand the bill, there is not provision for paying for it. I may be wrong. Let me point out that the Chair and ranking member of the Homeland Security Committee have looked at these issues as well. I am wondering why it was not included then on Homeland Security. We just finished doing the Homeland Security appropriations.

It would reduce mandatory spending by \$36 billion over 10 years. It has significant costs that will have to be appropriated, at least \$2.5 billion over the next 10 years. Because they would be added on this bill, it would add to the cost of the National Defense Authorization Act and would exceed our budget allocation. Properly, it would be subject to a budget point of order which the Senate would then speak on whether it is an appropriate budget point of order.

There has been no strong opposition from the administration, and these costs were not included in the administration's budget request.

I understand that a lot of these provisions, because of the large number of employees, fall under the Department of Defense. I don't think it is a good idea to have a bill of this magnitude, although certainly the amendment is in order—but I am not sure it is appropriate that a bill of this magnitude should be tacked on to the Defense authorization bill.

I say that fully aware that we are tacking on a hate crimes bill which has even a lot less to do with the Department of Defense.

I say to my friend, I will be glad to have a vote on this amendment. Perhaps there is going to be a budget point of order raised on this amendment. But hopefully we can alert our colleagues and give them the opportunity in the next few minutes to raise a budget point of order or ask for a recorded vote. If there is no objection, then we would have a voice vote.

I wish to point out to my colleagues, this is fairly large legislation which does fall under the proper authority of the Homeland Security Committee.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, may I further comment that these provisions, without question, are much needed in Hawaii, Alaska, and the territories. COLA rates, and with them the pay of Federal employees, are slated to go down later this year if we do not act. This is the reason we are trying to move it at this time. Most of these employees in Hawaii are defense employees, as in these other States and territories as well.

The provisions on this issue are nearly identical to the bill that passed the Senate by unanimous consent last year. Most of the provisions are in the House Defense authorization bill.

Again, Hawaii, Alaska, and the territories received untaxed cost-of-living allowances that do not count toward retirement instead of locality pay that other Federal employees receive.

This bill grew out of a Bush administration proposal in response to repeated litigation over the different systems. This transition will cost a substantial amount of money for several reasons. The budget implications are better than they appear. A large portion of appropriated costs of the COLA provisions are intergovernmental transfers from Federal employers to either the annuity or the Social Security trust fund. According to the CBO report, employer contributions, intragovernmental transactions, do not affect the deficit.

Many employees in Hawaii and Alaska and the territories, of course, are looking at this as something that is necessary as they continue to work in the Federal Government in this area.

Again, I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that we set aside consideration of the Burr amendment and that I be able to call up amendment No. 1657.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object—and I will need to object—we are working through unanimous consent agreements and amendments are lined up on both sides. We have not reached that point yet. There are other amendments that have to come first from the Senator's side, and that would be up to Senator MCCAIN. I have to object at this time. Obviously, we will try to accommodate the Senator getting his amendment up, but Senator MCCAIN would need to consider the Senator's proposal. I have to object.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand the difficulties Senator LEVIN has, but we are moving to final passage. Cloture has been filed. It is important that this amendment be considered. I get a little nervous when things are not moving along in a way that I think they should or at least in a way that could cause this amendment not to be considered. I wish to speak briefly about it so it will be clear what it is we are talking about.

The amendment I sought to bring up would preempt any Federal Executive, that is Presidential, requirement that our troops in the field, in Afghanistan and Iraq, read Miranda warnings to al-Qaida terrorists whom they capture.

The amendment would also clarify that nothing in Federal law requires that our soldiers read Miranda warnings or give any other kind of warning to captured terrorists, and it preempts any efforts to enforce such a requirement through an exclusionary rule. That is, denying admissibility of evidence if it does not occur.

Miranda is the warning, as most watchers of television detective programs know, in which an individual who is detained by a police officer in the United States on suspicion of some crime is told they have a right to remain silent and they have a right to have a lawyer, or have one appointed for them.

The question is, How did we get to the point that we are now having soldiers in the field being asked to give Miranda warnings?

One person, I think, who would agree with me—although recent activities cause me concern—is our Commander in Chief, President Obama. In a recent interview on the TV show “60 Minutes,” he was asked about the terrorist detainees, and this is what President Obama said:

Do these folks deserve Miranda rights? Do they deserve to be treated like a shoplifter down the block? Of course not.

“Of course not.” I couldn't have said that with more clarity myself. Of course, we should not be giving Miranda warnings to captured terrorists on the battlefield. Unfortunately, not all of the subordinates in the current administration seem to understand this message.

A recent article in the magazine the Weekly Standard describes why the amendment is necessary. As this article explains, the current administration appears to be requiring our soldiers to read Miranda warnings to terrorists whom they capture in the field in Afghanistan. And the article further notes, according to former CIA Director George Tenet, who was appointed originally by President Clinton and served under President Bush, that we would not have obtained the valuable information we did from Khalid Shaikh Mohammed, the planner of the 9/11 attacks, if he had been given his Miranda rights—or been given Miranda rights, not his, because we have never given Miranda rights to captured soldiers in any kind of conflict in the history of the Republic.

The following is from the Weekly Standard:

When 9/11 mastermind Khalid Shaikh Mohammed was captured on March 1, 2003, he was not cooperative. “I’ll talk to you guys after I get to New York and see my lawyer,” he said, according to CIA Director George Tenet. Of course, Khalid Shaikh Mohammed did not get a lawyer until months later, after his interrogation was completed, and Tenet says that the information the CIA obtained from him disrupted plots and saved lives. “I believe none of these successes would have happened if we had had to treat KSM like a white-collar criminal—read him his Miranda rights and get him a lawyer, who surely would have insisted that his client simply shut up.

That was Mr. Tenet's view as stated in his memoirs just a couple of years ago.

If Mr. Tenet is right, it is a good thing KSM was captured before President Obama became President, for the Justice Department has quietly ordered the FBI to read Miranda rights to high-value detainees captured and held at U.S. detention facilities in Afghanistan.

According to a senior Republican on the House Intelligence Committee:

The administration has decided to change the focus to law enforcement. Here's the problem. You have foreign fighters who are targeting U.S. troops today—foreign fighters who go to another country to kill Americans. We capture them, and they're reading them their rights—Mirandizing these foreign fighters.

That was a quote from Representative MIKE ROGERS, who recently met with the military and intelligence and law enforcement officials on a fact-finding trip to Afghanistan.

ROGERS, a former FBI special agent and a U.S. Army officer, says the Obama administration has not briefed Congress on the new policy. He is quoted as saying:

I was a little surprised to find it taking place when I showed up because we hadn't been briefed on it. I didn't know about it. We're still trying to get to the bottom of it, but it is clearly a part of this new global justice initiative.

Representative PETE HOEKSTRA, the ranking Republican on the House Intelligence Committee, said this:

When they Mirandize a suspect, the first thing they do is warn them that they have the right to remain silent. It would seem the last thing we want is Khalid Shaikh Mohammed or any other al-Qaida terrorist to remain silent. Our focus should be on preventing the next attack, not giving radical jihadists a new tactic to resist interrogation—lawyering up.

According to MIKE ROGERS, that is precisely what some human rights organizations are now advising detainees to do. He says:

The International Red Cross, when they go into these detention facilities, has now started telling people—“Take the option. You want a lawyer.”

And ROGERS adds:

The problem is you take that guy at 3 in the morning off of a compound right outside of Kabul, where he's building bomb materials to kill U.S. soldiers, and read him his rights by 4, and the Red Cross is saying take the lawyer, you have now created quite a confusion amongst the FBI, the CIA and the United States military. And confusion is the last thing you want in a combat zone.

This is from Congressman ROGERS, a former FBI agent and a former Army officer.

So one thing is clear: A detainee who is not talking cannot provide information about future attacks. Had Khalid Shaikh Mohammed had a lawyer, Tenet wrote in his book, “. . . I am confident that we would have obtained none of the information he had in his head about the imminent threat against the American people.”

Mr. President, one thing we have to get straight in our minds is that we are in a state of war against al-Qaida types and others around the world, and that calls for an entirely different approach to dealing with the people you capture. In fact, before you capture them, you have the authority to shoot them and kill them. We have the ability to drop bombs on them, which results in death. You don't do that in law enforcement situations against drug dealers or against white-collar criminals. These are not criminals, they are unlawful enemy combatants. They are not lawful because they do not operate according to the rules of war.

The Geneva Conventions require that a lawful combatant, an enemy soldier, or any kind of soldier from any country wear their uniform so that you can identify them by their uniform and do not target civilian personnel gratuitously. Among other requirements, these are some of the rules of war. But they have never been given the rights of a common criminal.

So I feel strongly about this issue. And I would note parenthetically that

the Supreme Court has not held that *Miranda* is even a constitutional requirement. They passed it as a prophylactic policy to help police officers do a better job, the Court thought, in doing their work. It is not a requirement. So it is a big mistake. I believe it is a road we should not go down, requiring these warnings, and if we do, it is an absolutely clear signal that we are confused about the nature of the deadly enterprise in which we are engaged, which is defending this country and our allies from attack by a violent, determined enemy.

I thought after 9/11 there was a consensus in this body that terrorists and enemy combatants were different from criminals. I thought the 9/11 Commission went into that, and I thought there was a bipartisan consensus on that. So I am concerned about it. It suggests to me that we are confused about the nature of this life-and-death struggle we are in. We are confused about the risk our soldiers are being subjected to every day on the battlefield. And they ought not to be placed in a situation where an additional burden is put on them that is not justified by law or common sense.

So I hope we get a vote on this, and I hope we are able to send the message that this is not the right policy and we need to make sure we stop it and nip it in the bud.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, if I could just have Senator MCCAIN's attention for a minute, I think we have a unanimous consent agreement.

Mr. President, has the Akaka amendment been disposed of?

The PRESIDING OFFICER. It has not.

Mr. LEVIN. I ask unanimous consent that the Akaka amendment be temporarily set aside, that we then move to an amendment on European missile defense, which is a Lieberman amendment with many cosponsors, which we have worked very hard on and which is ready to be propounded.

There is at least one additional speaker on it. Senator SESSIONS wants to speak on it as well. But I ask unanimous consent that Senator LIEBERMAN be recognized now to introduce that amendment; that after he speaks, Senator SESSIONS be recognized; that I will then be recognized, and then Senator MCCAIN, if he wishes to be recognized.

I believe the intention here is that we may be able to adopt this by a voice vote; is that correct? That is the hope,

anyway. Well, I will leave that part alone.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The Senator from Connecticut.

AMENDMENT NO. 1744

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to call up amendment No. 1744.

The PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. SESSIONS, Mr. INHOFE, Mr. VITTER, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. KYL, Mr. BEGICH, and Mr. MCCAIN, proposes an amendment numbered 1744.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate on and reserve funds for the development and deployment of missile defense systems to Europe)

At the end of subtitle C of title II, add the following:

SEC. 245. SENSE OF SENATE ON AND RESERVATION OF FUNDS FOR DEVELOPMENT AND DEPLOYMENT OF MISSILE DEFENSE SYSTEMS IN EUROPE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In the North Atlantic Treaty Organization (NATO) Bucharest Summit Declaration of April 3, 2008, the Heads of State and Government participating in the meeting of the North Atlantic Council declared that “[b]allistic missile proliferation poses an increasing threat to Allies’ forces, territory and populations. Missile defence forms part of a broader response to counter this threat. We therefore recognize the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets”.

(2) The Bucharest Summit Declaration also stated that “[b]earing in mind the principle of the indivisibility of Allied security as well as NATO solidarity, we task the Council in Permanent Session to develop options for a comprehensive missile defence architecture to extend coverage to all Allied territory and populations not otherwise covered by the United States system for review at our 2009 Summit, to inform any future political decision”.

(3) In the Bucharest Summit Declaration, the North Atlantic Council also reaffirmed to Russia that “current, as well as any future, NATO Missile Defence efforts are intended to better address the security challenges we all face, and reiterate that, far from posing a threat to our relationship, they offer opportunities to deepen levels of cooperation and stability”.

(4) In the Strasbourg/Kehl Summit Declaration of April 4, 2009, the heads of state and government participating in the meeting of the North Atlantic Council reaffirmed “the conclusions of the Bucharest Summit about missile defense,” and declared that “we judge that missile threats should be addressed in a prioritized manner that includes

consideration of the level of imminence of the threat and the level of acceptable risk”.

(5) Iran is rapidly developing its ballistic missile capabilities, including its inventory of short-range and medium-range ballistic missiles that can strike portions of Eastern and Southern North Atlantic Treaty Organization European territory, as well as the pursuit of long-range ballistic missiles that could reach Europe or the United States.

(6) On July 8, 2008, the Government of the United States and the Government of the Czech Republic signed an agreement to base a radar facility in the Czech Republic that is part of a proposed missile defense system to protect Europe and the United States against a potential future Iranian long-range ballistic missile threat.

(7) On August 20, 2008, the United States and the Republic of Poland signed an agreement concerning the deployment of ground-based ballistic missile defense interceptors in the territory of the Republic of Poland.

(8) Section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4393; 10 U.S.C. 2431 note) establishes conditions for the availability of funds for procurement, construction, and deployment of the planned missile defense system in Europe, including that the host nations must ratify any missile defense agreements with the United States and that the Secretary of Defense must certify that the system has demonstrated the ability to accomplish the mission.

(9) On April 5, 2009, President Barack Obama, speaking in Prague, Czech Republic, stated, “As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven. If the Iranian threat is eliminated, we will have a stronger basis for security, and the driving force for missile defense construction in Europe will be removed.”

(10) On June 16, 2009, Deputy Secretary of Defense William Lynn testified before the Committee on Armed Services of the Senate that the United States Government is reviewing its options for developing and deploying operationally effective, cost-effective missile defense capabilities to Europe against potential future Iranian missile threats, in addition to the proposed deployment of a missile defense system in Poland and the Czech Republic.

(11) On July 9, 2009, General James Cartwright, the Vice Chairman of the Joint Chiefs of Staff, testified before the Committee on Armed Services of the Senate that the Department of Defense was considering some 40 different missile defense architecture options for Europe that could provide a “regional defense capability to protect the nations” of Europe, and a “redundant capability that would assist in protecting the United States,” and that the Department was considering “what kind of an architecture best suits the defense of the region, the defense of the homeland, and the regional stability”.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government should continue developing and planning for the proposed deployment of elements of a Ground-based Midcourse Defense (GMD) system, including a midcourse radar in the Czech Republic and Ground-Based Interceptors in Poland, consistent with section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009;

(2) in conjunction with the continued development of the planned Ground-based Midcourse Defense system, the United States

should work with its North Atlantic Treaty Organization allies to explore a range of options and architectures to provide missile defenses for Europe and the United States against current and future Iranian ballistic missile capabilities;

(3) any alternative system that the United States Government considers deploying in Europe to provide for the defense of Europe and a redundant defense of the United States against future long-range Iranian missile threats should be at least as capable and cost-effective as the proposed European deployment of the Ground-based Midcourse Defense system; and

(4) any missile defense capabilities deployed in Europe should, to the extent practical, be interoperable with United States and North Atlantic Treaty Organization missile defense systems.

(C) RESERVATION OF FUNDS FOR MISSILE DEFENSE SYSTEMS.—

(1) **IN GENERAL.**—Of the funds authorized to be appropriated or otherwise made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, \$353,100,000 shall be available only for the purposes described in paragraph (2).

(2) **USE OF FUNDS.**—The purposes described in this paragraph are the following:

(A) Research, development, test, and evaluation of—

(i) the proposed midcourse radar element of the Ground-based Midcourse Defense system in the Czech Republic; and

(ii) the proposed long-range missile defense interceptor site element of such defense system in Poland.

(B) Research, development, test, and evaluation, procurement, construction, or deployment of other missile defense systems designed to protect Europe, and the United States in the case of long-range missile threats, from the threats posed by current and future Iranian ballistic missiles of all ranges, if the Secretary of Defense submits to the congressional defense committees a report certifying that such systems are expected to be—

(i) consistent with the direction from the North Atlantic Council to address ballistic missile threats to Europe and the United States in a prioritized manner that includes consideration of the imminence of the threat and the level of acceptable risk;

(ii) operationally effective and cost-effective in providing protection for Europe, and the United States in the case of long-range missile threats, against current and future Iranian ballistic missile threats; and

(iii) interoperable, to the extent practical, with other components of missile defense and complementary to the missile defense strategy of the North Atlantic Treaty Organization.

(d) **CONSTRUCTION.**—Nothing in this section shall be construed as limiting or preventing the Department of Defense from pursuing the development or deployment of operationally effective and cost-effective ballistic missile defense systems in Europe.

Mr. LEVIN. Mr. President, may I ask Senator LIEBERMAN to yield for a moment?

First of all, I ask unanimous consent that no second-degree amendments be in order to this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank the chairman of the committee.

Mr. President, I rise to offer this amendment, along with the Senator from Alabama, Mr. SESSIONS, and a broad bipartisan group of cosponsors. This amendment concerns the deployment of missile defenses in Europe.

I am very pleased to say, as Chairman LEVIN suggested, that there has been a lot of work done on this issue by a lot of people, including Chairman LEVIN, Ranking Member MCCAIN, their staff, and our staff. I think we have reached a very important agreement here which holds up some standards of what is most important to our national security regarding the deployment of missile defenses to Europe.

If I may, the administration, as we know, is now evaluating alternatives to the planned European deployment of a Ground-based Midcourse Defense, or GMD, system to Poland and the Czech Republic. In the context of that policy review, this amendment states that any alternative to the GMD deployment to Poland and the Czech Republic must be as effective and affordable as the current plan. We think this is a reasonable standard by which to judge any alternative and I am hopeful and grateful my colleagues seem to agree.

Let me now go forward to explain why Senator SESSIONS and I and others think it is so important to set a standard for the alternatives that are now under consideration, and why the growing Iranian threat requires us to deploy an effective missile defense in Europe.

Last year the United States reached a pair of groundbreaking agreements with two of our closest European allies on the deployment of elements of a Ground-based Midcourse Defense, GMD, system to protect Europe and the United States from Iran's growing ballistic missile threat.

When I say "and the United States," they don't have the ability now, or the ballistic missile, to reach the United States, but they are clearly investing in a ballistic missile program whose range they hope will grow and grow to a point where they will be able to reach the United States.

Specifically, on July 8, 2008, the United States and the Czech Republic agreed on establishing an American ballistic missile defense radar site on Czech territory. Two months later, on August 20, the United States and the Government of Poland reached a similar agreement under which we would deploy 10 ground-based interceptors to Poland. Just less than a year after these agreements, at a June 16 hearing at our Senate Armed Services Committee, Deputy Secretary of Defense Bill Lynn told the members of the committee:

We think there are a number of ways to address [the Iranian] threat and one of the options is to deploy the missiles in Poland and

the radar in the Czech Republic, and we are certainly evaluating that option as well as other possible options.

We heard other testimony before our committee, including from the Vice Chairman of the Joint Chiefs, General Cartwright, along the same lines, that though the agreements were entered into with Poland and the Czech Republic, the administration is evaluating other options.

To help place the other options that are under consideration into perspective, and to explain why Senator SESSIONS and I and the others who have joined us as cosponsors introduce this amendment today, I want to go to a Congressional Budget Office study that was released earlier this year, in February. It is titled "Options for Deploying Missile Defenses in Europe." This study was requested by then-Congresswoman Ellen Tauscher, in her capacity as Chair of the House Armed Services Strategic Forces Subcommittee. It examined the potential cost and defense capability of the European ground-based defense system in Poland and the Czech Republic, as well as alternatives to it.

What are the alternatives? These include deployment of sea-based interceptors on Navy ships around Europe, or using mobile land-based interceptors in Europe. The study also considered the possible benefits of closer cooperation on missile defense with the Russian Federation.

The findings of this report clearly demonstrate that the Ground-based Midcourse Deployment in Poland and the Czech Republic is the most effective and affordable option that is before us today. I am particularly struck by the report's conclusion that the alternatives to the GMD system in Poland and the Czech Republic would significantly reduce America's ability to provide a layered defense for our American homeland against the eventual threat of intercontinental ballistic missiles launched by Iran or anyone else in that region against the United States of America.

I want to be clear about this and what it means. Whereas the GMD deployment to Poland and the Czech Republic would provide, according to the report, a so-called shoot-look-shoot capability for the defense of the entire continental United States, the alternatives that the Congressional Budget Office considered would leave most of our country without such a layered defense.

Let me explain. Shoot-look-shoot is an operational concept that is actually the cornerstone of our increasingly successful missile defense program. It is the idea that we should be able to shoot at an incoming missile, assess whether that shot was successful, and then shoot again. This shoot-look-shoot capability dramatically increases the effectiveness of our missile defense system.

You might say it is redundant. Most of our military systems are redundant because of what is on the line. I cannot think of a place where I would rather have redundancy than the situation we are dealing with, with an incoming ballistic missile, presumably containing a nuclear weapon, perhaps chemical or biological. I know people watching this debate may think this is far off and unrealistic, but these are the realities we do have to deal with in our world because we know a country such as Iran, whose leaders regularly lead tens of thousands of their citizens in shouting "death to America" is in fact investing in a growing intercontinental ballistic missile system.

What does shoot-look-shoot mean with regard to this amendment? If you have a GMD system in Europe and a missile that is fired from Iran, we have a first opportunity to take a shot at that missile. We then obviously have a chance to look and see whether we hit it. If we did not, we have a second opportunity utilizing the ground-based missile defense system that we have now installed in California and Alaska. That is an important redundancy in the God-awful circumstance that a rogue nation, an anti-American nation, is actually firing missiles at the United States.

I want to draw the attention of my colleagues to a pair of maps that I think indicate the differences as CBO found them between the planned GMD system in Poland and the Czech Republic and the proposed land-based SM-3 block IIA system that I think is a favored alternative—a possible alternative—I don't mean it is selected, but one looked at with great interest by the Defense Department.

Incidentally, these maps were prepared by the Congressional Budget Office and included in the study I just mentioned, which I would commend to my colleagues to read in full.

On the first map here we can see the planned GMD system in Poland and the Czech Republic would provide a layered defense for the entire continental United States. In other words, this is the area that would be defended. Most of Europe, if a missile were fired from Iran, and all of the United States would be covered. That means the concept of shoot-look-and-shoot would be in effect a defense for our entire population.

The second map shows the capabilities of a prospective land-based SM-3 IIA block system, which is quite different. You can see that this one, as the CBO estimated, only covers a portion of the United States. I note it does cover Connecticut, but there is a lot of the rest of the United States—even though there are those of us who love this small State—a lot of the rest of the United States we do not want to leave unprotected by this redundancy.

In fact, on a population basis, because there is a concentration of popu-

lation, of course, on the east coast, almost 80 percent of the population would be left uncovered by this redundant defense. All States west of the Mississippi, for example, would not be defended by this system.

In terms of operational capability, it is also important to note that the components of the proposed GMD system for Europe are much farther along in their development and purchase closer to being proven to work than the proposed SM-3 Block IIA interceptor, which may not be available until close to 2020. So the consequences of pulling away from the Poland and Czech Republic system are serious in the near term.

As for the question of cost, the Congressional Budget Office in this study estimates that the two alternate systems would cost nearly the same to develop, deploy, and operate. In other words, if we opt for an alternative to ground missile defense, CBO will be telling us we will be paying the same amount of money but for a less capable defense and a dramatically less comprehensive coverage of the population and territory of the United States.

Another question under consideration, I know by the administration, is the possibility—and was with the last administration, too—the possibility of partnership between the United States and Russia through the joint use of two Russian radar stations, as well as the sharing of information and data. I support very much the exploration of this opportunity of cooperating with Russians on missile defense, but I believe we have to have a clear understanding of its potential benefits and limitations.

Let me begin with some of the benefits. Obviously, closer cooperation with Russia on missile defense could increase our early warning detection capability for missile launches from the Middle East, based on their radar. With this capability we could send a clear message to Iran that not just the United States but the world, including Russia, is opposed to its weapons of mass destruction and intercontinental or continental ballistic missile systems. So I support the objective of negotiating and discussing this with the Russians.

But I want to say there are also limitations that are in this proposal. The Russian radar stations that are most discussed as part of a joint United States-Russian ballistic missile system as a technical matter cannot be a substitute for a European-based GMD system. Although these radars would give us additional early warning capabilities, as I indicated, they would not provide any additional targeting capability which, of course, is a critical component to reducing threats. Radar helps to target, sends the message to the interceptors in Poland and to the other system, and that facilitates an accurate shoot-down.

As the CBO pointed out in its February report, the radars face south and any missiles facing south and any missiles targeted toward Europe and the United States would, according to the report, "tend to fly through and out of the Russian radar's field of regard very early in their trajectories." Though this system would provide us with early warning, it is also very important, really critical, to have targeting capability.

The amendment Senator SESSIONS and I and the others have proposed would not in any way prohibit the possibility of cooperation, or even deter the possibility of cooperation with the Russian Federation—certainly not with regard to sharing radar data, and I hope we can all agree we should not seek an agreement with Moscow that leaves the United States more vulnerable to the threat from Iran.

Very briefly, what about that threat? Some may ask, Why do we still need to be investing so much in missile defense? The answer, simply put, is because our most unpredictable and irresponsible adversaries, in particular rogue states such as Iran and North Korea, are investing very aggressively in ballistic missiles. That is why we need ballistic missile defense. The investments we make in missile defense will quite literally provide greater personal security to the coming generations of Americans, our children and their grandchildren and beyond. As LTG Mike Maples, then Director of the Defense Intelligence Agency, testified before our Senate Armed Services Committee earlier this year:

The threat posed by ballistic missile delivery systems is likely to increase over the next decade. Ballistic missile defenses with advanced liquid or solid propellant propulsion systems are becoming more mobile, survivable, reliable, accurate, and possess greater range.

That is the end of the quote from the former head of the Defense Intelligence Agency.

In the last few months we have seen graphic reminders of the progress our enemies are making toward fielding intercontinental ballistic missiles. In February, Iran launched its first satellite into orbit using the same technologies that Tehran can draw upon to develop the capacity to build an intercontinental ballistic missile that could strike the continental United States.

In May, Iran carried out its first successful test flight of a two-stage solid fuel ballistic missile, a development that the White House Coordinator for Arms Control and WMD Terrorism, Gary Seymour, warned was "a significant step forward in terms of Iran's capability to develop weapons."

Iran's growing ballistic capabilities are made, of course, even more threatening when coupled with its nuclear weapons development program. Of course, we all hope the United States

and the rest of the international community can persuade Iran, through diplomacy and economic sanctions, to abandon both its nuclear and ballistic ambitions and programs.

Missile defense is an important component of that effort on the premise that we may be able to convince Iran it is not worth spending those countless millions of dollars on perfecting these weapons if its leaders come to realize that we in the West are determined to stay one step ahead of them in neutralizing their strategic impact with a missile defense system.

As the Department of Defense now undertakes its review of the planned GMD deployment to Europe and possible alternatives, this amendment would express the Senate's opinion of what we expect our missile defenses in Europe to deliver, generally.

It would state that the United States expects those missile defenses to be the most capable and affordable and give a defense in the short term, not just to our allies in Europe but to our fellow citizens throughout the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to join my colleague, Senator LIEBERMAN, in introducing amendment No. 1744, concerning the deployment of missile defenses in Europe, and also thank him for his leadership on this issue over many years. He is clearly one of the most effective spokesmen for clear and strategic thinking and has helped us for many years to establish good defense policy for our Nation.

As Senator LIEBERMAN has explained, this amendment would state it is the sense of the Congress that the administration should continue to develop the planned missile defense deployment through Poland and the Czech Republic, even as it considers other alternatives.

Further, it would state that any alternative to the current plan must be as effective and affordable, and, most important, must be able to defend the United States as well as Europe against long-range ballistic missiles.

This amendment is important at this time because the administration is now considering alternatives to the plan long pursued by the Bush administration to station ground-based interceptors in Poland, a missile-tracking radar system in the Czech Republic. Both Poland and the Czech Republic have signed agreements to host these missile defense assets after being told by the United States that we believed the plan is important to protect Europe and the United States from rogue states, more specifically, Iran's developing missile capability.

After much effort and political capital has been expended, both in the United States and by our Polish and

Czech Republic allies and friends, now the project has been put in somewhat of a limbo, I am afraid.

Russia and the domestic left opposed this plan from the beginning. They lobbied the people and members of Congress in Poland and the Czech Republic to not do it. But they have gone forward with it today. If the objections of the United States to this system arise from Czech reasons, then I would refer my colleagues to a February 2009 CBO study Senator LIEBERMAN cited, "Options for Deploying Missile Defense in Europe," which came to the conclusion that a ground-based interceptor deployment in Poland and the Czech Republic is the most effective and affordable option available for the foreseeable future.

The CBO concluded: "This is the most effective and affordable option for the foreseeable future."

Other options apparently now under consideration include the deployment of a land- or sea-based version of the Standard Missile 3, SM-3 which is now deployed on Aegis ships of the United States.

The CBO found that this option, the SM-3, will not be available until late in the next decade, is no less expensive than the GBI option and does not provide protection for the United States against long-range Iranian missiles. In other words, while the deployment of a land- or sea-based version of SM-3 may be suitable to protect Europe against medium- and intermediate-range missile threats, it would not contribute to the defense of the United States which could occur from the launch of an ICBM, an intercontinental ballistic missile, which would travel at a much higher altitude.

Likewise, Admiral Stavridis, the new commander of the U.S. European Command, testified before the Senate Armed Services Committee during a hearing last month:

Sea-based and transportable land-based assets are integral components of a comprehensive ballistic missile defense system but cannot defeat the entire range of threats by themselves. Sophisticated sensors are required for early acquisition and target determination, and ground-based interceptors are needed to defeat longer-range missiles.

The missile Iran seeks to develop, and is moving forward to develop, would be capable of hitting the United States. Now they are seeking to develop ICBMs, and they are actively pursuing nuclear weapons, as we all know.

Why, I would ask my colleagues, would we want to consider alternatives to the proposed GBI deployment in Europe that would not save any money and would not provide additional protection for the United States?

I would recall the comments former Secretary of State Henry Kissinger made a few years ago about missile defense and whether we should deploy. His comment was: I have never heard

of a nation whose policy it is to keep itself vulnerable to attack.

Well, we do not need to be kept vulnerable to attack. We have the capability to defend ourselves and protect against incoming missiles. Some have suggested that such additional protection is not needed, that current ground-based interceptors deployed at our missile defense site in Fort Greely, AK, can provide complete protection for the United States against Iranian threats.

But that argument does not tell the complete story. The truth is, deploying GBIs in Europe would provide an early opportunity to intercept Iranian missiles headed to the east coast, which could then be followed by an intercept attempt by Alaska, providing the United States an extra layer of protection. Just 10 missiles could provide a great additional protection for the United States. That is what is needed, an integrated, layered, ballistic missile defense shield that effectively protects America and her allies from rogue attack.

Most Americans think we are adequately protected. I do remember a townhall meeting I held, and I asked the people there: What would happen if a missile was launched at the United States? They said: We would shoot it down. Well, that was before our system was up and running in Alaska, and it was not accurate. People think we do have a fully operational system, but we only have a few of those missiles up in Alaska, and we need this additional shield in Europe.

Without the site in Poland, the United States would have only one opportunity to engage Iranian missiles headed for certain portions of our country. Why should we take that risk?

Although the search for alternatives may please the Russians, it would perversely send the wrong message to our NATO allies and, in particular, to our friends in Poland and the Czech Republic who, despite pressure and threats from Russia, have agreed and stood firm and expressed their willingness to host these missile defense assets on their territory.

I would remind my colleague that NATO, the North Atlantic Treaty Organization, the most successful defense treaty in the history of the world, endorsed the current plan at the April 2008 Bucharest Summit and noted in their declaration:

We therefore recognize the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defense assets.

I also understand the Polish and Czech Parliaments have yet to ratify the agreements, and the ambivalence presented by the Obama Administration now regarding what was a firm policy of the United States, means, frankly, it is unlikely they will do so

until our administration completes its consideration of alternatives. This has placed our situation in limbo. I am not happy with that. I think it was a mistake.

After all, why should those parliaments take up an agreement that the United States may pull off the table? This unfortunate event was obvious from the beginning when we backed away from our plan and started showing uncertainty. It is obvious the political support in Central Europe may erode.

I am left to conclude that the reason the administration is pursuing alternatives in this current plan is its hopes it will address Russian objections about the proposed deployment as part of a grand strategy to reset relations with Russia and conclude a follow-on to the START nuclear reduction agreement. I am not confident in this effort. In fact, it seems to, instead of moving our relations forward, have moved them backward.

Let me make note of some recent events. Just days after the United States and Russia reached a broader agreement on arms reductions and missile defense cooperation at the July 6 Moscow summit, Reuters News Agency reported, on July 10, 4 days later, that Russian President Medvedev threatened the United States that if it did not reach agreement with Russia on our joint NATO/Polish/Czech plans for missile defense systems, Moscow would deploy rockets in an enclave near Poland.

Typical Russian bluster, threat. Likewise, Russian Foreign Minister Sergey Lavrov has threatened to end arms control talks with the United States if we pursue cooperation with our allies on missile defense, a system that in no way threatens Russia's massive nuclear capability, and they know it.

Ten interceptors of the United States in Europe are going to somehow have a capability to stop the thousands of Russian missiles and nuclear weapons that they have? Russia knows that our defenses would be no match.

As reported by the Associated Press, just 1 day after the summit, Lavrov stated:

If our partners make a decision to create an American missile defense system with global reach, then that will doubtless place a big question mark over the prospects for further reduction in strategic offensive weapons.

Again, this is, unfortunately, a regressive approach by Russia on issues that I do not think is justified. It seems we are falling back into a darker approach to world affairs with threats instead of working together to build a more peaceful and prosperous, harmonious world.

If, in fact, there were technical arguments in favor of alternative deployments, which there are not, Russian

belligerence would now indeed be an argument for proceeding, nevertheless.

The former Prime Minister of the Czech Republic, Mirek Topolánek, put the issue in its proper perspective when he stated:

The moral challenge is clear and simple: If we are not willing to accept in the interests of the defense of the Euro-Atlantic area such a trifle as the elements of a missile defense system, then how shall we be able to face more difficult challenges that may come?

That is an important statement. Are we losing confidence in ourselves? He is not alone in that view. Just last week, 22 prominent Eastern European political figures of important historic importance, including Poland's Lech Walesa and the Czech Republic's Vaclav Havel, published an open letter to President Obama expressing their uneasiness over U.S. maneuvers with Russia. This letter was sent to address their concerns in light of what appears to them to be Russia's attempt to reassert its influence over Russia's former Eastern European satellites. These are independent nations. They have been freed from Soviet domination. It is not their desire to kowtow to Russia and to have to seek Russia's permission over whether to put a radar site in their country. They are sovereign nations.

These leaders noted in their letter that America's planned missile defense installations in Poland and the Czech Republic have become "a symbol of America's credibility and commitment in the region." They further warned that:

The Alliance should not allow the issue to be determined by unfounded Russian opposition. Abandoning the program entirely or involving Russia too deeply in it without consulting Poland or the Czech Republic can undermine the credibility of the United States across the whole region.

I don't think that is no small matter. These are historic figures in Eastern Europe who suffered under the Communist boot. They do not want to go back. They are sending us a message. They are great American allies. They believe in freedom and democracy. This is not an academic matter to them, it is very real.

I ask unanimous consent to have this letter printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SESSIONS. On March 5, Secretary of State Hillary Clinton "applaud[ed] the decision by the people of the Czech Republic and their government—as well as the people and Government of Poland—for proceeding with missile defense on their soil." That was just in March of this year. The United States should honor this commitment by proceeding with the missile defense deployment as planned and not be affected by Russia's un-

founded objections. I remain baffled by their objections, other than, perhaps, this is a way they think they can extract concessions from the United States as a bargaining chip.

As the CBO study referenced above makes clear:

Only the Polish and Czech deployments can protect the United States and Europe. Any other option costs more and defends the U.S. less, if at all.

I ask my colleagues to support this message. It will be good for our country to be clear on this question and for Congress to speak up.

I express a concern about what has happened in this budget to national missile defense. It represents a major reduction in spending for missile defense. We intend to deploy 44 missiles in Alaska. The budget proposes, I believe, now just 30. It was proposed and part of the agenda for the last number of years to place a multikill vehicle on top of these interceptors so it could take out dummies and decoys and multiple missiles. That was zeroed out, ended in this budget. For a number of years, we have been funding research and development of the kinetic energy interceptor. That is a high-speed system that can take out missiles in the launch phase, which is the best phase to do so. That was zeroed out. There was the airborne laser which has the capability of shooting down missiles in their launch phase when they have so much heat coming out of them. It is funded for 1 more year, and it will be ended, apparently. Of course, now the 10 interceptors in Europe are in question.

We need to be sure we understand how seriously we are impacting the long-term strategy of the United States. We have spent \$20 billion to develop a system that will actually work at incredible rates of speed, with hit-to-kill technology to knock down an incoming missile. After all of these investments and all these years, for \$1 billion we could complete the program. We are saving about \$150, \$200 million this year that would have kept us on track. Maybe we can keep the system going forward. I hope so with this resolution and some other things.

But the American people need to know that we are not talking about a minor retrenchment of national missile defense in the budget that has come forward out of our committee. It represents the biggest reduction of missile defense funding during my time in the Senate, over 12 years.

I hope that as the months go along we will be able to reevaluate what we are doing and make sure we don't abandon the progress we have made and take full advantage of decades of research and development that has produced a system that will work to protect us.

I yield the floor.

[JULY 15, 2009]

EXHIBIT 1

AN OPEN LETTER TO THE OBAMA ADMINISTRATION FROM CENTRAL AND EASTERN EUROPE

(By Valdas Adamkus, Martin Butora, Emil Constantinescu, Pavol Demes, Lubos Dobrovsky, Matyas Eorsi, Istvan Gyarmati, Vaclav Havel, Rastislav Kacer, Sandra Kalniete, Karel Schwarzenberg, Michal Kovac, Ivan Krastev, Alexander Kwasniewski, Mart Laar, Kadri Liik, Janos Martonyi, Janusz Onyszkiewicz, Adam Rotfeld, Vaira Vike-Freiberga, Alexandr Vondra, Lech Walesa)

We have written this letter because, as Central and Eastern European (CEE) intellectuals and former policymakers, we care deeply about the future of the transatlantic relationship as well as the future quality of relations between the United States and the countries of our region. We write in our personal capacity as individuals who are friends and allies of the United States as well as committed Europeans.

Our nations are deeply indebted to the United States. Many of us know firsthand how important your support for our freedom and independence was during the dark Cold War years. U.S. engagement and support was essential for the success of our democratic transitions after the Iron Curtain fell twenty years ago. Without Washington's vision and leadership, it is doubtful that we would be in NATO and even the EU today.

We have worked to reciprocate and make this relationship a two-way street. We are Atlanticist voices within NATO and the EU. Our nations have been engaged alongside the United States in the Balkans, Iraq, and today in Afghanistan. While our contribution may at times seem modest compared to your own, it is significant when measured as a percentage of our population and GDP. Having benefited from your support for liberal democracy and liberal values in the past, we have been among your strongest supporters when it comes to promoting democracy and human rights around the world.

Twenty years after the end of the Cold War, however, we see that Central and Eastern European countries are no longer at the heart of American foreign policy. As the new Obama Administration sets its foreign-policy priorities, our region is one part of the world that Americans have largely stopped worrying about. Indeed, at times we have the impression that U.S. policy was so successful that many American officials have now concluded that our region is fixed once and for all and that they could "check the box" and move on to other more pressing strategic issues. Relations have been so close that many on both sides assume that the region's transatlantic orientation, as well as its stability and prosperity, would last forever.

That view is premature. All is not well either in our region or in the transatlantic relationship. Central and Eastern Europe are at a political crossroads and today there is a growing sense of nervousness in the region. The global economic crisis is impacting on our region and, as elsewhere, runs the risk that our societies will look inward and be less engaged with the outside world. At the same time, storm clouds are starting to gather on the foreign policy horizon. Like you, we await the results of the EU Commission's investigation on the origins of the Russo-Georgian war. But the political impact of that war on the region has already been felt. Many countries were deeply disturbed to see the Atlantic alliance stand by as Russia violated the core principles of the

Helsinki Final Act, the Charter of Paris, and the territorial integrity of a country that was a member of NATO's Partnership for Peace and the Euroatlantic Partnership Council—all in the name of defending a sphere of influence on its borders.

Despite the efforts and significant contribution of the new members, NATO today seems weaker than when we joined. In many of our countries it is perceived as less and less relevant—and we feel it. Although we are full members, people question whether NATO would be willing and able to come to our defense in some future crises. Europe's dependence on Russian energy also creates concern about the cohesion of the Alliance. President Obama's remark at the recent NATO summit on the need to provide credible defense plans for all Alliance members was welcome, but not sufficient to allay fears about the Alliance's defense readiness. Our ability to continue to sustain public support at home for our contributions to Alliance missions abroad also depends on us being able to show that our own security concerns are being addressed in NATO and close cooperation with the United States.

We must also recognize that America's popularity and influence have fallen in many of our countries as well.

Public opinions polls, including the German Marshall Fund's own Transatlantic Trends survey, show that our region has not been immune to the wave of criticism and anti-Americanism that has swept Europe in recent years and which led to a collapse in sympathy and support for the United States during the Bush years. Some leaders in the region have paid a political price for their support of the unpopular war in Iraq. In the future they may be more careful in taking political risks to support the United States. We believe that the onset of a new Administration has created a new opening to reverse this trend but it will take time and work on both sides to make up for what we have lost.

In many ways the EU has become the major factor and institution in our lives. To many people it seems more relevant and important today than the link to the United States. To some degree it is a logical outcome of the integration of Central and Eastern Europe into the EU. Our leaders and officials spend much more time in EU meetings than in consultations with Washington, where they often struggle to attract attention or make our voices heard. The region's deeper integration in the EU is of course welcome and should not necessarily lead to a weakening of the transatlantic relationship. The hope was that integration of Central and Eastern Europe into the EU would actually strengthen the strategic cooperation between Europe and America.

However, there is a danger that instead of being a pro-Atlantic voice in the EU, support for a more global partnership with Washington in the region might wane over time. The region does not have the tradition of assuming a more global role. Some items on the transatlantic agenda, such as climate change, do not resonate in the Central and Eastern European publics to the same extent as they do in Western Europe.

Leadership change is also coming in Central and Eastern Europe. Next to those, there are fewer and fewer leaders who emerged from the revolutions of 1989 who experienced Washington's key role in securing our democratic transition and anchoring our countries in NATO and EU. A new generation of leaders is emerging who do not have these memories and follow a more "realistic" policy. At the same time, the former Com-

munist elites, whose insistence on political and economic power significantly contributed to the crises in many CEE countries, gradually disappear from the political scene. The current political and economic turmoil and the fallout from the global economic crisis provide additional opportunities for the forces of nationalism, extremism, populism, and anti-Semitism across the continent but also in some of our countries.

This means that the United States is likely to lose many of its traditional interlocutors in the region. The new elites replacing them may not share the idealism—or have the same relationship to the United States—as the generation who led the democratic transition. They may be more calculating in their support of the United States as well as more parochial in their world view. And in Washington a similar transition is taking place as many of the leaders and personalities we have worked with and relied on are also leaving politics.

And then there is the issue of how to deal with Russia. Our hopes that relations with Russia would improve and that Moscow would finally fully accept our complete sovereignty and independence after joining NATO and the EU have not been fulfilled. Instead, Russia is back as a revisionist power pursuing a 19th-century agenda with 21st-century tactics and methods. At a global level, Russia has become, on most issues, a status-quo power. But at a regional level and vis-a-vis our nations, it increasingly acts as a revisionist one. It challenges our claims to our own historical experiences. It asserts a privileged position in determining our security choices. It uses overt and covert means of economic warfare, ranging from energy blockades and politically motivated investments to bribery and media manipulation in order to advance its interests and to challenge the transatlantic orientation of Central and Eastern Europe.

We welcome the "reset" of the American-Russian relations. As the countries living closest to Russia, obviously nobody has a greater interest in the development of the democracy in Russia and better relations between Moscow and the West than we do. But there is also nervousness in our capitals. We want to ensure that too narrow an understanding of Western interests does not lead to the wrong concessions to Russia. Today the concern is, for example, that the United States and the major European powers might embrace the Medvedev plan for a "Concert of Powers" to replace the continent's existing, value-based security structure. The danger is that Russia's creeping intimidation and influence-peddling in the region could over time lead to a de facto neutralization of the region. There are differing views within the region when it comes to Moscow's new policies. But there is a shared view that the full engagement of the United States is needed.

Many in the region are looking with hope to the Obama Administration to restore the Atlantic relationship as a moral compass for their domestic as well as foreign policies. A strong commitment to common liberal democratic values is essential to our countries. We know from our own historical experience the difference between when the United States stood up for its liberal democratic values and when it did not. Our region suffered when the United States succumbed to "realism" at Yalta. And it benefited when the United States used its power to fight for principle. That was critical during the Cold War and in opening the doors of NATO. Had a "realist" view prevailed in the early 1990s, we would not be in NATO today and the idea

of a Europe whole, free, and at peace would be a distant dream.

We understand the heavy demands on your Administration and on U.S. foreign policy. It is not our intent to add to the list of problems you face. Rather, we want to help by being strong Atlanticist allies in a U.S.-European partnership that is a powerful force for good around the world. But we are not certain where our region will be in five or ten years time given the domestic and foreign policy uncertainties we face. We need to take the right steps now to ensure the strong relationship between the United States and Central and Eastern Europe over the past twenty years will endure.

We believe this is a time both the United States and Europe need to reinvest in the transatlantic relationship. We also believe this is a time when the United States and Central and Eastern Europe must reconnect around a new and forward-looking agenda. While recognizing what has been achieved in the twenty years since the fall of the Iron Curtain, it is time to set a new agenda for close cooperation for the next twenty years across the Atlantic.

Therefore, we propose the following steps:

First, we are convinced that America needs Europe and that Europe needs the United States as much today as in the past. The United States should reaffirm its vocation as a European power and make clear that it plans to stay fully engaged on the continent even while it faces the pressing challenges in Afghanistan and Pakistan, the wider Middle East, and Asia. For our part we must work at home in our own countries and in Europe more generally to convince our leaders and societies to adopt a more global perspective and be prepared to shoulder more responsibility in partnership with the United States.

Second, we need a renaissance of NATO as the most important security link between the United States and Europe. It is the only credible hard power security guarantee we have. NATO must reconfirm its core function of collective defense even while we adapt to the new threats of the 21st century. A key factor in our ability to participate in NATO's expeditionary missions overseas is the belief that we are secure at home. We must therefore correct some self-inflicted wounds from the past. It was a mistake not to commence with proper Article 5 defense planning for new members after NATO was enlarged. NATO needs to make the Alliance's commitments credible and provide strategic reassurance to all members. This should include contingency planning, prepositioning of forces, equipment, and supplies for reinforcement in our region in case of crisis as originally envisioned in the NATO-Russia Founding Act.

We should also re-think the working of the NATO-Russia Council and return to the practice where NATO member countries enter into dialogue with Moscow with a coordinated position. When it comes to Russia, our experience has been that a more determined and principled policy toward Moscow will not only strengthen the West's security but will ultimately lead Moscow to follow a more cooperative policy as well. Furthermore, the more secure we feel inside NATO, the easier it will also be for our countries to reach out to engage Moscow on issues of common interest. That is the dual track approach we need and which should be reflected in the new NATO strategic concept.

Third, the thorniest issue may well be America's planned missile-defense installations. Here too, there are different views in the region, including among our publics

which are divided. Regardless of the military merits of this scheme and what Washington eventually decides to do, the issue has nevertheless also become—at least in some countries—a symbol of America's credibility and commitment to the region. How it is handled could have a significant impact on their future transatlantic orientation. The small number of missiles involved cannot be a threat to Russia's strategic capabilities, and the Kremlin knows this. We should decide the future of the program as allies and based on the strategic pluses and minuses of the different technical and political configurations. The Alliance should not allow the issue to be determined by unfounded Russian opposition. Abandoning the program entirely or involving Russia too deeply in it without consulting Poland or the Czech Republic can undermine the credibility of the United States across the whole region.

Fourth, we know that NATO alone is not enough. We also want and need more Europe and a better and more strategic U.S.-EU relationship as well. Increasingly our foreign policies are carried out through the European Union—and we support that. We also want a common European foreign and defense policy that is open to close cooperation with the United States. We are the advocates of such a line in the EU. But we need the United States to rethink its attitude toward the EU and engage it much more seriously as a strategic partner. We need to bring NATO and the EU closer together and make them work in tandem. We need common NATO and EU strategies not only toward Russia but on a range of other new strategic challenges.

Fifth is energy security. The threat to energy supplies can exert an immediate influence on our nations' political sovereignty also as allies contributing to common decisions in NATO. That is why it must also become a transatlantic priority. Although most of the responsibility for energy security lies within the realm of the EU, the United States also has a role to play. Absent American support, the Baku-Tbilisi-Ceyhan pipeline would never have been built. Energy security must become an integral part of U.S.-European strategic cooperation. Central and Eastern European countries should lobby harder (and with more unity) inside Europe for diversification of the energy mix, suppliers, and transit routes, as well as for tough legal scrutiny of Russia's abuse of its monopoly and cartel-like power inside the EU. But American political support on this will play a crucial role. Similarly, the United States can play an important role in solidifying further its support for the Nabucco pipeline, particularly in using its security relationship with the main transit country, Turkey, as well as the North-South interconnector of Central Europe and LNG terminals in our region.

Sixth, we must not neglect the human factor. Our next generations need to get to know each other, too. We have to cherish and protect the multitude of educational, professional, and other networks and friendships that underpin our friendship and alliance. The U.S. visa regime remains an obstacle in this regard. It is absurd that Poland and Romania—arguably the two biggest and most pro-American states in the CEE region, which are making substantial contributions in Iraq and Afghanistan—have not yet been brought into the visa waiver program. It is incomprehensible that a critic like the French anti-globalization activist Jose Bove does not require a visa for the United States but former Solidarity activist and Nobel Peace prizewinner Lech Walesa does. This

issue will be resolved only if it is made a political priority by the President of the United States.

The steps we made together since 1989 are not minor in history. The common successes are the proper foundation for the transatlantic renaissance we need today. This is why we believe that we should also consider the creation of a Legacy Fellowship for young leaders. Twenty years have passed since the revolutions of 1989. That is a whole generation. We need a new generation to renew the transatlantic partnership. A new program should be launched to identify those young leaders on both sides of the Atlantic who can carry forward the transatlantic project we have spent the last two decades building in Central and Eastern Europe.

In conclusion, the onset of a new Administration in the United States has raised great hopes in our countries for a transatlantic renewal. It is an opportunity we dare not miss. We, the authors of this letter, know firsthand how important the relationship with the United States has been. In the 1990s, a large part of getting Europe right was about getting Central and Eastern Europe right. The engagement of the United States was critical to locking in peace and stability from the Baltics to the Black Sea. Today the goal must be to keep Central and Eastern Europe right as a stable, activist, and Atlanticist part of our broader community.

That is the key to our success in bringing about the renaissance in the Alliance the Obama Administration has committed itself to work for and which we support. That will require both sides recommitting to and investing in this relationship. But if we do it right, the pay off down the road can be very real. By taking the right steps now, we can put it on new and solid footing for the future.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I very much support the pending amendment. It is the product of a lot of work by a lot of people. Senator LIEBERMAN, in particular, was considering offering an amendment during our markup in the committee. He agreed that he would hold off until we got to the floor to try to get broad bipartisan agreement on a very important subject. He did that. We are grateful to him for doing so.

This amendment is consistent with the administration's policies for missile defense in Europe, including its consideration of a variety of options and architectures for defending Europe, including the so-called third site in Poland and the Czech Republic. The main purpose of these efforts in Europe is to act against an Iranian missile threat should it materialize. It is very important that we do so.

Earlier this month, General Cartwright, Vice Chairman of the Joint Chiefs, testified before the Armed Services Committee that the Department of Defense is considering a number of missile defense options in Europe.

This amendment is also consistent with the administration's efforts to pursue missile defense cooperation with Russia as part of our efforts to address the Iranian missile threat. Those missiles, of course, potentially could be armed with nuclear warheads. This potential Iranian missile threat is a

threat that confronts not just Europe as NATO but also Russia as well, obviously, and a number of other countries. It is a real threat. Everything we can do to deter that, everything we can do to defend, should it ever materialize, is something we must do. It is a major threat.

In one of its findings, NATO recognizes this Iranian threat. This is the way NATO recognized this Iranian threat and the importance of trying to work together to deter, to try to prevent it from happening, and then, should it happen, to defend against it, to make it useless. Here is what NATO said in April:

We support increased missile defense cooperation between Russia and NATO, including maximum transparency and reciprocal confidence-building measures to allay any concerns. We reaffirm our readiness to explore the potential for linking United States, NATO and Russian missile defense systems at an appropriate time and we encourage the Russian Federation to take advantage of [U.S.] missile defense cooperation proposals.

Back in April, I led a delegation, with Senators COLLINS and BILL NELSON, to visit Russia, Poland, and the Czech Republic to discuss missile defense and the potential for a cooperative approach. What we found is that there appears to be real potential for a cooperative approach and for having missile defense be a uniting issue against a common threat instead of a dividing issue. If we can find a way to cooperate with Russia on missile defense, it would send an extraordinarily powerful message to Iran that we are united against their continued development of nuclear technology and long-range ballistic missiles.

That is the point of missile defense in Europe, to address the Iranian missile and nuclear program in order to enhance their security and our security. This amendment will authorize prior year's funds for a variety of cost-effective and operationally effective missile defense options that could protect Europe and the United States from Iranian missiles of all ranges, current and future. The amendment is designed to command and hopefully attract strong bipartisan support. I hope it does just that.

I believe a voice vote may be possible after Senator MCCAIN speaks. I hope that is the case, given the schedule.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in support of the Lieberman amendment expressing the sense of the Senate that the U.S. Government should continue developing and planning for the proposed deployments of elements of a ground-based midcourse defense system. I thank the Senator from Connecticut for this amendment and his willingness to work with all parties, which will then allow us to voice vote this very important amendment.

Obviously, there are a lot of strong feelings on the issue of missile defense

in Europe. I believe this amendment addresses and expresses our concerns and our goals, including a midcourse radar in the Czech Republic and ground-based interceptors in Poland, as well as the reservation of funds for the development and deployment of missile defense systems in Europe.

As rogue nations, including North Korea and Iran, push the nuclear envelope and work tirelessly to develop delivery vehicles capable of reaching America and its allies, we must aggressively develop the systems necessary to counter such belligerent efforts. Enhancing missile defense capabilities in Europe is an essential component to addressing rogue state and in-theater threats we face and expect to face in the future.

As Iran works to develop ballistic missile capabilities of all ranges, the United States must reaffirm its commitments to its allies and develop and deploy effective missile defense systems. The Iranian ballistic missile threat is real and growing. During the NATO summit in Bucharest in April of 2008, the allies cited the threat of ballistic missile proliferation as one of great concern to their forces, territory, and populations. Missile defense in Europe, according to NATO "forms part of a broader response to counter this threat . . . [a] substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defense assets."

Uncertainty about the future of missile defense in Europe, some stemming from perceptions, whether wanted or not, that Russia will have a say or veto power over the disposition of our missile defense architecture, has caused concerns both here in the Senate and among some of our closest European allies. I urge the administration to provide some clarity on how it plans to honor the commitments the United States has made to Poland and the Czech Republic.

The last administration recognized the importance and need for a European component to our missile defense system, reached out to the Governments of Poland and the Czech Republic, and asked that they make what many at the time perceived as an unpopular agreement. Despite unwanted threats from Russia, both governments recognized the importance such a capability would provide to their citizens and to Europe as a whole and agreed to allow the United States to place ground-based interceptors in Poland and a midcourse radar site in the Czech Republic.

Given the perception, one that has been strengthened by the testimony of administration officials before the Armed Services Committee, that the United States is preparing to back away from its commitments to our

Polish and Czech allies, this amendment comes at an important moment. It was only a year ago, after all, that the United States and the Czech Republic affirmed that:

Within the context of, and consistent with, both the North Atlantic Treaty and the Czech Republic . . . the United States is committed to the security of the Czech Republic. [And that] the Czech Republic and the United States will work together to counter emerging military or non-military threats posed by third parties or to minimize the effects of such threats.

Similarly, on August 20, 2008, the United States signed an agreement with Poland stating that the:

United States is committed to the security of Poland and of any U.S. facilities located on the territory of the Republic of Poland. . . . The United States and Poland intend to expand air and missile defense cooperation. In this regard, we have agreed on an important new area of such cooperation involving the deployment of a U.S. Army Patriot air and missile defense battery in Poland.

Our Polish friends are clearly uneasy and have been quite vocal. During a forum earlier this year in Brussels, Polish Foreign Minister Radoslaw Sikorski said:

We hope we don't regret our trust in the United States.

I urge the administration and my colleagues in the Senate to join me in reiterating our commitment to the security and freedom of these nations as well as deterring and defending them against any threats to their security.

With respect to Russia and the ongoing START negotiations, I urge the President to continue to reject any Russian attempt to link reductions in offensive strategic nuclear weapons with defensive capabilities such as missile defense. Russia, too, must recognize that the current Iranian path is unsettling to the global interests of all peace-seeking nations. Missile defense in Europe is not and should not be viewed in Moscow as some new form of post-Cold War aggression. It is, rather, a reasonable and prudent response to the very real threats the Iranian regime continues to pose to the United States, Europe, and the world.

Again, I thank my good friend from Connecticut for offering this amendment, and I urge my colleagues to support its adoption.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, very briefly, I want to thank Senator LEVIN and Senator MCCAIN for their very thoughtful statements in support of this amendment. I thank their staffs for the work that has been done with all of my staff, Senator SESSIONS, and others to reach this agreement. It is an important statement of policy about our national security in the years ahead. I appreciate all that has been done by everyone here in the spirit of unity.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 1744) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I now ask unanimous consent that Senator DORGAN be recognized for up to 15 minutes and then we return to regular order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me thank the chairman of the committee, Senator LEVIN, and Senator MCCAIN, for their work on this bill.

We talk about a lot of things in this bill: jet fighters, bombers, tankers, submarines, unmanned aerial vehicles—lots and lots of subjects. The subjects are about the defense of our country, what provides national security for our country, so these are all very important. I wish to speak, however, about one piece of this legislation that probably is not mentioned much but I think is very important; that is, the reduction of the threat of nuclear weapons.

There is something over \$400 million in this bill that deals with the efforts to try to reduce the threat of nuclear weapons.

I have had at my desk in the Senate for a long while some pieces of equipment. I ask unanimous consent to show them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this is a piece of a wing of a Soviet Backfire bomber. We did not shoot this plane down. This was sawed off of a wing of a Backfire bomber that would have carried nuclear weapons, presumably, to threaten our country. But under something called the Nunn-Lugar Cooperative Threat Reduction program that we engaged in with the countries of the former Soviet Union, bombers were destroyed—oh, not by bullets, but they were sawed in half and the wings were taken off and so on.

This is a tube of copper, I show you, from the electrical wiring of a Russian

submarine that carried nuclear weapons targeting this country. This was ground up by the Cooperative Threat Reduction program. The submarine was not destroyed by American bullets. This is part of the Cooperative Threat Reduction effort.

This, I show you, is a hinge from a nuclear weapon on top of a missile that was in the Ukraine, presumably aimed at an American target. Where this missile once sat now grows sunflowers in the Ukraine.

The Cooperative Threat Reduction Program—now, why is that important?

Mr. President, we have a lot of threats to this country, but none is as great as the threat of a nuclear warhead being exploded in a major American city or any metropolitan area of this world, for example.

Here, as shown on this chart, is how many nuclear warheads we have. This is from the Carnegie Endowment in 2009. They estimate the number of nuclear warheads that exist on the planet—Russia, about 14,000 nuclear weapons; the United States, 10,500 nuclear weapons; China, about 125; France, about 300; Britain, about 160 nuclear weapons; Israel, 80; India, 50; Pakistan, 60, and so on.

Let me tell you a story, if I might. It is a story that has been written about extensively. In fact, it was the lead for a book called “Nuclear Terrorism,” written by Graham Allison.

It was 1 month after 9/11/2001. It was October 11, 2001, when, at the Presidential daily briefing to President George W. Bush, George Tenet, the then-head of the CIA, informed the President that a CIA agent code named Dragonfire had reported that al-Qaida terrorists possessed a 10-kiloton nuclear weapon, evidently stolen from the Russian arsenal. According to Dragonfire, the CIA agent, it had been smuggled into an American city, probably New York City. Again, at the President's daily briefing, 1 month to the day after 9/11, it was said that al-Qaida had smuggled a 10-kiloton stolen nuclear weapon into perhaps New York City.

The CIA had no independent confirmation of it, but in the hours that followed, the Secretary of State, the National Security Adviser, and others struggled with the question of whom do you call to talk about the threat and how do you do it without the news media putting out a bulletin that there is a rumor that a stolen 10-kiloton Russian nuclear weapon is in an American city without causing panic and mass exodus?

So they tried to determine what to do about this and analyzed: Was it plausible, possible that al-Qaida terrorists had stolen a 10-kiloton nuclear weapon? The answer is yes. Did the Russians possess 10-kiloton nuclear weapons? Yes. Did they have good command and control over them, absolute

command and control? No. Was it possible, having stolen it, that the terrorists could have smuggled it into New York City or, perhaps, Washington, DC? Yes. And could the terrorists detonate it? The answer is yes. If it were trucked, for example, to Times Square and exploded, would half a million people be killed instantly? Yes.

But they did not tell anybody. They did not tell the mayor of New York. They sent nuclear weapons search teams to New York. The President sent teams to New York but did not inform anybody, for obvious reasons.

About a month later, while there were a lot of people having an apoplectic seizure about this prospect, it was determined that perhaps the report by the CIA agent, Dragonfire, was not credible.

Now, think of that. Think of the unbelievable angst about the potential of one rather small nuclear weapon, a 10-kiloton nuclear weapon, having been stolen on a planet where there are 25,000 of them—most of them much larger than that. Think of the angst about the potential of having one stolen by a terrorist group and exploded in the middle of an American city. That is just one weapon, and there are 25,000.

There are a lot of people who are good thinkers and very experienced in these areas who will tell you, including former Defense Secretary Perry and others, that there is a very high probability that within the coming 10 years there will be a nuclear weapon exploded in a major city.

So with all of the talk about planes and ships and all of the issues in this bill, this issue of the threat reduction, with \$400 million-plus in this bill—the threat reduction that allowed us to dismantle nuclear weapons, cut off the wings of an adversary's bombers, grind up the wiring, and destroy the submarines—that is critically important. The question for us is, What are we going to do to reduce the number of nuclear weapons and to stop the spread of nuclear weapons around the world? Because almost certainly there will be an explosion of a nuclear weapon in a metropolitan area at some point in the future unless we provide the leadership in arms talks and arms reductions. It is our responsibility to lead. It falls on our shoulders to bear this burden to lead.

I know there are some who would say: Do you know what, that is a sign of weakness to be talking about reducing nuclear weapons. I am not suggesting reducing America's strength or allowing America to be undefended. I am suggesting the world will be a much safer place if we do not have 25,000 nuclear weapons, and this world will be a much safer place if we find a way to stop the spread of nuclear weapons. Every day now, we see the spectacle of Iran. Iran possessing a nuclear weapon? That is scary. North Korea. We do not

know how many weapons North Korea has, but the Carnegie Endowment says perhaps less than 10.

But what do we do now? What do we do to decide we are going to be involved in a very aggressive way leading the world in the nonproliferation of nuclear weapons and beginning to reduce the number of nuclear weapons?

We are operating now under what is called the Strategic Offensive Reductions Treaty, also known as the Moscow Treaty, that our last President negotiated. It required the United States and Russia to have no more than 2,200 operationally deployed nuclear weapons. It does not mean that is the limit. That is just the operationally deployed limit. They can have far more nuclear weapons than that. By 2012, they had to be down to 2,200 operationally deployed. It does not restrict delivery vehicles of any kind—missiles, ships, planes. It does not have any verification measures, and it expires in 2012.

There is another treaty called the START Treaty, which was superseded by the treaty I just described. But some parts of the START Treaty are still in force because it does have verification and onsite monitoring and confidence-building measures and it does limit delivery vehicles. But that limitation is going to expire, and that START Treaty expires at the end of this year.

So the point I want to make today simply is this: We are talking about a lot of very important things, and I think the bill put together by the chairman and ranking member, this Defense authorization bill, is very important. I understand that. We need an Army, a Navy, the Marines, the Air Force. We need them well equipped. This is a troubling world in some corners. We face an enormous threat of terrorism. We face a lot of different threats. We must keep our eye on the ball. We, above all, here in the United States have a responsibility to provide the leadership that is necessary to stop the spread of nuclear weapons, and to try to push and push and push for agreements that would reduce the number of nuclear weapons.

As I said before, when, again, a CIA agent code named Dragonfire shows up and says to the CIA, I have picked up information which indicates there is one nuclear weapon that has been stolen and it is in the hands of terrorists, and it is now in New York City, ready to be detonated, when that happens next, we had better worry a great deal if we haven't prevented it, if we haven't taken all of the steps necessary to say, that can't happen. That report in October of 2001 turned out to be false, but all of the post mortems by experts understood that it could well have been true, and all of the elements could have been accurate. A weapon could have been stolen, smuggled into the city, detonated and a half a million

people within three-quarters of a mile of Times Square would have died immediately. If that would have happened the world would never be the same. Everything will have changed.

So it seems to me we have a responsibility to aggressively pursue arms control agreements. We have an opportunity now, and a responsibility to pursue aggressively, even in legislation such as this, the reduction of nuclear weapons and delivery vehicles to try to see if we can step back from the abyss and actively engage with other nuclear powers to do things that will tighten controls, and in a very significant way, prevents the opportunity from other nations, and especially rogue nations, and especially, most especially, terrorist groups, from acquiring nuclear weapons.

We know, we have the history, that Osama bin Laden has been fascinated with and has wanted to acquire the mechanics for nuclear weapons and the materials for nuclear weapons for a long time. We know that. Al-Qaida is still there. As far as we know, Osama bin Laden is still leading al-Qaida. It is pretty unbelievable to think about that. On 9/11 we were told there isn't one acre on this Earth that would be safe for the person who designed the attack against our country, but it is now 8 years later and we are told in the public briefings by our CIA that the greatest threat to our homeland is al-Qaida, a reconstituted al-Qaida. The terrorist threat which is the greatest threat to our homeland is a reconstituted al-Qaida with training camps where they are designing attacks against our country.

Let us hope that we are able to make the kinds of efforts and provide the kind of leadership that singularly says to the world: It is this country that leads the way to stop the spread of nuclear weapons, and it is our country that wants to reduce the number of nuclear weapons on this planet. No, that won't make us weaker; I don't suggest any approach that would ever weaken this country relative to its adversaries. But it will certainly strengthen the future of this planet if we reduce the number of nuclear weapons below the 25,000 nuclear weapons that now exist as well as take very significant steps to stop other countries and certainly to prevent forever rogue nations and terrorist organizations from acquiring nuclear weapons. That needs to be job one. We don't talk nearly enough about it. We don't talk about the subject as much as we should. But I wanted to bring this issue to the floor during this discussion because it is in this bill, Cooperative Threat Reduction, which we know works and which we have funded in the past and will continue to fund in this bill again, and is something that addresses the issue of not just building more weapons but actually finding ways to engage with our adversaries to

reduce the weapons that can, frankly, threaten the existence of this planet.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the Akaka amendment No. 1522.

AMENDMENT NO. 1519

Mr. BURR. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1519.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object. I will not object—of course this would be the next amendment which would be in a line of amendments that Senator MCCAIN and I are trying to work out alternating between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR], for himself and Mrs. HAGAN, proposes an amendment numbered 1519.

Mr. BURR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the establishment of an outlying landing field at Sandbanks or Hale's Lake, North Carolina)

On page 565, after line 20, add the following:

Subtitle D—Other Matters

SEC. 2481. PROHIBITION ON OUTLYING LANDING FIELD AT SANDBANKS OR HALE'S LAKE, NORTH CAROLINA, FOR OCEANA NAVAL AIR STATION.

The Secretary of the Navy may not establish, consider the establishment of, or purchase land, construct facilities, implement bird management plans, or conduct any other activities that would facilitate the establishment of an outlying landing field at either of the proposed sites in North Carolina, Sandbanks or Hale's Lake, to support field carrier landing practice for naval aircraft operating out of Oceana, Naval Air Station, Virginia.

Mr. BURR. Mr. President, most Members don't know much about this amendment. If you are not from Virginia or if you are not from North Carolina or you are not on the Armed Services Committee, this amendment will probably not make a lot of sense. This is about the proposed acquisition of land in North Carolina for an outlying landing field for carrier-based aircraft to practice their touch and goes for the purposes of night takeoffs and night landings.

This is not new to North Carolina. Let me say to my colleagues, I don't think there is a State more friendly to the military than North Carolina. We

are home to Fort Bragg, the Pentagon of the Army; we are home to Camp LeJeune, the east coast hub of the Marine Corps; Seymour Johnson Air Force Base. Our communities don't just welcome the military, they support the military. I think it is the most military-friendly State you can find. There is no military family that is stationed within North Carolina that has not been extended in-State tuition regardless of how long they are there or whether their kids are still in education once their parents might have been deployed elsewhere.

This is not an issue of "not in my backyard." There are two proposed sites. One thing my amendment very clearly does is it prohibits the establishment of an outlying landing field at the proposed Hale's Lake, Camden County/Currituck County landing sites and the Sandbanks, Gates County sites in North Carolina. It says to the Navy: You have to take them off your list; you can't include them.

The Navy is proposing to construct an outlying landing field for their carrier-based fixed-wing aircraft squadrons stationed in Virginia Beach at the Naval Air Station Oceana. They propose to acquire 30,000 acres. So they get 30,000 acres to allow for the accommodation of fee-simple purchases, the purchase of restrictive use or through conservation easements.

Approximately 2,000 acres would be used for the core area, which would include an 8,000-foot runway. Think about 30,000 acres relative to the airport that is in your local community and you get an idea of how much bigger this footprint is.

I said earlier this is not about "not in my backyard." As a matter of fact, North Carolina has proffered to the Navy currently a Marine air station in Cherry Point as a potential OLF site where we already have squadrons of Marine aircraft. We have the capacity and, more importantly, we have a community that wants to have this site. The Navy doesn't support the Cherry Point proposal, supposedly because it is considered to be in a location too far from Oceana. Well, let me describe for my colleagues, when you draw the line that says anything outside of this is too far, Cherry Point falls 20 miles outside of the line they have drawn. Twenty miles is the glidepath to land and the glidepath to take off. We are not talking about a big distance. It doesn't seem to make sense why the Navy is looking to condemn 30,000 acres for the purposes of constructing a new facility instead of using an existing facility, an existing military base that would be much more efficient and cost effective for the Navy and, more importantly, cost effective for taxpayers.

Why am I here? Why is Senator HAGAN offering this amendment? Because the people in Gates County, in Currituck County, in Camden County,

don't want it. The Navy went into this process saying: If people don't want us, we won't go there. The truth is it doesn't stop there.

I wish to enter into the RECORD, if I may—on May 27, 2009, the North Carolina General Assembly unanimously passed a bill, House bill 613, which states that the consent of the State is not granted to the Federal Government for acquisition of land for an outlying landing field in a county or counties which have no existing military base where squadrons are stationed. I ask unanimous consent to have printed in the RECORD this document, as well as a letter from the president of the North Carolina Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL ASSEMBLY OF NORTH
CAROLINA, SESSION 2009

SESSION LAW 2009-20, HOUSE BILL 613

An Act providing that consent of the State is not granted to the United States for acquisition of land for an outlying landing field in a county or counties which have no existing military base at which aircraft squadrons are stationed

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 104-7 reads as rewritten:

"§104-7. Acquisition of lands by the United States for customhouses, courthouses, post offices, forts, arsenals, or armories; cession of jurisdiction; exemption from taxation.

(a) The consent of the State is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in the State that either is:

(1) Required for customhouses, courthouses, post offices, forts, arsenals, or armories; provided that the total land to be acquired for a particular facility does not exceed 25 acres; or

(2) To be added to Fort Bragg, Pope Air Force Base, Camp Lejeune, New River Marine Corps Air Station, Seymour Johnson Air Force Base, Cherry Point Marine Corps Air Station, Military Ocean Terminal at Sunny Point, or the United States Coast Guard Air Station at Elizabeth City. Any of the land to be added to a military base named in this subdivision shall be contiguous to and within a 25-mile radius of the military base for which the property is acquired.

(a1) *Notwithstanding the provisions of subsection (a) above, the consent of the State is not given to the acquisition by the United States, by purchase, condemnation or otherwise, of any land in a county or counties which have no existing military base at which aircraft squadrons are stationed, for the purpose of establishing an outlying landing field to support training and operations of aircraft squadrons stationed at or transient to military bases or military stations located outside of the State. Exclusive jurisdiction in and over any land acquired by the United States without the consent of the State under this subsection is not ceded to the United States for any purpose.*

(b) Exclusive jurisdiction in and over any land acquired by the United States with the consent of the State under subsection (a) of this section is hereby ceded to the United States for all purposes for which the United

States requests cession of jurisdiction except that jurisdiction in and over these lands with respect to: (i) the service of all civil and criminal process of the courts of this State, (ii) the concurrent power to enforce the criminal law, (iii) the power to enforce State laws for the protection of public health and the environment and for the conservation of natural resources, and (iv) the entire legislative jurisdiction of the State with respect to marriage, divorce, annulment, adoption, commitment of the mentally incompetent, and descent and distribution of property is reserved to the State. Cession of jurisdiction shall continue only so long as the United States owns the land.

(c) The jurisdiction ceded shall not vest until the United States has acquired title to the land by purchase, condemnation, or otherwise; accepted the cession of jurisdiction in writing; and filed a certified copy of the acceptance in the office of the register of deeds in the county or counties in which the land is located. The acceptance of jurisdiction shall be made by an authorized official of the United States and shall include a precise description of the land involved and a statement of the extent to which cession of jurisdiction is accepted. The register of deeds shall record the acceptance of jurisdiction and index it in both the grantor and the grantee index under the name of the United States and, if title to the land over which jurisdiction is ceded is vested in any entity other than the United States, then the register of deeds shall also index the acceptance of jurisdiction in both the grantor and the grantee index under the name of that entity.

(d) So long as land acquired with the consent of the State under subsection (a) of this section remains the property of the United States, and no longer, the land shall be exempt and exonerated from all State, county, and municipal taxation, assessment, or other charges that may be levied or imposed under the authority of this State.

(e) Persons residing on lands in the State for which any jurisdiction has been ceded under this section shall not be deprived of any civil or political rights, including the right of suffrage, by reason of the cession of jurisdiction to the United States."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 23rd day of April, 2009.

WALTER H. DALTON,
President of the Senate.

WILLIAM L. WAINWRIGHT,
Speaker pro tempore of the House of Representatives.

BEVERLY E. PERDUE,
Governor.

Approved 3:21 p.m. this 30th day of April, 2009.

NORTH CAROLINA GENERAL ASSEMBLY,
Raleigh, NC, May 27, 2009.

DEAR NORTH CAROLINA CONGRESSIONAL DELEGATION: We are writing to inform you of the North Carolina General Assembly's unanimous opposition to the Navy's plans to build an outlying landing field in northeastern North Carolina. Last month, both the North Carolina House of Representatives and North Carolina Senate unanimously passed House Bill 613, which says that the consent of the state is not granted to the federal government for acquisition of land for an outlying landing field in a county or counties which have no existing military base where aircraft squadrons are stationed. This new law, which the Governor signed

April 30th, will make it more difficult for the Navy to force an OLF into Camden, Currituck, or Gates Counties and sends a strong, unified message of opposition from our state. We are including a copy of the legislation for your information.

All along, we have known that an OLF in northeastern North Carolina would benefit the people of Virginia and would be built to alleviate noise and congestion at Naval Station Oceana in Virginia Beach. For years, the Navy has refused to admit this very basic rationale for their proposed OLF.

Therefore, we respectfully ask you, as our federal representatives, to urge the Navy to move some of the squadrons based at Oceana to the Marine Corps Air Station at Cherry Point. This would alleviate the need for an OLF in northeastern North Carolina and our state would benefit from the employment surrounding these additional squadrons. If an OLF is needed, North Carolina's new law would allow one near Cherry Point, in an area of our state that wants it and receives the economic benefits as well.

North Carolina is the most military-friendly state in the nation and we intend to remain so. It is our hope that we can work toward a solution that allows the Navy to meet its training needs and continues the proud tradition of cooperation between the military and our state.

Sincerely,

MARC BASNIGHT,
President pro tempore.
BILL OWENS,
Representative.

Mr. BURR. Mr. President, an OLF at any of the proposed sites in North Carolina and Virginia would create 52 jobs. Fifty-two jobs, for a 30,000-acre footprint. The location at the Hale's Lake site is a 38,000-acre farm that currently employs 90 employees and has a local economic impact of approximately \$6.5 million. Let me say that again. We are being asked to consider a 30,000-acre footprint at Hale's Lake where we are going to take 90 jobs and we are going to replace them with 52 jobs, where they have \$6.5 million worth of economic impact and we are going to go to a situation where the Federal Government doesn't pay property taxes.

The core of the Sandsbank outlying landing field site contains 1,269 acres of wetland. Let me say this again. The core of the Sandsbank 30,000 acres contains 1,269 acres of wetlands. In October of 2007, the North Carolina Division of Water Quality recommended that the Sandsbank site not be pursued. Why? Because of the significance of wetlands.

I say to my colleagues—and I think we will probably lose this amendment and we will have a voice vote on it—I think it is important to understand, North Carolina has taken option after option after option to the Navy. As a matter of fact, this is our second round after they shortcut an environmental impact study and the courts got involved for a site they had picked and had already purchased the land. They are now in the unusual position of having a lot of land and they can't build the site there based upon where the en-

vironmental impact study sent them because they were trying to put it next to one of the largest migratory bird areas on the east coast. Not a smart thing when you want to have pilots taking jets in. It has to go through the environmental impact study whether they pick the Sandsbank site or whether they pick the Hale Lake's site. So I am not sure if the EIS will allow them to go to Sandsbank where there are 1,269 acres of wetlands that will be incorporated into this. Those are all out there.

We have communities today that are being affected. They are being affected by the fact that property can't sell, that people don't want to move there because they don't know whether there is going to be a naval jet base. They don't know whether there is going to be a 30,000-acre protected area where all night long you are going to have aircraft going in, and it only produces 52 jobs for the local community. Not a very good trade-off on the part of North Carolina. Not a very good action on the part of the military.

I ask my colleagues—I think we probably know the outcome of the vote, but we have to be vigilant. North Carolina is an incredible State when it relates to our military. That doesn't mean that the military can walk in and make a decision that is inconsistent with what is good for our State, and potentially forces an adverse relationship between the State and the military. They pushed it in and that is why the General Assembly did what they did. It is my hope that as this bill moves through conference, since the House has this provision in it, at least this provision will prevail.

I thank my colleagues, I thank the Chair, and I thank the ranking member for their understanding and allowing me to bring this amendment up. It is important that every Member understand what is involved and at the core of this. It is the lives of the people in North Carolina. It is the ability to have predictability in the future and not necessarily a decision that may linger for 6 or 7 or 10 years with individuals not knowing what the disposition of the Navy decision is going to be and, therefore, a market for their property or the plans for the next generation of farmer as it might relate to Hale's Lake, not knowing exactly how to plan their lives.

I would suggest that we call the question on this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in reluctant opposition to the amendment offered by my friend from North Carolina. He and the other Senator, the junior Senator from North Carolina, argued passionately and, to some degree, persuasively in the markup of this legislation.

I think it is very appropriate that they are reacting to local concerns and

perhaps even the fact that I think, in straight talk, perhaps the Department of the Navy has not approached some of these communities in a way that would gain the cooperation of the communities.

I agree also with Senator BURR that the people of North Carolina are among the most patriotic that we have in our Nation. But facts are facts, and the Navy needs a field to train carrier pilots stationed on the east coast within the range of both Naval Air Station Oceana and Marine Corps Air Station Cherry Point in North Carolina. The Navy needs to field trained pilots in order for us to have the best qualified pilots in the world. Part of that training, of course, is to learn landing on aircraft carriers, among other types of training.

Again, a lot of local communities in North Carolina and Virginia have expressed concern about noise, about hours, and about the impact it will have on their communities. During the markup we adopted an amendment by the Senator from Virginia, Mr. WEBB, that basically requires the Navy to do extensive consultation with local communities, to consider assistance to local communities in case there is substantial economic impact, and to do everything they can to reach an agreement with the local communities as they go through this siting procedure.

Madam President, I cannot change geography. I think this committee can do a lot of things, but we cannot change the map. The map is that two of our major air stations, Oceana and Cherry Point, are where our pilots and air wings are stationed. They have to have the ability to train, and they have to train someplace within a reasonable range.

So I believe after a spirited discussion in committee, the Senator from Virginia came up with a very excellent amendment that basically requires a lot more participation in the local communities, a lot more consideration and consultation, and even—I have never seen this before—some economic assistance to the local communities, if necessary. Nobody likes to be awakened at 1 or 2 a.m. by the sound of jet engines. I understand that. But I also understand—and I hope our colleagues do—that on the entire east coast, because of population and the location of these two major bases—Cherry Point and Oceana—we don't have much choice but to look in Virginia and North Carolina. We cannot let, over time, that requirement be overridden forever. We can try to accommodate and understand, and we can try to do whatever is necessary to ease the burden. But the fact is, our pilots have to train.

I appreciate the fact that both Senators from North Carolina were eloquent in stating the concerns their local communities have, which may be

under consideration for the location of an airfield—just as the Senator from Virginia was concerned; but the Senator from Virginia, I think, in his amendment, laid out some parameters that I think will lead to a fair process, which will take into consideration the very understandable concerns of the local communities.

With reluctance but concern for the ability of our Navy and Marine Corps pilots to train and be adequately prepared to fight, I oppose this amendment.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I also reluctantly oppose this amendment. Senator BURR and Senator HAGAN have both been very eloquent in their positions, and it is understandable how they and their States feel in this matter. The Navy has not done a particularly good job.

Senator WEBB, in committee, suggested some important language that will, hopefully, be helpful. Senator WEBB was equally eloquent in his position. We adopted that report language. I think we should stand with it. It is simply not good public policy for Congress to prematurely limit training locations—particularly when those sites have not been fully considered by the military.

So it is, hopefully, going to prod the Navy to do a lot better in terms of its consultation and communications with our communities in North Carolina, Virginia, and around the country. I also must oppose this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1519) was rejected.

Mr. LEVIN. Madam President, I move to reconsider that vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, I see the Senator from Oklahoma here.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent that we set aside the current pending amendment for the consideration of Inhofe amendment No. 1559.

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 1710

(Purpose: To provide for classified information procedures for military commissions, and to provide for interlocutory appeals by the United States of certain orders and rulings of military judges)

Mr. LEVIN. Madam President, I ask unanimous consent that the pending amendment be laid aside temporarily and that it be in order for me to offer an amendment on behalf of myself, Senator GRAHAM, and Senator MCCAIN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for himself, Mr. GRAHAM, and Mr. MCCAIN, proposes an amendment numbered 1710.

Mr. LEVIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Wednesday, July 23, 2009, under "Text of Amendments.")

Mr. LEVIN. Madam President, the amendment I now offer, along with Senators GRAHAM and MCCAIN, would modify the procedures for the handling of classified evidence by military commissions. This is language that was requested by the administration witnesses at our hearing on military commissions procedures a few weeks ago.

We have worked closely together, and we have worked closely with the administration on the language. It is our understanding that this amendment will fully address the administration's concerns. It has the support of the Justice Department and the Department of Defense.

Section 1031 of the bill, which addresses military commissions, is based on the standard established by the Supreme Court in the Hamdan case that military commissions should be conducted in a manner consistent with the procedures applicable in trials by courts-martial, and that any deviation from those procedures be justified by "evident practical need." For this reason, the procedures now in the bill for the handling of classified information are based on the procedures established in the Uniform Code of Military Justice.

However, the witnesses at our July 7 hearing on military commissions made a persuasive case that the procedures for the handling of classified information in Federal court—the Classified Information Procedures Act, or CIPA—would provide a better model for handling classified information. The reason is, the Federal courts have far more experience handling classified information and far more precedent applicable to the difficult issues raised by classified information in detainee cases. DOD general counsel Jeh Johnson explained the issue as follows:

[W]e note that the legislation incorporates certain of the classified evidence procedures currently applicable in courts-martial, where there is relatively little precedent and practice regarding classified information.

Mr. Johnson continues:

We in the administration believe that further work could be done to codify the protections of classified evidence, in a manner consistent with the protections that now exist in Federal civilian courts. We believe that those protections—

Referring to the Federal civilian court protections—

would work better to protect classified information, while continuing to ensure fairness and providing a stable body of precedent and practice for doing so.

VADM Bruce McDonald, the Judge Advocate General of the Navy, testified in a very similar way. He said:

Section 949d provides for the use of rules of evidence in trials by general courts-martial in the handling of classified evidence. This is consistent with our overall desire to use those procedures found within the UCMJ . . . whenever possible. However, experience has shown that practitioners struggle with a very complex and unclear rule within the Military Rules of Evidence. The military rules do not have a robust source of informative or persuasive case law. Frankly, prosecutions using Military Rule of Evidence 505 are rare. In developing the rules for the handling of classified material during a military commission, it would be more prudent to rely upon the Classified Information Procedures Act (CIPA) used in Article III courts as a starting point.

Since the time of the hearing, we have been working on a bipartisan basis with the administration to produce new language on the handling of classified information, consistent with the recommendations of our witnesses. In accordance with those recommendations, and our own thinking and discussion, the language in the amendment we are considering today tracks very closely with CIPA. In a few areas, we have chosen to codify standards that are applicable case law under CIPA to provide additional clarity.

The amendment is consistent with the intention of the bill to apply established procedures to military commissions and to deviate from those established procedures, where justified, by evident practical need. There is an evident practical need here. We have a good experience under CIPA, and we decided that is the better model to follow.

We also believe the procedures in this amendment will facilitate the handling of classified information in trials by military commissions in a way that is fair to both sides.

I have a letter from the Department of Justice on this matter which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 23, 2009.

Hon. CARL LEVIN,
Chairman.

Hon. JOHN MCCAIN,
Ranking Minority Member, Committee on Armed
Services, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEM-
BER MCCAIN: This letter expresses the strong
support of the Department of Justice for the
Levin-Graham-McCain amendment to S.
1390, the "National Defense Authorization
Act for Fiscal Year 2010," regarding classi-
fied information procedures for military
commissions.

The amendment would establish a system
for addressing classified information issues
in military commissions that is similar to
the system provided by the Classified Infor-
mation Procedures Act ("CIPA") for criminal
cases prosecuted in Federal court. Although
CIPA might need to be updated in some
respects to address terrorism cases more
effectively, we believe it has generally
worked well both in protecting national
security and ensuring fair proceedings. The
Levin-Graham-McCain amendment adapts
CIPA to the military commissions context,
with some modifications to reflect lessons
learned from past terrorism prosecutions.
The amendment expressly provides that the
judicial construction of CIPA shall, in most
instances, be authoritative in interpreting
the analogous provisions in the amendment.
It sets substantive standards for providing
the defense access to classified information
in the discovery phase, and for the use of
classified information at trial. It also estab-
lishes a range of tools and procedures, such
as protective orders, ex parte hearings, alter-
natives to disclosure of classified informa-
tion, expanded interlocutory appeal rights,
and sanctions for failure to comply, that will
provide appropriate guidance to military
judges in handling these complex issues as
they arise in the course of military commis-
sion proceedings.

The Department of Justice consulted at
length with committee staff as they devel-
oped this amendment, and we are grateful
for their work on this important issue. We
believe the amendment will advance the
President's objective of reforming the com-
missions and ensuring that they are a fair,
legitimate, and effective forum for the pro-
secution of law of war offenses.

The Office of Management and Budget has
advised us that, from the standpoint of the
Administration's program, there is no objec-
tion to the submission of this letter.

Sincerely,

RONALD WEICH,
Assistant Attorney General.

Mr. LEVIN. Again, I thank Senator
GRAHAM and Senator MCCAIN. Senator
GRAHAM is an expert we all look to in
matters such as this. He has not only
personal experience but he has a vast
amount of personal knowledge from
study, as well as his own experience in
this area, and it is invaluable to us. It
does help make possible the conclusion
we offer the body.

Mr. MCCAIN. Madam President, I
would like to, once again, thank Chair-
man LEVIN for the work he has done in
this bill on the structure of military
commissions. I appreciate his working
closely with me and with Senator GRA-
HAM, and I believe that the changes in
this bill put our military commissions

framework on a solid footing so that
our nation will be ready to proceed
with the trials of terrorist detainees by
military commission.

In the same vein, I am pleased to co-
sponsor Senator LEVIN's amendment
No. 1710, which deals with the protec-
tion of classified information used in
military commissions. This amend-
ment is based on extensive meetings
between our staffs and the professional
prosecutors who wish to ensure that
classified information receives the full-
est possible protection in the course of
these trials.

The amendment is based in large part
on the Classified Information Proce-
dures Act, CIPA, which includes pro-
tections for the use of classified infor-
mation in trials. Based on 20 years of
experience with CIPA, and with 3 years
of experience with the Military Com-
missions Act, the protections con-
tained in this amendment are what the
professional prosecutors believe they
need to ensure that classified informa-
tion is not improperly disclosed and to
allow trials to proceed more efficiently
by providing military judges with an
extensive body of law based on CIPA
upon which to base their decisions.
Avoiding the unauthorized disclosure
of classified information is a key to en-
suring the protection of our national
interests, and so I am pleased to advo-
cate the adoption of this amendment. I
note that the Departments of Defense
and Justice concur with the language
contained in this amendment. I urge
my colleagues to support its adoption.

Mr. LEAHY. Madam President, the
Classified Information Procedures Act,
CIPA, provides a framework for using
classified information in criminal
cases. It is a valuable and flexible tool
that allows courts to review classified
information and provide for the protec-
tion of such material while ensuring a
defendant's right to a fair trial. And it
works. For close to 30 years, Federal
courts have used CIPA to successfully
handle complex criminal cases, includ-
ing hundreds of terrorism-related cases
since 9/11, and still protect sensitive in-
formation from public disclosure.

I reintroduced the State Secrets Pro-
tection Act this Congress, legislation
that would allow the Government to
claim the State secrets privilege while
ensuring that a judge would review the
evidence the Government is relying
upon to determine whether the privi-
lege applies. This concept mirrors
CIPA and our bill draws heavily from
CIPA procedures. But our bill does not
water them down.

I was encouraged to see that Senator
LEVIN, along with Senators GRAHAM
and MCCAIN, proposed an amendment
to the National Defense Authorization
Act for Fiscal Year 2010 that would
provide procedures in line with CIPA
for handling classified information in
military commissions. One of the com-
plaints that we have heard about com-

missions involves procedural confu-
sion, including how to approach the
handling of classified information. As
Senator LEVIN pointed out, "the unique
procedures and requirements hampered
the ability of defense teams to obtain
information."

In recent testimony before the Sen-
ate Armed Services Committee, Vice
Admiral MacDonald, the Judge Advo-
cate General for the U.S. Navy, dis-
cussed the difficulty that prosecutors
have had using military rules for clas-
sified evidence and acknowledged:

[T]he military rules on the use of classified
information fall short of our overall goals.
On the other hand, for over 20 years, Article
III courts have relied upon the Classified In-
formation Procedures Act, or CIPA.

David Kris, the Assistant Attorney
General for the Department of Jus-
tice's National Security Division,
agreed that CIPA "has generally
worked well in both protecting classi-
fied information and ensuring fairness
of proceedings" and that drawing on
CIPA would "allow military judges to
draw on a substantial body of CIPA
case law and practice that has been de-
veloped over the years."

I agree that, especially with this
novel use of military commissions, it is
crucial that we draw on evidentiary
standards supported by precedent and a
proven track record. However, I am
concerned that some of the modifica-
tions proposed by this amendment
would depart from the traditional pro-
tections provided by CIPA. For exam-
ple, CIPA requires the Attorney Gen-
eral to certify that the disclosure of
certain information would cause iden-
tifiable damage to the national secu-
rity of the United States. Here, an un-
identified "knowledgeable United
States official" would make that de-
claration, instead. This amendment also
imports a new standard that would re-
quire a judge to consider whether dis-
closure of information would be "detrimental
to national security." It would
further prohibit the accused from ap-
pealing a court order allowing the Gov-
ernment to withhold access to informa-
tion based on an ex parte proffer by the
Government. This marks a serious de-
parture from CIPA's framework for al-
lowing defendants to reconsider such
rulings in order to ensure that they are
allowed meaningful access to evidence
and can present a thorough defense.

I support the administration and
Senator LEVIN's goal of using more ar-
ticle III standards in military commis-
sions, and the use of CIPA procedures
is certainly a marked improvement.
However, it is important that we not
minimize the protections and stand-
ards that make tools like CIPA effec-
tive in protecting both classified infor-
mation and the rights of the accused.
Until we have a more thorough review
and understanding of why these
changes are necessary, I believe we
should proceed cautiously before we de-
part from the standards that have

served us well for so long in our Federal jurisprudence.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank the chairman for his kind comments. I have been a military lawyer for a while, but I am smart enough to know what I don't know.

The bottom line is judge advocates, to a person, have indicated the procedures as outlined by Senator LEVIN would be the best way to go. Under the civilian Classified Information Procedures Act, there is a robust body of cases. Military rule of evidence 505(b) is not used very often in courts-martial. What we have tried to do is interject into the commissions some reforms that will make the trials go forward in a manner that the courts are likely to approve the work product.

I think everybody involved—military judges, defense counsel, prosecutors—welcome this change. Senator LEVIN and his staff and our staffs have worked with the White House. I think we found a way to reform the military commissions that would provide balance when it comes to admission of classified evidence to protect the Nation at large and also allowing the people accused of a crime as much access as possible.

Every military lawyer who is going to be involved in the commissions supports this change. I think it is one way to make the commissions better. This whole effort to make the commissions better is bearing fruit. I appreciate what Senator LEVIN has done.

I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, there is now pending an amendment that I have offered on behalf of myself, Senator GRAHAM, and Senator MCCAIN relative to the protection of classified information; is that correct?

The PRESIDING OFFICER. Amendment No. 1710, offered by Senator LEVIN, is pending, yes.

Mr. LEVIN. Mr. President, I think we are now ready to vote on this amendment.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1710) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. The pending matter now would be to return to the Akaka amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am sorry I couldn't be down here this afternoon, and I apologize to my colleagues that we will have a delay on this bill, probably with cloture, until tomorrow morning. My statement is in no way meant to reflect any ill will on Senator AKAKA or Senator COLLINS or Senator VOINOVICH or Senator LIEBERMAN, but we have before us in this amendment something that is intolerable to the unemployed people in this country today, or should be intolerable to everybody.

In fact, what we are going to do is take \$3.1 billion and give it to Federal employees in their retirement systems and adjustments to retirement systems when we have 9.5 percent unemployment and we have six States with over 15 percent. What we should be doing is taking that \$3 billion and making sure we are creating jobs so people have jobs in this country rather than paying Federal workers.

I want to enter into the RECORD what the average pay and benefits are for Federal employees because most Americans are unaware.

The average Federal pay and benefit for an employee of the Postal Service is \$80,353 a year. If you work at the Pentagon, but you are not a soldier, your average pay and benefit is \$89,000 a year. If you are a soldier, it is about \$25,000 less than that. The guy taking the bullets is making \$25,000 less than the civilians working in the Pentagon. Then you have all the rest of the Federal employees, and their average is \$113,000. That is twice what the average wage in this country is, and we have attached this amendment to this bill—an amendment which has nothing to do with the Defense Department, it has to do with adjusting pension benefits for Federal employees outside of the Defense Department.

I think our Federal employees are valuable, and I do not mind paying them. But I do mind spending more money at that level now when we have a large number of people who are unemployed. If we count people who are not looking for work anymore because they are so discouraged, we have over 15 percent unemployment. The very idea that we would take \$3.2 billion from our grandkids to add to a program, when we have millions and millions of Americans not collecting a paycheck at all, to me, is inappropriate. We can't afford it because we are going to charge it to the next two generations. We don't have the money.

That reminds me. If we go back and talk about where we are in this country, we have the first \$4 trillion budget ever, this year. That is what is going to be spent—\$4 trillion in 1 year. We are spending \$1 trillion more this year in the last 7 months than we did last year in this country. We have passed bill after bill after bill after bill that we can't afford to buy things that we don't need with money we don't have.

Let me, for my colleagues, read the unemployment rates throughout the country: Alabama, 10.1 percent; Alaska, 8.4; Arizona, 8.7; Arkansas, 7.2; California, 11.6; Colorado, 7.6; Connecticut, 8 percent; Delaware, 8.4 percent; Washington, DC, 10.9 percent; Florida, 10.6 percent; Georgia, 10.1; Hawaii, 7.4 percent; Idaho, 8.4 percent; Illinois, 10.3 percent; Indiana, 10.7 percent; Iowa, 6.2; Kansas, 7 percent; Kentucky, 10.9 percent unemployment; Louisiana, 6.8; Maine, 8.5 percent; Maryland, 7.3 percent; Massachusetts, 8.6 percent; Michigan, 15.2 percent.

What would the people of Michigan do with \$3 billion to invest in jobs in Michigan right now?

Minnesota, 8.4 percent; Mississippi, 9 percent; Missouri, 9.3 percent; Montana, 6.4 percent; Nebraska, 5 percent; Nevada, 12 percent; New Hampshire, 6.8 percent; New Jersey, 9.2 percent; New Mexico, 6.8 percent; New York, 8.7 percent; New York, 11 percent; North Dakota, 4.2 percent; Ohio, 11.1 percent; Oklahoma, 6.3 percent; Oregon, 12.2 percent; Pennsylvania, 8.3 percent; Puerto Rico, 14.5 percent; Rhode Island, 12.4 percent; South Carolina, 12.1 percent; Tennessee, 10.8. If I missed South Dakota, it is 5.1; Tennessee, 10.8 percent; Texas, 7.5 percent; Utah, 5.7 percent; Vermont, 7.1 percent; Virginia, 7.2 percent; Washington State, 9.3 percent; West Virginia, 9.2 percent; Wisconsin, 9 percent; and Wyoming 5.9 percent.

Those are just percentages. But you know what they represent? They represent real hard-core pain for American families today. The fact that we would have the gumption to come and take another \$3 billion from them to increase the benefit structure of Federal employees at a time when what we should be doing is seeing how we can become more efficient in the Federal Government and spend less money in the Federal Government flies in the face of the difficulties that these individuals find themselves faced with.

If you look at what is actually happening to our country and take the 75-year projections, this year we are going to spend under \$200 billion in interest. Eight years from now we are going to spend \$806 billion in interest just on the interest rates we have today.

How many people believe we will have a Fed discount rate of a quarter of 1 percent 8 years from now and that we will be able to borrow money on a 10-year T-bill at 3.6 percent? It isn't going

to happen. We are going down the road to destruction, and we are clueless about how to solve it.

So if we add up the 75-year projected unfunded liabilities for Medicare and if we add up the 75-year unfunded liabilities for Medicaid and if we add up the 75-year unfunded liabilities for Social Security and if we add up the 75-year unfunded liabilities for Federal employee retirement and if we add up the 75-year unfunded liabilities for military retirement and if we add up the 75-year unfunded liabilities for every other trust fund this Congress and Congresses before have robbed the money from to spend now—which should have been endowed—what we come to is \$100 trillion.

If we look at what our population is expected to be then, and the percentage that would not be working in the workforce—in other words, the very young children and the very large 40 percent of that population that is going to be retired—what we end up having is an unfunded obligation for every one of those people who are going to be the taxpayers of \$500,000 apiece. That doesn't include the debt we have now, which is \$11.4 trillion—which is going to double to \$22 trillion over the next 10 years—and the internal debt of that will triple. So now we have \$122 trillion worth of liabilities. Yet we are saying, now is the time to increase the benefits for Federal employees.

I don't deny that the Federal employees do great work. But when you look at what the average pay plus benefit is for Federal employees versus everybody else in the country, now is not the time to do it. Not only because, No. 1, we can't afford it; but, No. 2, it is patently unfair to everybody else in this country based on the average salaries.

So the fact that we would add an amendment onto the Defense bill—because it is a bill that is going to move; there is no question it would not survive cloture—that doesn't bother me. I have done that a lot. What bothers me is that we lack the perspective of what is happening. We passed a \$787 billion stimulus bill, of which only \$80 billion has gone out the door. The unemployment rate is still rising—and I am not critical. This body passed it. But it is not going to be highly stimulative because most of it was not meant to be stimulative. It was meant to be transfer payments. But we have spent that, and that is all borrowed money. We passed an omnibus. We passed a supplemental. None of that was paid for. Not a penny of it was paid for. That is all borrowed.

So what we have done is we are going to add \$2.2 trillion to our debt this year, and now we have something that, well, it just adds a measly little \$3.2 billion. But think about what \$3.2 billion would do to help people who don't have a job in this country today. Instead, we are going to enhance the ben-

efits of Federal employees. To me, it is an insult to every other worker who is out there who is either struggling to keep their job—and, by the way, we are going to add 100,000 Federal employees this year. So these numbers are underestimating what the real cost is.

Here is the amendment. It is 49 pages long. It has six major titles in it—adjusting. We allow people who left the government to come back and put their money back in, and we will say: Oh, you didn't leave, so you didn't lose any of your retirement. You still get it compounded.

We have institutionalized sick pay and we have made it an entitlement. We have said everybody who has ever worked for the DC government, they can work for the Federal Government and all of their retirement years will transfer to the Federal Government. But we don't do that for anybody else who works for any other State government. We certainly don't do that for people who have retirement plans from any other company. We don't add that retirement to the Federal Government's. So why are we doing things that are patently unfair to the rest of the American workforce in this country?

I plan on speaking on this bill until cloture ripens, which means we are going to be here all night. Until this amendment is withdrawn, I will stay here, or I will have a colleague stay here, and we will talk about how this country is out of control in its spending. We will talk about how we have failed the American people by not being good stewards; how we have not done oversight on the \$350 billion worth of waste every year. Not one amendment has passed that has gotten rid of any of the waste that this government wastes every year. Not one has gotten through this Congress. Not one.

We are getting ready to work on a health care bill. We have been working on it. We have spent a ton of time on it. We have \$120 billion worth of fraud in Medicare and Medicaid, but we haven't addressed that at all. It is not being addressed. We are twiddling our thumbs as Medicare goes bankrupt, while Medicare doesn't offer the services that are promised, and we are going to create another \$1.6 trillion worth of cost for the American people. The only thing I can figure is that Washington thinks we can spend more money to save money in a significant way. We have been trying to do that since 1965 and it hasn't worked once, and it isn't going to work this time.

Let me mention, for a minute, just some of the things that we have been doing that do not fit with the priorities of American citizens. It does not come anywhere close to matching what every family in this country is doing today. Here is what they are doing.

First of all, they are scared and they are fearful and they are worried. Do

you know what they are doing? We see it in the economic statistics. When consumer spending drives normally 70 percent of our economy, we have the highest savings rate we have had in 40 years because they are afraid to spend. One of the reasons they are afraid to spend is because they don't trust what we are doing up here. They think things might get worse. I think things are going to get better, but they are certainly not going to get better by spending another \$3.2 billion in this way.

What they do is they sit down as a family and they say here is what is coming in and here is the auto payment and here is the house payment and here is what we have to have for groceries and here is the utility bills. What is left? In other words, they make a list of priorities. They decide what has to be done, what must be done, but what they want to do comes last because we are in tough times. That applies to almost every family in this country. It implies heartaches because it means a father is not doing something he would like to do for his son or a mother is not buying a new dress for a daughter to help her own self-esteem in comparison with other children. It has real-world factors on families.

They make those hard decisions every day, absolutely every day. The reason they make those hard decisions is they do not lack the courage to face reality, such as we do. They also do not have the other option we have, and that is charging our lack of courage to the next two generations.

Most Americans are not cowards. They look at the real world, they look at what is responsible of them, what decision is going to have to be made. They dig in their heels, they work and work to solve the problem, and they will go through tough times doing the very best they can to make good of a bad situation.

That is opposite the behavior this place has been displaying. We have ignored the fact that we have \$11.4 trillion worth of debt. We passed a stimulus spending bill, of which less than \$150 billion was true stimulus. We have created dependencies of, now, the States. Anytime they are in tough times, they have now been infected with our illness: Don't worry about it, we will just charge it to the next generation. Because every State we helped through the stimulus we did charge it to the next generation. We have now instituted lack of discipline by every State legislature in the country because now they no longer have to worry about it. The Senate will just borrow from their grandkids and send it to them and now they don't have to worry about it, they don't have to have any courage to make the tough decisions.

What all have we done that would secure the honor of the American people,

that we are working for them? What symbol have we given them, in terms of limiting our excesses in Washington, that might give them hope?

The Akaka amendment is the opposite of that. It is saying: You don't get it, your priorities are not right. You think you can forget what has happened to us. You think you can charge it to our grandchildren and our children. You think you can steal their opportunity and nobody is ever going to know it.

I have barked up this tree a lot in the last 5 years in this body, and I am not ever going to stop barking up this tree because it is morally wrong to steal the future from your grandchildren. It is morally wrong. It is not just ethically wrong, it is not just conveniently wrong, it is morally wrong to take the great attributes of this country away from your children and grandchildren. It is time for some grownups to start making hard decisions that may cost us reelection but are in the best long-term interests of this country.

So this issue is not going to go away. I may ultimately get defeated on it, but those families out there who do not have a job, those families out there making those hard choices every day—every night worrying where is the money to buy the food that is going on the table the next day, who still have a job—they are going to know somebody is going to fight for some common sense in the Senate.

There is no question, I lost this amendment in committee. I was mortified at the lack of sensitivity to the rest of this country, placing Federal employees' very good benefits—enhancing those above the negatives that are occurring to every family in this country based on our economic situation. Even if we were not having a tough economic time, it would still be wrong to do this. It would still be incorrect to do this.

If you think for a minute about what it costs to fund the interest costs on \$500,000—if it is 6 percent, it is \$30,000 a year. If I were a schoolteacher here and we had a blackboard, I would be making everybody write home that I am sorry I am stealing \$30,000 a year from each of your children. That is what I would be doing—I am sorry I am stealing \$30,000 a year just to pay the interest, never mind paying the principal off, on what we have accumulated.

Take a young child 6 years of age today and extrapolate that out to right before their retirement. What you have done is you have stolen their opportunity to have the American dream because it is not just going to be the \$30,000, because all the years they can't work it is going to build that they will have to pay and all the years in their retirement are going to be less because they will not have the benefits.

By the way, if you are a Federal employee and unhappy with me trying to

defeat this amendment, you should pay attention to something. There is no guarantee to your Federal pension based on the economics we face today in this country. If you think it is guaranteed, you have another thought coming because the world economic system is going to determine whether we can honor that pension. That is what is coming. We are very close.

It was not long ago that Alan Greenspan was asked a question: What is the maximum limit which we can borrow? There is a lot of question about whether people want to loan us money anymore. What he said is, I don't know what it is, but I can tell you we are getting very close.

What happens to us when we tap out? You know, he is not an unrespected thinker in materials of economics and banking.

Here is what happens to us. Interest rates that are 3.6 percent for a 10-year government note go to 7 percent, 8 percent, 9 percent, 10 percent. All of a sudden, the cost of funding our debt becomes \$2 or \$3 trillion a year, 20 years from now. What is the option? The option is there not be any government pensions, there will not be any Medicare. We will barely have money to defend our country. All these wonderful Federal programs that we have, most of which have a duplicate somewhere in the Federal Government that they defend, that we cannot get rid of because they have a constituency that somebody might be afraid, if we eliminate some of the \$350 billion in waste, fraud, and duplication, they are not going to be there.

So what it comes down to and what we are facing is, can our Republic survive our excesses? Can we survive this tremendous direction that we have stepped away from reality, saying economic forces do not apply to us? The answer to that is no. There will not be a Federal pension when interest is at 10 or 12 percent and we have \$35 or \$40 trillion worth of debt.

Mr. MCCAIN. Will the Senator yield?

Mr. COBURN. Certainly.

Mr. MCCAIN. Does the Senator have an estimate how much this will cost the taxpayers?

Mr. COBURN. Over the first 10 years, \$3.3 billion.

Mr. MCCAIN. I understand from the amendment there is a provision that all the money is paid back.

Mr. COBURN. It is another trick and game. There is an assumption it will be paid back, but it will never be paid back. What it will do is increase the obligations of the Federal taxpayer—that is myself and you and all your families and everybody we represent—the liabilities of the people who are going to get the benefit from this amendment.

Mr. MCCAIN. Could the Senator tell me the connection between this amendment and the Defense authorization bill?

Mr. COBURN. There is no connection between this amendment and the Defense authorization bill.

Mr. MCCAIN. May I say to the Senator from Oklahoma, I am in agreement. We do strange things around here, particularly late in consideration of the bill. I thank him for at least bringing it to the attention of the American taxpayer.

Mr. COBURN. Mr. President, I wish to finish my line of thought because what I sense is the American people get it and we do not. The American people are worried we do not get it. They are worried we think we can continue spending money, not reform things, not make things more efficient, not eliminate duplication. What they know is this is not monopoly money. They know this is not "not real money." They know this issue about us having common sense, about us being fiscally responsible—they know the future of their children and their grandchildren depends on whether we start acting the same way every other family in this country has to act. That is in the real world. It is not in the world of Washington that: Don't worry, we will put it off because the next election is much more important than I addressing this and taking the next tough vote. We are going to put it off.

I say to my colleagues, I have plenty of topics. I am going to spend the next couple hours going through waste so the American people can actually see how well we have done with their money—waste and earmarks and things that benefit the well-heeled and the well-connected but hurt your children and hurt your grandchildren.

Before I do that, I wish to spend a moment talking about what the heritage of our country is. How did American exceptionalism come into being? How is it that this became the greatest country in the world, that had more technological advances than anybody else in the world? That created the highest standard of living of any society ever known in the world? What was the glue, what was the key, what was the characteristic that allowed that to happen?

I will tell you what it was. It was called sacrifice. If you think back four or five generations in your family and you try to find out what was going on, no matter what your racial background is or what your lineage is, what you saw was people willing, absolutely willing to sacrifice the short term to make sure the long term was better for their children, their family, and their grandchildren. That is what I call a heritage of sacrifice. It is what made us great. It is what created this vast, great country.

I am sorry to say that, since I entered the area of public service—and one of the reasons I entered it was because I didn't see this trait—is that, since 1994 I have not seen any change. Actually, it is worse.

When you take the oath to be a Senator, what it says is you will do what the Constitution says. You will uphold it, you will make sure it is protected, that you will follow it.

I have a bill, it is called the Enumerated Powers Act. It has a lot of cosponsors, but none of the big spenders here want to cosponsor it. Do you know why? Because it creates a challenge for wasteful spending. What it says is what our Founders thought was pretty important. They very clearly, in article I, section 8 of our Constitution, listed out what the responsibilities of the Federal Government are. They listed them out. What Madison and Jefferson wrote about when they wrote in article I, section 8, they said people are going to try to say it is something different than this. They are trying to say the general welfare clause is we can do anything we want. The commerce clause is—don't believe them. That is not what we intended. Yet that happens every day in this body. We abandon the intent.

We just had a hearing on a Supreme Court nominee and one of the questions she was asked by a lot of us was: Are you going to uphold the Constitution?

Well, my thoughts and prayers would be that she will do a better job than we do, because we get an F. And the American people know it. They know we cannot tolerate this spending. They know we cannot tolerate this debt. They know we cannot tolerate raising taxes on the American people if we are going to hope to get out of this. Their wisdom needs to be brought here. And the way you bring your wisdom here is to let us know. Hold us accountable. Call, e-mail, go to the offices, write to our homes, make sure that people who are representing you uphold that oath of fulfilling the Constitution, honoring the tenth amendment.

You know, our Founders in the Bill of Rights put in the tenth amendment, and it is a very important amendment, because it says: Whatever is not spelled out specifically under article I, section 8—here is the limited things the Federal Government is supposed to do—is explicitly reserved for the States and for the people.

So how is it that we are going to have a \$2 trillion deficit this year? I can tell you how it is. It is because we have ignored the Constitution. We have done things that are totally outside the realm our Founders thought we would ever do. We have taken over things that are truly the responsibilities of the States and the communities and individuals. We have created dependency by the States, created dependency in all sorts of others.

I got a letter last week asking me to sponsor money for fire engines for Oklahoma. When did buying firetrucks for Oklahoma become a part of the U.S. Constitution? Am I supposed to steal money from people in Pennsylvania

and New Jersey and New York so Oklahoma can have fire engines, which is an Oklahoma responsibility? It is not even an Oklahoma responsibility; it is a community responsibility.

As we create this dependency, we create something that is worse after it. If you cannot get it, you all of a sudden are a victim. That is why earmarks are so bad, because what they do is keep us from making the great and hard decisions we should make because we benefit from it politically.

That is why several of us have fought since we have been here to change the earmarking process so that the American people can see what it is about. And what you will see, you watch on this bill, on the appropriations bills that follow, is if somebody has an earmark in this bill, they will never vote against it. Because what they will be told by the chairman or ranking member of the committee the next time they go to request something is: Oh, you requested something. I put it in the bill, but you did not vote for the bill, so I am not going to give it to you.

What happens is, instead of looking at the content of a bill and the best long-term interests of the country, we look at the content of the earmark and how we look back home to the well-heeled and the well-connected few, the source of campaign, the source of political empowerment, instead of looking at our oath that says: You will follow the Constitution.

There is no question we have the right to say where money goes. And there is no question we should be able to have earmarks if they are authorized, which means that a committee of your peers, through the Appropriations Committee, says: This is something we as a country ought to do. But you will not see that. What you see are not authorized earmarks. They do not go through a committee of your peers. So it becomes the very foul stink that ends up corrupting the whole system of following that Constitution and being loyal to that oath.

In 2016, every American is going to pay \$13,000 on the national debt—think about that—for interest. I said that wrong. Every American family is going to be responsible for \$13,000 worth of interest on the national debt. That is if it does not grow a penny from now. And we know we are going to have trillion-dollar deficits from now for as long as we can see under the budget that has passed this body.

The average American family, do you have \$13,000? Do you have \$13,000 for us to continue the excess of uncontrolled spending in Washington, the excess of failing to do our job to eliminate waste and fraud and duplication? Do you have it? Maybe you ought to call us and borrow it from the Senators. Maybe you ought to ask us for it since we are the ones labeling you with it.

So as you hear what we are saying today when we talk about what is

going on, these are not just words; they are real facts that affect real lives, that limit opportunity, that steal this wonderful country from us and our kids. Because what is happening is we are slowly putting handcuffs on ourselves. We are slowly diminishing our ability to be creative. We are slowly taking away the opportunity and the freedom with which we have excelled.

If, in fact, the government said more about how you live your life than you say how you live your life, you have lost freedom. You have lost it. As we encounter this mountain, this truly high mountain of debt, what is going to happen is those handcuffs are going to get tighter and tighter—they are not going to get tighter, they are going to get closer and closer together before we have little ability to get out of them, little opportunity to change.

We are close to being on an irreversible course. What we do and how we do it over the next 2 years in this country is going to determine whether your children live in freedom. And I do not mean controlled by a dictator. I am talking about having the freedom to have the opportunity to work hard, to develop your skills, to take risks, and to hopefully reward yourself and your family so that, in fact, you can be benevolent to someone else who may not be able to do that. That is what America is all about.

We are losing. It is going away. And it goes away every week in this body. Every week that we create another new government program that limits your freedom and puts a bureaucrat between you and your choice, it goes away. Quite frankly, we have gotten pretty good at stealing your freedom.

For me and the people I represent, we have had enough. We have had enough of the government deciding everything for us. We have had enough of judges not following the Constitution. We have had enough of Federal bureaucrats limiting our property rights, and what we can do on our own property. We have had enough of people telling us what our freedoms are and what they are not. We have had enough of the Federal bureaucracy in education ruining our schools rather than giving us the freedom to educate the children the way we want; taking our taxes, absorbing 20 percent and sending 80 percent back and saying: You can have this money if you do this, this, this, and this. It is interesting, in the Constitution, there is no role for Federal education, no role for the Federal Government to be involved in education. None. Zero. Where did we get the idea that 80 percent of the people who work in the Department of Education, who do not know how to teach a child, should be telling the teachers in this country what to teach, and what to do, and what they can get paid for and what they cannot.

That is a loss of freedom, folks. You have a bureaucracy in Washington that

determines the outcome of what your children's education is going to be, rather than you determining what that outcome will be.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. COBURN. I will yield for a question.

Mr. SESSIONS. I know my colleague has given more time and effort to studying the sickness that is affecting our Congress with regard to how we spend money than anyone in this body, and he has taken a lot of heat for standing up and raising these issues. I salute him for it.

But the amendment that is before us, it seems to me, is absolutely typical of how out of step Congress is. This may be a swell amendment for whoever benefits from it, but the people who are paying for it are not aware that the money they have earned from the sweat of their brow is now going to somebody who got a better health care plan, a better retirement plan and higher pay than they get, and more job security than they get.

In my home county, the unemployment rate is over 20 percent. Then we have people with so much better jobs wanting more money. This is what, a \$2 billion amendment? I would ask you, is this not sort of a pretty egregious example of the tendency we have to try to reward one group and ignore the cost that everybody else is going to have to pay?

Mr. COBURN. I would answer the Senator, yes, but it is even worse in another way, and it is this: You know, we are not going to get killed by one big punch. It is going to be the little pinpricks. This is another pinprick. The fact is, I would love for our Federal employees to get this benefit. But we cannot afford it, one.

No. 2, it is highly unfair to everybody else out there trying to struggle right now to pay the taxes that pay those salaries. No. 3 is, we do not even have the money to fund the pensions for the Federal employees that we have promised right now. So it is about us getting it wrong. Our priorities are wrong. That is my whole point. There is no common sense to what we are doing.

Sure, it is nice, you can be lauded by all of the Federal employees: You did this. You did this. You can get their vote. But what about the future of our Republic? What is going to happen to us?

I have a granddaughter who is going to be born in the next 2 weeks, and I am wondering if she will even recognize what I knew to be what we were like in the 1950s, 1960s, 1970s, 1980s, because the freedom, the diminution of our freedom in this country has been massive. It is in direct correlation with the size of the growth of the Federal Government, directly correlated.

The bigger the Federal Government is, the less freedom we have. As it gets

smaller, we can possibly get back some of our freedom. But we are talking about growing the Federal Government, we are talking about making it bigger. We are talking about having it more involved in every aspect of our life and taking away the ability of you and your family to make critical decisions about your family.

Are we totally dependent on the Federal Government? If that is where we are, our freedom is lost. If we have decided we do not need the States any more, get rid of all of the State legislatures; the Federal Government is doing it all anyway. And we do it so efficiently and so well, you can interact with your bureaucrat so well. They always make sense, they are always 100 percent responsible. That is garbage.

The fact is, the farther away your government is from you, the less control you have over it. There is no need, if we continue the direction we are in, to have a city council. We are directing what you have got to do on street lights now. We are going to tell you what car you can drive.

I thank the Senator from Alabama for his question. I appreciate his help on a lot of these issues.

This is not anything other than a departure point for our country. So let me spend a little time—first, let me tell you how good of a job we do. We passed a \$787 billion stimulus bill of which \$70 billion is out the door. So not even 10 percent, maybe 10 percent by this week; I have not checked the Web site this week to see.

Let's talk about what has gone out the door. What has gone out the door in my home State in Perkins, OK, that to get the money for a new water sewage system that the Federal Government said they had to have—State government did not say it, the Federal Government did—they had to spend an extra \$2 million to build a water disposal and sewage plant that originally was going to cost \$4 million. Now it costs \$6.2 million. Guess what they got from the Federal Government—\$1.5 million.

Think about that for a minute. Here is the stimulus. There is no question some jobs are being created from that. There is no question the citizens of that town will have to pay higher water rates and sewage rates to get a new plant. But what we did in the meantime of having the Federal Government involved in it is we raised the net cost of it by \$500,000 so that the people who are going to benefit from it are going to end up paying water rates, sewage rates, at elevated levels for a longer period of time because the Federal Government got involved in it.

It doesn't mean we didn't need the sewage plant. We did. It didn't mean the city fathers didn't do the best thing they could for the city. They had to get a bond. So when somebody comes up and says, I am the Federal

Government, here is \$1.5 million, take it; and you say, maybe I can help my city out and get this thing done—except the net result of that is, it will actually end up costing \$2 million more—ask yourself a question: If you were to build a garage onto the back of your house and the Federal Government says: We will give you a grant to help you do that, but when you finish up, the net cost to you is going to be about 8 to 20 percent more than what it would have cost if you did it yourself, are you going to take that deal? No, you are not.

This is money that is already out the door on the stimulus. It is an example of what happens when we lose common sense and when we lose economic parameters with which to make decisions.

No. 2, in the stimulus was, heretofore, before we got to the health care bill that we just passed out, was the largest earmark in history, \$2 billion. Here we have FutureGen. Let me tell you what we know about FutureGen. The idea behind it is pretty good. Let's figure out if we can take coal and make it absolutely clean and take the carbon dioxide out of it and sequester the carbon dioxide and use this resource we have and have a totally nonpolluting coal plant for generating electricity. Good idea, right? It got canceled in late 2007 because the Department of Energy, relying on a study from the Massachusetts Institute of Technology, said: We don't have the technology to do it. You shouldn't spend the money. The technology isn't there.

Isn't it funny, in 4½ months that report gets ignored and we put a \$2 billion earmark in to build a coal plant that we don't have the technology for? Let me explain what will happen. We will spend that \$2 billion, but when the \$2 billion is gone, they are going to come back and say: We almost got it. How about \$2 billion more? We will get another \$2 billion earmark and another \$2 billion earmark, and 5 to 10 years from now, we will have \$24 billion in it. Then they will either do one or two things. They will say: We finally figured it out, which means had we waited to build on it a small prototype plant and perfected the technology, we could have done it for 5 percent of that, or they will say: It just didn't work. We can't do it. But we did it on the basis of parochialism and the enhanced interest of some power companies that were well-heeled and well connected to this body. So now we have \$2 billion of your money going to a project that MIT says the technology isn't finished yet, and we should not be spending any money to build a final plant. Yet we did it. Yet the claim was that there weren't any earmarks in the stimulus bill.

Here is another fact that a lot of people don't know. Every fact I will give you I can absolutely document, either

from the Department of Transportation or somewhere else. We have over 230,000 major bridges in disrepair. Remember Minneapolis. We have tons of those bridges. I am not saying they will collapse, but structurally they have been deemed to need repair.

The stimulus bill spent \$24 billion on roads, highways, and bridges. We should have spent \$100 billion because we really would have created four times as many jobs. We would have bought things we know we will have to buy anyhow, and we would have fixed problems we know we have today. If we are going to borrow money against our kids' future, it ought to be on high-priority items that will truly benefit us and our kids rather than that which is not going to benefit us.

Here we have Wisconsin, which has 1,256 structurally deficient bridges—more than Florida, Colorado, Arizona, and Alaska combined. Instead of fixing those, they put \$58 million into bridge repair to repair 37 rural bridges that people hardly ever use. Why? How? How did it happen? We have interstate highway bridges that need to be repaired that have tens of thousands of cars going over them every day, and instead we repair a bridge to a bar. I guess that Rusty's Backwater Saloon is more important than the safety of kids on the highway.

Then we have a Florida project. When we build highways today, especially interstates, we put these eco-passages underneath them so that wild animals—sometimes cattle, if they are connected lands—can have transportation underneath the highway without going around. Good idea. In Florida, we have a highway sitting there, and less than a couple miles down the road we have an eco-passage, and a couple miles up the road we have one. We are going to spend \$3.4 million to put another one in because too many turtles are crossing the road and getting hit. Maybe that is OK. But when we have a \$11.4 trillion debt, we are going to run a \$2 trillion deficit this year, when everything we are spending this year—50 cents out of every dollar we spend, we are borrowing on the backs of our children—should we be spending this kind of money on turtles? There are plenty of turtles in Florida. It is probably not going to have an ecological impact. But is that a priority? Is that something we should be doing? I think not.

We have a nonprofit that got fired for doing weatherization contracts in one of our States, for poor performance and noncompliance. We get the stimulus, and guess who gets the contract—somebody who has already cheated the taxpayers. Nevada. Somebody has already been fired for noncompliance and not doing appropriate work, and the first thing we do is we hire them back. Do you think there might not have been a political connection with the

person who got that contract? Think it is strange?

Here is my favorite. This is Oklahoma. In the wonderful wisdom of the Corps of Engineers, back in the late 1940s and 1950s in western Oklahoma—fairly arid land, good for raising cattle, and where you can get irrigation, it is great for growing wheat—we built a dam and a spillway and generation and everything. Only one problem: There never was any water that came to the lake.

So we have this little road that runs along the edge of it, and they replaced the guardrails 2 years ago. Less than 10 cars a day in the regular summer season go across this, 3 average in the winter. The Corps of Engineers decides, since we have all this money, we need to replace the guardrails. The reason they wanted to replace the guardrails is they are an inch and a half too short for the 10 cars that go by there. But if you run off the road, you run into something down there that is dry as a bone. You don't run into a lake. But because the Corps has the code that you have to have guardrails on anything around a lake, even if you don't have a lake there, we are going to spend millions of dollars putting guardrails around a nonexistent lake because the bureaucratic code is: Never do what is best when you can do what is good for you. Here goes millions of dollars to build guardrails. I pretty well have gotten this one stopped by having my staff out there with the Corps, but had I not done it, we would have spent the money.

What are we doing? Do you like the fact that the Federal Government is involved in all this? Do you think they are exhibiting wisdom and prudence?

We can take Elizabethtown, PA. They have had an old train station that hasn't been used in 30 years. Granted, they could maybe use a train station, but they have been getting along pretty well without one for 30 years in this particular location. We are going to spend millions of dollars to renovate an old train station, not because we have a need but because we have money to spend and it will create a job.

There is nothing wrong with having deficit spending, in terms of Keynesian economics, to try to stimulate the economy, but there ought to be a priority that what we spend the money on actually, in fact, is a long-term benefit that we would have spent the money on anyway. When we throw the money out there and we roll the dice, what happens is, yes, we get a benefit. We get the millions of dollars spent on our behalf. It gets spent on our behalf. But was it the best way to spend the money? Was there another priority that would have been better, that would have created more jobs, that was something we truly have to have, that would have created a permanent job, that would have helped truly stimulate

the economy? Those questions are not getting asked.

Here is another one of my favorites. Part of the stimulus was that we give seniors a check. I don't understand that, but we did. But the IRS sent checks to 10,000 dead people. It can happen. I could see how that could happen, but 10,000? So if we are sending checks to 10,000 dead people on a stimulus, what else are we not doing right at the IRS and every other agency? I think it totaled \$25 million.

Here is another one of my favorites: Union, NY. The town of Union was surprised when it was notified that it would be receiving a \$578,661 stimulus grant to prevent homelessness for several reasons. Here is another interesting point: They never applied for the grant. Second, they don't have a homeless problem. "Union did not request the money and does not currently have any homeless programs in place in the town to administer such funds," said the town supervisor, John Bernardo. "We were surprised. We were never a recipient before." He is not aware of any homeless issue in the largely suburban town. Where did that one come from? Where is the connection? The people at the Department of Housing and Urban Development just sent them a check. It is not their money. Get the money out the door. Send it to somebody who doesn't need it. When asked about it, HUD just sent the money to every town based on its population, whether it had a homeless problem or not.

When did it become, under the Constitution, a Federal responsibility rather than a community responsibility to take care of homeless people? As we shift that responsibility to the Federal Government, what happens to the freedom of your hometown to care for homeless people? When you get the money from the Federal Government come the rules and regulations on what you will do and how you will do it. Rather than a community-based or a church-based homeless shelter, now you will follow these regs and do these things if you want our help.

What is our help? Our help is taking money from you, filtering it through Washington, wasting 20 percent of it, and then sending it back to you to tell you what you already know how to do, except now they will tell you how to do it and give you 35 pieces of paper and forms to fill out as you tell them how you spent your money that they took 20 percent of to care of your homeless that you should have never sent the money to Washington for in the first place.

Let me spend time—I will pick and choose through a few of these. The Federal Government gives weatherization grants to help people weatherproof their homes. We have been doing this for over 25 years, and we continue to spend more and more money on it

every year. Either we are not doing a good job or we have weatherized every home in the country and we are starting to do it a second time.

But here is one from Illinois, where they took the weatherization grant and bought eight pickup trucks for the county—under a weatherization grant.

In Wisconsin, a nursing home got \$2.8 million in stimulus money it did not need or request. Prior to the stimulus funding, the Knapp Haven Nursing Home was on track for a loan from the USDA. In other words, they had the finances set up to get a loan to where they could repay it. When the stimulus money came available, the funding source was shifted to a new source of Federal assistance. Carmen Newman, the city clerk-treasurer said:

It's kind of a joke as far as I'm concerned. I don't understand how they can say this is stimulus.

They were going to do it anyway. The mayor of that city said:

I don't see how the project benefited.

Well, somebody benefited. But somebody also lost, and that was our kids and our grandkids.

Here is a good one: Iowa State legislators are using money freed up by the Federal stimulus cash to buy \$11 million in new cars the State does not need. About four dozen brand new cars owned by the State are already sitting unused in a parking lot near the capitol. According to State Representative Christopher Rants:

Some of them [still] have the [sales] stickers on them. None of them have license plates. Some of them still have their seats wrapped in plastic.

But we are going to buy the cars because we got the money. So see what is happening here? There is no priority. Because the money comes in, spend it. Even though you have excess cars sitting in the parking lot, you buy it. Spend it or lose it.

Michigan is going to spend \$500,000 to renovate an old freight house for a yoga class. There is no question if you renovate an old warehouse and you employ people to do that, you will stimulate the economy. The criticism here is, are there not other things more important in Michigan that we could spend \$500,000 on that would create more permanent jobs, long-lasting jobs, and be of stronger benefit to the community?

The only reason I question this is because it came through the Federal Government down there. If that money came through the statehouse or the city, I would have no business questioning it at all. But in light of where we find ourselves as a country, it is difficult for me to see the priorities that are expressed.

In Macomb, IL, \$643,945 was spent on a Prairieview public housing parking lot that nobody wants. Many of the residents whom the parking lot was supposed to benefit have protested it.

Explaining his concern, a local resident said: The kids love the grass. We have enough pavement already for all the cars here. We need a playground.

But we are going to pour concrete over it because we have the money to do it—another wasted priority.

In Chicago, rather than help welfare recipients obtain jobs and escape poverty, \$1 million will be used to study whether 300 people in Chicago are healthier when living in a “green” public housing facility. The study will evaluate whether green housing is healthier for people and will focus on 300 residents at a Chicago public housing facility. Researchers expect to find that residents living in these more energy-efficient facilities will have much lower health care costs. The study will create jobs because it will get two or three people to interview the residents.

Oh, here is another priority that came out of the stimulus. The National Institutes of Health has given an Indiana University professor a grant of \$356,000. Maybe this is OK but not now. It is not OK where we find ourselves. But here is what they are going to do with it. They are going to “test how children perceive foreign-accented speech compared to native-accented speech.” It will also determine how such accents might influence speech development in children.

I do not doubt that might, in fact, be something we want to study. But we still have a lot of women in this country with a lot of disease and we have a lot of men in this country with a lot of disease. I am not sure accents are as important as studying ways to lower health care costs or funding a professor to do research on one of the cancers that are plaguing our country. How about buying H1N1 flu vaccine? Might that not be a better expenditure of that money? In other words, priorities get lost.

Detroit Public Schools will reap massive benefits from the stimulus despite a \$150 million deficit. According to the *Intelligencer*—that is, evidently, a newspaper in the area—financial management problems became “so tangled the state recently appointed a manager to take the financial reins.” The Detroit Public School System stands to get \$530 million, which \$355 million would have “no strings attached.”

So we have a school system that has been totally irresponsible with their financing and the management of their money, and what do we do with the stimulus? We reward the incompetence and then give them twice that amount to pull them out of a hole rather than fix the real problem.

Consequences to our behavior are a great learning episode for all of us, no matter how old we are. If we are very young and we touch the hot stove, we learn it is hot. When we are adolescents and we do some of the stupid things we do as adolescents, we learn

from them. Do you know what. Governments do not learn, and that is because governments do not have compassion. Only people have compassion. And when you bail out a school system that has been irresponsible, without them suffering the consequences—and I know the answer is: Well, the kids suffer the consequences. That is right. We all suffer the consequence. You do not think kids are suffering the consequences right now in our economy?

So this one is just cute. You will love it. Yale University and the University of Connecticut are going to get \$850,000—they have already gotten it, by the way—in stimulus money for research “to study how paying attention improves performance of difficult tasks.”

Did you ever hit your thumb with a hammer? Studying that paying attention helps you with difficult tasks? I do not know who thinks these things up. But, more importantly, it does not matter who thinks them up. Who would give a grant for that? I am not opposed to giving grants for sound scientific study. But do you know what. We already know the answer this thing is going to give us—a statistically significant answer: You do better if you pay attention; and you do not do as well if you do not. It is pretty straightforward.

Hanscomb Field, MA, where we are going to put excess money for additional runways, has received criticism from local representatives, including a State representative from Lexington. The State legislative leaders did not want us to do it. But do you know what. We did it anyway. The people who represent the area, the political leaders, did not want it to happen because they thought it promoted irresponsible corporate behavior. Do you know what we did? We did it anyway. It goes back to that point we were talking about: freedom. When you give it to us, you lose it. We are supposed to be the bastion that protects your freedom, and what we have become, through this myriad number of Federal programs and spending, is we have been the ones who are taking away your freedom.

In Oklahoma, I trap armadillos in my yard. They come in and they will ruin a good yard because they like grub worms. So all you have to do is to lay a few marshmallows out and then put a marshmallow or two in the trap cage and you will catch those suckers.

Well, that is what Washington is doing to the American liberty. We bite the first little bite off the marshmallow and say: Oh, that tastes good. I got a little benefit here. There is no connection between what I have done and me receiving this benefit. And then we take another little bite off the marshmallow or the next one in. And all of a sudden, before you know it, this armadillo—that runs at night mainly

that my dogs chase into the woods every time they see one of them—pretty soon that armadillo fellow is in my cage. I got him. The reason I got him is he kept thinking he could get something for nothing. He kept thinking: Man, that is a sweet marshmallow.

So what happens is, here he comes down the road, like us—us promising more, promising more—but, remember, whatever we are promising to give you, we have already taken from you. And when we take it from you, we lessen your liberty, to a great extent. We steal your liberty. We steal your choice. We steal your freedom. We steal your ability to be whom you want to be. We steal your ability to be the parent you want to be because we are interjecting us in the education system between you and your child. We are interjecting and planting the seeds of a lack of responsibility and accountability, as we bite the marshmallow, as we walk into the trap, and the cage closes.

There are two things I do with those armadillos—one of two things. I either put them in the back of my pickup and take them 10 or 15 miles away from my property or I shoot them. That is exactly what is going to happen to us. We are either going to be carried far away from what we know, we trust, and believe in to be right or we are going to be extinct as a nation. We are going to lose the wonderful flavor of the greatest Nation that has ever been on this Earth. We are going to lose—and we are doing that—we are losing it, a little bit at a time because we are similar to the frog that climbed into this wonderful pot of water that slowly and slowly heated up, and he never thought to jump out because, before he knew it, he could not.

So I have just listed about 30 of the first 1,000 projects that went out on the stimulus so you can get a flavor as to what kind of judgment is being made with the money we stole from our grandchildren. I would say we are not doing great. I voted for a stimulus bill that would have spent almost \$500 billion—I didn't vote for this one, but it was real stimulus. It was real roads, it was real bridges, it was real sewage plants. It included things we were going to have to do. It was really resetting the military because we are going to buy a whole bunch more military. We are going to be forced to do it. To buy it now will create job after job after job, and it will save us money because we are going to buy it now at a cheaper price than what we will pay 5 years from now.

So I am not critical of having stimulus. I am critical of how we manage it, what we are doing about it, and the severe lack of oversight that Members of this body daily fail to do. They do not do the job demanded of them. It is not enough for us to say where the money is spent. What is required of us

is to say where the money is spent and then make sure it is spent wisely, prudently, and in the best interests of everybody in this country, not in the best interests of our next election cycle.

I quoted earlier \$350 billion worth of pure waste, fraud, and abuse every year in this country. It is not fair for me to quote that without going through it for you so you can actually see where it is. I did this last year, so I am sure it is worse this year since we have not had the courage to do anything about fixing the problems that cause this. But let me go through it. These are either department agency numbers, CBO numbers, inspector general numbers, or General Accounting Office numbers. They are not TOM COBURN's numbers. Every one of them can be backed up.

Medicare fraud: At a minimum, \$80 billion a year. We are contemplating a health care bill. We have Medicare that is upside down, both Part A and Part B, running in the red, and is projected to run into the trillions of dollars. Name something that has been done on that in the last 2 years, 3 years, by us. Medicare improper payments, net loss—in other words, we paid out more than we should or we paid out less than we should—the net difference is \$10 billion, so now we are at \$10 billion a year.

Medicaid fraud at a minimum—and the reason we say it is at a minimum is because Medicaid can't even tell us what their fraud is. They can't even report it—\$30 billion. Improper payments, net loss, \$15 billion.

So now we are at \$135 billion and we have just gone through two programs.

Social Security disability fraud: I hear every day in my office from people in my State about people who are getting disability who are absolutely not disabled, but they get the check. They are living off us, but they can actually go to work and do something. At a minimum, it is estimated to be—I think this is a very low number, and it doesn't mean I don't want to help people with disability if they are truly disabled. But everybody out in the country will know somebody who is collecting a check who can still ride their horse, still run their rotor tiller, still lay brick, or still do anything else they want, but they can't work: \$2.5 billion.

Government-wide improper payments in all of the other agencies, but seven of them we still don't have any reporting on, even though the law says they have to report. It is a Federal law you have to report your improper payments every year, but they don't do it. Of the ones that do report, another \$15 billion net loss of paying out more than they should. That is just on the agencies that report.

Maintenance of buildings by the Defense Department that they will not use in the future nor do they use now, but we can't sell them because we have all of these laws in Congress that create an impossibility for us to get them

to the market. We have created a bureaucratic nightmare that takes about 10 years to put a building up for sale. We are spending in the Defense Department \$3 billion that could go for soldier pay, health care for our veterans, health care for our soldiers; \$3 billion to maintain buildings that are sitting empty and to maintain security for them.

We have contracting problems. The bill before us, the Defense authorization—everybody recognizes we have a significant problem with contracting in this country. This data comes not from last year but from the year before last. The Department of Defense paid out \$8 billion for performance awards to contractors who did not earn the awards. In other words, they had a contract. Here are the requirements to meet the contract. They didn't meet the requirements of the contract. The Department of Defense paid them anyway. It hasn't stopped, folks. Where is the connection?

It is estimated by GAO that at a minimum, if we eliminated no-bid contracts everywhere in the Federal Government—most earmarks, by the way, are no-bid contracts; it is a sweetheart deal—we would save, at a minimum, \$5 billion a year—at a minimum—probably closer to \$7 billion or \$8 billion. Just to eliminate no-bid contracts pays for the entire budget of the State of Oklahoma for 1 year. Every expense we have, just 1 year of eliminating no-bid contracts would have that kind of savings.

Then we have the wonderful trick: we send bills through here that are supposedly emergency supplementals, and we add all of these things of extra spending onto them that aren't emergencies. It is kind of like an earmark process, except the difference is they don't have to be within the budget numbers, so they just go straight to the bottom line against our kids. So it doesn't pull back any spending anywhere else, but we spend this money anyhow, and that is another \$15 billion a year that the Members of Congress do outside of the budget.

So let's see here. We are at \$184 billion. We have a crop insurance program that benefits the crop insurance industry but not the farmers, but we refuse to modernize it. We can save \$4 billion if we modernize it, but we don't modernize it because the effect and power of the well-heeled and well-connected keeps us from doing what is right.

Then we send \$5.9 billion to the U.N. every year. We know—and this is a report we finally got forced to get out of there; it got leaked out and we finally got ahold of it—that our entire contribution to peacekeeping, which amounts to about 40 percent of our contributions—\$2 billion a year—is totally wasted in fraud. In other words, it doesn't help us do peacekeeping anywhere in the world because there is

only one agency and one government that is more inefficient than us, and it is the United Nations. Yet we can't have transparency.

Every year I put on the foreign appropriations bill a requirement that for the U.N. dues to be paid, they have to give us transparency about where they are spending our money. It passes 99 to 0, and as soon as it goes to the conference, guess what happens. It gets pulled out because we don't have the courage to confront the U.N. and say: We are giving you \$5.9 billion. Tell us how it is being spent. So there is another one.

One of the greatest areas of worry the inspectors general have across all the agencies of government is investment in IT. Last year, we contracted \$64 billion of IT contracts through the Federal Government—\$64 billion. What we know is at least 20 percent of that ends up totally getting mismanaged and wasted. It gets wasted because they don't know what they want when they sign the contract. They continue to change what they want as the contract goes through, and when we get to what was going to be a \$200 million contract, it ends up being an \$800 million contract because we have changed what the contract did.

By the way, the contract isn't no-bid; the contract is cost plus, so whoever is doing the contract has every inclination to give them new ideas to make it better and change it. So what happens is we fall way behind, we don't get it, we pay four times as much. What is estimated is that we lose almost \$11 billion a year on that kind of poor management. What is being done about it? Nothing in this body. Nothing in this body.

The National Flood Insurance Program is another \$17.5 billion of waste and duplication. If we reformed the Tax Code—by the way, we are now right at \$218 billion. If we reformed the Tax Code—if we just made it either straight line or simple, straight, fill it in on a postcard, or went to the fair tax, what we know is the Federal Government, just everything else being equal this year, would have \$100 billion more collected because there would be \$100 billion less in fraud. Just \$100 billion. Just \$100 billion. But we have a Tax Code that is this thick that no IRS department will give you the same answer to the same question anywhere else in the country, and neither will any of the big auditing firms because the code is so complex that nobody knows what the truth is. So we spend over \$200 billion a year in this country paying our taxes.

I am not talking about the taxes we pay, paying our taxes. Either paying somebody else to figure it out or paying the interest because we couldn't figure it out or paying the penalty because we couldn't get it done on time, but most of it comes from paying people to pay our taxes for us.

Then there is a miscellaneous, another \$18 billion. I said \$350 billion. The total I have given is \$385 billion. The reason I said \$385 billion, I don't want to exaggerate, so I cut 10 percent off of it. So nobody can say we have exaggerated the waste, fraud, and abuse in the Federal Government that occurs every year.

What would it be like right now if we weren't wasting that? What would happen to Medicare if we didn't have this high number, billions and billions of dollars of fraud in Medicare every year? What would happen? What would happen is Medicare would last a lot longer. No. 2, we would actually get more resources directed to the people who actually need it.

The one story Dr. JOHN BARRASSO, the other physician in the Senate tells, is that Medicare is so well designed to be defrauded that people who deal in drugs stop that and start doing Medicare fraud because it is easier to hit a home run, No. 1; No. 2, if you get caught, the penalties are less. No. 3 is you can make a whole lot more money with a whole lot lower jail sentence. So we have this system that is designed to get defrauded that has \$80 billion in it.

So let me make that point and say, if in fact you take—even if you only take half of what I say—\$175 billion—but even if you only take half of what I say, here are the things we know: This country is absolutely on an unsustainable course. We cannot sustain what we are doing. We cannot have another year such as this year. We cannot have another year that comes anywhere close to this year.

We can't have another year that moves forward in the direction we are moving in terms of the government taking more of your freedom away and building itself up and building the bureaucracies in this town.

I understand my colleague from Hawaii is here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

AMENDMENT NO. 1522 WITHDRAWN

Mr. AKAKA. Mr. President, I thank my friend Senator COBURN for allowing me to speak at this time. I have been working with him in our Committee on Homeland Security. We have taken up these amendments in committee. I think I am correct when I say that Senator COBURN at the time did support these amendments.

Mr. COBURN. Will the Senator yield? Mr. AKAKA. Yes.

Mr. COBURN. I think the record will show that I did not support the amendment.

Mr. AKAKA. I thank the Senator for the clarification.

First, I understand the current economic climate. I want the Federal Government to save as much money as it can and to reduce all the inefficiencies there are. My amendment would do that.

My amendment also has been supported by a bipartisan group of Senators. I am proud that the cosponsors include Senators COLLINS, LIEBERMAN, VOINOVICH, MURKOWSKI, BEGICH, KOHL, MIKULSKI, CARDIN, INOUE, WEBB, and WARNER. It is a bipartisan effort to correct certain inequities in the Federal retirement system. That has been our effort in these amendments.

Also, this effort was supported by a huge number of groups. Some of the organizations are: The American Federation of Government Employees, National Treasury Employees Union; International Federation of Professional and Technical Engineers; Federal Law Enforcement Officers Association; the American Federation of State, County, and Municipal Employees; American Postal Workers Union; National Association of Letter Carriers; National Rural Letter Carriers Association; National Federation of Federal Employees; National Active and Retired Federal Employees Association; Senior Executives Association; Federal Managers Association; Government Managers Coalition; National Association of Postal Supervisors; National Association of Postmasters of the U.S.; and the National Association of Assistant U.S. Attorneys.

That is the kind of support we have. This amendment will ensure that all Federal employees are treated the same when it comes to retirement. This will save money, due to the reduced lost days of work and avoid unnecessary employee transfers, which reduces the need for additional training; reduces litigation costs borne by the government due to different treatment of different classes of employees; improve employee morale, which increases efficiency; and ensure that we are able to transfer institutional knowledge to the next generation of Federal workers.

OPM estimates that \$68 million is wasted per year because of the different leave policies in effect. In fact, the amendment would certainly help in that respect. My amendment will reduce the Federal deficit by \$36 million over 10 years.

This amendment has the bipartisan support of the committee of jurisdiction and by both managers and employees. I have read a list of the others who support it.

This is a good government bill that protects the taxpayers' dollars.

I look forward to continuing this effort. I want to at this time say that this is a good amendment. I will fight for these provisions in conference. But I don't want to hold up the Defense authorization bill.

Under the circumstances, I will withdraw this amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Oklahoma is recognized.

Mr. COBURN. I thank the Senator. I think he will find another vehicle at some other time. I know this bill is important to him. We just happen to disagree about the priorities. That is what I have been speaking on for 1 hour 20 minutes. I appreciate him doing that as a courtesy to the rest of the Members of this body. I love him dearly as a friend and as a brother. I appreciate it. I yield the floor.

Mr. LEVIN. Mr. President, let me add my thanks to the Senator from Hawaii. He is doing this for the good of the order to permit us to get on with the bill. He knows how important this is. I appreciate his willingness to withdraw the amendment at this time. It is very much appreciated by all of us. I hope something good could come out of conference.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator HAGAN be recognized to speak on a previous amendment for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mrs. HAGAN. Mr. President, I thank Chairman LEVIN and Ranking Member MCCAIN for reporting out a bill that enacts reforming the Defense Department's budget and reorients weapons systems geared toward the wars we are fighting today. Our soldiers, sailors, marines, and airmen need capabilities that are conducive to implementing the Department's shift to counterinsurgency tactics, techniques, and procedures. There is nothing more important than enhancing the force protection of our troops. That is why I am pleased that this bill provides proven, effective ground capabilities, such as the MRAP vehicles to protect against IEDs.

I want to highlight a couple of provisions in the bill. First, I support funding the administration's request for \$7.5 billion for the Afghanistan security forces fund to train and equip the Afghan national army and police. The commander of the 2nd Marine Expeditionary Brigade, Brigadier General Nicholson, recently indicated that the success of the Marine offensive in the Helmand Province is dependent upon placing an Afghan face on the operation, in order to instill confidence among local Afghans in the Afghan Government's abilities to provide safe communities and to govern efficiently.

Equally important is providing coalition support funds for Pakistan. The

stability of Afghanistan is dependent on the stability of Pakistan, and vice versa. We need to enable the Pakistan Army and Frontier Corps with the capability to conduct sustained direct action missions against the dangerous elements of the Pakistani Taliban along the federally ministered tribal areas, as well as against the Afghan Taliban High Command in Pakistan's Balochistan province.

Key to successful operations in theater are effective aviation assets. I am a big proponent of the Joint Strike Fighter as it can serve multiple roles, including close air support, tactical bombing, and air defense missions. I am disappointed that we were unable to secure enough votes for Senator BAYH's amendment. I want to reiterate that I think it is important we safeguard language to authorize funding to develop and procure an alternate Joint Strike Fighter engine.

I know the issue of the location of the Navy's OLF has already been debated and voted on, so I will not spend a lot of time on it. I cosponsored an amendment with Senator BURR to prevent the Navy from building an OLF in the Sandbanks and the Hale's Lake locations within Camden, Currituck, and Gates Counties in North Carolina. I am against an OLF at these proposed sites because it would destroy small family farms that have been around for generations, as well as thousands of acres of farmland, essential to the livelihood and economic base of those communities. An OLF in these locations would only bring 52 jobs, and it would destroy valuable farmland that currently employs over 2,000 workers. Moreover, the OLF would only be a few miles away from ongoing projects that will attract new businesses and tourists.

Last week, I met with local government leaders of the respective counties to discuss their concerns regarding construction of the OLF. The State of North Carolina recently passed a law banning the construction of an OLF at these sites. I do not think it would be in the Navy's interests to continue to pursue construction of an OLF at these sites, knowing that it will more likely than not be tied up in litigation for years.

I want to make sure North Carolina is treated fairly. The residents of these counties simply do not want the OLF there. The State of North Carolina is the friendliest military State in the Nation, and we would welcome the opportunity to work with the Navy in identifying sites that could potentially meet the Navy's OLF requirement, and also have the support of the North Carolinians in those counties. One of those sites can be at Marine Corps Air Station Cherry Point or a site close to it within Craven County. All of the elected local officials in that community are in support of having an OLF located there.

The Navy excluded Cherry Point as a potential OLF site because Navy standards specify that an OLF should be no more than 120 nautical miles from home base. Cherry Point sits approximately 135 nautical miles from Oceana, VA. That is just 15 nautical miles beyond the Navy's current requirement. I want to work with the Navy to examine the impact of having an OLF that is located just outside its current requirements, and especially on the readiness of the Navy's personnel and aircraft fleet.

Senator WEBB and I worked together to insert additional language within the committee report to do two things: one, to mandate the Secretary of the Navy issue a report detailing the Navy's consultations with local governments, communities, and stakeholders in North Carolina and Virginia regarding OLF site options; two, to mandate the Navy identify all suitable options for the location of an OLF beyond the five sites identified in both States.

However, I don't think that is good enough. The State of North Carolina has had previous negative experiences with the manner in which the Navy has implemented its OLF site selection process. I strongly feel that the Navy should delete the two current sites in North Carolina.

I also thank the chairman and ranking member for accepting my amendment in committee that provides the Department of Defense with the option to increase the acquisition of additional C-27s in the outyears as mission requirements dictate. That amendment requires the Department to provide its strategic plan to deploy and station C-27 joint cargo aircraft in theater and in the continental United States, as well as plans to procure additional aircraft beyond the 38.

Forty-eight adjutants of the National Guard signed a letter to the committee last month supporting the funding of 78 joint cargo aircraft. Their letter emphasized the C-27 provides an essential airlift capability in war, as well as to State emergency management teams in 48 States.

I also thank the chairman and Ranking Member MCCAIN for accepting my amendment to direct the Secretary of the Army to submit a report to assess the feasibility and advisability of creating a trainees, transients, holdees, and students account within the Army National Guard to ensure all soldiers in units have completed their initial entry training prior to being deployed.

Approximately 27,000 of the National Guard's end strength are not deployable because they are awaiting training. This account would allow new Guardsmen to be fully trained prior to reporting to their assignment. A TTHS account with the National Guard would

improve the unit readiness, increase individual dwell time between deployments, and provide more predictability to soldiers, families, and employers.

Finally, I thank the chairman and ranking member for accepting my amendment involving depot maintenance work. This amendment directs the Secretary of the Navy to submit a cost-benefit analysis report identifying each alternative the Secretary is considering for the performance of the AV-8B Harrier aircraft planned maintenance and aircraft modifications.

We are working with the Navy and the Marine Corps to ensure that depots allow partnerships with the commercial sector, while recognizing the legitimate national security need for the Department of Defense civilian and military personnel to retain the key skills to be responsive to our soldiers fighting in these two wars.

This is an important bill, and despite my and Senator BURR's ongoing concerns about this outlying landing field, I think that Senators LEVIN and MCCAIN deserve our gratitude for their work on this bill, and this bill deserves the support of all of my colleagues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Kyl amendment be temporarily set aside and that the following four amendments then be in order: the Sessions amendment, No. 1657, which is going to be modified and which I understand will not require a rollcall vote; the Isakson amendment, No. 1525, which would then be called up and I understand would require some debate; the Lieberman amendment, No. 1650, which I also understand may be modified; and then the next amendment after that, which I thought I could enumerate, but I cannot now, would be a Democratic amendment and would then be in place; that no amendments would be in order to any of the above amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, let me modify my previous unanimous con-

sent agreement: that prior to those three amendments being called up, we take up the Lincoln amendment, No. 1487, which I understand has been cleared. Again, as to the other three amendments we identified for debate, no amendments will be in order to any of those amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. Mr. President, it is now my understanding that under that UC, we would take up Lincoln amendment No. 1487.

I am wondering whether the Senator from Arkansas would like to have one quick minute to explain her amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1487

Mrs. LINCOLN. Mr. President, I ask unanimous consent that amendment No. 1487 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Mr. CORNYN, Ms. LANDRIEU, Mr. RISCH, Mr. ROCKEFELLER, and Mr. WYDEN, proposes an amendment numbered 1487.

The amendment is as follows:

(Purpose: To amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program)

At the end of subtitle G of title V, add the following:

SEC. 573. MODIFICATION OF DEPARTMENT OF DEFENSE SHARE OF EXPENSES UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) MODIFICATION.—Section 509(d)(1) of title 32, United States Code, is amended by striking “may not exceed” and all that follows and inserting “may not exceed the amount as follows:

“(A) In the case of a State program of the Program in either of its first two years of operation, an amount equal to 100 percent of the costs of operating the State program in that fiscal year.

“(B) In the case of any other State program of the Program, an amount equal to 75 percent of the costs of operating the State program in that fiscal year.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.

Mrs. LINCOLN. Mr. President, I thank the chairman, Senator LEVIN, and Senator MCCAIN, Senator GRAHAM, and the others for allowing me to bring up this amendment.

This is a critical amendment at a critical time. Many of us visit our home States, and we see the disadvantaged youth all across our States who are having difficult times. We know unstable economic times bring about instability in our schools, in our families, and in a host of different places.

One of the ways we have of combating this is with the National Guard

Youth Challenge Program. It is an excellent program put on by our National Guard in many of our States where these at-risk youth come in and they are surrounded by both structure and support and guidance to be able to meet their needs of getting a GED and their high school education and then going on to make something of their lives, really turning themselves around and making sure they are becoming great parts of our communities, whether it is finding a job or entering the military on their own but certainly turning their lives around and being productive.

What we do in this amendment is we open up our National Guard Youth Challenge Program to new States. Right now, we have it in several of our States. Many of us have been able to see the rewards of this program, but this will open it up to other States to be able to participate.

One of the biggest problems we have had with this program is not the success, because the success has been tremendous, but it is the ability of our States to be able to financially support these programs. Right now, they have to come up with 40 percent of the resources that are necessary. Quite frankly, our States are not entering into these programs because they do not have the resources. These are excellent programs. They have tremendous results. And one of the things we want to make certain of is that we don't lose the opportunity to catch these young people early on and turn their lives around. So our amendment provides a 75-25 percent cost sharing with the States instead of the 60-40. We don't change the amount of money spent, we just change the way it is allocated. We also allow the opportunity for some new States that want to start these programs to come in, and for the first 2 years the Federal Government will support 100 percent of those programs as they get their feet on the ground and they get these programs started, and then they must again resume that 25-percent State responsibility in these programs.

We have a great bill we have introduced. We have tremendous bipartisan support. We have 32 cosponsors of our bill. I am joined in this amendment by Senators BYRD, CASEY, CORNYN, HAGAN, LANDRIEU, MURKOWSKI, RISCH, ROCKEFELLER, SNOWE, and UDALL of Colorado, along with Senator WYDEN. So we have great support for this amendment. It is something that is important for our kids, and it is certainly a great opportunity for us to see how our military can empower our youth by giving them the kind of support that is necessary to turn their lives around through both education and opportunity, helping them to develop skills, working in the community, and really making something of themselves.

I thank the chairman for the ability to be able to offer this amendment on

behalf of our States and on behalf of our National Guard, which is doing a tremendous job in these programs, but most importantly on behalf of our children and the great things it does for our children all across this Nation.

Mr. President, a special thanks to the chairman and the ranking member for their indulgence in letting me offer this amendment. I am looking forward to hopefully seeing how we can move it forward.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank Senator LINCOLN for this amendment. The linkage of the National Guard and States and our kids is a very powerful link indeed. I have seen this up close and personal because I am sort of the godfather of the STARBASE Program, which started in Michigan at Selfridge Air National Guard Base, and it has spread. While this program which Senator LINCOLN is so deeply involved with, and her cosponsors, is not an outgrowth of that program, it is very similar in terms of its purpose to link our National Guard and the inspiration they can provide and the technical skills they can provide our children with. So I thank her for her amendment and hope it will be promptly adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1487) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I believe the next amendment is the Sessions amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1657, AS MODIFIED

Mr. GRAHAM. Mr. President, I call up amendment No. 1657, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for Mr. SESSIONS, proposes an amendment numbered 1657, as modified.

The amendment, as modified, is as follows:

(Purpose: To express the sense of Congress that military commissions are the preferred forum for the trial of alien unprivileged belligerents for violations of the law of war and other offenses triable by military commission)

On page 394, between lines 8 and 9, insert the following:

SEC. 1032. TRIAL BY MILITARY COMMISSION OF ALIEN UNPRIVILEGED BELLIGERENTS FOR VIOLATIONS OF THE LAW OF WAR.

(a) IN GENERAL.—Subchapter I of chapter 47A of title 10, United States Code, as amend-

ed by section 1031(a), is further amended by adding at the end the following new section:

“§ 948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war

“(a) SENSE OF CONGRESS.—It is the sense of Congress that the preferred forum for the trial of alien unprivileged enemy belligerents subject to this chapter for violations of the law of war and other offenses made punishable by this chapter is trial by military commission under this chapter.”.

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such subchapter, as amended by section 1031(a), is further amended by adding after the item relating to section 948d the following new item:

“948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war.”.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, we have been working with Senator SESSIONS—myself, Senator LEVIN and his staff, and Senator SESSIONS’ staff. This amendment basically clarifies the fact that when a detainee is in military custody or an intelligence agent’s custody, being detained as a result of wartime activity, to be interrogated for intelligence gathering, there is no requirement that person have article 31, or Miranda, rights read to them. We don’t want to criminalize the war. Military intelligence gathering is not a law enforcement function.

There has been some confusion at Bagram Air Force Base about the Department of Justice FBI agents reading Miranda rights. Clearly, there could be a time when that would be appropriate, but this amendment states unequivocally that Miranda warnings, or article 31 rights, are not to be read or required to be read by DOD personnel or intelligence agencies as a result of battlefield activities or military intelligence gathering.

I think it is a good amendment that will clarify a potentially confusing situation. I appreciate Senator LEVIN’s staff helping us with it.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, after a very brief comment, I am going to suggest a quorum be called. This amendment has been significantly modified from its original form. It has been modified in a way which I believe is now satisfactory. It addresses interrogations by the military, by defense agencies. It does not involve interrogations by the Department of Justice, as I understand it.

Mr. GRAHAM. That is correct.

Mr. LEVIN. The Department of Justice is not involved in the warnings that are involved here. It especially provides it must be applied in a manner consistent with the constitutional requirements. With these changes, I am satisfied, but I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I now ask unanimous consent that the pending Sessions amendment, as modified, be temporarily laid aside and we now proceed to the next item under the unanimous consent agreement, which would be the amendment of Senator ISAKSON.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia is recognized.

AMENDMENT NO. 1525

Mr. ISAKSON. I call up amendment No. 1525.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON], for himself and Mr. CHAMBLISS, proposes an amendment numbered 1525.

The amendment is as follows:

(Purpose: To repeal the sunset of authority to procure fire resistant rayon fiber for the production of uniforms from foreign sources)

On page 245, between lines 3 and 4, insert the following:

SEC. 803. REPEAL OF SUNSET OF AUTHORITY TO PROCURE FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

Subsection (f) of section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 229; 10 U.S.C. 2533a note) is repealed.

Mr. ISAKSON. Mr. President, a few years ago this body granted a Berry waiver on the purchase of rayon fiber made in Austria for the purpose of making fire-resistant uniforms of the U.S. Marines, Army, and aviators. The Berry requirement is the buy American requirement, meaning that you first have to buy American before you go offshore to buy a product.

At the beginning of the Iraq war, the U.S. Army and Marines noticed immediately we had a tremendous increase, because of the nature of that war, in burn injuries. They conducted a survey and looked at the 24 best alternatives they could find anywhere to make fire-resistant uniforms. They finally settled on a para-aramid fire-resistant fiber blend of rayon with nylon.

Environmental Protection Agency requirements to make rayon make it prohibitive in the United States, and there is no rayon produced in the United States. It is produced in Austria.

So the Berry waiver we received a few years ago was to allow them to import, through now and 2013, rayon, fire-resistant rayon, which in the United States is blended for fabric, cut, sewn, produced, and shipped to the U.S. military—10,000 American jobs. The rayon cannot be produced in the United

States because of the EPA requirements.

The reason to request an exception and postpone the sunset in 2013 is because the military procurement in the outyears is now reaching beyond that. With the absence of a Berry waiver for those years, they would have to zero out the purchase for those uniforms which, in turn, would mean the people who make those uniforms would not have the certainty of the Berry waiver because it would be subject to a Berry waiver again. Therefore, the investment they would make would be limited to the years they knew they could make the guaranteed deliveries.

I have offered this amendment as an extension for that very reason. The U.S. Army, the Marine Corps, and the aviators who use the material love it because it breathes, it gives them some circulation, it has tremendous protection against burns and it has performed very satisfactorily and they want to continue to use it and there is no American competitor that can meet or exceed it.

Obviously, if there were, that waiver would go away and we could compete, but at this time they do not. I ask the Members for their consideration on behalf of our military men and women in harm's way in Afghanistan and Iraq and wherever they might be for the uniform that was chosen for the very battle we are now in because it was the best the military could find anywhere in the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, regrettably, I must rise in opposition to this amendment. I believe this amendment is not timely. It is premature to eliminate a congressionally imposed sunset clause for an existing temporary exception to the Berry amendment, an exception that was supposed to be temporary.

In May of this year, Senator GRAHAM and I jointly requested the Secretary of Defense to review the Department of Defense continuing reliance on this exception. The Under Secretary of Defense, Mr. Carter, has confirmed that this review is now underway and the results are expected soon. I do not believe we should modify the current statutory requirement, which would prejudice the outcome of the Department of Defense review, until we have heard the Department's assessment. Removing the sunset clause would result in an indefinite extension of an exception that favors foreign suppliers of rayon over our own American companies.

A vote against this amendment will not have an adverse effect on current arrangements to obtain rayon from foreign sources. Today's Army uniform procurement contract will continue until 2013, so long as the Army stipu-

lates that a requirement for rayon fiber in fire-resistant uniforms and the Department of Defense maintains the exception to the Berry amendment is needed.

The 2013 sunset clause was designed to ensure that American industry will be fairly treated during future competitions for contracts if industry can demonstrate an ability to manufacture materials that satisfy Army requirements for fire resistance and other features. Under the current arrangement, companies are losing jobs because they cannot compete to provide alternate materials. Our domestic manufacturers are now able to provide alternate materials that could satisfy Army procurement requirements. It is not in the best interests of the U.S. defense industrial base, our economy or the U.S. military to remove a congressionally imposed sunset provision at this time.

We have had discussions with General Fuller, the Army's Program Executive Officer Soldier, who is responsible for acquiring the best equipment for the Army and fielding it as quickly as possible. He has confirmed to my staff that he will consult industry to determine what the domestic market has to offer to satisfy performance-based requirements for military uniforms. This will allow American industry to come in with a whole spectrum of ideas and alternate materials. The Army would then be able to explore new technologies that may have evolved since we last visited this issue.

Removing the sunset clause also poses a risk to the Army's future research and development requirements. The Army relies on American private industries to an extensive degree to conduct R&D for next-generation materials and fabrics for uniforms, body armor, and other mission-essential materials. Some companies, such as Dupont, for example, have already lost hundreds of jobs owing to that inability to compete for Army contracts. A continued reliance on this Berry amendment exception would jeopardize their ability to remain competitive in this segment of the defense industrial base. I do not believe the Army can afford to lose this critical R&D capacity. For those reasons, I oppose the amendment and urge my colleagues to also oppose it.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I would like to echo the sentiments of Senator WEBB. We have been working together on this. I very much appreciate Senator ISAKSON. I understand this is a bit complicated—there are parochial interests involved—until we understand the dilemma we are in here.

In the fiscal year 2008 Defense authorization bill, we included language that grants a 5-year waiver to the Berry amendment for the procurement

of flame-resistant rayon, the material used to make military uniforms. There are 3 years left on the waiver. The Isakson amendment permanently extends this waiver and will end all efforts to produce a domestic material to make military uniforms.

I respectfully oppose the amendment. We are currently procuring the material from Europe. There is no source of domestic rayon.

Neither Congress nor DOD has ever issued a determination or finding that the domestic market lacks sufficient products that could perform the functions desired by DOD. This amendment unfairly excludes, in my opinion, U.S. manufacturers from competing for DOD procurements and improperly limits competition since the domestic market contains products such as flame-resistant cotton, Nomex, and nylon which can fulfill DOD's needs.

DOD's decision to procure flame-resistant fabric from foreign suppliers without even examining whether domestic manufacturers could meet the agency's need with other products violates DOD's statutory mandate to use performance rather than material specifications and to seek free and fair open competition whenever practical.

Instead of affirmatively extending a waiver that has 3 years remaining, we should continue to let the technologies and fabrics develop and reassess where we are in 1 or 2 years. I think that is the wise thing to do, and I respectfully urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Through the Chair, will the Senator from South Carolina yield for a moment for a question?

Mr. GRAHAM. I will.

Mr. ISAKSON. With respect, isn't it true that there is nothing in this waiver that in any way inhibits or prohibits American manufacturers from doing the research and development necessary to attempt to come up with a material that meets or exceeds the rayon made in Austria? The problem is they cannot produce rayon in the United States of America because of EPA prohibitions and the costs to meet that.

Mr. GRAHAM. I thank the Senator for that question. It is my understanding that the efforts made in Virginia and South Carolina to produce this product domestically, and the concerns the Senator has addressed, the private sector is dealing with; and that the ability to produce this material domestically is a viable option. I don't want to take a precedent, in terms of the Berry amendment, that I think would change the spirit of the amendment at a time when we have a potential to make this domestically. I think, as much as we can do domestically to protect our military and to provide resources to our military, the better.

A year or two from now, we will know better. To lift the waiver, to make it a permanent waiver, I think would be an unwise erosion of the Berry amendment at this time. That would be my answer.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, let me comment, if I can. The Berry "Buy American" program is absolutely 100 percent on target. The reason for waivers is when we find that there is no domestic product equal to or better than a product that has a component overseas, in the interest of our men and women in the military, we give the waiver so it doesn't keep us—so we do not prohibit ourselves from having the best material possible. If an American domestic manufacturer produces an alternative fiber or fabric which meets or exceeds the fire-resistant para-aramid rayon that is now being used, the Berry waiver will no longer apply because there will be a domestically produced U.S. product that is superior or equal to that particular product of rayon.

So I would respectfully submit to the Senators from Virginia and South Carolina that the argument that there is a prohibition—that this would keep people from making an investment in R&D to produce something better is the reverse. It actually will accelerate the need for them to make the R&D investment to try and produce something better in the United States, if they can.

One last point. The U.S. military did 24 different evaluations after the initial move into Iraq when we had so many burn injuries. It determined this fabric has to be the best for our men and women aviators, men and women in the Marine Corps, men and women in the Army in combat, and it has performed well in Afghanistan and Iraq ever since.

So I would submit the R&D argument is actually accelerated with the extension of the waiver, and the proof of the product is in the pudding which we have seen with the safety of our troops and our men and women in harm's way.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I rise very quickly in support of the Isakson amendment. There is currently a waiver to the Berry amendment in place which allows companies to import the fire-resistant rayon from foreign countries.

Let me be very clear. The jobs that go with the manufacture of these uniforms for the Army and Marines are U.S. jobs. All of these uniforms are made in the United States. But this fabric is used by TenCate, Incorporated, to make its Defender M fabric to produce fire-resistant uniforms for both the Army and the Marines.

The material is not made in the United States due to EPA standards. This is a classic example of where EPA

standards can be too stringent to allow U.S. manufacturers to operate. And, the reason is, it is cost prohibitive to do so.

The current waiver, which includes a 5-year sunset clause, was included in the 2008 Defense authorization bill after a tremendous effort by my colleague, Senator ISAKSON, and obviously is set to expire.

The Army's PEO Soldier expressed very strongly that FR rayon is the superior fabric based upon key selection criteria. The criteria were cost, comfort, durability, and length of time before receiving third-degree burns. We have had some very serious situations, obviously, that have occurred with burns in both Iraq and Afghanistan. That is why the Army and the Marines like this uniform.

We buy 115,000 new FR uniforms every month. This uniform is superior because of the fact that we have been able to import this fabric with the Berry amendment waiver. It is, in my opinion, imperative that we continue for the competition. The uniforms are still competitively bid. So it is not like we are taking anybody out of the marketplace.

I urge my colleagues to vote in favor of the Isakson amendment.

I yield the floor.

AMENDMENT NO. 1657, AS FURTHER MODIFIED

Mr. GRAHAM. Mr. President, I ask unanimous consent to send a further modification of the Sessions amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment as further modified is as follows:

At the appropriate place, insert the following:

SEC. ____ NO MIRANDA WARNINGS FOR AL QAEDA TERRORISTS.

(a) DEFINITIONS.—In this section—

(1) the term "foreign national" means an individual who is not a citizen or national of the United States; and

(2) the term "enemy combatant" includes a privileged belligerent and an unprivileged enemy belligerent, as those terms are defined in section 948a of title 10, United States Code, as amended by section 1031 of this Act.

(b) NO MIRANDA WARNINGS.—Absent an unappealable court order requiring the reading of such statements, no military or intelligence agency or department of the United States shall read to a foreign national who is captured or detained as an enemy combatant by the United States the statement required by *Miranda v. Arizona*, 384 U.S. 436 (1966), or otherwise inform such a prisoner of any rights that the prisoner may or may not have to counsel or to remain silent consistent with *Miranda v. Arizona*, 384 U.S. 436 (1966). No Federal statute, regulation, or treaty shall be construed to require that a foreign national who is captured or detained as an enemy combatant by the United States be informed of any rights to counsel or to remain silent consistent with *Miranda v. Arizona*, 384 U.S. 436 (1966) that the prisoner may or may not have, except as required by the United States Constitution. No state-

ment that is made by a foreign national who is captured or detained as an enemy combatant by the United States may be excluded from any proceeding on the basis that the prisoner was not informed of a right to counsel or to remain silent that the prisoner may or may not have, unless required by the United States Constitution.

AMENDMENT NO. 1525

Mr. ISAKSON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 54, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—40

Alexander	Enzi	Murkowski
Barrasso	Franken	Reed
Bayh	Grassley	Reid
Bond	Gregg	Risch
Brownback	Hatch	Roberts
Chambliss	Hutchison	Schumer
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johanns	Snowe
Corker	Kyl	Thune
Cornyn	Lugar	Voinovich
Crapo	McCain	Whitehouse
Dodd	McCaskill	
Ensign	McConnell	

NAYS—54

Akaka	Feingold	Menendez
Baucus	Feinstein	Merkley
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (NE)
Bingaman	Hagan	Nelson (FL)
Boxer	Harkin	Pryor
Brown	Inouye	Rockefeller
Bunning	Johnson	Sanders
Burr	Kaufman	Shaheen
Burris	Kerry	Specter
Cantwell	Klobuchar	Stabenow
Cardin	Kohl	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Levin	Vitter
DeMint	Lieberman	Webb
Dorgan	Lincoln	Wicker
Durbin	Martinez	Wyden

NOT VOTING—6

Bennett	Kennedy	Mikulski
Byrd	Landrieu	Warner

The amendment (No. 1525) was rejected.

Mr. MENENDEZ. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1760

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate resume debate on the Kyl amendment No. 1760; that it be in order for Senator KYL to offer a second-degree amendment to his amendment; that once the second degree is reported, it be agreed to, amendment No. 1760, as amended, be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona is recognized.

AMENDMENT NO. 1807 TO AMENDMENT NO. 1760

Mr. KYL. Mr. President, I call up the second-degree amendment to my amendment No. 1760 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1807 to amendment No. 1760.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on the plan for the United States nuclear weapons stockpile, nuclear weapons complex, and delivery platforms, and to express the sense of the Senate on follow-on negotiations to the START Treaty)

Beginning on page 1, line 2, strike "**LIMITATION**" and all that follows through page 5, line 3, and insert the following: "**REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS AND SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO START TREATY.**"

(a) **REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.**—

(1) **REPORT REQUIRED.**—Not later than 30 days after the date of the enactment of this Act or at the time a follow-on treaty to the Strategic Arms Reduction Treaty (START Treaty) is submitted by the President to the Senate for its advice and consent, whichever is earlier, the President shall submit to the congressional defense and foreign relations committees a report on the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile, modernize the nuclear weapons complex, and maintain the delivery platforms for nuclear weapons.

(2) **COORDINATION.**—The President shall prepare the report required under paragraph

(1) in coordination with the Secretary of Defense, the directors of Sandia National Laboratory, Los Alamos National Laboratory, and Lawrence Livermore National Laboratory, the Administrator for the National Nuclear Security Administration, and the Commander of the United States Strategic Command.

(3) **ELEMENTS.**—The report required under paragraph (1) shall include the following:

(A) A description of the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile.

(B) A description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A description of the plan to maintain delivery platforms for nuclear weapons.

(D) An estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (C), over a 10-year period.

(b) **SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO THE START TREATY.**—The Senate urges the President to maintain the stated position of the United States that the follow-on treaty to the START Treaty not include any limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States.

Mr. KYL. Mr. President, I wish to thank the ranking member on the committee, my colleague JOHN MCCAIN, and the chairman of the committee, as well as Senator KERRY and Senator LUGAR, for working through this amendment. We have a good resolution. We will be writing a letter to the President. We will be adding a short provision to the bill that calls for appropriate studies and reports to accompany the START Treaty when that treaty is sent to the Senate. I think it is a good resolution of this issue.

I call for the immediate disposition of the amendment. We do not need the yeas and nays.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me thank Senator KYL and all of those who have been involved in working the Kyl amendment to a point where we are comfortable with it. I think all of us had concerns, and those concerns have been fairly met. I thank the Senator from Arizona for his effort, as well as, of course, my ranking member on the committee and all of the others who have been helpful.

The PRESIDING OFFICER. Under the previous order, amendment No. 1807 is agreed to.

Under the previous order, amendment No. 1760, as amended, is agreed to.

The motion to reconsider is made and laid upon the table.

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER Mr. BENNET. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I believe it is appropriate now to call up the Lieberman amendment, as modified.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Mr. President, I think we have a package of cleared amendments we would like to do first, if that is agreeable.

Mr. LEVIN. We are not ready yet.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1650, AS MODIFIED

Mr. LEVIN. Mr. President, I now ask unanimous consent that Senators LIEBERMAN and GRAHAM call up amendment No. 1650, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I appreciate the assistance of Chairman LEVIN and all those involved. This is to me a very important statement by the Senate at a crucial time in our Nation's history. Simply put, our amendment is a sense-of-the-Senate statement that there is a preference for military commission trials regarding detained terrorists.

The reason we are making this statement and trying to urge our colleagues to agree with us is that the interim detainee report that has been issued in the last day or two by the White House has a statement within that report that there should be a presumption that detained terrorists would be tried in article III Federal civilian courts.

I could not disagree more. We will keep working with the administration on this issue. There may be an odd case where a Federal court may be an appropriate venue. But I think I speak for Senator LIEBERMAN and I hope most Americans that the people we are talking about are not common criminals. They are not detained because of some violation of domestic criminal law. They are detained because they have been found to be part of al-Qaida and other terrorist organizations that the Congress has previously determined to be enemy combatant belligerents, people who have taken up arms against the United States of America, who are intent on our destruction. They are not accused of robbing a liquor store. They fall within a narrow statutory definition that was created after 9/11. This is

an opportunity for the Senate to express itself and say there is a preference for military courts.

I conclude with this thought. I believe we are at war. It is an unusual war but nonetheless a deadly war. The people we are talking about, again, need to be viewed as military threats, and under military law it is appropriate to try someone who has operated outside the law of armed conflict in a military commission.

Our Nation has been doing this for 200 years. The Nazi saboteurs who were caught landing on the coast of Florida were tried by military commission. I can give a long history of how military commissions were used by our Nation at times of war. That is the preferred vehicle when a nation is at war.

I conclude with this thought. Those who can be tried should be tried by military commissions. There will be some enemy combatants determined to be part of al-Qaida who will not be subject to criminal process either in Federal courts or military commission trials. It is my belief that this country cannot afford to release them if they are still a military threat.

Under military law, there is no requirement to release an enemy prisoner as long as they present a threat to your country. There is no such concept in domestic criminal law. We cannot criminalize this war. It will come back to haunt us.

Due process is available under military law. The men and women running these trials are officers, judge advocates. I have been one for 25 years. They are wonderful people. They will adhere to the law. They understand the law. They will provide transparent justice. But this is the setting that we need to be in regarding these detainees. This statement by the Senate is appropriate.

Mr. President, to my good friend, Senator LIEBERMAN, he has, above all others, tried to remind himself that the Nation's defense is more important than politics. I cannot tell Senator LIEBERMAN how much I admire him. We have worked together to get a sense of the Senate, not binding, but a strong statement that it is a preference that these terrorists detained as part of an al-Qaida network be tried in military commissions, as we have done in our history.

I yield to Senator LIEBERMAN and hope my colleagues will accept this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I call up our amendment No. 1650, as modified.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. GRAHAM, pro-

poses an amendment numbered 1650, as modified.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress that military commissions are the preferred forum for the trial of alien unprivileged belligerents for violations of the law of war and other offenses triable by military commission)

On page 394, between lines 8 and 9, insert the following:

SEC. 1032. TRIAL BY MILITARY COMMISSION OF ALIEN UNPRIVILEGED BELLIGERENTS FOR VIOLATIONS OF THE LAW OF WAR.

(a) IN GENERAL.—Subchapter I of chapter 47A of title 10, United States Code, as amended by section 1031(a), is further amended by adding at the end the following new section:

“§ 948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war

“(a) SENSE OF CONGRESS.—It is the sense of Congress that the preferred forum for the trial of alien unprivileged enemy belligerents subject to this chapter for violations of the law of war and other offenses made punishable by this chapter is trial by military commission under this chapter.

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such subchapter, as amended by section 1031(a), is further amended by adding after the item relating to section 948d the following new item:

“948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war.”.

Mr. LIEBERMAN. Mr. President, I thank Senator GRAHAM for his overly generous words in my direction. It is always a pleasure to work with him on matters of this kind. Really more than anyone else in the Senate, he knows military law because he practices it in his capacity as a member of the JAG. I thank him for cosponsoring this amendment with me.

Also, I thank Chairman LEVIN, Senator MCCAIN, and Senator GRAHAM for the extraordinary work they have done in improving the military commission system that has been set up. It is the basis for the amendment that Senator GRAHAM and I put in this evening.

The fact is that military commissions, by one name or another, have played a time-honored role in our country in bringing war criminals to justice. The use of military tribunals dates all the way back to the beginning of our country. Our first President, GEN George Washington, relied on them during the Revolutionary War for the trial of violations of the laws of war.

The United States has continued to utilize military commissions or tribunals for the trial of people accused of violations of the laws of war and related crimes throughout our history.

The fact is we are once more at war today against those who planned, au-

thorized, committed, or aided the terrorist attacks of September 11, 2001. There is an existing authorization for the use of military force. Military commissions, in my opinion, and Senator GRAHAM's, are, therefore, the appropriate forum for the trial of war criminals captured during this conflict, as they have been throughout our history. And all the more comfortable should we be in saying that after the amendments to the Military Commissions Act have been adopted as part of this National Defense Authorization Act.

I remind our colleagues, because it was done without a lot of debate, that the package of amendments to the Military Commissions Act that has been adopted as part of this legislation, offered by Senators MCCAIN, LEVIN, and GRAHAM, would ensure lawful, fair, and effective trials by providing a series of protections to the accused for the military commissions, including a prohibition on the use of statements obtained through cruel, inhuman, or degrading treatment, access to exculpatory evidence, and meaningful appellate review of legal and factual findings.

As distinguished witnesses and authorities have testified at a hearing Chairman LEVIN led before the Armed Services Committee on this issue 2 weeks ago, according to these witnesses, including people who work as general counsel in the Defense Department, for instance, the military commission provisions in the bill before us not only meet but surpass by far the fundamental standards of fairness and due process required by our Supreme Court, the Geneva Conventions, and the rules of the International Criminal Court.

Given those robust procedural and substantive rights provided by the system of military commissions established in this bill, I must say that I have been surprised, troubled, and I would even go so far as to say astounded that officials of our administration have now made clear that they prefer prosecuting war criminals in Federal district courts here in the United States as opposed to before the military commissions we have established. That was testimony given before the Armed Services Committee in response to questions of the General Counsel of the Defense Department.

Just this week, an interim report was issued by a Department of Defense and Department of Justice task force on the legal questions associated with the detainees. In that report there is this sentence:

There is a presumption that, where feasible, referred cases will be prosecuted in an Article III court, in keeping with traditional principles of federal prosecution.

Article III courts, of course, are federal courts.

So it is the testimony of the General Counsel of the Defense Department, and now this interim report from the

Department of Defense and the Department of Justice, that has led Senator GRAHAM and me to offer this amendment, because we simply disagree, as we think most Americans and most Members of the Senate do, with the idea that there is a presumption in favor of trying prisoners of war before our Federal courts instead of before military commissions, as has been done throughout our history.

This realizes the worst fears of people that we would begin to criminalize the war on terrorism instead of treating it and its perpetrators as war and criminals of war. This change in direction departs from our history and, in some sense, diminishes the extraordinary work that has been done by Chairman LEVIN, Senator MCCAIN, Senator GRAHAM, and others to create and improve these military commissions. It may, in fact, cast unfounded doubt on the legitimacy of the convictions obtained by military commissions on the strength of the evidence used to secure convictions in those proceedings and the procedural protections accorded to defendants by the military commissions process.

Our amendment is very simple. It is a long sentence, and I read it, as follows:

It is the sense of Congress that the preferred forum for the trial of alien unprivileged enemy belligerents subject to this chapter for violations of the law of war and other offenses made punishable by this chapter is trial by military commission under this chapter.

So we adopt wording in the military commissions section of this legislation regarding violations of the law of war and other offenses made punishable by this chapter, and we say that it is our preference that people accused of such crimes of war be tried before the military commissions.

We have created a system of military commissions that I believe offers remarkable protections—perhaps the best ever offered to people in the status of alleged war criminals against our country or any country, against our citizens or the citizens of any country. And, I repeat, obviously we are at war, and therefore we should use these military commissions we have created and preference should be in their direction.

The fact is, where to bring charges against people accused of violating laws of war or, as we have said in the legislation, other offenses made punishable by this chapter is a decision made by the executive branch. It is not one we can control. But we can express an opinion. We can express an opinion to the executive branch, respectfully, that we think they have made a mistake in stating a presumption to try prisoners of war in Federal district courts. Such an approach would cast doubt, as I have said, on the use of military commissions but I think would also set an unfortunate, even

dangerous, precedent for the trial of war criminals today or in future conflicts in Federal courts rather than our Nation's time-honored use of military commissions for the violation of the law of war.

I hope we can unite across party lines to adopt this expression of opinion on a most important question.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I wish to take a moment, in response to my good friends, Senator GRAHAM and Senator LIEBERMAN, and say a word on behalf of the U.S. Department of Justice and its prosecutors, who have been actively engaged in the war on terror for many years now and who have shown considerable success.

The information they have is that the number of individuals who have been successfully prosecuted, convicted, and incarcerated as a result of military commissions numbers in the handful—perhaps even fewer than five. By contrast, just since January 1 of this year, more than 30 individuals have been charged with terrorism, successfully prosecuted, and sentenced to Federal prison—more than 30 convicted or sentenced just this year. There are 355 inmates in Federal prison now who have been successfully charged, prosecuted, convicted, and are now serving lengthy sentences as a result of their history or connection with international or domestic terrorism.

I don't want to get into a discussion right now on whether military commissions are a good or bad idea, but what has proven tried-and-true in terms of actually putting terrorists behind bars, where they belong, has been the expertise and the experience and the capability of the U.S. Department of Justice. They have been successful. There are hundreds of terrorists behind bars. There are far more than have ever come through the military commissions during the course of this struggle. And I think we should bear that in mind as we speak about this issue and as we vote about this issue. There is a lot of high-quality prosecutorial work and a lot of patriotism in the Department of Justice, and there is a reason we should allow the professionals to sort out case by case which is the better venue for the trial, whether a military commission, however new and untested in this modern era, or the tried-and-true model of the U.S. Federal prosecutor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I hope we can quickly get to a voice vote. I would briefly say that the executive branch created a presumption that the cases would be tried before criminal courts—article III courts. I thought it was a

mistake. We should not have a presumption one way or the other. The amendment before us redresses the balance to the extent we can do it tonight.

Also, we were able to get the agreement on the part of the sponsors to strike a part of the original amendment which would have created some very difficult bureaucratic problems in terms of reporting case by case as to why decisions were made one way or another.

So I do hope we can promptly agree to the amendment. I thank Senators LIEBERMAN and GRAHAM.

Again, my own preference is there not be either a presumption or a preference one way or the other, but I think this does even the balance. Again, it is a sense of the Senate, so it will be left to the Department of Justice.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank Chairman LEVIN for his statement. It is always a very thoughtful and mutually respectful process when you work with Senator LEVIN, even on matters of disagreement, and I appreciate the resolution.

I would just like to say in response to the comments of my friend from Rhode Island—and there is nothing here intended to in any way disparage the work of the Federal prosecutors, and I appreciate the record he cited of the prosecutions, but the point Senator GRAHAM and I are trying to make, and I hope the whole Senate will, is that violations of the laws of war are inherently different. Regardless of the outcome—how many people are convicted or put in jail or not—those allegations of such crimes belong before military commissions, or tribunals as they have been called throughout our history, not in Federal criminal courts where other violations of our domestic criminal law are handled. Part of that is just an appropriate allocation of responsibility. Part of it is that I think it is important we not fall into a misunderstanding that we are not involved in war. It is a very different kind of war, but it is a war, and we know that from the casualties we suffered on 9/11 and people around the world have suffered before and since in a lot of other cities and countries. So we are making a point of an appropriate forum for the trial of cases, not based on outcome but based on where these allegations are best tried.

I thank the Chair.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1650), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 1481, 1621, AS MODIFIED, 1675, 1700, 1680, 1697, 1494, 1718, 1601, 1738, 1703, 1656, 1523, 1647, 1662, 1741, 1746, 1543, 1740, 1687, 1702, 1717, 1521, 1768, 1752, 1739, AS MODIFIED, 1775, 1735, 1564, 1773, 1774, 1795, 1788, 1780, 1782, 1779, 1785, 1806, 1803, 1727, 1706, 1749, AS MODIFIED, 1799, 1620, 1688, 1765, EN BLOC

Mr. LEVIN. Mr. President, I send a series of 46 amendments to the desk, which have been cleared by myself and Senator MCCAIN, the ranking member, and I ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and that the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1481

(Purpose: To require the Director of National Intelligence to submit a report to Congress on retirement benefits for former employees of Air America)

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON AIR AMERICA.

(a) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term “Air America” means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term “associated company” means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport during the period when such an entity was owned and controlled by the United States Government.

(b) REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(2) REPORT ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The history of Air America and the associated companies prior to 1977, including a description of—

(i) the relationship between Air American and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(ii) the workforce of Air America and the associated companies;

(iii) the missions performed by Air America, the associated companies, and their employees for the United States; and

(iv) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(B) A description of—

(i) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(ii) the contributions made by such employees for such benefits;

(iii) the retirement benefits actually paid such employees;

(iv) the entitlement of such employees to the payment of future retirement benefits; and

(v) the likelihood that such employees will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(ii) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(D)(i) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(ii) If legislative action is considered advisable under clause (i), a proposal for such action and an assessment of its costs.

(E) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(3) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by paragraph (1).

(4) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 1621, AS MODIFIED

On page 161, after line 23, add the following:

SEC. 557. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 10101 note) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

(2) by adding at the end the following new subsection:

“(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

“(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members and their families, and in coordination with community programs, assist the communities, with training in suicide prevention and community healing and response to suicide.

“(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

“(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

“(B) the adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

“(3) OPERATION.—

“(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

“(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

“(ii) examining the influence of military culture on risk and protective factors for suicide; and

“(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

“(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

“(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

“(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

“(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

“(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

“(C) COLLABORATION WITH CENTERS OF EXCELLENCE.—The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.”.

“(4) TERMINATION.—The program established under this subsection shall terminate on October 1, 2012.”.

AMENDMENT NO. 1675

(Purpose: To ensure that members of the reserve components of the Armed Forces who are injured while on active duty are advised of programs to assist in their transition back to civilian life)

At the end of subtitle D of title VI, add the following:

SEC. 652. CONTINUATION ON ACTIVE DUTY OF RESERVE COMPONENT MEMBERS DURING PHYSICAL DISABILITY EVALUATION FOLLOWING MOBILIZATION AND DEPLOYMENT.

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of a military department shall ensure that each member of a reserve component under the jurisdiction of the Secretary who is determined, after a mobilization and deployment to an area in which imminent danger pay is authorized under section 310 of title 37, to require evaluation for a physical or mental disability

which could result in separation or retirement for disability under this chapter or placement on the temporary disability retired list or inactive status list under this chapter is retained on active duty during the disability evaluation process until such time as such member is—

“(A) cleared by appropriate authorities for continuation on active duty; or

“(B) separated, retired, or placed on the temporary disability retired list or inactive status list.

“(2)(A) A member described in paragraph (1) may request termination of active duty under such paragraph at any time during the demobilization or disability evaluation process of such member.

“(B) Upon a request under subparagraph (A), a member described in paragraph (1) shall only be released from active duty after the member receives counseling about the consequences of termination of active duty.

“(C) Each release from active duty under subparagraph (B) shall be thoroughly documented.

“(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.”

SEC. 653. USE OF LOCAL RESIDENCES FOR COMMUNITY-BASED CARE FOR CERTAIN RESERVE COMPONENT MEMBERS.

Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) **USE OF LOCAL RESIDENCES FOR CERTAIN RESERVE COMPONENT MEMBERS.**—(1)(A) A member of a reserve component described by subparagraph (B) may be assigned to the community-based warrior transition unit located nearest to the member's permanent place of residence if residing at that location is—

“(i) medically feasible, as determined by a licensed military health care provider; and

“(ii) consistent with—

“(I) the needs of the armed forces; and

“(II) the optimal course of medical treatment of the member.

“(B) A member of a reserve component described by this subparagraph is any member remaining on active duty under section 1218(d) of this title during the period the member is on active duty under such subsection.

“(2) Nothing in this subsection shall be construed as terminating, altering, or otherwise affecting the authority of the commander of a member described in paragraph (1)(B) to order the member to perform duties consistent with the member's fitness for duty.

“(3) The Secretary concerned shall pay any reasonable expenses of transportation, lodging, and meals incurred by a member residing at the member's permanent place of residence under this subsection in connection with travel from the member's permanent place of residence to a medical facility during the period in which the member is covered by this subsection.”

SEC. 654. ASSISTANCE WITH TRANSITIONAL BENEFITS.

(a) **IN GENERAL.**—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

“§ 1218a. Discharge or release from active duty: transition assistance

“The Secretary of a military department shall provide to a member of a reserve component under the jurisdiction of the Secretary who is injured while on active duty in the armed forces the following before such

member is demobilized or separated from the armed forces:

“(1) Information on the availability of care and administrative processing through community-based warrior transition units.

“(2) The location of the community-based warrior transition unit located nearest to the member's permanent place of residence.

“(3) An opportunity to consult with a member of the applicable judge advocate general's corps, or other qualified legal assistance attorney, regarding the member's eligibility for compensation, disability, or other transitional benefits.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

“1218a. Discharge or release from active duty: transition assistance.”

AMENDMENT NO. 1700

(Purpose: To ensure the security of Iraq through defense cooperation between the United States and Iraq)

At the end of subtitle A of title XII, add the following:

SEC. 1211. ENSURING IRAQI SECURITY THROUGH DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.

The President may treat an undertaking by the Government of Iraq that is made between the date of the enactment of this Act and December 31, 2011, as a dependable undertaking described in section 22(a) of the Arms Export Control Act (22 U.S.C. 2762(a)) for purposes of entering into contracts for the procurement of defense articles and defense services as provided for in that section.

AMENDMENT NO. 1680

(Purpose: To authorize the availability of appropriated funds for certain activities conducted under the State Partnership Program of the National Guard)

At the end of subtitle A of title XII, add the following:

SEC. 1211. AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE PARTNERSHIP PROGRAM.

(a) **AVAILABILITY OF APPROPRIATED FUNDS.**—The Secretary of Defense may, under regulations prescribed by the Secretary, use funds appropriated to the Department of Defense for fiscal year 2010 to pay the costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting activities under the State Partnership Program—

(1) to support the objectives of the commander of the combatant command for the theater of operations in which such activities are conducted; or

(2) to build international civil-military partnerships and capacity on matters relating to defense and security.

(b) **LIMITATIONS.**—

(1) **APPROVAL BY COMMANDER OF COMBATANT COMMAND AND CHIEF OF MISSION.**—Funds shall not be available under subsection (a) for activities conducted under the State Partnership Program in a foreign country unless such activities are jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

(2) **PARTICIPATION BY MEMBERS.**—Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities conducted under the State Partnership Program in a foreign country unless the member is on active duty in the Armed Forces at the time of such participation.

(c) **REIMBURSEMENT.**—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

AMENDMENT NO. 1697

(Purpose: To require a biennial report on the military power of Iran)

On page 479, between lines 18 and 19, insert the following:

SEC. 1222. REPORT ON MILITARY POWER OF IRAN.

(a) **BIENNIAL REPORT.**—Not later than March 31, 2010, and in each even-numbered year thereafter until 2020, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, on the current and future military strategy of the Islamic Republic of Iran. The report shall address the current and probable future course of military developments on the Army, Air Force, Navy, and Revolutionary Guard Corps of the Islamic Republic of Iran.

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include the following elements:

(1) As assessment of the grand strategy, security strategy, and military strategy of the Government of the Islamic Republic of Iran, including the following:

(A) The goals of the grand strategy, security strategy, and military strategy.

(B) Aspects of the strategies that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world.

(C) The security situation in the Persian Gulf and the Levant.

(D) Iranian strategy regarding other countries in the Middle East region.

(2) An assessment of the capabilities of the conventional forces of the Government of the Islamic Republic of Iran, including the following:

(A) The size, location, and capabilities of the conventional forces.

(B) A detailed analysis of the conventional forces of the Government of the Islamic Republic of Iran facing United States forces in the region and other countries in the Middle East region.

(C) An estimate of the funding provided for each branch of the conventional forces of the Government of the Islamic Republic of Iran.

(3) An assessment of the unconventional forces of the Government of the Islamic Republic of Iran, including the following:

(A) The size and capability of special operations units, including the Iranian Revolutionary Guard Corps-Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations in particular those forces that have been assessed as willing to carry out terrorist operations on behalf of the Islamic Republic of Iran.

(C) A detailed analysis of the unconventional forces of the Government of the Islamic Republic of Iran and their implications for the United States and other countries in the Middle East region.

(D) An estimate of the amount of funds spent by the Government of the Islamic Republic of Iran to develop and support special operations forces and terrorist groups.

(c) DEFINITIONS.—In this section:

(1) CONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term “conventional forces of the Government of the Islamic Republic of Iran” means—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's strategic missile forces; and

(B) includes Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps-Quds Force.

(2) MIDDLE EAST REGION.—The term “Middle East region” means—

(A) the countries within the area of responsibility of United States Central Command; and

(B) the countries within the area covered by the Bureau of Near Eastern Affairs of the Department of State.

(3) UNCONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term “unconventional forces of the Government of the Islamic Republic of Iran” means—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps-Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States; and

(II) receives assistance from the Government of Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of the Government of the Islamic Republic of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on the Islamic Republic of Iran.

AMENDMENT NO. 1494

(Purpose: To require a report on criteria for the selection of strategic embarkation ports and ship layberth locations)

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON CRITERIA FOR SELECTION OF STRATEGIC EMBARKATION PORTS AND SHIP LAYBERTHING LOCATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Transportation Command shall submit to the congressional defense committees a report with criteria for the selection of strategic embarkation ports and ship layberth locations.

(b) DEVELOPMENT OF CRITERIA.—The criteria included in the report required under subsection (a) shall—

(1) prioritize the facilitation of strategic deployment and reduction of combatant commander force closure timelines;

(2) take into account—

(A) time required to crew, activate, and sail sealift vessels to embarkation ports;

(B) distance and travel times for the forces from assigned installation to embarkation ports;

(C) availability of adequate infrastructure to transport forces from assigned installation to embarkation ports; and

(D) time required to move forces from embarkation ports to likely areas of force deployment around the world; and

(3) inform the selection of strategic embarkation ports and the procurement of ship layberthing services.

AMENDMENT NO. 1718

(Purpose: To provide authority to transfer covered defense articles no longer needed in Iraq and to provide defense services to the security forces of Iraq and Afghanistan)

On page 475, between lines 2 and 3, insert the following:

SEC. 1211. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) AUTHORITY.—The President is authorized to transfer defense articles from the stocks of the Department of Defense, and to provide defense services in connection with the transfer of such defense articles, to—

(1) the military and security forces of Iraq to support the efforts of those forces to restore and maintain peace and security in that country; and

(2) the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided under subsection (a) may not exceed \$500,000,000.

(2) SOURCE OF TRANSFERRED DEFENSE ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) immediately before the transfer were in use to support operations in Iraq;

(B) were present in Iraq as of the date of enactment of this Act; and

(C) are no longer required by United States forces in Iraq.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided to Iraq or Afghanistan under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations contained in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT.—

(1) IN GENERAL.—The President may not exercise the authority under subsection (a) until 30 days after the Secretary of Defense, with the concurrence of the Secretary of State, provides the appropriate congressional committees a report on the plan for the disposition of equipment and other property of the Department of Defense in Iraq.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of—

(i) the types and quantities of defense articles required by the military and security forces of Iraq to support the efforts of those military and security forces to restore and maintain peace and security in Iraq; and

(ii) the types and quantities of defense articles required by the military and security forces of Afghanistan to support the efforts of those military and security forces to restore and maintain peace and security in Afghanistan.

(B) A description of the authorities available for addressing the requirements identified in subparagraph (A).

(C) A description of the process for inventorying equipment and property, including defense articles, in Iraq owned by the Department of Defense, including equipment and property owned by the Department of Defense and under the control of contractors in Iraq.

(D) A description of the types of defense articles that the Department of Defense intends to transfer to the military and security forces of Iraq and an estimate of the quantity of such defense articles to be transferred.

(E) A description of the process by which potential requirements for defense articles to be transferred under the authority provided in subsection (a), other than the requirements of the security forces of Iraq or Afghanistan, are identified and the mechanism for resolving any potential conflicting requirements for such defense articles.

(F) A description of the plan, if any, for reimbursing military departments from which non-excess defense articles are transferred under the authority provided in subsection (a).

(G) An assessment of the efforts by the Government of Iraq to identify the requirements of the military and security forces of Iraq for defense articles to support the efforts of those forces to restore and maintain peace and security in that country.

(H) An assessment of the ability of the Governments of Iraq and Afghanistan to absorb the costs associated with possessing and using the defense articles to be transferred.

(I) A description of the steps taken by the Government of Iraq to procure or acquire defense articles to meet the requirements of the military and security forces of Iraq, including through military sales from the United States.

(e) NOTIFICATION.—

(1) IN GENERAL.—The President may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the President has provided notice of the proposed transfer of defense articles or provision of defense services to the appropriate congressional committees.

(2) CONTENTS.—Such notification shall include—

(A) a description of the amount and type of each defense article to be transferred or defense services to be provided;

(B) a statement describing the current value of such article and the estimated replacement value of such article;

(C) an identification of the military department from which the defense articles being transferred are drawn;

(D) an identification of the element of the military or security force that is the proposed recipient of each defense article to be transferred or defense service to be provided;

(E) an assessment of the impact of the transfer on the national technology and industrial base and, particularly, the impact on opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are to be transferred; and

(F) a certification by the President that—

(i) the Secretary of Defense has determined that—

(I) the defense articles to be transferred are no longer required by United States forces in Iraq;

(II) the proposed transfer of such defense articles will not adversely impact the military preparedness of the United States;

(III) immediately before the transfer, the defense articles to be transferred were being used to support operations in Iraq;

(IV) the defense articles to be transferred were present in Iraq as of the date of enactment of this Act; and

(V) the defense articles to be transferred are required by the military and security forces of Iraq or the military and security forces of Afghanistan, as applicable, to build their capacity to restore and maintain peace and security in their country;

(ii) the government of the recipient country has agreed to accept and take possession of the defense articles to be transferred and to receive the defense services in connection with that transfer; and

(iii) the proposed transfer of such defense articles and the provision of defense services in connection with such transfer is in the national interest of the United States.

(f) **QUARTERLY REPORT.**—Not later than 90 days after the date of the report provided under subsection (d), and every 90 days thereafter during fiscal year 2010, the Secretary of Defense shall report to the appropriate congressional committees on the implementation of the authority under subsection (a). The report shall include the replacement value of defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and services provided to Iraq and Afghanistan during the previous 90 days.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) **DEFENSE ARTICLES.**—The term “defense articles” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) **DEFENSE SERVICES.**—The term “defense services” has the meaning given the term in section 644(f) of such Act (22 U.S.C. 2403(f)).

(4) **MILITARY AND SECURITY FORCES.**—The term “military and security forces” means national armies, national air forces, national navies, national guard forces, police forces and border security forces, but does not include non-governmental or irregular forces (such as private militias).

(h) **EXPIRATION.**—The authority provided under subsection (a) may not be exercised after September 30, 2010.

(i) **EXCESS DEFENSE ARTICLES.**—

(1) **ADDITIONAL AUTHORITY.**—The authority provided by subsection (a) is in addition to the authority provided by Section 516 of the Foreign Assistance Act of 1961.

(2) **AGGREGATE VALUE.**—The value of excess defense articles transferred to Iraq during fiscal year 2010 pursuant to Section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such Act.

AMENDMENT NO. 1601

(Purpose: To require a report on simplifying defense travel)

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this

Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan to simplify defense travel.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) A comprehensive discussion of aspects of the Department of Defense travel system that are most confusing, inefficient, and in need of revision.

(2) Critical review of opportunities to streamline and simplify defense travel policies and to reduce travel-related costs to the Department of Defense.

(3) Options to leverage industry capabilities that could enhance management responsiveness to changing markets.

(4) A discussion of pilot programs that could be undertaken to prove the merit of improvements identified in accomplishing actions specified in paragraphs (1) and (2), including recommendations for legislative authority.

(5) Such recommendations and an implementation plan for legislative or administrative action as the Secretary of Defense considers appropriate to improve defense travel.

AMENDMENT NO. 1738

(Purpose: To provide for an annual comprehensive report on the status of United States efforts and the level of progress achieved to counter and defeat Al Qaeda and its related affiliates and undermine long-term support for the violent extremism that helps sustain Al Qaeda's recruitment efforts)

At the appropriate place, insert the following:

SEC. ____ . ANNUAL COUNTERTERRORISM STATUS REPORTS.

(a) **SHORT TITLE.**—This section may be cited as the “Success in Countering Al Qaeda Reporting Requirements Act of 2009”.

(b) **ANNUAL COUNTERTERRORISM STATUS REPORTS.**—

(1) **IN GENERAL.**—Not later than July 31, 2010, and every July 31 thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) a judgment on the adequacy of inter-agency integration of the counterterrorism programs and activities of the Department of Defense, the United States Special Operations Command, the Central Intelligence Agency, the Department of State, the Department of the Treasury, the Department of Homeland Security, the Department of Justice, and other Federal departments and agencies;

(D) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the National Counterterrorism Center and the goals established in overarching public statements of strategy issued by the executive branch;

(E) a determination of whether the National Counterterrorism Center exercises the authority and has the resources and expertise required to fulfill the interagency strategic and operational planning role described in section 119(j) of the National Security Act of 1947 (50 U.S.C. 404o), as added by section 1012 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458);

(F) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(G) a specific list of United States counterterrorism efforts, and the specific status and achievements of such efforts, through military, financial, political, intelligence, paramilitary, and law enforcement elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(H) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(I) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(J) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

(i) the source of such funds; and

(ii) the allocation and use of such funds;

(K) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(L) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(M) a concise summary of the methods used by National Counterterrorism Center and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) **INTERAGENCY COOPERATION.**—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence;

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

(J) the United States Agency for International Development; and

(K) any other Federal department that maintains relevant information.

(3) **REPORT CLASSIFICATION.**—Each report required under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

AMENDMENT NO. 1703

(Purpose: To reauthorize the SBIR program and the STTR program, and for other purposes)

(The amendment is printed in the RECORD of Wednesday, July 22, 2009, under "Text of Amendments.")

AMENDMENT NO. 1656

(Purpose: To require a report on the recruitment and retention of members of the Air Force in nuclear career fields)

At the end of subtitle D of title VI, add the following:

SEC. 652. REPORT ON RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the efforts of the Air Force to attract and retain qualified individuals for service as members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of current reenlistment rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) A description of the steps the Air Force has taken, including the use of retention bonuses or assignment incentive pay, to improve recruiting and retention of officers and enlisted personnel by the Air Force for the positions described in paragraph (1).

(4) An assessment of the feasibility, advisability, utility, and cost effectiveness of establishing additional bonuses or incentive pay as a way to enhance the recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(5) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(6) An assessment of the long-term community management plan for recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(7) Such other matters as the Secretary considers appropriate.

AMENDMENT NO. 1523

(Purpose: To amend provisions relating to Federal civilian employee retirement, and for other purposes)

(The amendment is printed in the RECORD of Tuesday, July 14, 2009, under "Text of Amendments.")

AMENDMENT NO. 1647

(Purpose: To express the sense of the Senate on costs for health care for members of the Armed Forces and their families)

On page 213, between lines 14 and 15, insert the following:

SEC. 706. SENSE OF THE SENATE ON HEALTH CARE BENEFITS AND COSTS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) Career members of the Armed Forces and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current combat operations, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of retirement benefits, including lifetime health benefits, that a grateful Nation provides for those who choose to subordinate their personal life to the national interest for so many years.

(4) Currently serving and retired members of the uniformed services and their families and survivors deserve benefits equal to their commitment and service to our Nation.

(5) Many employers are curtailing health benefits and shifting costs to their employees, which may result in retired members of the Armed Forces returning to the Department of Defense, and its TRICARE program, for health care benefits during retirement, and contribute to health care cost growth.

(6) Defense health costs also expand as a result of service-unique military readiness requirements, wartime requirements, and other necessary requirements that represent the "cost of business" for the Department of Defense.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, too many of those efforts have been devoted to shifting a larger share of the costs of benefits under that program to retired members of the Armed Forces who have earned health care benefits in return for a career of military service.

(8) In some cases health care providers refuse to accept TRICARE patients because that program pays less than other public and private payors and imposes unique administrative requirements.

(9) The Department of Defense records deposits to the Department of Defense Military

Retiree Health Care Fund as discretionary costs to the Department in spite of legislation enacted in 2006 that requires such deposits to be made directly from the Treasury of the United States.

(10) As a result, annual payments for the future costs of servicemember health care continue to compete with other readiness needs of the Armed Forces.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the Department of Defense and the Nation have an obligation to provide health care benefits to retired members of the Armed Forces that equals the quality of their selfless service to our country;

(2) past proposals by the Department of Defense to impose substantial fee increases on military beneficiaries have failed to acknowledge properly the findings addressed in subsection (a); and

(3) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the Armed Forces who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program.

AMENDMENT NO. 1662

(Purpose: To expand the provision authorizing special compensation for members of the uniformed services with certain injuries or illnesses incurred in the line of duty)

Strike section 617 and insert the following:

SEC. 617. SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH SERIOUS INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING.

(a) **IN GENERAL.**—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living

"(a) **MONTHLY COMPENSATION.**—The Secretary concerned may pay to any member of the uniformed services described in subsection (b) monthly special compensation in an amount determined under subsection (c).

"(b) **COVERED MEMBERS.**—A member eligible for monthly special compensation authorized by subsection (a) is a member who—

"(1) has been certified by a licensed physician to be in need of assistance from another person to perform the personal functions required in everyday living;

"(2) has a serious injury, disorder, or disease of either a temporary or permanent nature that—

"(A) is incurred or aggravated in the line of duty; and

"(B) compromises the member's ability to carry out one or more activities of daily living or requires the member to be constantly supervised to avoid physical harm to the member or to others; and

"(3) meets such other criteria, if any, as the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) prescribes for purposes of this section.

"(c) **AMOUNT.**—(1) The amount of monthly special compensation payable to a member under subsection (a) shall be determined under criteria prescribed by the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard), but

may not exceed the amount of aid and attendance allowance authorized by section 1114(r)(2) of title 38 for veterans in need of aid and attendance.

“(2) In determining the amount of monthly special compensation, the Secretary concerned shall consider the following:

“(A) The extent to which home health care and related services are being provided by the Government.

“(B) The extent to which aid and attendance services are being provided by family and friends who may be compensated with funds provided through the monthly special compensation.

“(d) PAYMENT UNTIL MEDICAL RETIREMENT.—Monthly special compensation is payable under this section to a member described in subsection (b) for any month that begins before the date on which the member is medically retired.

“(e) CONSTRUCTION WITH OTHER PAY AND ALLOWANCES.—Monthly special compensation payable to a member under this section is in addition to any other pay and allowances payable to the member by law.

“(f) BENEFIT INFORMATION.—The Secretary of Defense, in collaboration with the Secretary of Veterans Affairs, shall ensure that members of the uniformed services who may be eligible for compensation under this section are made aware of the availability of such compensation by including information about such compensation in written and online materials for such members and their families.

“(g) REGULATIONS.—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.”.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense (and the Secretary of Homeland Security, with respect to the Coast Guard) shall submit to Congress a report on the provision of compensation under section 439 of title 37, United States Code, as added by subsection (a) of this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An estimate of the number of members of the uniformed services eligible for compensation under such section 439.

(B) The number of members of the uniformed services receiving compensation under such section.

(C) The average amount of compensation provided to members of the uniformed services receiving such compensation.

(D) The average amount of time required for a member of the uniformed services to receive such compensation after the member becomes eligible for the compensation.

(E) A summary of the types of injuries, disorders, and diseases of members of the uniformed services receiving such compensation that made such members eligible for such compensation.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

“439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living.”.

AMENDMENT NO. 1741

(Purpose: To require the Secretary of Defense to report on the status of the Air National Guard and the Air Force Reserve)

At the end of subtitle E of title III, add the following:

SEC. 342. REPORT ON STATUS OF AIR NATIONAL GUARD AND AIR FORCE RESERVE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Air Force, the Chief of the National Guard Bureau, the Director of the Air National Guard, the Chief of the Air Force Reserve, and such other officials as the Secretary of Defense considers appropriate, shall submit to Congress a report on—

(1) the status of the Air National Guard and the Air Force Reserve; and

(2) the plans of the Department of Defense to ensure that the Air National Guard and the Air Force Reserve remain ready to meet the requirements of the Air Force and the combatant commands and for homeland defense.

AMENDMENT NO. 1746

(Purpose: To require reports on the service life and replacement of AC-130 gunships of the Air Force)

At the end of subtitle C of title I, add the following:

SEC. 125. AC-130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the United States Special Operations Command, shall submit to the congressional defense committees an assessment of the reduction in the service life of AC-130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC-130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC-130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC-130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) ANALYSIS OF ALTERNATIVES.—The Secretary of the Air Force, in consultation with the United States Special Operations Command, shall conduct an analysis of alternatives for any gunship modernization requirements identified by the 2009 quadrennial defense review under section 118 of title 10, United States Code. The results of the analysis of alternatives shall be provided to the congressional defense committees not later than 18 months after the completion of the 2009 quadrennial defense review.

AMENDMENT NO. 1543

(Purpose: To authorize the service Secretaries to increase the end strength of the Selected Reserve by two percent)

On page 100, between lines 2 and 3, insert the following:

SEC. 417. AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR SELECTED RESERVE END STRENGTHS.

Section 115(g) of title 10, United States Code, is amended to read as follows:

“(g) AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS.—(1) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may—

“(A) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength; and

“(B) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for the Selected Reserve of the reserve component of any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength.

“(2) Any increase under paragraph (1) of the end strength for an armed force or the Selected Reserve of a reserve component of an armed force shall be counted as part of the increase for that armed force or Selected Reserve for that fiscal year authorized under subsection (f)(1) or subsection (f)(3), respectively.”.

AMENDMENT NO. 1740

(Purpose: To require a plan for sustaining the land-based solid rocket motor industrial base)

On page 435, between lines 14 and 15, insert the following:

SEC. 1083. PLAN FOR SUSTAINMENT OF LAND-BASED SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) IN GENERAL.—The Secretary of Defense shall review and establish a plan to sustain the solid rocket motor industrial base, including the ability to maintain and sustain currently deployed strategic and missile defense systems and to maintain an intellectual and engineering capacity to support next generation rocket motors, as needed.

(b) SUBMISSION OF PLAN.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees the plan required under subsection (a), together with an explanation of how fiscal year 2010 funds will be used to sustain and support the plan and a description of the funding in the future years defense program plan to support the plan.

AMENDMENT NO. 1687

(Purpose: To require a national security interest certification for Coalition Support Fund reimbursements provided to the Government of Pakistan)

On page 475, between lines 2 and 3, insert the following:

SEC. 1211. CERTIFICATION REQUIREMENT FOR COALITION SUPPORT FUND REIMBURSEMENTS.

Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 392), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4634), is amended—

(1) in paragraph (1)(A), by striking “the Secretary of Defense shall submit” and inserting “the Secretary of Defense, after consultation with the Secretary of State, shall submit”; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting each clause, as so redesignated, 6 ems from the left margin;

(B) by striking “shall include an itemized description” and inserting the following: “shall include the following:

“(A) An itemized description”; and

(C) by adding at the end the following new subparagraph:

“(B) A certification that the reimbursement—

“(i) is consistent with the national security interests of the United States; and

“(ii) will not adversely impact the balance of power in the region.”.

AMENDMENT NO. 1702

(Purpose: To require the Secretary of Defense and the Secretary of Veterans Affairs to submit to Congress a report on the use of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals)

At the end of subtitle D of title VII, add the following:

SEC. 733. REPORT ON USE OF ALTERNATIVE THERAPIES IN TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) **IN GENERAL.**—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on research related to post-traumatic stress disorder.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) The status of all studies and clinical trials that involve treatments of post-traumatic stress disorder conducted by the Department of Defense and the Department of Veterans Affairs.

(2) The effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals.

(3) Identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans’ Affairs of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans’ Affairs of the House of Representatives.

AMENDMENT NO. 1717

(Purpose: To carry out a pilot program to assess the feasibility and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities)

At the end of subtitle H of title X, add the following:

SEC. 1083. PILOT PROGRAM ON USE OF SERVICE DOGS FOR THE TREATMENT OR REHABILITATION OF VETERANS WITH PHYSICAL OR MENTAL INJURIES OR DISABILITIES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States owes a profound debt to those who have served the United States honorably in the Armed Forces.

(2) Disabled veterans suffer from a range of physical and mental injuries and disabilities.

(3) In 2008, the Army reported the highest level of suicides among its soldiers since it began tracking the rate 28 years before 2009.

(4) A scientific study documented in the 2008 Rand Report entitled “Invisible Wounds of War” estimated that 300,000 veterans of Operation Enduring Freedom and Operation Iraqi Freedom currently suffer from post-traumatic stress disorder.

(5) Veterans have benefitted in multiple ways from the provision of service dogs.

(6) The Department of Veterans Affairs has been successfully placing guide dogs with the blind since 1961.

(7) Thousands of dogs around the country await adoption.

(b) **PROGRAM REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year pilot program to assess the benefits, feasibility, and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, including post-traumatic stress disorder.

(c) **PARTNERSHIPS.**—

(1) **IN GENERAL.**—The Secretary shall carry out the pilot program by partnering with nonprofit organizations that—

(A) have experience providing service dogs to individuals with injuries or disabilities;

(B) do not charge fees for the dogs, services, or lodging that they provide; and

(C) are accredited by a generally accepted industry-standard accrediting institution.

(2) **REIMBURSEMENT OF COSTS.**—The Secretary shall reimburse partners for costs relating to the pilot program as follows:

(A) For the first 50 dogs provided under the pilot program, all costs relating to the provision of such dogs.

(B) For dogs provided under the pilot program after the first 50 dogs provided, all costs relating to the provision of every other dog.

(d) **PARTICIPATION.**—

(1) **IN GENERAL.**—As part of the pilot program, the Secretary shall provide a service dog to a number of veterans with physical or mental injuries or disabilities that is greater than or equal to the greater of—

(A) 200; and

(B) the minimum number of such veterans required to produce scientifically valid results with respect to assessing the benefits and costs of the use of such dogs for the treatment or rehabilitation of such veterans.

(2) **COMPOSITION.**—The Secretary shall ensure that—

(A) half of the participants in the pilot program are veterans who suffer primarily from a mental health injury or disability; and

(B) half of the participants in the pilot program are veterans who suffer primarily from a physical injury or disability.

(e) **STUDY.**—In carrying out the pilot program, the Secretary shall conduct a scientifically valid research study of the costs and benefits associated with the use of service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities. The matters studied shall include the following:

(1) The therapeutic benefits to such veterans, including the quality of life benefits reported by the veterans partaking in the pilot program.

(2) The economic benefits of using service dogs for the treatment or rehabilitation of such veterans, including—

(A) savings on health care costs, including savings relating to reductions in hospitalization and reductions in the use of prescription drugs; and

(B) productivity and employment gains for the veterans.

(3) The effectiveness of using service dogs to prevent suicide.

(f) **REPORTS.**—

(1) **ANNUAL REPORT OF THE SECRETARY.**—After each year of the pilot program, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the pilot program.

(2) **FINAL REPORT BY THE NATIONAL ACADEMY OF SCIENCES.**—Not later than 180 days after the date of the completion of the pilot program, the National Academy of Sciences shall submit to Congress a report on the results of the pilot program.

AMENDMENT NO. 1521

(Purpose: To enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces)

At the end of subtitle H of title X, add the following:

SEC. 1083. EXPANSION OF STATE HOME CARE FOR PARENTS OF VETERANS WHO DIED WHILE SERVING IN ARMED FORCES.

In administering section 51.210(d) of title 38, Code of Federal Regulations, the Secretary of Veterans Affairs shall permit a State home to provide services to, in addition to non-veterans described in such subsection, a non-veteran any of whose children died while serving in the Armed Forces.

AMENDMENT NO. 1768

(Purpose: To authorize the Secretary of Defense to carry out a pilot program for providing cognitive rehabilitative therapy services under the TRICARE program)

Strike section 731 and insert the following:

SEC. 731. PILOT PROGRAM FOR THE PROVISION OF COGNITIVE REHABILITATIVE THERAPY SERVICES UNDER THE TRICARE PROGRAM.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense may, in consultation with the entities and officials referred to in subsection (d), carry out a pilot program under the TRICARE program to determine the feasibility and advisability of expanding the availability of cognitive rehabilitative therapy services for members or former members of the Armed Forces described in subsection (b).

(b) **COVERED MEMBERS AND FORMER MEMBERS.**—A member or former member of the Armed Forces is described in this subsection if—

(1) the member or former member—

(A) is otherwise eligible for medical care under the TRICARE program;

(B) has been diagnosed with a moderate to severe traumatic brain injury incurred in the

line of duty in Operation Iraqi Freedom or Operation Enduring Freedom;

(C) is retired or separated from the Armed Forces for disability under chapter 61 of title 10, United States Code; and

(D) is referred by a qualified physician for cognitive rehabilitative therapy; and

(2) cognitive rehabilitative therapy is not reasonably available to the member or former member through the Department of Veterans Affairs.

(c) **ELEMENTS OF PILOT PROGRAM.**—The Secretary of Defense shall, in consultation with the entities and officials referred to in subsection (d), develop for inclusion in the pilot program the following:

(1) Procedures for access to cognitive rehabilitative therapy services.

(2) Qualifications and supervisory requirements for licensed and certified health care professionals providing such services.

(3) A methodology for reimbursing providers for such services.

(d) **ENTITIES AND OFFICIALS TO BE CONSULTED.**—The entities and officials referred to in this subsection are the following:

(1) The Secretary of Veterans Affairs.

(2) The Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury.

(3) Relevant national organizations with experience in treating traumatic brain injury.

(e) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

(1) evaluating the effectiveness of the pilot program in providing increased access to safe, effective, and quality cognitive rehabilitative therapy services for members and former members of the Armed Forces described in subsection (b); and

(2) making recommendations with respect to the effectiveness of cognitive rehabilitative therapy services and the appropriateness of including such services as a benefit under the TRICARE program.

(f) **TRICARE PROGRAM DEFINED.**—The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

(g) **FUNDING.**—Of the amount authorized to be appropriated by section 1403 for the Defense Health Program, not more than \$5,000,000 may be available to carry out the pilot program under this section.

AMENDMENT NO. 1752

(Purpose: To reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care and to provide an offset)

At the end of subtitle B of title VII, insert the following:

SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM FOR TRAVEL FOR SPECIALTY HEALTH CARE.

(a) **REDUCTION.**—Section 1074i(a) of title 10, United States Code, is amended by striking “100 miles” and inserting “50 miles”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to referrals for specialty health care made on or after such effective date.

(c) **OFFSET.**—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for Defense-wide ac-

tivities is hereby decreased by \$14,000,000, with the amount of the decrease to be derived from unobligated balances.

AMENDMENT NO. 1739, AS MODIFIED

At the end of subtitle H of title X, add the following:

SEC. 1083. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) **INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.**—

(1) **LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.**—Section 3307(e) of title 5, United States Code, is amended—

(A) by striking “(e) The” and inserting “(e)(1) Except as provided in paragraph (2), the”; and

(B) by adding at the end the following:

“(2) The maximum age limit for an original appointment to a position as a firefighter or law enforcement officer (as defined by section 8401(14) or (17), respectively) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”

(2) **OTHER POSITIONS.**—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of title 5, United States Code), or customs and border protection officer (as defined in section 8401(36) of title 5, United States Code) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) **ELIGIBILITY FOR ANNUITY.**—Section 8412(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end; and

(3) by inserting after paragraph (2) the following:

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1083(e) of the National Defense Authorization Act for Fiscal Year 2010;

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1083(a)(2) of the National Defense Authorization Act for Fiscal Year 2010.

(c) **MANDATORY SEPARATION.**—Section 8425 of title 5, United States Code, is amended—

(1) in subsection (b)(1), in the first sentence, by inserting “, except that a law enforcement officer, firefighter, nuclear materials courier, or customs and border protection officer eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that em-

ployee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) **COMPUTATION OF BASIC ANNUITY.**—Section 8415(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “total service as” and inserting “civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,”; and

(2) in paragraph (2), by striking “so much of such individual’s total service as exceeds 20 years” and inserting “the remainder of such individual’s total service”.

(e) **EFFECTIVE DATE.**—This section (including the amendments made by this section) shall take effect 60 days after the date of the enactment of this Act and shall apply to appointments made on or after that effective date.

AMENDMENT NO. 1775

(Purpose: To support freedom of the press, freedom of speech, freedom of expression, and freedom of assembly in Iran, to support the Iranian people as they seek, receive, and impart information and promote ideas in writing, in print, or through any media without interference, and for other purposes)

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

AMENDMENT NO. 1735

(Purpose: To express the sense of Congress regarding the development of manned airborne irregular warfare platforms)

On page 435, between lines 14 and 15, insert the following:

SEC. 1083. SENSE OF CONGRESS ON MANNED AIRBORNE IRREGULAR WARFARE PLATFORMS.

It is the sense of Congress that the Secretary of Defense should, with regard to the development of manned airborne irregular warfare platforms, coordinate requirements for such weapons systems with the military services, including the reserve components.

AMENDMENT NO. 1564

(Purpose: To enhance travel and transportation benefits for survivors of deceased members of the uniformed services for purposes of attending memorial ceremonies)

At the end of subtitle C of title VI, add the following:

SEC. 635. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) **ALLOWANCES AUTHORIZED.**—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the

uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.”.

(b) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended—

(1) by striking “subsection (a)(1)” the first place it appears and inserting “paragraphs (1) and (2) of subsection (a)”;

(2) by striking “subsection (a)(1)” the second place it appears and inserting “paragraph (1) or (2) of subsection (a)”.

AMENDMENT NO. 1773

(Purpose: To require the Comptroller General to conduct a study on the stockpile stewardship program)

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. COMPTROLLER GENERAL STUDY OF STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the stockpile stewardship program established under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) to determine if the program was functioning, as of December 2008, as envisioned when the program was established.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An assessment of whether the capabilities determined to be necessary to maintain the nuclear weapons stockpile without nuclear testing have been implemented and the extent to which such capabilities are functioning.

(2) A review and description of the agreements governing use, management, and support of the capabilities developed for the stockpile stewardship program and an assessment of enforcement of, and compliance with, those agreements.

(3) An assessment of plans for surveillance and testing of nuclear weapons in the stockpile and the extent of the compliance with such plans.

(4) An assessment of—

(A) the condition of the infrastructure at the plants and laboratories of the nuclear weapons complex;

(B) the value of nuclear weapons facilities built after 1992;

(C) any plans that are in place to maintain, improve, or replace such infrastructure;

(D) whether there is a validated requirement for all planned infrastructure replacement projects; and

(E) the projected costs for each such project and the timeline for completion of each such project.

(5) An assessment of the efforts to ensure and maintain the intellectual and technical capability of the nuclear weapons complex to support the nuclear weapons stockpile.

(6) Recommendations for the stockpile stewardship program going forward.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the study required by subsection (a).

AMENDMENT NO. 1774

(Purpose: To extend the sunset for the Congressional Commission on the Strategic Posture of the United States and to require an additional report)

At the end of subtitle H of title X, add the following:

SEC. 1083. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress is grateful for the service and leadership of the members of the bipartisan Congressional Commission on the Strategic Posture of the United States, who, pursuant to section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 319), spent more than one year examining the strategic posture of the United States in all of its aspects: deterrence strategy, missile defense, arms control initiatives, and nonproliferation strategies.

(2) The Commission, comprised of some of the most preeminent scholars and technical experts in the United States in the subject matter, found a bipartisan consensus on these issues in its Final Report made public on May 6, 2009.

(3) Congress appreciates the service of former Secretary of Defense William Perry, former Secretary of Defense and Energy James Schlesinger, former Senator John Glenn, former Congressman Lee Hamilton, Ambassador James Woolsey, Doctors John Foster, Fred Ikle, Keith Payne, Morton Halperin, Ellen Williams, Bruce Tarter, and Harry Cartland, and the United States Institute of Peace.

(4) Congress values the work of the Commission and pledges to work with President Barack Obama to address the findings and review and consider the recommendations of the Commission.

(b) EXTENSION OF SUNSET.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1), by striking “September 30, 2009” and inserting “September 30, 2010”; and

(3) by inserting after subsection (e) the following new subsection:

“(f) FOLLOW-ON REPORT.—Following submittal of the report required in subsection (e), the Commission may conduct public outreach and discussion of the matters contained in the report.”.

AMENDMENT NO. 1795

(Purpose: To express the sense of Congress on continued support by the United States for a stable and democratic Republic of Iraq)

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF CONGRESS ON CONTINUED SUPPORT BY THE UNITED STATES FOR A STABLE AND DEMOCRATIC REPUBLIC OF IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The men and women of the United States Armed Forces who have served or are serving in the Republic of Iraq have done so with the utmost bravery and courage and deserve the respect and gratitude of the people of the United States and the people of Iraq.

(2) The leadership of Generals David Petraeus and Raymond Odierno, as the Commanders of the Multi-National Force Iraq, as

well as Ambassador Ryan Crocker, was instrumental in bringing stability and success to Iraq.

(3) The strategy known as the surge was a critical factor contributing to significant security gains and facilitated the economic, political, and social gains that have occurred in Iraq since 2007.

(4) The people of Iraq have begun to develop a stable government and stable society because of the security gains following the surge and the willingness of the people of Iraq to accept the ideals of a free and fair democratic society over the tyranny espoused by Al Qaeda and other terrorist organizations.

(5) The security gains in Iraq must be carefully maintained so that those fragile gains can be solidified and expanded upon, primarily by citizens of Iraq in service to their country, with the support of the United States as appropriate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a stable and democratic Republic of Iraq is in the long-term national security interest of the United States;

(2) the people and the Government of the United States should help the people of Iraq promote the stability of their country and peace in the region; and

(3) the United States should be a long-term strategic partner with the Government and the people of Iraq in support of their efforts to build democracy, good governance, and peace and stability in the region.

AMENDMENT NO. 1788

(Purpose: To express the sense of Congress that flexible spending arrangements should be established for members of the uniformed services)

At the end of subtitle D of title VI, add the following:

SEC. 652. SENSE OF CONGRESS ON ESTABLISHMENT OF FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.

(a) IN GENERAL.—It is the sense of Congress that, the Secretary of Defense, with respect to members of the Army, Navy, Marine Corps, and Air Force, the Secretary of Homeland Security, with respect to members of the Coast Guard, the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, and the Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration, should establish procedures to implement flexible spending arrangements with respect to basic pay and compensation, for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) CONSIDERATIONS.—It is the sense of Congress that, in establishing the procedures described by subsection (a), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Commerce should consider life events of members of the uniformed services that are unique to them as members of the uniformed services, including changes relating to permanent changes of duty station and deployments to overseas contingency operations.

AMENDMENT NO. 1780

(Purpose: To require a report on the Yellow Ribbon Reintegration Program and plans for further implementation)

On page 161, after line 23, insert the following:

SEC. 557. REPORT ON YELLOW RIBBON RE-INTEGRATION PROGRAM.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the various reintegration programs being administered in support of National Guard and Reserve members and their families.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An evaluation of the initial implementation of the Yellow Ribbon Reintegration Program in fiscal year 2009, including an assessment of the best practices from pilot programs offered by various States to provide supplemental services to Yellow Ribbon and the feasibility of incorporating those practices into Yellow Ribbon.

(2) An assessment of the extent to which Yellow Ribbon funding, although requested in multiple component accounts, supports robust joint programs that provide reintegration and support services to National Guard and Reserve members and their families regardless of military affiliation.

(3) An assessment of the extent to which Yellow Ribbon programs are coordinating closely with the Department of Veterans Affairs and its various veterans' programs.

(4) Plans for further implementation of the Yellow Ribbon Reintegration Program in fiscal year 2010.

AMENDMENT NO. 1782

(Purpose: To require a report on the feasibility of requiring post-deployment health assessments of Guard and Reserve members deployed in connection with contingency operations at their home stations or counties of residence)

On page 220, between lines 4 and 5, insert the following:

SEC. 713. REPORT ON POST-DEPLOYMENT HEALTH ASSESSMENTS OF GUARD AND RESERVE MEMBERS.

(a) **REPORT REQUIRED.**—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on post-deployment health assessments of Guard and Reserve members.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) An assessment of the feasibility of administering a Post-Deployment Health Assessment (PDHA) to each member of a reserve component of the Armed Forces returning to the member's home station from deployment in connection with a contingency operation at such home station or in the county of residence of the member within the following timeframes:

(A) In the case of a member of the Individual Ready Reserve, an assessment administered by not later than the member's release from active duty following such deployment or 10 days after the member's return to such station or county, whichever occurs earlier.

(B) In the case of any other member of a reserve component of the Armed Forces returning from deployment, by not later than the member's release from active duty following such deployment.

(2) An assessment of the feasibility of requiring that Post-Deployment Health Assessments described under paragraph (1) be performed by a practitioner trained and certified as qualified to participate in the performance of Post-Deployment Health Assessments or Post-Deployment Health Reassessments.

(3) A description of—

(A) the availability of personnel described under paragraph (2) to perform assessments

described under this subsection at the home stations or counties of residence of members of the reserve components of the Armed Forces; and

(B) if such personnel are not available at such locations, the additional resources necessary to ensure such availability within one year after the date of the enactment of this Act.

AMENDMENT NO. 1779

(Purpose: To provide for the notification of certain individuals regarding options for enrollment under Medicare part B)

On page 213, between lines 14 and 15, insert the following:

SEC. 706. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

“SEC. 1111. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

“(a) **IN GENERAL.**—The Secretary of Defense shall establish procedures for identifying individuals described in subsection (b). The Secretary of Defense shall immediately notify individuals identified under the preceding sentence that they are no longer eligible for health care benefits under the TRICARE program under chapter 55 of title 10, United States Code, and of any options available for enrollment of the individual under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). The Secretary of Defense shall consult with the Secretary of Health and Human Services to accurately identify and notify individuals described in subsection (b) under this subsection.

“(b) **INDIVIDUALS DESCRIBED.**—An individual described in this subsection is an individual who is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code) at the time the individual is entitled to part A of title XVIII of the Social Security Act under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426-1) and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period under part B of such title.”.

AMENDMENT NO. 1785

(Purpose: To require a report on the defense modeling and simulation industrial base)

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON MODELING AND SIMULATION ACTIVITIES OF UNITED STATES JOINT FORCES COMMAND.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, working through the Director for Defense Research and Engineering, the Assistant Secretary of Defense for Manufacturing and Industrial Base, and the Commander of the United States Joint Forces Command, shall submit to the congressional defense committees a report that describes current and planned efforts to support and enhance the defense modeling and simulation technological and industrial base, including in academia, industry, and government.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) An assessment of the current and future domestic defense modeling and simulation technological and industrial base and its ability to meet current and future defense requirements.

(2) A description of current and planned programs and activities of the Department of Defense to enhance the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(3) A description of current and planned Department of Defense activities in cooperation with Federal, State, and local government organizations that promote the enhancement of the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(4) A comparative assessment of current and future global modeling and simulation capabilities relative to those of the United States in areas related to defense applications of modeling and simulation.

(5) An identification of additional authorities or resources related to technology transfer, establishment of public-private partnerships, coordination with regional, State, or local initiatives, or other activities that would be required to enhance efforts to support the domestic defense modeling and simulation industrial base.

(6) Other matters as determined appropriate by the Secretary.

AMENDMENT NO. 1806

(Purpose: To include additional members and additional duties for the independent panel assessing the 2009 quadrennial defense review)

At the end subtitle H of title X, add the following:

SEC. 1083. ADDITIONAL MEMBERS AND DUTIES FOR THE INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) **FINDING.**—Congress understands that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, will be comprised of twelve members equally divided on a bipartisan basis.

(b) **SENSE OF CONGRESS ON INDEPENDENT PANEL.**—It is the sense of Congress that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, should be comprised of members equally divided on a bipartisan basis.

(c) **ADDITIONAL MEMBERS.**—

(1) **IN GENERAL.**—For purposes of conducting the assessment of the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this section referred to as the “2009 QDR”), the independent panel established under subsection (f) of such section (in this section referred to as the “Panel”) shall include eight additional members to be appointed as follows:

(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two by the chairman of the Committee on Armed Services of the Senate.

(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two by the ranking member of the Committee on Armed Services of the Senate.

(2) **PERIOD OF APPOINTMENT; VACANCIES.**—Any vacancy in an appointment to the Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(d) **ADDITIONAL DUTIES OF PANEL FOR 2009 QDR.**—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) conduct an independent assessment of a variety of possible force structures of the

Armed Forces, including the force structure identified in the report of the 2009 QDR; and

(2) make any recommendations it considers appropriate for consideration.

(e) **REPORT OF SECRETARY OF DEFENSE.**—Not later than 30 days after the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees any comments of the Secretary on the report of the Panel.

(f) **TERMINATION.**—The provisions of this section shall terminate on the day that is 45 days after the date on which the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code.

AMENDMENT NO. 1803

(Purpose: To require the Secretary of the Army to conduct a comparative evaluation of extended range modular sniper rifle systems)

Add the end of subtitle D of title II, add the following:

SEC. 252. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEMS.

(a) **IN GENERAL.**—Not later than March 31, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct a comparative evaluation of extended range modular sniper rifle systems, including .300 Winchester Magnum, .338 Lapua Magnum, and other calibers. The evaluation shall identify and demonstrate an integrated suite of technologies capable of—

- (1) extending the effective range of snipers;
- (2) meeting service or unit requirements or operational need statements; or
- (3) closing documented capability gaps.

(b) **FUNDING.**—The Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct the evaluation required by subsection (a) using amounts appropriated for fiscal year 2009 for extended range modular sniper rifle system research (PE # 0604802A) that are unobligated.

(c) **REPORT.**—Not later than April 30, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the evaluation required by subsection (a), including—

- (1) detailed ballistics and system performance data; and
- (2) an assessment of the operational capabilities of extended range modular sniper rifle systems to meet service or unit requirements or operational need statements or close documented capabilities gaps.

AMENDMENT NO. 1727

(Purpose: To require the report on the global defense posture realignment to include information relating to the effect of the comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations on United States security commitments under international security treaties and the current security environments in the combatant commands)

On page 549, strike line 9 and all that follows through “any comments resulting” on line 16 and insert the following: “congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of overseas base closure and realignment actions undertaken as part of a global de-

fense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations. The report shall address the following:

(1) How the plans would support the security commitments undertaken by the United States pursuant to any international security treaty, including, the North Atlantic Treaty, The Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

(2) The impact of such plans on the current security environments in the combatant commands, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

(3) Any comments of the Secretary of Defense resulting

AMENDMENT NO. 1706

(Purpose: To require the Secretary of Defense and the Secretary of Transportation to develop a plan for providing access to the national airspace for unmanned aircraft)

At the end of subtitle D of title IX, add the following:

SEC. 933. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT.

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of Transportation shall, after consultation with the Secretary of Homeland Security, jointly develop a plan for providing access to the national airspace for unmanned aircraft of the Department of Defense.

(b) **ELEMENTS.**—The plan required by subsection (a) shall include the following:

(1) A description of how the Department of Defense and the Department of Transportation will communicate and cooperate, at the executive, management, and action levels, to provide access to the national airspace for unmanned aircraft of the Department of Defense.

(2) Specific milestones, aligned to operational and training needs, for providing access to the national airspace for unmanned aircraft and a transition plan for sites programmed to be activated as unmanned aerial system sites during fiscal years 2010 through 2015.

(3) Recommendations for policies with respect to use of the national airspace, flight standards, and operating procedures that should be implemented by the Department of Defense and the Department of Transportation to accommodate unmanned aircraft assigned to any State or territory of the United States.

(4) An identification of resources required by the Department of Defense and the Department of Transportation to execute the plan.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a).

AMENDMENT NO. 1749, AS MODIFIED

At the end of subtitle A of title IX, add the following:

SEC. 904. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) **REESTABLISHMENT OF POSITION.**—

(1) **IN GENERAL.**—Chapter 1011 of title 10, United States Code, is amended—

(A) by redesignating section 10505 as section 10505a; and

(B) by inserting after section 10504 the following new section 10505:

“§ 10505. Vice Chief of the National Guard Bureau

“(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

“(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

“(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

“(C) are in a grade above the grade of colonel.

“(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

“(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

“(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

“(b) **DUTIES.**—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

“(c) **GRADE.**—The Vice Chief of the National Guard Bureau shall be appointed to serve in a grade decided by the Secretary of Defense.

“(d) **FUNCTIONS AS ACTING CHIEF.**—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10505 and inserting the following new items:

“10505. Vice Chief of the National Guard Bureau.

“10505a. Director of the Joint Staff of the National Guard Bureau.”.

(b) **CONFORMING AMENDMENT.**—Section 10506(a)(1) of such title is amended by striking “and the Director of the Joint Staff of the National Guard Bureau” and inserting “, the Vice Chief of the National Guard Bureau, and the Director of the Joint Staff of the National Guard Bureau”.

AMENDMENT NO. 1799

(Purpose: To require the Department of Defense to improve access to mental health care for family members of members of the National Guard and Reserve who are deployed overseas)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 557. IMPROVED ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to expand existing initiatives of the Department of Defense to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Programs and activities to educate family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Efforts to expand counseling activities for such family members in local communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and at such times thereafter as the Secretary of Defense considers appropriate, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

AMENDMENT NO. 1620

(Purpose: To amend the Small Business Act to create parity among certain small business contracting programs)

At the end of subtitle D of title VIII, add the following:

SEC. 838. SMALL BUSINESS CONTRACTING PROGRAMS PARITY.

Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking “shall” and inserting “may”.

AMENDMENT NO. 1688

(Purpose: To create parity among small business contracting programs, and for other purposes)

At the end of subtitle H of title X, add the following:

SEC. 1083. CONTRACTING IMPROVEMENTS.

(a) DEFINITIONS.—In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms “HUBZone small business concern”, “small business concern”, “small business concern owned and controlled by service-disabled veterans”, and “small business concern owned and controlled by women” have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CONTRACTING OPPORTUNITIES.—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking “shall” and inserting “may”.

(c) CONTRACTING GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting “and subcontract” after “not less than 3 percent of the total value of all prime contract”.

(d) MENTOR-PROTEGE PROGRAMS.—The Administrator may establish mentor-protége programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protége program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

AMENDMENT NO. 1765

(Purpose: To require a report on the re-engineing of E-8C Joint Surveillance and Target Attack Radar System (Joint STARS) aircraft)

At the end of subtitle C of title I, add the following:

SEC. 125. REPORT ON E-8C JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM RE-ENGINEING.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on replacing the engines of E-8C Joint Surveillance and Target Attack Radar System (Joint STARS) aircraft. The report shall include the following:

(1) An assessment of funding alternatives and options for accelerating funding for the fielding of Joint STARS aircraft with replaced engines.

(2) An analysis of the tradeoffs involved in the decision to replace the engines of Joint STARS aircraft or not to replace those engines, including the potential cost savings from replacing those engines and the operational impacts of not replacing those engines.

(3) An identification of the optimum path forward for replacing the engines of Joint STARS aircraft and modernizing the Joint STARS fleet.

(b) LIMITATION ON CERTAIN ACTIONS.—The Secretary of the Air Force may not take any action that would adversely impact the pace of the execution of the program to replace the engines of Joint STARS aircraft before submitting the report required by subsection (a).

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1759

Mr. CONRAD. Mr. President, I would like to speak today about an amend-

ment I have offered to the National Defense Authorization Act, No. 1759, to provide \$16.8 million in funding for the research and development of a program called “1760 in the Bay,” which will allow for our B-52 fleet to carry GPS-guided “smart weapons” internally in the bomb bay.

Currently, the B-52 can only carry these important weapons externally, on its wing pylons. Giving the B-52 this expanded capability would allow for an increase in the aircraft’s overall bombload capacity, or for an increase in its fuel efficiency and range by using an internal-only weapons load.

As early as 1993, the Air Force documented the requirement for internal carriage of precision-guided munitions in its B-52H Conventional Upgrade Operational Requirements Document. The Air Force reaffirmed its belief in the need for this requirement in 2005, and Congress continued to fund the program in 2006 and 2007. The program is on the Air Force’s fiscal year 2010 unfunded priorities list.

My amendment would provide \$16.8 million in R&D funding to complete required hardware and software development and testing for an electrical upgrade to “military standard 1760,” which provides a common electrical and digital interface between weapons and aircraft. The MIL-STD-1760 connector is used to transfer guidance information to weapons including the GBU-32 JDAM, the AGM-154, and the CBU-103, CBU-104, and CBU-105. This technology upgrade will also make it easier to add WCMD, JSOW, and JASSM weapons to the B-52 in the future.

This is exactly the kind of investment we need to be making in the B-52, an aircraft that is indispensable to maintaining an effective bomber force. It is unmatched in its range and payload ability. It is the most cost-effective and reliable component of our Nation’s bomber force. It is a plane that we are going to be using more than 30 years from now. It is truly the “best bomb truck for the buck.” Particularly in light of the decision by the President and Secretary Gates to delay procurement of the next-generation bomber, it is critical that we continue to outfit each B-52 with new technology like the “1760 in the Bay” program.

AMENDMENT NO. 1656

Mr. President, I want to take a moment to talk about an amendment I have offered to the National Defense Authorization Act, No. 1656, that would require a study and report on the recruitment and retention of members of the Air Force in nuclear career fields.

One of the key lessons learned from the nuclear incidents that occurred a couple of years ago is that we need to be able to keep our best and brightest in the nuclear force. Working with America’s nuclear arsenal is one of the most demanding jobs in the Air Force.

It takes special people with unique skills to maintain and safeguard our nation's most powerful weapons. That is why the Air Force has stated that one of its biggest priorities is reinvigorating the nuclear mission.

In recent months, I have heard from a number of senior Air Force leaders working in the nuclear mission that interest among airmen in the nuclear career field is very high, in part due to sustained leadership attention to the nuclear force. Right now, the best and the brightest are flocking to this career field. However, I remain concerned about the long-term outlook of this important area of work. I want to be sure that interest in the field will not wane if the Air Force's top priority shifts to other issues.

There is absolutely no doubt that leadership at every level of the Air Force understands that our nuclear weapons are one of our Nation's most critical assets. By deterring America's enemies, assuring our allies, and dissuading potential future adversaries, our nuclear personnel are at war every single day. This is the message of Air Force and Department of Defense leadership, and it is the message of the Senate and the Congress. But it is not enough for our airmen to simply hear that message. They must be given evidence to demonstrate that it is more than words.

Few needs are more critical than the ongoing effort to determine the best ways to make the systemic change necessary to ensure that every airman working on the nuclear mission believes each and every day that his job is critical to the strength and security of the United States. The standup of the Strategic Deterrence and Nuclear Integration Office on the Air Staff and the new Global Strike Command major command are important steps. But steps must also be taken to make sure that the message is understood at every level, even to the youngest cadet.

I believe it is necessary to examine what incentives could or should be built into the system in order to ensure that we continue to be able to recruit, retain, and develop highly trained and motivated nuclear personnel. That is why I have introduced this amendment to ask the Air Force to provide a report on the steps it has taken to improve recruiting and retention and to gauge the potential impact that new retention bonuses or assignment incentive pay could have on the attractiveness of serving in the nuclear mission, and, in turn, on the effectiveness of the force.

AMENDMENT NO. 1780

Mrs. SHAHEEN. Mr. President, I wish to speak about an amendment that I have filed to the National Defense Authorization Act of 2010. The amendment is an attempt to improve our Nation's support system for our National Guard and Reserve members

and their families. The amendment requires evaluating the Yellow Ribbon Reintegration Program, and identifying programs that will make the program truly comprehensive.

Today, our military and our country have come to rely heavily on the men and women of our National Guard and Reserves to protect our national security. More and more, these citizen-soldiers and their families have gone above and beyond the call of duty to serve our country's interests, engaging in multiple deployments in dangerous regions all over the world. Since 9/11, we have seen this increasing reliance on our Guard and Reserves in States throughout the country. New Hampshire is no exception. Thousands of Guardsmen and women have already deployed overseas into combat areas. And more than 1,100 members of the 197th Fires Brigade were recently notified that they will be deployed to the Middle East sometime in the next year. This will represent the single largest deployment in New Hampshire's history. Although our Guardsmen and Reservists show unwavering passion and courage no matter their assignment, these men and women and their families did not sign up for this high number of dangerous deployments. It is our responsibility to make sure service-members and their families receive the proper services before, during and after deployment so that they can return to their normal lives.

The Yellow Ribbon Reintegration Program provides important support services to Guard and Reserve members through informational events and activities throughout the predeployment and deployment phases, as well as after 30, 60, and 90 days upon their return. However, these programs—often held in an impersonal group setting—are not enough.

The National Guard in New Hampshire came to realize that, despite their best efforts, many of those who deployed continued to fall through the cracks upon their return. They realized that they needed a more intensive, more personal, professional, and persistent program which catered to individual family needs. The New Hampshire National Guard developed a pilot program to provide each National Guard and Reservist a professional "care coordinator" who is responsible for the kind of personal attention and support that is required to identify and support those who are struggling.

Though the names have been changed, the real-life stories of the New Hampshire Guard who have participated in the program are moving and demonstrate a clear need for creating a seamless, nationwide program.

In his twenties and a self-employed mechanic by trade, Sergeant Joe served in Iraq from 2006 to 2007. Prior to his deployment, he set up his girlfriend and her children in a rental

apartment and gave his savings to support her while he was in Iraq. When he returned to New Hampshire, he suffered from ongoing back pain and PTSD that went undiagnosed; he found that his girlfriend had squandered his savings and defaulted on the rent; and that his business partner had closed up shop. Distraught but not defeated, he rented a room and tried to reestablish his business. Despite his best efforts, he has faced a series of job losses, bills he could not pay, increasingly severe PTSD, and, ultimately, eviction. The New Hampshire National Guard Chaplain eventually found out about Joe's circumstances and connected him immediately with a care coordinator. His personal care coordinator helped Joe turn his life around: she used emergency funds to provide a modest income and secure temporary housing; she connected him with medical and mental health services through the VA; and paired him with the Easter Seals job placement services that helped Joe get a less physically demanding, full-time job with benefits. Because of this safety net, Joe recently bought a home and is continuing treatment for his PTSD.

Because of the New Hampshire National Guard's unique partnership with the New Hampshire Department of Health and Human Services, Easter Seals in New Hampshire and 22 other civilian and veteran service organizations, Guard members and Reservists like Sergeant Joe are able to reenter civilian life.

However, there is a clear need to provide counseling and support services predeployment as well. As shown in the story of Staff Sergeant Mary, a single mother of two who is slated for deployment later this year, predeployment services create a foundation for parents and families to adjust to deployment while minimizing disruptions to their lives.

Mary, upon learning of her deployment, feared that she could not leave her children with her ex-husband and that she would be unable to fulfill her duty with the New Hampshire National Guard despite her desire to serve alongside her colleagues. Hesitant to take help from a stranger, she initially resisted meeting with her care coordinator. The coordinator persisted, slowly built a close bond with Mary, and designed a plan to address Mary's concerns. The care coordinator connected Mary to legal representation to negotiate how the children will be cared for while she is in Iraq—a necessary step to create a positive environment for Mary to leave her children. The coordinator also went to the children's school, met with the teachers and administration personally, and provided them with a direct link for communication and concerns while Mary is deployed. She also arranged counseling for the children so that they will have

extra support while grappling with their mother's absence. Mary says that her care coordinator is a "beacon of light" who helps guide her through the challenges of being a single parent and deploying soldier. She finds comfort in knowing she has one person by her side throughout her deployment.

Unfortunately, the problems Adam and Mary faced are not unique. National Guard and Reservists nationwide face similar problems, and without programs like the New Hampshire National Guard pilot program they may fall between the cracks.

My amendment requires the Secretary of Defense to evaluate the nationwide Yellow Ribbon Reintegration Program and to closely examine how states have filled gaps in the program to better serve our National Guard and Reserve members and their families. Furthermore, the amendment seeks to identify the best programs so that they can be replicated nationwide.

As we call on the National Guard and Reserve to protect the Nation at home and abroad, I call on my colleagues in the Senate to protect these brave men and women and their families to the best of our ability. We need to make sure our policies and programs are worthy of the great sacrifice of our citizen-soldiers.

Mr. SANDERS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent the order for the quorum call be rescinded.

Mr. LEVIN. Objection.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1799, AS MODIFIED

Mr. LEVIN. First, Mr. President, I ask unanimous consent to modify a previously agreed to amendment, No. 1799.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 1799), as modified, is as follows:

AMENDMENT NO. 1799, AS MODIFIED

At the end of subtitle F of title V add the following:

SEC. 557. IMPROVED ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to expand existing initiatives of the Department of Defense to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Programs and activities to educate family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Efforts to expand counseling activities for such family members in local communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and at such times thereafter as the Secretary of Defense considers appropriate, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

INTERCONTINENTAL BALLISTIC MISSILE.

Mr. CONRAD. Mr. President, I rise to engage in a colloquy with my esteemed colleague Senator ENZI, the cochairman of the Senate ICBM Coalition, about an amendment the coalition has offered to express the sense of Congress on the strategic importance of the intercontinental ballistic missile.

I am happy to offer this amendment on behalf of the members of the Senate ICBM Coalition, including my cochairman Senator ENZI, as well as Senators HATCH, TESTER, BENNETT, BAUCUS, BARRASSO, and DORGAN.

This amendment, No. 1682, expresses the sense of the Congress that we must maintain the long-term vitality of the triad, that the land-based nuclear force is the most stabilizing portion of our nuclear arsenal, and that our robust ICBM force must be retained to ad-

vance our Nation's strategy of deterrence, assurance, and dissuasion.

I strongly believe that all three legs of the triad must be maintained in order to retain a highly reliable and credible nuclear force, and we particularly believe that our ICBM force takes on even greater importance as we draw down our nuclear force.

As GEN Larry Welch and others have argued, our land-based nuclear force is the most stabilizing portion of our nuclear arsenal, and it becomes even more so as total warhead numbers shrink. The readiness, broad dispersion, numbers, and low warhead loading of the ICBM force make a successful disarming attack nearly impossible. That deters attack from near-peer competitors and dissuades future adversaries from building their nuclear forces. It also eliminates the pressure to maintain a launch-on-warning posture.

While almost everyone agrees with us that the ICBM is an essential part of the triad, some believe that the size of the force can or should be reduced. I strongly oppose cutting the ICBM force below its current force structure of 3 wings of 150 missiles each. A reduction in the size of the force below 3 wings would make it increasingly difficult to recruit, retain, and develop highly trained and motivated people. That would have a tremendous impact on the effectiveness of the force.

Finally, in light of the serious fiscal challenges facing our Nation, it is worth noting that ICBMs are by far the most cost-effective leg of the nuclear triad, coming in at about one-fifth the annual operating cost of the submarine-launched leg. What is more, ICBM costs will be stable for many years to come, while an extremely expensive replacement program for the Ohio-class submarine is just about to begin.

I support President Obama's efforts to negotiate a new arms control treaty with Russia to replace the expiring Strategic Arms Reduction Treaty. However, we must be very careful that reductions to our nuclear forces are conducted in a way that avoids creating unnecessary risks. Our ICBM force dramatically decreases the risk of nuclear war by providing a stabilizing constant in our nuclear posture, and it ought to be maintained at its current levels as an essential part of our nation's nuclear force.

I thank my colleague Senator ENZI for his work as cochair of the ICBM Coalition.

Mr. ENZI. I would echo my colleague's remarks, and I share his concern about a reduction in the current ICBM force. The current force of 3 missile wings of 150 missiles is appropriate for our national needs.

America's dispersed and alert Minuteman III ICBM force is a critical element of the nuclear triad and represents our most responsive, stabilizing, and cost-effective strategic force.

The strategic nuclear forces that deterred Soviet aggression and kept the limited conflicts of the Cold War era from escalating continue to play a critical role in deterring aggression and dissuading new near-peer competitors. At its present size, our ICBM force represents a nearly insurmountable hedge against strategic surprise. That force, because of its broad dispersion and high survivability, is nearly impossible to preempt or disarm. Additionally, the current ICBM force offers a high level of crisis stability. This capability also helps to reduce the risk of regional arms races that could encourage friends and allies to develop their own nuclear capabilities.

As our Nation proceeds to analyze and make decisions on future strategic posture and U.S. nuclear policy, I believe that ICBMs will continue to be the most responsive and stabilizing element of the nuclear triad. Minuteman III is a robust, cost-effective, and highly capable system.

I also thank my colleague, Senator CONRAD, for his work on behalf of the coalition on this issue.

Mr. CONRAD. Mr. President, I thank my friend Senator ENZI and each member of the ICBM Coalition for their support for this amendment.

NATIONAL GUARD—STATE PARTNERSHIP
PROGRAM

Mr. VOINOVICH. Mr. President, I would like to thank the chairman and ranking member for their leadership and courtesy regarding my amendment to provide budget authority for the National Guard—State Partnership Program. I understand that this amendment as accepted would provide the program with budget authority for fiscal year 2010. I urge the committee to consult with the Department of Defense, our combatant commanders in the field, and our State adjutant generals regarding the efficacy of permanent authority for the program as the committee prepares next year's defense bill.

Mr. LEVIN. Mr. President, I appreciate the efforts of my friend from Ohio on this issue. I know that the committee will continue to consider the views of all stakeholders about this program. I encourage the Department of Defense to include a request for formal authority in its annual legislative proposal to the committee should they find permanent authority necessary.

Mr. AKAKA. Mr. President, I would like to thank Chairman LEVIN and Ranking Member MCCAIN for their leadership and my colleagues on the Senate Armed Services Committee for working in a bipartisan fashion to craft the National Defense Authorization

Act for Fiscal Year 2010. This bill provides our troops with the resources, training and equipment they need to fulfill their mission. It takes care of our troops and their families, including a 3.4-percent across-the-board pay raise. Additionally, it authorizes fiscal year 2010 end strengths to allow for the expansion of our Armed Forces and provide a greater time period between deployments, which will ease some of the burden placed on our troops and their families.

This bill includes important language to ensure that the Iraqi and Afghan governments take more responsibility for ensuring their own security and stability. It provides nearly \$7.5 billion to train and equip the Afghan National Army and National Police Force; extends for one year the authority for the Department of Defense—DOD—to support State Department programs for security and stabilization assistance; emphasizes the need to establish comprehensive measures of progress for the administration's strategy in Afghanistan and Pakistan and report regularly to Congress on progress in the region; and provides funding for the Commanders' Emergency Response program in Iraq and Afghanistan to enable Commanders to quickly fund humanitarian relief and reconstruction projects and authorizes funds to promote Afghan-led local development.

I am pleased that this bill provides our brave men and women in uniform the equipment, training and support they require. The bill fully funds readiness and depot maintenance programs to ensure that forces are trained and their equipment deployment ready. This bill provides \$6.7 billion for the Mine Resistant Ambush Protected Vehicle Fund to protect our troops in Iraq and Afghanistan. The bill also provides full funding for the Joint Improvised Explosive Device Defeat Organization. This is very timely as there have been reports of stepped up use of Improvised Explosive Devices—IED—in Afghanistan. In light of the recent missile tests conducted by North Korea, the authorization to convert six additional Aegis ships for missile defense capabilities and field additional Terminal High Altitude Air Defense—THAAD—and Standard Missile 3—SM-3—missile defense capabilities is very timely. As a long time proponent of corrosion control for DOD systems, I am happy to note that this bill provides for corrosion protection to keep equipment working effectively for a longer period of time. This is especially important in light of our current budget situation. If we can protect our systems from the detrimental effects of corrosion and make them last longer, it will save valuable resources.

As stewards of taxpayer dollars, we must ensure that there is thorough oversight of the Department of Defense's programs and activities. This

bill takes important steps to accomplish this including, enhancing the ability of the DOD IG to conduct audits by authorizing the IG to subpoena witnesses; requiring DOD to justify all sole-source contract awards in excess of \$20 million; and improving DOD financial management by requiring the Department to engage in business process reengineering before it approves a new business system modernization program.

One of my priorities as a member of the Senate Armed Services Committee and chairman of the Senate Veterans' Affairs Committee is to ensure our servicemembers and veterans receive the health care services they need, including treatment for invisible wounds of war such as post-traumatic stress disorder. I am pleased that this bill takes some important steps in caring for our troops. For example, it: Requires the Secretary of Defense to develop and implement a plan to increase the number of military and civilian behavioral health personnel and to consider the feasibility of additional officers and enlisted specialties as behavioral health counselors; authorizes the service secretaries to detail up to 25 officers each year as students to study for doctorate degrees in clinical psychology; requires person-to-person mental health assessments at designated intervals for servicemembers deployed in connection with contingency operations; requires an assessment of case management services for behavioral health care under TRICARE; authorizes travel and transportation allowances for up to three individuals to travel with seriously injured or wounded individuals during their inpatient stay; authorizes compensation to caregivers for the assistance they provide to servicemembers with combat-related catastrophic injuries or illnesses requiring assistance in daily living; and, requires the Department of Defense to initiate a process of reform and improvement of the TRICARE system. It extends eligibility for TRICARE Standard to gray area retirees.

I have also worked to improve the collaboration and cooperation between the Department of Defense and the Department of Veterans Affairs to help smooth the transition from military to civilian life. I applaud the inclusion of language in this bill that requires the Secretary of Defense to report on the exchange of medical data between the Department of Defense and the Department of Veterans Affairs, an issue I have worked on with Chairman LEVIN. In addition, the bill authorizes the Department of Defense and the Department of Veterans Affairs to jointly operate a Federal Health Care Center to showcase its ability to work in unison to serve current and former servicemembers.

This bill exemplifies what can be achieved when we put aside our party

differences and work together to support our military. Moreover, it demonstrates our commitment to provide our troops and their families with the support that they require and deserve.

Mr. LEAHY. Mr. President, Senator KIT BOND and I have worked for many years together as cochairmen of the Senate National Guard Caucus. With the assistance of Chairman LEVIN, we were able to enact landmark legislation in the fiscal year 2008 Defense authorization bill that among other actions elevated the chief of the National Guard from three-star general to full general. That so-called National Guard Empowerment Act was designed to ensure that the Guard has a seat at the table in major budget and policy decisions.

There were some important lessons learned as the Department of Defense moved forward with executing the important changes for the Guard implemented in the fiscal year 2008 Defense bill. One glaring omission in the reorganization of the Guard Bureau was the absence of a vice chief.

This evening, Senator BOND and I have again worked closely with Chairman LEVIN and the Armed Services Committee to address this situation. We have proposed and the Senate has adopted an amendment to create the position of vice chief at the National Guard Bureau. This position is critical to the National Guard Bureau and will further improve the day-to-day operations of the National Guard organizing, training and equipping over 460,000 soldiers, airman and civilian forces serving in the United States and overseas.

Since the elevation of the chief of the National Guard Bureau to a full general, the roles and responsibilities of the chief have greatly expanded. Much as there is a vice chairman of the Joint Chiefs of Staff, it became apparent that the National Guard chief needs a senior general officer serving as a vice chief to adequately assist the chief with the demands of that new elevated role.

In its new capacity as a joint activity, the National Guard bureau has a greater number of joint and inter-agency responsibilities assigned to it. The vice chief will provide essential support to the chief to execute these responsibilities.

I join with Senator BOND in thanking Chairman LEVIN, the Armed Services Committee and all of our Senate colleagues for adopting this amendment to create a vice chief at the National Guard Bureau. Over the past 10 years, our nation has called on our Guard forces at home and abroad like never before. The Senate is again recognizing the role the Guard serves in our national defense by passing this important amendment.

Ms. SNOWE. Mr. President, in 2005, the Base Realignment and Closure—the so-called BRAC—Commission released a final report recommending the clo-

sure of 33 military installations and the realignment of 29 other bases. While many of us in Congress and communities across the country fought against these closures, the report was approved in September 2005—an approval that resulted in dozens of cities and towns nationwide facing a new overwhelming, onerous burden in redeveloping these shuttered bases. According to the data contained in the 2005 base-closing round, nearly 33,000 civilian jobs will be lost in base closures and realignments, 6,500 of which are projected to occur at the Brunswick Naval Air Station, BNAS, in my home State of Maine.

These communities must be equipped with tools—not hamstrung by obstacles—to recover from such a dramatic event as a base closing. And so, I rise today to advocate that when this bill goes to conference, the conferees should retain language included in the House Armed Services Committee's, HASC, version of the National Defense Authorization Act for Fiscal Year 2010 which would encourage the use of no-cost economic development conveyances, EDCs, when disposing of excess military property, in order to assist these communities with the difficult process of base closures. This language was based on a provision I originally authored in the Defense Communities Assistance Act of 2009, which was co-sponsored by Senators PRYOR, COLLINS, COCHRAN, and CORNYN.

Undeniably, base closures have a devastating impact on local economies. In the wake of a closure, communities that have invested so much over the years to integrate servicemembers and their families invariably confront a sudden and sharp reduction in the number of townspeople. The children who have gone to their schools leave, threatening to lower the amount of funding their districts are eligible for and, in some cases, leading to layoffs of teachers who would no longer be required. Friends who have attended the same church, banked at the same financial institutions, and shopped at the same grocery store are gone. Tax revenues decrease and community programs suffer. The consequences of these changes are dramatic enough in even the best of economic times.

No-cost EDCs mitigate this harm by providing land in the hands of communities faster—and by transferring property at no cost to the community. By accelerating the transfer process, the Department of Defense—DOD—will be turning property over to communities faster, allowing them to redevelop and create jobs more quickly. This approach benefits everyone involved. The DOD saves both time and money that would otherwise be spent maintaining these facilities during protracted negotiations; communities receive the property at no cost to them and can begin the critical work of economic develop-

ment and job creation in less time; the taxpayers spend less because the land does not remain in Federal ownership for a period of years—even a decade; and economic redevelopment helps diminish the number of unemployed.

Indeed, in 1999, with the help of the Clinton administration, we added no-cost EDCs to the DOD's property disposal toolbox. A January 2005 Government Accountability Office, GAO, report indicated that the change in policy to no-cost EDCs had yielded successful gains. The report stated that, according to Department of Defense and community officials, the use of economic development conveyances "... had gained in popularity with the adoption of the no-cost provision, which, in addition to saving money for the new user, virtually eliminated the delays resulting from prolonged negotiations over the fair market value of the property and accelerated economic development and job creation." In other words, the change in policy garnered the desired effect. In fact, the rate of property transfer increased nearly 200 percent during the years following the no-cost provision.

Yet regrettably, in 2001, some in this body added a requirement to the Defense Base Closure and Realignment Act that stipulated that the Department of Defense, when using an EDC, should seek "fair market value" in return for the land being transferred. In the past four base-closure rounds, we have had 97 major base closures, along with 235 smaller closures and 55 major realignments, and we never asked for fair market value. Why we took steps backward to this requirement of "fair market value" when we succeeded in clearing the logjam makes no sense to me.

It is unfair to now begin placing such a high premium on fair market value for EDCs after four rounds that have spurred significant savings to the Department of Defense. Recognizing this problem, I introduced an amendment in 2005 to the Defense authorization bill that was far more stringent than the current House language. It would have essentially required all excess real and personal property to be transferred to communities at no-cost, with exceptions for national security reasons. That amendment received 36 votes then—even in its rather rigid form. In fact, then-Senator Obama voted for my amendment—an amendment that would have gone much farther in its scope than the language in the HASC bill.

Earlier this year, to once again stand up for these base communities, I introduced the Defense Communities Assistance Act of 2009. As I mentioned before, this vital legislation includes a provision to strike existing language stating that the DOD shall seek fair market value when disposing excess military property, and encourage the transfer of

closed military installations to communities quickly by placing the no-cost economic development conveyance on a level playing field with other methods of disposal. I am pleased a modified version of my provision was included in the House Armed Services Committee's bill. The Senate Armed Services Committee, SASC, meanwhile, has included language in its version of the DOD authorization bill reiterating the Department's ability to use a range of property transfer options, including the no-cost EDC. Regrettably, the Sense of the Senate language, even as improved by the amendment Senator PRYOR and I have introduced, does not go far enough. That is why, moving forward, I urge my colleagues to support the House provision in conference.

Redeveloping base properties today and in the near future, our defense communities must address an economic landscape that is unlike any other we have witnessed in decades. The unemployment rate stands at 9.5 percent—the highest level in nearly 26 years. The economy shed 467,000 jobs in June alone. More than 14.7 million Americans are presently without jobs, and 6.5 million payroll jobs have been lost since the beginning of this recession in December 2007. We are in the worst economy since the Great Depression, one that contracted 5.5 percent in the first quarter of 2009.

As such, there is much concern—particularly among those communities enduring impending base closures—that without increased use of no-cost EDCs, communities will not be able to quickly bring back the jobs that will be lost and acres upon acres of property will sit fallow, more a hazard to the community than a benefit. They fear that time-consuming, costly delays will hamper their effective and meaningful redevelopment efforts as the DOD attempts to play realtor. As former DOD Deputy Under Secretary for Installations, Randall Yim, summarized in 1999, "The No-Cost EDC authority provides an opportunity for a collaborative relationship by assisting communities with creating new jobs on the former installation and relieving the Department of needless caretaker expenses." And that is what the crux of the matter is—working with communities affected by the closure of a military installation to mitigate devastating economic consequences, and doing so in a timely manner that curbs the waste of taxpayer dollars.

I also would like to add that the House Armed Services Committee's provision would not eliminate the Department's ability to use other methods of disposal presently available in the toolbox—such as public auctions, public benefit conveyances, disposal for use by the homeless, negotiated sales, transfers to other Federal agencies, and leases of land. Instead, it would

put the no-cost EDC on a level playing field with these other essential disposal mechanisms, so that communities may begin the urgent process of creating good, high-paying jobs while simultaneously saving the Defense Department from needless costs and waste of taxpayer dollars.

The No. 1 complaint I have heard over and over again from communities with BRAC-closed bases is the time-consuming, lengthy, and inefficient process with regard to property transfer. The House provision would take a giant step toward reversing these trends and help get communities back on their feet faster, particularly during the economic conditions our Nation presently faces. I hope we would respect the interests of the community that is directly affected. After all, they are the ones who are disproportionately bearing the costs of the base closure.

In closing, I want to again cite Secretary Yim, who, in reference to the job losses facing communities with base closures, eloquently wrote that, "... these jobs were an economic engine ... of enormous power for these communities, and these communities contributed in many ways to our mission, from building roads, schools, utility systems, to making educational and business and consumer and recreational opportunities readily available for our military. Some communities even went so far as to give us the property for free. We have an obligation to help mitigate the impacts caused by our base closure decisions." He continued by saying that, "We view it as an investment, not a give-away, and a continuation of the tradition of taking care of our people before, during, and after our time of need." And, frankly, isn't that how we should view our defense communities that have time and again sacrificed so much for the good of the Nation? I certainly believe it is.

Mr. NELSON of Florida. Mr. President, I wish to speak in support of the Levin-McCain amendment, Senate amendment No. 1469, to the 2010 National Defense Authorization Act. Ending production of the F-22 and support for the Levin-McCain amendment reflects the best judgment of the President, Secretary of Defense Gates, Chairman of the Joint Chiefs of Staff Mullen, the unanimous Joint Staff including the Chief of Staff of the Air Force Schwartz and Secretary of Air Force Donley. These individuals have carefully considered and weighed the current and likely threats to the nation. They have considered the Nation's national security priorities, policies, and budget, including the defense budget, and have reached the unanimous conclusion to end production at 187 aircraft.

On July 16, Secretary Gates said in Chicago that "the grim reality is that

with regard to the defense budget, we have entered a zero-sum game. Every defense dollar devoted to—diverted to fund excess or unneeded capacity, whether for more F-22s or anything else, is a dollar that will be unavailable to take care of our people, to win the wars we are in, to deter potential adversaries, and to improve capabilities in areas where America is underinvested and potentially vulnerable. That is a risk I cannot accept and one that I will not take."

I agree with Secretary Gates; therefore, I voted to strike the \$1.75 billion to fund just seven more F-22 aircraft—not even a full squadron.

Not only do I support the administration's budget request in this regard, but I also support the excellent work of the Armed Services Committee. Under the leadership of Chairman LEVIN and Senator MCCAIN, the committee funded the urgent research and development priorities of the Air Force's Joint Strike Fighter Program; the high but unfunded priorities of the Navy; and the all-important operations and maintenance needs of the Army. As Secretary Gates said, "we have entered a zero-sum game" and every defense dollar counts.

If the \$1.75 billion F-22 funding stayed in the bill it would cut \$850 million from operations and maintenance—O&M—accounts—this is money that would be used to perform depot maintenance on our Navy aircraft and ships at Navy and industry locations around the country including facilities located in Jacksonville, FL. The Chief of Naval Operations identified these funding priorities in the fiscal year 2010 unfunded programs list, UPL. Mr. President, I will ask to have printed in the RECORD the Chief of Naval Operations and the Navy's UPL. If we authorize and fund continued procurement of F-22, then these critical shortages will not be addressed.

Other accounts reduced to pay for the \$1.75 billion unwanted F-22 procurement include funding for aircraft maintenance for the Air Force and mission support and training activities for Special Operations Command. Furthermore, \$400 million would be cut from military personnel accounts. Reductions in military personnel funding will affect unit readiness by hindering the Services' ability to meet manning goals for end strength and operational units prior to deployment.

It has indeed become a zero-sum game; thus, I support the effort of Chairman LEVIN and Senator MCCAIN to restore funding for these vital accounts for readiness, support, and personnel. I support the military and professional judgments of the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Joint Staff to end the F-22 program at 187 aircraft.

Mr. President, I ask unanimous consent to have printed in the RECORD the

Chief of Naval Operations and the Navy's UPL to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
CHIEF OF NAVAL OPERATIONS,
Washington, DC, May 19, 2009.

Hon. JOHN M. MCHUGH,
Ranking Member, Committee on Armed Services,
House of Representatives, Washington, DC.

DEAR MR. MCHUGH: Thank you for your letter of April 21, 2009, concerning the Navy's Fiscal Year 2010 Unfunded Programs. Our unfunded list includes both aviation and ship depot maintenance actions totaling \$395M. A brief summary of details are provided on the enclosed list. Nothing in these Unfunded Requirements is of a higher priority than anything contained in Navy's Fiscal Year 2010 Budget Submissions.

Thank you for your Committee's interest in addressing the Navy's needs. If I may be of further assistance, please let me know.

Sincerely,

G. ROUGHEAD,
Admiral, U.S. Navy.

Enclosure: 1. Fiscal Year 2010 Unfunded Programs List.

FY 10 UNFUNDED PROGRAMS LIST

Title (program/issue)	FY10	Justification
Aviation Depot Maintenance	\$195M	Program funded 87% of goal. Accepted risk to goal in order to balance across portfolio. Funds 86 deferred airframes/314 deferred engines.
Ship Depot Maintenance	200M	Program funded 96% of goal. Accepted risk to goal in order to balance across portfolio. Funds 20 surface ship availabilities.
Total Unfunded Programs List:	395M	

Ms. COLLINS. Mr. President, I rise today in strong support of the Fiscal Year 2010 National Defense Authorization Act. Let me begin by thanking the committee's distinguished chairman, Senator LEVIN, and ranking member, Senator MCCAIN, for their leadership in crafting this bill and for their strong commitment to our Nation's Armed Forces.

This legislation will provide essential training, equipment, and support to our troops as they engage in combat overseas and in exercises at home. The legislation will provide critical force protection to our men and women in uniform; help restore our military's readiness; and continue the development of technologies to counter existing and emerging threats. This is a critical time in our nation's history and the committee has, once again, demonstrated its strong support of our soldiers, airmen, sailors, and marines and their families.

It also offers an important opportunity for continued debate as to our Nation's strategy in Afghanistan. The legislation we are now debating contains an amendment that Senator BEN NELSON and I offered during committee markup to express the sense of Congress that the administration should review any previously established measures of progress and establish fur-

ther measures of progress for both Afghanistan and Pakistan.

Our proposal was approved unanimously by the Senate Armed Services Committee. It represents a significant bipartisan call for the administration to establish clearly defined policy objectives for Afghanistan as our nation sends more troops and billions of additional dollars to the region.

Time and again, I have expressed serious reservations about sending more troops to Afghanistan without clear, specific benchmarks. The President needs to provide clear, measurable goals for Afghanistan and the region. I have raised my concerns with top Pentagon officials, including Commander of U.S. Central Command General David Petraeus and Commander of U.S. Forces in Afghanistan General Stanley McChrystal about the risks in sending additional troops to Afghanistan. I have no doubts at all about the courage and skill of our men and women in uniform. They are simply the best in the world. I have considerable doubts about whether the President's strategy can succeed.

The legislation before us also includes a strong commitment to strengthening Navy shipbuilding. A robust Navy budget is of critical importance. Our nation needs a strong and modern naval fleet in order to counter existing and emerging threats.

For several years, military leaders have documented a minimum national requirement for 313 ships to support our Navy and Marine Corps. Unfortunately, however, the Navy's fleet has declined to 283 ships. I am deeply concerned by the decreasing size of the Navy fleet and have worked to increase the funding allocated to shipbuilding. This legislation is an important step toward reversing that troubling decline.

As the threats from around the world continue to grow, it is vitally important that the Navy have the best fleet available to counter those threats, keep the sealanes open, and to defend our Nation. Bath Iron Works and the shipyards of this country are ready to build whatever ships the Navy needs. It is vitally important that there not be a gap in shipbuilding that jeopardizes our industrial base. That is what this legislation works to accomplish.

The instability and inadequacy of previous naval shipbuilding budgets have had a troubling impact on our shipbuilding industrial base and have contributed to significant cost growth in the Navy's shipbuilding programs. The 313-ship plan, combined with more robust funding by Congress, will begin to reverse the decline in Navy shipbuilding.

This bill authorizes \$1 billion in funding for construction of the third DDG-1000 and honors the agreement the Navy negotiated to build all three ships at Bath Iron Works, BIW. The

Pentagon's preference to have BIW build all three of the DDG-1000s demonstrates confidence in BIW, should ensure stable work for the shipyard, and should also help to stabilize production costs for the Navy.

That same confidence was also demonstrated this May when Defense Secretary Robert Gates toured BIW, the first official tour of our shipyard by a Defense Secretary since the 1950s. Secretary Gates said that what impressed him most during his tour was BIW's ability to innovate and the pride and professionalism of its workforce. Maine has a long and proud history of innovation and creativity, and BIW represents Maine ingenuity at its best. Secretary Gates's statement that the men and women of BIW will have consistent work for years into the future was a very welcome acknowledgement of the yard's accomplishments.

In addition, this legislation authorizes \$2.2 billion for continued DDG-51 procurement and nearly \$150 million for the DDG-51 modernization program.

Our bill also includes a provision that repeals a requirement enacted in the National Defense Authorization Act for Fiscal Year 2008 that would require all future surface combatants to have nuclear propulsion systems. The provision allows the Navy to conduct analyses of requirements capabilities for new ship classes without biasing the analyses in favor of one propulsion option or another. Continuing this requirement would dramatically increase the costs of large surface combatants, reduce the overall number of ships that could be built at a time when the Navy is seeking to revitalize and modernize its fleet, and would undermine the Chief of Naval Operations' 313-ship plan.

Our Senate bill also includes funding for additional littoral combat ships. While this program has suffered a number of setbacks, the Navy, with the help of Congress, has taken significant steps in order to better oversee this program. These ships are important for the Navy in order to counter new, asymmetric threats, and the Navy needs to get these ships to the fleet soon.

The Senate's fiscal 2010 Defense authorization bill also includes funding for other defense-related projects that benefit Maine and our national security.

The bill authorizes \$28 million for a new aircraft hangar at the Bangor Air National Guard base in Bangor, ME. This new hangar is essential for the Maine Air National Guard and will replace the 55-year-old building the guard now uses. With the construction of a new hangar, the Maine Air Guard will be able to better maintain its aircraft.

The bill also authorizes \$7.1 million for Portsmouth Naval Shipyard to be used for security improvements at

Gate No. 2. The money will be used to install new antiterrorism and protection measures at the guard house that will improve security.

Funding also is provided for machine guns and grenade launchers, both of which are manufactured by the highly skilled workers at Saco Defense in Saco, ME.

In addition, the legislation authorizes \$10.5 million for the University of Maine. This funding would support continued research and development of light weight modular ballistic tent insert panels designed by the University of Maine's Army Center of Excellence in Orono. These panels provide crucial protection to servicemembers in temporary dining and housing facilities in mobile forward operating bases in Iraq and Afghanistan.

The funding would also support continued research and development of high temperature sensors for health monitoring of aerospace components. These sensors are capable of sensing physical properties such as temperature, pressure, corrosion and vibration in critical aerospace components.

And, the bill would also support continued research and development of cellulose nanocomposites panels for enhanced blast and ballistic protection as well as provide for woody biomass conversion to JP-8 Fuel.

Finally, I am pleased that this bipartisan Defense bill also authorizes a 3.4-percent across-the-board pay increase for servicemembers, half a percent above the President's budget request.

This bill provides the vital resources to our troops and our nation and recognizes the enormous contributions made by the State of Maine to our national security. The bill provides the necessary funding for our troops, and I offer it my full support.

Mr. LEVIN. Mr. President, I ask unanimous consent that no further amendments be in order other than the pending amendments; that upon disposition of the pending amendments and managers' amendments as noted below, the bill be read a third time, and the Senate then proceed to vote on passage of S. 1390, as amended; further, that upon passage of S. 1390, it be in order, en bloc, for the Senate to consider the following Calendar items: 90, 91, and 92; that all after the enacting clause of each bill be stricken and the following divisions of S. 1390, as passed by the Senate, be inserted as follows: Division A, S. 1391; Division B, S. 1392; Division C, S. 1393; that these bill be read a third time, passed, and the motions to reconsider be laid upon the table, en bloc; further, that the consideration of these items appear separately in the RECORD; further, that the Senate then proceed to the consideration of Calendar No. 96, H.R. 2647, the House companion; that all after the enacting clause be stricken and the text of S. 1390, as amended, and passed by

the Senate be inserted in lieu thereof, the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that upon passage of H.R. 2647, as amended, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the Armed Services Committee appointed as conferees; that notwithstanding passage of S. 1390, it still be in order for managers' amendments to be considered and agreed to if they have been agreed upon by the managers and the leaders; and that no points of order be considered waived by virtue of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. REID. Mr. President, we will be in session tomorrow. We have some work to do. There will be no votes tomorrow. We received permission from everyone to move to the Energy and Water appropriations bill. We will do that sometime late Monday afternoon. We have to make sure the managers are available.

We have accomplished a great deal with this massive bill that is now before this body. We had a few rocky roads to begin with—hate crimes and gun legislation—but we were able to arrive at this point with the skill of the two managers, frankly. I appreciate very much Senator LEVIN and Senator MCCAIN for their brilliant work on this bill. We have 2 weeks after we come back. We have two appropriations bill to do. We have the Supreme Court nomination. We have to make sure we take action so the highway fund doesn't go dry. We have some FHA stuff that is important. We have some unemployment stuff. It appears at this time the House is going to send us a single package for that. We have travel promotion. All of these things I have spoken about in some detail with the Republican leader. Now that we have a pathway forward, I think we can have a very productive work period.

The Finance Committee is still working on a markup as it relates to health care, but that is a different issue, and I don't think we need to involve that tonight.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1657, AS FURTHER MODIFIED

Mr. LEVIN. Mr. President, I ask unanimous consent that amendment No. 1657, Senator SESSIONS amendment, be further modified and that we agree to it by voice vote.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment (No. 1657), as further modified, is as follows:

At the appropriate place, insert the following:

SEC. ____ NO MIRANDA WARNINGS FOR AL QAEDA TERRORISTS.

(a) DEFINITIONS.—In this section—

(1) the term "foreign national" means an individual who is not a citizen or national of the United States; and

(2) the term "enemy combatant" includes a privileged belligerent and an unprivileged enemy belligerent, as those terms are defined in section 948a of title 10, United States Code, as amended by section 1031 of this Act.

(b) NO MIRANDA WARNINGS.—Absent an unappealable court order requiring the reading of such statements, no military or intelligence agency or department of the United States shall read to a foreign national who is captured or detained as an enemy combatant by the United States the statement required by *Miranda v. Arizona*, 384 U.S. 436 (1966), or otherwise inform such a prisoner of any rights that the prisoner may or may not have to counsel or to remain silent consistent with *Miranda v. Arizona*, 384 U.S. 436 (1966). No Federal statute, regulation, or treaty shall be construed to require that a foreign national who is captured or detained as an enemy combatant by the United States be informed of any rights to counsel or to remain silent consistent with *Miranda v. Arizona*, 384 U.S. 436 (1966) that the prisoner may or may not have, except as required by the United States Constitution. No statement that is made by a foreign national who is captured or detained as an enemy combatant by the United States may be excluded from any proceeding on the basis that the prisoner was not informed of a right to counsel or to remain silent that the prisoner may or may not have, unless required by the United States Constitution.

(c) This section shall not apply to the Department of Justice.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1657, as further modified.

Without objection, the amendment, as further modified, is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 7, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—87

Akaka	Franken	McConnell
Alexander	Gillibrand	Menendez
Baucus	Graham	Merkley
Bayh	Grassley	Murkowski
Begich	Gregg	Murray
Bennet	Hagan	Nelson (NE)
Bingaman	Harkin	Nelson (FL)
Bond	Hatch	Pryor
Boxer	Hutchison	Reed
Brown	Inhofe	Reid
Brownback	Inouye	Risch
Bunning	Isakson	Roberts
Burr	Johanns	Schumer
Burr	Johnson	Sessions
Cantwell	Kaufman	Shaheen
Cardin	Kerry	Shelby
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Cochran	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Udall (CO)
Corker	Levin	Udall (NM)
Cornyn	Lieberman	Voinovich
Crapo	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	Martinez	Whitehouse
Durbin	McCain	Wicker
Ensign	McCaskill	Wyden

NAYS—7

Barrasso	Enzi	Vitter
Coburn	Feingold	
DeMint	Sanders	

NOT VOTING—6

Bennett	Feinstein	Mikulski
Byrd	Kennedy	Rockefeller

The bill (S. 1390), as amended, was passed.

Mr. LEVIN. Mr. President, I move to reconsider that vote.

Mr. MCCAIN. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. Under the previous order, S. 1390, as amended, is inserted in lieu of the language of H.R. 2647.

Without objection, the bill is considered read the third time and the bill is passed, as amended.

The bill (H.R. 2647), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The bill (S. 1391) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2010

The bill (S. 1392) to authorize appropriations for fiscal year 2010 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2010

The bill (S. 1393) to authorize appropriations for fiscal year 2010 for defense activities of the Department of Energy, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Chair appointed Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED of Rhode Island, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. BAYH, Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL of Colorado, Mrs. HAGAN, Mr. BEGICH, Mr. BURRIS, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. GRAHAM, Mr. THUNE, Mr. MARTINEZ, Mr. WICKER, Mr. BURR, Mr. VITTER, and Ms. COLLINS conferees on the part of the Senate.

Mr. LEVIN. I wonder now if the Senator from New York might be recognized for a brief colloquy with me which will last no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise today to speak about an amendment which I had offered which was not included in the managers' package. It has passed in the House. It is about the issue of autism.

We have a significant issue with regard to autism in the military. The autism spectrum disorder affects 1 in every 150 American children, 1 in every 90 boys, more than pediatric cancer, diabetes, and AIDS combined. A new case of autism is diagnosed every 20 minutes, making it the fastest growing serious developmental condition in the United States. And if this continues, autism could reach 4 million Americans in the next 10 years.

In the military, autism is even more prevalent. There are currently over 13,000 children of Active-Duty servicemembers with autism. Representing about 1 percent of the Nation's total population, military families understand all too well the financial impact and the emotional burden of this disorder. Despite this, the Department of Defense has been unable to adequately provide autism therapy services to their families.

Currently, autism treatment is subject to a monthly cap under the health

insurance system, TRICARE. It also has a very burdensome application process, which can delay critical care for our military families. My amendment is designed to change this, to make sure this cap no longer applies so that these military families have access to the care their children need.

One example. One family's son, Taylor, has autism, and he is 7 years old. They are dependent on the TRICARE autism treatment because his IQ is at 73, and the cutoff for the New York State program is 70. So they budget about \$500 extra out of pocket per month to pay for Taylor's therapy. But it is far less than Taylor actually needs to achieve his potential.

So what we are hoping to do is ultimately make sure that children who have autism, whose mothers or fathers are serving in the military will have access to the number of hours of treatment doctors recommend. We hope that through these efforts, down the line we can begin to provide these resources for the men and women who put their lives on the line every day for our country.

Mr. LEVIN. Mr. President, let me commend the Senator from New York for identifying a very significant problem. She has always shown great sensitivity to the men and women in the Armed Forces.

There is a provision in the House bill—we are not sure exactly what it is—that relates to this issue and the need to provide for autistic kids. We will take a look at that in conference and see if there is anything we can do to move in the direction which the Senator from New York has so properly identified.

The proud tradition that our committee has maintained every year since 1961 continues with the Senate's passage of this 48th consecutive national defense authorization bill. We are motivated to pass this bill, as we are every year. In fact, we are inspired to pass this bill for the men and women of our Armed Forces and their families. They give it everything they have 24/7. They never give up and they never give in. We always have to work long and hard to pass this bill, but it is worth every bit of effort we put into it. I thank our leadership on both sides of the aisle and all Senators for their role in keeping the tradition going.

Our committee's bipartisanship also makes this moment possible. I am proud to serve with Senator MCCAIN. I am grateful for his partnership and his friendship. To all of the committee members—we have one of our committee members presiding at the moment—your work on a bipartisan basis the entire year is most appreciated.

I want to thank not only our subcommittee chairs and ranking members but give special thanks to the six new members who joined our committee this year. We work together in

committee. We did not allow our differences on this bill to divide us; we reported the bill unanimously. And to Charlie Armstrong in the Office of Senate Legislative Counsel, after drafting hundreds of amendments to this bill again this year, many, many special thanks to you.

Our committee staff members, if they are still here—many of them are—many of them are still in Russell working tonight—you deserve much more than heartfelt thanks, but that is all we can offer to you right now. They were led by Rick DeBoges, our committee staff director, and Joe Bowab, our Republican staff director. Our staff unselfishly sacrifices and works incredibly hard on this bill.

So please go home now, staff, enjoy a couple of hours—no more than 3, please—of sleep and enjoy a nonmicrowave meal for a change. We know you will be back at 6 o'clock in the morning fully rested and ready to tackle the conference with your talents, ability, and teamwork. We could not be where we are now without you.

They deserve our recognition as a tribute to their professionalism. And as a further expression of our gratitude, I ask that all of their names appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE ARMED SERVICES COMMITTEE STAFF

Adam J. Barker, Professional Staff Member; June M. Borawski, Printing and Documents Clerk; Joseph W. Bowab, Republican Staff Director; Leah C. Brewer, Nominations and Hearings Clerk; Joseph M. Bryan, Professional Staff Member; Pablo E. Carrillo, Minority Investigative Counsel; Jonathan D. Clark, Counsel; Ilona R. Cohen, Counsel; Christine E. Cowart, Chief Clerk; Madelyn R. Creedon, Counsel; Kevin A. Cronin, Staff Assistant; Richard D. DeBoges, Staff Director; Gabriella Eisen, Counsel; Richard W. Fieldhouse, Professional Staff Member; Richard H. Fontaine, Jr., Deputy Minority Staff Director; Creighton Greene, Professional Staff Member; Mary C. Holloway, Staff Assistant; and Gary J. Howard, Systems Administrator.

Paul J. Hubbard, Staff Assistant; Paul C. Hutton IV, Professional Staff Member; Mark R. Jacobson, Professional Staff Member; Jessica L. Kingston, Research Assistant; Jennifer R. Knowles, Staff Assistant; Michael V. Kostiw, Professional Staff Member; Michael J. Kuiken, Professional Staff Member; Mary J. Kyle, Legislative Clerk; Christine G. Lang, Staff Assistant; Terence K. Laughlin, Professional Staff Member; Gerald J. Leeling, Counsel; Daniel A. Lerner, Professional Staff Member; Peter K. Levine, General Counsel; Gregory R. Lilly, Executive Assistant for the Minority; Thomas K. McConnell, Professional Staff Member; William G. P. Monahan, Counsel; David M. Morriss, Minority Counsel; and Lucian L. Niemeyer, Professional Staff Member.

Michael J. Noblet, Professional Staff Member; Christopher J. Paul, Professional Staff Member; Cindy Pearson, Assistant Chief Clerk and Security Manager; Roy F. Phillips, Professional Staff Member; John H. Quirk V, Professional Staff Member; Brian F. Sebold, Staff Assistant; Arun A. Seraphin, Profes-

sional Staff Member; Russell L. Shaffer, Counsel; Travis E. Smith, Special Assistant; Jennifer L. Stoker, Security Clerk; William K. Sutey, Professional Staff Member; Diana G. Tabler, Professional Staff Member; Mary Louise Wagner, Professional Staff Member; Richard F. Walsh, Minority Counsel; Breon N. Wells, Staff Assistant; and Dana W. White, Professional Staff Member.

Mr. LEVIN. I again offer my special thanks to my very dear friend, the Senator from Arizona, Mr. MCCAIN, who has amazing energy and passion for this subject. He is an inspiration to all of us that he serves as he does on this Armed Services Committee.

Mr. MCCAIN. Mr. President, I would like to thank Senator LEVIN and the staff as well on both sides of the aisle and thank Senator LEVIN for his patience, for his perseverance, his knowledge, and his commitment to the security of this Nation and the men and women who serve it. I am honored to have the opportunity to serve with him. I share his praise for our staffs. In addition, I also thank our floor staffs who make our machinery run when it comes to a grinding halt from time to time. I am grateful for their help, their assistance, and the hard work they have given us as well.

I think we have a managers' package, and we will be done for this year. Again, my sincere appreciation to the chairman whom I had the great honor and privilege now of serving with for nearly a quarter of a century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Arizona for thanking our floor staff. I overlooked that. Even though we look at them hour after hour after hour, somehow or other we manage to overlook that, their great service when it comes to thanking everybody who is involved. We do thank the floor staffs for their phenomenal work.

Mr. MCCAIN. Particularly Lula.

Mr. LEVIN. Particularly Lula.

AMENDMENTS NOS. 1572; 1802; 1801; 1606, AS MODIFIED; 1808; 1705; 1797, AS MODIFIED; 1732; 1753; 1758; 1751; 1661; 1653; 1811; 1516, AS MODIFIED; 1812; 1658; 1796, AS MODIFIED; 1533, AS MODIFIED, EN BLOC

Mr. LEVIN. Mr. President, we have 18 amendments at the desk, and I understand these have been approved now by both Senator MCCAIN and I and the two leaders. They have all approved these 18 amendments. Under the previous unanimous consent agreement, these amendments now are part of the managers' package and, with the approval of the four I have identified, I understand that these are now part of the bill. Is my understanding correct?

The PRESIDING OFFICER. The Senator is correct.

The amendments were agreed to, as follows:

AMENDMENT NO. 1572

(Purpose: To provide for the treatment of service as a member of the Alaska Territorial Guard during World War II as active service for purposes of retired pay for members of the Armed Forces)

At the end of subtitle D of title VI, add the following:

SEC. 652. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS MEMBER OF ALASKA TERRITORIAL GUARD DURING WORLD WAR II.

(a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term "World War II" has the meaning given that term in section 101(8) of title 38, United States Code.

AMENDMENT NO. 1802

(Purpose: To extend the monthly special pay benefit for members of the reserve components of the Armed Forces to include time spent performing pre-deployment and re-integration duty)

Beginning on page 184, line 20, strike "serves on active duty" and all that follows through "serves on active duty" on page 185, line 6, and insert the following: "serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, or has the member's eligibility for retirement from the Armed Forces suspended, as described in that subsection.

(b) COVERED MEMBERS.—A member of the Armed Forces described in this subsection is any member of the Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) who, at any time during the period beginning on October 1, 2009, and ending on June 30, 2011, serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces,

AMENDMENT NO. 1801

(Purpose: To require the Secretary of the Navy to solicit competing bids for the procurement of steam turbines for the ships service turbine generators and main propulsion turbines for the Ohio-class submarine replacement program)

At the end of subtitle B of title I, add the following:

SEC. 115. COMPETITIVE BIDDING FOR PROCUREMENT OF STEAM TURBINES FOR SHIPS SERVICE TURBINE GENERATORS AND MAIN PROPULSION TURBINES FOR OHIO-CLASS SUBMARINE REPLACEMENT PROGRAM.

The Secretary of the Navy shall take measures to ensure competition, or the option of competition, for steam turbines for the ships service turbine generators and main propulsion turbines for the Ohio-class submarine replacement program in accordance with section 202 of the Weapons Systems Acquisition Reform Act of 2009 (Public Law 111–23; 10 U.S.C. 2430 note).

AMENDMENT 1606, AS MODIFIED

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. SENSE OF THE SENATE ON PRODUCTION OF MOLYBDENUM-99.

(a) FINDINGS.—The Senate makes the following findings:

(1) There are fewer than five reactors around the world currently capable of producing molybdenum-99 (Mo-99) and there are no such reactors in the United States that can provide a reliable supply of Mo-99 to meet medical needs.

(2) Since November 2007, there have been major disruptions in the global availability of Mo-99, including at facilities in Canada and the Netherlands, which have led to shortages of Mo-99-based medical products in the United States and around the world.

(3) Ensuring a reliable, supply of medical radioisotopes, including Mo-99, is of great importance to the public health.

(4) It is also a national security priority of the United States, and specifically of the Department of Energy, to encourage the production of low-enriched uranium-based radioisotopes in order to promote a more peaceful international nuclear order.

(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo-99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support the development of Mo-99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests worldwide.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) radioisotopes and radiopharmaceuticals, including Mo-99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people each year; and

(2) the Secretary of Energy should continue and expand a program to meet the need identified by the National Academy of Sciences to ensure a source of Mo-99 and its derivatives for use in medical tests to help ensure the health security of the United States and around the world and promote peaceful nuclear industries through the use of low-enriched uranium.

AMENDMENT NO. 1808

(Purpose: To provide to members of the Armed Forces and their families comprehensive information on benefits for members of the Armed Forces and their families)

At the end of subtitle G of title V, add the following:

SEC. 573. PROVISION TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES OF COMPREHENSIVE INFORMATION ON BENEFITS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) PROVISION OF COMPREHENSIVE INFORMATION REQUIRED.—The Secretary of the military department concerned shall, at each time specified in subsection (b), provide to each member of the Armed Forces and, when practicable, the family members of such member comprehensive information on the benefits available to such member and family members as described in subsection (c), including the estimated monetary amount of such benefits and of any applicable offsets to such benefits.

(b) TIMES FOR PROVISION OF INFORMATION.—Comprehensive information on benefits shall be provided a member of the Armed Forces and family members at each time as follows:

(1) Within 180 days of the enlistment, accession, or commissioning of the member as a member of the Armed Forces.

(2) Within 180 days of a determination that the member—

(A) has incurred a service-connected disability; and

(B) is unfit to perform the duties of the member's office, grade, rank, or rating because of such disability.

(3) Upon the discharge, separation, retirement, or release of the member from the Armed Forces.

(c) COVERED BENEFITS.—The benefits on which a member of the Armed Forces and family members shall be provided comprehensive information under this section shall be as follows:

(1) At all the times described in subsection (b), the benefits shall include the following:

(A) Financial compensation, including financial counseling.

(B) Health care and life insurance programs for members of the Armed Forces and their families.

(C) Death benefits.

(D) Entitlements and survivor benefits for dependents of the Armed Forces, including offsets in the receipt of such benefits under the Survivor Benefit Plan and in connection with the receipt of dependency and indemnity compensation.

(E) Educational assistance benefits, including limitations on and the transferability of such assistance.

(F) Housing assistance benefits, including counseling.

(G) Relocation planning and preparation.

(H) Such other benefits as the Secretary concerned considers appropriate.

(2) At the time described in paragraph (1) of such subsection, the benefits shall include the following:

(A) Maintaining military records.

(B) Legal assistance.

(C) Quality of life programs.

(D) Family and community programs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(3) At the times described in paragraphs (2) and (3) of such subsection, the benefits shall include the following:

(A) Employment assistance.

(B) Continuing Reserve Component service.

(C) Disability benefits, including offsets in connection with the receipt of such benefits.

(D) Benefits and services provided under laws administered by the Secretary of Veterans Affairs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(d) BIENNIAL NOTICE TO MEMBERS OF THE ARMED FORCES ON THE VALUE OF PAY AND BENEFITS.—

(1) BIENNIAL NOTICE REQUIRED.—The Secretary of each military department shall provide to each member of the Armed Forces under the jurisdiction of such Secretary on a biennial basis notice on the value of the pay and benefits paid or provided to such member by law during the preceding year. The notice may be provided in writing or electronically, at the election of the Secretary.

(2) ELEMENTS.—Each notice provided a member under paragraph (1) shall include the following:

(A) A statement of the estimated value of the military health care, retirement benefits, disability benefits, commissary and exchange privileges, government-provided housing, tax benefits associated with service in the Armed Forces, and special pays paid or provided the member during the preceding 24 months.

(B) A notice regarding the death and survivor benefits, including Servicemembers' Group Life Insurance, to which the family of the member would be entitled in the event of the death of the member, and a description of any offsets that might be applicable to such benefits.

(C) Information on other programs available to members of the Armed Forces generally, such as access to morale, welfare, and recreation (MWR) facilities, child care, and education tuition assistance, and the estimated value, if ascertainable, of the availability of such programs in the area where the member is stationed or resides.

(e) OTHER OUTREACH.—

(1) IN GENERAL.—The Secretaries of the military departments shall, on a periodic basis, conduct outreach on the pay, benefits, and programs and services available to members of the Armed Forces by reason of service in the Armed Forces. The outreach shall be conducted pursuant to public service announcements, publications, and such other announcements through general media as will serve to disseminate the information broadly among the general public.

(2) INTERNET OUTREACH WEBSITE.—

(A) IN GENERAL.—The Secretary of Defense shall establish an Internet website for the purpose of providing the comprehensive information about the benefits and offsets described in subsection (c) to members of the Armed Forces and their families.

(B) CONTACT INFORMATION.—The Internet website required by subparagraph (A) shall provide contact information, both telephone and e-mail, that a member of the Armed Forces and a family member of the member can use to get personalized information about the benefits and offsets described in subsection (c).

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the requirements of this section by the Department of Defense. Such report shall include a description of the quality and scope of available online resources that provide information about benefits for members of the Armed Forces and their families.

(2) RECORDS MAINTAINED.—The Secretary of Defense or the military department concerned shall maintain records that contain the number of individuals that received a briefing under this section in the previous year disaggregated by the following:

(A) Whether the individual is a member of the Armed Forces or a family member of a member of the Armed Forces.

(B) The Armed Force of the members.

(C) The State or territory in which the briefing occurred.

(D) The subject of the briefing.

AMENDMENT NO. 1705

(Purpose: To extend the deadline for the completion of the independent study of concepts and systems for boost-phase missile defense)

At the end of subtitle C of title II, add the following:

SEC. 245. EXTENSION OF DEADLINE FOR STUDY ON BOOST-PHASE MISSILE DEFENSE.

Section 232(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4392) is amended by striking "October 31, 2010" and inserting "March 1, 2011".

AMENDMENT NO. 1797, AS MODIFIED

(Purpose: To reauthorize the Maritime Administration, and for other purposes)

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 1732

(Purpose: To provide for an additional duty for the advisory panel on Department of Defense capabilities for support of civil authorities after certain incidents)

At the end of subtitle F of title X, insert the following:

SEC. 1059. ADDITIONAL DUTY FOR ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 337) is amended by—

(1) redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) in paragraph (4), by striking "other department" and inserting "other departments"; and

(3) by inserting after paragraph (6) the following new paragraphs:

"(7) assess the adequacy of the process and methodology by which the Department of Defense establishes, maintains, and resources dedicated, special, and general purpose forces for conducting operations described in paragraph (1);

"(8) assess the adequacy of the resources planned and programmed by the Department of Defense to ensure the preparedness and capability of dedicated, special, and general purpose forces for conducting operations described in paragraph (1);".

AMENDMENT NO. 1753

(Purpose: To require the Department of Defense to ensure full access to mental health care for family members of members of the National Guard and Reserve who are deployed overseas)

At the end of subtitle F of title V, add the following:

SEC. 557. FULL ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) EXPANDED INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall expand existing Department of Defense initiatives to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The expanded initiatives, which shall build upon and be consistent with ongoing efforts, shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Guidelines for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and at such times as the Secretary deems appropriate thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the accredited network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

AMENDMENT NO. 1758

(Purpose: To require a report on enabling capabilities for Special Operations forces)

On page 429 between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON ENABLING CAPABILITIES FOR SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command, jointly with the commanders of the combatant commands and the chiefs of the services, shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report on the availability of enabling capabilities to support special operations forces requirements.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) An identification of the requirements for enabling capabilities for conventional forces and special operations forces globally, including current and projected needs in Iraq, Afghanistan, and other theaters of operation.

(2) A description of the processes used to prioritize and allocate enabling capabilities to meet the mission requirements of conventional forces and special operations forces.

(3) An identification and description of any shortfalls in enabling capabilities for special operations forces by function, region, and quantity, as determined by the Commander of the United States Special Operations Command and the commanders of the geographic combatant commands.

(4) An assessment of the current inventory of these enabling capabilities within the military departments and components and the United States Special Operations Command.

(5) An assessment of whether there is a need to create additional enabling capabilities by function and quantity.

(6) An assessment of the merits of creating additional enabling units, by type and quantity—

(A) within the military departments; and

(B) within the United States Special Operations Command.

(7) Recommendations for meeting the current and future enabling force requirements of the United States Special Operations Command, including an assessment of the increases in endstrength, equipment, funding, and military construction that would be required to support these recommendations.

(8) Any other matters the Commander of the United States Special Operations Command, the commanders of the combatant commands, and the chiefs of the services consider useful and relevant.

(c) REPORT TO CONGRESS.—Not later than 30 days after receiving the report required under subsection (a), the Secretary of Defense shall forward the report to the congressional defense committees with any additional comments the Secretary considers appropriate.

AMENDMENT NO. 1751

(Purpose: To authorize a study on the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System)

At the appropriate place, insert the following:

SEC. ____ . NATIONAL D-DAY MEMORIAL STUDY.

(a) DEFINITIONS.—In this section:

(1) AREA.—The term "Area" means in the National D-Day Memorial in Bedford, Virginia.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the Area to evaluate the national significance of the Area and suitability and feasibility of designating the Area as a unit of the National Park System.

(2) CRITERIA.—In conducting the study required by paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(3) CONTENTS.—The study required by paragraph (1) shall—

(A) determine the suitability and feasibility of designating the Area as a unit of the National Park System;

(B) include cost estimates for any necessary acquisition, development, operation, and maintenance of the Area; and

(C) identify alternatives for the management, administration, and protection of the Area.

(c) REPORT.—Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) shall apply to the conduct of the study required by this section,

except that the study shall be submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 3 years after the date on which funds are first made available for the study.

AMENDMENT NO. 1661

(Purpose: To include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay)

At the end of subtitle D of title VI, add the following:

SEC. 652. INCLUSION OF SERVICE AFTER SEPTEMBER 11, 2001, IN DETERMINATION OF REDUCED ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(A) of title 10, United States Code, is amended—

(1) by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008” and inserting “September 11, 2001”; and

(2) by striking “in any fiscal year after such date” and inserting “in any fiscal year after fiscal year 2001”.

AMENDMENT NO. 1653

(Purpose: To require a report on Taiwan’s Air Force)

At the end of subtitle B of title XII, add the following:

SEC. 1222. REPORT ON TAIWAN’S AIR FORCE.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Defense’s (DoD) 2009 Annual Report on Military Power of the People’s Republic of China, the military balance in the Taiwan Strait has been shifting in China’s favor since 2000, marked by the sustained deployment of advanced military equipment to the Chinese military regions opposite Taiwan.

(2) Although the DoD’s 2002 Report concluded that Taiwan “has enjoyed dominance of the airspace over the Taiwan Strait for many years,” the DoD’s 2009 Report states this conclusion no longer holds true.

(3) China has based 490 combat aircraft (330 fighters and 160 bombers) within unrefueled operational range of Taiwan, and has the airfield capacity to expand that number by hundreds. In contrast, Taiwan has 390 combat aircraft (all of which are fighters).

(4) Also according to the DoD’s 2009 Report, China has continued its build-up of conventional ballistic missiles since 2000, “building a nascent capacity for conventional short-range ballistic missile (SRBM) strikes against Taiwan into what has become one of China’s primary instruments of coercion.” At this time, China has expanded its SRBM force opposite Taiwan to seven brigades with a total of 1,050 through 1,150 missiles, and is augmenting these forces with conventional medium-range ballistic missiles systems and at least 2 land attack cruise missile variants capable of ground or air launch. Advanced fighters and bombers, combined with enhanced training for nighttime and overwater flights, provide China’s People’s Liberation Army (PLA) with additional capabilities for regional strike or maritime interdiction operations.

(5) Furthermore, the Report maintains, “the security situation in the Taiwan Strait is largely a function of dynamic interactions among Mainland China, Taiwan, and the United States. The PLA has developed and deployed military capability to coerce Taiwan or attempt an invasion if necessary. PLA improvements pose new challenges to

Taiwan’s security, which has historically been based upon the PLA’s inability to project power across the 100 nautical-mile Taiwan Strait, natural geographic advantages of island defense, Taiwan’s armed forces’ technological superiority, and the possibility of U.S. intervention”.

(6) The Taiwan Relations Act of 1979 requires that, in furtherance of the principle of maintaining peace and stability in the Western Pacific region, the United States shall make available to Taiwan such defense articles and defense services in such quantity “as may be necessary to enable Taiwan to maintain a sufficient self-defense capability,” allowing that “the President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan . . .”.

(b) REPORT TO CONGRESS ON TAIWAN’S CURRENT AIR FORCE AND FUTURE SELF-DEFENSE REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified form, containing the following:

(1) A thorough and complete assessment of the current state of Taiwan’s Air Force, including—

(A) the number and type of aircraft;

(B) the age of aircraft; and

(C) the capability of those aircraft.

(2) An assessment of the effectiveness of the aircraft in the face of a full-scale concerted missile and air campaign by China, in which China uses its most modern surface-to-air missiles currently deployed along its seacoast.

(3) An analysis of the specific weapons systems and platforms that Taiwan would need to provide for its self-defense and maintain control of its own air space.

(4) Options for the United States to assist Taiwan in achieving those capabilities.

(5) A 5-year plan for fulfilling the obligations of the United States under the Taiwan Relations Act to provide for Taiwan’s self-defense and aid Taiwan in maintaining control of its own air space.

AMENDMENT NO. 1811

(Purpose: To extend and enhance reporting requirements related to United States contributions to the United Nations)

On page 479, between lines 18 and 19, insert the following:

SEC. 1222. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Section 1225 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2424) is amended—

(1) in subsection (a), by striking “until December 31, 2010, the President shall submit” and inserting “(but not later than the first of each May), the Director of the Office of Management and Budget shall submit”; and

(2) by adding at the end the following:

“(c) PUBLIC AVAILABILITY OF INFORMATION.—The Director of the Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet Web site.”.

AMENDMENT NO. 1516, AS MODIFIED

(Purpose: To provide certain requirements with respect to public-private competitions)

On page 77, strike lines 1 through 26 and insert the following:

SEC. 323A. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION OF ANY DEPARTMENT OF DEFENSE FUNCTION PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) REQUIREMENT.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) by striking “A function” and inserting “No function”;

(2) by striking “10 or more”; and

(3) by striking “may not be converted” and inserting “may be converted”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a function for which a public-private competition is commenced on or after the date of the enactment of this Act.

SEC. 323B. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A-76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed the period specified in paragraph (B), commencing on the date on which funds are obligated for contractor support of the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

“(B) The period referred to in paragraph (A) is 30 months with respect to a single formation activity and 36 months with respect to a multi-formation activity.

“(C) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims.

“(D) In this paragraph, the term ‘preliminary planning’ with respect to a public-private competition means any action taken to carry out any of the following activities:

“(i) Determining the scope of the competition.

“(ii) Conducting research to determine the appropriate grouping of functions for the competition.

“(iii) Assessing the availability of workload data, quantifiable outputs of functions, and agency or industry performance standards applicable to the competition.

“(iv) Determining the baseline cost of any function for which the competition is conducted.”.

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SEC. 323C. TERMINATION OF CERTAIN PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

(a) TERMINATION OF CERTAIN STUDIES.—Any Department of Defense public-private competition that exceeds the time limits established in §2461(a) shall be reviewed by the Secretary of Defense and considered for termination. If the Secretary of Defense does not terminate the competition, he shall report to Congress on the reasons for his decision.

AMENDMENT NO. 1812

On page 483, between lines 8 and 9, insert the following:

SEC. 1232. REPORT ON FEASIBILITY AND DESIRABILITY OF ESTABLISHING GENERAL UNIFORM PROCEDURES AND GUIDELINES FOR THE PROVISION OF MONETARY ASSISTANCE BY THE UNITED STATES TO CIVILIAN FOREIGN NATIONALS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES.

(a) **REPORT.**—The Secretary of Defense shall submit to Congress a report on the feasibility and the desirability of establishing general uniform procedures and guidelines for the provision by the United States of monetary assistance to civilian foreign nationals for losses, injuries, or death (hereafter “harm”) incident to combat activities of the United States Armed Forces during contingency operations.

(b) **MATTERS TO BE INCLUDED IN REPORT.**—The Secretary shall include in the report the following:

(1) A description of the authorities under laws in effect as of the date of the enactment of this Act for the United States to provide compensation, monetary payments, or other assistance to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(2) A description of the practices in effect as of the date of enactment of this Act for the United States to provide ex gratia, solatia, or other types of condolence payments to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(3) A discussion of the historic practice of the United States to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to combat activities of the United States Armed Forces.

(4) A discussion of the practice of the United States in Operation Enduring Freedom and Operation Iraqi Freedom to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to the combat activities of the United States Armed Forces, including the procedures and guidelines used and an assessment of its effectiveness. This discussion will also include estimates of the total amount of funds disbursed to civilian foreign nationals who have incurred harm since the inception of Operation Iraqi Freedom and Operation Enduring Freedom. This discussion will also include how such procedures and guidelines compare to the processing of claims filed under the Foreign Claims Act.

(5) A discussion of the positive and negative effects of using different authorities, procedure, and guidelines to provide monetary assistance to civilian foreign nationals, based upon the culture and economic circumstances of the local populace and the operational impact on the military mission. This discussion will also include whether the use of different authorities, procedures, and guidelines has resulted in disparate monetary assistance to civilian foreign nationals who have incurred substantially similar harm, and if so, the frequency and effect of such results.

(6) A discussion of the positive and negative effects of establishing general uniform procedures and guidelines for the provision of such assistance, based upon the goals of timely commencement of a program of monetary assistance, efficient and effective implementation of such program, and consist-

ency in the amount of assistance in relation to the harm incurred. This discussion will also include whether the implementation of general procedures and guidelines would create a legally enforceable entitlement to “compensation” and, if so, any potential significant operational impact arising from such an entitlement.

(7) Assuming general uniform procedures and guidelines were to be established, a discussion of the following:

(A) Whether such assistance should be limited to specified types of combat activities or operations, e.g., such as during counter-insurgency operations.

(B) Whether such assistance should be contingent upon a formal determination that a particular combat activity/operation is a qualifying activity, and the criteria, if any, for such a determination.

(C) Whether a time limit from the date of loss for providing such assistance should be prescribed.

(D) Whether only monetary or other types of assistance should be authorized, and what types of nonmonetary assistance, if any, should be authorized.

(E) Whether monetary value limits should be placed on the assistance that may be provided, or whether the determination to provide assistance and, if so, the monetary value of such assistance, should be based, in whole or in part, on a legal advisor’s assessment of the facts.

(G) Whether a written record of the determination to provide or to not provide such assistance should be maintained and a copy made available to the civilian foreign national.

(H) Whether in the event of a determination to not provide such assistance the civilian foreign national should be afforded the option of a review of the determination by a higher ranking authority.

(c) **RECOMMENDATIONS.**—The Secretary shall include in the report such recommendations as the Secretary considers appropriate for legislative or administrative action with respect to the matters discussed in the report.

(d) **SUBMISSION OF REPORT.**—The report shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 1658

(Purpose: To require the Comptroller General of the United States to report to Congress on financial assistance for child care available to deployed members of the reserve components of the Armed Forces)

At the end of subtitle F of title V, add the following:

SEC. 557. COMPTROLLER GENERAL REPORT ON CHILD CARE ASSISTANCE FOR DEPLOYED MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) **IN GENERAL.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representative a report on financial assistance for child care provided by the Department of Defense, including through the Operation: Military Child Care and Military Child Care in Your Neighborhood programs, to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

(b) **ELEMENTS.**—The report required by subsection (a) shall include an assessment of the following:

(1) The types of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

(2) The extent to which such members have taken advantage of such assistance since such assistance was first made available.

(3) The formulas used for calculating the amount of such assistance provided to such members.

(4) The funding allocated to such assistance.

(5) The remaining costs of child care to families of such members that are not covered by the Department of Defense.

(6) Any barriers to access to such assistance faced by such members and the families of such members.

(7) The different criteria used by different States with respect to the regulation of child care services and the potential impact differences in such criteria may have on the access of such members to such assistance.

(8) The different standards and criteria used by different programs of the Department of Defense for providing such assistance with respect to child care providers and the potential impact differences in such standards and criteria may have on the access of such members to such assistance.

(9) Any other matters the Comptroller General determines relevant to the improvement of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

AMENDMENT NO. 1796, AS MODIFIED

(Purpose: To modify the provision requiring a report on potential foreign military sales of the F-22A fighter aircraft to have the report developed by a federally funded research and development center)

In section 123, insert:

ADDITIONAL REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide for a federally funded research and development center which will submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, through the Secretary of Defense, a report on potential foreign military sales of the F-22A fighter aircraft, addressing the same elements as in subsection (b) of this section.

AMENDMENT NO. 1533, AS MODIFIED

(Purpose: To clarify that the definition of unprivileged enemy belligerent includes members of al Qaeda)

On page 323, beginning on line 19, strike “or” and all that follows through line 22, and insert the following:

“(B) has purposefully and materially supported hostilities against the United States or its coalition partners; or

“(C) is a member of al Qaeda”.

MORNING BUSINESS

Mr. LEVIN. I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREATY MAKING PROCESS

Mr. McCONNELL. Mr. President, as some of my colleagues may be aware, this week the State Department acceded to a Treaty of Amity and Cooperation in Southeast Asia, TAC. This action reflects an effort by the administration to engage vigorously in the region, which I applaud.

The State Department consulted with the Senate prior to taking this step. During the course of these consultations, Senator KERRY, Senator LUGAR, and I sought clarification on issues related to the substance of the TAC and to the unique process suggested for U.S. accession. To confirm our understandings on these points, Senators KERRY, LUGAR, and I sent a letter to the Secretary of State on July 10, 2009. On the basis of the understandings set forth in this letter, we did not object to the Department's plan for acceding to the TAC. I believe the letter may be of some interest to Senators since it involves both the constitutional role of the Senate in the treaty making process and American foreign policy in Southeast Asia.

I ask unanimous consent to have printed in the RECORD the letter to Secretary Clinton dated July 10, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, July 10, 2009.

Hon. HILLARY RODHAM CLINTON,
Secretary of State,
Washington, DC.

DEAR SECRETARY CLINTON: We write to you regarding the proposed U.S. accession to the Treaty of Amity and Cooperation in Southeast Asia (TAC). We believe that U.S. accession to the TAC reflects the strong American commitment to the region and to vigorous engagement with the Association of South-east Asian Nations (ASEAN), both of which we fully support. The U.S. has important foreign policy and economic interests in Southeast Asia which we believe this agreement can further.

There are two important points of clarification, however, that we wish to make as part of the Senate's input in the context of the State Department's congressional consultations. First, we understand that the Department is considering having the United States accede to the TAC in late July as a sole executive agreement, which would not require the advice and consent of the Senate. We note that the title of the agreement refers to the agreement as a "treaty," and we are unaware of any precedent for the United States acceding to an agreement styled as a "treaty" without the advice and consent of the Senate as provided for in Article 11, Section 2 of the Constitution. At the same time, we are mindful that other factors apart from the formal name of the agreement could suggest that it is consistent with U.S. practice for the United States to accede to the TAC as an executive agreement. Of particular importance, the agreement is largely limited to general pledges of diplomatic cooperation and would not appear to obligate the United States to take (or refrain from taking) any specific action (with the exception of provisions of Article X which we understand will

be the subject of a reservation as discussed below). We also note that the United States did not take part in the negotiations among ASEAN countries leading up to the conclusion of the TAC in 1976, or in the decision to characterize it as a treaty.

In light of these unique considerations, we will not object to the Department's plan to accede to the TAC as an executive agreement. We continue to believe, however, that the use of the term "treaty" in the title of an agreement will generally dictate that Senate advice and consent will be required before the United States may accede to the agreement. In this regard, treatment of the TAC as an executive agreement should not be considered a precedent for treating future agreements entitled "treaties" as sole executive agreements. To ensure our understanding that the process surrounding this agreement is not misinterpreted in the future as a precedent, we will submit this letter into the Congressional Record. We would also request that the State Department include it in the next edition of the Digest of United States Practice in International Law.

Second, Article X of the TAC provides that "[e]ach High Contracting party shall not in any manner or form participate in any activity which shall constitute a threat to the political and economic stability, sovereignty, or territorial integrity of another High Contracting Party." We also note that the U.S. has proposed a reservation to the TAC that states that the TAC, noting in particular Article X, "does not limit actions taken by the United States that it considers necessary to address a threat to its national interests."

We interpret this reservation as ensuring that the TAC does not limit the authority of the U.S. government—either the executive branch or the Congress—to take actions that it considers necessary in pursuit of U.S. national interests in the region or with respect to any individual nation.

We thank you for your close consideration of this matter and for the Department's consultation prior to acceding to the TAC.

Sincerely,

JOHN F. KERRY,
Chairman, Senate
Committee on Foreign Relations.

MITCH McCONNELL,
Republican Leader
United States Senate.

RICHARD G. LUGAR,
Ranking Member Senate
Committee on Foreign Relations.

EXECUTIVE CALENDAR OBJECTION

Mr. GRASSLEY. Mr. President, I, Senator CHUCK GRASSLEY, intend to object to proceeding to the nomination of George Wheeler Madison to be General Counsel of the Department of the Treasury, Calendar No. 302, and to the nomination of Carmen R. Nazario to be Assistant Secretary for Family Support of the Department of Health and Human Services, Calendar No. 304, dated July 23, 2009, for the following reasons.

My support for the final confirmation of Mr. Madison rests on his continued responsiveness, and the responsiveness of the Treasury Department, to my questions. I am very concerned that the Special Inspector General for the

Troubled Asset Relief Program is not getting the cooperation Congress entitled him to from the Treasury Department and that his recommendations are not being seriously considered.

Regarding Ms. Nazario, I still have an outstanding issue regarding the release of key data on States' TANF participation rates that need to be resolved.

AUTOMOBILE DEALER ECONOMIC RIGHTS RESTORATION ACT OF 2009

Mr. ROCKEFELLER. Mr. President, I take this opportunity to discuss the recent decisions by General Motors and Chrysler to eliminate thousands of automobile franchises across America. This is an extremely important issue: GM's and Chrysler's actions have had a negative impact on small businesses, employees, consumers, and communities in every corner of my State, West Virginia.

Although I do not question the automakers' need to restructure their companies and become financially viable, I do have serious concerns about the way they have handled these dealership terminations. Neither company has been fully transparent in explaining why they needed to terminate dealerships or how they decided which ones to eliminate. Neither company has provided dealers with an adequate opportunity to fully appeal their terminations—in fact, Chrysler has not established an appeals process at all. And though both companies claim that dealers will be fairly compensated for vehicles, parts, and specialty tools, the reports I continue to receive from terminated Chrysler dealers is that they still have hundreds of thousands of dollars in parts and specialty tools and many have received "no response at all" from Chrysler to their "numerous requests for assistance."

I also continue to hear the argument that "this is how things happen in the normal bankruptcy process." But GM's and Chrysler's bankruptcies are anything but normal. How many bankruptcies are funded with billions of taxpayer dollars? How many bankruptcies result in the government obtaining a majority interest in the restructured companies? Under these circumstances, the thousands of small business owners whose franchise agreements have been summarily revoked deserve more from the companies that would not exist but for taxpayer support.

That is why I have been fighting from the beginning to find a better resolution for the thousands of terminated auto dealers throughout this country. And although we have seen improvements on behalf of dealers so far, I must admit that I am thoroughly disappointed that GM and Chrysler have refused to do more. For that reason, I am cosponsoring S. 1304, the Automobile Dealer Economic Rights Restoration Act of 2009.

I fully understand the serious concerns that have been raised about this bill. But the reality is that GM and Chrysler need to understand that they cannot ignore repeated requests by Congress and the American people to treat terminated dealers fairly. It is my hope that by cosponsoring this bill, I can help the automakers better appreciate that very important point and ultimately come to the table. They should work with Congress and the dealers on a reasonable resolution—one that provides dealers with fair compensation and a meaningful opportunity to challenge their terminations. That is what the people of West Virginia and America expect, and that is what the terminated dealers deserve.

35TH ANNIVERSARY OF THE LEGAL SERVICES CORPORATION

Mr. HARKIN. Mr. President, Saturday, July 25, marks the 35th anniversary of the Legal Services Corporation, LSC. In 1974, Congress—with bipartisan support, including that of President Nixon—established LSC to be a major source of funding for civil legal aid in this country. LSC is a private, non-profit corporation, funded by Congress, with the mission to ensure equal access to justice under law for all Americans by providing civil legal assistance to those who otherwise would be unable to afford it. LSC distributes 95 percent of its annual Federal appropriations to 137 local legal aid programs, with more than 900 offices serving all 50 states and every congressional district.

LSC and LSC funded programs make a crucial difference to millions of Americans. In fact, LSC-funded programs close nearly 1 million cases per year and provide other assistance to more than 5 million people.

Recipients of LSC funding help clients secure basic human needs, such as access to wrongly denied benefits including Social Security, pensions and needed health care. Families of 9-11 victims, flood victims, and hurricane evacuees have received crucial legal assistance in obtaining permanent housing, unemployment compensation and government benefits. Further, members of our Armed Forces and their families receive help with estate planning, consumer and landlord/tenant problems and family law.

It is LSC-funded attorneys who help parents obtain and keep custody of their children, help family members obtain guardianship for children without parents, assist parents in enforcing child support payments and help women who are victims of domestic violence. In fact, three out of four legal aid clients are women, and legal aid programs identify domestic violence as one of their top priorities.

I know firsthand the important work of the Legal Services Corporation. Before I was elected to Congress, I worked

as a legal aid attorney in Polk County, IA. I experienced the challenges—and also the rewards—of representing people who otherwise would not have the legal assistance they deserve. And I developed a deep appreciation for the role that legal aid attorneys play within our system of justice.

The fact is, our promise of “equal justice under law” rings hollow if those who are most vulnerable are denied access to quality legal representation. As former Justice Lewis Powell said: “Equal justice under law is not merely a caption on the facade of the Supreme Court building. It is perhaps the most inspiring ideal of our society . . . it is fundamental that justice should be the same, in substance and availability, without regard to economic status.”

Given the vital role played by LSC-funded attorneys, it is disturbing to note that, this year, more than 50 percent of eligible clients who seek assistance will be turned away because of lack of LSC program resources. With unemployment nearly 10 percent, and with poor Americans struggling to keep their jobs, cars and basic necessities, the need for legal aid attorneys has never been greater, yet funding for LSC remains inadequate. This is something Congress needs to address and I look forward in the coming months and years to doing so.

On this anniversary, I salute the Legal Services Corporation and LSC-funded attorneys for the vital work they do every day on behalf of Americans who need qualified counsel. Every day that a legal aid attorney protects the safety, security and health of our most vulnerable citizens, they bring this nation closer to living up to its commitment to equal justice for all.

COMMENDING JACOB TRIOLO

Ms. SNOWE. Mr. President, today I wish to recognize the outstanding service Jacob Triolo has provided to the Senate Committee on Small Business and Entrepreneurship in his capacity as a professional staff member. When Jacob—known to most as Jake—joined the committee staff in the spring of 2007, I knew that I had selected a top-notch staffer who cared deeply about making a difference in peoples’ lives. We will miss his dedication and insight when he leaves Capitol Hill next month to pursue a law degree at Washington & Lee University in historic Lexington, VA.

A native of Oregon and a 2004 dean’s list graduate of the University of Oregon, Jake came across the country to Capitol Hill in the summer of 2004 to begin working for my good friend and former colleague, Senator Gordon H. Smith. Starting out in the front office as a staff assistant, Jake immediately sought out additional responsibilities and was promoted to the position of legislative correspondent in less than a

year’s time. In 2007, when I was looking to hire a new staff member to handle a wide-ranging portfolio of issues for the Small Business Committee, I was immediately impressed by Jake’s ability to multitask and his willingness to tackle a variety of issues simultaneously. His astute research, concise analysis, and willingness to accept new challenges made him an ideal candidate to represent the committee on a variety of small business initiatives, including entrepreneurial development programs, disaster oversight, science and innovation, and funding for the Small Business Administration. Additionally, those who know Jake, including Senator Smith, spoke glowingly of his professionalism and creativity.

Jake immediately hit the ground running, compiling intelligent and thoughtful background memoranda and hearing materials that contained tremendous insight and detailed analysis. One of his first endeavors as part of my staff was playing a leading role in developing legislation that would overhaul the SBA’s disaster response program. In the wake of the devastation wrought by Hurricanes Katrina and Rita back in 2005, Jake helped me to identify the causes of the Federal Government’s substandard response by working on the Small Business Disaster Response and Loan Improvement Act of 2007. Early in his tenure, Jake came into the office over several weekends, on his own volition, and successfully advocated to include these key provisions into the farm bill conference. As a result of his diligence and persistence, I successfully worked with a number of my Senate colleagues in advocating for private lending institutions to have the option of making private disaster loans following large-scale disasters. This change, which was passed into law, will greatly improve our country’s ability to respond to natural disasters. As a responsible and trusted member of the committee team, Jake has also traveled to the gulf region to monitor progress and attend critical field hearings focused on rebuilding communities devastated by hurricanes.

Additionally, as ranking member of the Senate Small Business Committee, I am charged with fully considering the concerns of entrepreneurs and small firms nationwide. As such, Jake labored extensively on the Patent Reform Act of 2007, helping me to ensure that small businesses retained their voice in the process by preparing me for negotiations with the Judiciary Committee on provisions that would protect their unique interests. While this legislation did not pass, his efforts helped guarantee that entrepreneurs will be taken into account during discussions of policy changes, such as modifications to the post-grant review process—work that will provide a solid foundation as the Senate continues its

attempt at patent reform this Congress.

Jake's command of individual subject matters and appreciation for collaboration has been a direct result of his tenacious study and exposure to the legislative process. In large measure, his success as a Hill staffer is due to his ability to cultivate lasting professional relationships with staffers from other offices in the Senate, House, and at Federal agencies. His sense of humor and easygoing personality make him easily likeable, and many of his colleagues have become close friends throughout the years. Jake is also a tremendously caring individual, and his family plays a central focus in his life. That is why when his sister, Renata, came to Washington for an internship, Jake was certain to look after her as she followed in her big brother's footsteps.

Jake is fond of saying that the classic movie "Mr. Smith Goes to Washington" has influenced his career, and provided him the impetus for attending law school. Well, Mr. President, Jake Triolo has gone to Washington, and he is now headed into a vast frontier where, with his knowledge, resilience, and passion, he has a bright future with no bounds. I fully expect that in 3 years' time, Jake will be back in Washington, serving our Nation's people in one capacity or another. A dedicated public servant who has demonstrated a capacious appetite for learning and a true talent for public policy, Jacob Triolo has been an asset to me and to the committee staff during his nearly 2½ years here. I wish him luck at Washington & Lee and in every endeavor he pursues.

COMMENDING JIM FISHER

Mr. RISCH. Mr. President, I rise today in recognition of Jim Fisher and his contribution to my home State of Idaho. For much of the past three decades, Jim has worked at the Lewiston Morning Tribune—first as a political reporter and then as an editorial page editor.

Over the years, Jim and I have crossed paths several times, particularly on the opinion page. In most cases, our views on a given issue were not congruent. On the few occasions when Jim and I shared the same opinion, I especially had to take a second look at my position. But you could always count on Jim to be grounded—he always thought the issue through before reaching an opinion. He challenged his readers to think and question their assumption or knowledge about an issue. He relished being a lightning rod and getting people to talk about the subject of the day.

During my time as an Idaho State senator, Governor, and now as U.S. Senator, Jim has continued to challenge me to reach for solid, grounded

thinking. In doing so, I respect and value his viewpoint even when we disagree. His desire was to make his community and state a better place. He wanted to give a voice to those that could not be heard. Jim Fischer did his job well.

I extend to Jim my thanks for his many years of outstanding work on the editorial page in promoting critical thinking on the issues important to Idaho. Vicki and I wish him the best in his retirement.

ADDITIONAL STATEMENTS

20TH ANNIVERSARY OF THE SAN FRANCISCO BAYKEEPER

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 20th anniversary of the San Francisco Baykeeper.

Created in 1989 as the first "waterkeeper" organization on the west coast, Baykeeper has experienced many successes over the past 20 years in its efforts to reverse the environmental degradation of the past, and promote new strategies and policies to protect the water quality of the San Francisco Bay. The "waterkeeper" concept dates back to a 19th century English tradition, and today, the International Waterkeeper Alliance is 157 programs strong, with each organization working to enforce provisions of the 1972 Clean Water Act and other Federal and State laws.

Baykeeper fills a unique niche in the bay area by acting as the watchdog for the San Francisco Bay. Baykeeper has become the bay area's most effective advocate, working tirelessly to address the most pressing problems facing the bay.

In its 20 year history, Baykeeper has fought tirelessly to hold polluters accountable for illegal toxics, protect native fish and wildlife, keep pesticides out of the bay, and fight for an end to sewage spills in the bay. Today, as it gets ready to enter its third decade of defending the bay from pollution, Baykeeper is seeing progress toward its vision of a healthy, thriving bay.

For 20 years, Baykeeper has worked passionately and effectively to ensure a thriving San Francisco Bay for generations to come. I commend Baykeeper staff and volunteers for their continuing efforts to restore the bay to a teeming estuary that attracts millions of birds, fish, and marine mammals—as well as enchanted visitors, devoted residents, and passionate recreationists. I look forward to future generations having the opportunity to enjoy this special part of California for many years to come.●

REMEMBERING KEN GORELICK

• Mr. LAUTENBERG. Mr. President, on June 8, 2009, a brilliant physician,

humanitarian, intellectual and caring person passed away. I knew Ken Gorelick and his extended family for almost 50 years and fully believe that more physicians like him would make health care more effective for many. With all of his intelligence he had a unique belief that his principal responsibility was to devote as much energy as he could muster to help those who needed professional care recover from their illnesses. He was daring in his choices of treatment for his patients always searching to reach beyond conventional methodology for the best outcome.

To commemorate his life I ask that a eulogy which was prepared for his funeral be printed in the RECORD. It so fully describes the unusual character of this great human being who will be missed by all who had the privilege of knowing him.

The eulogy follows:

KENNETH PAUL GORELICK, M.D.

Psychiatrist, essayist, poet, and leading poetry therapist Dr. Kenneth Paul "Joshua" Gorelick has left us and this world, after two years of valiant efforts to overcome brain cancer. He was 67.

When recently asked why he had chosen psychiatry as a career and life pursuit, Ken responded that he had been fascinated by psychology's promise of a "way to understand the invisible parts of life" and "to understand life stories." This great fascination was driven by Ken's intrinsic love of life and people and the human narrative, which, in turn, propelled him on the lifelong journey of an insatiable learner, an inspired teacher, and a caring doctor. He read widely and avidly; he relished the arts and supported them; he wrote extensively, both prose and poetry; he instructed and lectured; he ministered to those in need and healed those he could. Ken possessed that rare Renaissance mind that brought a rich and textured approach to his daily life, his practice as a psychiatrist, and his teaching of psychiatry at St. Elizabeth's Hospital and George Washington University (GWU), where he was awarded Professor Emeritus status, and numerous national and international conferences. Yet, throughout his life of great academic and professional pursuits and accomplishments, he never stopped his joyful appreciation and examination of human behavior and the human condition, and he never stopped attempting to improve that condition through is work and his daily interactions with others.

Born and raised in Paterson, New Jersey, the son of Russian Jewish immigrant parents, Ken was inspired to become a doctor early on. When he was four, his father had a heart attack and the daily doctor visits left an indelible impression. A favorite story of his recalls the compliment he received early in his training from a medical school professor for conducting a skillful psychiatric interview. He explained that he had asked just what he had learned to ask customers during his childhood in Gorelick's Bakery, "How may I help you?"

Ken's academic life testified to his fervent desire for learning and understanding. He was first in his class at Montclair Academy (New Jersey) and at Rutgers College. He was awarded the Phi Beta Kappa Prize, as well as General Electric, Robert Wood Johnson Foundation, and Henry Rutgers scholarships, and he graduated summa cum laude. Accepted at Columbia, Yale and Harvard Medical

Schools, Ken chose instead to accept a Fulbright scholarship to Bordeaux in order to research French literature and study French language, continuing what had by then become a lifelong passion for the beauty and power of the written and sounded word.

Again applying to Harvard, Ken was accepted, and he then graduated in 1967. After his medical internship at Mount Zion Hospital and Medical Center in San Francisco, he returned to Harvard in 1968, completing his residence in 1971 at the Massachusetts Mental Health Center. During this period, he also served on the Harvard University faculty as Clinical Instructor in psychiatry.

At St. Elizabeth's, the first Federal mental health facility, Ken was an expert in the Hospital's history. He gave numerous lectures and keynoted the St. Elizabeth's 150th Anniversary celebration in 2005. He was a founder of the Historical Museum. Ken was deeply moved and inspired by founder Dorothea Dix's commitment to "the most humane care and enlightened curative treatment." Ken brought this commitment to his private practice and hospital work, encouraged a patient enterprise program, and led DC Council members and others on a visit to Bethel, Germany to see model humane treatment of patients.

Ken was a noted pioneer and widely respected leader in the use of literature in the field of psychotherapy, particularly poetry therapy, serving on the executive boards of the National Federation for Biblio/Poetry Therapy, as president of the National Association for Poetry Therapy, and on the National Council of Creative Therapies. In recognition of his many contributions to the field, he received the Outstanding Achievement Award and the Morris Morrison Education Award in 2004. With colleague Arleen Hynes, he established the first standardized training curriculum for poetry therapy, founded the Bibliotherapy Training Program at St. Elizabeth's, and served as its co-director and clinical supervisor, training hospital staff and community mental health professionals in the use of poetry and other literature in the treatment of hospitalized patients with severe and persistent mental illness. From 1993 to 2007, he co-directed the Wordsworth Center for Poetry Therapy Training.

A much sought-after speaker and workshop leader, Ken presented workshops, seminars, and Grand Rounds lectures nationally and internationally at hospitals, universities, and organizational meetings. His articles on mental health, psychopathology, and literature were published in the *American Journal of Social Psychiatry*, *Arts in Psychotherapy*, *Journal of Poetry Therapy*, and *Expressive Therapies*, to name just a few of the many publications he contributed to over his lifetime. In fact, Ken's contributions as a speaker, writer, organizer, editor, advisor, and leader were extremely numerous and a testament to a man who had amazing erudition and energy.

Ken was also an exceptionally generous mentor and colleague and friend, who readily shared his resources, ideas, time, and energy to educate and empower. He had a superb sense of humor and a laugh that was unrestrained and utterly gleeful, and he had the endearing ability to bring smiles and laughter to other people, no matter how difficult their circumstances. His voice's melodic, pleasant lilt communicated a special combination of maturity and caring and welcome that immediately put people at ease, disarming them, and opening them up to the possibilities of life. He possessed deep wis-

dom and insight into human nature, and he showed exceptional levels of kindness, compassion, and gentleness toward those who are most vulnerable and in need of care. And, despite his intellectual brilliance and considerable professional accomplishments, he had that rare gift to make all those he encountered feel respected and worthy.

Never once did Ken Gorelick lose his appreciation of what is essential: each single day, each single person. In an article after a childhood of fear-defying, successful scuba-diving experience, he wrote: "This day, like every day, has had something to celebrate. And to be grateful for," and he went on to quote William Stafford's lines, "Will you ever bring a better gift for the world than the breathing respect that you carry wherever you go right now?"

He valued each moment and each person around him. In his touching eulogy for his beloved friend and mentor, Arleen Hynes, Ken praised what he deemed as her superb talent of "finding the dazzling part of each person, and letting that person know she saw it." Ken, too, had that talent and used it to its fullest.

There can be no greater example of Ken's sacred, lifelong commitment to serve humanity and his immeasurable generosity of spirit than how he used his own life-threatening brain cancer diagnosis as a powerful means to teach his students, future doctors, the power of human empathy. He openly shared with them how this diagnosis feels to a patient, allowing them to question, sharing his story of how he was treated by doctors, and, through this intimate personal revelation, he taught them how necessary it is to have genuine empathy and what this means to the patient. He taught them the great power of the simple words, "I'm sorry." In Leslie Milk's interview with Ken which is transcribed in her article "The Doctor as Patient," *Washingtonian*, May 2009, Ken disclosed his story of coping with his brain cancer diagnosis, his awareness of its typical course, his experience with the medical community and the limited status of research, and, so typical of Ken, his determination to enjoy life's riches. He again underscored the value of a doctor's simple "I'm sorry."

Ken continued, to the very last, to teach medical students and residents to use the power of literature, the words that tell the story of humanity, in their endeavors to help others. He believed in the connection of all people through all time and how that connection can be accessed in the stories, great and small, of each and every person. And, in the end, he even offered the story of his own experience with terminal illness to encourage them to always make the human connection.

A poem—written after the first surgery to remove the brain tumor—shares some of his deepest reflections: "I feel my life has been right . . . I put into each act more thought and mindfulness . . . The trees have been challenged by dryness and lack of cold/ Out of this dearth has come such beauty/ Still clinging with all its tenacity."

Ken's immense joy of being alive and his savoring of each moment of life are reflected in his verses and are echoed by two of his favorite poets, Stanley Kunitz and Mary Oliver. Kunitz wrote in his poem "The Round": "I can scarcely wait till tomorrow/ when a new life begins for me,/ as it does each day,/ as it does each day." And Oliver wrote in her poem "Peonies": "Do you love this world?/ Do you cherish your humble and silky life?/ Do you adore the green grass, with its terror beneath?" Ken's answer, our answer with him, is "Yes! Forever!"

Ken's passing is a great sad event which is for us a time to feel not only the deep loss of a man who gave so much to all, but also the joyful celebration that he lived, a man whose spirit and actions will continue to influence the many people he touched during his time on earth.

Dr. Gorelick is survived by his beloved wife, Cheryl Opacinch Gorelick, a retired international policy analyst; a sister and brother-in-law, Arlene and Joseph Taub of New Jersey; a niece and nephew, Michelle Taub Tesser and Scott Tesser; and Marc Taub and Karen Taub, great-nieces and great-nephews, other relatives, friends and colleagues.

Looking back I feel my life has been right
No second-guessing that this or that might
have been better,
No ache that I might have climbed higher
mountains.
I am in a generous leisurely mood with myself
Filled with gratitude and awe for what has
been,
The gifts, the luck, the love.
My hunger now is different.
I put into each act more thought and mindfulness.
Eventually the true clichés come to pass:
like "living in the moment."

Time has slowed to a crawl.
That is a good thing.
Every grain counts as it drops
My being, my spirit are pulled by gravity.
And they soar.
Moment to moment I try to solve, ignore, or
transcend the frustrations
My big eye on the big picture.
And that picture is beautiful.
This fall foliage has not been spectacular.
But here, at my back door, there is a city
forest
No flaming colors
Yet the palette is subtle and exquisite
A harmony of golds, greens, rusts.
The trees have been challenged by dryness
And lack of cold
Out of this dearth has come such beauty
Still clinging with all its tenacity

—Ken Gorelick 11/14/07●

REMEMBERING WILLIAM L. UTSEY

● Mr. SHELBY. Mr. President, today I pay tribute to William Utsey, who passed away on July 18, 2009. A highly successful attorney, William Utsey was a personal friend and along, with his friends and family, I mourn his passing.

William was born on October 28, 1939, in Gilbertown, AL. He graduated from the University of Southern Mississippi in 1962 and received his J.D. from the University of Alabama School of Law. In 1965, William was admitted to the Alabama State Bar. He began his legal career serving as a clerk and later as an attorney with the firm of Clement, Rosen, Hubbard, and Waldrop in Tuscaloosa.

After practicing law for 5 years in Huntsville, William returned to his home in Choctaw County to embark as a solo practitioner. At the time of his death, William was the senior partner of Utsey and Utsey where he practiced with his son. William's fondness of the

legal profession extended well past his private practice. He served as president of the Choctaw County Bar Association and the Alabama Association for Justice. In addition, William held memberships to the Alabama State Bar Association, the First Judicial Circuit Bar Association, and the Alabama Trial Lawyers Association.

Most people in west Alabama know William for his many contributions to the Democratic Party in west Alabama. For 20 years, William served as chairman of the Choctaw County Democratic Executive Committee. I knew William to be honest, hard-working, and committed to his family and to the people of Choctaw County.

William is loved and will be missed by his wife Treobye Britton Utsey; his sons William Jacob Utsey and John Jefferson Utsey; his daughter Elizabeth Utsey Sadler; and nine grandchildren. I ask the entire Senate to join me in recognizing and honoring the life of William Utsey.●

REMEMBERING COLONEL LEWIS STEWART

● Mr. SHELBY. Mr. President, today I pay tribute to my good friend Colonel Lewis Minor Stewart, U.S. Army, Retired. Lewis passed away on July 18, 2009. He was a personal friend and, along with his family, I mourn his passing.

Lewis was born on June 13, 1918, and raised in Marion, AL. He graduated from the Marion Military Institute and attended the University of Alabama School of Law. In 1941, Lewis joined the Army. He was a proud soldier whose tours during World War II included fighting with the 261st Infantry, 65th Division, landing in LeHarve, France, and ending the war in Austria. Lewis went on to serve as regimental staff officer and then the commander of 24th Squadron, 4th Constabulary Regiment in Linz, Austria, during the tensions of the Berlin airlift. He also served 16 months in Korea during the early occupation.

He was awarded several prestigious honors including the Legion of Merit, Bronze Star with Oak Leaf Cluster, Combat Infantry Badge, Expert Infantry Badge, Army Commendation Medal, Army of Occupation Medal, World War II Medal, American Campaign Ribbon, National Defense Medal with Oak Leaf Cluster, Korean Service Medal, Korean Conflict Ribbon, and the Middle Eastern Campaign Ribbon. Lewis was also selected for the Infantry OCS Hall of Fame for obtaining field grade rank starting from the rank of private.

After a distinguished military career, in 1972 Lewis retired at the rank of colonel from the Army. Following his retirement, Lewis returned to Marion and remained very active in the community. He served as administrator for

the local Public Housing Authority, formed Stewart Real Estate, rehabilitated two historic homes and a Marion commercial building, served as director of special services for the district attorney, 4th Judicial Circuit, AL. He was also deeply involved in the American Legion, the Veterans of Foreign Wars, the Perry County Historical Society, and the Lions Club. As an active member of St. Wilfred's Episcopal Church, Lewis served as senior warden of the Vestry and led the revival of the church's historic cemetery.

Lewis is loved and will be missed by his two sons Lewis Minor Stewart, Jr. and SG Matthew Rebel Stewart, U.S. Army, Retired, as well as his four grandchildren, three great-grandchildren, and two sisters. Lewis was an inspiration to many and will be remembered as an outstanding husband, father, soldier, churchman, community contributor, friend, and leader.

I ask the entire Senate to join me in recognizing and honoring the life of my great friend, Lewis Minor Stewart.●

COMMENDING KATIE'S CAFÉ

● Ms. SNOWE. Mr. President, tourism represents Maine's largest economic sector, and as a result, many of my State's nearly 150,000 small businesses are seasonal. But this year, between the deepest economic recession our country has faced since the Great Depression and a streak of unfortunate weather throughout Maine, these boutiques, shops, and restaurants are in many cases not experiencing the level of business they would traditionally. Despite these disparaging factors, one small restaurant in the town of Ogunquit, Katie's Café on Shore Road, recently undertook a significant and bold expansion to attract new customers.

While Katie's Café on Shore Road is a new restaurant on the scene, having opened just last year, it has already taken noteworthy steps towards establishing itself as a preeminent member and integral part of the local community. Katie's is owned by Rich Yurko; Donna Andersen; Rob Leary; and Katie Yurko, Rich and Donna's mother for whom the restaurant is named. An Alberta, Canada, native, Katie and her husband Mike, along with their six children, are known for their abundant energy and hospitality. The Yurko family's first foray into the hospitality business occurred in 1999, when they purchased Breakfast on the Connecticut, a luxurious bed and breakfast in Lyme, NH.

Although a new establishment, Katie's boasts a knowledgeable staff with years of experience in the restaurant industry. The café is run by David Carme, who brings with him a plethora of experience from some of Boston's finest restaurants, including Teatro, an upscale Italian restaurant

in Boston's theatre district, and Mis-tral, a trendy French Mediterranean establishment in the city's south end. Katie's also added executive chef Jason Grant to the team in May. An experienced cook, Grant brings 20 years of culinary experience to this new position.

Following a successful first year of operation last year, Katie's Café used the winter to expand its facilities, adding 40 new seats including a new porch seating area. Additionally, Katie's increased its kitchen space as well as the size of its lounge. With this recent expansion, Katie's Café serves as the perfect meeting place where customers are assured that they will receive a five-star dining experience in a welcoming, relaxed social environment. With its expanded capacity, Katie's provides a unique locale for special events such as birthdays, weddings, receptions, and family holiday gatherings. Additionally, the café hosts "Lounge Socials" every Saturday and Sunday, complete with complementary appetizers and drink specials.

In its short time on Shore Road, Katie's has already taken the initiative to join with other area businesses in making several community events successful. In particular, the restaurant helped sponsor last December's Christmas by the Sea festivities, and took part in the town's Cinco de Mayo weekend this past May. These annual celebrations are a true example of community spirit, and they draw new faces from across the region to explore Ogunquit and the surrounding towns of York County.

A noteworthy seasonal small business that has quickly made a name for itself, Katie's Café has taken several concrete steps to ensure that it has a bright future beyond these tumultuous times. I congratulate everyone at Katie's Café for their vision and creativity, and wish them many more successful seasons.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:29 a.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1511. An act to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

H.R. 1675. An act to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

H.R. 2920. An act to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

H.R. 2938. An act to extend the deadline for commencement of construction of a hydroelectric project.

H.R. 2972. An act to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the "Conrad DeRouen, Jr. Post Office".

H.R. 3119. An act to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the "Lim Poon Lee Post Office".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1511. An act to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes; to the Committee on Foreign Relations.

H.R. 1675. An act to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2920. An act to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration; to the Committee on the Budget.

H.R. 2938. An act to extend the deadline for commencement of construction of a hydroelectric project; to the Committee on Energy and Natural Resources.

H.R. 2972. An act to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the "Conrad DeRouen, Jr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3119. An act to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the "Lim Poon Lee Post Office"; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2394. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Basic Provisions; Grape Crop Insurance Provisions and Table Grape Crop Insurance" (RIN0563-AC09) received in the Office of the President of the Senate on July 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2395. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Livestock Indemnity Program and General Provisions for Supplemental Agricultural Disaster Assistance Programs" (RIN0560-AH95) received in the Office of the President of the Senate on July 14, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2396. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Conservation Reserve Program" (RIN0560-AH80) received in the Office of the President of the Senate on July 14, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2397. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenamidone; Pesticide Tolerances" (FRL No. 8423-8) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2398. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Persons Contributing to the Conflict in Côte d'Ivoire Sanctions Regulations" (31 CFR Parts 543) received in the Office of the President of the Senate on July 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2399. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a confirmation in the position of Assistant Secretary for Community Planning and Development in the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

EC-2400. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Iranian Transactions Regulations" (31 CFR Parts 560) received in the Office of the President of the Senate on July 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2401. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on the remaining obstacles to the efficient and timely circulation of \$1 coins; to the Committee on Banking, Housing, and Urban Affairs.

EC-2402. A communication from the Director of Insular Affairs, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, a report entitled "Impact of the Compacts of Free Association on Guam: Fiscal Year 2004 through Fiscal Year 2008"; to the Committee on Energy and Natural Resources.

EC-2403. A communication from the Secretary of the Department of Energy, transmitting proposed legislation to repeal Subtitle J, Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources, of Title IX of the Energy Policy Act of 2005; to the Committee on Energy and Natural Resources.

EC-2404. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lead; Minor Amendments to the Renovation, Repair, and Painting Program" (FRL No. 8422-7) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Environment and Public Works.

EC-2405. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revisions to General Air Quality Rules and the Mass Emissions Cap and Trade Program" (FRL No. 8931-1) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Environment and Public Works.

EC-2406. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Correction of Effective Date Under Congressional Review Act" (FRL No. 8930-2) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Environment and Public Works.

EC-2407. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting proposed legislation which authorizes appropriations for fiscal year 2010; to the Committee on Environment and Public Works.

EC-2408. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—August 2009" (Rev. Rul. 2009-22) received in the Office of the President of the Senate on July 20, 2009; to the Committee on Finance.

EC-2409. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report on Disability-Related Air Travel Complaints; to the Committee on Health, Education, Labor, and Pensions.

EC-2410. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, annual reports relative to the category rating system for the Department of Justice; to the Committee on Homeland Security and Governmental Affairs.

EC-2411. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Privacy Office Third Quarter Fiscal Year 2009 Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-2412. A communication from the District of Columbia Auditor, transmitting a report entitled "Fiscal Year 2008 Annual Report on Advisory Neighborhood Commissions"; to the Committee on Homeland Security and Governmental Affairs.

EC-2413. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to the transfer of funds between drug control agency programs; to the Committee on the Judiciary.

EC-2414. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "Hart-Scott-Rodino Annual Report: Fiscal Year 2008"; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-58. A resolution adopted by the Senate of the State of Louisiana urging Congress to address the escalating electronic payment interchange rates that merchants and consumers are assessed; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 131

Whereas, improved technology combined with consumer convenience has caused a rise in credit and debit card electronic payment systems; and

Whereas, in order for merchants to accept these payment systems, merchants are required to enter into an unfair contractual relationship with the credit card companies and their member banks; and

Whereas, in exchange for the electronic payment system, merchants must pay interchange fees and these interchange fees are usually hidden and not disclosed to the consumer; and

Whereas, credit card companies increase interchange fees and change the terms of merchant contract agreements without providing sufficient written or electronic notice to card accepting merchants; and

Whereas, the interchange fees are ultimately passed on to the consumers, including those who pay with cash or a check and who, in effect, subsidize rewards given to credit card customers; and

Whereas, the number of rewards cards in circulation is rapidly increasing, and the new rewards cards carry higher interchange fees and therefore, are more costly for both merchants and consumers; and

Whereas, merchants are contractually obligated to accept all cards from a credit card issuer and may not refuse payment from a card charging higher interchange rates; and

Whereas, the interchange fees, including those paid on food and gasoline, are typically almost double the profit margin of the merchant; and

Whereas, traditional economic models are not applicable because merchants are forced to accept contractual terms dictated often without notice or recourse; and

Whereas, small businesses struggle to absorb the constant increases in the cost of accepting electronic payments; and

Whereas, it is advantageous that economic models facilitate a highly competitive marketplace; and

Whereas, the increased consumer use of electronic payments requires Congress to assure the existence of a highly competitive and vibrant market that promotes an economic playing field that is fair to consumers, merchants, and card providers: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana hereby memorializes the

Congress of the United States to address the escalating electronic payment interchange rates that merchants and consumers are assessed. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-59. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress, the Governor of Louisiana, the Department of Economic Development, the Department of Agriculture and Forestry, and the Public Service Commission, to assist in putting wood to electricity projects on a commensurate funding and taxation level with wind and solar generated electricity; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 49

Whereas, the major focus of the Wood Products Development Foundation is the expansion or development of new uses of wood and wood waste products that result in a positive impact on the economic conditions of the state; and

Whereas, the timber industry has experienced a serious decline in recent years, and this downturn will continue unless new use sources are developed in the immediate future; and

Whereas, after studying numerous potential industries, the foundation determined a project that used wood and wood waste products to create electricity would be the most economically viable expansion of raw wood products for the long term; and

Whereas, the use and need for electricity will continue to increase, and these projects will provide a renewable, green source of electric power that does not affect the nation's food supply or demand for food-based agricultural products and materials for an indefinite period; and

Whereas, these wood to electricity projects provide an additional market for raw wood products even in a distressed market, provide an additional source of electricity at a market rate that is carbon neutral, and provide a dedicated electrical source available locally to supply viable defense structures and critical facilities in times of natural disasters; and

Whereas, the foundation has completed plans for two centrally located plants within the state that will use wood waste products from wood producers in the vicinity; and

Whereas, the electrical production will be made equally available to wood-related industries and a grid for the benefit of low-income households within reasonable vicinity of the plant sites; and

Whereas, the two proposed projects will inject sixty million dollars into the economy in terms of construction and start-up costs and will create a minimum of thirty permanent full-time jobs at the plant sites and approximately one hundred jobs for suppliers of the wood fuel feedstock; and

Whereas, in the last several months, significant regional job losses in the wood industry make this effort even more vital to securing new alternatives for value-added market activity related to the wood resources of the state; and

Whereas, there is a current need for additional funding to complete the necessary regulatory, environmental, engineering, and administrative functions to fulfill the requirements for construction loan approvals: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the Louisiana congressional delegation, the governor, the Department of Economic Development, the Department of Agriculture and Forestry, and the Public Service Commission to assist in providing funding for any necessary additional requirements, documentation, or studies that may be needed to secure long-term funding, and to assist in developing state and federal policies for wood to electricity projects that put them on a commensurate funding and taxation level with wind and solar generated electricity: Be it further

Resolved, That a copy of this Resolution be transmitted to the Louisiana congressional delegation, the governor, the Department of Economic Development, the Department of Agriculture and Forestry, and the Public Service Commission.

POM-60. A concurrent resolution adopted by the Senate of the State of Louisiana expressing continued support for the Coastal Restoration and Enhancement Through Science and Technology Program for its role in providing new research and scientific information for coastal restoration; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 20

Whereas, the Legislature of Louisiana expressed its support for the CREST Program in Senate Concurrent Resolution No. 21 of the 2008 First Extraordinary Session of the Legislature; and

Whereas, the CREST Program and its member educational institutions in Louisiana and Mississippi are continuing to work to provide applied research in innovative and practical technologies to meet the urgent need for coastal restoration and protection and to support a new generation of restoration scientists drawn from students working in science and engineering; and

Whereas, one of CREST's aims is to help policymakers, planners and coastal resource managers use the latest science and best technologies to ensure sustainable and productive coastal habitats and communities; and

Whereas, the CREST Program has been funded on an annual "add-on" basis in the federal budget and is therefore highly vulnerable to loss of its funding, a situation which would be improved by having the program become a regular part of the budget for the National Oceanic and Atmospheric Administration; and

Whereas, research funded by CREST has helped to improve barrier island restoration, marsh terracing, and re-vegetation techniques, to develop water and sediment budget needed for sustaining the Chenier Plain, and to understand the effects of Hurricane Katrina on the marsh areas below the Caernarvon Freshwater Diversion structure: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby express continued support for the Coastal Restoration and Enhancement Through Science and Technology Program for its role in providing new research and scientific information for coastal restoration and protection: Be it further

Resolved, That a copy of this Resolution be transmitted to the president of the United States, the administrator of the National Oceanic and Atmospheric Administration, the director of Coastal Restoration and Enhancement Through Science and Technology Program, and to each member of the Louisiana delegation to the United States Congress.

POM-61. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to enact legislation to adjust the Federal Medical Assistance Percentage rules to ameliorate the unintended negative impact caused by the infusion of disaster relief funding, both in public and private, into Louisiana's and other state's economies following major disasters; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 137

Whereas, in 2005 and 2008, Louisiana was struck by hurricanes Katrina, Rita, Gustav, and Ike, collectively requiring billions of dollars of federal and private assistance to the state; and

Whereas, the people of Louisiana are grateful for the support of the American people and of the United States Congress as the state is recovering from these catastrophic events; and

Whereas, coastal states, such as Florida, Mississippi and Texas, and other states, such as Iowa, have recently experienced significant disasters related to either hurricanes or flooding, and coastal states can reasonably expect to experience similar calamities in the future; and

Whereas, after a disaster resulting in massive and wide spread damage to public and private property, economic activity may temporarily significantly increase as the state and local communities endeavor to rebuild; and

Whereas, due to the increased economic activity resulting from hurricanes Katrina and Rita, Louisiana's per capita personal income saw an unusual and extraordinary increase of forty-two percent from 2005 through 2007; and

Whereas, the per capita personal income for Louisiana grew by six point eight percent from 2000 through 2005; and

Whereas, the bureau of economic analysis of the U.S. Department of Commerce stated in its 2007 report entitled *State Personal Income*, that "Louisiana grew ten point five percent in 2007, down from twenty point six percent in 2006," and that "these growth rates are substantially higher than any other state"; and

Whereas, the bureau further reported that, "the rental income component of Louisiana personal income was boosted by five point four billion dollars of Road Home subsidies from the U.S. Department of Housing and Urban Development," and that much of the per capita personal income gain in Louisiana "is accounted for by the Road Home subsidies which average nearly twelve hundred fifty dollars per Louisiana resident"; and

Whereas, evidence shows that even though the per capita personal income had grown by forty-two percent from 2005 through 2007, median income has remained stable which indicates that real personal income has not grown in a sustained way; and

Whereas, the bureau of economic analysis captures not only the economic activity generated by the receipt of government disaster relief payments but receipt of insurance payments that would not have occurred but for the hurricanes—activity which, when included in the overall calculations of per capita personal income are extremely difficult to disaggregate for attribution to specific causes as the spending percolates throughout the economy; and

Whereas, the increased economic activity in Louisiana in 2006 and 2007 is clearly a direct result of the rebuilding that occurred in the aftermath of hurricanes Katrina and Rita and this economic activity led to a corresponding increase in per capita personal income in Louisiana in 2006 and 2007; and

Whereas, accurate considerations of per capita personal income are important because federal law establishes the formula by which the FMAP for each state is determined based on a comparison of each states per capita personal income to the per capita income personal income of the United States as calculated by the bureau of economic analysis; and

Whereas, when a state's per capita personal income increases relative to the average of the United States, the state's FMAP decreases; and

Whereas, according to the federal formula, the increase in per capita personal income in Louisiana in 2006 and 2007 will have the unintended consequence of reducing Louisiana's FMAP for federal fiscal years 2010 and 2011; and

Whereas, Louisiana's FMAP will decrease to 67.61% in federal fiscal year 2010 and to 63.16% in federal fiscal year 2011, a total decrease of 6.53% over two years, the largest decline of any state; and

Whereas, Louisiana's FMAP is temporarily enhanced to eighty percent as a result of the enactment of the American Recovery and Reinvestment Act of 2009 (ARRA), but that enhanced FMAP will terminate on December 31, 2010; and

Whereas, Louisiana's FMAP will drop precipitously from eighty percent to sixty-three point sixteen percent on January 1, 2011, and this loss in federal match will annualize to approximately one billion dollars; and

Whereas, Louisiana has demonstrated a significant commitment to its programs for providing health care access to the poor by investing in substantial sums of state general fund dollars through Medicaid, SCHIP and a statewide system of public hospitals, all of which to combine to provide a safety net for a state with low income and significant provider access problems, and such a drastic reduction in Louisiana's FMAP will have devastating impact on the state's infrastructure for caring for the poor; and

Whereas, the presumed purpose for using the per capita personal income as a basis for the calculation of FMAP is to ensure resources are directed to states which are more likely to have low-income populations, and thus, a more significant burden on the Medicaid program; and

Whereas, Louisiana's Medicaid program has not seen a decrease in enrollment after hurricanes Katrina and Rita, but rather an increase, and thus, from an economic perspective, it is clear the purpose for utilizing per capita personal income as the primary driver of the state's FMAP cannot be accurately and fairly applied to Louisiana during the period following the temporary increase in economic activity; and

Whereas, the Louisiana Legislature does not accept that it is the intention of the United States Department of Health and Human Services or the United States Congress, through an artifact of the FMAP formula, to financially penalize Louisiana and other states working to rebuild their communities after major disasters: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact legislation to adjust the Federal Medical Assistance Percentage rules to ameliorate the unintended negative impact caused by the infusion of disaster relief funding, both public and private, into Louisiana's and other state's economies following major disasters; Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the

United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-62. A concurrent resolution adopted by the Senate of the State of Louisiana affirming Louisiana's sovereignty under the Tenth Amendment to the Constitution of the United States of America over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States of America, to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 2

Whereas, the Tenth Amendment to the Constitution of the United States of America reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states are reserved to the states respectively, or to the people"; and

Whereas, the Tenth Amendment to the Constitution of the United States of America defines the total scope of federal power as being that specifically granted to the Constitution of the United States of America and no more; and

Whereas, the Tenth Amendment to the Constitution of the United States of America means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, today, in 2009, the states are demonstrably treated as agents of the federal government; and

Whereas, many powers assumed by the federal government as well as federal mandates are in direct violation of the Tenth Amendment to the Constitution of the United States of America; and

Whereas, the United States Supreme Court has ruled in *New York v. United States*, 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, a number of proposals from previous administrations and some pending with the present administration as well as from Congress may further violate the Constitution of the United States of America: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States of America that the legislature affirms Louisiana's sovereignty under the Tenth Amendment to the Constitution of the United States of America over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States of America; Be it further

Resolved, That the Legislature of Louisiana also demands that the federal government halt and reverse its practice of assuming powers and imposing mandates upon the states for purposes not enumerated by the Constitution of the United States of America; Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress and to the president of the United States of America and to the governor of Louisiana.

POM-63. A concurrent resolution adopted by the Senate of the State of Louisiana urges Congress to adopt and submit to the states for ratification a proposed amendment to the Constitution of the United States to require a federal balanced budget; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 8

Whereas, as the country copes with economic challenges beyond those this generation has experienced, a host of ideas and proposals have been put forth in an effort to alleviate economic stress; and

Whereas, the complexities of the problems facing the nation are mirrored in the variety of stimulus legislation proposals and many valid projects are being suggested, including those rebuilding the country's infrastructure; and

Whereas, the Congress of the United States has repeatedly repealed statutory requirements that mandate a balanced federal budget, making it abundantly clear that it lacks an understanding of fiscal discipline and restraint; and

Whereas, the repeated practice by the Congress of the United States of engaging in deficit spending and the accumulation of national debt endangers the jobs, incomes, retirement security, and welfare of the American people; and

Whereas, such deficits and debt also increase pressure to raise taxes on the American people; and

Whereas, Article V of the Constitution of the United States provides that an amendment to the constitution may be proposed by Congress, or on the application of the legislatures of two-thirds of the states, thereby Congress is required to call a constitutional convention for the purpose of proposing an amendment which shall become part of the constitution when ratified by the legislatures of three-fourths of the several states; and

Whereas, forty-nine states have balanced budget requirements, thirty-one of which mandate constitutionally that their budgets shall be balanced:

Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to adopt and submit to the states for ratification a proposed amendment to the Constitution of the United States to require a federal balanced budget; Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-64. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress and the Attorney General of the United States and the Federal Bureau of Prisons to refrain from sending detainees released or transferred from the facilities at Guantanamo Bay Detention Facility, Cuba to prisons in Louisiana; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, since the United States began its Global War on Terrorism in 2001, alleged terrorists captured by the United States and their allies have been detained in the facilities at Guantanamo Bay Detention Facility (GTMO), Cuba; and

Whereas, the detainee complex at Guantanamo Bay, Cuba, is the only complex in the world that has been established solely to safely and humanely hold individuals that pose a high-security risk to the United States; and

Whereas, GTMO is a secure location, away from the United States population, in general, and population centers, most especially, which provides the maximum security required to prevent escape, provides multiple levels of confinement opportunities based

upon the level of compliance of the detainee, and provides medical care not available to a majority of the population of the world; and

Whereas, GTMO houses two hundred forty-five detainees from over thirty countries who include terrorist trainers, terrorist financiers, bomb makers, suspected Al-Qaeda recruiters and facilitators, and would-be suicide bombers; and

Whereas, in 2007, the Senate of the United States passed a resolution by a vote of 94-3, stating "detainees housed at Guantanamo should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods"; and

Whereas, despite the best efforts of the Federal Bureau of Prisons, these detainees, if transferred stateside to facilities in American communities and neighborhoods, would present a significant threat to the American people at large, and, most especially, to those people located near any federal detention facility; and

Whereas, several federal detention facilities are located in the state of Louisiana, any of which could potentially house detainees released from GTMO; and

Whereas, any housing of these detainees in Louisiana would present a high risk and a clear and present danger to all Louisianians: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States and urges and requests the Attorney General of the United States and the Federal Bureau of Prisons to refrain from sending detainees released or transferred from the facilities at Guantanamo Bay Detention Facility (GTMO), Cuba to prisons in Louisiana; Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, to the Attorney General of the United States, and to the director of the Federal Bureau of Prisons.

POM-65. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to establish an additional classification for airports; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 120

Whereas, the only airports or portions of airports eligible for Airport Improvement Program (AIP) funding are public use airports that serve civil aviation; and

Whereas, airport classifications serve as a framework for describing the existing function of each airport in the system and as reference for evaluating how system airports have changed their functions or are projected to change their functions as a result of accommodating forecast demands; and

Whereas, federal law defines airports by categories of airport activities, including commercial service, primary, cargo service, reliever, and general aviation: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana memorializes the Congress of the United States to establish an additional classification for airports that have:

(1) Monthly operations in excess of two thousand five hundred.

(2) Airport buildings or other airport facilities in excess of five hundred thousand square feet and valued over fifty million dollars.

(3) Industrial and other business-related tenants.

(4) Activity that generates fuel sales in excess of one million five hundred thousand gallons of jet fuel or aviation gas per year.

(5) Economic impact in the local economy of twenty million dollars per year.

(6) A requirement for a functioning air traffic control tower: Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-66. A resolution adopted by the Senate of the State of Louisiana urging Congress to establish an additional classification for airports; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 123

Whereas, the only airports or portions of airports eligible for Airport Improvement Program (AIP) funding are public use airports that serve civil aviation; and

Whereas, airport classifications serve as a framework for describing the existing function of each airport in the system and as reference for evaluating how system airports have changed their functions or are projected to change their functions as a result of accommodating forecast demands; and

Whereas, federal law defines airports by categories of airport activities, including commercial service, primary, cargo service, reliever, and general aviation: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to establish an additional classification for airports that have:

(1) Monthly operations in excess of two thousand five hundred dollars;

(2) Airport buildings or other airport facilities in excess of five hundred thousand square feet and which are valued over fifty million dollars;

(3) Industrial and other business related tenants;

(4) Activity that generates fuel sales in excess of one million five hundred thousand gallons of jet fuel or aviation gas per year;

(5) An economic impact in the local economy of twenty million dollars per year; or

(6) A requirement for a functioning air traffic control tower: Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-67. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to enact the Credit Card Accountability, Responsibility, and Disclosure Act; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 47

Whereas, citizens have been adversely affected by the economic recession; and

Whereas, almost eighty percent of American households have credit cards; and

Whereas, the average outstanding credit card balance for those households was over ten thousand dollars; and

Whereas, credit card delinquency rates have risen over sixty percent since 2005; and

Whereas, many of the largest credit card issuers have received billions of dollars in taxpayer funded federal bailout funds; and

Whereas, the Credit Card Accountability, Responsibility, and Disclosure Act is currently pending before Congress; and

Whereas, if enacted, the Credit Card Accountability, Responsibility, and Disclosure Act would enact many consumer protections, including:

1. Protection of consumers from arbitrary interest rate, fee and finance charges, and prohibiting universal default on existing balances.

2. Prohibiting interest charges on paid-off balances from the previous billing cycle.

3. Protecting students and other young consumers from aggressive credit card solicitations.

4. Ensuring that payments are fairly allocated to the account with the highest interest rate first.

5. Requiring greater disclosure of rates, terms, and billing details by credit card companies.

6. Establishing tougher penalties for credit card companies that violate the law: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact the Credit Card Accountability, Responsibility, and Disclosure Act; Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Kim N. Wallace, of Texas, to be a Deputy Under Secretary of the Treasury.

*George Wheeler Madison, of Connecticut, to be General Counsel for the Department of the Treasury.

*Miriam E. Sapiro, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

*Carmen R. Nazario, of Puerto Rico, to be Assistant Secretary for Family Support, Department of Health and Human Services.

*William J. Wilkins, of the District of Columbia, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

*Rosa Gumataotao Rios, of California, to be Treasurer of the United States.

*Daniel M. Tangherlini, of the District of Columbia, to be an Assistant Secretary of the Treasury.

*Daniel M. Tangherlini, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to

respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. BURR):

S. 1505. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program, and for other purposes; to the Committee on Finance.

By Mr. REID (for Ms. MIKULSKI (for herself, Mr. CARDIN, and Mrs. MURRAY)):

S. 1506. A bill to authorize the Secretary of Transportation to establish national safety standards for transit agencies operating heavy rail on fixed guideway; to the Committee on Commerce, Science, and Transportation.

By Mr. CARPER:

S. 1507. A bill to amend chapter 89 of title 5, United States Code, to reform Postal Service retiree health benefits funding, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARPER (for himself, Mr. COBURN, Mrs. MCCASKILL, Ms. COLLINS, and Mr. MCCAIN):

S. 1508. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Homeland Security and Governmental Affairs.

By Ms. STABENOW (for herself, Mr. VOINOVICH, and Mr. LEVIN):

S. 1509. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports in the Great Lakes Saint Lawrence Seaway System; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 1510. A bill to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself and Mr. GRAHAM):

S. 1511. A bill to amend titles XVIII and XIX of the Social Security Act to improve awareness and access to colorectal cancer screening tests under the Medicare and Medicaid programs, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 1512. A bill to fund comprehensive programs to ensure an adequate supply of nurses; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself and Ms. COLLINS):

S. Res. 222. A resolution recognizing Lieutenant Commander Chris Cassidy, space shuttle mission specialist of the STS-127 space shuttle mission and the Expedition 19 International Space Station mission, for becoming the 500th person to fly into space; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 251

At the request of Mrs. HUTCHISON, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 330

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 330, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program.

S. 511

At the request of Mr. TESTER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 512

At the request of Mr. KOHL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 512, a bill to amend chapter 1 of title 9, United States Code with respect to arbitration.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 799

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 801

At the request of Mr. AKAKA, the names of the Senator from Maryland (Mr. CARDIN), the Senator from South Dakota (Mr. JOHNSON) and the Senator

from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 839

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 839, a bill to assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year olds for at least 1 year preceding kindergarten.

S. 849

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. 849, a bill to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

S. 913

At the request of Mr. CORNYN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 913, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 934

At the request of Mr. HARKIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 968

At the request of Mr. REID, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 968, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1163

At the request of Mr. SCHUMER, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. 1163, a bill to add 1 member with aviation safety expertise to the Federal Aviation Administration Management Advisory Council.

S. 1204

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1204, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes.

S. 1281

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1281, a bill to enhance after-school programs in rural areas of the United States by establishing a pilot program to help communities establish and improve rural after-school programs.

S. 1283

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1283, a bill to require persons that operate Internet Web sites that sell airline tickets to disclose to the purchaser of each ticket the air carrier that operates each segment of the flight, and for other purposes.

S. 1284

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1284, a bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1318

At the request of Mr. GREGG, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1318, a bill to prohibit

the use of stimulus funds for signage indicating that a project is being carried out using those funds.

S. 1321

At the request of Mr. UDALL of Colorado, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program.

S. 1344

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1344, a bill to temporarily protect the solvency of the Highway Trust Fund.

S. 1362

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1362, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1428

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1428, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1473

At the request of Mrs. HAGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1473, a bill to catalyze change in the care and treatment of diabetes in the United States.

S. 1490

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1490, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 1492

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 1492, *supra*.

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. 1492, *supra*.

S. 1495

At the request of Mr. FRANKEN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1495, a bill to require the Secretary of Veterans Affairs to carry out a pilot program to assess the feasibility and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, and for other purposes.

S.J. RES. 17

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At the request of Mr. MCCONNELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S.J. Res. 17, *supra*.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. CON. RES. 33

At the request of Mr. BURRIS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to honor the crew of the USS Mason DE-529 who fought and served during World War II.

S. RES. 185

At the request of Mr. WARNER, the names of the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Res. 185, a resolution supporting the goals and

ideals of National Alzheimer's Disease Awareness Month and National Memory Screening Day, including the development of a national health policy on dementia screening and care.

S. RES. 200

At the request of Mr. UDALL of Colorado, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 200, a resolution designating September 12, 2009, as "National Childhood Cancer Awareness Day".

S. RES. 215

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 215, a resolution designating August 8, 2009, as "National Marina Day".

AMENDMENT NO. 1484

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 1484 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1491

At the request of Mr. PRYOR, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 1491 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1517

At the request of Mr. BUNNING, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 1517 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1572

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1572 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1574

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1574 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1627

At the request of Mr. LIEBERMAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 1627 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1657

At the request of Mr. BENNETT, his name was added as a cosponsor of amendment No. 1657 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1670

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 1670 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1681

At the request of Mrs. LINCOLN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 1681 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1701

At the request of Mr. JOHANNIS, the names of the Senator from Utah (Mr. BENNETT) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of amendment No. 1701 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military

activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1704

At the request of Mr. CARPER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1704 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1706

At the request of Mr. DORGAN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1706 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1717

At the request of Mr. FRANKEN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 1717 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1744

At the request of Mr. BENNETT, his name was added as a cosponsor of amendment No. 1744 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1752

At the request of Mrs. BOXER, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Illinois (Mr. BURRIS), the Senator from New York (Mr. SCHUMER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 1752 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1764

At the request of Mr. SCHUMER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 1764 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1765

At the request of Mr. CHAMBLISS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1765 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Ms. MIKULSKI (for herself, Mr. CARDIN, and Mrs. MURRAY)):

S. 1506. A bill to authorize the Secretary of Transportation to establish national safety standards for transit agencies operating heavy rail on fixed guideway; to the Committee on Commerce, Science, and Transportation.

Ms. MIKULSKI. Mr. President, today I introduce common sense legislation requiring the Secretary of the U.S. Department of Transportation to implement and enforce national safety standards for metro systems. Commuter rail systems like Maryland's MARC and the Virginia Railroad Express have Federal safety standards. Our metro systems must have them too. It is time for Congress to give the U.S. Department of Transportation this authority to keep commuters and train operators safe.

Last month the nation's hearts and prayers went out to the families of the nine passengers killed including one Marylander and 52 injured in the tragic crash involving two Washington Metropolitan Area Transit Authority, WMATA, Metrorail trains. Shortly after this horrible accident, the Members of the Maryland and Virginia Congressional delegations and Congresswoman ELEANOR HOLMES NORTON met with the National Transportation Safety Board, NTSB, to be briefed on their ongoing investigation into this crash. This is when I learned the NTSB had recommended that the Federal Transit

Administration, FTA, establish Federal standards for metro systems but the FTA had not taken action. Apparently, the FTA doesn't think it has this authority. Well, my bill fixes that. It gives the FTA the green light to move forward with Federal safety standards.

My bill directs the Secretary of Transportation to work with the NTSB to establish these new Federal standards. The bill also requires the Secretary to implement the NTSB's prior recommendations. These include safety standards relating to crashworthiness, emergency evacuation and event recorders of rail transit cars and hours of service for transit operators.

The NTSB is still investigating the cause of last month's crash here in our nation's capital. It will take about one year to complete. Existing evidence points to malfunctions with WMATA's train control system. Federal safety standards may not have prevented these malfunctions, but they may have been able to save lives had FTA implemented and enforced crashworthiness and emergency evacuation standards for transit rail cars. We also would know a lot more about the cause of the crash had FTA required event recorders on transit rail cars, as required on airplanes. These are all recommendations the NTSB has made that have not been addressed by the FTA.

More than 7 million people board rail transit cars every weekday in the U.S. Our metro systems must be safe. It is a no brainer that Congress provide the U.S. Department of Transportation with this authority.

I am pleased to introduce this bill with Senators CARDIN and MURRAY. I hope we can address this important safety issue quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Metro Safety Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Every weekday more than 7,000,000 people board rail transit vehicles in the United States.

(2) Despite the National Transportation Safety Board's recommendations to the Federal Transit Administration to establish and enforce Federal safety standards for transit agencies operating heavy rail on fixed guideway, the Federal Transit Administration has not taken action because of a perceived absence of authority to establish such standards.

(3) The Federal Transit Administration has not established minimum Federal standards that govern the structural crashworthiness of heavy rail passenger cars on fixed guideway.

(4) The National Transportation Safety Board concluded that the failure to have minimum crashworthiness standards places an unnecessary risk on passengers and crew.

(5) The Federal Transit Administration does not have any requirements that rail transit cars be equipped with means for safe and rapid emergency responder entry and passenger evacuation.

(6) Although the installation of data recorders on rail transit cars would help investigators determine the factors contributing to crashes, the Federal Transit Administration does not require such installation.

(7) Although the National Transportation Safety Board has expressed concern that the hours of service practices of transit agencies do not provide transit vehicle operators with the opportunity to obtain adequate sleep to be fully alert and to operate safely, the Federal Transit Administration does not have hours of service regulations to govern the practices of transit agencies.

SEC. 3. NATIONAL RAIL TRANSIT SAFETY STANDARDS.

(a) **ESTABLISHMENT.**—Notwithstanding section 5334(b)(1) of title 49, United States Code, the Secretary of Transportation, in consultation with the National Transportation Safety Board shall, by regulation, develop, implement, and enforce national safety standards for transit agencies operating heavy rail on fixed guideway.

(b) **INCLUSION OF NTSB RECOMMENDATIONS.**—The standards established under subsection (a) shall include the standards recommended to the Federal Transit Administration by the National Transportation Safety Board related to crashworthiness, emergency access and egress, event recorders, and hours of service.

(c) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to Congress that describes the progress made in establishing the standards described in subsection (a).

By Mr. DURBIN:

S. 1512. A bill to fund comprehensive programs to ensure an adequate supply of nurses; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. This is a critical time in America. For the first time in many decades, we have a real opportunity to reform our healthcare system and improve how care is delivered in our country and the ability for Americans to access such quality care.

The delivery of quality care in our country is as great as it is because of the more than 2.9 million nurses in our country. Americans depend on nurses to deliver quality patient care, yet our nation faces a critical shortage of nurses. The U.S. Bureau of Labor Statistics projects that more than 1.2 million new and replacement nurses will be needed by 2014 to keep up with the aging Baby Boomer population and the increased demand for health care.

As we work toward reform of health insurance, we need to prioritize increasing the number of nurses entering the workforce. We can do that by building on the current healthcare workforce. That allows us to work with people who are familiar with the work environment in the health field, require

less time in orientation than new workers, and represent a diverse population more representative of the patients being served.

Today, I am pleased to introduce the Nurse Training and Retention Act to assist states and localities in creating career ladders for current healthcare workers who are ready to upgrade their skills. Many people in the healthcare workforce are in entry level jobs that don't always offer opportunities for advancement. For much of this population, advanced education is unaffordable and unattainable. The legislation I am proposing offers incumbent healthcare workers realistic options to enhance their skills, advance their careers, and meet the growing demand for nurses.

The legislation authorizes the Department of Labor to award grants to support training programs for healthcare workers. Health aides can use these programs to earn a certificate or degree in nursing. Nurses can upgrade their skills and qualifications so that they can serve as nurse faculty, which would help relieve the backlog of qualified applicants who aren't in nursing school because of the lack of faculty.

Programs administered by joint labor/management training partnerships have made great progress educating and retaining nurses. The proposed grant program builds on the good work these partnerships have done and encourages further collaboration with colleges and universities. The combination of support in the workplace and collaboration with nursing schools to meet the needs of the non-traditional student means these students are performing very well in nursing school. These new nurses have higher retention rates than other, more traditional students who do not have work experience in the field. Another benefit of the career ladder is that these collaborations are building a more diverse nursing workforce.

Another important player in this process is the employer. That's why my bill asks employers of incumbent healthcare workers to invest in the training programs. This completes the partnership, so that labor, employer, and the participating school are all working together to retain and grow the healthcare workforce we have today.

Nurses play an invaluable role in patient care in this country. By supporting our current healthcare workforce and offering these individuals a chance to move up in the field, the Nurse Training and Retention Act can help us tap an overlooked resource. I urge my colleagues to join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nurse Training and Retention Act of 2009".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) America's healthcare system depends on an adequate supply of trained nurses to deliver quality patient care.

(2) Over the next 15 years, this shortage is expected to grow significantly. The Health Resources and Services Administration has projected that by 2020, there will be a shortage of nurses in every State and that overall only 64 percent of the demand for nurses will be satisfied, with a shortage of 1,016,900 nurses nationally.

(3) To avert such a shortage, today's network of healthcare workers should have access to education and support from their employers to participate in educational and training opportunities.

(4) With the appropriate education and support, incumbent healthcare workers and incumbent bedside nurses are untapped sources which can meet these needs and address the nursing shortage and provide quality care as the American population ages.

SEC. 3. ESTABLISHMENT OF GRANT PROGRAM.

(a) **PURPOSES.**—It is the purpose of this section to authorize grants to—

(1) address the projected shortage of nurses by funding comprehensive programs to create a career ladder to nursing (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses) for incumbent ancillary healthcare workers;

(2) increase the capacity for educating nurses by increasing both nurse faculty and clinical opportunities through collaborative programs between staff nurse organizations, healthcare providers, and accredited schools of nursing; and

(3) provide training programs through education and training organizations jointly administered by healthcare providers and healthcare labor organizations or other organizations representing staff nurses and frontline healthcare workers, working in collaboration with accredited schools of nursing and academic institutions.

(b) **GRANTS.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this section as the "Secretary") shall establish a partnership grant program to award grants to eligible entities to carry out comprehensive programs to provide education to nurses and create a pipeline to nursing for incumbent ancillary healthcare workers who wish to advance their careers, and to otherwise carry out the purposes of this section.

(c) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant under this section an entity shall—

(1) be—

(A) a healthcare entity that is jointly administered by a healthcare employer and a labor union representing the healthcare employees of the employer and that carries out activities using labor management training funds as provided for under section 302 of the Labor-Management Relations Act, 1947 (18 U.S.C. 186(c)(6));

(B) an entity that operates a training program that is jointly administered by—

(i) one or more healthcare providers or facilities, or a trade association of healthcare providers; and

(ii) one or more organizations which represent the interests of direct care healthcare workers or staff nurses and in which the direct care healthcare workers or staff nurses have direct input as to the leadership of the organization; or

(C) a State training partnership program that consists of non-profit organizations that include equal participation from industry, including public or private employers, and labor organizations including joint labor-management training programs, and which may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, and accredited schools of nursing; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) **ADDITIONAL REQUIREMENTS FOR HEALTHCARE EMPLOYER DESCRIBED IN SUBSECTION (c).**—To be eligible for a grant under this section, a healthcare employer described in subsection (c) shall demonstrate—

(1) an established program within their facility to encourage the retention of existing nurses;

(2) it provides wages and benefits to its nurses that are competitive for its market or that have been collectively bargained with a labor organization; and

(3) support for programs funded under this section through 1 or more of the following:

(A) The provision of paid leave time and continued health coverage to incumbent healthcare workers to allow their participation in nursing career ladder programs, including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses.

(B) Contributions to a joint labor-management training fund which administers the program involved.

(C) The provision of paid release time, incentive compensation, or continued health coverage to staff nurses who desire to work full- or part-time in a faculty position.

(D) The provision of paid release time for staff nurses to enable them to obtain a Bachelor of Science in Nursing degree, other advanced nursing degrees, specialty training, or certification program.

(E) The payment of tuition assistance which is managed by a joint labor-management training fund or other jointly administered program.

(e) **OTHER REQUIREMENTS.**—

(1) **MATCHING REQUIREMENT.**—

(A) **IN GENERAL.**—The Secretary may not make a grant under this section unless the applicant involved agrees, with respect to the costs to be incurred by the applicant in carrying out the program under the grant, to make available non-Federal contributions (in cash or in kind under subparagraph (B)) toward such costs in an amount equal to not less than \$1 for each \$1 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities, or may be provided through the cash equivalent of paid release time provided to incumbent worker students.

(B) **DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.**—Non-Federal contributions required in subparagraph (A) may be in cash or in kind (including paid release time), fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal

Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(2) **REQUIRED COLLABORATION.**—Entities carrying out or overseeing programs carried out with assistance provided under this section shall demonstrate collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing Associate, Bachelor's, or advanced nursing degree programs or specialty training or certification programs.

(f) **ACTIVITIES.**—Amounts awarded to an entity under a grant under this section shall be used for the following:

(1) To carry out programs that provide education and training to establish nursing career ladders to educate incumbent healthcare workers to become nurses (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses). Such programs shall include one or more of the following:

(A) Preparing incumbent workers to return to the classroom through English as a second language education, GED education, pre-college counseling, college preparation classes, and support with entry level college classes that are a prerequisite to nursing.

(B) Providing tuition assistance with preference for dedicated cohort classes in community colleges, universities, accredited schools of nursing with supportive services including tutoring and counseling.

(C) Providing assistance in preparing for and meeting all nursing licensure tests and requirements.

(D) Carrying out orientation and mentorship programs that assist newly graduated nurses in adjusting to working at the bedside to ensure their retention post graduation, and ongoing programs to support nurse retention.

(E) Providing stipends for release time and continued healthcare coverage to enable incumbent healthcare workers to participate in these programs.

(2) To carry out programs that assist nurses in obtaining advanced degrees and completing specialty training or certification programs and to establish incentives for nurses to assume nurse faculty positions on a part-time or full-time basis. Such programs shall include one or more of the following:

(A) Increasing the pool of nurses with advanced degrees who are interested in teaching by funding programs that enable incumbent nurses to return to school.

(B) Establishing incentives for advanced degree bedside nurses who wish to teach in nursing programs so they can obtain a leave from their bedside position to assume a full- or part-time position as adjunct or full time faculty without the loss of salary or benefits.

(C) Collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing Associate, Bachelor's, or advanced nursing degree programs, or specialty training or certification programs, for nurses to carry out innovative nursing programs which meet the needs of bedside nursing and healthcare providers.

(g) **PREFERENCE.**—In awarding grants under this section the Secretary shall give preference to programs that—

(1) provide for improving nurse retention;

(2) provide for improving the diversity of the new nurse graduates to reflect changes

in the demographics of the patient population;

(3) provide for improving the quality of nursing education to improve patient care and safety;

(4) have demonstrated success in upgrading incumbent healthcare workers to become nurses or which have established effective programs or pilots to increase nurse faculty; or

(5) are modeled after or affiliated with such programs described in paragraph (4).

(h) **EVALUATION.**—

(1) **PROGRAM EVALUATIONS.**—An entity that receives a grant under this section shall annually evaluate, and submit to the Secretary a report on, the activities carried out under the grant and the outcomes of such activities. Such outcomes may include—

(A) an increased number of incumbent workers entering an accredited school of nursing and in the pipeline for nursing programs;

(B) an increasing number of graduating nurses and improved nurse graduation and licensure rates;

(C) improved nurse retention;

(D) an increase in the number of staff nurses at the healthcare facility involved;

(E) an increase in the number of nurses with advanced degrees in nursing;

(F) an increase in the number of nurse faculty;

(G) improved measures of patient quality (which may include staffing ratios of nurses, patient satisfaction rates, patient safety measures); and

(H) an increase in the diversity of new nurse graduates relative to the patient population.

(2) **GENERAL REPORT.**—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Labor shall, using data and information from the reports received under paragraph (1), submit to Congress a report concerning the overall effectiveness of the grant program carried out under this section.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 222—RECOGNIZING LIEUTENANT COMMANDER CHRIS CASSIDY, SPACE SHUTTLE MISSION SPECIALIST OF THE STS-127 SPACE SHUTTLE MISSION AND THE EXPEDITION 19 INTERNATIONAL SPACE STATION MISSION, FOR BECOMING THE 500TH PERSON TO FLY INTO SPACE

Ms. SNOWE (for herself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 222

Whereas Lieutenant Commander Chris Cassidy attended York High School in York, Maine;

Whereas, in 1993, Lieutenant Commander Chris Cassidy earned a bachelor's degree in mathematics from the United States Naval Academy;

Whereas, in 2000, Lieutenant Commander Chris Cassidy earned a master's degree in

ocean engineering from the Massachusetts Institute of Technology;

Whereas Lieutenant Commander Chris Cassidy honorably served as a Navy SEAL for 10 years;

Whereas Lieutenant Commander Chris Cassidy graduated with honors from Class 192 of the Basic Underwater Demolition/SEAL program;

Whereas, in 2003 and 2004, Lieutenant Commander Chris Cassidy was a Quest speaker at the United States Naval Academy Combat Leadership Seminar;

Whereas Lieutenant Commander Chris Cassidy was awarded a Bronze Star with combat "V" and a Presidential Unit Citation for leading a 9-day operation at the Zharwar Kili cave complex on the border between Afghanistan and Pakistan;

Whereas, in 2004, Lieutenant Commander Chris Cassidy was awarded a second Bronze Star for combat leadership in Afghanistan;

Whereas Lieutenant Commander Chris Cassidy volunteered for and completed a week-long, 180-mile charity kayak trip from Norfolk, Virginia, to Washington, District of Columbia, to raise money and awareness for the Special Operations Warrior Foundation;

Whereas, in May 2004, Lieutenant Commander Chris Cassidy was selected by the National Aeronautics and Space Administration to become an astronaut;

Whereas, on July 20, 1969, Neil Armstrong became the first person to step on the moon;

Whereas 2009 marks the 40th anniversary of the Apollo 11 mission;

Whereas, on July 15, 2009, aboard space shuttle mission STS-127, Lieutenant Commander Chris Cassidy became the 500th person in history to fly into space;

Whereas the primary goal of the STS-127 space shuttle mission is to deliver the final components of the Kibo laboratory of the Japan Aerospace Exploration Agency to the International Space Station; and

Whereas the STS-127 mission is essential to the performance of valuable science experiments in the vacuum of space: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Lieutenant Commander Chris Cassidy, space shuttle mission specialist of the STS-127 space shuttle mission and the Expedition 19 International Space Station mission, for becoming the 500th person in history to fly into space; and

(2) commends Lieutenant Commander Chris Cassidy and the STS-127 space shuttle mission crew for risking their lives to advance science and human understanding.

Ms. SNOWE. Mr. President, I rise today to submit a resolution recognizing Lieutenant Commander Chris Cassidy, space shuttle mission specialist of the STS-127 space shuttle mission and the Expedition 19 International Space Station mission, for becoming the 500th person to fly into space.

While Lieutenant Commander Chris Cassidy is a native of Salem, Massachusetts, he considers York, ME, his hometown, where he attended York High School. Chris has a very impressive academic background earning a bachelor of science in Mathematics from the U.S. Naval Academy, and a Master of Science in Ocean Engineering from the Massachusetts Institute of Technology.

Even more impressive is his ongoing service to his country. Chris spent 10

years as a U.S. Navy SEAL, which includes two tours in Afghanistan. During that time, he received numerous awards including the Bronze Star with the combat "V" and the Presidential Unit Citation for leading a 9-day operation at the Zharwar Kili cave complex. This operation was a national priority objective directly on the Afghan/Pakistan border. Lieutenant Commander Cassidy received a second Bronze Star for combat leadership service in Afghanistan in 2004. Chris was also a Quest speaker at the U.S. Naval Academy's 2003 and 2004 Combat Leadership Seminars.

Upon returning from his service, Chris was selected by the National Aeronautics and Space Administration to begin astronaut training in 2004 at NASA's Johnson Space Center in Houston.

The space shuttle STS-127 mission is Lieutenant Commander Cassidy's first time in space. As this Nation celebrates the 40th anniversary of the Apollo 11 mission and the first man on the moon, Chris Cassidy becomes the 500th person to travel to space on the Space Shuttle Endeavor. The STS-127 mission's primary goal is to deliver the final components of the Japan Aerospace Exploration Agency's Kibo laboratory to the International Space Station, which will be essential to allowing astronauts to perform valuable science experiments that are exposed to the vacuum of space. In order to install those components, five space walks are scheduled for the 16-day mission and Chris is expected to perform three of them.

This resolution recognizes Space Shuttle Mission Specialist Navy Lieutenant Commander Chris Cassidy of STS-127 space shuttle mission and the Expedition 19 International Space Station mission and for becoming the 500th person in history to fly into space; and also commends him and the rest of the STS-127 Mission crew for risking their lives in the advance of science and human understanding. I hope my colleagues will join Senator COLLINS and me in supporting this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1767. Mr. BAYH (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 1768. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1769. Mr. LEVIN (for himself, Mr. KERRY, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1770. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1771. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1772. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1773. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1774. Mr. KYL (for himself, Mr. INHOFE, Mr. DEMINT, Mr. SESSIONS, Mr. MARTINEZ, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1775. Mr. McCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. KAUFMAN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1776. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1777. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1778. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1779. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1780. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1390, supra.

SA 1781. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1782. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1783. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1784. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1785. Mr. WARNER (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1786. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 1715 submitted by Mrs. GILLIBRAND and intended to be proposed to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1787. Mr. UDALL, of New Mexico (for himself, Mr. BINGAMAN, and Mr. UDALL, of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1788. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, supra.

SA 1789. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1790. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1791. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1792. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1793. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1794. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1795. Mr. MARTINEZ (for himself, Mr. INHOFE, Mr. KYL, Mr. GRAHAM, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1796. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1797. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1798. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1694 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1799. Ms. KLOBUCHAR proposed an amendment to the bill S. 1390, supra.

SA 1800. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1801. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, supra.

SA 1802. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1803. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1804. Mrs. SHAHEEN (for herself, Mr. JOHANNIS, Mr. KAUFMAN, Mr. BOND, Mr. BEGICH, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 1621 proposed by Mrs. SHAHEEN (for herself, Mr. JOHANNIS, Mr. KAUFMAN, and Mr. BEGICH) to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1805. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1806. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1807. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1760 submitted by Mr. KYL (for himself, Mr. MCCONNELL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. GRAHAM, Mr. VITTER, Mr. DEMINT, Mr. RISCH, Mr. CORNYN, Mr. BARRASSO, Mr. LIEBERMAN, Mr. WICKER, and Mr. BENNETT) to the bill S. 1390, supra.

SA 1808. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1809. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1810. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1811. Mr. COBURN (for himself and Mr. KERRY) submitted an amendment intended

to be proposed by him to the bill S. 1390, supra.

SA 1812. Mr. LEAHY (for himself, Mr. BINGAMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

TEXT OF AMENDMENTS

SA 1767. Mr. BAYH (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 39, strike lines 4 through 17, and insert the following:

SEC. 211. CONTINUED DEVELOPMENT OF COMPETITIVE PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER PROGRAM.

(a) IN GENERAL.—Of the amounts authorized to be appropriated or otherwise made available for fiscal year 2010 for research, development, test, and evaluation for the F-35 Lightning II aircraft program, not more than 90 percent may be obligated until the Secretary of Defense submits to the congressional defense committees a written certification that sufficient funds have been obligated for fiscal year 2010 for the continued development of a competitive propulsion system for the F-35 Lightning II aircraft to ensure that system development and demonstration continues under the program during fiscal year 2010.

(b) ADDITIONAL AMOUNT FOR UH-1Y/AH-1Z ROTARY WING AIRCRAFT.—The amount authorized to be appropriated by section 102(a)(1) for aircraft procurement for the Navy is hereby increased by \$282,900,000, with the amount of the increase to be allocated to amounts available for the procurement of UH-1Y/AH-1Z rotary wing aircraft.

(c) RESTORATION OF MANAGEMENT RESERVES FOR F-35 JOINT STRIKE FIGHTER PROGRAM.—

(1) NAVY JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby increased by \$78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800N) for management reserves.

(2) AIR FORCE JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800F) for management reserves.

(d) OFFSET.—The amount authorized to be appropriated by section 103(1) for aircraft procurement for the Air Force is hereby decreased by \$438,900,000, with the amount of the decrease to be derived from amounts available for airlift aircraft for the HC/MC-130 recapitalization program.

SA 1768. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 731 and insert the following:

SEC. 731. PILOT PROGRAM FOR THE PROVISION OF COGNITIVE REHABILITATIVE THERAPY SERVICES UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense may, in consultation with the entities and officials referred to in subsection (d), carry out a pilot program under the TRICARE program to determine the feasibility and advisability of expanding the availability of cognitive rehabilitative therapy services for members or former members of the Armed Forces described in subsection (b).

(b) COVERED MEMBERS AND FORMER MEMBERS.—A member or former member of the Armed Forces is described in this subsection if—

(1) the member or former member—
(A) is otherwise eligible for medical care under the TRICARE program;

(B) has been diagnosed with a moderate to severe traumatic brain injury incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom;

(C) is retired or separated from the Armed Forces for disability under chapter 61 of title 10, United States Code; and

(D) is referred by a qualified physician for cognitive rehabilitative therapy; and

(2) cognitive rehabilitative therapy is not reasonably available to the member or former member through the Department of Veterans Affairs.

(c) ELEMENTS OF PILOT PROGRAM.—The Secretary of Defense shall, in consultation with the entities and officials referred to in subsection (d), develop for inclusion in the pilot program the following:

(1) Procedures for access to cognitive rehabilitative therapy services.

(2) Qualifications and supervisory requirements for licensed and certified health care professionals providing such services.

(3) A methodology for reimbursing providers for such services.

(d) ENTITIES AND OFFICIALS TO BE CONSULTED.—The entities and officials referred to in this subsection are the following:

(1) The Secretary of Veterans Affairs.

(2) The Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury.

(3) Relevant national organizations with experience in treating traumatic brain injury.

(e) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

(1) evaluating the effectiveness of the pilot program in providing increased access to safe, effective, and quality cognitive rehabilitative therapy services for members and former members of the Armed Forces described in subsection (b); and

(2) making recommendations with respect to the effectiveness of cognitive rehabilitative therapy services and the appropriateness of including such services as a benefit under the TRICARE program.

(f) TRICARE PROGRAM DEFINED.—The term “TRICARE program” has the meaning given

that term in section 1072(7) of title 10, United States Code.

(g) FUNDING.—Of the amount authorized to be appropriated by section 1403 for the Defense Health Program, not more than \$5,000,000 may be available to carry out the pilot program under this section.

SA 1769. Mr. LEVIN (for himself, Mr. KERRY, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. REMOVAL OF RUSSIAN FEDERATION FROM JACKSON-VANIK APPLICATION.

(a) IN GENERAL.—On and after the date of the enactment of this Act, sections 402, 407(b), and 409 of the Trade Act of 1974 (19 U.S.C. 2432, 2437(b), and 2439) shall not apply to the Russian Federation or its products.

(b) CONTINUATION OF APPLICATION OF REMAINING PROVISIONS OF TITLE IV.—The provisions of title IV of the Trade Act of 1974, other than the provisions listed in subsection (a), shall continue to apply to the Russian Federation until legislation is enacted into law that grants normal trade relations treatment to the Russian Federation.

SA 1770. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, between lines 20 and 21, insert the following:

(3) ASSESSMENTS OF MEMBERS DISCHARGED OR RELEASED UPON RETURN FROM DEPLOYMENT.—In the case of a member of the Armed Forces who is discharged or released from the Armed Forces upon the member's return from deployment, the Secretary of Defense shall, to the extent practicable, make available the opportunity for such member to participate in the mental health assessments required under subparagraph (C) of paragraph (1) together with the unit with which the member was previously deployed, without regard to the terms of such discharge or release.

SA 1771. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end subtitle H of title X, add the following:

SEC. 1083. ADDITIONAL MEMBERS AND DUTIES FOR INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of conducting the assessment of the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the “2009 QDR”), the independent panel established under subsection (f) of such section (in this section referred to as the “Panel”) shall include ten members to be appointed as follows:

(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two by the chairman of the Committee on Armed Services of the Senate.

(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two by the ranking member of the Committee on Armed Services of the Senate.

(E) Two by the Secretary of Defense.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Any vacancy in an appointment to the Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(b) ADDITIONAL DUTIES OF PANEL FOR 2009 QDR.—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) conduct an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR; and

(2) made any recommendations it considers appropriate for consideration.

(c) REPORT OF SECRETARY OF DEFENSE.—Not later than 30 days after the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees any comments of the Secretary on the report of the Panel.

(d) TERMINATION.—This provisions of this section shall terminate on the day that is 45 days after the date on which the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code.

SA 1772. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle I—Quadrennial Defense Review Matters

SEC. 1091. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the “Panel”).

(b) MEMBERSHIP.—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Three by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Three by the ranking member of the Committee on Armed Services of the Senate.

(c) CO-CHAIRS OF THE PANEL.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the panel.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(e) DUTIES.—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the “2009 QDR”), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks in the report of the 2009 QDR under subsection (d) of such section, with particular attention paid to the risks described in that report;

(3) submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures included in the assessment under paragraph (3); and

(5) provide to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense, through the reports under subsection (g), any recommendations it considers appropriate for their consideration.

(f) FIRST MEETING.—The Panel shall hold its first meeting not later than 30 days after the date on which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(g) REPORTS.—

(1) INTERIM REPORT OF PANEL.—Not later than February 15, 2010, the Panel shall submit an interim report on its findings to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(2) FINAL REPORT OF PANEL.—Not later than June 15, 2011, the Panel shall submit its final report, together with any recommendations, to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(3) REPORT OF SECRETARY OF DEFENSE.—Not later than February 15, 2011, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the Committees on Armed Services of the Senate and House of Representatives the Secretary's comments on the Panel's final report under paragraph (2).

(h) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from

the Department of Defense and any of components of the Department such information as the Panel considers necessary to carry out its duties under this section. The Secretary of Defense and the head of the component concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) FFRDC SUPPORT.—Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) PERSONNEL MATTERS.—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) PAYMENT OF PANEL EXPENSES.—Funds for activities of the Panel shall be provided from unobligated amounts available to the Department of Defense.

(l) TERMINATION.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(2).

SEC. 1092. REPORTS ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the Secretary of Defense submits the report required by subsection (d) of section 118 of title 10, United States Code, on the 2009 quadrennial defense review required by subsection (a) of that section, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review complies with the requirements of such subsection (d).

(b) SECRETARY OF DEFENSE REPORT.—If the Comptroller General determines that the report on the 2009 quadrennial defense review deviates significantly from the requirements of subsection (d) of section 118 of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report addressing the areas of deviation not later than 30 days after the submittal of the report by the Comptroller General required by subsection (a).

SEC. 1093. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) IN GENERAL.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118(d) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the 2006 quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term “major military capabilities” includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SA 1773. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. COMPTROLLER GENERAL STUDY OF STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the stockpile stewardship program established under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) to determine if the program was functioning, as of December 2008, as envisioned when the program was established.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An assessment of whether the capabilities determined to be necessary to maintain the nuclear weapons stockpile without nuclear testing have been implemented and the extent to which such capabilities are functioning.

(2) A review and description of the agreements governing use, management, and support of the capabilities developed for the stockpile stewardship program and an assessment of enforcement of, and compliance with, those agreements.

(3) An assessment of plans for surveillance and testing of nuclear weapons in the stockpile and the extent of the compliance with such plans.

(4) An assessment of—

(A) the condition of the infrastructure at the plants and laboratories of the nuclear weapons complex;

(B) the value of nuclear weapons facilities built after 1992;

(C) any plans that are in place to maintain, improve, or replace such infrastructure;

(D) whether there is a validated requirement for all planned infrastructure replacement projects; and

(E) the projected costs for each such project and the timeline for completion of each such project.

(5) An assessment of the efforts to ensure and maintain the intellectual and technical capability of the nuclear weapons complex to support the nuclear weapons stockpile.

(6) Recommendations for the stockpile stewardship program going forward.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the study required by subsection (a).

SA 1774. Mr. KYL (for himself, Mr. INHOFE, Mr. DEMINT, Mr. SESSIONS, Mr. MARTINEZ, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress is grateful for the service and leadership of the members of the bipartisan Congressional Commission on the Strategic Posture of the United States, who, pursuant to section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319), spent more than one year examining the strategic posture of the United States in all of its aspects: deterrence strategy, missile defense, arms control initiatives, and nonproliferation strategies.

(2) The Commission, comprised of some of the most preeminent scholars and technical experts in the United States in the subject matter, found a bipartisan consensus on these issues in its Final Report made public on May 6, 2009.

(3) Congress appreciates the service of former Secretary of Defense William Perry, former Secretary of Defense and Energy James Schlesinger, former Senator John Glenn, former Congressman Lee Hamilton, Ambassador James Woolsey, Doctors John Foster, Fred Ikle, Keith Payne, Morton Halperin, Ellen Williams, Bruce Tarter, and Harry Cartland, and the United States Institute of Peace.

(4) Congress values the work of the Commission and pledges to work with President Barack Obama to address the findings and review and consider the recommendations of the Commission.

(b) EXTENSION OF SUNSET.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1), by striking “September 30, 2009” and inserting “September 30, 2010”; and

(3) by inserting after subsection (e) the following new subsection:

“(f) FOLLOW-ON REPORT.—Following submittal of the report required in subsection (e), the Commission may conduct public outreach and discussion of the matters contained in the report.”.

SA 1775. Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. KAUFMAN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 483, between lines 8 and 9, insert the following:

Subtitle D—VOICE Act

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the “Victims of Iranian Censorship Act” or the “VOICE Act”.

SEC. 1242. SENSE OF CONGRESS.

It is the sense of Congress that the United States—

(1) respects the sovereignty, proud history, and rich culture of the Iranian people;

(2) respects the universal values of freedom of speech and freedom of the press in Iran and throughout the world;

(3) supports the Iranian people as they take steps to peacefully express their voices, opinions, and aspirations;

(4) supports the Iranian people seeking access to news and other forms of information;

(5) condemns the detainment, imprisonment, and intimidation of all journalists, in Iran and elsewhere throughout the world;

(6) supports journalists who take great risk to report on political events in Iran, including those surrounding the presidential election;

(7) supports the efforts the Voice of America's (VOA) 24-hour television station Persian News Network, and Radio Free Europe/Radio Liberty's (RFE/RL) Radio Farda 24-hour radio station; British Broadcasting Corporation (BBC) Farsi language programming; Radio Zamaneh; and other independent news outlets to provide information to Iran;

(8) condemns acts of censorship, intimidation, and other restrictions on freedom of the press, freedom of speech, and freedom of expression in Iran and throughout the world;

(9) commends companies which have facilitated the ability of the Iranian people to access and share information, and exercise freedom of speech, freedom of expression, and freedom of assembly through alternative technologies; and

(10) condemns companies which have knowingly impeded the ability of the Iranian people to access and share information and exercise freedom of speech, freedom of expression, and freedom of assembly through electronic media, including through the sale of technology that allows for deep packet inspection or provides the capability to monitor or block Internet access, and gather information about individuals.

SEC. 1243. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to support freedom of the press, freedom of speech, freedom of expression, and freedom of assembly in Iran;

(2) to support the Iranian people as they seek, receive, and impart information and promote ideas in writing, in print, or through any media without interference;

(3) to discourage businesses from aiding efforts to interfere with the ability of the people of Iran to freely access or share information or otherwise infringe upon freedom of speech, freedom of expression, freedom of assembly, and freedom of the press through the Internet or other electronic media, including through the sale of deep packet inspection or other technology to the Government of Iran that provides the capability to monitor or block Internet access, and gather information about individuals; and

(4) to encourage the development of technologies, including Internet Web sites that facilitate the efforts of the Iranian people—

(A) to gain access to and share accurate information and exercise freedom of speech, freedom of expression, freedom of assembly, and freedom of the press, through the Internet or other electronic media; and

(B) engage in Internet-based education programs and other exchanges between United States citizens and Iranians.

SEC. 1244. AUTHORIZATION OF APPROPRIATIONS.

(a) INTERNATIONAL BROADCASTING OPERATIONS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' International Broadcasting Operations Fund, there is authorized to be appropriated \$15,000,000 to expand Farsi language programming and to provide for the

dissemination of accurate and independent information to the Iranian people through radio, television, Internet, cellular telephone, short message service, and other communications.

(b) BROADCASTING CAPITAL IMPROVEMENTS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' Broadcasting Capital Improvements Fund, there is authorized to be appropriated \$15,000,000 to expand transmissions of Farsi language programs to Iran.

(c) USE OF AMOUNTS.—In pursuit of the objectives described in subsections (a) and (b), amounts in the International Broadcasting Operations Fund and the Capital Improvements Fund may be used to—

(1) develop additional transmission capability for Radio Farda and the Persian News Network to counter ongoing efforts to jam transmissions, including through additional shortwave and medium wave transmissions, satellite, and Internet mechanisms;

(2) develop additional proxy server capability and anti-censorship software to counter efforts to block Radio Farda and Persian News Network Web sites;

(3) develop technologies to counter efforts to block SMS text message exchange over cellular phone networks;

(4) expand program coverage and analysis by Radio Farda and the Persian News Network, including the development of broadcast platforms and programs, on the television, radio and Internet, for enhanced interactivity with and among the people of Iran;

(5) hire, on a permanent or short-term basis, additional staff for Radio Farda and the Persian News Network; and

(6) develop additional Internet-based, Farsi-language television programming, including a Farsi-language, Internet-based news channel.

SEC. 1245. IRANIAN ELECTRONIC EDUCATION, EXCHANGE, AND MEDIA FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Iranian Electronic Education, Exchange, and Media Fund (referred to in this section as the "Fund"), consisting of amounts appropriated to the Fund pursuant to subsection (f).

(b) ADMINISTRATION.—The Fund shall be administered by the Secretary of State.

(c) OBJECTIVE.—The objective of the Fund shall be to support the development of technologies, including Internet Web sites, that will aid the ability of the Iranian people to—

(1) gain access to and share information;

(2) exercise freedom of speech, freedom of expression, and freedom of assembly through the Internet and other electronic media;

(3) engage in Internet-based education programs and other exchanges between Americans and Iranians; and

(4) counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text exchanges.

(d) USE OF AMOUNTS.—In pursuit of the objective described in subsection (c), amounts in the Fund may be used for grants to United States or foreign universities, nonprofit organizations, or companies for targeted projects that advance the purpose of the Fund, including projects that—

(1) develop Farsi-language versions of existing social-networking Web sites;

(2) develop technologies, including Internet-based applications, to counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text message exchanges;

(3) develop Internet-based, distance learning programs for Iranian students at United States universities; and

(4) promote Internet-based, people-to-people educational, professional, religious, or cultural exchanges and dialogues between United States citizens and Iranians.

(e) TRANSFERS.—Amounts in the Fund may be transferred to the United States Agency for International Development, the Broadcasting Board of Governors, or any other agency of the Federal Government to the extent that such amounts are used to carry out activities that will further the objective described in subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$20,000,000 to the Fund.

SEC. 1246. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the President shall submit a report to Congress that provides a detailed description of—

(1) United States-funded international broadcasting efforts in Iran;

(2) efforts by the Government of Iran to block broadcasts sponsored by the United States or other non-Iranian entities;

(3) efforts by the Government of Iran to monitor or block Internet access, and gather information about individuals;

(4) plans by the Broadcasting Board of Governors for the use of the amounts appropriated pursuant to section 1244, including—

(A) the identification of specific programs and platforms to be expanded or created; and

(B) satellite, radio, or Internet-based transmission capacity to be expanded or created;

(5) plans for the use of the Iranian Electronic Education, Exchange, and Media Fund;

(6) a detailed breakdown of amounts obligated and disbursed from the Iranian Electronic Media Fund and an assessment of the impact of such amounts;

(7) the percentage of the Iranian population and of Iranian territory reached by shortwave and medium-wave radio broadcasts by Radio Farda and Voice of America;

(8) the Internet traffic from Iran to Radio Farda and Voice of America Web sites; and

(9) the Internet traffic to proxy servers sponsored by the Broadcasting Board of Governors, and the provisioning of surge capacity.

(b) CLASSIFIED ANNEX.—The report submitted under subsection (a) may include a classified annex.

SEC. 1247. REPORT ON ACTIONS BY NON-IRANIAN COMPANIES.

(a) STUDY.—The President shall direct the appropriate officials to examine claims that non-Iranian companies, including corporations with United States subsidiaries, have provided hardware, software, or other forms of assistance to the Government of Iran that has furthered its efforts to—

(1) filter online political content;

(2) disrupt cell phone and Internet communications; and

(3) monitor the online activities of Iranian citizens.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that contains the results of the study conducted under subsection (a). The report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 1248. HUMAN RIGHTS DOCUMENTATION.

There are authorized to be appropriated \$5,000,000 to the Secretary of State to document, collect, and disseminate information about human rights in Iran, including abuses of human rights that have taken place since the Iranian presidential election conducted on June 12, 2009.

SA 1776. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle I—Quadrennial Defense Review Matters

SEC. 1091. NATIONAL DEFENSE PANEL.

(a) **ESTABLISHMENT.**—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the “Panel”).

(b) **MEMBERSHIP.**—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Three by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Three by the ranking member of the Committee on Armed Services of the Senate.

(c) **CO-CHAIRS OF THE PANEL.**—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee of Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the panel.

(d) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(e) **DUTIES.**—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the “2009 QDR”), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks in the report of the 2009 QDR under subsection (d) of such section, with particular attention paid to the risks described in that report;

(3) submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) to the extent practicable, estimate the funding required by fiscal year, in constant

fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures included in the assessment under paragraph (3); and

(5) provide to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense, through the reports under subsection (g), any recommendations it considers appropriate for their consideration.

(f) **FIRST MEETING.**—The Panel shall hold its first meeting not later than 30 days after the date on which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(g) **REPORTS.**—

(1) **INTERIM REPORT OF PANEL.**—Not later than June 15, 2010, the Panel shall submit an interim report on its findings to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(2) **FINAL REPORT OF PANEL.**—Not later than June 15, 2010, the Panel shall submit its final report, together with any recommendations, to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(3) **REPORT OF SECRETARY OF DEFENSE.**—Not later than February 15, 2011, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the Committees on Armed Services of the Senate and House of Representatives the Secretary's comments on the Panel's final report under paragraph (2).

(h) **INFORMATION FROM FEDERAL AGENCIES.**—The Panel may secure directly from the Department of Defense and any of components of the Department such information as the Panel considers necessary to carry out its duties under this section. The Secretary of Defense and the head of the component concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) **FFRDC SUPPORT.**—Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) **PERSONNEL MATTERS.**—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) **PAYMENT OF PANEL EXPENSES.**—Funds for activities of the Panel shall be provided from unobligated amounts available to the Department of Defense.

(l) **TERMINATION.**—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(2).

SEC. 1092. REPORTS ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) **COMPTROLLER GENERAL REPORT.**—Not later than 90 days after the Secretary of Defense submits the report required by subsection (d) of section 118 of title 10, United States Code, on the 2009 quadrennial defense review required by subsection (a) of that section, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review complies with the requirements of such subsection (d).

(b) **SECRETARY OF DEFENSE REPORT.**—If the Comptroller General determines that the re-

port on the 2009 quadrennial defense review deviates significantly from the requirements of subsection (d) of section 118 of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report addressing the areas of deviation not later than 30 days after the submittal of the report by the Comptroller General required by subsection (a).

SEC. 1093. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) **IN GENERAL.**—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118(d) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the 2006 quadrennial defense review to the minimum military requirements for major military capabilities.

(b) **MAJOR MILITARY CAPABILITIES DEFINED.**—In this section, the term “major military capabilities” includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SA 1777. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 123, strike (a) and insert:

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall provide for a federally funded research and development center which will submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, through the Secretary of the Air Force, a report on potential foreign military sales of the F-22A fighter aircraft.

SA 1778. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 31, strike “the Secretary” on line 24 and all that follows through “Force,” on page 32, line 1, and insert “the Secretary of the Air Force shall enter into a contract with a federally funded research and development center under which the center will”.

SA 1779. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, between lines 14 and 15, insert the following:

SEC. 706. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

“SEC. 1111. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

“(a) IN GENERAL.—The Secretary of Defense shall establish procedures for identifying individuals described in subsection (b). The Secretary of Defense shall immediately notify individuals identified under the preceding sentence that they are no longer eligible for health care benefits under the TRICARE program under chapter 55 of title 10, United States Code, and of any options available for enrollment of the individual under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). The Secretary of Defense shall consult with the Secretary of Health and Human Services to accurately identify and notify individuals described in subsection (b) under this subsection.

“(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code) at the time the individual is entitled to part A of title XVIII of the Social Security Act under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426-1) and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period under part B of such title.”.

SA 1780. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, after line 23, insert the following:

SEC. 557. REPORT ON YELLOW RIBBON REINTEGRATION PROGRAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the various reintegration programs being administered in support of National Guard and Reserve members and their families.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An evaluation of the initial implementation of the Yellow Ribbon Reintegration

Program in fiscal year 2009, including an assessment of the best practices from pilot programs offered by various States to provide supplemental services to Yellow Ribbon and the feasibility of incorporating those practices into Yellow Ribbon.

(2) An assessment of the extent to which Yellow Ribbon funding, although requested in multiple component accounts, supports robust joint programs that provide reintegration and support services to National Guard and Reserve members and their families regardless of military affiliation.

(3) An assessment of the extent to which Yellow Ribbon programs are coordinating closely with the Department of Veterans Affairs and its various veterans' programs.

(4) Plans for further implementation of the Yellow Ribbon Reintegration Program in fiscal year 2010.

SA 1781. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. PROTECTION OF CULTURAL PROPERTY.

(a) AMENDMENT TO TITLE 28.—Section 1611 of title 28, United States Code, is amended by inserting at the end the following:

“(d)(1) Notwithstanding any other provision of law, including section 1610 of this title or section 201 of the Terrorism Risk Insurance Act of 2002 (Pub. L. No. 107-297; 116 Stat. 2337), the property of a foreign state or of an agency or instrumentality of a foreign state shall be immune from attachment and from execution if—

“(A) the property is cultural property, as defined in section 302(6) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601(6));

“(B) the property is in the possession, custody, or control of any United States organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or of any United States educational institution, as defined in section 101(a) of the Higher Education Act of 1965.

“(2) In any proceeding involving the attachment or execution of property alleged to be property of a foreign state or of any agency or instrumentality of a foreign state, the immunity of the property from attachment or execution may be raised by any party that has or claims ownership, possession, custody, or control over such property, whether or not the foreign state or agency or instrumentality of a foreign state to which the property allegedly belongs appears or asserts a claim of immunity.

“(3) The immunity of property under this subsection from attachment and execution shall be broadly construed.”.

(b) AMENDMENT TO TERRORISM RISK INSURANCE ACT.—Section 201(d)(2)(B) of the Terrorism Risk Insurance Act of 2002 (P. L. 107-297; 28 U.S.C. 1610 note) is amended—

(1) in clause (i), by striking “or” after the semicolon;

(2) in clause (ii), by striking the period and inserting “; or”; and

(3) by inserting at the end the following:

“(iii)(I) is cultural property, as defined in section 302(6) of the Convention on Cultural

Property Implementation Act (19 U.S.C. 2601(6));

“(II) is in the possession, custody, or control of any United States organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or of any United States educational institution, as defined in section 101(a) of the Higher Education Act of 1965.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to any proceeding pending on or after the date of the enactment of this Act.

SA 1782. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, between lines 4 and 5, insert the following:

SEC. 713. REPORT ON POST-DEPLOYMENT HEALTH ASSESSMENTS OF GUARD AND RESERVE MEMBERS.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on post-deployment health assessments of Guard and Reserve members.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of the feasibility of administering a Post-Deployment Health Assessment (PDHA) to each member of a reserve component of the Armed Forces returning to the member's home station from deployment in connection with a contingency operation at such home station or in the county of residence of the member within the following timeframes:

(A) In the case of a member of the Individual Ready Reserve, an assessment administered by not later than the member's release from active duty following such deployment or 10 days after the member's return to such station or county, whichever occurs earlier.

(B) In the case of any other member of a reserve component of the Armed Forces returning from deployment, by not later than the member's release from active duty following such deployment.

(2) An assessment of the feasibility of requiring that Post-Deployment Health Assessments described under paragraph (1) be performed by a practitioner trained and certified as qualified to participate in the performance of Post-Deployment Health Assessments or Post-Deployment Health Reassessments.

(3) A description of—

(A) the availability of personnel described under paragraph (2) to perform assessments described under this subsection at the home stations or counties of residence of members of the reserve components of the Armed Forces; and

(B) if such personnel are not available at such locations, the additional resources necessary to ensure such availability within one year after the date of the enactment of this Act.

SA 1783. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON DOCUMENTATION OF SUPPORT PROVIDED BY MEMBERS OF THE ARMED FORCES IN COMBAT OPERATIONS OUTSIDE THE REQUIREMENTS OF THEIR MILITARY OCCUPATIONS.

(a) IN GENERAL.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the documentation of the support provided by members of the Armed Forces while deployed in support of contingency operations that is provided—

(1) as a result of combat operational requirements; and

(2) outside of the requirements of their military occupations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the mechanisms used by the Secretary, if any, to document the support provided by members of the Armed Forces while deployed in support of contingency operations that is provided as a result of combat operational requirements and outside of the requirements of their military occupations.

(2) Recommendations for the improvement or creation of mechanisms described in paragraph (1).

(3) An assessment of the feasibility and advisability of creating and implementing an experience, service, or skill identifier to identify the support described in paragraph (1).

(4) An assessment of whether such identifier could be used effectively and efficiently for the provision of training and assignment matching.

(5) An assessment of whether the current chain of command construct allows members described in paragraph (1) who provide support described in such paragraph sufficient opportunity to obtain recognition for their service.

(6) An identification of the differences between service in the reserve components of the Armed Forces and service in the regular components of the Armed Forces and how those differences affect the matters described in paragraphs (1) through (5).

(7) An assessment of how a mechanism described in paragraph (1) could be used to improve determinations of whether a member of the Armed Forces has, for purposes of establishing service-connection for a disease or injury under section 1154(b) of title 38, United States Code, engaged in combat with the enemy in active service with a military, naval, or air organization of the United States during a period of war, campaign, or expedition.

SA 1784. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON ESTABLISHMENT OF ARCTIC DEEP WATER PORT.

(a) STUDY.—

(1) IN GENERAL.—The Chief of Naval Operations, in consultation with the Commandant of the Coast Guard, shall conduct a study on the feasibility and potential of establishing a deep water sea port in the Arctic to protect and advance strategic United States interests within the evolving and ever more important Arctic region.

(2) SCOPE.—The study required under paragraph (1) shall address the following issues:

(A) The capability that such a port would provide.

(B) Potential and optimum locations for such a port.

(C) Resources needed to establish such a port.

(D) The time frame needed to establish such a port.

(E) The infrastructure required to support such a port.

(F) Any other issues the Secretary determines necessary to complete the study.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

SA 1785. Mr. WARNER (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON MODELING AND SIMULATION ACTIVITIES OF UNITED STATES JOINT FORCES COMMAND.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, working through the Director for Defense Research and Engineering, the Assistant Secretary of Defense for Manufacturing and Industrial Base, and the Commander of the United States Joint Forces Command, shall submit to the congressional defense committees a report that describes current and planned efforts to support and enhance the defense modeling and simulation technological and industrial base, including in academia, industry, and government.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of the current and future domestic defense modeling and simulation technological and industrial base and its ability to meet current and future defense requirements.

(2) A description of current and planned programs and activities of the Department of Defense to enhance the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(3) A description of current and planned Department of Defense activities in coopera-

tion with Federal, State, and local government organizations that promote the enhancement of the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(4) A comparative assessment of current and future global modeling and simulation capabilities relative to those of the United States in areas related to defense applications of modeling and simulation.

(5) An identification of additional authorities or resources related to technology transfer, establishment of public-private partnerships, coordination with regional, State, or local initiatives, or other activities that would be required to enhance efforts to support the domestic defense modeling and simulation industrial base.

(6) Other matters as determined appropriate by the Secretary.

SA 1786. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 1715 submitted by Mrs. GILLIBRAND and intended to be proposed to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 706. TREATMENT OF AUTISM UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Section 1079 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(18) In accordance with subsection (r), treatment for autism spectrum disorders shall be made available to dependents who are diagnosed with autism spectrum disorders.”; and

(2) by adding at the end the following new subsection:

“(r)(1) For purposes of subsection (a)(18), treatment for an autism spectrum disorder may include the use of applied behavior analysis or other structured behavior programs, as the Secretary determines appropriate.

“(2) The Secretary may not consider the use of applied behavior analysis or other structured behavior programs under this section to be special education for purposes of subsection (a)(9).

“(3)(A) This subsection shall not apply to a medicare-eligible beneficiary (as defined in section 1111(b) of this title).

“(B) Except as provided in subparagraph (A), nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

“(i) this chapter;

“(ii) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

“(iii) any other provision of law.

“(4) In carrying out this subsection, the Secretary shall ensure that—

“(A) a person who is authorized to provide applied behavior analysis or other structured behavior programs is licensed or certified by a State, the Behavior Analyst Certification Board, or other accredited national certification board; and

“(B) if applied behavior analysis or other structured behavior program is provided by an employee or contractor of a person authorized to provide such treatment, the employee or contractor shall meet minimum qualifications, training, and supervision requirements consistent with business best practices in the field of behavior analysis and autism services and in accordance with regulations prescribed by the Secretary.

“(5) In this section, the term ‘autism spectrum disorders’ includes autistic disorder, Asperger’s syndrome, and any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.”.

(b) REGULATIONS.—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall prescribe such regulations as may be necessary to carry out subsections (a)(18) and (r) of section 1079 of title 10, United States Code, as added by subsection (a) of this section.

(c) REPORT.—Not later than 180 days after the implementation of subsections (a)(18) and (r) of section 1079 of title 10, United States Code, as added by subsection (a) of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of such subsections and the effect of such subsections on access to quality applied behavioral analysis services for military families and their dependents with autism spectrum disorders.

(d) APPLICABILITY TO OTHER PROVISIONS.—Nothing in this section shall be construed to alter or affect the requirement under section 553 of this Act to develop and implement a policy for the support of military children with autism and their families.

(e) ADDITIONAL AMOUNT FOR TRICARE PROGRAM.—The amount authorized to be appropriated by section 1403(1) for the Defense Health Program for operation and maintenance is hereby increased by \$50,000,000, with the amount of the increase to be available to carry out subsections (a)(18) and (r) of section 1079 of title 10, United States Code, as added by subsection (a) of this section.

(f) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for Defense-wide activities is hereby decreased by \$50,000,000, with the amount of the decrease to be derived from unobligated balances.

SA 1787. Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. UPDATED REPORT ON THE STATUS OF ENVIRONMENTAL MANAGEMENT INITIATIVES TO ACCELERATE THE REDUCTION OF ENVIRONMENTAL RISKS AND CHALLENGES POSED BY THE LEGACY OF THE COLD WAR.

(a) IN GENERAL.—On the date referred to in subsection (c), the Secretary of Energy shall submit to the congressional defense commit-

tees and the Comptroller General of the United States an update to the report on the status of environmental management initiatives required by section 3130 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 585) to fully evaluate the progress made by the Department of Energy toward—

(1) reducing the environmental risks and challenges that result from the legacy of the Cold War; and

(2) complying with the mandatory environmental cleanup milestones of the Department.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of the major mandatory environmental cleanup milestones of the Department of Energy by site that the Department may miss, including—

(A) a statement explaining the reason or reasons for missing each such milestone;

(B) an assessment of any penalties that the Department could incur as a result of missing each such milestone;

(C) an estimate of the amount of funding necessary to ensure the compliance of the Department with each such milestone; and

(D) an assessment of the specific environmental risks that may continue because of, or result from, missing each such milestone.

(2) A list of the major mandatory environmental cleanup milestones of the Department of Energy by site that the Department has missed since January 1, 2000, including—

(A) a statement explaining the reason or reasons for missing each such milestone;

(B) a report on any financial penalties that the Department incurred as a result of missing each such milestone;

(C) an assessment of whether budget requests of the Department to Congress requested funding sufficient to allow the Department to meet each such milestone; and

(D) a discussion of the specific environmental risks that continued because of, or resulted from, missing each such milestone.

(3) Recommendations with respect to legislative or regulatory changes or clarifications that would improve or accelerate environmental management activities to reduce the environmental risks and challenges that face the Department of Energy as a result of the legacy of the Cold War.

(c) DATE FOR SUBMITTAL OF REPORT.—The date referred to in this subsection is the date on which the budget justification materials in support of the Department of Energy budget for fiscal year 2011 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) are submitted to Congress.

SA 1788. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 652. SENSE OF CONGRESS ON ESTABLISHMENT OF FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.

(a) IN GENERAL.—It is the sense of Congress that, the Secretary of Defense, with respect to members of the Army, Navy, Marine

Corps, and Air Force, the Secretary of Homeland Security, with respect to members of the Coast Guard, the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, and the Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration, should establish procedures to implement flexible spending arrangements with respect to basic pay and compensation, for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) CONSIDERATIONS.—It is the sense of Congress that, in establishing the procedures described by subsection (a), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Commerce should consider life events of members of the uniformed services that are unique to them as members of the uniformed services, including changes relating to permanent changes of duty station and deployments to overseas contingency operations.

SA 1789. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 557. REPORT ON ALLOWING ONE PARENT OF A DUAL-MILITARY MARRIED COUPLE WITH A MINOR DEPENDENT TO SERVE AS PRIMARY CAREGIVER WHEN THE OTHER PARENT IS DEPLOYED OVERSEAS IN CONNECTION WITH A CONTINGENCY OPERATION.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) on the feasibility and advisability of—

(A) adopting a policy that would allow a dual-military married couple with a minor dependent to stagger deployments to an overseas contingency operation, if the couple so chooses,

(B) providing a 90-day reintegration period between deployments to an overseas contingency operation for each dual-military married couple with a minor dependent; and

(2) that includes the number and demographics of dual-military parents and single parents who separated from the Armed Forces after January 1, 1999, disaggregated by year.

SA 1790. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON HEALTH EFFECTS OF DEPARTMENT OF DEFENSE BURN PITS ON MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the adverse health effects on members and former members of the Armed Forces of the use of burn pits by the Department of Defense for the disposal of refuse.

(b) AIR QUALITY TESTS.—

(1) IN GENERAL.—As part of the report submitted under subsection (a), the Secretary shall include the results of air quality and air pollutant tests carried out at each of the 15 military installations or facilities closest to a burn pit described in subsection (a) in which members of the Armed Forces reside. Such results shall specify the distance between the burn pit and the military installation or facility where the air quality and air pollutant tests were carried out.

(2) METHOD.—In carrying out the air quality and air pollutant tests, the Secretary of Defense may select a representative sample of the 15 military installations.

SA 1791. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 125. OPERATING FACILITY FOR 8TH AIR FORCE HEADQUARTERS.

Notwithstanding any other provision of law, the Administrator of the General Services Administration shall identify an appropriate operating facility for the 8th Air Force Headquarters within 90 days of receiving operating space requirements from a representative of the United States Air Force.

SA 1792. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON DOCUMENTATION OF SUPPORT PROVIDED BY MEMBERS OF THE ARMED FORCES IN COMBAT OPERATIONS OUTSIDE THE REQUIREMENTS OF THEIR MILITARY OCCUPATIONS.

(a) IN GENERAL.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the documentation of the combat experience of members of the Armed Forces while deployed in support of contingency operations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the mechanisms used by the Secretary, if any, to document the combat experience of members of the Armed Forces while deployed in support of contingency operations that is provided as a result of combat operational requirements and outside of the requirements of their military occupations.

(2) Recommendations for the improvement or creation of mechanisms described in paragraph (1).

(3) An assessment of the feasibility and advisability of creating and implementing an experience, service, or skill identifier to identify the combat experience described in paragraph (1).

(4) An assessment of whether such identifier could be used effectively and efficiently for the provision of training and assignment matching.

(5) An assessment of whether the current chain of command construct allows members described in paragraph (1) who have experienced combat sufficient opportunity to obtain recognition for their service.

(6) An identification of the differences between service in the reserve components of the Armed Forces and service in the regular components of the Armed Forces and how those differences affect the matters described in paragraphs (1) through (5).

(7) An assessment of how a mechanism described in paragraph (1) could be used to improve determinations of whether a member of the Armed Forces has, for purposes of establishing service-connection for a disease or injury under section 1154(b) of title 38, United States Code, engaged in combat with the enemy in active service with a military, naval, or air organization of the United States during a period of war, campaign, or expedition.

SA 1793. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, insert the following:

SEC. 904. DIRECTOR OF ENERGY PLANS AND PROGRAMS.

(a) IN GENERAL.—Section 139b of title 10, United States Code, is amended—

(1) in the section heading, by striking “operational”;

(2) in subsection (a), by striking “Operational”;

(3) in subsection (b)—

(A) in paragraph (1), by striking “operational energy plans and programs” and inserting “operational and installation energy plans and programs”;

(B) by amending paragraph (2) to read as follows:

“(2) establish coordinated operational and installation energy strategies that promote national energy security, reduce energy costs, increase energy efficiency, and minimize environmental impacts;”

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “operational energy strategy” and inserting “operational energy and installation energy strategies”;

(ii) in subparagraph (B), by striking “operational energy demands” and inserting

“operational energy and installation energy demands”; and

(iii) in subparagraph (C), by striking “operational energy demand” and inserting “operational energy and installation energy demand”; and

(D) in paragraph (4), by striking “operational energy initiatives” and inserting “operational and installation energy initiatives”;

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the subsection heading, by striking “OPERATIONAL”;

(ii) by striking “operational energy plans and programs” the first place it appears and inserting “operational and installation energy plans and programs”; and

(iii) by striking “operational energy plans and programs” the second place it appears and inserting “such energy plans and programs”; and

(B) in paragraph (2), by striking “operational energy plans and programs and the operational energy strategy” and inserting “operational and installation energy plans and programs and the energy strategy”;

(5) in subsection (d)—

(A) in the subsection heading, by inserting “AND INSTALLATION” after “OPERATIONAL”;

(B) in paragraph (1), by inserting “and installation” after “operational”;

(C) in paragraph (2), by inserting “and installation” after “operational”;

(D) in paragraph (3), by inserting “and installation” after “operational”; and

(E) by adding at the end the following new paragraph:

“(5) The Director shall be the defense-wide coordinator for activities evaluating and mitigating the impacts, if any, of operational or installation energy projects that might adversely affect military mission, training, or readiness, and shall be responsible for maintaining communications with other Departments regarding such projects and for ensuring the Department or another Federal agency is developing technologies or processes to avert any such impacts and to fulfill the duties described in subsection (b).”;

(6) in subsection (e)(1), by inserting “and installation” after “operational”; and

(7) in subsection (h), by adding at the end the following new paragraph:

“(3) INSTALLATION ENERGY.—The term ‘installation energy’ means the energy required for operating and maintaining military facilities and installations and related support of training and sustaining military forces and weapons platforms.”.

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of chapter 4 of title 10, United States Code, amended by striking the item relating to section 139b and inserting the following new item:

“139b. Director of Energy Plans and Programs.”.

SA 1794. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XI, add the following:

SEC. 1107. REVIEW OF SPECIAL CONSIDERATION GIVEN TO USING CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE TO PERFORM FUNCTIONS CRITICAL TO NATIONAL SECURITY.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Over the past decade, the number of contractors working for the Department of Defense has increased from the headquarters level down to installations in the United States and overseas.

(2) Those contractors perform a multitude of functions, ranging from logistical support, maintenance, medical services, administrative functions, and security operations.

(3) Training installations have seen an exceptionally significant increase in the use of a contractors.

(4) Work stoppages by contractors have a direct impact on the ability of Department of Defense to carry out its organizational missions.

(5) The 110th and 111th Congresses have enacted several laws to address the performance of inherently governmental functions by contractors.

(6) An inherently governmental function is one that, as a matter of law and policy, must be performed by employees of the Federal Government and not contractors because it is intimately related to the public interest.

(7) The inability of the Department of Defense to carry out its organizational missions as a result of such work stoppages affects military readiness and jeopardizes national security.

(b) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a review of the special consideration given to using civilian employees of the Department of Defense instead of contractors to perform certain functions under section 2463(b) of title 10, United States Code.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include an assessment of the following:

(A) The effect of using private contractors on the ability of a military installation to accomplish its mission.

(B) The benefit of providing the Department of Defense with the flexibility to make decisions that are related to essential missions with respect to the use of civilian employees of the Department of Defense.

(C) The impact on missions of the Department of Defense resulting from contractor work stoppages, including—

(i) the average and total cost of such work stoppages;

(ii) the average and total training days lost as a result of such work stoppages;

(iii) the cumulative effect of such work stoppages on the organizational mission of the Department of Defense; and

(iv) the effects of such work stoppages on combat operations and deployments.

SA 1795. Mr. MARTINEZ (for himself, Mr. INHOFE, Mr. KYL, Mr. GRAHAM, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF CONGRESS ON CONTINUED SUPPORT BY THE UNITED STATES FOR A STABLE AND DEMOCRATIC REPUBLIC OF IRAQ.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The men and women of the United States Armed Forces who have served or are serving in the Republic of Iraq have done so with the utmost bravery and courage and deserve the respect and gratitude of the people of the United States and the people of Iraq.

(2) The leadership of Generals David Petraeus and Raymond Odierno, as the Commanders of the Multi-National Force Iraq, as well as Ambassador Ryan Crocker, was instrumental in bringing stability and success to Iraq.

(3) The strategy known as the surge was a critical factor contributing to significant security gains and facilitated the economic, political, and social gains that have occurred in Iraq since 2007.

(4) The people of Iraq have begun to develop a stable government and stable society because of the security gains following the surge and the willingness of the people of Iraq to accept the ideals of a free and fair democratic society over the tyranny espoused by Al Qaeda and other terrorist organizations.

(5) The security gains in Iraq must be carefully maintained so that those fragile gains can be solidified and expanded upon, primarily by citizens of Iraq in service to their country, with the support of the United States as appropriate.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) a stable and democratic Republic of Iraq is in the long-term national security interest of the United States;

(2) the people and the Government of the United States should help the people of Iraq promote the stability of their country and peace in the region; and

(3) the United States should be a long-term strategic partner with the Government and the people of Iraq in support of their efforts to build democracy, good governance, and peace and stability in the region.

SA 1796. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In section 123, strike (a) and insert:

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide for a federally funded research and development center which will submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, through the Secretary of Defense, a report on potential foreign military sales of the F-22A fighter aircraft.

SA 1797. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year

2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —MARITIME ADMINISTRATION
SEC. —01. SHORT TITLE.

This title may be cited as the “Maritime Administration Authorization Act of 2010”.

SEC. —02. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EXPENSES, AND CONTRACTING AUTHORITY.

Section 109 of title 49, United States Code, is amended—

(1) by striking the heading for subsection (h) and inserting the following:

“(h) **CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.**—”;

(2) by striking the heading for paragraph (1) of subsection (h) and inserting the following:

“(1) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—”;

(3) by striking “make contracts” in subsection (h)(1) and inserting “make contracts and cooperative agreements”;

(4) by striking “section and” in subsection (h)(1)(A) and inserting “section.”;

(5) by striking “title 46” in subsection (h)(1)(A) and insert “title 46, and all other Maritime Administration programs;”;

(6) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

“(i) **GRANT ADMINISTRATIVE EXPENSES.**—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.”.

SEC. —03. USE OF FUNDING FOR DOT MARITIME HERITAGE PROPERTY.

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking subparagraph (C) and inserting the following:

“(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010, shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section or, if otherwise determined by the Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.”.

SEC. —04. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE MERCHANT MARINE ACADEMY.

The Maritime Administration may use appropriated funds to make a lump-sum payment at a rate of pay that existed on the date of termination or day before conversion to the Civil Service for any unused annual leave accrued by a non-appropriated fund instrumentality employee who was terminated if determined ineligible for conversion, or converted to the Civil Service as a United States Merchant Marine Academy employee during fiscal year 2009.

SEC. —05. PERMANENT AUTHORITY TO HIRE ADJUNCT PROFESSORS AT THE MERCHANT MARINE ACADEMY.

(a) **IN GENERAL.**—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

“§ 51317. **Adjunct professors**

“(a) **IN GENERAL.**—The Maritime Administrator may, subject to the availability of appropriations, contract with individuals as

personal services contractors to provide services as adjunct professors at the United States Merchant Marine Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

“(b) **CONTRACT REQUIREMENTS.**—Each contract under this section—

“(1) shall be approved by the Maritime Administrator; and

“(2) shall be for a duration, including options, of not to exceed one year unless the Maritime Administration finds that exceptional circumstances justify an extension, which may not exceed one additional year.

“(c) **LIMITATION ON NUMBER OF CONTRACTORS.**—In awarding contracts under this section, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under subsection (a).

“(d) **EXISTING CONTRACTS.**—Any contract entered into before the date of enactment of the Maritime Administration Authorization Act of 2010 for the services of an adjunct professor at the Academy shall remain in effect for the trimester (or trimesters) for which the services were contracted.”.

(b) **CONFORMING AMENDMENTS.**—

(1) The table of contents for chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

“51317. Adjunct professors.”.

(2) Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 53101 note) is repealed.

SEC. —06. USE OF MIDSHIPMAN FEES.

Section 51314 of title 46, United States Code, is amended—

(1) by striking “1994.” in subsection (b) and inserting “1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and U.S. Coast Guard license fees.”; and

(2) by adding at the end thereof the following:

“(c) **USE AND ACCOUNTING.**—

“(1) **USE.**—Midshipman fees collected by the Academy shall be credited to the Maritime Administration's Operations and Training appropriations, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be returned to the midshipmen through a mechanism approved by the Maritime Administrator.

“(2) **ACCOUNTING.**—The Maritime Administration shall maintain a separate and detailed accounting of fee revenue and all associated expenses.”.

SEC. —07. CONSTRUCTION OF VESSELS IN THE UNITED STATES POLICY.

Section 50101(a)(4) of title 46, United States Code, is amended by inserting “constructed in the United States” after “vessels”.

SEC. —08. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

Section 50302 of title 46, United States Code, is amended by adding at the end thereof the following:

“(c) **PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.**—

“(1) **ESTABLISHMENT OF PROGRAM.**—The Secretary of Transportation, through the Maritime Administration, shall establish a port infrastructure development program for the improvement of port facilities.

“(2) **AUTHORITY OF THE ADMINISTRATOR.**—In order to carry out any program established under paragraph (1), the Maritime Administrator may—

“(A) receive funds provided for the program from non-Federal and private entities

that have a specific agreement or contract with the Maritime Administration to further the purposes of this subsection;

“(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to relieve port congestion, to increase port security, or to provide greater access to port facilities;

“(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies; and

“(D) provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.

“(3) **PORT INFRASTRUCTURE DEVELOPMENT FUND.**—

“(A) **ESTABLISHMENT.**—There is a Port Infrastructure Development Fund for use by the Administrator in carrying out the port infrastructure development program. The Fund shall be available to the Administrator—

“(i) to administer and carry out the program;

“(ii) to receive non-Federal and private funds from entities which have specific agreements or contracts with the Administrator; and

“(iii) to make refunds for projects that will not be completed.

“(B) **CREDITS.**—There shall be deposited into the Fund—

“(i) funds from non-Federal and private entities which have agreements or contracts with the Administrator and which shall remain in the Fund until expended; and

“(ii) such amounts as may be appropriated or transferred to the Fund under this subsection.

“(C) **TRANSFERS.**—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the program shall be transferred to the Fund and administered by the Administrator.

“(D) **ADMINISTRATIVE EXPENSES.**—Administrative and related expenses for the program for any fiscal year may not exceed 3 percent of the amount available to the program for that fiscal year.

“(E) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the program, taking into account amounts received under subparagraph (A)(ii).”.

SEC. —09. REEFS FOR MARINE LIFE CONSERVATION PROGRAM.

(a) **IN GENERAL.**—Section 3 of Public Law 92-402 (16 U.S.C. 1220) is amended by adding at the end thereof the following:

“(d) Any territory, possession, or Commonwealth of the United States, and any foreign country, may apply to the Secretary for an obsolete vessel to be used for an artificial reef under this section. The application process and reefing of any such obsolete vessel shall be performed in a manner consistent with the process jointly developed by the Secretary of Transportation and the Administrator of the Environmental Protection Agency under section 3504(b) of Public Law 107-314 (16 U.S.C. 1220 note).”.

(b) **LIMITATION.**—Section 7 of Public Law 92-402 (16 U.S.C. 1220c-1) is amended by adding at the end thereof the following:

“(d) **LIMITATION.**—The Secretary may not provide assistance under this section to a foreign country to which an obsolete ship is transferred under this Act.”.

SEC. —10. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended by striking “paid before the start of each academic year,” and inserting “paid.”.

SEC. —11. UNITED STATES MERCHANT MARINE ACADEMY GRADUATE PROGRAM RECEIPT, DISBURSEMENT, AND ACCOUNTING FOR NON-APPROPRIATED FUNDS.

Section 51309(b) of title 46, United States Code, is amended by inserting after “body.” the following: “Non-appropriated funds received for this purpose shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purpose of such receipts. The Superintendent shall maintain a separate and detailed accounting of non-appropriated fund receipts and all associated expenses.”.

SEC. —12. AMERICA'S SHORT SEA TRANSPORTATION GRANTS FOR THE DEVELOPMENT OF MARINE HIGHWAYS.

(a) **IN GENERAL.**—Chapter 556 of title 46, United States Code, is amended by redesignating sections 55602 through 55605 as sections 55603 through 55606 and by inserting after section 55601 the following:

“§ 55602. **Short sea transportation grant program**

“(a) **IN GENERAL.**—The Secretary of Transportation shall establish and implement a short sea transportation grant program.

“(b) **PURPOSE.**—The purposes of the program are to make grants to States and other public entities and sponsors of short sea transportation projects designated by the Secretary—

“(1) to facilitate and support marine transportation initiatives at the State and local levels to facilitate commerce, mitigate landside congestion, reduce the transportation energy consumption, reduce harmful emissions, improve safety, assist in environmental mitigation efforts, and improve transportation system resiliency; and

“(2) to provide capital funding to address short sea transportation infrastructure and freight transportation needs for ports, vessels, and intermodal cargo facilities.

“(c) **ELIGIBLE PROJECTS.**—To be eligible for a grant under the program, a project—

“(1) shall be designed to help relieve congestion, improve transportation safety, facilitate domestic and international trade, or encourage public-private partnerships; and

“(2) may include development, modification, and construction of marine and intermodal cargo facilities, vessels, port infrastructure and cargo handling equipment, and transfer facilities at ports.

“(d) **SELECTION PROCESS.**—

“(1) **APPLICATIONS.**—A State or other public entity, or the sponsor of any short sea transportation project designated by the Secretary under the America's Marine Highway Program (MARAD Docket No. 2008-0096; 73 FR 59530), may submit an application to Secretary for a grant under the short sea transportation grant program. The application shall contain such information and assurances as the Secretary may require.

“(2) **PRIORITY.**—In selecting projects for grants, the Secretary shall give priority to projects that are consistent with the objectives of the short sea transportation initiative and America's Marine Highway Program that will—

“(A) mitigate landside congestion;

“(B) provide the greatest public benefit in energy savings, reduced emissions, improved system resiliency, and improved safety;

“(C) include and demonstrate the greatest environmental responsibility; and

“(D) provide savings as an alternative to or means to avoid highway or rail transportation infrastructure construction and maintenance.

“(e) USE OF GRANT FUNDS.—Funds made available to a recipient of a grant under this section shall be used by the recipient for the project described in the application of the recipient approved by the Secretary.”.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 556 of title 46, United States Code, is amended—

(1) by redesignating the items relating to sections 55602 through 55605 as relating to section 55603 through 55606; and

(2) by inserting after the item relating to section 55601 the following:

“55602. Short sea transportation grant program.”.

SEC. —13. EXPANSION OF THE MARINE VIEW SYSTEM.

(a) DEFINITIONS.—In this section:

(1) MARINE TRANSPORTATION SYSTEM.—The term “marine transportation system” means the navigable water transportation system of the United States, including the vessels, ports (and intermodal connections thereto), and shipyards and other vessel repair facilities that are components of that system.

(2) MARINE VIEW SYSTEM.—The term “Marine View system” means the information system of the Maritime Administration known as Marine View.

(b) FINDINGS.—Congress finds the following:

(1) Information regarding the marine transportation system is comprised of information from the Government of the United States and from commercial sources.

(2) Marine transportation system information includes information regarding waterways, bridges, locks, dams, and all intermodal components that are dependent on maritime transportation and accurate information regarding marine transportation is critical to the health of the United States economy.

(3) Numerous challenges face the marine transportation system, including projected growth in cargo volumes, international competition, complexity, cooperation, and the need for improved efficiency.

(4) There are deficiencies in the current information environment of the marine transportation system, including the inability to model the entire marine transportation system to address capacity planning, disaster planning, and disaster recovery.

(5) The current information environment of the marine transportation system contains multiple unique systems that are duplicative, not integrated, not able to be shared, not secure, or that have little structured privacy protections, not protected from loss or destruction, and will not be available when needed.

(6) There is a lack of system-wide information views in the marine transportation system.

(7) The Administrator of the Maritime Administration is uniquely positioned to develop and execute the role of marine transportation system information advocate, to serve as the focal point for marine transportation system information management, and to provide a robust information infrastructure to identify, collect, secure, protect, store, and deliver critical information regarding the marine transportation system.

(c) PURPOSES.—The purposes of this section are—

(1) to expand the Marine View system; and

(2) to provide support for the strategic requirements of the marine transportation system and its contribution to the economic viability of the United States.

(d) EXPANSION OF MARINE VIEW SYSTEM.—To accomplish the purposes of this section, the Secretary of Transportation shall expand the Marine View system so that such system is able to identify, collect, integrate, secure, protect, store, and securely distribute throughout the marine transportation system information that—

(1) provides access to many disparate marine transportation system data sources;

(2) enables a system-wide view of the marine transportation system;

(3) fosters partnerships between the Government of the United States and private entities;

(4) facilitates accurate and efficient modeling of the entire marine transportation system environment;

(5) monitors and tracks threats to the marine transportation system, including areas of severe weather or reported piracy; and

(6) provides vessel tracking and rerouting, as appropriate, to ensure that the economic viability of the United States waterways is maintained.

(e) AGREEMENTS AND CONTRACTS.—The Administrator of the Maritime Administration may enter into cooperative agreements, partnerships, contracts, or other agreements with industry or other Federal agencies to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2010 through 2013 to carry out this section.

SEC. —14. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation, for the use of the Maritime Administration, for fiscal year 2010 the following amounts:

(1) For expenses necessary for operations and training activities, \$152,900,000, of which—

(A) \$74,448,000 shall remain available until expended for expenses at the United States Merchant Marine Academy, of which \$15,391,000 shall be available for the capital improvement program; and

(B) \$11,240,000 which shall remain available until expended for maintenance and repair of school ships at the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$174,000,000.

(3) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), \$19,500,000.

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, \$15,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$30,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and

maritime communities assistance program under section 54101 of title 46, United States Code, \$6,000,000.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available, as provided in appropriations Acts, until expended.

SA 1798. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1694 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 252. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEM.

(a) IN GENERAL.—Not later than March 31, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct a comparative evaluation of extended range modular sniper rifle systems, including .300 Winchester Magnum, .338 Lapua Magnum, and other calibers. The evaluation shall identify and demonstrate an integrated suite of technologies capable of—

(1) extending the effective range of snipers;

(2) meeting service or unit requirements or operational need statements; or

(3) closing documented capability gaps.

(b) FUNDING.—The Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct the evaluation required by subsection (a) using amounts appropriated for fiscal year 2009 for extended range modular sniper rifle system research (PE # 0604802A) that are unobligated.

(c) REPORT.—Not later than April 30, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the evaluation required by subsection (a), including—

(1) detailed ballistics and system performance data; and

(2) an assessment of the operational capabilities of extended range modular sniper rifle systems to meet service or unit requirements or operational need statements or close documented capabilities gaps.

SA 1799. Ms. KLOBUCHAR proposed an amendment to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 557. IMPROVED ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to expand existing initiatives of the Department

of Defense to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall include the following:

(A) Programs and activities to educate family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Efforts to expand counseling activities for such family members in local communities.

(b) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and at such times thereafter as the Secretary of Defense considers appropriate, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) **ELEMENTS.**—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SA 1800. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON AUTOMATED SMALL ARMS AMMUNITION SORTING.

(a) **FINDINGS.**—Congress makes the following findings:

(1) From 2001 to 2009, small arms ammunition acquisition by the Federal Government increased to over 2,000,000,000 rounds, with 80 percent of that ammunition being used for training or noncombat purposes.

(2) An automatic ammunition sorting and inspecting capability currently only exists at Camp Arifjan, Kuwait, and Fort Irwin, California.

(3) It is in the best financial and logistical interest to expedite and increase the recapitalization of unused small arms ammunition within the Department of Defense.

(b) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on small arms ammunition.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following:

(A) The plan of the Department of Defense to recoup and recapitalize large quantities of loose small arms ammunition (9mm, .45 caliber, 5.56mm, 7.62mm, and .50 caliber).

(B) An assessment of the cost savings of an increased industrial capacity to automatically sort and inspect large quantities of loose and unused small arms ammunition in lieu of manual inspection and sorting methods.

(C) The intent of the Department of Defense to invest in automatic ammunition sorting infrastructure that reduces the number of personnel required to manually sort ammunition and expedites ammunition usage by members of the Armed Forces for combat and training.

(D) The impact of military installations and departments having the ability to automatically and mechanically sort spent brass from live ammunition and visually inspect and identify ammunition for quality control and authenticity.

SA 1801. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title I, add the following:

SEC. 115. COMPETITIVE BIDDING FOR PROCUREMENT OF STEAM TURBINES FOR SHIPS SERVICE TURBINE GENERATORS AND MAIN PROPULSION TURBINES FOR OHIO-CLASS SUBMARINE REPLACEMENT PROGRAM.

The Secretary of the Navy shall take measures to ensure competition, or the option of competition, for steam turbines for the ships service turbine generators and main propulsion turbines for the Ohio-class submarine replacement program in accordance with section 202 of the Weapons Systems Acquisition Reform Act of 2009 (Public Law 111-23; 10 U.S.C. 2430 note).

SA 1802. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Beginning on page 184, line 20, strike “serves on active duty” and all that follows through “serves on active duty” on page 185, line 6, and insert the following: “serves on active duty in the Armed Forces or active

status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, or has the member's eligibility for retirement from the Armed Forces suspended, as described in that subsection.

(b) **COVERED MEMBERS.**—A member of the Armed Forces described in this subsection is any member of the Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) who, at any time during the period beginning on October 1, 2009, and ending on June 30, 2011, serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces.

SA 1803. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Add the end of subtitle D of title II, add the following:

SEC. 252. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEMS.

(a) **IN GENERAL.**—Not later than March 31, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct a comparative evaluation of extended range modular sniper rifle systems, including .300 Winchester Magnum, .338 Lapua Magnum, and other calibers. The evaluation shall identify and demonstrate an integrated suite of technologies capable of—

(1) extending the effective range of snipers;

(2) meeting service or unit requirements or operational need statements; or

(3) closing documented capability gaps.

(b) **FUNDING.**—The Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct the evaluation required by subsection (a) using amounts appropriated for fiscal year 2009 for extended range modular sniper rifle system research (PE # 0604802A) that are unobligated.

(c) **REPORT.**—Not later than April 30, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the evaluation required by subsection (a), including—

(1) detailed ballistics and system performance data; and

(2) an assessment of the operational capabilities of extended range modular sniper rifle systems to meet service or unit requirements or operational need statements or close documented capabilities gaps.

SA 1804. Mrs. SHAHEEN (for herself, Mr. JOHANNIS, Mr. KAUFMAN, Mr. BOND, Mr. BEGICH, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 1621 proposed by Mrs. SHAHEEN (for herself, Mr. JOHANNIS, Mr. KAUFMAN, and Mr. BEGICH) to the bill S. 1390, to authorize

appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 2, of the amendment, strike "programs," and insert the following: "programs."

"(4) **TERMINATION.**—The program established under this subsection shall terminate on October 1, 2012."

SA 1805. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 557. INCREASE IN FINANCIAL ASSISTANCE FOR CHILD CARE FOR MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to provide financial assistance to cover not less than 75 percent of the costs of child care described in subsection (b) for members of the Armed Forces who are currently eligible to receive financial assistance for the costs of child care.

(b) **CHILD CARE DESCRIBED.**—Child care described in this subsection is child care—

(1) provided through a child care program operated or otherwise authorized by the Department of Defense; or

(2) for which the Department of Defense otherwise provides financial assistance.

SA 1806. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. ADDITIONAL MEMBERS AND DUTIES FOR INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) **FINDING.**—Congress understands that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, will be comprised of twelve members equally divided on a bipartisan basis.

(b) **SENSE OF CONGRESS ON INDEPENDENT PANEL.**—It is the sense of Congress that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, should be comprised of members equally divided on a bipartisan basis.

(c) **ADDITIONAL MEMBERS.**—

(1) **IN GENERAL.**—For purposes of conducting the assessment of the 2009 quadren-

nial defense review under section 118 of title 10, United States Code (in this section referred to as the "2009 QDR"), the independent panel established under subsection (f) of such section (in this section referred to as the "Panel") shall include eight additional members to be appointed as follows:

(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two by the chairman of the Committee on Armed Services of the Senate.

(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two by the ranking member of the Committee on Armed Services of the Senate.

(2) **PERIOD OF APPOINTMENT; VACANCIES.**—Any vacancy in an appointment to the Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(d) **ADDITIONAL DUTIES OF PANEL FOR 2009 QDR.**—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) conduct an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR; and

(2) make any recommendations it considers appropriate for consideration.

(e) **REPORT OF SECRETARY OF DEFENSE.**—Not later than 30 days after the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees any comments of the Secretary on the report of the Panel.

(f) **TERMINATION.**—The provisions of this section shall terminate on the day that is 45 days after the date on which the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code.

SA 1807. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1760 submitted by Mr. KYL (for himself, Mr. MCCONNELL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. GRAHAM, Mr. VITTER, Mr. DEMINT, Mr. RISCH, Mr. CORNYN, Mr. BARRASSO, Mr. LIEBERMAN, Mr. WICKER, and Mr. BENNETT) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Beginning on page 1, line 2, strike "**LIMITATION**" and all that follows through page 5, line 3, and insert the following: "**REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS AND SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO START TREATY.**"

(a) **REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.**—

(1) **REPORT REQUIRED.**—Not later than 30 days after the date of the enactment of this Act or at the time a follow-on treaty to the Strategic Arms Reduction Treaty (START

Treaty) is submitted by the President to the Senate for its advice and consent, whichever is earlier, the President shall submit to the congressional defense and foreign relations committees a report on the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile, modernize the nuclear weapons complex, and maintain the delivery platforms for nuclear weapons.

(2) **COORDINATION.**—The President shall prepare the report required under paragraph (1) in coordination with the Secretary of Defense, the directors of Sandia National Laboratory, Los Alamos National Laboratory, and Lawrence Livermore National Laboratory, the Administrator for the National Nuclear Security Administration, and the Commander of the United States Strategic Command.

(3) **ELEMENTS.**—The report required under paragraph (1) shall include the following:

(A) A description of the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile.

(B) A description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A description of the plan to maintain delivery platforms for nuclear weapons.

(D) An estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (C), over a 10-year period.

(b) **SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO THE START TREATY.**—The Senate urges the President to maintain the stated position of the United States that the follow-on treaty to the START Treaty not include any limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States.

SA 1808. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. PROVISION TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES OF COMPREHENSIVE INFORMATION ON BENEFITS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) **PROVISION OF COMPREHENSIVE INFORMATION REQUIRED.**—The Secretary of the military department concerned shall, at each time specified in subsection (b), provide to each member of the Armed Forces and, when practicable, the family members of such member comprehensive information on the benefits available to such member and family members as described in subsection (c), including the estimated monetary amount of such benefits and of any applicable offsets to such benefits.

(b) **TIMES FOR PROVISION OF INFORMATION.**—Comprehensive information on benefits shall be provided a member of the Armed Forces and family members at each time as follows:

(1) Within 180 days of the enlistment, accession, or commissioning of the member as a member of the Armed Forces.

(2) Within 180 days of a determination that the member—

(A) has incurred a service-connected disability; and

(B) is unfit to perform the duties of the member's office, grade, rank, or rating because of such disability.

(3) Upon the discharge, separation, retirement, or release of the member from the Armed Forces.

(c) **COVERED BENEFITS.**—The benefits on which a member of the Armed Forces and family members shall be provided comprehensive information under this section shall be as follows:

(1) At all the times described in subsection (b), the benefits shall include the following:

(A) Financial compensation, including financial counseling.

(B) Health care and life insurance programs for members of the Armed Forces and their families.

(C) Death benefits.

(D) Entitlements and survivor benefits for dependents of the Armed Forces, including offsets in the receipt of such benefits under the Survivor Benefit Plan and in connection with the receipt of dependency and indemnity compensation.

(E) Educational assistance benefits, including limitations on and the transferability of such assistance.

(F) Housing assistance benefits, including counseling.

(G) Relocation planning and preparation.

(H) Such other benefits as the Secretary concerned considers appropriate.

(2) At the time described in paragraph (1) of such subsection, the benefits shall include the following:

(A) Maintaining military records.

(B) Legal assistance.

(C) Quality of life programs.

(D) Family and community programs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(3) At the times described in paragraphs (2) and (3) of such subsection, the benefits shall include the following:

(A) Employment assistance.

(B) Continuing Reserve Component service.

(C) Disability benefits, including offsets in connection with the receipt of such benefits.

(D) Benefits and services provided under laws administered by the Secretary of Veterans Affairs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(d) **BIENNIAL NOTICE TO MEMBERS OF THE ARMED FORCES ON THE VALUE OF PAY AND BENEFITS.**—

(1) **BIENNIAL NOTICE REQUIRED.**—The Secretary of each military department shall provide to each member of the Armed Forces under the jurisdiction of such Secretary on a biennial basis notice on the value of the pay and benefits paid or provided to such member by law during the preceding year. The notice may be provided in writing or electronically, at the election of the Secretary.

(2) **ELEMENTS.**—Each notice provided a member under paragraph (1) shall include the following:

(A) A statement of the estimated value of the military health care, retirement benefits, disability benefits, commissary and exchange privileges, government-provided housing, tax benefits associated with service in the Armed Forces, and special pays paid or provided the member during the preceding 24 months.

(B) A notice regarding the death and survivor benefits, including Servicemembers' Group Life Insurance, to which the family of the member would be entitled in the event of the death of the member, and a description of any offsets that might be applicable to such benefits.

(C) Information on other programs available to members of the Armed Forces generally, such as access to morale, welfare, and recreation (MWR) facilities, child care, and education tuition assistance, and the estimated value, if ascertainable, of the availability of such programs in the area where the member is stationed or resides.

(e) **OTHER OUTREACH.**—

(1) **IN GENERAL.**—The Secretaries of the military departments shall, on a periodic basis, conduct outreach on the pay, benefits, and programs and services available to members of the Armed Forces by reason of service in the Armed Forces. The outreach shall be conducted pursuant to public service announcements, publications, and such other announcements through general media as will serve to disseminate the information broadly among the general public.

(2) **INTERNET OUTREACH WEBSITE.**—

(A) **IN GENERAL.**—The Secretary of Defense shall establish an Internet website for the purpose of providing the comprehensive information about the benefits and offsets described in subsection (c) to members of the Armed Forces and their families.

(B) **CONTACT INFORMATION.**—The Internet website required by subparagraph (A) shall provide contact information, both telephone and e-mail, that a member of the Armed Forces and a family member of the member can use to get personalized information about the benefits and offsets described in subsection (c).

(f) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the requirements of this section by the Department of Defense. Such report shall include a description of the quality and scope of available online resources that provide information about benefits for members of the Armed Forces and their families.

(2) **RECORDS MAINTAINED.**—The Secretary of Defense or the military department concerned shall maintain records that contain the number of individuals that received a briefing under this section in the previous year disaggregated by the following:

(A) Whether the individual is a member of the Armed Forces or a family member of a member of the Armed Forces.

(B) The Armed Force of the members.

(C) The State or territory in which the briefing occurred.

(D) The subject of the briefing.

SA 1809. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. SENSE OF THE SENATE ON PRODUCTION OF MOLYBDENUM-99.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) There are fewer than five reactors around the world currently capable of producing molybdenum-99 (Mo-99) and there are no such reactors in the United States that can provide a reliable supply of Mo-99 to meet medical needs.

(2) Since November 2007, there have been major disruptions in the global availability of Mo-99, including at facilities in Canada and the Netherlands, which have led to shortages of Mo-99-based medical products in the United States and around the world.

(3) Ensuring a reliable, supply of medical radioisotopes, including Mo-99, is of great importance to the public health.

(4) It is also a national security priority of the United States, and specifically of the Department of Energy, to encourage the production of low-enriched uranium-based radioisotopes in order to promote a more peaceful international nuclear order.

(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo-99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support the development of Mo-99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests worldwide.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) radioisotopes and radiopharmaceuticals, including Mo-99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people each year; and

(2) the Secretary of Energy should continue and expand a program to meet the need identified by the National Academy of Sciences to ensure a source of Mo-99 and its derivatives for use in medical tests to help ensure the health security of the United States and around the world and promote peaceful nuclear industries through the use of low-enriched uranium.

SA 1810. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 557. INCREASE IN FINANCIAL ASSISTANCE FOR CHILD CARE FOR MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to provide financial assistance to cover not less than 75 percent of the costs of child care described in subsection (b) for members of the Armed Forces who are currently eligible to receive financial assistance for the costs of child care.

(b) **CHILD CARE DESCRIBED.**—Child care described in this subsection is child care—

(1) provided through a child care program operated or otherwise authorized by the Department of Defense; or

(2) for which the Department of Defense otherwise provides financial assistance.

SA 1811. Mr. COBURN (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 479, between lines 18 and 19, insert the following:

SEC. 1222. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Section 1225 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2424) is amended—

(1) in subsection (a), by striking “until December 31, 2010, the President shall submit” and inserting “(but not later than the first of each May), the Director of the Office of Management and Budget shall submit”; and

(2) by adding at the end the following:

“(C) **PUBLIC AVAILABILITY OF INFORMATION.**—The Director of the Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet Web site.”.

SA 1812. Mr. LEAHY (for himself, Mr. BINGAMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 483, between lines 8 and 9, insert the following:

SEC. 1232. REPORT ON FEASIBILITY AND DESIRABILITY OF ESTABLISHING GENERAL UNIFORM PROCEDURES AND GUIDELINES FOR THE PROVISION OF MONETARY ASSISTANCE BY THE UNITED STATES TO CIVILIAN FOREIGN NATIONALS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES.

(a) **REPORT.**—The Secretary of Defense shall submit to Congress a report on the feasibility and the desirability of establishing general uniform procedures and guidelines for the provision by the United States of monetary assistance to civilian foreign nationals for losses, injuries, or death (hereafter “harm”) incident to combat activities of the United States Armed Forces during contingency operations.

(b) **MATTERS TO BE INCLUDED IN REPORT.**—The Secretary shall include in the report the following:

(1) A description of the authorities under laws in effect as of the date of the enactment of this Act for the United States to provide compensation, monetary payments, or other assistance to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(2) A description of the practices in effect as of the date of enactment of this Act for

the United States to provide ex gratia, solatia, or other types of condolence payments to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(3) A discussion of the historic practice of the United States to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to combat activities of the United States Armed Forces.

(4) A discussion of the practice of the United States in Operation Enduring Freedom and Operation Iraqi Freedom to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to the combat activities of the United States Armed Forces, including the procedures and guidelines used and an assessment of its effectiveness. This discussion will also include estimates of the total amount of funds disbursed to civilian foreign nationals who have incurred harm since the inception of Operation Iraqi Freedom and Operation Enduring Freedom. This discussion will also include how such procedures and guidelines compare to the processing of claims filed under the Foreign Claims Act.

(5) A discussion of the positive and negative effects of using different authorities, procedure, and guidelines to provide monetary assistance to civilian foreign nationals, based upon the culture and economic circumstances of the local populace and the operational impact on the military mission. This discussion will also include whether the use of different authorities, procedures, and guidelines has resulted in disparate monetary assistance to civilian foreign nationals who have incurred substantially similar harm, and if so, the frequency and effect of such results.

(6) A discussion of the positive and negative effects of establishing general uniform procedures and guidelines for the provision of such assistance, based upon the goals of timely commencement of a program of monetary assistance, efficient and effective implementation of such program, and consistency in the amount of assistance in relation to the harm incurred. This discussion will also include whether the implementation of general procedures and guidelines would create a legally enforceable entitlement to “compensation” and, if so, any potential significant operational impact arising from such an entitlement.

(7) Assuming general uniform procedures and guidelines were to be established, a discussion of the following:

(A) Whether such assistance should be limited to specified types of combat activities or operations, e.g., such as during counter-insurgency operations.

(B) Whether such assistance should be contingent upon a formal determination that a particular combat activity/operation is a qualifying activity, and the criteria, if any, for such a determination.

(C) Whether a time limit from the date of loss for providing such assistance should be prescribed.

(D) Whether only monetary or other types of assistance should be authorized, and what types of nonmonetary assistance, if any, should be authorized.

(E) Whether monetary value limits should be placed on the assistance that may be provided, or whether the determination to provide assistance and, if so, the monetary value of such assistance, should be based, in whole or in part, on a legal advisor’s assessment of the facts.

(G) Whether a written record of the determination to provide or to not provide such assistance should be maintained and a copy made available to the civilian foreign national.

(H) Whether in the event of a determination to not provide such assistance the civilian foreign national should be afforded the option of a review of the determination by a higher ranking authority.

(c) **RECOMMENDATIONS.**—The Secretary shall include in the report such recommendations as the Secretary considers appropriate for legislative or administrative action with respect to the matters discussed in the report.

(d) **SUBMISSION OF REPORT.**—The report shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form, but may include a classified annex.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 23, 2009 at 9:30 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, July 23, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 23, 2009, at 9:30 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 23, 2009, at 2:30 p.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, on July 23, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Worsening Foreclosure Crises: Is It Time to Reconsider Bankruptcy Reform?”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT THE FEDERAL WORKFORCE, AND
THE DISTRICT OF COLUMBIA

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, July 23, 2009, at 2:30 p.m. to conduct a hearing entitled, "D.C. Public Schools: Taking Stock of Education Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power, be authorized to meet during the session of the Senate to conduct a hearing on Thursday, on July 23, 2009, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LIEBERMAN. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that Abdullah Feroze, Nora Lamm, and Van Snow, from Senator BINGAMAN's office be given privileges of the floor for the pendency of S. 1390, the Defense authorization bill, and all votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

BURMESE FREEDOM AND
DEMOCRACY ACT

Mr. LEVIN. I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 56, which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 56) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

RENEWAL OF THE BURMESE
FREEDOM AND DEMOCRACY ACT

Mr. MCCONNELL. Mr. President, I rise today to acknowledge passage of H.J. Res. 56, the Burmese Freedom and Democracy Act, which is now on its way to the President's desk for his signature.

As in years past, this resolution will extend import sanctions for another

year against Burmese goods in order to maintain economic pressure on the ruling State Peace and Development Council—SPDC. It also continues the Tom Lantos Block Burmese JADE Act, which was enacted last year and further increased sanctions against the junta.

In some circles the value of sanctions has been questioned and, at some point, greater engagement with the regime may be in order. However, by passing this measure, Congress has clearly concluded that such a change in policy would be premature, and for good reason. The very fact that Nobel Peace Prize laureate Aung San Suu Kyi has been put on trial by the regime for trumped-up charges reflects how essential it is to continue these measures against the SPDC. To do otherwise would implicitly condone the junta's actions in trying her. It also would turn a blind eye to the regime having imprisoned Suu Kyi for 13 of the past 20 years, to say nothing of the scores of less well-known political prisoners who currently languish in Burmese prisons.

UN Secretary General Ban Ki-moon's recent trip to Burma, I think, demonstrates yet again the true nature of this regime. During his visit, he was denied access to Suu Kyi and apparently received no concessions from the junta. This reflects that it is the SPDC that does not want to engage meaningfully with the international community, not the other way around. Therefore, my colleagues and I believe that sanctions against the junta should remain in place until such time as the regime truly commits itself to a course of democratization and reconciliation.

Nor should anyone be fooled by the junta's transparent efforts to legitimize its rule through the scheduled 2010 elections. By excluding Suu Kyi from participating in the elections and by including provisions that would permanently entrench military rule, the new Burmese charter is no more legitimate than the regime that sponsored it. More than halfway through 2009, it is hard to see how next year's elections in Burma are redeemable.

Congress's posture toward the Burmese regime is not just borne out of humanitarian concerns; it also involves important national security considerations. Just this week, Secretary of State Hillary Clinton publicly raised questions about alleged military links between the junta and North Korea. The details of the Burmese-North Korean relationship are murky but, according to the Washington Post, concern has been raised among U.S. officials about a possible budding nuclear relationship between the two autocracies.

Finally, I note that this resolution has brought together 66 Members of this Chamber as cosponsors, more cosponsors than any previous year. This showing reflects yet again the genuine

bipartisan support for the people of Burma and opposition to the junta's rule. In this effort, I was pleased to work closely again with my friend Senator DIANNE FEINSTEIN, who has long been a vigorous advocate for the Burmese people. Senators MCCAIN and DURBIN have also been stalwarts in their support for freedom in Burma, and they once again were at the vanguard of this legislative undertaking. I would close by thanking Brandi White and Ally Bird of my staff for their hard work on this bill.

Mr. LEVIN. I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 56) was ordered to a third reading, was read the third time, and passed.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS TO DOD
AUTHORIZATION BILL

Mr. LEVIN. Mr. President, I indicated there were 18 amendments that had been cleared by Senator MCCAIN and the leadership and myself, which under the previous UC would then be automatically adopted and made part of the bill. In fact, there were 19 amendments on this list as it now appears, including that modified Sessions amendment. So I wanted to clarify the RECORD on that point. There are 19 amendments on that list, No. 19 being one that we, frankly, thought we previously approved but apparently had not. So it is intended that it is on that list, and we are assured by the staff that this is the way we can correct that problem.

The PRESIDING OFFICER. The RECORD will so note.

Mr. LEVIN. I thank the Presiding Officer. And I thank Senator MCCAIN's staff for bringing that to our attention.

ORDERS FOR FRIDAY, JULY 24, 2009

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, July 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later

in the day; that there then be a moment of silence in honor of the fallen Capitol Police officers, and that following the moment of silence, there be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. Mr. President, there will be no rollcall votes during tomorrow's session of the Senate. Senators should expect the next vote to begin around 5:30 p.m. on Monday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:10 p.m., adjourned until Friday, July 24, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES SENTENCING COMMISSION

KETANJI BROWN JACKSON, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2013, VICE MICHAEL E. HOROWITZ, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL, UNITED STATES ARMY AND FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE SERVING AS THE JUDGE ADVOCATE GENERAL, IN ACCORDANCE WITH TITLE 10, U.S.C., SECTIONS 3047, 3064 AND 624:

To be lieutenant general

BRIG. GEN. DANA K. CHIPMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624, 3037, AND 3064:

To be brigadier general, judge advocate general's corps

COL. THOMAS E. AYRES
COL. MARK S. MARTINS
COL. JOHN W. MILLER II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JANE B. PRATHER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

HUNT W. KERRIGAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHELE L. HILL
WILLIAM S. LIKE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WARREN G. THOMPSON
FREDERICK M. KARRER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

YVONNE S. BREECE
RYAN S. JONES
HAROLD P. XENTTELIS

To be major

RICHARD R. ABELKIS
TODD H. BONHAM
WILLIE L. CASEY
ROBERT B. LACKEY
SAMUEL LOPEZSANTANA
CHRISTOPHER R. MORSE
CHARLES B. TIERNEY
PAMELA L. TINGLE
SHARON D. TYLER
MICHAEL J. UFFORD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DANA C. ALLMOND
MICHAEL W. ALSBROOK
JOHN E. AMADEO
ERIC C. ANDERSON
JOSEPH S. ANDERSON
STEVEN R. ANSLEY, JR.
GREGORY N. ASH, JR.
ELIZABETH A. ATHERTON
THOMAS J. ATKINS
PATRICK J. BADAR
SABRINA BAKER
ANDRE J. BALDANZA
SCOTT T. BEALL
JOHNNY A. BECKWITH
BENJAMIN P. BERNER
ERIC S. BETTS
OLIVIA M. BIERMAN
CHARLES H. BLUMENFELD III
ANGELA L. BOWIE
JUANITA R. BOWMAN
EDWARD BOYLE
ROBERT A. BROGAN
COURTNEY R. BROOKS
CARL A. BROSKY
MATTHEW J. BROWN
SCOTT A. BROWN
SHAWN L. BROWN
MICHAEL C. BRUENS
ALLANA J. BRYANT
JEFFREY A. BUONO
DARRIEL A. BURLESON
JOSHUA R. BURRIS
LAURA L. BURTON
MATTHEW V. BURTON
CHRIS A. BYLER
WILLIAM J. CAIN, JR.
CHAD A. CALVARESI
ASHAWN D. CAMPBELL
BRYAN E. CANTER
REBECCA A. CAPPS
DON C. CARTER
MELODY J. CHARLES
KENT A. CLARK
KEVIN B. CLARK
MICHELLE F. CLARK
PHILIP R. CLARK
TERRY L. CLARK
BRIAN P. CLARKE
DONALD J. CLARKSON
TODD C. CLINE
CYNTHIA G. COLEMAN
TIJUANA D. COLLIER
MICHAEL P. CONROY
DERRICK A. CORBETT
STEVE E. CORNELIUS
ELWARD P. CORTEZ
LUIS COTTOARROYO
DAWN M. COX
FREDERICK L. CRIST
TROY W. CROSBY
JASON A. CROWE
THOMAS J. CUNNINGHAM
ERIK A. L. DANCE
MICHAEL D. DANIELS
QUINCY L. DAVIS
SEAN P. DAVIS
GREGG M. DELLERT
TODD R. DESLAURIERS
JACK E. DILLS
TIMOTHY DOMKE
MATTHEW R. DOOLEY
JOHN H. DROSOS
JAMES J. DUTHU
JAMES P. DYKE
JOHN K. EDWARDS
WILLIAM L. ELLIS
ANDREW J. ESCH
BRAD J. EUNGARD
DONNA K. FANNING
MARK R. FARIA
KEITH X. FENNELL
THOMAS M. FIFE
NORBERT A. FOCHS
CHRISTOPHER M. FORD
CHRISTOPHER R. FORSYTHE
TRACY A. FOSTER
FRANCENE M. FRANKLIN
YOLANDA D. FRAZIER
ERIC C. FRUTCHY

PAMELA M. FULTON
JOHN M. GALLAGHER
MICHAEL P. GARLINGTON
THOMAS M. GASTON, JR.
STEVEN M. GEORGE
CLINTON D. GILDER
GEORGE P. GLAZIER
EARTHA M. GOVAN
BRIAN J. GRUCHACZ
MATHEW D. GUERRIE
KENT G. GUFFY
SPENCER C. GUIDA
JEFFREY C. GUNN
LAMONT J. HALL
DAVID A. HARPER
BENJAMIN J. HARRIS
GERALD J. HART, JR.
LULA B. HARTEVANS
KIRK A. HARVEY
LISA M. HARVEY
EDWARD J. HAUSKNECHT
DOUGLAS C. HAYS
GREGORY K. HAYWOOD, SR.
JVON HEARN
JESSE L. HENDERSON III
ROGER G. HENDERSON
RAY D. HENRY
BRYANT D. HERNANDEZ
THOMAS J. HIPSKIND
JOSEPH A. HOECHERL
STEVEN F. HOGLUND
DANIEL F. HOLLINGSHEAD
CARL J. HOLLISTER
DAVID L. HOOPER
PAUL T. HOPKINS, JR.
DONALD E. HOUSTON, JR.
RAYMOND A. HRINKO
DEAN HUARD
TOM T. HUFF
MARGUERITE D. IRVINE
ERIC L. JACKSON
SHANNON C. JACKSON
DEREK K. JANSEN
BRIAN K. JENKINS
JAMES P. JENKINS II
SHAWN T. JENKINS
GORDON N. JOCZIK
ELLSWORTH K. JOHNSON
LYNDON C. JOHNSON
TERESA A. JOHNSON
THOMAS F. JOHNSON
DAVID G. JONES
DAVID L. JONES
ELMORE J. JONES, JR.
MATTHEW A. JURY
RUTH A. KEITH
MARVIN D. KELLEM IV
MARTINE S. KIDD
DAVID W. KING
PAUL M. KIPP
DEAN T. KLOPOTOSKI
MARK E. KRUSOV
NICHOLAS LASALA, JR.
GAVIN A. LAWRENCE
JOHN D. LAWRENCE
STEPHEN W. LEDBETTER
PATRICK J. LEMIEUX, JR.
CHAD G. LIVINGSTON
SHAWN K. LOCKHART
RUSSELL M. LONG
JOSEPH R. LOREN
FRANCISCO J. LOZANO
SHAWN P. LUCAS
TOMMIE J. LUCIUS
JACQUES S. LUNDY
DONALD A. MACCUISH
PATRICK L. MALLETT
VINCENT V. MANIVANH
CHERYL L. MARTINEZ
ERIC A. MARTINEZACOSTA
MARK A. MAYORAS
PAUL D. MAZURE
MICHAEL D. MCGREGOR
KIMBERLY M. MERCY
CLIFFORD S. MEWBORNE
AMEED D. MICKO
JAMES C. MILLS
JENNIFER S. MINUS
VICTOR L. MORALES, JR.
KEITH S. MORGAN
GRANT L. MORRIS
GREGORY B. MOSER
EDWIN G. NALL
JOHN D. NAWOICHYK
JAMES A. NELSON
RICHARD W. NELSON
THOMAS P. NELSON III
JENNIFER A. NICHOLSON
MICHAEL J. NIXON
SCOTT P. NOON
DEVON D. NUDELMAN
MARK M. OCONNOR
MICHAEL G. OLMSTEAD
MATTHEW J. OPALINSKI
CHRISTINE PACHECO
MARCILYN L. PATTERSON
DAVID E. PATTON
MOLLIE A. PEARSON
GUSTAVO C. PEREZ
THOMAS A. PERRY
EDMUND K. PETTENGILL
TIMOTHY R. PETTY

BRYAN K. PHILLIPS
JEFFERY E. PHILLIPS
LEWIS H. PHILLIPS
EDGAR F. PLUMMER
DOUGLAS W. POFF
CARLAS D. POWELL
ARTHUR B. POWERS
PAUL E. PRICE
TEDDY D. QUALLS
BLAINE T. RADENZ
WILTON RANSOM
RICHARD M. REDFIELD
ROGER M. RICHGRUBER
THOMAS C. RITCHIE
JOSEPH O. RITTER
ERWIN RIVERA
COREY ROBINSON
DALE A. ROBISON
ROBERT B. RODEFER, JR.
MELISSA RODRIGUEZTORRES
PETE A. ROSS
SCOTT E. ROTH
LYNDA R. ROYSE
MICHAEL E. RUTKOWSKI
THOMAS E. SACHARIASON
EVANGELINE M. SAIZ
THOMAS I. SALTYSIAK
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AARON B. SANDER
LISA L. SAULSBERY
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WILLIAM R. SCHAFFER
DAVID L. SCHMITT
CHRISTOPHER D. SCHNEIDER
BETH M. SCHWAGERT
MICHAEL F. SCUTERI
ALAN C. SHAW
JASON K. SHEPARD
PAUL D. SHERMAN, JR.
MAKALENA Y. SHIBATA
DAVID S. SHORT
OTT M. SIEBERT
MICHAEL B. SIEGL
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JEFFREY S. SIMPSON
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KATHLEEN J. SMALLWOOD
MICHAEL J. SMITH
ROBERT S. SMITH
WILLIAM D. SMITH
MARK S. SNYDER
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AARON M. STANEK
BRIAN C. STEHLE
CURT L. STEWART
BRET A. STOVALL
DAVID B. STRINGER
PAUL M. STRUCK
GRANT S. SULLIVAN
GLEN E. SUTTON
ALBERT J. TAPP
BERNARD TAYLOR
GINA M. THISIUS
DAVID L. VANOVER
MARCUS L. VARNADORE
LUIS A. VELEZCORTES
MARY C. VOWELL
GREGORY D. WAGNON
DAVID A. WALDRON
EUGENE F. WALLACE
JOEL E. WARHURST
DAVID A. WARNICK
DENNIS E. WEDDING
MARC WHEELER
THEODORE O. WHITE
NATHAN WIEDENMAN
STEVEN M. WILKE
KENNETH K. WILLIAMS
VERNON L. WILLIAMS, JR.
DANIEL J. WILLIAMSON
WILLIAM M. WILLIS
PAUL W. WILLOUGHBY
TROY D. WILT
JOHN T. WIMBERLEY
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TODD J. WRIGHT
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CARYN L. YOST
HENRY C. YOUNG, JR.
BERNARD ZACHARY, JR.

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RICHARD C. BELL, JR.
BRUCE C. BENNARD
STEVEN R. BERGER
WILLIAM H. BESTERMANN
KURT L. BEURMANN
SCOTT A. BIRD
WALTER T. BLAKE
MICHAEL P. BLANDFORD
SEAN D. BLUNDON
REX A. BOONE
EDWARD F. BOROWIEC, JR.
ROGER L. BOWMAN
JOHN M. BOYER
SCHAWN L. BRANCH
GARY T. BRETT
MATTHEW W. BROOKE
STEPHEN M. BROOKS
JOEL A. BROWN III
RICHARD T. BROWN
TRENT D. BRUYERE
PATRICK D. BUCKLEY
GUY H. BUICE
JOSEPH A. BURGER
THOMAS F. BURKET
KENNETH W. BURKMAN
KYLE C. BURLEY
LAWRENCE M. BURNS
JAMES T. BUSHONG
KEVIN P. BUTLER
JOHN P. CALHOUN
STEVEN D. CALHOUN
ULISES V. CALVO
MICHAEL A. CARDENAS
LONNIE CARLSON
TEMAKI N. CARR
SCOTT T. CHANCELLOR
MATTHEW H. CHANTINY
JASON A. CHARLAND
DARRELL C. CHUGG
SHANE A. CIPOLLA
MICHAEL A. CIZEK
JON A. CLAUSEN
JAMES W. COFFIN
DAVID J. COKER
FREDERICK L. CORCORAN III
KEITHON R. CORPENING
RHETT R. COX
STEVEN P. CRAM
PHILIP T. CROSBIE
JAMES W. CROSSLEY
SCOTT A. CRUMP
CRAIG P. CUMMINGS
LISA M. DANIELS
DANIEL P. DANKO
BRADFORD J. DAVIS
THOMAS S. DENIS
MIKE DEQUEVEDO
RAYMOND DIAZ
CHRISTOPHER M. DICICCO
TREVOR W. DISON
JOHN L. DONALDSON
MICHAEL C. DOYLE
MARK S. DREWETT
KURT A. DULLE
STEPHEN M. DUNAWAY
MATTHEW W. DUNLOP
EDWARD J. DUPONT
PIER M. DURST
JAMES D. DZWONCHYK
TROY D. EGGUM
JON E. ELLIS
ISSAC W. ELLISON IV
DENNIS J. EMMERT II
CONRAD J. ENCARNACION
JEFFREY M. ERICKSON
JOE A. ESPINOSA, JR.
PEDRO R. ESPINOZA II
HOA V. EWING
ROBERT A. FAGO
MICHAEL L. FAZEN
CHRISTIAN H. FELLOWS
SAMUEL E. FIOL
JAMES A. FOSBRINK
MARTHA R. FOUNTAIN
CHRISTOPHER V. FOURNIER
PAUL E. FRITZ II
DARYL L. FULLERTON
BRAD T. GANDY
JAVIER M. GARCIAIRAZARRY
JEFFREY A. GARDNER
STEPHEN E. GAUTHIER
LAURA R. GELDHOF
STACY L. GERBER
BRYAN R. GIBBY
WILLIAM R. GLASER
ROBERTO GONZALEZPENIA
WILLIAM D. GOSS
DOUGLAS A. GRAY
THOMAS E. GRAY
DANIEL A. GREENE
CHRISTIAN S. GRIGGS
KEVIN L. GRIGGS
DERRICK M. GRIMES
EDWARD F. GUERNSEY
CARLOS HADDOCKGOMEZ
MICHAEL L. HAGGARD
MAURICE S. HAJJAR
BRADLEY H. HALL

MATTHEW B. HARLESS
BRYON K. HARTZOG
LESLIE S. HAWKINS
LAURA J. HEATH
STEVEN J. HENDERSON
NATHAN E. HERING
RODERICK D. HERRON
DAVID S. HOCKER
GERALD D. HODGE, JR.
GLENN A. HODGES
CHRISTOPHER L. HOPKINS
ERIK K. HOVDA
JAMES L. HOWARD, JR.
GREGORY B. HOYT
CLIFTON E. HUGHES
DHANIA J. HUNT
TERANCE L. HUSTON
CURTIS F. IDEN
MICHELLE L. ISENHOUR
STEVEN L. ISENHOUR
JOHN C. JACKSON
LANCE E. JACOBSEN
CARL R. JACQUET
DONALD S. JOHNSON
MARK E. JOHNSON
STEVEN M. JOHNSON
JASON M. JONES
ROBERT L. KAMMERZELL
JAMES P. KEATING
GEOFFREY D. KEILLOR
JOSEPH T. KEMMER, JR.
WILLIAM A. KENDRICK
JOHN D. KENKEL
NEIL K. KHATOD
CHARLIE H. KIM
WON S. KIM
DAVID M. KNYCH
DAVID M. KOBS
JOSEPH M. KUSHNER
RICHARD A. LAING
SCOTT R. LAMPRIDES
MICHAEL J. LANHAM
GROVER J. LAPORTE, JR.
BRADFORD D. LAWING
RICHARD J. LAWLESS
KENNETH L. LAWRENCE
DERRICK S. LEE
KENNETH R. LEMIRE
ROBERT J. LENZ, JR.
ALVIN D. LEWIS
ERIC D. LITTLE
CHRISTOPHER S. LITWHILER
JOHN E. LIVINGSTONE
JOSEPH F. LIZZI
KENNETH S. LUTHER
DAVID S. MACDONALD
BRIAN D. MACK
STEVEN C. MADDRY, JR.
GREGORY A. MAHONEY
STANLEY A. MALLOY
THOMAS J. MANGINE
TRACY L. MANN
GREGORY D. MARQUEZ
AMBRO MARTIN
PHILLIP G. MARTIN, JR.
VINCENT G. MARTINELLI
REMSON J. MARTINEZ
JOSEPH T. MASSENGILL
SCOTT D. MAXWELL
KEVIN A. MCANINCH
MICHAEL S. MCCULLOUGH
MICHAEL S. MCDERMOTT
DAVID P. MCHENRY
HOWARD D. MCINVALE
WILLIAM S. MCPPEAK
KENNETH D. MCRAE
PAMELA J. MEADOWS
THOMAS L. MELROSE II
DAVID C. MENSER
CHRISTOPHER J. MEREDITH
AARON J. MERRILL
RONALD J. MILLER
TIMOTHY M. MILLER
SCOTT J. MITCHELL
ROBERT B. MONK
MONTE G. MONTES
BRIAN M. MOORE
DAVID J. MORGAN
JAMES W. MORRIS
JEFFREY I. MOSER
JAMES F. MURPHY
CHRISTOPHER J. NANNINI
AHMED E. NAWAB
KARL D. NEAL
TANYA J. NEWELL
JEREMY H. NEWTON
MICHAEL T. NGO
CONSTANTIN E. NICOLET
GLENN W. NOCERITO
CHARLES W. NOLAN II
JOSEPH M. NOLAN
EDDIE W. ORTIZ
CARVER D. PACE, JR.
ANDREW A. PACHE
JOSEPH M. PAGNOTTA
DAVID S. PALMER
MARK S. PARKER
HECTOR E. PAZ III
EDWARD L. PEARCE
GEOFFREY B. PEASE
DANIEL W. PECK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES ARMY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

TYRONE C. ABERO
DOUGLAS ACOPA, JR.
MICHAEL C. ADAMS
ANDREW G. AJAMIAN
KENNETH S. ALLEN
JONATHAN K. ALT
JASON L. AMERINE
GREGORY M. ARNDT
REYNOLD R. ARREDONDO

SCOTT L. PECK
 ALLEN J. PEPPER
 ALBERTO PEREZ
 SCOTT E. PFAU
 JOHNNY J. POWERS
 JAMES D. PRINGLE
 JEFFREY D. RAMSEY
 CHRISTOPHER R. REID
 DAVID L. REID
 DAVID B. REINKE
 JOSHUA I. REITZ
 RUSSELL A. RHOADS
 GENE L. RICHARDS
 THOMAS A. RIPPERT
 ANDREW C. RITER
 SCOTT B. ROBERTS
 KAREN J. ROE
 IRVING S. ROGERS III
 WILLIE R. ROSEMAN
 JAN L. RUESCHHOFF
 DARRYL A. RUPP
 JAMES L. SADLER
 JOSEPH A. SCHAFER
 SCOTT T. SCHENKING
 DAVID G. SCHILLING
 THOMAS J. SCHWAB
 JEFFREY A. SEGGI
 MICHAEL E. SENN
 CHRISTOPHER P. SHAFFER
 GEORGE R. SHATZER
 RAYMOND Y. SHETZLINE III
 DAVID J. SHIVELY
 KIA SHOAMOTAMEDI
 STEPHEN J. SILVA
 DAVE W. SIMMONS
 ROBERT B. SIMS
 DAVID J. SLIVKA, JR.
 ALPRENTICE SMITH
 FRANK A. SMITH
 MICHAEL R. SNOOK
 PHILIP P. SPETH
 MARC A. SPINUZZI
 PAUL T. STANTON
 JEFFERY D. STEFFEN
 DARLA L. STENCACAVE
 SCOTT A. STEPHENS
 MICHAEL B. STEPHENSON
 ALLISON L. STEWART
 BART D. STEWART
 MAREK R. STOBBE
 DONALD J. STONGE, JR.
 TERRY D. STPETER
 BARBARA A. STREATER
 STEPHEN A. STROBLE
 RYAN D. STRONG
 MICHAEL A. TACTO
 CURTIS D. TAIT
 PATRICK A. TEAGUE
 TIMOTHY R. TEAGUE
 THEODORE M. THOMAS II
 MARK A. THOMSON
 HECTOR A. TOVAR
 MARK J. TOWERY
 TIMOTHY N. TUBERGEN
 GEORGE C. TURNER, JR.
 MARK M. TURNER
 RENEE M. UNDERWOOD
 TONG C. VANG
 JILL L. WAGNER
 JAMES E. WALKER
 KENNETH M. WANLESS, JR.
 BRUCE R. WATKINS
 THOMAS C. WESTEN
 RANDY R. WHEELER
 CLARENCE W. WHITE
 JAMES E. WHITE, JR.
 RANDY E. WHITE
 MELISSA L. WILLIAMS
 ROBERT S. WILLIAMS, JR.
 MICHAEL C. WISE
 PETER B. WISTI
 STEVEN A. WOOD
 GUY M. WOODARD III
 NORMAN D. YOUNG
 TIMOTHY M. ZAJAC

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES ARMY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID S. ABRAHAM
 THOMAS M. ACKLEN, JR.
 MICHAEL D. ACORD
 MICHAEL A. ADAMS
 STEVEN J. ADAMS
 MICHAEL A. ADELBERG
 LAWRENCE N. AIELLO
 DEMETRIUS C. ALEXANDER
 RICHARD W. ALEXANDER II
 TOM ALEXANDER, JR.
 JEFFREY R. ALLEN
 ERIK N. ANDERSON
 JEFFREY F. ANDERSON
 THOMAS E. ANDERSON
 CORT W. ANDREWS
 MICHAEL V. ANGELL

WENCESLAO G. ANGULO
 BRIAN P. APGAR
 AUSTIN T. APPLETON
 RALPH D. ARCHETTI
 BRENDAN J. ARCURI
 CHARLES S. ARMSTRONG
 RYAN D. ARNE
 ANTONIO D. AUSTIN
 THOMAS E. AUSTIN
 DOUGLAS W. AYDELOTT
 JOSE C. AYMAT
 WALTER AYMERICH
 EVERETT K. BABER
 GEORGE R. BACON
 BENJAMIN S. BAHOQUE
 JENNIFER K. BAILEY
 SCOTT H. BAILEY
 JOHN K. BAKER
 LAWRENCE J. BAKER, JR.
 TROY B. BALDRIDGE
 KEVIN C. BALISKY
 ANDRE P. BALYOZ
 BRADLEY D. BARKER
 CHRISTOPHER M. BARNWELL
 GILBERTO J. BARRERA
 NESTOR L. BARRETO
 STEVEN P. BASILICI
 GEORDIE E. BEAL
 GREGORY B. BEAUDOIN
 GUILLAUME N. BEAUPERE
 JEFFREY A. BECKER
 CHRISTOPHER L. BELCHER
 GREGORY R. BELL
 TREAVOR J. BELLANDI
 ERIC H. BENNETT
 TYRONE BENNETT
 MICHAEL J. BENSON
 CHARLES K. BERGMAN
 KEITH E. BESHESSE
 JOHN A. BEST
 STEVEN J. BETTS
 BRUCE F. BEYERS
 DANIEL L. BILLQUIST
 ALAN D. BISENIEKS
 HERMINIO BLASIRIZARRY
 GREGORY G. BOBECK
 GLENN R. BOLLINGER III
 KRISTA L. BONINO
 JOE D. BOOKARD
 JONATHAN A. BOSTON
 SCOTT A. BOVEE
 JOHN K. BOWMAN
 TANYA J. BRADSHAW
 CHARLES E. BRANSON
 MICHAEL R. BRAUN
 JOHN E. BRENNAN
 ANDREW P. BRICKSON
 KEVIN M. BRILL
 MARK E. BROCK
 HARRY D. BROOKS
 MICHAEL W. BROUGH
 BRIAN W. BROWN
 CHARLES T. BROWN
 DOUGLAS E. BROWN
 JOHN C. BROWN
 JOHN M. BROWN, JR.
 MARK D. BROWN
 RONNIE F. BROWN
 THOMAS J. BROWN
 JAY P. BULLOCK
 THOMAS E. BURKE
 KEVIN H. BURKETT
 ROBERT M. BURMASTER
 MARK A. BURNS
 LARRY Q. BURRIS, JR.
 MICHAEL D. BUSH
 KEVIN J. BUTLER
 PHUC BUU
 SAMUEL L. CALKINS
 EDWIN J. CALLAHAN
 CHAD A. CALLIS
 KIRK V. CALLOWAY
 LANCE K. CALVERT
 ANTHONY D. CAMPBELL
 JOSEPH W. CAMPBELL
 PATRICK R. CAMPBELL
 DANIEL CANALES
 PETER J. CANONICO
 DOUGLAS J. CARBONE
 MARION C. CARRINGTON
 CLARENCE L. CARROLL III
 PAUL L. CARROLL
 STEVEN M. CARROLL
 CARL L. CASEY
 WATSON G. CAUDILL III
 TIMOTHY W. CHAMBERS
 DANIEL L. CHANDLER
 MICHAEL G. CHANG
 MARK R. CHEADLE
 MICHAEL L. CHISHOLM
 MICHAEL N. CLANCY
 JOSEPH D. CLARK, JR.
 RICHARD P. CLIFTON
 PATRICK M. CLUNE
 MATTHEW J. CODY
 ROSS M. COFFEY
 ROBERT C. CONNELL
 BLAKESLEE A. CONNORS
 FRANCISCO D. CONSTANTINO
 ERIC H. COOMBS
 JAMES T. CORRIGAN
 NEAL A. CORSON

JOHN P. COX
 JAMES D. CRABTREE
 ERIC S. CRIDER
 RORY A. CROOKS
 MASON W. CROW
 MICHAEL A. CSICSILA
 JIMMIE E. CUMMINGS, JR.
 GARY L. CUNNINGHAM
 ROBERT P. CURTIN
 GREGORY J. CYR
 SHAWN B. CZECHOWSKI
 MATTHEW C. DABBS
 PHILIP J. DACUNTO
 ANDREW P. DACUS
 GARY DANGERFIELD
 PETER A. DANNENBERG
 PAUL T. DANSEREAU
 PETER E. DARGLE
 ROBERT A. DAVEL
 DANIEL L. DAVIS
 MITCHELL K. DAY
 JOHN G. DEAN IV
 ANDREW B. DECKER
 JOSEPH F. DECOSTA
 JAMES A. DELAPP
 STEVEN M. DELGADO
 ANTHONY V. DEMASI
 MICHAEL E. DEMIRJIAN
 JASON K. DEMPSEY
 JASON S. DENNEY
 RANDY W. DENNY
 WILLIAM P. DENNY
 MARK A. DEPEW
 JOSE A. DEVARONA
 LARRY F. DILLARD, JR.
 ERIC J. DINDIA
 DOMINIQUE M. DIONNE
 JOSEPH A. DIPASQUALE III
 ROBERT G. DIXON
 MICHAEL P. DOHERTY
 BRADLEY S. DOMBY
 ADRIAN A. DONAHOE
 JAMES K. DOOGHAN
 MATTHEW A. DOOLEY
 MARK L. DOTSON
 PATRICK M. DOWNES
 PATRICK M. DUGGAN
 WILLIAM H. DUNBAR
 DANIEL L. DUNCAN, JR.
 SHANE N. DUNCANSON
 JAMES K. DUNIVAN
 ALBERT J. DUNN, JR.
 DAVID W. DUNPHY
 WILLIAM E. DUVALL IV
 PAUL D. EDGAR
 YANCY D. EDMONDS
 ADAM T. EDWARDS
 JAMES M. EFAW
 BENJAMIN S. EISER
 RUSSELL J. ELIZONDO
 MICHAEL A. ELLICOTT, JR.
 JAY T. ELLIOTT
 RONALD L. ELLS
 REED G. ERICKSON
 ESEQUIEL S. ESPINOZA
 MARK R. ESSENBERG
 DONALD C. EVANS
 PATROVICK G. EVERETT
 CHRISTOPHER T. FABER
 STEVEN L. FANDRICH
 THERESA L. FARRELL
 PRESCOTT R. FARRIS
 PETER C. FEDAK
 CARL R. FEHRENBACHER
 RICHARD E. FELICES
 THOMAS M. FELTEY
 PIERRE L. FENRICK
 KEVIN FIELD
 EDWARD J. FISHER
 MARK A. FISHER
 SEAN N. FISHER
 RONALD P. FITCH, JR.
 ALEXANDER B. FLETCHER
 LOUIS A. FLORENCE
 JAMES S. FOLLANSBEE
 BRIAN A. FORN
 DAVID A. FOSTER
 CARL H. FRAZER
 RANDY R. FREEMAN
 JEFFREY A. FRITZ
 GEOFFREY M. FULLER
 SCOTT C. FULMER
 STEPHEN E. GABAVICS
 DANIEL E. GALLAGHER
 GLENN J. GAMBRELL
 JOHN J. GARCIA
 MICHELLE M. GARCIA
 JAY C. GARDNER
 JASON T. GARKEY
 ALBERTO GARNICA, JR.
 BENJAMIN L. GARRETT
 GEORGE C. GATLING
 DEREK J. GAUDLITZ
 MARK A. GERALDI
 DAVID M. GERCKEN
 SHILISA D. GETER
 SINH N. GIBBON
 OCTAVIUS L. GIBBONS
 ANDREW D. GIGNILLIAT
 THOMAS M. GILLERAN
 WILLIAM J. GIRARD

MICHAEL K. GLOWASKI
STEPHEN C. GOFF
ANDRE A. GOLDEN
WILLIAM T. GOLDEN IV
THOMAS GOLDNER
JOSEPH GONNELLA
FELIX O. GONZALES, JR.
CARLOS E. GONZALEZ
ROBERT D. GOODROE
SHANE P. GOODSON
MICHAEL K. GOODWIN
ROBERT E. GORDON
MICHAEL J. GOUDEAU
ROBERT E. GOWAN III
JOEL F. GRAHAM
PETER W. GRANGER
DEVIN L. GRAY
GAYLORD W. GREENE
ANDY J. GREER
CHARLES W. GREGORY
JOHN R. GRIFFIN, JR.
MARVIN L. GRIFFIN
COREY A. GRIFFITHS
DONALD L. GROOM
RICHARD B. GUSSENHOVEN
NATHAN F. HAAS
MICHAEL C. HABER
ANNA M. HABERZETTL
JONATHAN D. HAIGHT, JR.
JUSTIN R. HALL
CHARLES A. HALLMAN
ANDREW S. HANSON
JOHN R. HANSON
JERRY L. HARDING
WAYNE E. HARDY
CLIFTON C. HARRIS
STEPHEN P. HARRIS
RICHARD A. HARRISON
CONRAD E. HARVEY
MICHAEL D. HARVEY
DAVID E. HAUGH
THOMAS C. HAWN
STEVEN T. HAYDEN
TIMOTHY C. HAYDEN
JASON M. HAYES
DONALD J. HAZELWOOD, JR.
GLEN E. HEAPE
JOHN W. HEATON
MICHAEL D. HEBERT
PETER J. HEBERT
ERIC L. HEFNER
JOHN W. HENDERSON
JASON C. HENNEKE
LAWRENCE W. HENRY
RONALD E. HENRY, JR.
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July 23, 2009

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EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. GRAVES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010:

Congressman SAM GRAVES (MO—6)

Department of Transportation, Federal Highway Administration, Delta Regional Development Program—\$400,000 for the Chouteau Parkway Conceptual Design in Kansas City, Missouri (City of Kansas City, 4600 E. 63rd Street, Kansas City, MO 64130)

The two-mile section of Chouteau Trafficway between Missouri Route 210 and Interstate I-35 is a vital roadway link in the roadway network between the Kansas City, MO northlands link. Kansas City is beginning design plans for improving and converting the two-lane collector to divided parkway. Federal funds will be used for the planning and conceptual design features, including alternative alignment and widening for the new parkway. Other technical considerations to be included will be drainage improvements; roadway lighting; signing/markings; traffic analysis; utility coordination; and “green” storm water solutions.

Congressman SAM GRAVES (MO—6)

Department of Transportation, Federal Highway Administration, Surface Transportation Program—789,000 for U.S. 59/Alabama Grade Separation Project in St. Joseph, MO (City of St. Joseph’s Public Works Department, 1100 Federick Avenue, St. Joseph, MO 64501)

This project relieves an existing safety problem at the intersection of Alabama, U.S. 59, and several other local streets. Alabama itself is also one of the principal routes to the Stockyards Industrial Area, a residential area, and Lake Contrary Elementary School. Because this roadway is crossed by a very busy double-track line used by the BNSF and UP, the roadway is closed often and for extended periods of time. When it is closed, the nearest alternative access has to detour several miles to either the north or south. As a matter of public safety, major employment centers and an elementary school are isolated from critical emergency services support. Working with Missouri Department of Transportation (MODOT), the solution designed to address the isolated area is to create an alternative to the at-grade crossing. The solution involves the design and construction of a bridge (with pedestrian access), top span the tracks which will provide full and open access at all times. Federal funds will be utilized to implement this project critical to my constituent’s safety and security.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. GRANGER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I, KAY GRANGER, submit the following information regarding earmarks I received as part of the Labor, Health and Human Services, and Education Appropriations bill for fiscal year 2010, H.R. 3293.

For the project titled “Community Learning Center, Inc., Fort Worth, TX for a job training initiative” in H.R. 3293, Department of Labor Employment and Training Administration (ETA)—Training & Employment Services (TES) account, the legal name and address of the requesting entity is the Community Learning Center, 6300 Ridglea Place, Suite 600, Fort Worth, TX 76116. It is my understanding that the \$500,000 in the bill for this project will be used to purchase equipment needed to offer more training to people with disabilities, dislocated and incumbent workers, poor and excluded job seekers, youth offenders, TANF recipients, and people with low basic skills and limited English proficiency. The Community Learning Center provides model educational, training, and employment services designed to lead to better jobs and careers for Texans who need and want them the most. Community Learning Center will provide any required matching funds.

For the project titled “Southwestern University, Georgetown, TX for a summer college preparatory program” in H.R. 3293, Department of Education Elementary & Secondary Education Account, the legal name and address of the requesting entity is Southwestern University, 1001 East University Ave., Georgetown, TX 79626. It is my understanding that the \$443,000 in the bill will be used to enroll first generation, low-income students in a summer college preparation program that allows the students to participate in a faculty-supervised laboratory or field research project. Funds will also be used for teacher training as well as to allow Southwestern students and faculty to participate in summer lab and research projects with high school students and teachers. Southwestern University will provide any required matching funds.

For the project titled “Texas AgriLife Extension Service, College Station, TX for a youth obesity prevention initiative” in H.R. 3293, Centers for Disease Control and Prevention account, the legal name and address of the requesting entity is Texas AgriLife Extension Service, 1500 Research Parkway, Suite 150, 2259 TAMU, College Station, TX 77845-2259. It is my understanding that the \$300,000 in the bill will be used to develop a pilot program in the Fort Worth Independent School District to develop, implement, and evaluate a com-

prehensive education, research, and outreach program to promote healthy weight. Partners for this project include: United Way FitFuture, Fort Worth Independent School District, City of Fort Worth, and Texas Parks and Wildlife. The multidisciplinary, community-based approach will build on the strengths of families and communities to achieve this goal. Texas AgriLife will provide a 50 percent match for project funds.

For the project titled “Texas Health Harris Methodist Hospital Fort Worth, Ft. Worth, TX for facilities and equipment” in H.R. 3293, Department of Health and Human Services HRSA—Health Facilities and Services account, the legal name and address of the requesting entity is Texas Health Harris Methodist Hospital Fort Worth, 1301 Pennsylvania Avenue, Fort Worth, TX 76104. It is my understanding that the \$300,000 in the bill will be used for the renovation and construction of a 16-bed palliative care unit. Palliative care is healthcare that specializes in the relief of suffering and the achievement of best possible quality of life for patients with advanced illness and their families. It is offered simultaneously with all other appropriate medical treatment. Texas Health Resources will contribute \$2.3 million toward this project, and to date, community contributions total nearly \$840,000.

For the project titled “Texas Wesleyan University, Ft. Worth, TX for facilities and equipment” in H.R. 3293, Department of Health and Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services account, the legal name and address of the requesting entity is Texas Wesleyan University, 1201 Wesleyan Street, Fort Worth, TX 76105. It is my understanding that the \$650,000 in the bill will be used for equipment costs to support the new on-line Doctorate program in Nurse Anesthesia Practice. Specifically, funding will be used to upgrade the network and enhance current audio/visual technologies for curriculum development and deployment to support instructional needs for the new distance learning doctoral program. This funding will allow Texas Wesleyan to provide doctorate level on-line training in nurse anesthesia to the nursing professionals in rural and underserved communities. Texas Wesleyan has dedicated more than \$506,000 toward this project.

For the project titled “Botanical Research Institute of Texas, Ft. Worth, TX to enhance collections” in H.R. 3293, Institute of Museum & Library Services—Museums & Libraries Account, the legal name and address of the requesting entity is Botanical Research Institute of Texas, Inc., 500 East 4th Street, Fort Worth, TX 76102. It is my understanding that the \$500,000 in the bill will be used to purchase equipment such as new archival metal herbarium cabinets for a new facility. The new equipment will allow for a more publicly-accessible facility that will allow maximum use of the Botanical Research Institute of Texas (BRIT)

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Herbarium and Library, which are the largest such scientific collections of any independent institution in the southern U.S., with over one million specimens of plants and nearly 100,000 volumes of books and journals. BRIT has raised over \$42 million for this project.

TRIBUTE TO RUTH YVONNE
WILLOUGHBY POOLE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. CORRINE BROWN of Florida. Madam Speaker, this communication is forwarded on behalf of the constituents of Congressional District Three and myself as we pay tribute to the life of Ruth Yvonne Willoughby Poole. We are all saddened that Yvonne is gone, but joyful that she has gone to be with her Heavenly Father.

On this occasion, we join with the immediate family and loved ones in saying farewell and praising God for her life. Yvonne's tremendous character and accomplishments earned her the respect of her family, friends, and community. Yvonne was a role model for so many young people, founding her own real estate brokerage at the age of 29. Her trailblazing in this industry was truly inspirational and paved the way for so many others to succeed. As you experience this tremendous loss, please know that our thoughts and prayers are with the entire family, especially Yvonne's son, R. Donahue Peebles Jr., and Yvonne's grandchildren, R. Donahue Peebles III and Chloe Alexandra Peebles.

We are happy to stand with everyone recognizing Yvonne's life on July 27 at 11 a.m. in The Washington National Cathedral in Washington, D.C. There is an emptiness that only those who have lost a close relative can understand. May the sympathy of those who care make the sorrow of your heart less difficult to bear. Along with all residents of Congressional District Three, I extend my best wishes to you and your family in these difficult times. I hope you will never hesitate to call on me or my staff if we may be of service in the future.

TRIBUTE TO BRIAN AND CONNIE
VERMEULEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a couple from my congressional district who have spent their lives giving back to their community in Orange County, California. Brian and Connie Vermeulen are dedicated public servants, fully committed to improving the quality of life in the City of San Juan Capistrano for both neighbors and visitors. I was happy to learn that their selfless commitment to the values, ideals and traditions that this country was founded upon has earned them recognition from the

San Juan Capistrano Chamber of Commerce as Man and Woman of the Year.

Brian and Connie both moved with their families to the Capistrano Valley in the early 1960s. They also both attended the parish grammar school and have remained members of the San Juan Mission parish ever since. Over the years, while busy running a business and raising children and grandchildren, they have never missed an opportunity to get involved with the community.

Together, Brian and Connie have become champions for a number of cherished local organizations, such as the Boys and Girls Club and the Fiesta Association. They have logged countless hours as yearly volunteers for the San Juan Historical Society and the Capistrano 4-H Rangers. Aside from their joint ventures, the Vermeulens also pursue their passions individually. Brian volunteers his time and talent as a Little League Coach and Connie is involved with religious education programs at the Mission parish.

The Vermeulens are the kind of citizens that this country can be proud of; humble and hardworking, they truly represent the heart of America. I want to thank Brian and Connie Vermeulen not just for their tremendous sacrifice and remarkable accomplishment, but for providing us all with a glowing example of what it means to be an American.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. GRANGER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I, KAY GRANGER, submit the following information regarding earmarks I received as part of H.R. 3288, the Department of Transportation, Housing and Urban Development and Related Agencies Appropriations Act of Fiscal Year 2010.

For the project titled "Henderson Street Bridge Construction at the Trinity River, City of Fort Worth, TX," which received \$1.35 million in H.R. 3288, Surface Transportation Priorities, the legal name and address of the receiving entity is the City of Fort Worth, Texas, 1000 Throckmorton Street, Fort Worth, TX 76102. The City of Fort Worth, Texas, will use this funding for the design, engineering and construction of SH 199 (Henderson Street) through the Trinity Uptown area of the Trinity River Vision. The aging levee system is no longer adequate to provide protection for an area adjacent to downtown Fort Worth that is undergoing revitalization. The U.S. Army Corps of Engineers recommends in the final Environmental Impact Statement an integrated, comprehensive solution for flood control in this area to include transportation, environmental restoration and community redevelopment components in constructing a 1.5 mile flood-control bypass channel. Local cost share is \$23.5 million.

For the project titled "Alliance Airport Runway Extension Program, TX," which received \$750,000 in H.R. 3288, Airport Improvement Program, the legal name and address of the

receiving entity is Alliance Air Services, City of Fort Worth, TX, 2221 Alliance Boulevard, Suite 100, Fort Worth, TX 76177. Funds will be used to extend the existing main runway. The extension project includes lengthening the runway by 1,400 feet to 11,000 feet and includes extension of taxiways, relocation of FM Road 156, relocation of BNSF main line, and extension of Eagle Parkway, at a total cost of \$212 million. Local match is \$50 to \$60 million.

For the project titled "CNG Bus Replacement," The Fort Worth Transportation Authority, Fort Worth, TX, which received \$750,000 in H.R. 3288, Buses and Bus Facilities, the legal name and address of the receiving entity is the Fort Worth Transportation Authority, 1600 E. Lancaster Avenue, Fort Worth, TX 76102. These funds will continue the replacement of the T's aging bus fleet and pay for the cost of replacing buses. When the total project is completed, the fleet will be 100 percent wheel chair accessible and complete with security cameras for driver and passenger safety. Local cost match is 20 percent.

For the project titled "Interstate-20 Interchanges, Parker County, TX," which received \$500,000 in H.R. 3288, Interstate Maintenance Discretionary, the legal name and address of the receiving entity is Parker County, TX, One Courthouse Square, Weatherford, TX 76086. Parker County, TX, approved an \$80 million transportation bond program that would improve its roadway systems, decrease congestion and provide additional capacity for the heavy truck traffic. This project would upgrade two IH-20 interchanges: the Western Loop and the FM 1187 interchanges. The amount requested will be utilized for environmental studies involved with the planning and design, engineering design, surveys, geotechnical studies for the bridge structure, and right-of-way acquisition for the two IH-20 interchanges at FM 1187 and at the Western Loop. This bond program was approved in November 2008 with a 64 percent approval. In the lead up to the vote, Parker County created a public website on the package, held at least 12 public outreach meetings. Parker County is working with the Federal Highway Administration, TXDOT and the local regional transportation council.

For the project titled "Fort Worth Transportation Authority Southwest-to-Northeast Rail Corridor, TX," which received \$4 million in H.R. 3288, Capital Improvement Grants, the legal name and address of the receiving entity is Fort Worth Transportation Authority, 1600 E. Lancaster Avenue, Fort Worth, TX 76102. The Fort Worth Transportation Authority has developed plans for a rail line across Tarrant County. This project is a 37-mile commuter rail project linking Southwest Fort Worth with downtown (with interface to existing Trinity Rail Express), northeast Tarrant County, and D/FW International Airport. This project would create a western light rail loop into the metroplex's major airport, and complement an eastern rail loop being developed by DART. The draft environmental impact statement was recently completed, and it is in the engineering level range. The local and state match is 50 percent through the T's dedicated sales tax funds as well as other municipal sales tax funds. Federal CMAQ funds have also been used for a portion of this project.

For the project titled "Trinity River Vision Land Acquisition," which received \$500,000 in H.R. 3288, Economic Development Initiative, the legal name and address of the receiving entity is the City of Fort Worth, Texas, 1000 Throckmorton Street, Fort Worth, TX 76102. The aging levee system is no longer adequate to provide protection for an area adjacent to downtown Fort Worth that is undergoing revitalization. The Army Corps of Engineers recommends in the final Environmental Impact Statement an integrated, comprehensive solution for flood control in this area to include transportation, environmental restoration and community redevelopment components in constructing a 1.5 mile flood-control bypass channel. These funds will be used for property acquisition for land that will be needed to construct the bypass channel and bridges over the Trinity River. Local cost share is \$15 million.

HONORING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF COMMANDER MARK MESERVEY OF THE UNITED STATES COAST GUARD

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. LARSEN of Washington. Madam Speaker, I rise today to recognize and honor the accomplishments and contributions of Commander Mark Meservey of the United States Coast Guard for his professional and credible service to the United States Congress.

A native of Chatham, Massachusetts, Commander Meservey has served as Director of the Coast Guard's House of Representatives Liaison Office with distinction since July 2006. In this capacity, he worked directly with Member offices resolving hundreds of constituent issues as well as with the Coast Guard's appropriations and authorizing committees to ensure the Service received the necessary resources and legislative authorities to effectively execute its eleven congressionally-mandated missions. CDR Meservey's precise attention to detail, tested operational experience as a military aviator, and selfless dedication to the U.S. Coast Guard and U.S. House of Representatives made him an invaluable asset to both Members and Staff. I personally came to rely on his professionalism and responsiveness.

Upon graduation from Chatham High School in Massachusetts, Commander Meservey attended Norwich University as an Army Reserve Officer Training Corps scholar, graduating magna cum laude and with a commission as an Army Aviation officer in 1985. He completed flight training at Fort Rucker, AL in 1986 and served as a Black Hawk helicopter pilot through the last days of the Cold War in Cyprus and Germany. Assignments included serving as a Flight Platoon Leader, aviation Company Executive Officer, and United States Embassy Liaison Officer to a classified State Department mission. While in Europe, he deployed to Ethiopia to participate in an internationally sensitive search and rescue operation

for the late Congressman Mickey Leland and planned Return of Forces to Germany 1990 for an aviation battalion. For his efforts working with the U.S. Air Force in Ethiopia, he was personally decorated by the Army's Chief of Staff, General Carl Vuono. Upon his return to the United States, he graduated from the U.S. Army's Aviation Officer Advanced Course as an Honor Graduate.

In 1990, Commander Meservey accepted a direct commission in the U.S. Coast Guard as a Lieutenant Junior Grade and initially served at Air Station Clearwater, FL as an HH-3F and HH-60J search and rescue pilot and flew in support of Operation Bahamas and Turks and Caicos, working closely with the Drug Enforcement Administration, the Department of Defense, and the Commonwealth of the Bahamas Drug Enforcement Unit to stem the flow of illegal drugs entering the United States through the Caribbean.

In 1994, he transferred to Air Station Cape Cod and served as an HH-60J Instructor Pilot and Flight Examiner. While serving as the unit's Public Affairs officer, he earned back-to-back CDR Jim Simpson awards for excellence in media relations. He participated in numerous hazardous weather search and rescue operations and planned and provided air security for Constitution Sail 200, the USS CONSTITUTION's first sail alone in over 116 years.

In 1998, he attended Syracuse University's Maxwell School of Citizenship and Public Affairs as a full graduate scholar, earning a Master of Public Administration degree. Following graduate school, Commander Meservey completed a two-year assignment with the U.S. Department of Transportation in Washington, DC in the Office of the Secretary of Transportation as the lead budget analyst for the Federal Transit Administration (FTA) responsible for developing and justifying FTA's multi-billion dollar budgets to the President's Office of Management and Budget and the United States Congress.

Commander Meservey returned to Coast Guard aviation in 2001, serving as Deputy Executive Officer and Gulfstream I fixed wing VIP and logistics pilot at Air Station Miami, one of the Coast Guard's largest aviation units. In 2004, he transferred to Air Station Washington where he served as Executive Officer flying the C-37A Gulfstream V executive jet across the globe for Department of Homeland Security Secretaries Ridge and Chertoff and Coast Guard Commandants Collins and Allen. In this assignment, he gained additional international experience working closely with the State Department and foreign militaries and governments ranging from Malaysia to the United Kingdom.

He's recently completed the Massachusetts Institute of Technology's prestigious Seminar XXI, a year-long Washington, DC-based program in foreign politics and international relations.

Commander Meservey has earned numerous military decorations thus far in his twenty-four years of active duty service, including Naval and Army Aviator Wings, the two Meritorious Service Medals, three Coast Guard Commendation Medals, two Army Commendation Medals, two Coast Guard Achievement Medals, the Army Achievement Medal, the Commandant's Letter of Commendation, and

a variety of other personal, team and unit commendations.

This week, Commander Meservey will leave his post on the Hill to assume a newly created position as liaison to the Federal Aviation Administration's Unmanned Aircraft Program Office where he will serve as the Coast Guard's voice on all matters relating to unmanned aerial systems in particular and aviation in general.

I am honored to pay tribute to Commander Meservey in the United States Congress, and on behalf of the Representatives and staff who have been fortunate enough to work with him over the past three years. I wish him, his wife Kathleen, and his three children, Nicole, Maura and Seth, the best in their future endeavors.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman MIKE ROGERS (MI-08)

Bill Number: H.R. 3288

Account: Interstate Maintenance Discretionary

Legal Name of Requesting Entity: City of Howell

Address of Requesting Entity: Michigan Department of Transportation, 425 West Ottawa Street, Lansing, Michigan, USA

Description of Request: Provide an earmark of \$500,000 to purchase the right of ways necessary to complete the construction of an interchange and overpass at the interchange of Interstate 96 and Laston Road. The purpose of this project is to provide the eastern and western sides of Livingston County access to the major interstate of I-96 and the remainder of Livingston County. 40 percent of this funding will be used to purchase the right of ways and 60 percent will be used for construction.

Requesting Member: Congressman MIKE ROGERS (MI-08)

Bill Number: H.R. 3288

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: Capitol Area Transportation Authority

Address of Requesting Entity: Capitol Area Transportation Authority, 4615 Tranter Street, Lansing, Michigan, USA

Description of Request: Provide an earmark of \$500,000 for bus purchases, facility renovations, and planning studies. The purpose of this project is to continue to provide citizens of the greater Lansing area with jobs, a vital connection to employers, safe equipment for transportation, and planning studies that may lead to future advanced public transportation projects. 80 percent of the funds will be used to replace old, less-efficient busses with buses

that offer greater fuel efficiency, lower cost of maintenance, and omit fewer emissions and 20 percent of the funds will be used to conduct a study to find more efficient, improved public transportation alternatives.

Requesting Member: Congressman MIKE ROGERS (MI-08)

Bill Number: H.R. 3288

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Cleary University—Livingston Campus

Address of Requesting Entity: Cleary University, 3750 Cleary Drive, Howell, Michigan, USA

Description of Request: Provide an earmark of \$250,000 to renovate the Livingston Campus Community Center. This facility is used by the community service agencies, local school districts, and government agencies providing services to low and moderate income individuals. 80 percent of these funds will be used for necessary renovations and upgrades, and 20 percent will be used to enhance energy efficiency.

EARMARK DECLARATION

HON. THOMAS J. ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. ROONEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

One request was funded in this bill and is a previously Congressionally authorized project.

\$800,000: State Road (SR) 80, Hendry County, Florida. The entity to receive the funds for the project is Hendry County, Florida located at Courthouse Square, 165 S. Lee Street, La Belle, Florida 33975. SAFETEA-LU, Item 1487 authorized the widening of SR 80 in Hendry County, Florida. SR 80 serves as a major route for the movement of freight and agriculture products throughout the county, as well as a connector between Florida's east and west coast counties. It is the nearest cross-state highway north of I-75, extending from eastern Palm Beach County to Fort Myers on Florida's west coast. Funds will be used to further widen the road from two lanes to four.

All of my projects are Congressionally authorized and go only to public government agencies.

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I submit the following:

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 3288

Account: TCSP

Name of Requesting Entity: City of Doral

Address of Requesting Entity: 8300 NW 53rd Street, Suite 100, Doral, FL 33166

Description of Request: I have secured \$400,000 for the City of Doral Street Improvements. This funding will be used for the resurfacing of two current streets and the construction of six new streets within the City of Doral. It is the City of Doral's intention to provide its residents and visitors with the safest and most convenient transportation within its limits. The completion of these small sections of roadway would complete the City's grid pattern and provide additional options for increasing traffic to avoid already congested intersections. This project will help to alleviate traffic congestion and improve driver and pedestrian safety. Additionally, this project is estimated to create over 300 jobs in the area.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 3288

Account: Buses & and Bus Facilities

Name of Requesting Entity: City of Doral

Address of Requesting Entity: 8300 NW 53rd Street, Suite 100, Doral, FL 33166

Description of Request: I have secured \$350,000 for the City of Doral Transit Circular. This funding will be used for further implementation and expansion of its Transit Circulator Program. The City of Doral is a municipality incorporated in 2003 which is located in west-central Miami-Dade County, directly west of the Miami-Dade International Airport (MIA). Approximately 40,000 people live in Doral and over 100,000 more travel to and through the City each day for employment and business activities. Due to its proximity to the urban core of Miami-Dade and major transportation facilities, as well as the rapid development of its component communities, Doral contends with a unique array of transportation concerns that require immediate and significant attention. The City of Doral launched the Transit Circulator Program in early 2008. The goals were to alleviate traffic congestion and reduce pollutant emissions by removing vehicles from the roadways. Additionally, the Doral Transit Circulator serves residents who are outside of the routes operated by Miami-Dade County's transit system (North of 41 Street and west of 97 Avenue). Since its introduction, the Transit Circulator Program has been extremely successful. Its usage and demand are far greater than were originally expected. The City of Doral is now looking to expand the routes of the Circulator and provide greater services to the residents of Doral via the purchasing of two new trolleys. This will further the City's goal of bringing convenient, safe, and environmentally-friendly transportation to its residents. The federally-funded portion of the project is estimated to create four new jobs within the City of Doral. The City of Doral embarked upon this program to bring public transportation to the City for a number of reasons. The most socially-conscious of these reasons are to reduce traffic congestion and reduce pollutant emissions. The City also wants to make sure that there are alternatives for transportation available to residents, since the County Transit system does not service much of Doral—the area north of 41st Street and west of 97th Avenue.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 3288

Account: TCSP

Name of Requesting Entity: Collier County, FL

Address of Requesting Entity: 3301 E. Tamiami Trail Naples, FL 34112

Description of Request: I have secured \$500,000 for the Interstate 75/Everglades Blvd. Interchange. This funding will be used for the design of a proposed interchange at or around Interstate 75 and Everglades Boulevard. Much of Collier County's current growth is occurring in an area known as Golden Gate Estates, one of the largest platted subdivisions of its kind in the world. This area is roughly the size of Washington, D.C. and is adjacent to the Big Cypress development which is anticipated to add another 23,000 dwelling units to the area. The only east-west routes between the eastern Estates and Naples area activity/employment centers are Golden Gate Boulevard and Immokalee Road and while the western portion of the Estates and Golden Gate City proper have access to interchanges at Immokalee Road, Pine Ridge Road, State Road 951 (Collier Boulevard) and Golden Gate Parkway, residents of the eastern portion of the Estates have no access to Interstate 75. Also, the lack of an interchange at Everglades Boulevard forces additional traffic onto already congested portions of Interstate 75, affecting not only local but inter-regional traffic on the Interstate. The lack of access to the Estates also creates safety problems, particularly in the event that its residents must be evacuated during hurricane or wildfire season. As Collier County's population expands from the nearly 330,000 residents today to a projected 1,066,000 at buildout, this situation will worsen. The current IJR and PD&E Study will evaluate the amount of traffic that would use a new interchange at Everglades Boulevard and the impact that it will have on adjacent interchanges and the Interstate's mainline operations. In order to ensure that there will be minimal to no environmental impacts associated with this project particular attention will be paid to the need for wildlife crossings or other such mitigation measures. An interchange at Everglades Boulevard and I-75 is an identified need in the MPO's Cost Feasible and Needs Plan and is the highest priority with the residents of Golden Gate Estates. Funds will be used for the next appropriate phase which may include design, right of way, mitigation of construction, depending on the availability of potential state and local funds that may expedite the project. The project will provide better access for an area that covers more than 100 square miles while improving interchange operations at three (3) existing overburdened interchanges. Additionally, the interchange would provide critical access to a route for safe evacuations from storms and fires as significant growth continues in eastern Collier County.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 3288

Account: New Starts/ Fixed Guideway

Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1st St., Suite 1032, Miami, FL 33128

Description of Request: I have secured \$4,000,000 for the Metrorail Orange Line Expansion. This funding will be used for the construction of a 9.2-mile Metrorail extension along NW 27th Avenue between the existing Dr. Martin Luther King, Jr. Metrorail station and the Broward County line. The Department is also undertaking the implementation of the alternative analysis for Phase 3 of the Miami-Dade County East-West Corridor Rapid Transit Project. This 10–13-mile Metrorail project will extend from the Miami Intermodal Center to Florida International University and points west. This expansion will allow for more options for commuting and travel around Miami-Dade County. Additionally, this will take vehicles off the road in the County, allowing for increased public transit, which is more environmentally-friendly. The target population includes those who live along the areas of the expansion both NW 27th Avenue, as well as from the Miami Intermodal Center to Florida International University, who could utilize the expanded Metrorail service for commuting/traveling throughout Miami-Dade County. The North Corridor provides transportation access to the City of Opa-locka and the City of Miami Gardens. Additionally, the corridor will provide access to Miami-Dade College, Florida Memorial University and St. Thomas University as well as major employment and activity centers including Dolphin Stadium and Calder Race Course. The East-West Corridor will provide transit access to the City of Miami, the City of Sweetwater and the City of Doral. Additionally, the corridor will provide access to Florida International University as well as major employment and activity centers including Miami International Airport, Dolphin Mall, Miami International Mall, Mall of the Americas and Waterford at Blue Lagoon Corporate Park.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3288

Account: FL—Federal Lands (Public Lands Highways)

Name of Requesting Entity: Miccosukee Tribe of Indians of Florida

Address of Requesting Entity: P.O. Box 440021, Tamiami Station, Miami, FL 33144

Description of Request: I have secured \$1,750,000 for the Tamiami Trail (U.S. 41) Safety Improvements. This funding will be used to create east and west turn lanes on Tamiami Trail (U.S. 41) into the Miccosukee Tribe's Headquarter at Mile Marker 68 and 70. The funds will be used for the clearing & grubbing, excavation, embankment, asphalt, guardrails and traffic stripes needed to create the turn lanes and widen the Tamiami Trail entrance. This project would address significant safety concerns associated with turning into the Miccosukee Tribe Headquarters from Tamiami Trail, U.S. 41, on the Miccosukee Reservation. These entrances lead to housing for all Tribal members as well as the School, Clinic, Court and all other government offices. Currently, the entrance is a two-lane highway where speed limits are reduced upon approach from 55 M.P.H. to 45 M.P.H., but pose serious risks to Tribal members and tourists who visit attractions. Many accidents have been reported at this section of Tamiami Trail because of the deceleration needed to safely turn into the Headquarters, resulting in severe

injuries and damage. The creation of the turn lanes from the east and west will significantly reduce the current danger of serious accidents.

EARMARK DECLARATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. WILSON of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Transportation, Housing and Urban Development Appropriations Act, 2010.

Requesting Member: Congressman JOE WILSON

Bill Number: HR 3288—Transportation, Housing and Urban Development Appropriations, 2010

Account: Transportation and Community and System Preservation

Legal Name of Requesting Entity: Town of Lexington, South Carolina

Address of Requesting Entity: 111 Maiden Lane, Lexington, SC 29072

Description of Request: I have secured \$500,000 for the Town of Lexington. This will fund construction of improvements to the intersections along U.S. Route 378 (Columbia Avenue) at Route S–127 (Park Road), U.S. Route 1 (W. Main) and Route S–131 (W. Butler Street). The purpose of the project is to relieve congestion along this continually developing corridor as well as improve traffic flow. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: HR 3288—Transportation, Housing and Urban Development Appropriations, 2010

Account: Transportation and Community and System Preservation

Legal Name of Requesting Entity: Town of Hardeeville, South Carolina

Address of Requesting Entity: 205 East Main Street, Hardeeville, SC 29927

Description of Request: I have secured \$500,000 for the Town of Hardeeville. Funding will construct a new 4 lane divided highway from U.S. 170 to Interstate 95 and provide alternative hurricane evacuation route. Includes new interchange on I–95 at Mile Marker 3. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. LUCAS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

omment, and Related Agencies Appropriations Act, H.R. 3288.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: HR 3288

Account: Federal Highway Administration, Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Clinton

Address of Requesting Entity: 415 Gary Blvd., Clinton, Oklahoma 73601

Description of Request: I received \$400,000 for the City of Clinton to reconstruct Chapman Road. The location of this project is between sections 22 and 27 of T12N, R17W Custer County Oklahoma and west of Neptune Dr. and east of 28th St. in Clinton, OK. This funding will be used to improve Chapman Road to modern day standards so that it can better serve the citizens that use the road daily as well as provide a safer roadway to visitors. The improvements needed include the acquisition of seven feet of right-of-way, clearing ditch and channel drainage runoff areas, reconstructing a portion of the roadway adversely affected by storm water runoff, resurfacing the remaining portion to meet both current and future traffic demands, installing roadway lighting, and installing traffic control and directional signs.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: HR 3288

Account: Federal Highway Administration, Transportation & Community & System Preservation

Legal Name of Requesting Entity: Oklahoma Department of Transportation

Address of Requesting Entity: 200 NE 21st Street, Oklahoma City, Oklahoma 73105

Description of Request: I received \$400,000 for the Oklahoma Department of Transportation to widen US 60 between Bartlesville and Pawhuska in Osage County, Oklahoma. The project will reconstruct the existing two lane US 60 to an adequate two lane facility with shoulders, adequate bridge load-bearing capacity, and corrected substandard geometric features (hills and curves) from the US/SH99 intersection north of Pawhuska eastward approximately 16 miles. Increased safety will result with the addition of adequate lane widths, shoulders, bridges and improved sight distances.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of the H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration (FHWA), FL—Federal lands (Public Lands Highways)

Legal Name of Requesting Entity: Bibb County Commission

Address of Requesting Entity: 157 S W Davidson Drive, Centreville, AL 35042

Description of Request: Provide \$298,000 for the new Cahaba River National Wildlife Refuge, where trails are under construction at present to several scenic overlooks on the bluffs over the Cahaba River. The parking at the trailhead currently consists of a small paved lot with space for 6 vehicles total, including handicap parking. The current entrance off Co. Rd. 24 is located in a location with poor sight distance. This project would add turn lanes, move the entrance to a safer location, and enlarge the parking lot to about one acre. The project designs will move the entrance to a new location which will double the sight distance, and add turn lanes for much enhanced safety. The project's total budget is \$298,000. Specifically within the budget, \$8,000 will go toward clearing and grubbing, \$28,000 for unclassified excavation, \$25,000 for barrow (fill), \$10,000 for roadbed processing, \$1,000 for machine grading shoulders, \$190,000 for plant mix paving, \$7,500 for traffic stripe and markings, \$2,000 for signs, \$2,000 for erosion control, \$1,500 for seeding and mulching and \$23,000 for mobilization. This request is consistent with the intended and authorized purpose of the Federal Highway Administration (FHWA), FL—Federal lands (Public Lands Highways) Account. The Bibb County Commission will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration (FHWA), TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Springville

Address of Requesting Entity: PO Box 919, Springville, AL 35156

Description of Request: Provide \$500,000 to provide improvements to Main Street in Springville. The funding will be used for Site Preparation, Street Resurfacing, Construction of turn lanes and Engineering near Springville Elementary School and Springville Middle School. The drainage and traffic improvements in this area are critical to the safety of residents and particularly of children accessing Springville Elementary and Springville Middle School. The project's total budget is \$500,000. Specifically in the budget, \$50,000 will go towards site preparation, \$250,000 for street resurfacing, \$150,000 for turn lanes, and \$50,000 for engineering. This request is consistent with the intended and authorized purpose of the Federal Highway Administration (FHWA), TCSP—Transportation & Community & System Preservation Account. The City of Springville will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Gardendale

Address of Requesting Entity: 970 Main Street, Gardendale, AL 35071

Description of Request: Provide \$100,000 to provide for renovations and improvements to the Miracle Field, including parking improvements, lighting, sidewalks and walkways, accessibility, and landscaping. This project offers a unique recreational opportunity for mentally and physically challenged individuals. The project's total budget is \$250,000. Specifically within the budget, \$80,000 is for parking improvements, \$80,000 is for lighting, \$50,000 is for sidewalks and walkways, \$20,000 is for accessibility, and \$20,000 is for landscaping. This request is consistent with the intended and authorized purpose of the Housing and Urban Development (HUD), Economic Development Initiatives (EDI) Account. The City of Gardendale will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Irondale

Address of Requesting Entity: PO Box 100188, Irondale, AL 35210

Description of Request: Provide \$200,000 to provide renovation of historic downtown Irondale known as the Whistle Stop District. Improvements will concentrate on public infrastructure including sidewalks, lighting, and landscaping. The project will help stimulate economic development in the area, assisting in job creation and development of the downtown area. The project's total budget is \$275,000. Specifically within the budget, \$80,000 is for sidewalk renovation, \$50,000 is for a parking area, \$20,000 is for landscaping, \$90,000 is for lighting, and \$35,000 is for engineering. This request is consistent with the intended and authorized purpose of the Housing and Urban Development (HUD), Economic Development Initiatives (EDI) Account. The City of Irondale will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Tarrant

Address of Requesting Entity: 1604 Pinson Valley Parkway, Tarrant, AL 35217

Description of Request: Provide \$150,000 for a streetscaping project for the Five Mile

Creek Greenway through the historic downtown. The current funding request will provide for additional streetscaping to enhance the access to the Greenway trail. This project will allow for continued economic development and improve the Tarrant access to the Greenway trail, benefitting the people of Tarrant as well as those who visit. The project's total budget is \$150,000. Specifically within the budget, \$70,000 is for lighting and electrical work, \$20,000 is for landscape items, \$10,000 is for benches, garbage depositories, and bike racks, and \$50,000 is for concrete work. This request is consistent with the intended and authorized purpose of the Housing and Urban Development (HUD), Economic Development Initiatives (EDI) Account. The City of Tarrant will meet or exceed all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mrs. CAPITO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Awarded under: Department of Education Higher Education (includes FIPSE)

College Summit Program
College Summit West Virginia, 100L Faculty Circle, Dunbar, WV 25064

Funding would be granted to the College Summit, which creates and enhances post-secondary transition systems within low-income public school districts. College Summit seeks to ensure that every student has an adequate plan for a successful life after high school.

Awarded under: Department of Health & Human Services Health Resources and Services Administration (HRSA)—Health Facilities and Services

Senior Center Renovation
Roane County Committee on Aging, Inc., 811 Madison Avenue, Spencer, WV 25276

Funding will go towards structure renovation for senior center.

Awarded under: Department of Health & Human Services Health Resources and Services Administration (HRSA)—Health Facilities and Services

Patient Room Expansion
Hospital St. Francis Hospital, 333 Laidley St, Charleston, WV 25301

Funding will go towards a patient room expansion to meet increased need.

RECOGNIZING PATIENT SAFETY DAY

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. DELAHUNT. Madam Speaker, I rise today to invite my colleagues in the House of

Representatives to join me in recognizing Patient Safety Day, which will be observed across our country and around the world this weekend.

Every year, as many as 98,000 Americans die and thousands more are left seriously injured as the result of an avoidable medical error. These incidents are extremely costly to our society—in monetary terms, but more importantly in the devastating pain and suffering that individuals and families experience in the wake of such a tragedy. As the wealthiest nation in the world, we can and must do more to ensure that our health care system promotes healing, prevents harm, and protects patients from dangerous medical errors.

Today, my thoughts and prayers are with John McCormack, a Massachusetts state trooper, loving father, and a constituent of mine. In 2000, John lost his precious 13-month-old daughter, Taylor, after doctors postponed emergency surgery to relieve pressure on her brain. Channeling his grief and anger, John seized the opportunity to advocate for medical malpractice reform at the state level to ensure that no family need experience a similar loss. In 2004, the Massachusetts legislature passed Taylor's Law, a measure safeguarding the ability for patients and their families to be present with an attorney and confront doctors at disciplinary hearings.

John fought admirably to turn his heart-breaking experience into a positive for our Commonwealth's families, but we must also ensure that meaningful steps are taken at the federal level to strengthen the safety of our health care system. Ten years ago, the Institute of Medicine (IOM) issued a seminal report, *To Err is Human*, which offered a forward-thinking, constructive set of recommendations toward that end. With health care reform front-and-center on Congress's agenda, now is the moment for us to draw on those ideas and to work together—as legislators, health care providers, patients, and consumer advocacy groups—to accomplish the goal of quality health care for every American.

Patient Safety Day, which has been celebrated for the past eight years on July 25, falls at an opportune time. There could be no better occasion for us to remember those whose lives have been lost or harmed due to preventable medical errors and to commend the physicians, nurses, and other medical providers who dedicate their lives to providing safe, quality, compassionate care to those in need. I encourage all Americans—at home, at work, or wherever they may be—to join hands and hearts in a moment of silence this Saturday at noon and 6 p.m. in their respective time zones in honor of Patient Safety Day. And I look forward to working with my colleagues on both sides of the aisle in efforts to improve the quality and safety of our health care system.

EARMARK DECLARATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. POE of Texas. Madam Speaker, pursuant to the Republican Leadership standards

on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman TED POE

Bill Number: H.R. 3288, Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration
Legal Name of Requesting Entity: Texas Department of Transportation

Address of Requesting Entity: 125 East 11th Street, Austin, TX 78701

Description of Request: I have secured \$400,000 in funding to help upgrade Loop 494 from Sorters McClellan Road through Northpark Drive in Kingwood, TX. The goal of the project is to widen the existing two-lane road into a four-lane concrete boulevard with medians, curbs and appropriate drainage similar to the look of existing streets in Kingwood. The project helps the flow of traffic on this busy road and increases safety.

Requesting Member: Congressman TED POE

Bill Number: H.R. 3288, Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration
Legal Name of Requesting Entity: Texas Department of Transportation

Address of Requesting Entity: 125 East 11th Street, Austin, TX 78701

Description of Request: I, along with Reps. GENE GREEN and RON PAUL, have secured \$400,000 in funding to help construct a flyover ramp connecting southbound Highway 146 traffic directly to Spur 330 in Baytown, TX, which is a direct connector to Interstate 10. This project will help with improved mobility in the community and is needed especially in disaster evacuations as a result of hurricanes.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. KINGSTON. Madam Speaker, I submit the following:

Chatham Area Transit Bus and Bus Facilities

Requesting Member: Congressman JACK KINGSTON

Bill Number: HR 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: FTA—Bus and Bus Facilities
Legal Name of Requesting Entity: Chatham Area Transit

Address of Requesting Entity: 900 E. Gwinnett Street, PO Box 9118, Savannah GA, 31401

Description of Request: bus and bus facilities

Glynn County Airfield and Taxiway Improvements

Requesting Member: Congressman JACK KINGSTON

Bill Number: HR 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: FAA—AIP

Legal Name of Requesting Entity: Glynn County Airport Commission

Address of Requesting Entity: 295 Aviation Parkway Suite 205, Brunswick, Georgia 31525.

Description of Request: airfield drainage rehabilitation and general aviation taxiway expansion

North Berrien Industrial Park Infrastructure Improvements

Requesting Member: Congressman JACK KINGSTON

Bill Number: HR 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: HUD—EDI

Legal Name of Requesting Entity: The Berrien County Economic Development Authority

Address of Requesting Entity: PO Box 724, 201 North Jefferson, Nashville, Georgia 31639

Description of Request: The funding would be used for design and construction that includes installation of a new sewer system that will serve the new industrial park.

Ray City Street Scape and Safety Improvements

Requesting Member: Congressman JACK KINGSTON

Bill Number: HR 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: HUD—EDI

Legal Name of Requesting Entity: City of Ray City, Georgia

Address of Requesting Entity: 704 Main Street, Ray City, Georgia 31645.

Description of Request: The funds would be used for streetscape and safety improvements

EARMARK DECLARATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. HARPER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3288

Account: AIP—Airport Improvement Program

Project Name: Essential Air Field Infrastructure Improvements, Jackson-Evers International Airport

Recipient and Address: Jackson-Evers International Airport, 100 International Drive, Jackson, MS 39298

Amount: \$750,000

Description: Jackson-Evers International Airport is in need of essential airfield infrastructure improvements that involve rehabilitation

and replacement of security systems and air-flood erosion and drainage systems.

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3288

Account: Delta Regional Transportation Development

Program Project Name: East Metropolitan Corridor

Recipient and Address: City of Flowood, P.O. Box 320069, Flowood, MS 39232

Amount: \$250,000

Description: Funds will be used to finish pre-construction activities. The East Metropolitan Corridor is 5 miles in length and links Interstate 20, at the Crossgates Interchange in Brandon, MS, with Lakeland Drive at its intersection with Old Fannin Road in Flowood, MS.

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Project Name: City Center Renovation and Construction Project

Recipient and Address: City of Ridgeland, P.O. Box 217, Ridgeland, MS 39158

Amount: \$100,000

Description: Funds will be used to analyze, plan, and commence the conversion of an existing concrete plant site in the heart of Ridgeland into a new city complex and mixed use development. The City Center will be located near the intersection of U.S. Hwy 51 and the Natchez Trace Parkway.

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Project Name: Pelahatchie Site Development for Economic Development Recipient and Address: Town of Pelahatchie, 705 Second Street, Pelahatchie, MS 39145

Amount: \$150,000

Description: The Town of Pelahatchie seeks funds to ready 450 acres for site development along the Interstate 20 corridor.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding projects that are listed in H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010:

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010, Account: Federal Highway Administration, Surface Transportation Priorities, Title: Larry Holmes Drive Traffic Calming, Legal Name of Requesting Entity: City of Easton, Address of Requesting Entity: 1 South Third Street, Easton, PA 18042, Description of Request: This funding will be used to improve the traffic flow and safety of a Delaware River waterfront gateway between Pennsylvania and New Jersey. The project will enhance access to one of

the only remaining steel truss suspension bridges in the nation near the City of Easton's National Register Historic District. These modifications will reduce vehicular speeds and benefit local economic development by allowing disabled pedestrians and bicyclists to more easily access adjacent trails and parks, and the city's downtown area.

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010, Account: Federal Transit Administration, Alternatives Analysis, Title: Lehigh Valley Bus Rapid Transit Analysis, Legal Name of Requesting Entity: Lehigh and Northampton Transportation Authority (LANTA), Address of Requesting Entity: 1060 Lehigh Street, Allentown, PA 18103, Description of Request: This funding will be used to conduct an analysis of the feasibility and components of a Bus Rapid Transit (BRT) program along high density transit corridors within the Lehigh Valley by the Lehigh and Northampton Transportation Authority (LANTA). The investigation of BRT service is an outcome of a regional transit development planning process designed to establish a long term vision for regional transit, as well as short range development priorities. LANTA's service expansion effort will be focused, to a significant degree, on improving job accessibility. This is needed to support economic development and job growth within the Lehigh Valley, one of the fastest growing areas in the northeast region. This analysis is an essential part of a project development effort that could lead to a future comprehensive project.

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010, Account: Federal Transit Administration, Buses & Bus Facilities, Title: Lehigh Valley Hybrid Transit Bus Purchase, Legal Name of Requesting Entity: Lehigh and Northampton Transportation Authority (LANTA), Address of Requesting Entity: 1060 Lehigh Street, Allentown, PA 18103, Description of Request: This funding will be used to support the purchase of heavy-duty, hybrid powered transit buses for the Lehigh and Northampton Transportation Authority (LANTA). The buses will replace vehicles purchased in 1998 in order to continue LANTA's expansion efforts. Service expansion over the last 10 years has been supported through a combination of timely bus fleet replacements and fleet expansions, resulting in an 80% increase in ridership, with 51% of those riders using the system to access jobs. An active service and equipment update program is necessary to support the demand to improve services in the growing Lehigh Valley region.

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010, Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI), Title: Souderton Train Station and Freight Buildings Restoration, Legal Name of Requesting Entity: Borough of Souderton, Address of Requesting Entity: 31 West Summit Street, Souderton, PA 18964, Description of Request: This funding will be used to renovate and restore the interior and exterior of the historic Souderton Train Station and two adjacent

freight buildings by the Borough of Souderton. Souderton is one of at least seven communities with rail buildings built at the turn of the 20th century to accommodate freight and passenger service on the Quakertown-Stony Creek line. With an active effort being made to return passenger rail service to the existing line, which currently handles a large amount of freight traffic, these local facilities are being restored throughout the region. The buildings in Souderton reflect the history of communities that blossomed around rail lines and will serve as a warm welcome to residents using this line when passenger service is restored.

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010, Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI), Title: New Bethany Ministries Building Rehabilitation, Legal Name of Requesting Entity: Episcopal Ministries of the Diocese of Bethlehem, Address of Requesting Entity: 333 West 4th Street, Bethlehem, PA 18015, Description of Request: This funding will be used to rehabilitate a building into a community asset where low-income, mentally disabled and homeless people will receive groceries, meals, financial case management, used clothing, and a variety of emergency walk-in services. The upper floor will be transformed into safe and secure single room occupancy units of case-managed housing for low-income mentally disabled or chronically homeless adults.

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010, Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI), Title: Sunnybrook Historic Revitalization, Legal Name of Requesting Entity: Sunnybrook Foundation, Address of Requesting Entity: 50 Sunnybrook Road, Pottstown, PA 19464, Description of Request: This funding will be used for the preservation and revitalization of a historic ballroom, a National Historic Register site, which will be used by the community for seniors and youth programs. The funding will also advance the completion of a conference center and performing arts venue to bolster regional tourism. This project will benefit the greater Pottstown area by providing a modern facility for community activity and enhancing tourism in the region.

EARMARK DECLARATION

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. GOHMERT. Madam Speaker, pursuant to Republican Leadership standards, the following information is submitted regarding funding received in the first district of Texas as part of H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Veterans Shuttle Service Project. The Brazos Transit District, 1759 N. Earl Rudder Freeway, Bryan, Texas 77803, \$300,000, Federal Transit Authority Buses and Bus Facilities account, to provide round-trip shuttle service for

Veterans who need to go to the Veterans Administration (VA) Outpatient Clinic in Lufkin, Texas and/or to the VA Medical Center in Houston, Texas. This shuttle will provide many of our nation's ailing Veterans vital access to both medical facilities.

Angelina County Cassells-Boykin County Park Project. Angelina County, Texas, 606 East Lufkin Avenue, Lufkin, Texas 75902, \$500,000, Housing and Urban Development Economic Development Initiative account, to make improvements and renovations to the Cassells-Boykin County Park on federal Lake Sam Rayburn in Angelina County. This project will finally make improvements necessary to make the federal investment in the lake more accessible and available.

Discovery Learning Center. Texas College, 2404 North Grand Avenue, Tyler, Texas 75702, \$250,000, Housing and Urban Development Economic Development Initiative account, to establish a Discovery Learning Center to serve pre-school students and train teachers studying Early Childhood Education. The initiative will help fill the void of quality trained professionals in Early Childhood Education, while also elevating families' first-time college attendees from poverty to the realm of the productive.

Texas State Technical College (TSTC) Marshall Transportation and Industrial Manufacturing Building. TSTC Marshall, 2650 East End Blvd. South, Marshall, Texas 75672, \$200,000, Housing and Urban Development Economic Development Initiative account, for assistance with construction of a Transportation and Industrial Manufacturing Technology building, which would assist the community with a hands-on training facility for welding, computer-aided manufacturing, transportation technology, diesel equipment technology, small engine repair, light/medium duty truck and motorcycle driving school, and a truck driving school. This would be far more beneficial for our economy than paying unemployment benefits as it will train and retrain workers for available jobs.

EARMARK DECLARATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mrs. MILLER of Michigan. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293 the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 3293 Labor, Health and Human Services and Education Appropriations Act of 2010

Account: FIPSE

Legal Name of Requesting Entity: St. Clair County Community College

Address of Requesting Entity: 323 Erie St., Port Huron, MI 48061

Description of Request: This request, in the amount of \$100,000.00, would be used to further facilitate and develop curriculum for their Water Quality Technology Program.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 3293, Labor, Health and Human Services and Education Appropriations Act of 2010

Account: Administration for Children and Families—Social Services

Legal Name of Requesting Entity: Eva's Place Domestic Violence Shelter

Address of Requesting Entity: P.O. Box 29, Sandusky, MI 48471

Description of Request: This request, in the amount of \$200,000.00, would be used for shelter funding and to further facilitate domestic violence shelter programs.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 3293, Labor, Health and Human Services and Education Appropriations Act of 2010

Account: Administration for Children and Families—Social Services

Legal Name of Requesting Entity: Huron County Safe Place Domestic Violence Shelter

Address of Requesting Entity: P.O. Box 8, Bad Axe, MI 48316

Description of Request: This request, in the amount of \$150,000.00, would be used for shelter funding and to further facilitate domestic violence shelter programs.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 3293, Labor, Health and Human Services and Education Appropriations Act of 2010

Account: Administration for Children and Families—Social Services

Legal Name of Requesting Entity: Lapeer Area Citizens Against Domestic Assault

Address of Requesting Entity: P.O. Box 356, Lapeer, MI 48446

Description of Request: This request, in the amount of \$200,000.00, would be used for shelter funding and to further facilitate domestic violence shelter programs.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 3293, Labor, Health and Human Services and Education Appropriations Act of 2010

Account: Administration for Children and Families—Social Services

Legal Name of Requesting Entity: Safe Horizons Domestic Violence Shelter

Address of Requesting Entity: P.O. Box 610968, Port Huron, MI 48061

Description of Request: This request, in the amount of \$200,000.00, would be used for shelter funding and to further facilitate domestic violence shelter programs.

EARMARK DECLARATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. CONAWAY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, Transportation, HUD and Related Agencies Appropriations Act of 2010.

I hereby certify that to the best of my knowledge the requests (1) are not directed to an entity or program that will be named after a sitting Member of Congress; (2) are not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable. I further certify that should this request be included in the bill, I will place a statement in the CONGRESSIONAL RECORD justifying the use of Federal taxpayer funds. I certify that this project does not have a direct and foreseeable effect on the financial interests of my spouse or me.

South Orient Rail Line Rehabilitation in San Angelo, TX—The South Orient Rail line connects Ft. Worth, Texas, to the deep water port in Topolobampo, Mexico, on the Pacific Coast. This funding will be used to repair railroad crossings that are found in poor or worse condition to improve rail safety, speed and allow the transport of new wind turbines and towers in San Angelo, TX. The project is of the highest priority to San Angelo and the city is ready and willing to contribute to the line for speed and safety and sees the potential in future commercial growth with new freight transit from the deep water port in Mexico and Chihuahua City. I am requesting funding in the Transportation, Housing and Urban Development, and Related Agencies Appropriations bill in fiscal year 2010. The entity to receive funding for this project is the Texas Department of Transportation, 125 East 11th Street, Austin, TX 78701—Committee amount: \$1 million.

Concho Valley Multi-Modal Terminal in San Angelo, TX—The funding will be used for construction of a multi-modal terminal that will house customer service centers, administrative offices, and development space for the Concho Valley Transit District. The Texas Department of Transportation has awarded a multi-year \$1.5 million grant to support future development and the project received. This project has been authorized by SAFETEA-LU. I am requesting funding in the Transportation, Housing and Urban Development, and Related Agencies Appropriations bill in fiscal year 2010. The entity to receive funding for this project is the Texas Department of Transportation, 125 East 11th Street, Austin, TX 78701—Committee amount: \$250,000.

SENATE—Friday, July 24, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in heaven, because of the abundance of Your mercies, we receive this gift of another day. We don't pray for tomorrow and its needs, but we do intercede for this day which now bathes us in its returning light. Give wisdom and courage to our Senators, as You set Your seal upon their lips. Lord, restrain them from speaking words that needlessly hurt or discourage some pilgrim by their side. As lovers and servants of this land of freedom, make them worthy of the past and equal to the present. Mold them to Your purposes. Fashion them with Your powerful hands. Shape them on the anvil of these days of destiny into instruments fit for Your use.

Lord, we also pause and pray for the families of Capitol Police Officer Jacob Joseph Chestnut and Detective John Michael Gibson, who bravely gave their last full measure of devotion defending the Capitol 11 years ago today.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 24, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

MOMENT OF SILENCE TO HONOR OFFICER CHESTNUT AND DETECTIVE GIBSON

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will observe a moment of silence in honor of Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police who fell in the line of duty defending this Capitol on this day in 1998.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, there are a select few men and women who come to work every day with one primary job: to protect those of us who are fortunate enough to call the U.S. Capitol Building our office and all who come here from all corners of the country to see for themselves the heart of our democracy.

Special Agent John Gibson and Officer Jacob Chestnut were two such men. Every day for almost two decades they kept us safe. Eleven years ago today, as the Chaplain announced in his prayer, they gave their lives while protecting us. On this day in 1998, a madman came through an entrance on the east side of the building in midafternoon and shot Officer Chestnut at pointblank range. Officer Chestnut died instantly. Agent Gibson confronted the man, shooting him and stopping him. Gibson was himself hit, and he died later that day.

I can clearly remember both these brave men, both of whom were in their 18th year of service as Capitol policemen when they were killed.

I can remember when my wife became ill at a congressional retreat we had in Virginia. It was Agent Gibson who ran to her side. I can remember how he was so focused and had run so far from the Capitol Police headquarters to our room, he was sweating profusely, and how he treated her with kindness and care. Agent Gibson, who was from Massachusetts, would, every morning, race to the back of the sports section when baseball season was on to find the box score for his beloved Boston Red Sox. He was a generous neighbor and loving father to his daughter and two sons.

Officer Chestnut, whom everyone called J.J., was a father of five who loved his job and loved his country. He had served in the Air Force for 20 years. He fought in Vietnam. At the time of the shooting, he was just weeks away from retiring.

Gibson and Chestnut lay in honor in the Capitol Rotunda, just steps from where they were murdered, a distinc-

tion Congress has conferred upon only a handful of Americans, including Abraham Lincoln, John Kennedy, and our unknown soldiers. Jacob Chestnut was the first African American to ever be so honored in the Capitol Rotunda.

On this solemn anniversary, we pause to appreciate not just the bravery of two men who saved so many others but each and every Capitol police officer who does his or her job so valiantly every single day of the year.

On behalf of the entire Senate, everyone who works and visits here, I extend my appreciation.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, when we stand in this Capitol dedicated to freedom, we must remember freedom's costs. So I rise to speak about Jacob Joseph Chestnut and John Michael Gibson.

Officer Chestnut and Detective Gibson, both of the Capitol Police, gave their lives 11 years ago today in defense of the men and women who work in and visit the Capitol.

A plaque in this building commemorates their bravery. Their names have been etched upon the National Law Enforcement Officers Memorial, which stands 1 mile from here. And the headquarters of the U.S. Capitol Police bears their names.

Officer Chestnut, or J.J. to his friends, was a 20-year veteran of the Air Force, and had 18 years of service to the Capitol Police. John Gibson also had 18 years of Capitol Police service, and until that day had never had to draw his weapon.

Both men left behind their wives, children, beloved family members, and friends. Both men were part of an elite team. Capitol Police officers, with their unique mission, are charged with protecting not only our lives but our very system of government.

My friend, the majority leader, a former Capitol Police officer himself, knows both the honor and the danger that comes with the job. And so as we honor Officer Chestnut and Detective Gibson today, we also honor every man and woman of the Capitol Police who have bravely volunteered for this hazardous but important duty.

So today the Senate honors J.J. Chestnut and John Gibson. We are grateful for their heroic sacrifice, and we remember their families, whom we embrace as we would our own.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators to speak therein for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are now in a period of morning business, with Senators allowed to speak for up to 10 minutes each. There will be no rollcall votes during today's session.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent to speak in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. WYDEN. Mr. President, I came to the floor this morning to take a few minutes to reflect on this week's developments on the issue of health care reform. For me, the week began with an inspiring essay by the man who has led the crusade for fixing American health care for more than 40 years, the man who continues to lead this body in our efforts to fix health care. I am referring to the wonderful essay by Senator KENNEDY. I encourage all Senators to read his article because, as usual, Senator KENNEDY lays out the challenge ahead. He says on the front page of the magazine, "We're Almost There." That might be a little much for some folks, given the developments of the week, but as usual, there is a lot of validity in what Senator KENNEDY has written in Newsweek magazine.

There is widespread agreement on some very significant areas of health care policy. For example, we have bipartisan support in the Senate for fundamentally changing the inhumane model of private health insurance.

Today, private health insurance is essentially about cherry-picking. It is about going out and finding the healthy people and sending the sick people over to government programs more fragile than they are. There is widespread agreement that needs to be changed. For example, 15 Senators are on legislation that would make it ille-

gal to discriminate against those with preexisting illnesses. That is a fundamental change, a dramatic change in the way the insurance industry does business. Democrats, Republicans, both major committees—the committee Senator KENNEDY chairs, the committee led by my chairman, MAX BAUCUS—Democrats and Republicans support fundamental changes in the way private health insurance operates. If someone had told me 3 years ago that there would be such strong bipartisan support for fundamentally altering the model of how private health insurance is sold in our country, I probably would have asked them what hallucinogenic substance they were smoking. But it is an indication, as Senator KENNEDY writes in his article, that we have made a lot of progress.

Suffice to say, as Senator KENNEDY notes again, there is a lot of heavy lifting to do. In particular, if we go to the President's Web site, the three areas he is focused on are lowering costs, increasing choices, and maintaining quality. Those are the three areas the President has focused on, very correctly. Those are the three areas on which our President has made clear he is going to spend his political capital. This is what he is going to use his bully pulpit for. This is what he is going to put in these killer hours for. Having met with him recently, I can tell my colleagues that President Barack Obama is making that kind of effort with his political capital, using the bully pulpit, and putting in the hours to get the job done.

With respect to lowering people's premiums and lowering costs, one of the areas the Congressional Budget Office has said will generate real savings in the next few years is increasing individual choice, giving all Americans the opportunity, as we have in the Congress, to choose from a variety of plans—big plans, where we spread cost and risk, where they can't discriminate. When an individual makes a wise selection from one of those plans, the individual puts that money in their pocket. That is what the budget office folks have said they will score as real savings for the system, for people's individual premiums in the next few years.

The challenge for our committees is that in many respects, these bills don't give all Americans free choice. They don't give all Americans the choice the Senator from Virginia has—I note the presence of the distinguished leader from Kentucky—these bills don't give all Americans the kinds of choices we have as Senators. Choice and the requirement that companies compete for people's business is what competition is all about. It is what holding premiums down is all about.

I have developed legislation called the free choice proposal. It protects the employer-based system on which we

know well over 150 million Americans rely. It also gives us a chance to improve on it. It creates more options for employers and for employees to hold costs down. For employers, our free choice proposal gives them more leverage with their insurance company so they can tell their insurer: I have done business with you for a lot of years. You better give me a better deal or I will take my business somewhere else.

It also says to an employer—hypothetically, in Virginia, Oregon—if you want to take all of your employees to what is called the insurance exchange, kind of a farmers market arrangement, the employer would have the ability to take their workers to the exchange, and the employer could get a discount for doing that against strengthening the employer's role in the effort to hold down cost.

For the worker, what it means is, for example, in Virginia or Oregon, if your employer's share of your health care coverage is, say, \$13,000 and you can find a plan on the insurance exchange for \$12,000, the \$1,000 goes into your pocket. Again, you get a financial reward for shopping. Members of Congress get to shop. I would like to see everybody get to shop, everybody have those individual choices.

It is also good for the system because right now, really since the 1940s, since the middle of the last century, the individual has been disconnected from the health care system. The individual does not get many choices. Eighty-five percent of the employers who offer health care coverage do not offer choice—not because they are evil. They would love to do it. They cannot afford it. The administrative costs are too crushing.

So, again, if we get employers and employees into these larger systems, where they will have clout in the marketplace, there will be the ability for everybody to choose, not just folks who are unemployed or uninsured or small business, but give everybody, over the next few years, the ability to have these choices and be in a position to help drive more competition and more accountability and hold down their premiums in the private sector.

We can do that on a bipartisan basis. We have 15 Senators of both political parties on legislation that does it now. It could fit with the structure of several of the bills that are being considered. We can do this, as Senator KENNEDY suggests in his wonderful essay, on a bipartisan basis. Both Democrats and Republicans have a good point.

I believe my party is right on the issue that you cannot fix this system unless you cover everybody. The reason that is the case is, you cannot build a market unless you cover everybody. Unless you cover everybody, there is too much cost shifting. The people who are uninsured shift their bills to the insured.

But my colleagues on the other side of the aisle—the distinguished leader from Kentucky and I have had this conversation on a number of occasions—they have valid points too. The Congress ought to be very careful about freezing innovation, about restricting private choice, about setting up price controls.

There is the sweet spot for a bipartisan bill: Democrats with good ideas, as Senator KENNEDY lays out in his wonderful essay, about expanding coverage; Republicans bringing creative ideas to the table about innovation and choice. Both sides have some valid points. That is what Senator KENNEDY is saying in his wonderful essay.

I see the leader on the floor. I hope colleagues will go to our Web site. That is where we lay out this free choice proposal. I think it is consistent with the idea of not blowing up the employer-based system but not saying we cannot improve on it. It gives new tools to both employers and employees to hold down costs. It ensures that all Americans will have choices, not just some.

I submit to colleagues, if folks in Virginia and Kentucky and Oregon come away from this and say that only some people got choices, that is not going to go down very well. Let's do what the President says on his Web site and give all Americans choices—choices such as we have in Congress from these big insurance pools, where you cannot discriminate and you have some leverage in terms of holding costs down.

It has certainly been a tumultuous week on this health care issue. But I hope colleagues, this weekend, will pick up a copy of Newsweek and read the inspiring essay by Senator KENNEDY, who has led our body for more than 40 years—led the country—on this issue, and continues to lead us because there is a lot for us to build on now to finally end this injustice that we have not been able to fix our system so we hold costs down and all Americans get good, quality, affordable coverage. We can do it. We can do it this year, on the President's timetable, by working together.

Mr. President, with that, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CONGRATULATING SENATOR WYDEN

Mr. MCCONNELL. Mr. President, I wish to take a moment to congratulate the senior Senator from Oregon for his extraordinary contribution to this most important topic. He has been open. He has been convinced of the

need for bipartisanship and has been entirely constructive throughout this process, and we look forward to continuing our conversations in the weeks and months to come.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

HEALTH CARE REFORM

Mr. CASEY. Mr. President, I rise this morning to speak on an issue that so many of us, not only here in Washington in the Senate and in the Congress, generally, but across the country have been concerned about, talking about, debating; and it is the issue, of course, of health care.

We have a long way to go over the next couple weeks and months. I know there is a lot of coverage and debate about timing and what is going to happen this week or next week or by the August break. But I believe we are going to get this done, and I think it is important we have a good debate about it.

I think too often in this debate we have focused on conflict and controversy as opposed to looking at some substantive parts of this legislation. I start this morning, as I have so many times when I have been discussing this issue over the last couple months, with a constituent, one person, but I think a person who speaks for many people across Pennsylvania and across the country. Her name is Trisha Urban.

She sent me a letter back in February that I have noted before. This letter, I think, tells us an awful lot about all we need to know about what is wrong with our health care system right now. Despite all the positive features of it—great hospitals and medical personnel and people we can be justifiably proud of and boast about—there are problems with our health care system.

Trisha Urban, when she sent this letter in February, was recounting what had happened in her life just a few weeks before. She talked about her husband Andrew, who had to change positions in life, change jobs because he was completing an internship. She said:

Because of pre-existing conditions, neither my husband's health issues nor my pregnancy—

She referred earlier to the fact she was pregnant at the time of the letter—

... neither my husband's health issues nor my pregnancy would be covered under private insurance.

She said:

I worked 4 part-time jobs and was not eligible for any health benefits.

She says later in the letter that they lost their health insurance coverage, and they had close to \$100,000 worth of medical bills. Then she says:

Concerned with the upcoming financial responsibility of the birth of our daughter and

the burden of current medical expenses, my husband missed his last doctor's appointment less than one month ago.

And this is how the story ends for this family. She talks about—just a few weeks before this letter—what happened to her. She says:

My water had broke the night before, we were anxiously awaiting the birth of our first child. A half-hour later, 2 ambulances were in my driveway. As the paramedics were assessing the health of my baby and me, the paramedics from the other ambulance told me that my husband could not be revived.

That is her story—a story of not having the kind of health care coverage that she and her husband and her new baby should have—the story of her husband missing his last doctor's appointment because of financial burdens and, of course, the tragic part of that story, which is the loss of her husband, the same day her daughter was born.

I do not think every story we have told about our constituents ends the same way. But the blessing here of this story, of this letter, is this: Trisha Urban could have said: Do you know what? I have a terrible burden and I can't handle this, and I am not going to try to talk to anyone about it. I am going to carry this burden myself. And she could go off and not be heard from again.

But she took the time to write to me. This is how she ends the letter. She does not just tell her tragic story and just say: Can you help me? And: I am in trouble. She thinks beyond herself. She thinks of an issue that is affecting so many Americans, and she says this:

I am a working class American and do not have the money or the insight to legally fight the health insurance company. We had no life insurance. I will probably lose my home, my car and everything we worked so hard to accumulate in our life will be gone in an instant.

If my story is heard, if legislation can be changed to help other uninsured Americans in a similar situation, I am willing to pay the price of losing everything.

That is what Trisha Urban says to us. I would note that in this Senate Chamber, you can go to every single desk—100 Senators, including myself—every single desk, and if you were to ask a Member of the Senate: Do you have health care coverage? They would say: Of course. I am a Federal employee, and I get to choose a lot of options. You could say the same of people who work in the House and in the White House and in executive branch agencies. So individual Senators are taken care of pretty well.

So when Trisha Urban says to us in a letter: "I am willing to pay the price of losing everything," when she says that, I believe she is not just saying it to tell us what is on her mind, what is in her heart in the aftermath of the tragedy, I believe that line and her letter and her whole story are emblematic of the stories of Americans across the country. I believe all those sentiments and

all those details of her life present a challenge to us.

I am willing to pay the price of losing everything, she says to us.

The question is—or I should say one of the important questions is—over the next couple of weeks and months, as we debate this issue, what are we willing to lose? What are individual Members of the Senate willing to do and willing to lose to get this done? I believe part of that is having a constructive and thorough and far-reaching debate about not just the issues but what is in the legislation. I will spend some time on that this morning and I will for the next couple of weeks.

As a member of the Health, Education, Labor and Pensions Committee, we have a bill. Sometimes the fact that there is a bill and there is a lot of positive features to it gets lost in Washington. There is a lot of talk about conflict between Democrats and Republicans; there is a lot of talk about controversy or issues that are sometimes easy to debate or cover, but what has been lost in a lot of this debate over the last couple of weeks is what is in the bill. We are going to get to that. We won't get to all of it today, of course.

I believe the bill does a couple of things. First, it ensures that over time we are going to have stable costs. That is one thing American families are looking for, some kind of stability or peace of mind with regard to costs and with regard to other issues as well. So stable costs.

I also believe this legislation and the bill we are going to send to President Obama this fall will also have secure choices. If you like what you have, you like the plan you have, you can keep it. It is not going to change. If you want to make a change, you are going to have options.

Thirdly, it is about the quality of care. I believe the American people have a right to expect that we are going to control costs, that we are going to provide them with secure choices, but that we are also going to provide quality care. Any old health care, in my judgment, isn't good enough.

I believe the bill does all three things: stable costs, secure choices, and quality of care.

One of the threshold questions we have to answer in this debate is—because it is going to be a choice. We are not going to have a choice between 10 options on health care in a general sense or 5 options; we are going to have a basic, fundamental choice, as we do on a lot of issues. It is going to be one or the other, A or B, or A versus B, maybe, and here is the choice. The first question we have to answer is do we want to keep the status quo, do we want to keep perpetuating a system which has costs out of control for families and for businesses, for government,

which doesn't offer the kind of quality care across the board—some get it, we know that, and it is good care—but is there enough quality care across the board? I would argue there isn't. Are we going to offer that and say it got too tough and we weren't willing to take some risks with an important bill, we decided to not do anything? That is the status quo. That is what we have now.

The other choice is change and reform. President Obama, fortunately, as a new President of the United States, has chosen to be about the business of reform and change. He has said to us, and I believe the American people have said to us: We cannot stay where we are. We cannot allow a system to perpetuate the problems we have right now. So that is the fundamental choice: the status quo, do nothing; or change and reform, working with President Obama and listening to the voices of the American people, people such as Trisha Urban and so many others.

So when we debate this—the status quo, stay where we are, versus change and reform—we have to begin to examine some of the questions the American people are worried about. They are worried about costs. They are worried about change and legislation not leading to a control of costs, the kind of stability we want.

One of the questions we are not spending much time in Washington debating is: What is the cost of doing nothing? What is the cost of doing nothing? What is the cost of the status quo? Well, fortunately, some people have begun to examine that. One of the examinations of that is a report by Families USA, and the report is entitled “The Clock Is Ticking.” It says: “More Americans Losing Health Coverage.” One of the points it has made—and of course I won't read the whole report—but one of the points it has made in the report is this: Here is what the status quo means, here is what no change means: 44,230 more people losing health coverage every week. The report also goes on to talk about what it means in individual States; a State such as Pennsylvania where they are projecting over the next couple of years tens and tens and tens of thousands of people losing their coverage. By one estimate in this report, 178,000 more people just in Pennsylvania—just in Pennsylvania—losing their coverage.

I ask unanimous consent that this report, “The Clock Is Ticking,” by Families USA be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Families USA]

THE CLOCK IS TICKING

MORE AMERICANS LOSING HEALTH COVERAGE

INTRODUCTION

In this turbulent economy, Americans are not only losing their jobs and their homes

they are also losing their health coverage at an alarming rate. The latest data from the Census Bureau indicate that some 45.7 million Americans lacked health coverage in 2007, and economists believe that the situation has only worsened in the intervening months as the economic downturn has taken its toll.¹

Health reform is needed now more than ever. As health care costs rise, more and more families are priced out of health coverage. Increasing numbers of employers, especially small businesses, are no longer able to offer their employees affordable coverage, or in some cases, any coverage at all. If current economic trends continue, more and more Americans will lose the health coverage they currently have. National experts have predicted that at least 6.9 million more Americans will lose their health coverage by the end of 2010.²

In this report, Families USA provides the first ever state-by-state illustration of the number of people who may lose health coverage between the beginning of 2008 (the period immediately after the last Census Bureau report on the number of uninsured) and the end of 2010 (the close of the current 111th Congress).

KEY FINDINGS

With each passing week that meaningful health care reform is not enacted, more families in every state are losing health coverage (see table on page 2):

44,230 more people are losing health coverage each week.

191,670 more people are losing health coverage each month.

2.3 million more people are losing health coverage each year.

Families USA based its state numbers on national estimates published in the peer-reviewed policy journal *Health Affairs* in May 2009. These estimates project that 6.9 million more Americans, primarily people in working families, will lose health coverage by the end of 2010.³ The *Health Affairs* analysis, which focused on the time period between 2008 and 2010, is based on a model that assumes that, during this time period, there will be no policy changes with respect to the health care system. It further assumes that personal income growth and per capita health spending among insured adults will follow the latest projections from the Congressional Budget Office and the Office of the Actuary at the Centers for Medicare and Medicaid Services (CMS), respectively.

This time period is appropriate for Families USA's analysis because it captures potential losses of coverage between the most recent Census Bureau calculations of the number of uninsured Americans (which reflect calendar year 2007) and the end of the 111th Congress (December 2010), which has taken up health reform as one of its major legislative goals.

In order to generate state-level numbers, Families USA calculated the share of uninsured, nonelderly individuals residing in each state using the most recent data reported in the Census Bureau's Current Population Survey for 2006–2007. We assumed that state losses in health coverage would parallel this distribution, and we apportioned the national estimate accordingly. The data suggest that the health care crisis is continuing to deepen across the nation, and that the longer Americans are forced to wait for health reform, the more people will lose coverage.

DISCUSSION

HEALTH INSURANCE PREMIUMS ARE RISING

Over the last decade, health insurance premiums have risen at rates that far outpace

inflation. Between 1999 and 2008, the average annual family premium more than doubled, soaring from \$5,791 to \$12,680, an increase of 119 percent.⁴ During the same time period, the Consumer Price Index, which measures inflation, rose by only 29.2 percent.⁵ In the current economic downturn, working families are already struggling to afford basic necessities like groceries, car payments, gas, and housing costs.⁶ Paying for skyrocketing health care premiums is putting additional strain on families that are already financially strapped.

HIGHER PREMIUMS LEAD TO LESS HEALTH COVERAGE

These high and continually rising premiums affect families as well as employers, and the combined result is that more and more Americans are losing health coverage. Employers that do continue to offer health coverage are being forced to pass on the rising costs to their employees by imposing higher premiums or copayments or by offering plans that cover fewer benefits. Other employers are choosing not to offer coverage at all because it is simply too expensive. Between 2000 and 2008, the share of firms offering health coverage declined by 6 percentage points, with small businesses being the most likely to drop coverage.⁷ Among firms with fewer than 200 employees that do not offer their employees health coverage, a total of 70 percent cited high premiums as either the most important reason (48 percent) or the second most important reason (22 percent) that they do not offer coverage.⁸

Even if families are fortunate enough to have access to health coverage, either through job-based plans or through the individual market, they are still at great financial risk. In 2009, nearly one in four non-elderly Americans with insurance—53.2 million people—will spend more than 10 percent of their pre-tax income on health care.⁹ The problem is even worse for an estimated 14.3 million non-elderly Americans with insurance who will spend more than a quarter of their pre-tax income on health care in 2009. This financial burden means that some Americans are literally becoming impoverished in order to pay for health care costs.¹⁰

When families are pushed to the brink by the current health care crisis, some must make tough choices between paying for health coverage and paying for other necessities, while others have no choice at all—they are simply forced to go without coverage. A previous Families USA report found that during the two-year period from 2007–2008, an estimated 86.7 million Americans under the age of 65—one in three non-elderly Americans—were uninsured.¹¹ The majority of these individuals (79.2 percent) were from working families where at least one family member was employed full- or part-time. These individuals either work for an employer that does not offer health coverage, or they cannot afford the coverage that is offered. The data presented in this report show

that the number of people who find themselves in this situation is growing in every state (see table on page 2).

GROWING UNEMPLOYMENT CONTRIBUTES TO FURTHER COVERAGE LOSSES

Since the data presented in this report are based primarily on working Americans, they do not account directly for the effect that growing unemployment is having on losses of health coverage. Nonetheless, with the economy in recession, rising unemployment is almost certainly fueling additional increases in the number of people who are losing coverage. The Urban Institute estimates that every 1 percent increase in the unemployment rate leads to a 0.59 percent increase in the number of adults under the age of 65 without health coverage.¹² Between January 2008 and June 2009, unemployment swelled by 4.6 percent, so it is safe to assume that states will experience even greater losses of coverage between 2008 and 2010 than can be captured by our Key Findings.¹³

CONCLUSION

With each passing week, more Americans are losing their health coverage, and they will continue doing so if current economic patterns hold. Recent polling data show that Americans fear that instability in the availability and affordability of their health coverage will continue if health reform is not enacted.¹⁴ In order to stem the rising tide of uninsured in this country and to provide American families with stable health coverage that they can depend on, Congress should act expeditiously to pass health reform legislation. As this report suggests, the longer Congress waits to enact meaningful health reform, the more American families will lose coverage in each and every state.

ENDNOTES

¹Paul Fronstin, *Sources of Health Insurance and Characteristics of the Uninsured: Analysis of the March 2008 CPS Survey* (Washington: Employee Benefit Research Institute, September 2008).

²Todd P. Gilmer and Richard G. Kronick, "Hard Times and Health Insurance: How Many Americans Will Be Uninsured by 2010?" *Health Affairs Web Exclusive* (May 28, 2009): w573–w577.

³*Ibid.*

⁴Kaiser Family Foundation and Health Research and Educational Trust, *Employer Health Benefits: 2008 Annual Survey* (Washington: Kaiser Family Foundation, September 2008).

⁵Consumer Price Index data from the Department of Labor, Bureau of Labor Statistics.

⁶Michael Perry, Julia Cummings, Julia Paradise, and Tanya Schwartz, *Snapshots from the Kitchen Table: Family Budgets and Health Care* (Washington: Kaiser Commission on Medicaid and the Uninsured, February 2009).

⁷Kaiser Family Foundation and Health Research and Educational Trust, *op. cit.*

⁸*Ibid.*

⁹Kim Bailey, *Too Great a Burden: Americans Face Rising Health Care Costs* (Washington: Families USA, April 2009).

¹⁰Michelle M. Doty, Sara R. Collins, Sheila Rustgi, and Jennifer L. Kriss, *Seeing Red: The Growing Burden of Medical Debt Faced by U.S. Families* (New York: The Commonwealth Fund, August 2008).

¹¹Kim Bailey, *Americans at Risk: One in Three Uninsured* (Washington: Families USA, March 2009).

¹²John Holahan and A. Bowen Garrett, *Rising Unemployment, Medicaid, and the Uninsured* (Washington: Kaiser Commission on Medicaid and the Uninsured, January 2009).

¹³Unemployment data from the Department of Labor, Bureau of Labor Statistics, available online at http://data.bls.gov/PDQ/servlet/ServletOutputServlet?data_tool=latest_numbers&seriesid=LNS14000000, accessed on July 8, 2009.

¹⁴Memo from Jim Kessler and Anne Kim to Interested Parties, *Offering Stability to Harry and Louise—A Strategy to Get to Yes on Health Care Reform* (Washington: Third Way, July 6, 2009), available online at http://www.thirdway.org/data/product/file/224/Getting_to_Yes_with_Harry_and_Louise.pdf.

Mr. CASEY. Mr. President, the cost of doing nothing also has been examined, using those words, by the New America Foundation. This particular report is dated November 2008 and is written by Sarah Axen and Elizabeth Carpenter. The name of this report is exactly those words: "The Cost of Doing Nothing." The subtitle of the report is "Why the Cost of Failing to Fix Our Health Care System is Greater than the Cost of Reform." The cost of failing to fix is greater than any other cost.

Mr. President, I ask unanimous consent to have this report printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New America Foundation, Nov. 2008]

THE COST OF DOING NOTHING

WHY THE COST OF FAILING TO FIX OUR HEALTH SYSTEM IS GREATER THAN THE COST OF REFORM

(By Sarah Axen and Elizabeth Carpenter)

PENNSYLVANIA

Pennsylvania's economy lost as much as \$5 billion because of the poor health and shorter lifespan of the uninsured in 2007. This equates to more than \$4,200 per uninsured Pennsylvania resident.

TABLE 1.—ECONOMIC COST OF FAILURE, 2007

(Ranked by high bound and per uninsured)

Low Bound	High Bound	Rank (High Bound)	Per Uninsured Cost	Rank (Per Uninsured)
\$2.68 Billion	\$4.96 Billion	41	\$4,219	24

By 2016, Pennsylvania residents will have to spend nearly \$27,000 or close to 52 percent of median household income to buy health

insurance for themselves and their families. This represents a 93 percent increase over

2008 levels and the sixth highest premium cost in the country.

TABLE 2.—AFFORDABILITY OF PREMIUMS
[Ranked by level in 2016 and percent change]

	2008	2016	Rank (2016)	Percent Change	Rank (%)
Full Cost of Family ESI	\$13,906	\$26,879	46	93.3%	41
Full Cost of Family ESI as a Share of Median Household Income	28.1%	51.7%	38	n/a	n/a

People seeking family health insurance through their employer in Pennsylvania will have to contribute more towards premiums than residents of all but one state. They will

also experience the second greatest percent change in their premium contributions nationwide. By 2016, people in Pennsylvania seeking family coverage through their em-

ployer will have to contribute almost \$9,000 to the cost of the premium.

TABLE 3.—AFFORDABILITY OF PREMIUMS: EMPLOYEE CONTRIBUTIONS
[Ranked by percent change]

	2008	2016	Percent Change	Rank
Family ESI	\$3,510	\$8,830	151.56%	50

The amount Pennsylvania residents will have to pay to see a doctor will grow to \$29 by 2016.

TABLE 4.—BENEFITS: COPAYMENTS AND DEDUCTIBLES
[Ranked by level in 2016 and percent change]

	2008	2016	Rank (2016)	Percent Change	Rank (%)
Average Copayment	\$19	\$29	17	53.6%	38
Average Deductible	\$1,223	\$1,889	10	54.5%	21

Mr. CASEY. I will submit for the RECORD only two pages of this; it is a long report. It includes the cover page and then a page on Pennsylvania which I will briefly refer to, and then I wish to talk about how the report implicates and examines the information on the chart I have on my left.

Here is what the report says on page 86 for Pennsylvania. It is true of a lot of States, but unfortunately for Pennsylvania, it is a higher number. I am quoting from part of page 86:

By 2016—

Just 7 years away—

Pennsylvania residents will have to spend nearly \$27,000, or close to 52 percent of median household income to buy health insurance for themselves and their families. This represents a 93 percent increase over 2008 levels and the sixth highest premium cost in the country.

So in Pennsylvania, if we do nothing, if we stay on that road to the status quo, which I believe is the road to ruin when it comes to the budgets of our families and our businesses—if we stay on that road, for Pennsylvania, it means that by 2016, the people of Pennsylvania will be paying 52 percent of their median household income to buy health insurance for themselves and their families. That is what it means. That is what the status quo is. That is where we are headed if we say, Well, we couldn't get the job done here in Washington.

The chart on my left is also a chart that reflects the work of the New America Foundation, "The Cost of Doing Nothing." These are U.S. numbers between 2008 and 2016. The cost of premiums now, as of 2008, is \$13,244, going up to \$24,291; in just 8 years, an 83.4 percent increase. That is the status

quo. That is where we are headed. That is where we are going if we listen to the voices in Washington that say it is too tough to do this. People are not ready for this yet. There are too many powerful special interests telling us not to do it. It might be insurance interests, or it might be very partisan politicians telling us we shouldn't do this. That is the cost of doing nothing. That is the status quo.

I will go to the next chart which again is from this report, "The Cost of Doing Nothing," and this is a U.S. number as well: Share of household income spent on premiums climbing. As I said, in Pennsylvania, where the share of median household income would go up to 52 percent, in those few short years, 7 or 8 years—the U.S. number fortunately for the rest of the country is a little less, but it is still very high. So if we do nothing, if we stay where we are and do the same old thing—run-away costs, lower quality, no prevention, all of the things we are not doing now—we will go from a median family income, them paying 26 percent of their income for health care, which is high in and of itself, to paying over 45 percent of their income for health care. Again, this chart depicts the status quo, the cost of doing nothing.

When we talk about costs here, we have to talk about the cost of doing nothing. What people are paying now is in my judgment too high. We ought to try to bring that number down, but we should certainly avoid at all costs that number going up for the American people.

I don't know too many families out there—maybe there are a few—but I don't know too many families in Amer-

ica and I don't know any in Pennsylvania who have come up to me and said, You know what. Don't worry about getting health care done because in 7 or 8 years I will be able to afford 52 percent of my income to go to health care. I haven't heard that from anybody in my State. I doubt there is anybody in America who will say, You know what. Let's not do anything. Let's stay on the road we are on. I can afford and my family can afford to pay 45 percent of our income to health care in a couple of years. Don't worry about it. We are going to be fine. So that is what the status quo is, and that is where we are headed.

Finally, I would conclude with this. When we listen to the voices of the American people, people such as Trisha Urban, as I mentioned before, who in her letter to me of February, right in the middle of the letter said this: She talked about her husband having to make a change, that he had to leave his job for 1 year to complete an internship requirement to complete his doctorate in psychology. So as he is trying to advance his education, he pays a health care price. That is another whole part of this story, before he died. She said the internship was unpaid and they could not afford COBRA.

Why should a change in someone's life to improve their education to complete a doctorate affect their health care? That is the system we have. That is the status quo.

But then she says:

Because of preexisting conditions, neither my husband's health issues nor my pregnancy would be covered under private insurance.

Because of preexisting conditions. So because her husband had a heart problem and because she was pregnant, that works against them. That is the system we have for too many families.

So when people talk about: Oh, the HELP Committee passed a bill, the Affordable Health Choices Act, which I believe does stabilize costs and ensures quality and secures our choices, it is more than that, it is more than the headlines and the descriptions. We can go right to the bill language and show how this legislation, in a very specific way in a number of instances, responds to what Trisha Urban has told us in her letter, what she has challenged us with. She didn't write to me to say, Well, this preexisting thing is kind of a nuisance. It was a bar, an impediment to her and her family getting health care, basic health care. Why should this even be something we have to legislate about? One would think that in America today, with all of the wealth we have and all of the great power, we would have fixed this years ago, but we have families who are not getting health care because the insurance company says you have a preexisting condition. Sorry, you have to wait; or sorry, you get no treatment at all.

That is the status quo, and that is one of the costs of doing nothing. How do you calculate a preexisting condition being a bar to you getting coverage? I don't know. I know one thing: Despite all the talk in Washington about what this might mean, who is arguing with whom, what the debate is about between Democrats and Republicans, in this bill we answer Trisha Urban's question on preexisting conditions. Here it is.

This is bill language not some talking point or some general description. This is in the bill that sometimes people in Washington don't want to examine because the language is reform. The language is against the status quo. The language on this provision, especially, is a dramatic change in policy—something the insurance companies have not wanted to do on their own. The American people are finally saying, through their elected representatives and this bill, that we are going to make sure preexisting conditions don't bar treatment, that preexisting conditions don't prohibit Trisha Urban and her family from getting the kind of health care they deserve.

Here is what section 2705 says:

Prohibition of preexisting condition exclusions or other discrimination based on health status.

The American people want to know what is in the bill.

A group health plan and a health insurance issuer offering group or individual health insurance coverage may not impose any preexisting condition exclusion with respect to such plan or coverage.

It is right in the bill. There are some people here who would not talk about

that because they would rather debate no bill. They would rather debate, well, we have a suspicion that it is going to cost too much. But they don't show any evidence, and they don't have a competing argument or a bill. This is right in the bill—"may not impose any preexisting condition."

That is a dramatic change in health care policy in America in 2009. It is not part of the debate. For the next couple of weeks and months, what we are going to do is tell people a lot about what we have been working on in Washington. Day by day, we will tell them what is exactly in this bill, and we will keep talking about it so more people understand it.

Unfortunately, some would not understand it because the special interests in Washington would rather talk about the perceived controversy.

I suggest that people go to the Web site for the committee that worked on this bill. The HELP Committee Web site is help.senate.gov. Go to that Web site and review the language on preexisting conditions or anything else. I believe at the end of the day, it is going to be very clear who stands for the status quo and doing the same thing and no change versus what the President and a lot of us are trying to do, which is change, reform, and give people, such as Trisha Urban, some peace of mind, some stability to know that she and her family—which is, now that her husband is gone, she and her daughter would not have to worry about this ever again.

Isn't that what we ought to be doing? I think we can do that together and in a bipartisan way. I believe we have no choice but to turn away from the status quo and go down the path of change and reform.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. We are in morning business.

Mr. MCCAIN. Is the Senator from Delaware waiting to speak?

Mr. KAUFMAN. Yes.

Mr. MCCAIN. I am glad to follow the Senator from Delaware.

SOTOMAYOR NOMINATION

Mr. KAUFMAN. Mr. President, I rise today in support of the nomination of Judge Sonia Sotomayor to be the Associate Justice of the U.S. Supreme Court.

Last week, the Judiciary Committee held 4 days of hearings in Judge Sotomayor's nomination, including 2½ days of testimony from the judge herself.

I came away from these hearings deeply impressed with her intellect, thoughtfulness, demeanor, and integrity. These characteristics, already plainly evident in her judicial record and lifetime of accomplishment, shone even more brightly in last week's hearing.

Her respect for the law, for precedent, and for the prerogatives of the Congress will help ensure that the Supreme Court is a place where every party, whether powerful or powerless, can get a fair hearing.

In short, the hearings confirmed that Judge Sotomayor has all the essential qualities that will enable her to serve all Americans well, and the rule of law, on our Nation's highest Court.

Mr. President, my support for Judge Sotomayor is even stronger given our current economic circumstances. One might ask, what is the connection between our national economy and the Supreme Court nomination? The answer lies in the fact that today, while we have a real need for significant financial regulatory reform, we also face a Supreme Court too prone to disregard congressional policy choices.

I raise the economic crisis, and the regulation that will be necessary to prevent the next crisis, because I am concerned that the current Supreme Court is overly protective of corporate interests at the expense of everyday Americans.

As I watch this Court, I am reminded of the recent observation by legal commentator Jeffrey Toobin that the record of the current Chief Justice "reflects a view that the court should almost always defer to the existing power relationships in society."

As Toobin reports, in every major case the Chief Justice sided with the corporate defendant over the individual plaintiff. In business cases before today's Supreme Court, I am worried that it is possible to predict the outcome simply by knowing the parties and the nature of the dispute. The facts and the law sometimes seem secondary. For example, in *Leegin v. PSKS*, the Court overturned 96 years of precedent and effectively legalized agreements between manufacturers and retailers to fix prices. In *Exxon v. Baker*, the Court sided with a company that recklessly destroyed the livelihoods of tens of thousands of Alaskans, dramatically reducing their punitive damages award that represented just a small percentage of the company's earnings. In *Gross v. FBL Financial Services*, the Court made it more difficult to prove age discrimination. And in *Ledbetter v. Goodyear*, the Court made it impossible for many plaintiffs to recover for unequal pay based on intentional sexual discrimination. So

egregious was the Ledbetter decision that the Congress made sure legislation overturning it was the first bill to reach President Obama's desk. And legislation is pending that would overturn Leegin as well. Congress shouldn't have to pass every bill twice.

It is essential for our economic recovery that the Court respect the intent of Congress when it acts to regulate the markets. And make no mistake, we must reform our financial markets. The last 2 years have given us the final grade on an economic theory that is deeply suspicious of regulation and trusts the markets to police themselves. The grade was an F. America will no longer stand for a system that permits financial institutions to profit from risky bets and then beg the taxpayer for a bailout when those bets go bad. Three decades of deregulation has gone too far. The ability of the greedy and the powerful to enrich themselves at the expense of the taxpayer must be stopped.

Congress can and will enact a dramatically improved regulatory system. The President can and will make sure the relevant enforcement agencies are populated with smart, motivated, and effective agents. My concern is that a Supreme Court resistant to Federal Government involvement in and regulation of markets could undermine those efforts. I am not suggesting that we face a return to the New Deal-era Court, a Court determined to strike down regulatory reform as beyond the authority of Congress, but a Court predisposed against government regulation might chip away at the edges of reform, materially reducing its effectiveness.

That is why my questioning of Judge Sotomayor focused on her experience with business and business cases. She worked as a commercial litigator and business lawyer for 8 years. For the past 17 years, she has served on the most active Federal courts for business disputes—6 years on the Southern District of New York and 11 on the Second Circuit Court of Appeals. Based on that extensive record, and her answers to questions last week, we now know not only that she possesses enormous expertise in business litigation but also that she calls these cases right down the middle, without any bias or agenda. For Judge Sotomayor, the facts and the law, not the identity of the parties, drive the result.

When Justice Souter announced his retirement in May, I suggested that the Court would benefit from a much broader range of experience among its members. My concern at the time wasn't the relative lack of women or racial or ethnic minorities on the Court—though that deficit is glaring. I was pointing to the fact that most of the current Justices, whether they were Black or White, women or men, share roughly the same life experiences.

Judge Sotomayor will bring a much needed breadth of experience to the Court. Unlike the other Justices, who lack extensive experience with private industry and any experience on the trial court, Judge Sotomayor understands the motivation and needs of the businesses that come before her. Judging from her ability to communicate her thoughts and ideas during the committee hearings last week, I am confident that other Justices, and by extension the entire Court, will benefit by the addition of Judge Sotomayor's voice to its deliberations in business cases.

As we undertake financial regulatory reform and other fixes for our damaged economy, having judges who leave the lawmaking to lawmakers is absolutely essential. Judge Sotomayor told me she understands that "policymaking is up to the Congress" and that "judges can't substitute their own judgment" for that of the Congress, regardless of their view of the wisdom of a policy or regulation.

Throughout her career, she has taken each case that comes without predilection, giving full consideration to the arguments of both sides before reaching a decision. That is precisely the approach to judging we need on today's Supreme Court.

Mr. President, Judge Sotomayor has a superior intellect, broad experience, superb judgment, and unquestioning integrity that would make her an outstanding nominee at any time. But given our current economic crisis and the likely role of the Court in reviewing legislative responses to that crisis, I submit she is the ideal nominee at this time. Her extensive experience as a commercial litigator, business lawyer and judge in business cases, and the passion for the law she has demonstrated throughout her career suggests she will be a leader on the Court at a time when such leadership is essential.

I urge my colleagues to confirm Judge Sonia Sotomayor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

SOUTHERN BORDER VIOLENCE

Mr. MCCAIN. Mr. President, I come to the floor today to talk about the violence that continues to plague our southern border region by Mexico's well-armed, well-financed, and very determined drug cartels.

Last weekend, I went to Yuma, AZ, and met with Border Patrol and Customs and other law enforcement agents who do such an outstanding job for our country.

By the way, the temperature was approximately 115 degrees, and our men and women, who are serving so well, were out there trying to secure our border and keep our country safe.

Despite the increased efforts of President Calderon to stamp out these

bloodthirsty and vicious drug cartels, violence has increased dramatically, claiming over 6,000 lives in Mexico last year alone. The murderers carrying out these crimes are as violent and dangerous as any in the world. Many have extensive military training and carry out their illegal activities with sophisticated tactical weapons and no regard for human life.

Last week, the Washington Post reported that 12 Mexican Federal agents were murdered and left alongside a mountain road in retaliation for the arrest of the leader of the country's most violent drug cartel, La Familia. According to the article, this act represents "the highest one-day death toll for Federal forces in the 3-year-old drug war." The article provides the deadly details of the violent attack, reporting:

The attacks began at dawn on Saturday . . . shortly after the arrest of the right-hand man of La Familia founder Nazario Moreno Gonzalez. After La Familia gunmen were repelled in their attempt to free (the leader), they went on what police described as a shooting rampage to "avenge" his capture. The attacks, in which convoys of gunmen mounted surprise assaults on government positions in eight cities, went on for 10 hours Saturday and continued sporadically Sunday.

The bodies of these brave law enforcement officers were accompanied by a note promising future violence from La Familia if the Federal Government continues its law enforcement efforts. I remind my colleagues that this is the same drug cartel that, according to the Washington Post, "announced its presence 2 years ago by rolling five decapitated heads into a dance hall."

Earlier this month, two American citizens with dual citizenship were dragged out of their homes and shot several times in the head in the Mexican state of Chihuahua. The reason was that the victims, according to the Associated Press:

helped lead the town's approximately 2,000 inhabitants in protest against a May 2 kidnapping. The residents refused to pay the \$1 million ransom kidnappers requested and demonstrated in the Chihuahua state capital to demand justice. Even after (the kidnapped victim) was released unharmed a week later, the (town's) people continued to lead marches demanding more law enforcement in the rural, isolated corner of Chihuahua state. They also set up a committee to report any suspicious activities in town to police, quickly becoming an example for other Chihuahua communities.

Yesterday's Washington Post front-page story about these events states:

Chihuahua today is the emblem of a failed state, run by incompetent authorities who have little ability to protect the citizens.

The violence that has terrorized Mexican citizens continues to seep across the border, devastating families and crippling communities. In my hometown of Phoenix, there have been over 700 reported kidnappings in the past year. This has led to Phoenix

being declared the “kidnapping capital of the United States,” second only to Mexico City in the world. In many cases, kidnap victims are intertwined with criminal elements of society, involved with illegal cross-border smuggling operations.

The police chief of Phoenix testified in April before the Senate’s Homeland Security Committee that Phoenix is a transshipment point for illegal drugs and smuggled humans, both coming to Phoenix before being shipped to other points throughout the United States.

Immigrants illegally crossing the border with paid “coyotes” are treated like expendable cargo to be bought, sold, traded, or stolen. In many cases, the immigrants’ families are ransomed for additional funds by bajadores, or takedown crews, to guarantee safe delivery of their loved ones.

As detailed in a Newsweek article from earlier this year:

Kidnap victims have been found bound and gagged, their fingers smashed and their foreheads spattered with blood from pistol whippings. When the bajadores abduct illegal immigrants—hoping to extort more money from relatives—they will sometimes kill someone off immediately to scare the others. There was a case last year where they duct-taped the mouth and nose of one individual and had the others watch while he asphyxiated and defecated on himself.

These are not pleasant things. They are not pleasant things to describe. But they are going on right now as we speak.

Aside from the horrible toll these cartels extract from their victims and the victims’ families, they also severely tax the resources of law enforcement agencies of border communities. The police chief of Phoenix also testified that the Phoenix police receive a kidnapping report almost every night, which can require the efforts of up to 60 officers to find, rescue, and protect kidnap victims.

Lest you believe these activities are limited to border communities, last year the bodies of five Mexican men were discovered bound, gagged, and electrocuted in Birmingham, AL, in an apparent hit by a Mexican cartel. In recent years, arrests of Mexican cartel members have occurred across the South, including Tennessee, North Carolina, and Georgia.

There is no sign that the number of these drug-related arrests will abate in the near future, which is why I support efforts to complete the proposed 700 miles of double-layer fence. But, as we have seen, fencing alone fails to take into account the realities of the southern border and should not be treated as a panacea. These criminal smuggling enterprises are very sophisticated and are not easily deterred, which is why we must work to truly secure our border, not merely fence it.

This past weekend, as I mentioned, I visited the border in Yuma, AZ, and witnessed the extraordinary lengths

these cartels go to smuggle their goods across the border. One cartel spent upwards of \$1 million using sophisticated GPS-directed drilling equipment to develop their tunnel far below the surface to move goods underneath fencing and out of sight of law enforcement agencies.

In Nogales, AZ, drug traffickers have used the city’s sewer system to channel drugs across the border. Every other month tunnels are discovered underneath the border. Since 1990, 110 cross-border tunnels have been discovered. Twenty-four tunnels were discovered in 2008 alone.

Not to be deterred, our outstanding law enforcement officials have developed investigative strategies and tunnel detection equipment to locate and identify subterranean cross-border tunnels.

The latest, by the way, on the part of the drug cartels, is the use of ultralights. Ultralights now are being flown at extremely low altitude, loaded with drugs, across the Mexico-Arizona border and all across the border.

We must also increase personnel on the border to put an end to illegal immigration and protect our citizens from the drug cartel violence occurring in Mexico. For this reason, I was disappointed that the administration rejected Arizona Governor Brewer’s request—and the requests of the Governors of California, New Mexico, and Texas—who also requested National Guard troops to bolster the Joint Counter-Narcotics Terrorism Task Force. But, as we know, the coyotes are aggressive and creative despite our efforts to secure the border with more personnel, more fencing, and more surveillance technology.

The United States must keep its focus on securing our southern border and doing all it can to assist President Calderon in his efforts against these violent drug cartels. The prosperity and success of Mexico is essential to the prosperity and success of our own country. We share a border, our economies are intertwined, and we are major trading partners with each other. The United States must show its support for our neighbor to the south and support the Mexican people and the Calderon administration in this fundamental struggle against lawlessness and corruption.

We have a big problem. We have a big problem with these drug cartels. The Mexican Government now has a problem. They just lost an election because the people of Mexico, many of them, believe these drugs are just going through Mexico, intended for the United States of America.

Violence is at an incredibly high level not only on the border but throughout the country of Mexico and, tragically, corruption reaches to very high levels in the government. We have the Merida Initiative. We are working

with the Mexican Government. But there is no time like the present, in my view, because we need to not only enforce and increase our efforts on our side of the border but also work as closely as possible with the Mexican Government and people.

It is horrific what is taking place: beheadings of people, bodies hung from overpasses. These are amongst the most cruel and terrible people who inhabit this Earth. It is a lot about drugs. It is a lot about a \$16-billion-a-year business, of drugs coming into the United States of America. That is how they can afford to spend easily \$1 million to build a tunnel underneath the border between Yuma, AZ, and Mexico.

I know we have a lot of issues that are affecting the future of our country, including two wars, including relations with countries, including the Iranian situation, but I hope we can focus a lot of our attention on the problems that are bred on our border by the drug cartels and the human smuggling and the terrible mistreatment of people on both sides of the border as a result of that.

Mr. President, I ask unanimous consent the articles in the Washington Post and Newsweek be printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 23, 2009]

AMBUSHED BY A DRUG WAR

(By William Booth)

COLONIA LEBARON, MEXICO—Mormon pioneer Alma Dayer LeBaron had a vision when he moved his breakaway sect of polygamists to this valley 60 years ago: His many children would live in peace and prosperity among the pretty pecan orchards they would plant in the desert.

Prosperity has come, but the peace has been shattered.

In the past three months, American Mormon communities in Mexico have been sucked into a dust devil of violence sweeping the borderlands. Their relative wealth has made them targets: Their telephones ring with threats of extortion. Their children and elders are taken by kidnappers. They have been drawn into the government’s war with the drug cartels.

This month, a leader of their colony was abducted by heavily armed men dressed as police, then beaten and shot dead 10 minutes from town. Benjamin LeBaron, 31, whom everyone called Benji, had dared to denounce the criminals, while refusing to pay a \$1 million ransom demanded by kidnappers who had grabbed his teenage brother from a family ranch in May.

Amid the blood and mesquite at the site of his last breath, Benjamin LeBaron’s killers posted a sign that read: “This is for the leaders of LeBaron who didn’t believe and who still don’t believe.”

“We’re living in a war zone, but it’s a war zone with little kids running all around in the yard,” said Julian LeBaron, a brother of the slain leader. Like most members of the Mormon enclave, he has dual Mexican-American citizenship and speaks Spanish and English fluently.

These Mormons, some who swear and drink beer, are the latest collateral damage in the

Mexican government's U.S.-backed war against criminal organizations.

Here in Chihuahua, the border state south of Texas and New Mexico, conditions are rapidly deteriorating. The violence has left more than 1,000 dead in Ciudad Juarez this year, even though the government has sent 10,000 troops and police officers into the city.

Increasingly the violence is moving from the big cities into the small, usually placid farm towns of the rugged desert mountains. Criminal bands have ambushed the governor's convoy along the highway, and they have assassinated local police at stop lights and political leaders at will. Gunmen executed the mayor of Namiquipa last week.

"The northeast of Chihuahua is now a zone of devastation," said Victor Quintana, a state lawmaker, who reports an exodus of business people fleeing kidnappers and farmers refusing to plant their crops because of extortion.

The columnist Alberto Aziz Nassif wrote in *El Universal* newspaper, "Chihuahua today is the emblem of a failed state, run by incompetent authorities who have little ability to protect the citizens."

Many of the Mormons have fled north to the United States, and Julian LeBaron said he fears for his life. He has reason. In Ciudad Juarez, a three-hour drive to the north, hand-painted banners were hung from overpasses last week threatening the extended clan.

"All we want to do is live in peace. We want nothing to do with the drug cartels. They can't be stopped. What we want is just to protect ourselves from being kidnapped and killed," said Marco LeBaron, a college student who came home for the funeral of his brother, the slain anti-crime activist. Marco LeBaron is one of 70 Mormons who have volunteered to join a rural police force to protect the town. The Mexican government has given them permission to arm themselves.

DRAGGED INTO DRUG FIGHT

For all the violence swirling around them, the Mormons have mostly stayed out of the fight. Their ancestors first settled in Mexico in the 1880s, during the reign of dictator Porfirio Diaz, who offered the religious outcasts refuge from the harassment and prosecution they faced in the United States for their polygamist lifestyles. Some men in Colonia LeBaron and surrounding towns continue to follow what early Mormon prophets called "the Principle," marrying multiple wives and having dozens of children, though the custom here is fading. Polygamy was banned by the Church of Jesus Christ of Latter-Day Saints, the official Mormon Church, in 1890.

The Mormon community based in Colonia LeBaron, numbering about 1,000, has one motel, two grocery stores and lots of schools. There are no ATMs and no liquor sales. Many Mormons are conspicuous not only for their straw-colored hair and pale skin, but also for their new pickup trucks, large suburban-style homes with green front lawns, and big tracts of land for their pecans and cattle. They are wealthy, by the standards of their poor Mexican neighbors. Most of the Mormon men make their money working construction jobs in the United States; a young Mormon might work 10 years hanging drywall in Las Vegas before he has enough money to buy a plot of land to start his own pecan orchard here.

The Mormons were dragged into the drug fight on May 2, when 16-year-old Eric LeBaron and a younger brother were hauling a load of fence posts in their truck to their father's ranch in the Sierra Madre. Accord-

ing to the family's account, five armed men seized Eric and told his brother to run home and tell his father to answer the telephone. When the kidnappers called, they told Joel LeBaron that if he ever wanted to see Eric again, he must pay them \$1 million.

The next day, 150 men gathered at the church house in Colonia LeBaron to debate what to do. They had no confidence in the local police. One of their members, Ariel Ray, the mayor of nearby Galeana, reminded them that someone had put an empty coffin in the bed of his pickup. Some men argued that they should hire professional bounty hunters from the United States to get Eric back. Others wanted to form a posse.

"But we knew the last thing we could do was give them the money, or we would be invaded by this scum," Julian LeBaron said.

Another brother, Craig LeBaron, told the *Deseret News* in Salt Lake City: "If you give them a cookie, they'll want a glass of milk. If we don't make a stand here, it's only a matter of time before it's my kid."

A caravan of hundreds of the LeBaron Mormons, along with Mennonites and others, went to the state capital to protest the crime. This kind of public advocacy is almost unheard of among the Mexican Mormons, who keep to themselves. Led by Benjamin LeBaron, the protesters met with the governor and state attorney general, who quickly dispatched helicopters, police and soldiers to the area. The government forces erected roadblocks and searched the countryside.

Eric LeBaron was freed eight days after his abduction. His kidnappers simply told him to go home. But soon after, another member of the community, Meredith Romney, a 72-year-old bishop related to former Republican presidential candidate Mitt Romney, was taken captive. The state governor sent Colombian security consultants to LeBaron. The Mormons, led by an increasingly public and outspoken Benjamin LeBaron, formed a group called SOS Chihuahua to organize citizens to defend themselves, report crimes and demand results from authorities. LeBaron was featured prominently in the local media. He gave a speech to a graduating class of police cadets. He staged rallies. He got noticed.

ATTACK ON FAMILY HOME

Early on July 7, four trucks loaded with men passed through a highway tollbooth, where they were recorded on videotape outside Galeana, where Benjamin LeBaron lived in a sprawling, new stucco home with his wife and five young children. Two trucks stopped at the cemetery outside town and waited. Two pickup trucks filled with 15 to 20 heavily armed men, wearing helmets, bulletproof vests and blue uniforms, came for LeBaron.

They smashed in his home's windows and shouted for him to open the door, as his terrified children cried inside, according to an account given by his brothers. LeBaron's brother-in-law Luis Widmar, 29, who lived across the street, heard the commotion and ran to his aid. Both men were beaten by the gunmen, who threatened to rape LeBaron's wife in front of her children unless the men revealed where LeBaron kept his arsenal of weapons.

"But he didn't have any, because I promise you, if he did, he would have used them to protect his family," Julian LeBaron said.

LeBaron and Widmar were shot in the head outside town. A banner was hung beside their bodies that blamed them for the arrest of 25 gunmen who were seized in June after terrorizing the town of Nicolas Bravo, where they burned down buildings and extorted from

business owners. According to Mexican law enforcement officials, the gunmen are members of the Sinaloa drug cartel, which is fighting the Juarez cartel for billion-dollar cocaine-smuggling routes into El Paso.

After the men killed LeBaron and Widmar, a video camera captured their departure at the highway tollbooth—the make, model and year of their vehicles and the license numbers, according to family members. There have been no arrests.

Who killed Benji LeBaron—and why? These questions are difficult to answer in Mexico's drug war, and the unknowns fuel the fear of those left in Colonia LeBaron.

The state attorney general, Patricia González, blamed the group La Línea, the Line, the armed enforcement wing of former police officers and gunmen that works for the Juarez cartel. A few months ago, González said La Línea was an exhausted remnant of dead-enders whose ranks had been decimated by infighting and arrests.

After González said the Juarez cartel was responsible for the killings, banners appeared in Ciudad Juarez that read: "Mrs. Prosecutor, avoid problems for yourself, and don't blame La Línea." The message stated that the LeBaron killings were the work of the Sinaloa cartel. On Wednesday, another banner was hung from an overpass, suggesting that Benji LeBaron was a thief: "Ask yourself where did all his properties come from?"

At the LeBaron funeral, attended by more than 2,000 people, including the Chihuahua state governor and attorney general, Benji's uncle Adrian LeBaron said, "The men who murdered them have no children, no parents, no mother. They are the spawn of evil."

[From *Newsweek*, Mar. 14, 2009]

THE ENEMY WITHIN

(By Eve Conant and Arian Campo-Flores)

As Manuel exited the Radio Shack in Phoenix with his family one afternoon last month, a group of Hispanic men standing in the parking lot watched him closely. "Do it now, do it now," one said to another in Spanish, according to a witness. One of the men approached Manuel, pointed a revolver at his head and tried to force him into a Ford Expedition parked close by. "Please, I'll get into the car, just don't touch me," Manuel pleaded as he entered the vehicle, his wife told police. Nearby, she said, another man in a Chrysler sedan aimed a rifle or shotgun out the driver's side window. At some point, shots were fired, said witnesses, although apparently no one was hit. Then the vehicles tore off with a screech of tires.

Later that evening, the phone rang. When Manuel's wife picked up, a male voice said in Spanish, "Don't call the police," and then played a recording of Manuel saying, "Tell the kids I'm OK." The man said he'd call again, then hung up. Despite the warning, Manuel's wife contacted the cops. In subsequent calls, the kidnappers told her Manuel owed money for drugs, and they demanded \$1 million and his Cadillac Escalade as ransom.

When two men later retrieved the Escalade and drove off, the cops chased them and forced them off the road. Both men, illegal immigrants from Mexico, said they'd been paid by a man (who authorities believe has high-level drug connections) to drive the vehicle to Tucson. So far, police say, Manuel hasn't reappeared, and his family has been reluctant to cooperate further with law enforcement. "He's a drug dealer, and he lost a load," says Lt. Lauri Burgett of the Phoenix Police Department's recently created kidnapping squad. "He was probably brought to Mexico to answer for that."

Surprising as it may seem, Phoenix has become America's kidnapping capital. Last year 368 abductions were reported, compared with 117 in 2000. Police say the real number is likely much higher, since many go unreported. Though in the past most of the nabblings stemmed from domestic-violence incidents, now the majority are linked to drug-trafficking and human-smuggling operations that pervade the Arizona corridor. It's still unclear to what extent the snatchings are being directly ordered by Mexican cartels, but authorities say they're undoubtedly a byproduct of the drug-fueled mayhem south of the border. "The tactics are moving north," says assistant police chief Andy Anderson. "We don't have the violence they have in Mexico yet—the killing of police officers and the beheadings—but in terms of kidnappings and home invasions, it has come."

That raises an unnerving prospect: that the turmoil in Mexico—where drug violence claimed more than 6,000 lives last year—is finally seeping across the border. According to a December report by the Justice Department's National Drug Intelligence Center, Mexican drug-trafficking organizations have established a presence in 230 U.S. cities, including such remote places as Anchorage, Alaska, and Sheboygan, Wis.

The issue is preoccupying American officials. "This is getting the highest level of attention," including the president's, says Homeland Security Secretary Janet Napolitano. She tells NEWSWEEK that the administration is dispatching additional Customs and Border Protection and Immigration and Customs Enforcement personnel to the border, and it's reviewing requests from the governors of Arizona and Texas for help from National Guard troops. Earlier this month, Adm. Mike Mullen, chairman of the Joint Chiefs of Staff, visited Mexico to discuss assistance and to share potentially relevant lessons that the United States has learned in Iraq and Afghanistan, says a senior Pentagon official familiar with details of the trip who wasn't authorized to speak on the record.

All the attention has stoked public debate on a particularly fraught question—whether Mexico is a failing state. A U.S. Joint Forces Command study released last November floated that scenario, grouping the country with Pakistan as a potential candidate for "sudden and rapid collapse." Such a comparison is excessive, says Eric Olson of the Woodrow Wilson Center's Mexico Institute in Washington, D.C., though the Mexican government confronts "real problems of sovereignty in certain areas" of the country. Administration officials are striving to tone down the rhetoric and focus on ways to help. Among the priorities, says Olson: to cut American demand for drugs, to provide additional training and equipment to law-enforcement and military personnel in Mexico, and to clamp down on drug cash—an estimated \$23 billion per year—and assault weapons flowing into the country from the United States.

As the violence continues to spiral in Mexico, reports of cartel-related activity are on the rise in American cities far removed from the border. Last August the bodies of five Mexican men were discovered bound, gagged and electrocuted in Birmingham, Ala., in what was believed to be a hit ordered by Mexican narcotraffickers. A few months later, 33 people with cartel ties were indicted in Greeneville, Tenn., for distributing 24,000 pounds of marijuana. In neighboring North Carolina, "there are cartel cells . . . that are

a direct extension from Mexico," says John Emerson, the Drug Enforcement Administration's special agent in charge in the state.

Law enforcement in Atlanta, where a maze of interstates provides distribution routes throughout the Southeast, has dubbed the city "the new Southwest border." "All those trends are coming here," says Fred Stephens of the Georgia Bureau of Investigations. "We are seeing alarming patterns, the same violence." He ticks off a spate of cartel-linked crimes in the state—assaults, abductions, executions. Last May authorities in Gwinnett County found a kidnap victim, along with 11 kilos of cocaine and \$7.65 million in shrink-wrapped bundles, in a house rented by an alleged Gulf cartel cell leader. A few months later, a suspected drug dealer in Lawrenceville was abducted by six men, dressed commando-style in black, and held for a \$2 million ransom (he escaped).

Nothing rivals the rash of kidnappings in Phoenix, however. As border enforcement has tightened the screws on the California and Texas crossings, Arizona has become a prime gateway for illicit trafficking—in both directions. "The drugs and people come north, the guns go south," says Elizabeth Kempshall, the DEA's special agent in charge of the Phoenix division. Arizona is mostly dominated by the Sinaloa cartel, which authorities say is trying to assert greater control over the U.S. drug trade. Yet analysts believe the organization has fractured—most notably last summer, when the Beltran Leyva brothers reportedly split from leader Joaquín (El Chapo) Guzmán.

That internecine conflict, along with cartel encroachment north of the border, has created something of a free-for-all in Phoenix's criminal underworld. Among the groups that have stepped into the breach: roving Mexican gangsters called *bajadores*, or "takedown" crews, who are responsible for many of the city's kidnappings. Often operating in packs of five, they typically cross the border to commit crimes, then retreat south, say police. Some work as enforcers for the cartels, collecting payment from dealers who have stiffed the capos or lost their loads. Others function as freelancers, stealing shipments of drugs or illegal immigrants from traffickers. "We've seen an uptick in the *bajadores* since last summer," says Al Richard, a Phoenix police detective. "We are seeing a lot more professionals coming up here now."

Bajadores are renowned for their ruthlessness. Kidnap victims have been found bound and gagged, their fingers smashed and their foreheads spattered with blood from pistol-whippings. When the crews abduct illegal immigrants—hoping to extort more money from relatives—"they will sometimes kill someone off immediately to scare the others," says Richard. "There was a case last year where they duct-taped the mouth and nose of one individual and had the others watch while he asphyxiated and defecated on himself." Some *bajadores* have branched out to home invasions. In one incident last June, a gang broke into a home, outfitted in Phoenix police gear and Kevlar vests—a hallmark of criminal enterprises across the border.

To combat the problem, police in Phoenix created the kidnapping squad—known officially as Home Invasion Kidnapping Enforcement—last September. Led by Lieutenant Burgett, the team of 10 lead investigators has already busted 31 crime cells and made more than 220 arrests. But "it never stops," she says. "It's like a Texas ant hill." One of the squad's main objectives: to keep the abductions confined to the criminal world.

"Most of the time, our victims are as bad as our suspects," says Sgt. Phil Roberts. "We give them five to 10 minutes to hug their wife, and then they are off to jail themselves." If average citizens begin to get ensnared, the result could be widespread panic. "We don't want what happens in Mexico to happen here, where they are kidnapping bank presidents," he says. "We don't want the president of Wells Fargo to need a bodyguard."

Last Tuesday afternoon, the squad was working a case involving a suspected marijuana middleman. As police later learned, a few days earlier, he'd allegedly brokered a deal between a group of sellers and two buyers for 150 pounds of pot. But when the parties gathered at a suburban house, the two buyers held up the others and made off with \$40,000 worth of dope and cash. The man tried to escape, but a woman at the house pulled a gun on him. "You're not leaving," she said, according to the middleman's subsequent account to police. "You set up this deal." The stolen goods were now his debt. Eventually released, he scrambled to cobble together \$40,000 worth of possessions—three vehicles, 10 pounds of pot, some cash—while a man who called himself "Chuco" rang him every hour. But it wasn't enough. On Tuesday morning, Chuco arrived at the man's house. "I've got to go," the man told his girlfriend, according to her statements to police. "If I don't pay, they're going to hurt me." His abductors, he said, worked for El Chapo (an unconfirmed allegation).

Later that day, the man's girlfriend arrived at the police station. Sleepless and frantic, she fielded repeated calls from her boyfriend, who pleaded for her to raise additional cash. The cops urged her to remain calm. "I know you are stressed, but you need to keep talking," said one of the detectives. "You are the only one who can do the negotiating." She had already called some family members and asked them to draw money from an equity line. But it wasn't arriving quickly enough. "I don't have it yet, baby," she told her boyfriend on a subsequent call, as he grew more distressed. "I'm doing everything I can."

Unbeknownst to the woman, the kidnapping squad had received information on her boyfriend's possible location. As cops approached the suspected house a little after midnight, an SUV suddenly sped away. Police pursued it and pulled it over. "Tell us where he is!" a detective told the passengers. Just then, a Chevy Impala took off from the house. Another chase ensued, and eventually the driver was forced to stop. Inside were four passengers, with the middleman in the rear, flanked by two men armed with weapons. Back at the station, detectives questioned the parties; as of late last week, charges were likely against four abductors, but not the victim, due to a lack of evidence in the suspected marijuana deal. But now he's on the cops' radar, says Burgett. "We do proactive follow-up on victims as well."

Though much of Phoenix's kidnapping epidemic stems from alleged drug deals gone awry, plenty are linked to the human-smuggling trade. That work used to be dominated by small "mom and pop" outfits, but in time, the cartels have muscled in on it. Any group that wants to use their trafficking routes has to pay up—about \$2,000 per week for Mexicans and \$10,000 per week for "exotics," like Chinese and Middle Easterners, says Richard, the Phoenix detective. That added business cost has encouraged some smugglers to try to extort more money from their human loads—known as *pollos*, or

"chickens"—once they've crossed the border. More and more, *pollos* may change hands several times among *dueños*, or "owners"—a new, more violent breed of smugglers. The drop houses used to stash immigrants are also becoming more barbaric.

One recent night, the Human Smuggling Unit of the Maricopa County sheriffs office received a tip on a drop house in a middle-class neighborhood in Phoenix. Relatives of an immigrant being held there had received an extortion call demanding \$3,500. Joined by a SWAT team, the unit made its move, breaching windows and doors, which were boarded up (a typical precaution taken by smugglers). A half dozen men tried to escape but were grabbed, says Lt. Joe Sousa, the unit commander. Inside were several dozen illegal immigrants, all shoeless and famished. Authorities confiscated two pistols, a sawed-off shotgun and a Taser-like device—"used against people when they're put on the phone, begging their relatives for cash," says Sousa. It was a good bust, he says, but "within a week or two, that same organization will be back up and running." Sousa moved to Phoenix because he thought it was a nice place to raise a family. But the violence is out of control, he says. "Soon as I retire, I'm out of here."

Many area residents who have had encounters with the smuggling world share the sentiment. At a takedown of a suspected drop house a few days earlier in nearby Avondale, a neighbor became inconsolable describing the terror he experienced living next door to what locals fear is a home to ruthless criminals. "It's been hell," said the man, who refused to be named because he was scared. "I have five kids. I've been sleeping with two machine guns under my bed for two years." He's planning to foreclose on his property and flee with his family as soon as possible. Despite the bust, the smugglers "will be back," he said. "Right now, they are headed to the border, they'll chill out for a month, and they'll be back." As overwrought as he may have been, he was probably right.

[From the Washington Post, July 15, 2009]
12 FEDERAL AGENTS ARE SLAIN IN MEXICO
(By William Booth)

NUEVO CASAS GRANDES, MEXICO, JULY 14.—Mexican authorities said Tuesday that a super-violent drug cartel called La Familia was responsible for torturing and killing 12 federal agents whose bodies were found dumped alongside a mountain road in the western state of Michoacan late Monday.

The agents, who included one woman, had been investigating organized crime in Michoacan, where gunmen launched a series of highly coordinated commando attacks against police officers and soldiers over the weekend.

The abduction, torture and execution of such a large group of federal agents marks a steep escalation in President Felipe Calderón's war with the drug cartels. Though drug mafias often clash with local police officials they fail to intimidate or corrupt, a direct counterattack against federal forces is almost unheard-of. The 12 agents represent the highest one-day death toll for federal forces in the three-year-old drug war.

Placed beside the corpses of the agents, who were off-duty when they were abducted, was a sign threatening police, Monte Alejandro Rubido, a senior federal security official, said at a news conference.

Federal officials say they think the attacks by La Familia, a mini-cartel that announced its presence two years ago by rolling five decapitated heads into a dance hall,

were carried out in retaliation for the capture of one of the group's leaders.

The attacks began at dawn Saturday in Michoacan's capital, Morelia, shortly after the arrest of Arnold Rueda Medina, reported to be the right-hand man of La Familia founder Nazario Moreno Gonzalez, known as "El Mas Loco," or the Craziest One.

After La Familia gunmen were repelled in their attempt to free Rueda, they went on what police described as a shooting rampage to "avenge" his capture. The attacks, in which convoys of gunmen mounted surprise assaults on government positions in eight cities, went on for 10 hours Saturday and continued sporadically Sunday.

Mexican law enforcement officials say La Familia is a different kind of cartel, combining a code of extreme violence with a commitment to protect Michoacan residents from outsiders—which would include federal agents and army soldiers.

Members of La Familia are recruited from rural militias and drug treatment centers. Federal authorities swept into city halls in Michoacan and arrested 10 mayors in May on suspicion of colluding with the gang.

La Familia is fighting for control of cocaine-smuggling routes that lead from the port of Lazaro Cardenas toward the United States. The group also operates clandestine methamphetamine labs and marijuana farms in the mountains.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

SOTOMAYOR NOMINATION

Mr. CORNYN. Mr. President, I would like to address the nomination of Judge Sonia Sotomayor to be an Associate Justice of the U.S. Supreme Court.

The Constitution confers upon the Senate the power to provide advice and consent on judicial nominations as one of the most solemn responsibilities we have. Supreme Court Justices have always had tremendous power within our constitutional system of separated and enumerated powers. In recent decades, growing concern has arisen over judicial activism on the Court, which has the necessary consequence of taking power away from the elected representatives, and thus the people themselves, and conferring it to those with life tenure, unelected judges who have occasionally used this power conferred upon them in the Constitution to impose their own views and their own agenda on the American people and substituting that for the views of their elected representatives.

We now see that five votes on the U.S. Supreme Court can invent new rights that are not found in the Constitution or narrow the scope of rights that generations of Americans have come to view as fundamental. Each Justice serves for life, so every time a nominee comes before us I think it is entirely appropriate, indeed required, that we exercise due care in exercising this power of advice and consent.

Yes, Senators exercise the power, and also the responsibility we have under

the Constitution with great care and I believe with great respect for every nominee. Sadly, over recent years we have seen judicial nominees treated with the opposite of respect and fairness. Some nominations have become quickly politicized, before the nominees have even had a chance to speak for themselves or to answer important questions or, perhaps, to put their record in context. We have seen outrageous accusations used to score political points and to damage a nominee in the court of public opinion before they have had an opportunity to even answer those concerns themselves.

It is no secret that I remain deeply frustrated by the treatment of nominees such as Miguel Estrada, who was nominated by President George W. Bush to the District of Columbia Court of Appeals, sometimes acknowledged as the second highest court in the land. Mr. Estrada was filibustered seven times by the Democratic minority and refused an up-or-down vote on the Senate floor—something that was literally unheard of in previous times. Many Senators share my view that had he been confirmed to the District of Columbia Court of Appeals, he could have been the first Hispanic nominated to the U.S. Supreme Court. Instead, that honor goes to the nominee we have before us, Judge Sonia Sotomayor.

From the beginning I was determined to make sure Judge Sotomayor's nomination process and hearing would be different from that given to Miguel Estrada and others. When I first met with her in June, I pledged to her that I would do everything in my power to see that she was treated with fairness and respect. When individuals, and some organizations, said or did things that cheapened the process, I said so. When supporters and opponents of Judge Sotomayor made accusations of racism, I repudiated them because I believe all such accusations are incompatible with the respectful and dignified consideration of her nomination.

In the end, I was pleased that Judge Sotomayor said she could not have received a more fair hearing and more fair treatment during the confirmation process.

I believe a fair process and fair hearing means neither prejudging nor preconfirming a judicial nominee. Fair treatment means looking at the judge's record, including her public statements about the role of a judge in our separated powers of government. Fair treatment means giving the judge, the nominee, an opportunity to explain her record and her comments, and to put those in the appropriate context.

Going into the hearings, I found much to admire about Judge Sotomayor's record. She is an experienced judge with an excellent academic background. She appears to be a tough judge—which may be to her credit—and demands a lot of the lawyers who appear in oral argument before her court.

For the most part, her decisions as a district court judge and as a member of the court of appeals were within the mainstream of American jurisprudence.

Yet going into the hearings I also had some very serious questions that I thought it was appropriate to ask her and that she needed to answer. While, as I said, her judicial record is generally in the mainstream, several of her discussions demonstrated cause for concern about the kind of liberal judicial activism that has steered the courts in the wrong direction over the past few years, and many of her public statements reflected a surprisingly radical view of the law.

Some have said we just have to ignore her public statements and speeches and just focus on her decisions as a lower court judge. I disagree with that position. Judges on the lower courts; that is, the district court and the court of appeals, have less room to maneuver than a Supreme Court Justice who is not subject to any kind of appellate review. Supreme Court Justices can thus more easily ignore precedents or reject them.

This is why Judge Sotomayor's speeches and writings on judicial philosophy should matter, and they concern me a great deal. These speeches and writings contain very radical ideas on the role of a judge. In her speeches she said things such as there is no objectivity, no neutrality in the law, just a matter of perspective. She said courts do, in fact, make policy and seemed to say that was an appropriate role for the courts of appeals. She even suggested that ethnicity and gender can and should impact on a judge's decisionmaking process.

For 13 years of my life I served as a State court judge, a trial judge, and a member of the Texas Supreme Court. I strongly disagree with the view of the law that says there is no impartiality, no objectivity, no law, with a capital "L," that a judge can interpret. It is, to the contrary of Judge Sotomayor's statements, merely a matter of perspective. There is no impartial rule of law.

I don't know how one can reconcile her statement that there is no objectivity, no neutrality in the law, with the motto inscribed above the U.S. Supreme Court building which says "Equal Justice Under the Law." If there is no such thing as objectivity and neutrality, only a matter of perspective, how in the world can we ever hope to obtain that ideal of equal justice under the law? I just don't know how one can reconcile those.

Despite my concerns about some of Judge Sotomayor's decisions, as well as some of her statements about judging, I went into the hearing with an open mind. I believed she deserved the opportunity to explain how she approached some of the most controver-

sial cases on which she has ruled and to put her public statements in context. I hoped she would use the hearings to clear up the confusion many of us had, trying to reconcile the Judge Sotomayor who served for 17 years on the bench with the Judge Sotomayor who made some of these statements and speeches. The hearings were an opportunity for Judge Sotomayor to clear up these things and ultimately, in my view, resulted in a missed opportunity to do so.

Regarding her public statements about judging, I was surprised to hear her say she meant exactly the opposite of what she said; that she had been misunderstood every single time and that she doesn't believe any of these radical statements after all and that her views are aligned with those of Chief Justice John Roberts.

Regarding some of her most controversial decisions, she refused to explain them on the merits. She did not explain her legal reasoning or the constitutional arguments she found persuasive, instead choosing to explain those in terms of process and procedure whenever she could.

She assured us her decisions would be guided by precedent, even when many of her colleagues, both on the court of appeals and the majority of the Supreme Court of the United States, disagreed. At the end of the hearing, I found myself still wondering who is the real Sonia Sotomayor and what kind of judge will she be when she is confirmed to the Supreme Court.

Some have argued if I am uncertain, or if another Senator is uncertain about the answer to that question, that we should go ahead and vote to confirm Judge Sotomayor. I disagree with that. Voting to confirm a judge, this judge, or any judge, despite doubts, would certainly be a politically expedient thing to do, but I do not believe it would be the right thing to do, nor do I believe it would honor the duty we have under the Constitution, providing our advice and consent on a judicial nominee.

We all know the future decisions of the Supreme Court of the United States will have a tremendous impact on all Americans. The Court, for example, could weaken the second amendment right of Americans to keep and bear arms, and Judge Sotomayor's decisions on that subject reflect, I believe, a restrictive view that is inconsistent with an individual right to keep and bear arms for all Americans.

The Court could fail to protect the fifth amendment private property rights of our people from cities and States that want to condemn their private property for nonpublic uses. Judge Sotomayor has rendered decisions on the Second Circuit Court of Appeals that tend to support the views that she has an opinion of the rights of the government to take private property for private uses, not for public uses, and that concerns me a great deal.

The Court could, in fact, invent new rights that appear nowhere in the Constitution, as they have done in the past, based on foreign law, a subject that Judge Sotomayor has spoken and written on, but she did not settle any concerns many of us had about what role that would play in her decision-making process when she is confirmed.

I believe the stakes are simply too high for me to vote for a nominee who can address all of these issues from a liberal activist perspective. And so I say it is with regret and some sadness that I will vote against the confirmation of Judge Sonia Sotomayor. I will vote with a certain knowledge, however, that she will be confirmed despite my vote.

I wish her well. I congratulate her on her historic achievement. I know she will be an inspiration to many young people within the Hispanic community and beyond. And I hope, I hope, she proves me wrong in my doubts.

The Justice she is replacing, after all, has proved to have a far different impact than the President who nominated that judge believed that judge would have. So perhaps Judge Sonia Sotomayor will surprise all of us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, what is the business before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

HEALTH CARE

Mr. DODD. I thank the Presiding Officer. I am going to take a few minutes, if I can, to talk about health care again. I did on Wednesday evening, and I intended to speak yesterday, but there was an objection raised to having any morning business yesterday while we were considering the Defense authorization bill. So as a result of that, I was unable to come to the floor and talk about the health care issues in our country and the pending legislation in this body and in the other body.

As some may know—I know my colleagues are aware of this—I have been in the position of being the acting chairman of the Senate HELP Committee. The committee is chaired by our dear friend and colleague Senator TED KENNEDY, who is wrestling with his own health care crisis at this very hour and so has been unable to be with us these last several months as we have begun the process of marking up, that is, considering the legislation dealing with health care. So as the person sitting next to him on that committee, I was asked to assume the responsibility of chairing the committee as we considered the health care legislation.

We have finished our work. We finished it a week ago on Wednesday after

numerous hours. I point this out to our colleagues—I know many of them may be aware of this already—we on the HELP Committee spent close to 60 hours in consideration of our bill. I am told it was the longest time that—at least in memory of all here—the committee has spent on the consideration of any single bill.

We had some 23 sessions over 13 days. There were around 800 amendments filed before our committee. We considered just shy of 300 of them. Of that 300, we accepted 161 amendments from our Republican friends on the committee.

Many of these amendments were technical amendments. But they were not all technical amendments. They were worthwhile and positive amendments, and there were a number of very important amendments that were offered by our Republican colleagues that I think strengthened and made the bill a better bill, substantially a bipartisan bill.

At the end of the day, after all of these hours and work, we did not have the votes of our Republican friends on the committee. But their contribution to the product was significant. As I mentioned earlier, Senator GREGG and a number of our Republican colleagues on the committee were concerned about the long-term fiscal impact of the new voluntary insurance program for long-term care. We agreed with that amendment. It was a tremendous help.

Senator ISAKSON of Georgia raised the issue of end-of-life care, drawing on his own family experiences. We were able to accommodate his ideas in that area.

Senators ENZI, GREGG, and ALEXANDER suggested that we increase employers' flexibility to offer workplace wellness programs with incentives for employees. That was a very sound proposal, one that has been recommended to us by others. It was added to the bill. Senator HARKIN did a very good job, along with others, in reaching that accommodation.

Senator HATCH's amendment was dealing with follow-on biologics. The full Hatch proposal was adopted by the committee.

Our friend TOM COBURN from Oklahoma proposed an amendment to empower individuals to make healthy decisions by having the CDC establish a Web-based prevention tool that would create personalized prevention plans for individuals. That was accepted as well.

We accepted Senator HATCH's proposal to establish a coordinated environmental health tracking network at the Centers for Disease Control and Prevention.

Senator MURKOWSKI offered an amendment which allows insurers to rate based on tobacco use. Specifically, Senator MURKOWSKI's amendment allows insurers to vary premiums from

one to one and a half for the use of tobacco.

Several amendments were offered by Senator BURR, and accepted by unanimous consent, to ensure that the community health insurance option is operated on a level playing field with all of the other private insurers, and provided a clarification that Federal and State laws relating to rating pre-existing conditions, fraud and abuse, quality improvements, and many other provisions apply to the community health insurance option as well.

Senator HATCH and Senator COBURN offered amendments that will now ensure that independent insurance agents and brokers will be eligible to be navigators in the gateway.

My point is that in addition to the technical amendments, there were substantive amendments that were adopted as part of the committee effort. I invite our colleagues' attention. We have offered to brief any single member or others who are interested. This bill has now been on the Web site for the public to read there, to add comments and ideas, or to pose questions regarding provisions of the bill.

While we are waiting to see what the outcome in the Finance Committee will be, the second half of the equation, it is worthwhile to note that in the Senate, there are two committees with jurisdiction over health care. The HELP Committee has completed its committee work, and we invite our colleagues' attention and ideas and thoughts on how we might improve or add to the provisions dealing with quality and prevention, dealing with workforce issues, dealing with the fraud and abuse issues that are critically important, as well as coverage questions which are also essential.

Obviously I had hoped that we might stay here in August to deal with this issue or continue the process, but the decision has been made to delay consideration of the health care issues until the fall. I understood how this works, and things have not moved as quickly as we all would have liked.

Some say we need to slow down a little bit, we are going too fast on this issue. I remind my colleagues that it has been 70 years, 7 decades, with many administrations serving our country in that time, as well as many Congresses that have convened to grappled with this issue.

While we have dealt with various aspects of health care, from children's health and Medicare and Medicaid in that time, every single Congress, every single administration, has failed in reaching the kind of consensus necessary to adopt national health care reform measures.

We have been challenged by the American people now to try and defy those odds, to do what no other Congress and no other administration has ever been able to achieve. I understand

we are going at it a little too fast in the minds of some, but for those out there beyond the halls of Congress, that issue of how fast we are going may seem rather perplexing.

I am stating the obvious here. I know my colleagues know this, and I presume many of our fellow citizens do. Every single one of us who is serving in this Chamber, every single Congressman who serves down the hall, every single employee you see here, has very good, comprehensive health insurance coverage. We are blessed, as a part of the Federal employees benefit health package. We never have to worry, Lord forbid, something happens to one of us tonight, or tomorrow, to our children, or our spouses. We are well covered with insurance. And so taking a break in August and sort of rolling along poses no real threat to any of us or the Federal employees who have this health care program.

But for millions of other Americans who do not have the privilege of having the kind of coverage we do, this is an unsettling time, a very unsettling time. In this country of ours, millions of our fellow citizens do not get to sleep with that same sense of security and assurance. If something happens to their family, Lord forbid, they know they are going to wake up with the inability to either take care of the health care problem or maybe at the same time go through a financial crisis that destroys their economic future.

I have said this many times, and it is worth repeating. Of all of the bankruptcies that occur in the United States, 62 percent of them occur because of a health care crisis in that family; 62 percent. Of the 62 percent that go into bankruptcy because of a health care crisis, 75 percent of those people have a health insurance program. They are not uninsured. These are people with health insurance.

So if you are out there today and saying: Well, I have got health insurance, I could not possibly end up in financial ruin, the fact is that the overwhelming majority of people who have gone into bankruptcy because of a health care crisis have been covered with insurance.

Fifty percent of all foreclosures are occurring as a result of a health care crisis in a family. Today, before the sun sets in the United States of America, 14,000 of our fellow citizens will lose their health care coverage. Fourteen thousand people today and every single day in America, that many people will lose their health care coverage.

So while we sit here and say: Look, we are going too fast on this subject. Slow down. Boy, slow down. That is easy for us to say because none of us ever has to worry about what most Americans have to worry about, and that is, God forbid, they end up with a health care crisis and end up being destroyed economically or sitting with

the anger and frustration of knowing that I cannot provide for my child, I cannot provide for my spouse, and they need the kind of medical care they deserve.

This is the United States of America. We rank 37th in the world in medical outcomes, and we spend more money than any other nation, way beyond, way more than any other country in the world on health care. So we pay the most and we rank like a Third World country when it comes to outcomes. I do not think most Americans like to think of our country as being incapable of taking care of our Nation in such a way.

It has occurred to me that some people in this town seem to think this process of health care is about them: Did I get appropriately consulted? Did I get invited to enough meetings? Did I get a headline? What do my consultants think I should say about all of this? What are the right words to use here? Let's hire people to tell us how to describe all of this.

Well, let me ask all of my colleagues: Is anybody here worried that they are going to lose their health care insurance over the August break? Is anybody here unable to afford the care they think they may need for themselves or their family? Has any Member of this body or the other body been staying up late at night recently with a sick child for whom they cannot afford to get treatment?

Has anyone I serve with here spent the last 3 hours bouncing from voicemail to voicemail as you try to find out why the insurance company you pay thousands of dollars to every month suddenly refuses to pay for your spouse's cancer treatments?

Is any Member of Congress, as they go through the August break back in their States and districts or on vacation someplace, stuck at a job that pays too little because they have a pre-existing condition and will not be able to get coverage anywhere else they may get hired?

Has anybody here been driven into bankruptcy or lost a home, as 10,000 people will today? Their homes will get a notice of foreclosure because of medical bills their insurance company would not cover.

Has anyone in this Chamber or anyone in the other Chamber, a small business owner, had to choose between cutting coverage or laying off your employees whom you care about, who have been loyal to you and helped you build your products every day? Has anyone had to talk about laying them off or not providing the health care coverage that you have? I suspect no.

Then why are so many in Washington acting as if this were about us, about whether you are a Blue Dog or a Red Dog, a Democrat, a Republican, a conservative, a moderate, a liberal, as if that was the most important issue,

rather than the people who sent us here to grapple with an issue they wrestle with every single hour of every day. We are in danger of losing this once again, of failing, as has every other Congress and every other administration for 70 years, because we are forgetting that this is about the people who sent us here, asking us to try and come up with answers that would relieve them of the fear and frustration that confronts them every day and grows as a result of our inability or unwillingness to come up with national health care reform.

We in this Chamber have good insurance and we're in no danger of losing it. The same is not true for the American people. That is why it isn't about us. It is about the 47 million people who are uninsured, the 87 million who are underinsured, the 14,000 a day who lose their insurance, and the millions who will lose it if we don't act. It is about the people who pay our salaries and our great health insurance as well, the people who sent us here to fight on their behalf. When we pretend this is about us, when we treat health care reform as if it is some kind of a game, a political contest—who is going to face their Waterloo, who is going to lose, who can go in for the kill and defeat someone, put them into trouble, maybe they will lose an election over this—as it appears in the minds of some, then is it any wonder why the American people get so angry and frustrated when they watch us talk about ourselves, as if we were the only people on the face of the planet?

If any of us had to go through some of the things I suspect every one of us has heard from constituents—and there is nothing unique about what I am about to say; you can go to almost any State at almost any hour and repeat some of the stories I will share this morning, as I have heard in Connecticut—there wouldn't be anybody calling for more delays if they listened carefully. Sometimes we get involved in numbers, as we mention 14,000 and 87 million and 47 million. It sort of glazes over the eyes in a way. Is there anybody involved in these numbers? Are any stories involved? This legislation would be done by now if we paid more attention to some of these individual stories.

In 2005, a young woman in Connecticut named Maria was diagnosed with non-Hodgkin's lymphoma. When she asked her insurance company to cover her treatments, the insurance company found out Maria had once gone to a doctor for what she thought was a pinched nerve. Even though no tests had been done for cancer, the insurance company decided the doctor visit meant Maria's condition was a preexisting condition and denied her claim. Maria died from that illness.

A young man in Connecticut named Frank disclosed on his insurance appli-

cation that he sometimes got headaches. Several months after he got his policy, he went in for a routine eye exam. His eye doctor saw something he didn't like and sent Frank to a neurologist who told Frank he had multiple sclerosis. Frank's insurance company decided Frank should have known his occasional headaches were a sign of multiple sclerosis, and they took away his coverage retroactively. Frank's doctor wrote them a letter saying there was no way anyone could have possibly suspected that an ordinary headache was related to multiple sclerosis. But the insurance company left Frank out to dry. He was stuck with a \$30,000 medical bill he simply couldn't afford. His condition got worse. He left his job and went on public assistance.

This is Kevin Galvin. I have held a series of townhall meetings in my State, four or five of them over the last number of months, to invite people to share their concerns and stories about health care. The first one I held, to give Members an idea, I held outside Hartford at 8:30 in the morning, on a Friday morning. My first reaction to my staff was: Why are we having a townhall meeting at 8:30 in the morning? No one could possibly be there. Mr. President, 750 people showed up at that small community college on the banks of the Connecticut River in Hartford to be heard and to listen and talk about what was going on in their lives.

Kevin has shown up at a lot of my townhall meetings to talk about this issue. I met him at a number of gatherings we have held around the State to listen to people's concerns.

Kevin owns a small business, a maintenance company. He employs seven people in that little firm—some older, some younger—and can't afford to insure them. His younger employees use emergency rooms in their home communities as their regular doctor. If one of them has a child with an ear infection, they will spend all day, as Kevin has told me, in the ER waiting for them to get basic treatment, costing the employee a day's pay and Kevin a day's work from that employee.

By the way, to remind people who say we can't afford any additional costs, think of this: If you have an insurance policy, on average, your family is paying \$1,100 a year on your insurance policy to cover people such as Kevin's employees, the uninsured. That is the average cost per family. That is a tax on every insurance policy to pick up the cost of Kevin's employee, the one who shows up in that emergency room. You don't get free medical care there. They are charging for it. How do they charge? The premium costs go up for everyone else, on average, \$1,100 per family.

Kevin has three employees in their twenties and thirties who have never had a physical, never had a dental

cleaning by a hygienist. One of them, age 28 with two children, was out of work for 12 weeks and nearly died from a staph infection he got from an untreated cavity. Kevin stepped in, paid that man's salary during those weeks, and also all of his medical bills. That is the kind of person this individual is. Even though he doesn't have the kind of business that allows him to pick up the insurance tab for all his employees, Kevin stepped in to make a difference in that family. I know many do that. He is not alone in that regard. But it is awfully difficult to make a business work when you have to turn around and pick up the wages for someone who is not there at work, not to mention the medical bills and expenses.

Another one of Kevin's employees recently left for a job with health insurance, even though the new job gives him far fewer hours and pays one-third less than he got from Kevin. Another employee has been with Kevin's company for 24 years, relying on his wife's job for their health insurance. She got laid off recently. They will be able to get COBRA insurance for a short period, but Kevin's employee has a pre-existing condition and his wife is a breast cancer survivor. You tell me whether you think they will get health care coverage, under the present circumstances, with one of them having a preexisting condition and the other being a breast cancer survivor. You don't need to be a Ph.D. in health care issues to know what is going to happen. Under the present circumstances, if we do nothing around here, that guy and his wife get nothing. They will be looking for any kind of help they can get.

They, similar to millions of our fellow citizens, are looking to us, those of us gathered here. I don't know what Kevin's politics are. I don't know whether he is a Democrat or a Republican, a liberal, conservative, moderate, a Blue Dog. I don't think he thinks that way. I think all he thinks about is trying to take care of his employees and his family. I don't think Maria's family—Maria, with non-Hodgkin's lymphoma—wondered what politics they were. I don't think any American does. All they know is, once again, we are sitting around here deciding we will drift off for a few more weeks or months because we can't seem to come together, or we are going to sit there and attack each other politically, as this problem grows by the hour. We don't have to worry about that. I say that respectfully, but nonetheless, it does impact the decisionmaking process.

When you don't have an ounce of concern about your insurance and your ability to take care of yourself and your family, you lose some of the motivation, it seems to me, that we ought to have, when it comes to addressing these issues.

I will be talking about this every day we are in session and every day until

we get to the point of coming together and addressing this issue. It is what I tried to do for nearly 60 hours, replacing my dear friend, Senator KENNEDY, on the committee. I thank my 22 other colleagues who stayed there day after day to work on this. I particularly thank TOM HARKIN of Iowa, who spent hours working on the prevention side of this bill, doing everything he could to come up with ideas to encourage behaviors that would reduce cost and improve the quality of health; BARBARA MIKULSKI, who is going through her own medical issues, having broken her ankle in four different places and undergoing treatment, she did a magnificent job working on quality issues; JEFF BINGAMAN from New Mexico, who did the work on coverage issues and the important issue of how we pay for this to come up with ideas that will reduce cost and make health coverage more affordable. Then, of course, there was PATTY MURRAY, who did a great job working on workforce issues. I see JACK REED of Rhode Island, who is a member of our committee and did a great job on a number of issues affecting the bill. On down the line: KAY HAGAN; JEFF MERKLEY; SHELDON WHITEHOUSE was tremendously helpful; BERNIE SANDERS did a great job; BOB CASEY; SHERROD BROWN of Ohio was terrific as well.

I thank my Republican colleagues—even though they didn't vote for the bill in the end, I have mentioned the ideas they brought to our bill that made it a better bill: MIKE ENZI, JUDD GREGG, LAMAR ALEXANDER, JOHN MCCAIN, LISA MURKOWSKI, PAT ROBERTS, ORRIN HATCH, TOM COBURN, JOHNNY ISAKSON, RICHARD BURR. The idea is, we came together and it worked. We have a product now. We look forward to working with the Finance Committee. But we need to get on to the business of getting this done. We cannot sustain the present situation, and the American people deserve a lot better. They need the same kind of security we have provided for ourselves as Members of Congress. I don't think the American people are going to accept the notion that they should have to live with the fear and frustration that is associated with having the kind of health care system presently in our Nation, knowing we can do better.

I thank my colleagues for the work we have done already and urge them, over this break, if they are not here working, to listen to their constituents, hear their voices, and then come back to this Chamber in early September with a serious determination to do what no other Congress and no other administration has been able to achieve in nearly a century: to come up with a health care plan for the Nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak up to 30 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REED. Mr. President, let me begin by thanking and commending Senator DODD, who was at the helm of the deliberations on health care reform in the HELP Committee. His patience, his understanding, and his determination were probably the three critical factors that got this bill through the committee and to the floor. He has made a singular contribution to the progress of this debate on health care, which he eloquently described as so central to every family in this country. I know he is performing these duties with the notion that the real champion of health care, Senator TED KENNEDY, is in the wings urging him on and helping him and guiding him. But Senator KENNEDY's presence was palpable. I think our efforts today and in the days ahead will culminate, I hope, as does Senator DODD, in legislation that can be signed by the President, with Senator KENNEDY there and Senator DODD. I can't think of two people who would more deserve such a place of honor.

We hear often from the opponents of health insurance reform that the vast majority of Americans have health insurance and are happy with it. That is true. But it is only one side of the coin. Americans are glad they have insurance, but they are worried they might lose it because the cost keeps going up. All Americans worry when they see friends and family members who don't have insurance or who lose their health insurance. They worry when they are faced with completing piles of paperwork having to do with their health insurance policy. And they worry when they get the runaround from their insurance carriers about what is and is not covered. They certainly are not particularly happy when they are either denied coverage or denied reimbursement of a claim because of a pre-existing condition. It is clear that we must improve health care for the Nation.

The opponents of health care reform are talking about a government takeover and bureaucrats, but those are merely scare tactics. The reality today is there are Americans who are uninsured, who show up in hospital emergency rooms with out coverage that wind up in higher premiums for all of us. There are Americans who are being denied insurance, even though they can pay the premium, because of a pre-existing condition. All of that has to be addressed.

Today we face a choice between a broken status quo or a better and less-expensive health care system; between being denied health insurance or a marketplace where competition and choices are vibrant; between a health

insurance system that will double in cost or one that will actually control costs; between a health care system that leads to thousands of families losing their insurance every day or a system that covers more of our relatives and neighbors; between a health insurance system that will keep adding to the deficit or a system that helps reduce government costs over the long run.

That is the choice facing the Senate and the American people. The stark reality is that our health care system is broken. The status quo is untenable. In the face of this, the HELP Committee and the President made the right choice to fix it.

In contrast, the Republicans have chosen to simply protect the existing health care system—the one that is denying care to millions of Americans, the one that cannot be sustained financially by families or by government. They would rather talk about Waterloo and a host of other hobgoblins than do the hard work of health reform that we must do. We can succumb to fear or we can roll up our sleeves and pass health care reform. I believe that we cannot wait any longer.

In fact, that is what is ongoing at this moment. Senator BAUCUS is reaching out, as Senator DODD reached out, to develop a plan that will not only pass this Congress but also benefit the American people in the long run.

There are many specific elements in the HELP Committee bill and the bill Chairman BAUCUS will bring from the Finance Committee. But there are five key principles by which we are guided.

One, we will pay for the cost of reforming the health insurance system.

Two, we will start controlling costs today and in the future.

Three, we will preserve and expand insurance choices for the American people.

Four, we will cover as many Americans as we can through commonsense steps that increase health security and stability for families.

And, five, we will reward efficiency and quality care.

Everything we do in health care reform should be guided by these principles because they are the right principles and they are what the American people expect.

Now, let me take a moment to talk more about our health care system and how we got here. At the turn of the 20th century, significant technological and medical advances yielded superior treatments, more effective training of physicians, and higher quality care.

More Americans demanded access to these new and improved services. But for many the cost was too expensive. The problem intensified during the Great Depression and doctors, because of the financial crisis, were ill-equipped and unprepared to help many who needed help. We have made progress since then.

In the 1960s, this Congress—a predecessor Congress—adopted the Medicare Program and the Medicaid Program. We have also seen investments in the construction of hospitals under Federal legislation. We have seen a system grow up somewhat unwittingly through the tax system to subsidize employer-based health care. All this has led to the present situation.

But, even today, the parallels between our current health care system and that of the system at the turn of the Century are frighteningly similar. The cost of care is still too expensive and doctors are still ill-equipped to treat every patient that walks through their door.

Throughout those years, Presidents and Congresses have recognized the need for comprehensive reform, to make health care affordable and accessible for all Americans and affordable for the Nation as a whole. Harry Truman, Jimmy Carter, Bill Clinton all endeavored to change the health care system. We are still at that great task, and this is a daunting task, but this time we must succeed.

In the face of this task, some have said it is too hard, it cannot be done. Instead, incremental reform would better serve the country. In 2003, under President Bush's urging, the Medicare prescription drug benefit, Medicare Part D was passed. That was done without paying for it. It was done with deficit spending. And it was done supposedly with a \$400 billion pricetag over 10 years that later turned into \$1.2 trillion over 10 years. That was an initiative supported by President Bush and the Republicans.

So we are in a situation now that is different. We have presented a bill that costs half as much, has gone down in price, and that will be paid for. We are determined to pay for it. We are determined to make it contain costs over the long run because the current costs are skyrocketing out of control.

We have also seen the need, because of the current economic crisis, to accelerate our reform efforts. In my State of Rhode Island, 12.4 percent of the population is unemployed. That is adding to the rolls of those who are uninsured. They are losing their coverage if they are being dismissed from their work or their employer is scrapping coverage just to save the company and keep some people employed.

We have seen the premiums for those who still have access to coverage increase dramatically. In Rhode Island, family premiums have increased 97 percent since 2000. Over 20 percent of middle-income Rhode Island families spend more than 10 percent of their income on health care. We know these numbers are going to get worse, not better, if we do nothing. They are going to get to the point where families cannot afford it, where State governments cannot afford it, where the Federal Government

cannot afford it. We have to recognize that, that sitting back, doing nothing, proposing the old remedies will do nothing for the American people.

My Republican colleagues believe that giving everyone a tax credit, \$5,000, will get everyone in America covered. But that is less than the cost of an insurance policy. Moreover, they are not proposing to reform the insurance system. If we do not do this, we will continue down the path toward a social and economic crisis.

So we have acted. And we must continue to act. President Obama is determined to make this effort succeed. I recall the debate in 1993 and 1994 and we are much further ahead than we were in 1993 and 1994. We all talked about health care reform in 1993—a major issue in the election—but by the time we got down to passing legislation, it was the summer of 1994 and we ran out of time. We cannot run out of time now. The President is right to insist we keep moving as fast as we can until we reach the objective.

The President said it very well Wednesday evening:

If somebody told you that there is a plan out there that is guaranteed to double your health-care costs over the next 10 years, that's guaranteed to result in more Americans losing their health care, and that is by far the biggest contributor to our federal deficit, I think most people would be opposed to that. That's what we have right now. If we don't change, we can't expect a different result.

“If we don't change, we can't expect a different result.”

So we must move forward with health care reform and we must do it deliberately and we must do it in a timely way. As one who sat on the HELP Committee under the leadership of Chairman KENNEDY and Acting Chairman DODD, we took great effort to work through these issues. We spent hours and hours consulting with every single stakeholder: patients, providers, doctors, nurses, hospitals, employers, small business owners, large business owners, Governors, economists, and our Republican colleagues. We had 13 committee hearings. We had 14 bipartisan roundtable discussions. And we spent hours—20 hours—with our Republican colleagues in an informal walk-through of the bill, getting their impressions and feedback. We entertained hundreds of amendments—160 amendments to be exact. Major contributions were made, as Senator DODD indicated, by our Republican colleagues, along with my Democratic colleagues. Then the committee passed this legislation.

This work must continue with that same intensity. I know Senator BAUCUS in the Finance Committee is doing that. I hope we return in September fully engaged and ready to move on this issue.

I wish to make a few points about the legislation that is emerging from both the HELP Committee and I anticipate

from the Finance Committee. First of all, we have included in our bill items—and the Finance Committee will do the same—that will ensure that this is fully paid for, unlike the Medicare Part D plan enacted by the Bush administration.

CBO has informed us, in their hearing before the Budget Committee, that they are not convinced we are going to be able to dramatically reduce costs going forward. Now, we are all bound by them. This is the yardstick we use. But I wish to make a point about the CBO projections. By their rules, CBO cannot consider some things that we feel will be instrumental in not only improving the health of Americans but bringing down the costs. They cannot and will not predict the effect of a healthier and livelier America.

The Trust for America's Health, for example, found that investing \$10 per person per year in proven community-based programs to increase physical activity, improve nutrition, and prevent smoking and other tobacco use, would save the Nation at least \$16 billion annually within 5 years. Out of this \$16 billion in savings, it is estimated Medicare could save more than \$5 billion, Medicaid could save more than \$1.9 billion, and private insurance companies could save more than \$9 billion.

Those savings are not factored into the CBO's projections for several reasons: One, they are hard to predict, and they do not want to take that risk; but, second, they will only record savings that accrue directly back to the Federal Government. The millions that are being saved by private insurance companies through prevention—that is a savings they will enjoy, the country will enjoy, the families will enjoy, but it will not be scored by CBO.

We have also taken some significant steps to ensure that we crack down on fraud and abuse in the public and the private insurance sectors. The National Health Care Anti-Fraud Association estimates that 3 percent of all health spending each year—more than \$70 billion—is lost to fraud perpetrated against public and private health plans. Federal antifraud efforts in the Medicare Program have been demonstrated to return \$17 for every \$1 invested in these activities, and we have expanded these activities in this legislation.

We also expect cost savings through the use of health information technology. In the American Recovery and Reinvestment Act, we provided \$19.2 billion to hospitals, doctors, and clinics for this purpose. According to the RAND Corporation, we could save up to \$77 billion each year in medical costs through health information technology. Once again, this type of savings is not included in the CBO calculations.

But in addition to the savings we anticipate, we are still going to pay for

the cost that the CBO has calculated. The Finance Committee is committed to do that. And it should be noted, significantly, that President Obama has already received commitments from health care industries to share in the cost of payment and contribute to this plan. The American Hospital Association has pledged \$155 billion in anticipated cost reductions. The drug companies have promised \$80 billion. These groups, along with insurance companies and doctors, have also pledged to slow the rise in health care costs over the next 10 years by 1.5 percent. This is much different than in 1993 and 1994. These concessions will not cover the whole cost, but that is where the Finance Committee will augment with their proposals.

The President has engaged not only the Congress but also the major stakeholders in the health care system. Indeed, one of the things I find remarkable is that some people are running around talking about that this is a nationalization of health care, it is going to be government bureaucrats. Well, if that is the case, why is the private insurance industry not only cooperating but pledging to participate in cost reductions? They must feel their security and safety financially and economically are not being jeopardized.

So we are going to pay for this. We are also going to expand coverage in a way where not only you can get it, but you can keep the coverage. The same thing goes with respect to keeping your doctor.

One of the guiding principles the President announced initially was: If you like your health care, you can keep it. We have stayed true to that principle in terms of the construct that has emerged from the HELP Committee.

We have also tried to provide assistance to those people who need health insurance that is affordable. They will have the choice of a health plan that meets their needs and their budget. Again, many of the proposals my colleagues on the other side have made throughout the years, including tax credits are not sufficient to pay the premiums, and as such are ineffectual. We are going to make sure you not only have insurance but that you can afford that insurance.

So we have listened to a whole range of proposals. We have listened to those who are proponents of the single-payer system. We have listened to those who stress a strong community option. I think we have clearly staked our reform on a more competitive market that will have a public option to spur competition but will not in any way displace the primacy of private health care insurance.

We are moving forward with this legislation. We have created a system where citizens can come and select the

choice of private insurance or a community option, a publicly-organized option. We have also insisted upon insurance reform so that preexisting conditions, limits on policy payments—all of those things would be a thing of the past.

We believe this legislation will provide greater stability for Americans, not only financially but for peace of mind, the notion that when I go to the doctor, I won't have to worry, will the insurance company accept this claim; when I go to the doctor and I make the claim, will I then be told that what happened to me 20 years ago was a preexisting condition and my visit will not be covered; the peace of mind that if I have employer-based health care and I lose it, then I will be able to access a plan for me and my family. I think these are important aspects of this legislation, as important as some of the financial aspects.

We also want to make sure we increase the efficiency, the efficacy of the health care system. We have adopted quality measures. We have learned from experience that we can make changes—some of them are very simple—that will increase the efficiency and the effectiveness of health care. One simple approach is a checklist of safety measures in ICU that has been adopted in my State of Rhode Island. Studies have found that the checklist cuts infection rates 66 percent within 3 months and within 18 months of implementation saved about \$75 million and 1,500 lives. Those types of innovations, those types of reforms are designed now to be dispersed throughout the system.

We also have to prevent readmission to hospitals, and we have adopted legislation in the bill that will help do that by clearly planning for the discharge of a patient. We are building up the workforce which is necessary. We have emphasized significantly the issue of wellness and prevention. Our bill will provide coverage for all recommended preventive services, remove barriers to access, such as copayment and deductibles for preventive services, and encourage employers to offer wellness programs.

As has been said before, we want to transform the system not only organizationally and financially, but we want to transform it from a system that treats sickness to one that promotes wellness. This legislation will go a long way to do that. And in doing that, it will affect the cost for all of us.

I think we also have to recognize that everyone has to be a part of this effort. If we were to require insurers to take everyone but not require everyone to purchase insurance, we would have the classic problem where the healthy would not buy insurance, the sickest who need insurance would buy it, and the system wouldn't work. It would be too costly for those who need coverage

and those who don't have coverage would get sick, and drive the costs up higher and higher. So our legislation requires the responsibility of every American to participate. We will help those who are of modest income to meet this obligation.

We also are still working through many significant issues. I think the time we now have will be used wisely. There are many different aspects of this legislation that we recognize can be improved, and we hope they will be by the Finance Committee deliberations and by our floor deliberations.

My colleagues are proposing ideas. For example, Senator ROCKEFELLER has suggested that we use the procedure for the Medicare Payment Advisory Commission—these are experts on health care—to provide not simply recommendations but binding policies subject to a vote by Congress on the types of treatments that would be offered, the medical issues that have to be addressed. I think this would give us an interesting way to deal with the issue of effectiveness of treatment as well as cost of treatment, and I think this is something we must consider as we go forward, again, dealing with this issue of cost which is so central.

I raised this issue with Chairman Bernanke, the Chairman of the Federal Reserve. He, in his rather professorial way, certainly recognized the need for reform, but he also stressed that reform from an economic standpoint has to have cost containment, cost controls, and I think this idea Senator ROCKEFELLER has proposed is something that has to be seriously looked at.

We have reached a point now that we need reform. We can't afford to wait. This is the second time in my relatively brief career in the Congress that we have faced the issue of national health care reform. In 1993 and 1994, we faltered. It has gotten worse since then, not better, and it will get much worse if we don't succeed this time.

So I would encourage all of my colleagues to work together. What I sense is that Americans want, need, and deserve access to comprehensive, affordable, quality, efficient health care. That is what my constituents are asking for.

We have a plan for overall reform as well as to bring down spending. The current path is unsustainable. Those who advocate a less costly, better health insurance system have an obligation to offer something more than a tax credit proposal here or there or give all of the responsibility to the private sector. We need a real plan. A plan that will give all Americans the security and stability that they need in their health insurance plan. We cannot afford another missed opportunity. I urge all of my colleagues to come together on this most vital of issues and pass health care reform this year.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the submission of S. Res. 224 are located in today's RECORD under "Submitted Resolutions.")

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. BARRASSO. Mr. President, I come to speak today because I have tremendous concerns about the potential effects of the Waxman-Markey climate change bill, concerns about the destruction of jobs and concerns about the cost to our economy.

The Waxman-Markey bill may create some green jobs. If it does, great. We need green jobs in my State. We need green jobs all across the country. In Wyoming, we are developing our wind resources, so we need the green jobs, and Wyoming has world class winds. But to me, this bill also costs jobs. And Americans want all jobs, not just some jobs. People don't want to lose the jobs they have with a promise that they may get a green job in exchange someday down the line. Americans want all the jobs. They want to keep the ones they have, and they want to create more jobs, more opportunities. To me, the Waxman-Markey bill fails to do that.

The administration says that the Waxman-Markey bill will create millions—millions—of new jobs. This administration also promised that after Congress passed the so-called "economic stimulus package" they would create or save 3½ million jobs. Since the bill's passage and being signed into law, unemployment has reached 9.5 percent in this Nation. Last month, almost half a million people lost their jobs.

The administration's economic experts said that unemployment would not exceed 8 percent if the stimulus package passed. It passed, and was signed into law, but they were wrong. And not just by a little.

In an interview with George Stephanopoulos, Vice President BIDEN acknowledged that administration officials were too optimistic when they predicted that unemployment rates would peak at 8 percent. The Vice President said that "the administration and I misread the economy."

Well, is it possible, then, that the administration is misreading the eco-

nomic predictions of millions of new jobs being created in this bill? The administration failed to make the grade on the \$787 billion stimulus package, and I believe the administration is failing again by supporting this misguided climate change bill.

It is a fact that the climate change legislation will cost jobs in the American economy. That is why there is language in the bill to retrain workers who lose their jobs. Why will this legislation cost jobs? The Waxman-Markey climate change bill is designed to make fossil fuel more expensive. Advocates say we must make fossil fuel more expensive to change the behavior of businesses and of consumers. That means making everything that is powered by fossil fuel more expensive. Fossil fuel powers your car, your home, your office; it powers the airplanes we fly in, the trains we ride in, trucks; things that we use for our own transportation but also things where we ship goods from farms and small businesses to the marketplace all across this country and even abroad.

All these things will be made more expensive because of the climate change bill that passed the House. When you increase the cost of bringing goods and services to the marketplace, especially in a recession, it becomes a recipe for economic disaster. It leads to lost jobs and lost economic opportunities. We can't afford in this country to lose more jobs.

By deciding to pass Waxman-Markey, the majority will increase the cost of doing business. The legislation will increase the cost for every small business. The legislation will force them to pay more for everything that uses energy. Those costs will put businesses in debt or even out of business. Jobs will be lost and unemployment will continue to climb.

The administration talks about creating green jobs. Well, we certainly want those jobs, but we also want the red-white-and-blue jobs that have powered America for centuries. There was a Washington Post article on July 21 entitled "U.S. Green Jobs Seen Taking Years of Planning." Let me emphasize the word "years." The article mentions upfront that:

Alternative energy jobs can provide vocations across many sectors of the economy, but policy to spark them can take years to develop.

Not now, not 6 months from now, not a year from now, but years into the future. Promises of immediate green jobs being created across the country because of this Waxman-Markey bill are another misreading by this administration. The economic stimulus package was simply the first thing the President misread. Those jobs never materialized. The green jobs promised in Waxman-Markey may also take years to develop. However, the job losses that the bill creates will occur immediately.

In an *Investors Business Daily* editorial on July 17 entitled "Following California Off a Green Cliff," the editor states that:

America remains the richest country on Earth, but it might profit from adopting a bit of the attitude displayed by much poorer but up-and-coming economic rivals such as China and India. Those nations don't take prosperity for granted. That is why they aren't such good sports on global warming. They prefer to get rich and then go green.

The author goes on to say:

The U.S. isn't so poor that it can't afford strong environmental policies. But it can't afford to take its prosperity for granted either.

Let me repeat a couple of lines from those quotes: First, that America remains the richest country on Earth. And that last line: But it can't afford—that is we, the United States—to take our prosperity for granted. We here in Congress—the Members of this Congress—cannot afford to take the prosperity of this Nation for granted. If we pass Waxman-Markey, or a bill similar to it, that prosperity will erode further. We should create jobs, and we should create more wealth in this country. We need to keep business costs low so businesses can expand and create wealth for our Nation. We can do that by making America's energy as clean as we can, as fast as we can, without raising energy prices for the businesses and the families of America.

Our end goal must be to do everything we can to keep the jobs we have now and also to find ways to add new green jobs. Americans want all of these jobs and more. We need them all.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. SESSIONS. Mr. President, I want to make a few comments on the Defense bill that passed late last night. Senator LEVIN and Senator MCCAIN did a very fine job in working through all the difficulties we faced and tried to put together a bill that would support our troops. Indeed, I was on a video conference this at noon with a group of Alabama National Guardsmen and their families, an MP company from Prattville, AL, that is undertaking its third deployment. The company was last deployed to Guantanamo and now they will be going to Iraq. We owe a great deal to these people who put their lives on the line for us. They leave their families and loved ones and

go into harm's way to execute the policies that we have set. As a result, we must never forget what we owe them. I hope we never do.

I think the bill we passed has some good things in it. Some are troubling to me. I did not speak last night, in the late evening, about section 1031 of the National Defense Authorization Act entitled "Military Commissions and al-Qaida." It was an important little amendment and I want to share a few thoughts about it.

What we discovered was in the Defense authorization bill, al-Qaida was removed from the unlawful enemy combatant definition. My amendment put that back into the bill. If you are a member of al-Qaida, you have earned the designation of an unlawful enemy combatant, or belligerent. We are now using the words unlawful enemy belligerent. Those individuals are people who operate outside the rules of warfare. They do not wear uniforms. They deliberately and systematically target women and children and innocents. They do not comply with the rule of law, the Geneva Conventions, and they, therefore, are not given the normal and full protections of the Geneva Conventions.

A person who is at war with the United States, as al-Qaida has repeatedly announced that it is, who does their military activities without complying with the Geneva Conventions, deserves to be attacked. They deserve to be killed or captured by the U.S. military. If captured, they deserve either to be prosecuted or held until the hostilities are over. That is what the historic rules of warfare are, it is what we have always done, and we need not be confused in this war and start treating it as if it were some sort of criminal activity. Doing so would compromise our ability to be effective and place at greater risk those individuals whom we send in harm's way, such as the 217th Military Police troop from Prattville, AL, which is going to Iraq. We don't need to be confused about what this is. It is not a law enforcement operation.

We also adopted an amendment last night that prohibited the intelligence communities of the United States, our agencies or our military, from giving Miranda warnings to people captured on the battlefield. Giving Miranda warnings to unlawful enemy combatants is unthinkable. It is a confusing thing. What you are basically telling these people that we capture is: Don't talk, we will give you a lawyer.

In fact, some of the NGOs, were telling Americans not to talk to them and ask for lawyers, because we were beginning to give Miranda warnings.

The premise of this amendment is not an overreach. It is consistent with our law.

Make no mistake, al-Qaida has announced it is and continues to be at

war with the United States. We are at war with them. We cannot mince words. We cannot lead the world to believe that we have softened our resolve to defeat this enemy that threatens us.

According to a CNN report from July 15, 2009, al Zawahiri, bin Laden's deputy, called on Muslims to join in a jihad against the United States. I wish that were not so but that is what it is. Last week a terrorist group affiliated with al-Qaida targeted two American-owned hotels in Jakarta, Indonesia. On July 21, just a few days ago, a Wall Street Journal article pointed out last week's hotel bombings were not some isolated event:

In the 19 months leading up to the Jakarta attacks, Islamic terrorists have brought their holy war to upscale properties in Kabul, Afghanistan; Islamabad, Pakistan; Mumbai, India; and Peshawar, Pakistan. The casualties thus far number 116 people killed and hundreds more injured.

I ask my colleagues, in the middle of the war against al-Qaida, is it wise to remove al-Qaida from the definition of unlawful enemy combatant, or even the new form "unprivileged enemy belligerent"? That is the new word we are using and perhaps it is all right. I don't know why we changed. But we have to be careful the words we use.

Can anyone imagine the Congress removing "Nazi" from the wartime definitions in the middle of the Second World War? What do we hope to achieve by taking al-Qaida's name out?

Fortunately, last night it was put back in. But what would have been achieved by removing their name from that list of organizations against which we are at war?

The original Military Commissions Act passed in 2006 made it clear that the unlawful enemy combatant definition covered hostile groups "including a person who is part of . . . al-Qaida, or associated forces."

Let's be clear about what removing al-Qaida from the definition would have meant in the legal proceedings related to detainees. It will cloud them under uncertainty and ambiguity. Judges, whether military or civilian, will have to second guess whether al-Qaida members are truly eligible to be held as enemy combatants.

This is not an unjustified concern. Let me tell you about one case where a Federal judge questioned whether an al-Qaida member who fought in the jihad could still be held as an enemy combatant. On April 15 of this year, Judge Huvell of the U.S. District Court for the District of Columbia granted the habeas corpus petition of Yasin Muhammed Basardh, over the objections of the Obama administration.

Habeas corpus petition is a right of a person in the United States who is held by the Government to ask why they are being held. It is referred to in the Constitution. Many of my colleagues

have said you are denying these prisoners habeas corpus petitions—denying them, taking away something to which they are entitled.

I would point out that is not correct. Nobody ever understood habeas corpus, as referred to at the founding of our Republic, as something applied to people captured in war against the United States. That was never what it meant. It is only a most recent incorrect definition of habeas that applied it to people who are trying to kill Americans and are at war against Americans. Some of the courts are confused on this, in my view. Congress has been a bit confused about it also.

But Judge Huvelle, unwisely, I think, concluded that the United States could no longer hold Mr. Basardh because he no longer posed a realistic risk of joining the enemy—in his opinion. Judge Huvelle is not involved in the war. He is sitting safe and comfortable here in the District of Columbia. The execution of a war is placed in the hands of the men and women in the military to protect our country, whose lives are on the line.

So this judge reached this conclusion because Basardh was cooperative while in custody at Guantanamo Bay. In her decision in 2009, Judge Huvelle failed to mention the many salient facts that showed why the Obama administration and the Bush administration before it opposed this man's release. According to unclassified Administrative Review Board records, Basardh was closely associated with al-Qaida, and directly linked to Osama bin Laden. He admitted to:

No. 1, traveling from Yemen to Afghanistan to join the jihad, saying, "Yes, I did go to Afghanistan for the Jihad."

No. 2, training at the al-Qaida-run al Farouq camp near Kandahar in Afghanistan;

No. 3, staying at Osama bin Laden's house in Kabul when the U.S. bombing began. "It was Osama bin Laden's private house," he said.

No. 4, meeting with bin Laden himself on numerous occasions.

No. 5, responding to Osama bin Laden's call for all fighters to retreat and assemble at Tora Bora and,

No. 6, being in the cave with Osama bin Laden at Tora Bora.

If Federal courts are going to second guess the military on cases like Basardh under the current Military Commissions Act, Congress certainly should not weaken this act any more and give them any more ability to undermine our efforts.

To the contrary, Congress should be crystal clear that membership in al-Qaida qualifies a detainee for unprivileged enemy belligerent status. My amendment removed any doubt over the detention of anyone who is a member of al-Qaida or served in its aid. My amendment will make clear that

cases like this should not happen again. Simply put, if you are a member of al-Qaida you are going to be detained and held until the war is over, in the same way Nazi army prisoners of war treated during World War II.

I urge my colleagues to think about this, to make sure we are fully cognizant of the dangers our country faces, and retain this language that was initially omitted, keeping al-Qaida by name as a group which we are at war against. It is important that doesn't get removed by the conference committee. I am going to be watching. I think it is a big deal.

Oftentimes when the conference committee meets, they make substantive changes in the bill. Following conference, it will come back to the floor, and at that time we will be unable to amend it. I am going to watch. I think the American people need to know we are not confused in our thinking. We know against whom we are at war and we are committed to this effort and we are supporting our fabulous men and women who place their lives at risk for us. We must not undermine their efforts by creating circumstances in which Federal judges can treat military captives as ordinary criminals with all the rights pertaining thereto.

I yield the floor.

DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, I rise today to discuss an amendment I submitted with 12 cosponsors that the Senate adopted yesterday by voice vote. My amendment, No. 1760, as modified by a second-degree amendment I offered, No. 1807, sets some important benchmarks for the President to meet as his administration negotiates and prepares for Senate ratification of a follow-on to the 1991 START agreement, which expires this December 5.

As my colleagues know, the Constitution entrusts the Senate with the responsibility of advice and consent on treaties.

It is entirely within the Senate's prerogative—in fact, it is the Senate's responsibility—to consult with the administration at the beginning of a treaty negotiation, during the process, and at the end. I have said before, if the administration wants to have the Senate on board at the end of the treaty process—at ratification—it must listen to Senators throughout that negotiation. That is why the National Security Working Group which I co-chair with my friend Senator BYRD is so important.

It is also why this amendment is so important. The amendment is simple and straightforward so that there should not be any confusion about what the Senate expects in this treaty process.

First, the amendment requires the President to submit a report on the

plan to modernize the U.S. nuclear deterrent, including the nuclear weapons stockpile, the infrastructure and the delivery systems. This report must be put together in consultation with the experts: the directors of the national weapons labs, the Administrator of NNSA, the Secretary of Defense and the Commander of the United States Strategic Command. And it must be accompanied by a plan to pay for the modernization of the deterrent over the next decade.

This report is due within 30 days of enactment of S. 1390 or at the same time the President sends the START follow-on treaty to the Senate, whichever occurs earlier.

And to make sure there is no confusion about what the Senate expects, I joined my colleagues Senators LEVIN, MCCAIN, KERRY, LUGAR, and BYRD in sending a letter to the President to make clear that this plan must be in place, and funded in fiscal year 2011 and the outyears, at the same time the START follow-on treaty is sent to the Senate. I will ask to have this letter printed in the RECORD at the conclusion of my statement.

Let there be no mistake about what we mean: if the administration does not submit to Congress a plan for the modernization of the U.S. nuclear deterrent, with funding to implement that plan, at the same time it submits a START follow on agreement, that treaty will not be ratified by the Senate until it does.

I know modernization is a dirty word to some arms controllers who believe that our nuclear weapons will simply go away if we neglect them enough. It should now be clear that that plan of nuclear disarmament through neglect and atrophy is dead.

Second, the amendment addresses the Russian Federation's demands that the U.S. place limitations upon its missile defenses, space capabilities, or advanced conventional modernization in order to reach an agreement on the treaty. Any such treaty would be dead on arrival in the Senate.

To strengthen the President's position with the Russian Federation on these matters, the amendment makes clear the Senate expects the administration will not change its position by including any of these limitations in the follow-on treaty, no matter how hard the Russians huff and puff and stomp their feet.

And the Senate has now joined the House of Representatives in unanimously backing my amendment and the similar House amendment offered by Congressman TURNER so the Russians and the Obama administration should have no question about what both Houses of the Congress expect from this treaty process.

I would like to say a few words about why I felt it was necessary to offer these measures.

In recent months, it has become clear that our nuclear deterrent is in need of serious attention. As high an authority as Secretary of Defense Robert Gates warned:

At a certain point, it will become impossible to keep extending the life of our arsenal, especially in light of our testing moratorium. It also makes it harder to reduce existing stockpiles, because eventually we won't have as much confidence in the efficacy of the weapons we do have.

And:

To be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.

The Perry-Schlesinger Commission, which recently issued its final report, also warned that:

For the indefinite future, the United States must maintain a viable nuclear deterrent. The other NPT-recognized nuclear-weapon states have put in place comprehensive programs to modernize their forces to meet new international circumstances.

Yet, it is clear that the steps necessary to do that are not being taken. The administration's fiscal year 2010 budget for the nuclear deterrent has been described by its own officials as "treading water" and a "placeholder."

The physics and chemistry that are causing our nuclear weapons to deteriorate will not wait for the next Nuclear Posture Review—NPR—though.

I make that point because I'm sure there are those who will make the argument that a comprehensive modernization plan should wait for that NPR.

To that I have two points: one, modernization is interrelated with the size of our stockpile this is the point made by the Secretary of Defense.

And, apparently, decisions about the size of our stockpile—which is a significant element of the NPR Congress ordered—are being made right now; in fact, it appears they were made in early July in Moscow. If the cart can be put before the horse, the Senate can and should require the horse be brought along.

I say again, my amendment doesn't say that the treaty or agreement can't be signed until there is a modernization plan put forward. It merely says the DOD can't implement the reductions called for in the treaty until the modernization plan, at least the fiscal year 2011 elements of it, are submitted by the President and funded by the Congress.

My personal belief, consistent with the warnings of the Secretary of Defense, is that we should not ratify the treaty until the long-term modernization plan is submitted by the President and funded by the Congress. But that is not what this amendment would do.

Additionally, it is clear from that Joint Understanding that issues totally unrelated to strategic arms reductions, like missile defense and con-

ventional modernization programs, are at risk of being sewn into the START agreement anyway.

As Dr. Keith Payne, a member of the Perry-Schlesinger Commission, recently noted in testimony before the House Foreign Affairs Committee:

It would seem self-evidently a mistake to include any limits on U.S. [Ballistic Missile Defense] BMD as a price to be paid for an agreement that requires nothing of the Russians beyond discarding the aged systems they plan to eliminate in any event and will not touch the real problem of Russian tactical nuclear weapons.

Yet, despite the logic of Dr. Payne's statement, and disregarding the photo ops and positive press statements, President Medvedev made clear that little had changed from the especially pugnacious Russian statements before the July summit when he said at the G-8 summit just a few days later: "If we don't manage to agree on the issues, you know the consequences," referring to the deployment of Russian tactical missiles to Kaliningrad.

And his Foreign Minister, Mr. Lavrov, further elaborated that if the Third Site goes forward, "then that will doubtless place a big question mark over the prospects for further reductions in strategic offensive weapons."

Congress has a long history of making its views known on arms control negotiations in this fashion, including on the SALT-I negotiations in 1972 and the START II negotiations in 1996.

Given the issues at stake in the follow-on treaty, it is clear that this amendment is necessary.

Mr. President, I also ask unanimous consent to have printed in the RECORD a Dear colleague letter I circulated to Senators concerning my amendment No. 1760, in addition to the letter to President Obama which I referred to earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 23, 2009.

PRESIDENT BARACK OBAMA,
The White House,
Washington, DC.

DEAR PRESIDENT OBAMA: We believe that when the START treaty is submitted, you should also submit a plan, including a funding estimate for FY11 (and out years across the next decade), to enhance the safety, security and reliability of the nuclear weapons stockpile, to modernize the nuclear weapons complex (i.e. improve the safety of facilities, modernize the infrastructure, maintain the key capabilities and competencies of the nuclear weapons workforce—the designers and the technicians), and to maintain the delivery platforms.

Sincerely,

JON KYL,
U.S. Senator.
JOHN MCCAIN,
U.S. Senator.
RICHARD LUGAR,
U.S. Senator.
CARL LEVIN,
U.S. Senator.

JOHN KERRY,
U.S. Senator.
ROBERT C. BYRD,
U.S. Senator.

JULY 22, 2009.

DEAR COLLEAGUE, I recommend the attached op-ed, "Plumage—But at a Price" by Charles Krauthammer, from the July 9th Washington Post. Mr. Krauthammer makes a number of observations worth understanding and repeating, including, "the very notion that Kim Jong Il or Mahmoud Ahmadinejad will suddenly abjure nukes because of yet another U.S.-Russian treaty is comical."

The column also highlights another concern: the Russian insistence that we compromise our missile defense. As Mr. Krauthammer writes, "since defensive weaponry will be the decisive strategic factor of the 21st century, Russia has striven mightily for a quarter-century to halt its development." The July 6th Joint Understanding signed by President Obama and President Medvedev raises concerns that the Administration may be ceding key ground to the Russians on several significant points, including missile defense.

Recently, the House unanimously adopted a provision as a part of its FY10 National Defense Authorization Act that missile defense, space capabilities and advanced conventional modernization (e.g. prompt global strike) should not be a part of the START follow-on, and our nuclear weapons MUST be modernized if further reductions are to be conducted with minimal risk. The operative provisions of the amendment are tied to the implementation of a follow-on treaty or agreement; they DO NOT prevent the Administration from concluding a new treaty or agreement with the Russians.

We should adopt the same amendment to strengthen the Administration's hand with the Russians by making clear that Congress simply WILL NOT provide the funding to implement a START follow-on that in any way limits missile defense, space capabilities, or conventional strike modernization, nor will it allow further strategic arms reductions if the President does not provide a comprehensive modernization program for the U.S. nuclear deterrent (including the weapons stockpile, the infrastructure that supports it, and the weapons delivery systems).

I will, therefore, be offering such an amendment to S. 1390, the FY10 National Defense Authorization Act.

I will also offer an amendment that expresses the Sense of the Senate that the asymmetrical advantage Russia has over U.S. and allied forces due to its 10-to-1 edge in tactical nuclear weapons must be rectified. As the bipartisan Perry-Schlesinger Commission stated in its Final Report: "The United States should not cede to Russia a posture of superiority in the name of deemphasizing nuclear weapons in U.S. military strategy. There seems no near-term prospect of such a result in the balance of operationally deployed strategic nuclear weapons. But that balance does not exist in non-strategic nuclear forces, where Russia enjoys a sizeable numerical advantage. As noted above, it stores thousands of these weapons in apparent support of possible military operations west of the Urals. The United States deploys a small fraction of that number in support of nuclear sharing agreements in NATO. Precise numbers for the U.S. deployments are classified but their total is only about five percent of the total at the height of the Cold War. Strict U.S.-Russian equivalence in NSNF numbers is unnecessary. But the current imbalance is stark and worrisome to

some U.S. allies in Central Europe. If and as reductions continue in the number of operationally deployed strategic nuclear weapons, this imbalance will become more apparent and allies less assured."

Congress has a long history of making its views known on arms control negotiations in this fashion, including on the SALT-I negotiations in 1972 and the START II negotiations in 1996.

I urge you to support my amendments to the NDAA. It is imperative that we ensure the follow-on treaty is negotiated and implemented in a manner most consistent with the national security of the U.S.

Sincerely,

JON KYL,
United States Senator.

[From the Washington Post, July 9, 2009]

PLUMAGE—BUT AT A PRICE

(By Charles Krauthammer)

The signing ceremony in Moscow was a grand affair. For Barack Obama, foreign policy neophyte and "reset" man, the arms reduction agreement had a Kissingerian air. A fine feather in his cap. And our president likes his plumage.

Unfortunately for the United States, the country Obama represents, the prospective treaty is useless at best, detrimental at worst.

Useless because the level of offensive nuclear weaponry, the subject of the U.S.-Russia "Joint Understanding," is an irrelevance. We could today terminate all such negotiations, invite the Russians to build as many warheads as they want and profitably watch them spend themselves into penury, as did their Soviet predecessors, stockpiling weapons that do nothing more than, as Churchill put it, make the rubble bounce.

Obama says that his START will be a great boon, setting an example to enable us to better pressure North Korea and Iran to give up their nuclear programs. That a man of Obama's intelligence can believe such nonsense is beyond comprehension. There is not a shred of evidence that cuts by the great powers—the INF treaty, START I, the Treaty of Moscow (2002)—induced the curtailment of anyone's programs. Moammar Gaddafi gave up his nukes the week we pulled Saddam Hussein out of his spider hole. No treaty involved. The very notion that Kim Jong Il or Mahmoud Ahmadinejad will suddenly abjure nukes because of yet another U.S.-Russian treaty is comical.

The pursuit of such an offensive weapons treaty could nonetheless be detrimental to us. Why? Because Obama's hunger for a diplomatic success, such as it is, allowed the Russians to exact a price: linkage between offensive and defensive nuclear weapons.

This is important for Russia because of the huge American technological advantage in defensive weaponry. We can reliably shoot down an intercontinental ballistic missile. They cannot. And since defensive weaponry will be the decisive strategic factor of the 21st century, Russia has striven mightily for a quarter-century to halt its development. Gorbachev tried to swindle Reagan out of the Strategic Defense Initiative at Reykjavik in 1986. Reagan refused. As did his successors—Bush I, Clinton, Bush II.

Obama, who seeks to banish nuclear weapons entirely, has little use for such prosaic contrivances. First, the Obama budget actually cuts spending on missile defense, at a time when federal spending is a riot of extravagance and trillion-dollar deficits. Then comes the "pause" (as Russia's president appreciatively noted) in the planned establish-

ment of a missile shield in Eastern Europe. And now the "Joint Understanding" commits us to a new treaty that includes "a provision on the interrelationship of strategic offensive and strategic defensive arms." Obama further said that the East European missile shield "will be the subject of extensive negotiations" between the United States and Russia.

Obama doesn't even seem to understand the ramifications of this concession. Poland and the Czech Republic thought they were regaining their independence when they joined NATO under the protection of the United States. They now see that the shield negotiated with us and subsequently ratified by all of NATO is in limbo. Russia and America will first have to "come to terms" on the issue, explained President Dmitry Medvedev. This is precisely the kind of compromised sovereignty that Russia wants to impose on its ex-Soviet colonies—and that U.S. presidents of both parties for the past 20 years have resisted.

Resistance, however, is not part of Obama's repertoire. Hence his eagerness for arcane negotiations over MIRV'd missiles, the perfect distraction from the major issue between the two countries: Vladimir Putin's unapologetic and relentless drive to restore Moscow's hegemony over the sovereign states that used to be Soviet satrapies.

That—not nukes—is the chief cause of the friction between the United States and Russia. You wouldn't know it to hear Obama in Moscow pledging to halt the "drift" in U.S.-Russian relations. Drift? The decline in relations came from Putin's desire to undo what he considers "the greatest geopolitical catastrophe" of the 20th century—the collapse of the Soviet empire. Hence his squeezing Ukraine's energy supplies. His overt threats against Poland and the Czech Republic for daring to make sovereign agreements with the United States. And finally, less than a year ago, his invading a small neighbor, detaching and then effectively annexing two of Georgia's provinces to Mother Russia.

That's the cause of the collapse of our relations. Not drift, but aggression. Or, as the reset master phrased it with such delicacy in his Kremlin news conference: "our disagreements on Georgia's borders."

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. KENNEDY. Mr. President, I commend the Senate for including the Matthew Shepard Hate Crimes Prevention Act as part of the National Defense Authorization Act, and I am optimistic that at long last, our 12-year effort to enact this legislation into law is finally reaching fruition.

Hate crimes are acts of domestic terrorism. Like all terrorist acts, hate crimes are intended to strike fear into whole communities by crimes against a few. We have committed ourselves to protecting our country from terrorists who strike from abroad, and now we have committed ourselves to protecting Americans from hate-motivated crimes in our own backyards.

That is why 63 Senators from both sides of the aisle voted to include the Matthew Shepard Hate Crimes Prevention Act as part of the National Defense Authorization Act. The House of Representatives already approved a very similar measure with strong bi-

partisan support earlier this year. The Matthew Shepard Act strengthens the ability of the Federal Government to investigate and prosecute hate crimes. It removes excessive restrictions in current Federal law that prevent effective hate crimes prosecutions. And it offers Federal assistance to State and local authorities in preventing, investigating, and prosecuting despicable crimes.

I am proud that President Obama is a strong supporter of this bipartisan legislation along with Attorney General Eric Holder. The Attorney General has been with us from the beginning of our efforts to get this done, and it is significant that swift enactment of this legislation would ensure that the measure is implemented under his impressive guidance.

The Attorney General's leadership at the Justice Department is launching a new era of civil rights enforcement. In recent months, we have worked with the Justice Department to improve the Senate-approved hate crimes bill so that it addresses hate crimes in the most effective and meaningful way, and I appreciate the time and expertise of so many at the Department on this matter, especially Mark Kappelhoff, Ron Weich, and Judy Appelbaum. In addition, I must thank the Justice Department for diligently working to provide its recent views letter which concludes that the Matthew Shepard Act would be "wholly constitutional."

Passage of the amendment would not have been possible without the skill and dedication of many in the Senate. I commend Majority Leader REID for his leadership and commitment to seeing that the amendment was passed before the August recess. In addition, I commend Serena Hoy of the majority leader's staff for her constant attention to the issue.

I also especially commend Senator LEVIN for working so hard with me on this measure for so many years, and Rick DeBobes and Kaye Meier of his staff for their tireless work on the Senate floor. I am also very grateful for the support and leadership of Senator LEAHY and his excellent staff, including Ed Pagano, Bruce Cohen, Kristine Lucius, Noah Bookbinder, and Roscoe Jones.

I appreciate as well the hard work of Senator DURBIN and his staffer Mike Zubrensky, as well as Senator COLLINS and her staff, including Rob Epplin, Amanda Wood, and Nikki McKinney. I also thank Judiciary Committee staffers Lara Flint and Danyelle Solomon, as well as Mike Jones on the Budget Committee, for their contributions as well. I also appreciate the expert and patient assistance of John Henderson and Bill Jensen in the Office of the Legislative Counsel of the Senate.

As is the case with many challenging issues before the Senate, passage of the Matthew Shepard Act would have not

been possible without the effective support of the Democratic cloakroom, especially Lula Davis.

Finally, I commend the outstanding work of so many in my own office, including Carey Parker, Christine Leonard, Ty Cobb, and Sara Kingsley—as well as Bethany Bassett, Jorie Feldman, Joe Barresi, Colin Taylor, and Jamie Susskind, who helped us get through the final stretch. For over a decade, we have been working to see this measure become law, and we certainly wouldn't be where we are today without the contributions of so many dedicated and determined staffers along the way.

Inclusion of the Matthew Shepard Act as part of the National Defense Authorization Act sends a strong signal that just as our Nation is concerned about terroristic acts abroad, it is also dedicated to eliminating homegrown terrorism against our Nation's own communities. We will be a stronger and better nation in the years ahead, once our laws recognize that bias-motivated violence has no place in the United States.●

Mr. FEINGOLD. Mr. President, while there are a number of provisions in the Fiscal Year 2010 National Defense Authorization Act that I support, I have some serious concerns about the bill that prevent me from supporting it. In particular, this bill does not contain a binding deadline to end the war in Iraq. While I am pleased that the President has committed to withdrawing our troops by the end of 2011, this redeployment schedule is too long and therefore may undermine our ability to combat al-Qaida and further strain our Armed Forces unnecessarily. In addition, while the President clearly understands that the greatest threat to our Nation resides in Pakistan, I remain concerned that his strategy regarding Afghanistan and Pakistan does not adequately address, and may even exacerbate, the problems we face in Pakistan. This bill authorizes funding that is being used to increase our military presence in Afghanistan, without ensuring that this strategy does not end up pushing militants into neighboring Pakistan and further destabilizing that nuclear-armed nation.

Among the provisions in the bill that I strongly support are a pay raise for those serving in uniform, a task force to review care for wounded warriors, and \$20 million in additional funding for the Cooperative Threat Reduction Program.

In addition, my amendment to ensure that wounded members of the Reserve component are not discharged until their disabilities have been evaluated will help ensure a smooth transition back into civilian life for these service members. I am pleased that this amendment was accepted and thank Senator LEVIN and Senator MCCAIN for their cooperation.

I am also pleased that the Senate accepted my amendment to require a report on the adequacy of funding for forces needed to respond to the consequences of a chemical, biological, radiological, or nuclear explosive incident in the United States. Historically, the Defense Department has delayed efforts to stand up these forces and underfunded similar capabilities. This amendment will help ensure that these key civil support forces receive necessary funds.

Unfortunately, the Senate Armed Services Committee rejected my amendment to ensure our troops are not exposed to toxic fumes in Iraq and Afghanistan. This commonsense amendment would have prohibited the burning, in open pits, of waste that produces toxic fumes, including that which produces known carcinogens. I have urged the chairman to accede to the language in the House bill, which I helped to draft, that would prohibit this practice.

I continue to be concerned that foreign military assistance funds authorized by this bill are being awarded in violation of the Foreign Assistance Act. I will continue to work to ensure that the Pentagon complies with Federal law in its administration of these programs. The Foreign Assistance Act ensures that our foreign military assistance is administered in a manner that will promote legitimate governments and the rule of law. Failure to comply with these statutory requirements runs the risk of provoking instability, militancy and anti-Americanism in key regions throughout the world.

The bill contains a provision prohibiting the outsourcing of interrogations “during or in the aftermath of hostilities.” I have previously cosponsored similar amendments covering the intelligence community.

I am pleased that the legislation includes changes to the Military Commissions Act to improve the procedures that would be used in military commission trials. The Military Commissions Act violated the basic principles and values of our constitutional system of government, and any improvement to it is welcome. However, I remain concerned that the military commission process is so discredited that it may not be possible to fix it. And I have yet to hear a convincing argument that other options for bringing detainees to justice—the civilian Federal criminal justice system and the military courts martial system—are insufficient or unworkable.

The bill requires a report on the Department's efforts to reduce spending on unneeded spare parts. I have long had concerns about wasteful spending on unnecessary spare parts. I was pleased that early this year, at my urging, the Air Force committed to reducing its on order excess inventory by

half, thus saving American taxpayers roughly \$50 million.

This bill largely supports the President's efforts to restore fiscal responsibility to the defense budget. I was pleased to support Senator LEVIN and Senator MCCAIN's amendment stripping funds for the F-22 from the bill. The Defense Department has stated that it does not need any more of these aircraft, and that these funds are urgently needed to meet the real-world threats that we face today. I am also pleased that the President has reduced spending on redundant and unproven missile defense technologies. I am disappointed, however, that this bill contains billions of dollars of earmarks not requested by the Pentagon. This wasteful spending takes money away from our troops and endangers our national security.

Mr. KAUFMAN. Mr. President, today, I wish to speak on the Victims of Iranian Censorship, or VOICE Act, which passed last night as an amendment to the Defense authorization bill.

I was pleased to introduce this bill with Senators MCCAIN, LIEBERMAN, CASEY, and GRAHAM, and I thank the cosponsors for their shared commitment to this issue. I also thank Chairman LEVIN and Ranking Member MCCAIN for helping to secure its passage.

The VOICE Act supports freedom of the press, freedom of speech, and freedom of expression in Iran, and authorizes funding for the Broadcasting Board of Governors to expand transmission capability and programming on Radio Farda and the Persian News Network.

It supports the development of technology to counter ongoing Internet censorship, and promotes online U.S.-Iranian educational and cultural exchanges.

Passage of the VOICE Act is especially timely given the suppression of free flowing information in and out of Iran since the June 12 presidential election.

While the people of Iran enthusiastically participated in these elections, it is painfully clear that the long road to democracy does not end there. A true democracy values fundamental freedoms, such as freedom of expression, which is protected under the International Covenant on Civil and Political Rights.

In fact, in 1976, Iran was one of the first countries to ratify—and it is still a party to—this U.N. treaty, which also protects the right to hold opinions without interference, and affirms the right to receive and impart information in writing, print, or through any other media.

Unfortunately, these international obligations have not been upheld in Iran, where the Internet and text-messaging services are monitored and blocked, and U.S.-funded television and radio broadcasting is increasingly

jammed. News reporting has been censored, access for journalists has been restricted, and specific media outlets have been targeted and shutdown. Foreign journalists have had their press credentials cancelled and equipment confiscated.

They have been confined to their hotels and told their visas would not be renewed. Foreign press bureaus in Tehran have been closed, and others have been instructed to suspend all their Farsi-language news.

For Iranian journalists, the stakes have been even higher. Numerous Iranian journalists have been detained, imprisoned, assaulted, and intimidated since the elections. And journalists have been instructed to file stories solely from their offices, which has limited their ability to provide timely and accurate news.

Regarding interference of international broadcasting, shortwave and medium wave transmissions of the Farsi-language Radio Free Europe/Radio Liberty's Radio Farda have been partially blocked. And satellite broadcasts, including those of the Voice of America's Persian News Network and the British Broadcasting Corporation, have been intermittently jammed.

These are popular services in Iran, which serve as a vital source of news and entertainment for the Iranian people, especially for those seeking access to credible information and news.

Since the election, efforts to suppress the free flow of information have not focused on the media alone. Blogs and social networking sites have been targeted as well, including popular websites such Facebook and Twitter. Short message service in Iran has been blocked—preventing text messaging and jamming internet sites that utilize such services—and cell phone service has been partially shut-down. These restrictions have prevented the free flow of information, and precluded Iranian citizens from accessing unimpeded means of communication.

Iran did not develop this sophisticated Internet-censorship technology on its own. In fact, reports indicate that numerous companies including some with U.S. subsidiaries—have provided Iran with the software and technological expertise to block the Internet, and monitor online use to gather information about individuals.

Unfortunately, little is known about the specifics surrounding these sales, which likely include “deep packet inspection” technology, which, among other things, allows the government to read, block, and censor the Internet. In addition to giving it the capability to spread disinformation by modifying, tampering with, and diverting emails.

This behavior is unconscionable, and unfortunately not enough is known about the sale of Internet-restricting technology to countries including, but not limited to, Iran. That is why the

VOICE Act requires a report to Congress examining the sale of technology that has furthered Iran's ability to filter and monitor the Internet, as well as disrupt cell phone and Internet use.

Our bill supports the Iranian people as they take steps to peacefully express their opinions and aspirations, and seek access to means of communication and news. It expresses respect for the sovereignty, proud history, and rich culture of the Iranian people, and recognizes the universal values of freedom of speech and freedom of the press.

Most importantly, it supports the Iranian people as they seek access to unimpeded Internet access, cellular phone communications, and credible news.

I am pleased the Senate has adopted a bipartisan bill that supports the Iranian people as they seek unfettered access to news and other information.

It is critical that we continue to support for free speech, free press, and free expression in Iran and in every country throughout the world.

VIOLENCE AGAINST WOMEN IN AFGHANISTAN

Mr. KERRY. Mr. President, I wish to speak about women in Afghanistan. After months of collaborative discussions between women's advocacy groups and the Government of Afghanistan, the Elimination of Violence Against Women Act was just signed by Executive decree. I applaud the women who pushed for this bill, and those in the government who jointly prepared it. It represents transparency and collaboration between civil society and the government, something we should all congratulate. The bill will head to Parliament for final review when it reconvenes next week. It is my strong hope that Parliament review the law and pass it without delay, ensuring all protections remain intact. This bill provides real criminal sanctions for violence against women, and puts specific responsibilities onto the shoulders of government ministries. When we think of the abuse and repression exercised against women during the Taliban regime, it is hard not to feel encouraged by the very existence of this act, let alone its prospect for enactment.

Many, quite plausibly, will say that this law cannot be fully implemented anywhere in Afghanistan, as access to justice for women in the courts and in traditional councils is all too often out of reach, and because of the societal discrimination that women still suffer. Justice must be accessible to women in Afghanistan on an equal basis to men, or Afghanistan will never tap into the true, vast potential of the women of that country. This law is a giant step for the entire country in rejecting violence against women, but now the Parliament must take the final step to

pass the law as it is, with all protections intact.

I must also mention the controversial Shia Personal Status Law that was also signed by Executive decree. It was drafted without transparency, and aimed to codify degrading practices that exist in some households and communities. Unlike the Elimination of Violence Against Women Act, civil society was not included during the drafting and debate of the law in Parliament. While women's civil organizations were able to force some amendments to the bill just before the president's signature, they were not able to fully cleanse the bill of some harmful provisions. Now that the bill has been signed, I call on the Government of Afghanistan to communicate widely and openly about the final substance of the law.

The timing of this is vital. Afghanistan is about to go to the polls for presidential and provincial elections, and all eyes will be watching how and to what extent women participate. Women's access to the polls is imperative, and the value of their vote must be considered by the candidates.

JOHN PODESTA'S CULINARY SKILLS

Mr. LEAHY. Mr. President, our friend, Marion Burros, a superb writer on all matters culinary and otherwise, has written a most entertaining profile of John Podesta for Politico.

John Podesta is a friend of decades and someone Marcelle and I admire greatly. It is not only his and his wife Mary's talent in everything from the law to politics, but it is also the Podestas a privileged few see when they are preparing feasts in their District of Columbia home. Watching them is like watching a symphony where the enjoyment continues throughout the evening.

I can think of a number of times we settled all the problems of the world through laughter, food, discussions of our families, and on, in their kitchen. Anyone who doesn't relish such a feast for weeks after has no sense of culinary excellence—and I have never known anyone to leave disappointed.

Mr. President, so others might enjoy the Politico article, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Politico, July 10, 2009]

JOHN PODESTA, A SEASONED HAND

(By Marian Burros)

John Podesta may be best known as one of Washington's consummate inside players. But he is also his family's chief cook, grocery shopper and, apparently, bottle washer—and can put on a five-course meal for six in the space of three hours without assistance, and with a bare minimum of advance preparation.

The adjectives used to describe Podesta's political skills—methodical and disciplined—apply equally to his well-honed cooking techniques, learned from his mother long before he became one of the capital's most influential Democratic power brokers.

No recipes, no timing notes. "I consult cookbooks for ideas," he said. "I don't use recipes. I don't tend to cook like a chemist."

What he does do is cook and talk at the same time, a skill generally found only among professionals. And he talks the game of a seasoned cook while he chops, using the proper knife technique. Interspersed are funny, self-deprecating stories, including tales of his tour of duty as a guide wearing an 18th-century costume that involved slaughtering and roasting pigs.

But more on that later.

Hard-driving is the adjective often applied to Podesta's style in all of the various incarnations of his Washington career—as a lobbyist with his brother Tony, as a staffer for Sen. Pat Leahy (D-Vt.), as chief of staff in the Clinton White House, as co-chairman of the Obama transition team and as chief executive of the Center for American Progress, a liberal think tank he helped found. When he relaxes, if that is a word that can be applied to the tightly wound Podesta, it's through two favorite pursuits: jogging and cooking.

He also collects contemporary art, is a UFO aficionado and loves nothing more than to sit in the front car of a roller coaster with his wife, Mary, as they hurtle along, holding hands above their heads. A feat, he notes proudly, achieved with the purchase of senior citizen tickets. He runs marathons, completing his latest in Rome in 4:06. In fact, he plans his menus while he runs. "I kept going back and forth between pork and fish," he said about dinner on a recent evening.

"Cooking is what I do to relax," he said. "It's much easier to see the fruits of your labor. It's fun."

Even better is cooking for crowds. "Cooking for 50 needs organization, preparation and thought," Podesta said. "One part is creative; one part you have to get your mind focused. That's challenging."

As a young boy, he was expected to finish the dinners his mother, who worked at night, left on the stove. Mary Podesta was Greek-American, his father Italian-American, so he learned to cook dishes from both cultures. "I make a pretty mean moussaka, pastitsio, baklava and spanakopita," he said, reeling off Greek dishes that are complicated, the latter two made with the paper-thin phyllo dough, requiring great manual dexterity.

"My mother had an intuitive sense of cooking and chemistry," he said. "She was a fixture in Washington. When my brother was hosting a fundraiser, she would cook and sit in the kitchen. She was very liberal and very opinionated, and this was the age of Republican control of Congress."

"A reporter was talking to her, and she was going off on Trent Lott, [Newt] Gingrich and [Tom] DeLay. It was the most embarrassing moment for us, but the reporter took pity on her and didn't write about it."

As Podesta explains it, with a Greek mother and Italian father, speaking your mind was a core value of his childhood. "We were a blue-collar Chicago family," he said. "The kitchen table was not a model of decorum. It was all right to yell."

His heritage, he once told an interviewer, also explains his hot temper and accounts for the occasional appearance of Skippy, his sarcastic and ill-humored alter ego.

Flashing a touch of his well-known wit, he said it also explains "why I can't understand why Obama doesn't hold grudges."

The meal began with the risotto, topped with chopped fresh radicchio and basil and served with a 2004 Fonterutoli Chianti Classico. Podesta put the tilapia on to cook while the guests finished the risotto. It was served with all of the vegetable dishes and a 2006 Kistler Carneros chardonnay.

He wondered aloud if he should serve the salad and then disappeared into the basement for the mandoline to slice the fennel and red peppers, which he dressed with olive oil and lemon juice.

His wife, Mary, arrived home from her book club just in time for the dessert of berries in prosecco, which was served with Perrier Jouet rosé. She confirmed that he did most of the cooking and the dishes.

"Having a husband who does all the cooking is pretty great," said Mary Podesta, who is also a lawyer. Asked if she had a say in what is served, there was a pause: "We negotiate."

Podesta cooks dinner every night he is in town, as he did when his three children lived at home, and thought nothing of introducing them to exotic foods like frogs' legs, sweetbreads and squid. He and his wife seldom eat out and entertain about once a week.

It's no different from his remarkable ability to impose discipline on a bunch of unruly Democrats—or the fractious factions of the Clinton West Wing.

For this informal Sunday dinner for six, the 60-year-old Podesta was dressed in a polo shirt, shorts, sports socks and sneakers. He led his guests directly to the modest kitchen in his Northwest D.C. home, where most surfaces were covered with what was soon to be dinner. There were tomato halves soon to be topped with pesto (the one recipe he had made in advance); arborio rice simmering on the stove, on its way to being risotto; a pan of sautéed leeks and radicchio to be added to the risotto; Brussels sprouts to be roasted with thyme; bok choy and a baking dish, which would soon hold tilapia sprinkled with olives and capers and cooked in parchment.

Cocktails, or the kibitzing hour, took place in the kitchen, where simple snacks to go with the Jacob's Creek sparkling wine included dried apricots stuffed with goat cheese.

Podesta likened dinner preparations to training for "Iron Chef," though there was no secret ingredient and his only competition was with himself, to pull off the dinner without a hitch.

He has been, however, prevailed upon to participate in celebrity cook-offs that Rep. Rosa DeLauro (D-Conn.) holds to raise campaign cash. He had only this to say about the results: "When the lobbyists judge, usually a member of Congress wins. When Nora Pouillon (the chef and owner of Restaurant Nora) judged it, I won." His winning dish was grilled tuna in the style of vitello tonnato.

Running 30 miles a week explains, in part, why he is reed-thin, despite his love of food. But then, he has never liked breakfast and hardly ever goes out to business lunches, considering them "an occupational hazard."

As Podesta talked, he went back and forth between the dishes, his timing impeccable. He doesn't rattle easily.

A few things were bought the day before, the rest that morning. His choice of grocery stores reflects his frugal nature as much as his cooking skills. Before Balducci's bit the dust, he avoided it. "Too expensive," he said. While he goes to Magruder's and Whole Foods, he also goes to Costco and Rodman's, a drugstore better known for its discounted gourmet products than for filling prescriptions.

His stove also makes a statement about his frugality. "I'm not into the whole Vulcan thing and all that," he said. "I do very well with a Sears stove. I'm always bargain hunting; I could totally live on Social Security." Not counting his fine wine collection or his contemporary art, perhaps—though continuing the frugal theme, he insists the art is "mostly picked up at bargain-basement prices."

The hunt for bargains is a testament to his mother's influence. "My parents were completely Depression people, but we always ate well, even during the war," he said. "My mother scrounged around for bargains till the day she died."

They even cooked their own wedding supper for 80—with the help of a few relatives.

Talk of pig roasting and slaughter kept popping up during dinner and was the last tale Podesta told before the guests left. To earn money while attending law school at Georgetown, he spent two years working at Turkey Run Farm in McLean, now called the Claude Moore Colonial Farm, an 18th-century re-creation.

He dressed in britches, a blousy linen shirt, floppy hat and homemade shoes and learned how to butcher and roast a pig.

Standing in the kitchen and acting out his role, Podesta explained: "It's best to do the butchering at 4 a.m., 'because pigs should be slaughtered when it is cool, and it takes a long time to roast them. The pig is hauled on a front-end loader in order to split and gut it. It's most important to slow the pig down by shooting it between the eyes so you can cut its throat. It makes the pig less ornery and a whole lot more cooperative than if you just stick a knife in its throat.'"

In homage to these skills, Podesta used to have a picture of a pig on a spit as his screen saver, but his staffers made him get rid of it, because he said: "They couldn't stand looking into the pig's eyes during meetings."

The powerful John Podesta does not always get his way.

COMMENDING ROBERT DALLAS PRICE

Mr. BARRASSO. Mr. President, an American's success can be measured in large part on how he or she helps others. This year, the Boys and Girls Clubs of Central Wyoming have selected as their Man of the Year someone who has made his life's mission serving others. There is a very special person who has given voice to so many important causes in our State, and today I am proud to note this recognition of one of Wyoming's great citizens—Bob Price.

The Boys and Girls Clubs of Central Wyoming plays a vitally important role in our State. They serve all youth regardless of economic circumstances. They continue to expand thanks to the generous support of the Tate Foundation, the McMurry Foundation, and the city of Casper. Their inspiration and work has spread to adjacent counties. What is exceptional about the Boys and Girls Clubs of Central Wyoming is their dedicated and loyal volunteer base. Their Person of the Year, Robert Dallas Price, takes service to his community to a new level.

Bob Price grew up in Chicago and graduated from the College of Great

Falls, MT. He started his successful business career in Casper, WY, climbing through the ranks at KTWO Radio and Television to become general manager. He chose to forgo television in favor of focusing on his radio ventures and soon became vice president of GapWest Broadcasting—growing his family of radio stations to include six others. It is hard to imagine that anyone in Wyoming does not recognize the radio voice of Bob Price.

While Mr. Price has shown his exceptional achievement as a businessman in the operation and management of radio stations across Wyoming, he has truly gained success through his hands-on involvement with local civic groups that work to make a difference in our great State.

When Bob saw a community need, he worked to see that it was addressed. From Bob's vision over 25 years ago, the Wyoming Health Fairs were created. Now, the Health Fairs serve over 51,000 people yearly in nearly every Wyoming community. By keeping costs low, the Health Fairs facilitate participants' active involvement in prevention and early detection. Their motto, "helping you help yourself . . . be well" is a model our entire Nation would be wise to follow.

Another important tradition in our lives also traces its roots back to Bob Price. The Jerry Lewis Muscular Dystrophy Telethon is a Labor Day tradition for families all across America. Bob knew that Wyoming families would want to help too. He started Wyoming's MDA Telethon in 1977 and to this day we all look forward to sharing our Labor Day weekend in support of this worthwhile organization.

Hardly a week goes by without Bob doing something to help others. He has worked on behalf of the Youth Baseball League and Stage III Community Theater productions. He has dedicated years of service on the boards of successful organizations like the Wyoming Symphony Orchestra, Central Wyoming Counseling Center, and Natrona County United Way, just to name a few. He launched the Beartrap Music Festival on Casper Mountain 15 years ago, and his behind-the-scenes work ensures the event keeps growing. He has lent his presence and voice to serve as emcee for countless special events like the Wyoming Sports Hall of Fame Induction Ceremony and Make-a-Wish campaigns.

Bob's willingness to reach out to so many different groups is a constant reminder of his personal dedication to the value of community involvement. Through his engagement, Bob Price has driven our community toward success and drawn our people together. His is a voice that we from Wyoming know and trust, and he has a spirit of service that inspires. The people of Wyoming today, as well as generations to come, will feel the impact of his generous and

selfless contributions to his community and our world.

Mr. President, I am so proud to call Bob Price my friend. My life has been enriched because of our friendship. It is fitting and terrific that the Boys and Girls Clubs of Central Wyoming have named him Man of the Year, and I ask that my colleagues join me in sending our congratulations to Bob for this well-deserved honor.

ADDITIONAL STATEMENTS

COMMENDING ROBERT D. STEELE

• Mr. CASEY. Mr. President, today I honor the service of Robert D. Steele, dean of the College of Agricultural Sciences at the Pennsylvania State University. After 12 years of serving the students, the college and the university, Dr. Steele is stepping down as dean and rejoining the faculty in the Department of Food Science at Penn State.

As dean of the College of Agricultural Sciences, Dr. Steele was responsible for the day-to-day operation of a college that is renowned for its top-notch agricultural research. Dr. Steele administered an annual budget of over \$175 million, managed a staff of over 2,000 employees, and was a leader for approximately 2,500 students.

Bob Steele is dedicated to the students and the growth of the College of Agricultural Sciences. During his tenure he oversaw the transformation and planned growth of the college. Dr. Steele has to his credit many accomplishments as the college's dean, including major new additions including the new Food Science and Forest Resources buildings; implementation of new marketing and recruitment programs that have led to increased undergraduate enrollment, reversing a trend of declining enrollments experienced by colleges of agriculture nationwide; steady growth in the research funds for the college; addition of key new research initiatives in chemical ecology, reproductive biology, and infectious disease and immunology, which have resulted in the addition of internationally renowned scientists to the college and enhanced graduate education; a renewed focus on environmental and energy issues, including the establishment of the Environment and Natural Resources Institute, the Biomass Energy Center, and the Agriculture and Environmental Science Policy Center; and significant progress in the planning, development, and fund-raising for The Arboretum at Penn State.

Dr. Steele has taken his academic expertise outside the campus of Penn State serving on many committees that moved agriculture forward on the national level. His passionate interest in the success of Penn State and other

land grant universities is evident with his service on the Special Think Tank Committee on the future of land grant colleges of agriculture partnership with the U.S. Department of Agriculture. Dr. Steele was also instrumental in providing valuable ideas and leadership for the 2008 farm bill through his service on various national committees, such as the National Association of State Universities and Land-Grant Colleges Agriculture Deans.

Although Dr. Steele's dedication and talents will be missed in the administration of the College of Agricultural Sciences at Penn State, the students enrolled in that program will benefit from his return to the classroom. I am certain that his expertise, knowledge, and experiences will serve them well.

I congratulate Bob Steele on his outstanding achievements as dean and his distinguished service to Penn State and the Commonwealth of Pennsylvania and his continued commitment to Pennsylvania's farm families. I also personally thank him for his friendship and his invaluable advice to me and my staff. I wish him all the best as he returns to the classroom.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Commerce, Science, and Transportation.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:45 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111-21), and the order of the House of January 6, 2009, the Speaker and the Majority Leader of the Senate jointly appoint the following individual to the Financial Crisis Inquiry Commission: Mr. Phil Angelides of Sacramento, California, Chairman. Additionally the Speaker appoints the following individuals on the part of the House of Representatives: Ms. Brooksley Born of Washington, DC, and Mr. John W. Thompson of Woodside, California.

The message also announced that pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111-21), the Minority Leader appoints the following members on

the part of the House of Representatives to the Financial Crisis Inquiry Commission: The Honorable William M. Thomas of Bakersfield, California, Vice Chairman, and Mr. Peter J. Wallison of Old Snowmass, Colorado.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2415. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Standards for Permanent, Privately Owned Horse Quarantine Facilities" (Docket No. APHIS-2006-0013) received in the Office of the President of the Senate on July 14, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2416. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees; Export Certification for Plants and Plant Products" (Docket No. APHIS-2006-0137) received in the Office of the President of the Senate on July 14, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2417. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Prevention of Salmonella Enteritidis in Shell Eggs During Production, Storage, and Transportation" (RIN0910-AC14) received in the Office of the President of the Senate on July 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2418. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Quarterly Report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects; to the Committee on Armed Services.

EC-2419. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Manned Ground Vehicle Selected Acquisition Report; to the Committee on Armed Services.

EC-2420. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Modification of Temporary Liquidity Guarantee Program" (RIN3064-AD37) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2421. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Temporary Liquidity Guarantee Program and to Impose Surcharges on Assessments for Certain Debt Issued on or After April 1, 2009" (RIN3064-AD37) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2422. A communication from the Acting Assistant Secretary for Export Administra-

tion, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States; Removal of Persons based on ERC Annual Review and Removal Requests; and Entry Modified for Purposes of Clarification" (RIN0694-AE59) received in the Office of the President of the Senate on July 21, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2423. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending" (Regulation Z; Docket No. R-1364) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2424. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to the Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-2425. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC-2426. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Smart Grid Policy" (RIN1902-AD82) received in the Office of the President of the Senate on July 20, 2009; to the Committee on Energy and Natural Resources.

EC-2427. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "S-Abscissic Acid; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8427-3) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Environment and Public Works.

EC-2428. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Hawaii; Update to Materials Incorporated by Reference" (FRL No. 8916-9) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Environment and Public Works.

EC-2429. A communication from the Director of Human Resources, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, (5) reports relative to vacancy announcements and (4) reports relative to confirmations within the Office of Management and Budget; to the Committee on Environment and Public Works.

EC-2430. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio; Volatile Organic Compound Emission Control Measures for Cleveland" (FRL No. 8932-4) received in the

Office of the President of the Senate on July 22, 2009; to the Committee on Environment and Public Works.

EC-2431. A communication from the Director of Congressional Affairs, Federal and State Materials and Environmental Management, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Medical Use of Byproduct Material—Authorized User Clarification" (RIN3150-AI59) received in the Office of the President of the Senate on July 20, 2009; to the Committee on Environment and Public Works.

EC-2432. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation Implementation Plans; South Carolina; Transportation Conformity Memorandum of Agreement Update" (FRL No. 8936-2) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Environment and Public Works.

EC-2433. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report entitled "Draft Strategic Plan 2009 through 2014"; to the Committee on Health, Education, Labor, and Pensions.

EC-2434. A communication from the General Counsel, Office of Compliance, transmitting, pursuant to law, a report entitled "Biennial Report on Occupational Safety and Health Inspections"; to the Committee on Health, Education, Labor, and Pensions.

EC-2435. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Redefinition of the New Haven-Hartford and New London, Connecticut, Appropriated Fund Federal Wage System Wage Areas" (RIN3206-AL83) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2436. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Recruitment and Selection through Competitive Examination" (RIN3206-AL13) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2437. A communication from the General Counsel and Senior Policy Advisor, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to action on a nomination for the position of Deputy Director for Management, received in the Office of the President of the Senate on July 17, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2438. A communication from the Inspector General, Department of Commerce, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 252. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes (Rept. No. 111-60).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 1513. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; considered and passed.

By Ms. MURKOWSKI:

S. 1514. A bill to ensure safe, secure, and reliable marine shipping in the Arctic including the availability of aids to navigation, vessel escorts, spill response capability, and maritime search and rescue in the Arctic, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI:

S. 1515. A bill to amend the Hydrographic Services Improvement Act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extended continental shelf, and the monitoring and description of coastal changes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, and Mr. CARDIN):

S. 1516. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself and Ms. LANDRIEU):

S. 1517. A bill to enhance domestic energy security by increasing production from fossil-based resources in the outer Continental Shelf in an economically and environmentally responsible manner; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURR (for himself and Mrs. FEINSTEIN):

S. Res. 223. A resolution designating September 2009 as "National Child Awareness Month" to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by these charities and organizations on behalf of children and youth as critical contributions to the future of our Nation; considered and agreed to.

By Mr. BOND (for himself and Mr. INOUE):

S. Res. 224. A resolution recognizing the increasingly beneficial relationship between the United States and the Republic of Indonesia; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. Con. Res. 35. A concurrent resolution authorizing printing of the pocket version of

the United States Constitution; considered and agreed to.

ADDITIONAL COSPONSORS

S. 182

At the request of Mr. DODD, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 211

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 316

At the request of Mrs. LINCOLN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 316, a bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes.

S. 540

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 540, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Utah (Mr. HATCH) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threat-

ening conditions, and for other purposes.

S. 801

At the request of Mr. AKAKA, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. UDALL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 950

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 950, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 1005

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1005, a bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States.

S. 1023

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1065

At the request of Mr. BROWNBACK, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1215

At the request of Mr. CASEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1215, a bill to amend the Safe

Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1239

At the request of Mr. BINGAMAN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1239, a bill to amend section 340B of the Public Health Service Act to revise and expand the drug discount program under that section to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1265

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S. 1379

At the request of Mr. WHITEHOUSE, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1379, a bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities.

S. 1428

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1428, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1439

At the request of Mr. WYDEN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1439, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 1490

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1490, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 1505

At the request of Mr. PRYOR, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1505, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program, and for other purposes.

AMENDMENT NO. 1701

At the request of Mr. JOHANNES, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 1701 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, and Mr. CARDIN):

S. 1516. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, in a democracy, no right is more important than the right to vote; in our democracy, no right has been so dearly won. This country was founded on the idea that a just government derives its power from the consent of the governed, a principle codified in the very first words of our Constitution: "We the People of the United States." From the Civil War through the women's suffrage movement through the Voting Rights Act of 1965 through the 26th Amendment, the continuing expansion of the franchise, a broadening of who "we the people" are, is one of our great American narratives.

Today I introduce the Democracy Restoration Act of 2009. This bill will guarantee that citizens who are not incarcerated have the right to vote in Federal elections. I am proud that the junior Senator from Rhode Island, Sen. WHITEHOUSE, and the junior Senator from Maryland, Sen. CARDIN, have agreed to cosponsor this legislation.

Once, only wealthy white men could vote. Once, African Americans, ethnic minorities, women, young people, the poor, and the uneducated were all excluded. Today, we look back at those times and wonder how our country could have denied its citizens such a fundamental right for so long. Yet today, we continue to disenfranchise an estimated four million of our fellow citizens who were convicted of felonies but are no longer in prison. Two million of these people have fully served their sentences, and the other two million are on probation, parole, or supervised release. These people are living and working in the community, paying taxes, and contributing to society. But they cannot vote.

At this time, 10 States still strip some people who have entirely completed their sentences—who have paid their debt to society—of their right to vote. Some 35 States deny the vote to people on parole, and 30 of those states

also deny the vote to people on probation. I believe that the practice of stripping our fellow citizens of their voting rights is un-American. It weakens our democracy. It is an anachronism, one of the last vestiges of a medieval jurisprudence that declared convicted criminals to be outlaws, irrevocably expelled from society. This principle was called "civil death."

Back then, in the despotisms of medieval Europe, it was reserved for the worst crimes. Yet today, here, in the greatest democracy in the world, we continue to sentence 4 million people—people who have served their time, people who are contributing members of society—to civil death.

One might ask how something as undemocratic as civil death could have survived to the present day. Unfortunately the practice of disenfranchising people with felony convictions has an explicitly racist history. Like the grandfather clause, the literacy test, and the poll tax, civil death became a tool of Jim Crow.

Across the country, thirteen percent of African-American men are disenfranchised because of a felony conviction. In 14 States, civil death provisions have stripped more than ten percent of the entire African-American voting-age population of the right to vote. In 4 States, civil death provisions disenfranchise more than 20 percent of eligible African-American voters.

The architects of Jim Crow would be proud of their handiwork, and how it has lasted long after the rest of their evil system was dismantled. The rest of us should be ashamed, and yes, outraged. If we believe in redemption, we should be outraged. Because civil death has denied 4 million Americans a chance at redemption. If we believe in progress, we should be outraged. Because civil death keeps this country chained to the worst moments of our past. If we believe in democracy, we should be outraged. Because civil death strikes at the heart of our democracy.

There is a growing movement across the country to expand the franchise and restore voting rights to people coming out of prison and reentering the community. In the last decade, 16 states have reformed their laws to expand the franchise or ease voting rights restoration procedures. This bill continues that movement. It provides that the right to vote for candidates for Federal office shall not be denied or abridged because a person has been convicted of a crime unless that person is actually in prison serving a felony sentence. It gives the Attorney General of the U.S. the power to obtain declaratory or injunctive relief to enforce that right. It gives a person whose rights are being violated a right to go to court to get relief.

The bill also requires federal and state officials to notify individuals of their right to vote once their sentences

have been served. This is an important part of the bill, given the long history of these civil death provisions. Even after this bill passes, many ex-offenders may not know their rights, and we should take affirmative steps to make sure that they do.

Upon signing the Voting Rights Act of 1965, President Johnson said:

The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

When prisoners return to their communities after serving their sentences, we expect and hope that they will reintegrate themselves into society as productive citizens. Yet, without the right to vote, rehabilitated felons are already a step behind in regaining a sense of civic responsibility and commitment to their communities. If our country wants ex-offenders to succeed at becoming better citizens, who both abide by the law and act as responsible individuals, then we need to restore this most fundamental right. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Democracy Restoration Act of 2009".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The right to vote is the most basic constitutive act of citizenship. Regaining the right to vote reintegrates offenders into free society, helping to enhance public safety.

(2) Article I, section 4 of the Constitution of the United States grants Congress ultimate supervisory power over Federal elections, an authority which has repeatedly been upheld by the Supreme Court.

(3) Basic constitutional principles of fairness and equal protection require an equal opportunity for Americans to vote in Federal elections. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender or previous condition of servitude. The 14th, 15th, 19th, 24th, and 26th Amendments to the Constitution empower Congress to enact measures to protect the right to vote in Federal elections.

(4) There are three areas where discrepancies in State laws regarding felony convictions lead to unfairness in Federal elections—

(A) there is no uniform standard for voting in Federal elections which leads to an unfair disparity and unequal participation in Federal elections based solely on where a person lives;

(B) laws governing the restoration of voting rights after a felony conviction vary throughout the country and persons in some States can easily regain their voting rights while in other States persons effectively lose their right to vote permanently; and

(C) State disenfranchisement laws disproportionately impact racial and ethnic minorities.

(5) Disenfranchisement results from varying State laws that restrict voting while under some form of criminal justice supervision or after the completion of a felony sentence in some States. Two States do not disenfranchise felons at all (Maine and Vermont). Forty-eight States and the District of Columbia have disenfranchisement laws that deprive convicted offenders of the right to vote while they are in prison. In thirty-five States, convicted offenders may not vote while they are on parole and thirty of these States disenfranchise felony probationers as well. In ten States, a conviction can result in lifetime disenfranchisement.

(6) An estimated 5,300,000 Americans, or about one in forty-one adults, currently cannot vote as a result of a felony conviction. Nearly 4,000,000 (74 percent) of the 5,300,000 disqualified voters are not in prison, but are on probation or parole, or are ex-offenders. Approximately 2,000,000 of those individuals are individuals who have completed their entire sentence, including probation and parole, yet remain disenfranchised.

(7) In those States that disenfranchise ex-offenders, the right to vote can be regained in theory, but in practice this possibility is often granted in a nonuniform and potentially discriminatory manner. Offenders must either obtain a pardon or order from the Governor or action by the parole or pardon board, depending on the offense and State. Offenders convicted of a Federal offense often have additional barriers to regaining voting rights.

(8) State disenfranchisement laws disproportionately impact racial and ethnic minorities. Eight percent of the African American population, or 2,000,000 African Americans, are disenfranchised. Given current rates of incarceration, approximately one in three of the next generation of African American men will be disenfranchised at some point during their lifetime. Hispanic citizens are also disproportionately disenfranchised based upon their disproportionate representation in the criminal justice system.

(9) Disenfranchising citizens who have been convicted of a felony offense and who are living and working in the community serves no compelling State interest and hinders their rehabilitation and reintegration into society.

(10) State disenfranchisement laws can suppress electoral participation among eligible voters by discouraging voting among family and community members of disenfranchised persons. Future electoral participation by the children of disenfranchised parents may be impacted as well.

(11) The United States is the only Western democracy that permits the permanent denial of voting rights to individuals with felony convictions.

SEC. 3. RIGHTS OF CITIZENS.

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless such individual is serving a felony sentence in a correctional institution or facility at the time of the election.

SEC. 4. ENFORCEMENT.

(a) ATTORNEY GENERAL.—The Attorney General may, in a civil action, obtain such declaratory or injunctive relief as is necessary to remedy a violation of this Act.

(b) PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) RELIEF.—Except as provided in paragraph (3), if the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may, in a civil action obtain declaratory or injunctive relief with respect to the violation.

(3) EXCEPTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action to obtain declaratory or injunctive relief with respect to the violation.

SEC. 5. NOTIFICATION OF RESTORATION OF VOTING RIGHTS.

(a) STATE NOTIFICATION.—

(1) NOTIFICATION.—On the date determined under paragraph (2), each State shall notify in writing any individual who has been convicted of a criminal offense under the law of that State that such individual has the right to vote in an election for Federal office pursuant to the Democracy Restoration Act and may register to vote in any such election.

(2) DATE OF NOTIFICATION.—

(A) FELONY CONVICTION.—In the case of such an individual who has been convicted of a felony, the notification required under paragraph (1) shall be given on the date on which the individual—

(i) is sentenced to serve only a term of probation; or

(ii) is released from the custody of that State (other than to the custody of another State or the Federal Government to serve a term of imprisonment for a felony conviction).

(B) MISDEMEANOR CONVICTION.—In the case of such an individual who has been convicted of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced by a State court.

(b) FEDERAL NOTIFICATION.—

(1) NOTIFICATION.—On the date determined under paragraph (2), the Director of the Bureau of Prisons shall notify in writing any individual who has been convicted of a criminal offense under Federal law that such individual has the right to vote in an election for Federal office pursuant to the Democracy Restoration Act and may register to vote in any such election.

(2) DATE OF NOTIFICATION.—

(A) FELONY CONVICTION.—In the case of such an individual who has been convicted of a felony, the notification required under paragraph (1) shall be given on the date on which the individual—

(i) is sentenced to serve only a term of probation by a court established by an Act of Congress; or

(ii) is released from the custody of the Bureau of Prisons (other than to the custody of a State to serve a term of imprisonment for a felony conviction).

(B) MISDEMEANOR CONVICTION.—In the case of such an individual who has been convicted of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced by a State court.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term "correctional institution or

facility" means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) **ELECTION.**—The term "election" means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) **FEDERAL OFFICE.**—The term "Federal office" means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

(4) **PROBATION.**—The term "probation" means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

SEC. 7. RELATION TO OTHER LAWS.

(a) **STATE LAWS RELATING TO VOTING RIGHTS.**—Nothing in this Act shall be construed to prohibit the States from enacting any State law which affords the right to vote in any election for Federal office on terms less restrictive than those established by this Act.

(b) **CERTAIN FEDERAL ACTS.**—The rights and remedies established by this Act are in addition to all other rights and remedies provided by law, and neither rights and remedies established by this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act (42 U.S.C. 1973–gg).

SEC. 8. FEDERAL PRISON FUNDS.

No State, unit of local government, or other person may receive or use, to construct or otherwise improve a prison, jail, or other place of incarceration, any Federal grant amounts unless that person has in effect a program under which each individual incarcerated in that person's jurisdiction who is a citizen of the United States is notified, upon release from such incarceration, of that individual's rights under section 3.

SEC. 9. EFFECTIVE DATE.

This Act shall apply to citizens of the United States voting in any election for Federal office held after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 223—DESIGNATING SEPTEMBER 2009 AS "NATIONAL CHILD AWARENESS MONTH" TO PROMOTE AWARENESS OF CHARITIES BENEFITTING CHILDREN AND YOUTH-SERVING ORGANIZATIONS THROUGHOUT THE UNITED STATES AND RECOGNIZING EFFORTS MADE BY THESE CHARITIES AND ORGANIZATIONS ON BEHALF OF CHILDREN AND YOUTH AS CRITICAL CONTRIBUTIONS TO THE FUTURE OF OUR NATION

Mr. BURR (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 223

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of and increasing support for organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of our nation;

Whereas September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2009 as "National Child Awareness Month" would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2009 as "National Child Awareness Month"—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by such charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

SENATE RESOLUTION 224—RECOGNIZING THE INCREASINGLY BENEFICIAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF INDONESIA

Mr. BOND (for himself and Mr. INOUE) submitted the following reso-

lution; which was referred to the Committee on Foreign Relations:

S. RES. 224

Whereas the historical ties between the United States and the Republic of Indonesia began during the struggle of the people of Indonesia to become independent and the early years of independence beginning in 1945;

Whereas the constitutionally required "free and active" foreign policy of Indonesia resulted in a close relationship with the United States, and this relationship reflects growing connections between the developed and the developing world;

Whereas, following the 1998 financial crisis of Asia, Indonesia instituted numerous democratic reforms, including amending the constitution of Indonesia in order to become more democratic and transparent, holding the first direct presidential election in 2004, and direct, nationwide local elections beginning in 2006, and giving the judicial branch independent administrative and financial responsibility for all courts in 2004;

Whereas the administration of President Susilo Bambang Yudhoyono, the first President of Indonesia elected directly by the people, is strongly committed to strengthening democracy and remains focused on developing good governance and promoting and protecting human rights, civil liberties, a free press, and a vibrant civil society;

Whereas the Government of Indonesia continues to reform the military in accordance with internationally accepted democratic principles;

Whereas Indonesia signed a peace agreement in August 2005 that ended the conflict in Aceh, met its obligations under the agreement, oversaw the return of normalcy to Aceh, and held free, transparent, and peaceful elections for local government leaders in December 2006;

Whereas the Government of Indonesia continues to work to peacefully resolve other internal conflicts, including Papua, with concern for the welfare and security of the entire population;

Whereas, following the recovery of economic and political stability in Indonesia after the 1998 Asian financial crisis, the country regained a pivotal role in the Association of Southeast Asian Nations (ASEAN) and continues to work toward a secure, peaceful, and vibrant Southeast Asia, particularly by successfully proposing to establish the ASEAN Security Community, the ASEAN Economic Community, and the ASEAN Socio-cultural Community;

Whereas the Government and the people of Indonesia endured several terrorist bombings, have shown resilience in the fight against international terrorism by apprehending and bringing to justice numerous perpetrators, and remain open to international cooperation in this area;

Whereas the Government of Indonesia, together with the Governments of Malaysia and Singapore as fellow littoral states and user-countries, maintains and is further strengthening efforts to secure the important international shipping lane in the Malacca Strait;

Whereas, as shown in international fora, the Government of Indonesia remains committed to addressing the problems related to the control of the spread of weapons of mass destruction;

Whereas the Government of Indonesia deployed a military battalion to support the peacekeeping operations of the United Nations Interim Force in Lebanon, and as the largest Muslim democracy in the world, has

helped facilitate dialogue among many Islamic factions in the Middle East; and

Whereas, though the Government of Indonesia has shown significant progress in the areas of democracy, good governance, human rights, and counterterrorism, there remains much to be done and many reforms yet to be implemented: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the progress made by the Government of Indonesia in promoting democracy;

(2) expresses ongoing support for further democratic reform in Indonesia and the efforts of the Government and the people of Indonesia toward developing good governance;

(3) encourages the Government and the people of Indonesia to continue working to promote and protect human rights, civil liberties, a free press, and a strong civil society in Indonesia; and

(4) encourages the President, the Secretary of State, and other officials of the United States Government to continue assisting the Government of Indonesia in promoting democracy and ensuring the liberty and welfare of the people of Indonesia.

Mr. BOND. Mr. President, I come to the floor today to submit a resolution with Senator INOUE recognizing one of the most important, but often overlooked, nations in the world: Indonesia.

Just this past week, Secretary of State Clinton, our former colleague, journeyed to a meeting of the Southeast Asia nations in Thailand and pledged greater and increased American involvement in support of the region. I applaud her. She is definitely on the right track.

Many Americans are not aware of the fact, but Indonesia is the third largest democracy in the world after India and the United States.

Early this month, I came to the Senate floor to recognize and celebrate yet another democratic milestone in Indonesia: the reelection of President Susilo Bambang Yudhoyono, known for obvious reasons as SBY. His victory will quicken the pace of democratic reform that has been keeping Indonesia moving in the right direction.

SBY's first tenure as President was a success. His choice to select Boediono as his running mate has raised expectations of accelerated reform for a second term in office. The duo has campaigned on a ticket of clean governance and reforms to promote broad-based economic growth.

In addition to the democratic politics, Indonesia's religious leanings also trend very positive. By and large, Indonesians reject violent brands of Islam. The Nation was founded on the principles of what is known as *Pancasila*, or respect for religious and cultural diversity and the desire to create a pluralistic society, and as a country with the largest Muslim population in the world, Indonesians are also proud to showcase that Islam and democracy are compatible and can work together.

But despite the moderate, peaceful-loving population of Indonesia, groups such as *Jemaah Islamiyah* and *Abu Sayyaf* are still seeking to spread

Islamist terror and their extremist ideologies across Indonesia and Southeast Asia, often resulting in violence and death. The world was shocked and saddened over the most recent terrorist violence just this past week. Early on the morning of July 17, suicide bombers attacked two hotels in Jakarta, Indonesia, killing innocent people and injuring scores more.

The latest terrorist attack should be a wake-up call. The twin suicide attacks in Jakarta last Friday underscore the perils of our Nation continuing to ignore this nation and this region. The dangers of continuing down our current path are very real. By overlooking this region, Southeast Asia could become a breeding ground of terrorist activity for generations and for future Americans to deal with. If left ignored, Southeast Asia and Indonesia will be the next front in the war on terror.

It doesn't have to be this way. It is critical that the United States act now, before violent extremists gain traction in their quest to spread their fundamentalist ideologies enforced by violent terrorist acts across Indonesia and other countries in Southeast Asia.

This effort requires first that the United States do more than give lip-service to Southeast Asian countries about our strong partnership. Yes, counterterrorism cooperation is very important, but for many nations in Southeast Asia, they see this partnership as, once again, the United States only asking for self-serving help, coming when we see a danger to our country but not coming to find out what their needs and what their desires are. If we want nations in Southeast Asia to be strong partners in the war on terror, we must also be willing to extend a hand of friendship in other ways, assuring that they are strong, stable democracies with economic strength and good jobs and progress for their people.

The first thing we must do is increase trade among our nations. Southeast Asia, including nations such as Indonesia, Thailand, Singapore, Malaysia, the Philippines, and many smaller countries, represents our fifth largest trading partner. While this will help create economic opportunities in our own Nation to export to them, it will also help many poverty-stricken people in Southeast Asia as we buy from them, as we invest there, as we create businesses that will generate small and medium enterprises to fill the needs of those businesses and create locally owned and controlled entrepreneurship that can benefit their country in many ways.

People who are hungry, without a job, or maybe even a roof over their head, are particularly vulnerable to ideologies that promise a better way of life, whether or not those ideologies deliver. The United States must realize that before a person can choose his pol-

itics, he has to have enough to eat and a stable, secure community in which to live.

That is the simple truth behind Smart Power—a term I use to describe the combination of military might where necessary with diplomatic efforts, educational exchanges, economic development, and more personal interaction. We need this in Southeast Asia. I believe Smart Power is an effective way to fight radical ideologies that use terrorist attacks against their own government and freedom-loving people elsewhere.

This was recognized by General Petraeus and by President Bush when the President authorized him to institute the counterinsurgency strategy in Iraq, which means not only do we go in and clear an area of al-Qaida, but we stay there to make sure al-Qaida doesn't come back, and we then work with those provinces, with those areas, with the local governments and the local leaders, to build the infrastructure they need to help them get the health care to do things that are important to build a strong community.

In Al-Anbar, for example, a Sunni region that had been a major concern for the United States, one of the first things the Marines did in 2007 was rebuild the Sunnis' Blue Mosque, one of the most important mosques in the region.

This is the kind of effort we need to make in those areas where we are not actively fighting. We have the military might to support those countries in their battle against terrorist activities when they pick up, to fight against piracy that might occur off their shores.

As vice chairman of the Senate Intelligence Committee, a member of the Defense and State Foreign Operations Committee, I am working with my colleagues to ensure that Congress provides the resources and policy initiatives needed to expand the use of Smart Power.

For instance, we must increase the number of Peace Corps volunteers and Foreign Service officers. We must encourage more young Americans to volunteer to serve in that region, more businesspeople to visit there and seek opportunities where they can help those countries and help us at the same time. It sounds simple, but I believe by putting more American sandals and sneakers on the ground, we can avoid sending in American combat troops later.

I saw firsthand the payoff of Smart Power when several Southeast Asian nations—particularly Indonesia—were devastated by the tsunami in December of 2004. The month after that disaster, I traveled to Southeast Asia with representatives of the U.S. Government, Deputy Secretary of Defense, our Ambassador. We visited the tsunami-ravaged areas and met with representatives from the relief organizations. We

saw the tremendous benefits that the volunteer NGOs—nongovernment organizations—and the American military brought by bringing fresh water, bringing medical supplies, bringing food to the region, and helping to clear areas. Our military and volunteers from our embassy and elsewhere in the region helped avert what I think would have been tens of thousands more deaths.

We met with the Indonesian Government officials, and they were absolutely deeply grateful for our help in providing clean drinking water and food, emergency evacuations, medical help, and rebuilding. This kind of assistance the United States provided in that short time created an unmatched outpouring of goodwill for America and an appreciation from other countries who helped, such as Singapore and Australia.

Unfortunately, after the flood waters receded, so, too, did America's Smart Power engagement in the region. The recent attacks of terrorist organizations—probably Jemaah Islamiyah in Jakarta—should be a wake-up call that it is past time to reinvest in the region and quit ignoring the dangers of failing to do so.

President Obama, in condemning the terrorists' actions, highlighted this danger when he said:

These attacks make it clear that extremists remain committed to murdering innocent men, women and children of any faith in all countries.

The President got it absolutely right. The war against terror is far from over, and the battles are not confined to the Middle East. Freedom-loving nations must continue to fight terrorists not just in the border regions of Pakistan and Afghanistan, but also in the jungles and countless islands of Southeast Asia.

More than just a call to arms, however, these attacks should serve as a deadly reminder that the war against extremism and insurgency cannot be won by military might alone. Many top military and intelligence leaders say military action is no more than 20 percent—or maybe even 10 percent—of the effort we should expand to ensure stability in governments that are friendly.

In order to be truly successful, the United States must focus the weight of the effort on the ideological front, reaching would-be terrorists before they turn violent. Today I have a resolution that recognizes the importance of Indonesia, but it is just a small and symbolic step. We must do more.

I hope my colleagues will think about this region and about the points I have made. America must wise up and make Smart Power initiatives a cornerstone of our foreign policy and our efforts to combat terrorism, extremism, deadly murder, and attacks around the world, in our country, and elsewhere. The best place to start is in Southeast Asia.

SENATE CONCURRENT RESOLUTION 35—AUTHORIZING PRINTING OF THE POCKET VERSION OF THE UNITED STATES CONSTITUTION

Mr. SCHUMER submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 24th edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 551,000 copies of the document, of which 441,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$218,379, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

UNANIMOUS CONSENT AGREEMENT—S. 1390

AMENDMENT NO. 1516, AS FURTHER MODIFIED

Mr. REID. Mr. President, notwithstanding passage of S. 1390, I ask unanimous consent that amendment No. 1516 be further modified, with the changes to the instruction line.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

On page 71, after line 26, insert the following:

UNANIMOUS CONSENT AGREEMENT—S. 1390

Mr. REID. I ask unanimous consent that S. 1390, as passed by the Senate on July 23, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 3183

Mr. REID. Mr. President, I ask unanimous consent that at 3 p.m. Monday, July 27, the Senate proceed to the consideration of calendar No. 116, H.R. 3183, Energy and Water Appropriations; that immediately after the bill is reported, Senator DORGAN be recognized to offer a substitute amendment, the text of which is S. 1436 as reported by the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING PRINTING OF THE POCKET VERSION OF THE U.S. CONSTITUTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 35, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 35) authorizing printing of the pocket version of the United States Constitution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 35) was agreed to, as follows:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 24th edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 551,000 copies of the document, of which 441,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$218,379, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

DESIGNATING SEPTEMBER 2009 AS "NATIONAL CHILD AWARENESS MONTH"

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 223, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 223) designating September 2009 as "National Child Awareness Month" to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by these charities and organizations on behalf of children and youth as critical contributions to the future of our Nation.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

Without objection, it is so ordered.

The resolution (S. Res. 223) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 223

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of and increasing support for organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of our nation;

Whereas September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2009 as "National Child Awareness Month" would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2009 as "National Child Awareness Month"—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by such charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

INDIAN ARTS AND CRAFTS
AMENDMENTS ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 124, S. 151.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 151) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be

laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 151) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Arts and Crafts Amendments Act of 2009".

SEC. 2. INDIAN ARTS AND CRAFTS.

(a) CRIMINAL PROCEEDINGS; CIVIL ACTIONS; MISREPRESENTATIONS.—Section 5 of the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305d) is amended to read as follows:

"SEC. 5. CRIMINAL PROCEEDINGS; CIVIL ACTIONS.

"(a) DEFINITION OF FEDERAL LAW ENFORCEMENT OFFICER.—In this section, the term 'Federal law enforcement officer' includes a Federal law enforcement officer (as defined in section 115(c) of title 18, United States Code).

"(b) AUTHORITY TO CONDUCT INVESTIGATIONS.—Any Federal law enforcement officer shall have the authority to conduct an investigation relating to an alleged violation of this Act occurring within the jurisdiction of the United States.

"(c) CRIMINAL PROCEEDINGS.—

"(1) INVESTIGATION.—

"(A) IN GENERAL.—The Board may refer an alleged violation of section 1159 of title 18, United States Code, to any Federal law enforcement officer for appropriate investigation.

"(B) REFERRAL NOT REQUIRED.—A Federal law enforcement officer may investigate an alleged violation of section 1159 of that title regardless of whether the Federal law enforcement officer receives a referral under subparagraph (A).

"(2) FINDINGS.—The findings of an investigation of an alleged violation of section 1159 of title 18, United States Code, by any Federal department or agency under paragraph (1)(A) shall be submitted, as appropriate, to—

"(A) a Federal or State prosecuting authority; or

"(B) the Board.

"(3) RECOMMENDATIONS.—On receiving the findings of an investigation under paragraph (2), the Board may—

"(A) recommend to the Attorney General that criminal proceedings be initiated under section 1159 of title 18, United States Code; and

"(B) provide such support to the Attorney General relating to the criminal proceedings as the Attorney General determines to be appropriate.

"(d) CIVIL ACTIONS.—In lieu of, or in addition to, any criminal proceeding under subsection (c), the Board may recommend that the Attorney General initiate a civil action under section 6."

(b) CAUSE OF ACTION FOR MISREPRESENTATION.—Section 6 of the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305e) is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) DEFINITIONS.—In this section:

"(1) INDIAN.—The term 'Indian' means an individual that—

"(A) is a member of an Indian tribe; or

"(B) is certified as an Indian artisan by an Indian tribe.

"(2) INDIAN PRODUCT.—The term 'Indian product' has the meaning given the term in any regulation promulgated by the Secretary.

"(3) INDIAN TRIBE.—

"(A) IN GENERAL.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(B) INCLUSION.—The term 'Indian tribe' includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

"(i) a State legislature;

"(ii) a State commission; or

"(iii) another similar organization vested with State legislative tribal recognition authority.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior."

(4) in subsection (b) (as redesignated by paragraph (2)), by striking "subsection (c)" and inserting "subsection (d)";

(5) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking "subsection (a)" and inserting "subsection (b)"; and

(B) by striking "suit" and inserting "the civil action";

(6) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

"(d) PERSONS THAT MAY INITIATE CIVIL ACTIONS.—

"(1) IN GENERAL.—A civil action under subsection (b) may be initiated by—

"(A) the Attorney General, at the request of the Secretary acting on behalf of—

"(i) an Indian tribe;

"(ii) an Indian; or

"(iii) an Indian arts and crafts organization;

"(B) an Indian tribe, acting on behalf of—

"(i) the Indian tribe;

"(ii) a member of that Indian tribe; or

"(iii) an Indian arts and crafts organization;

"(C) an Indian; or

"(D) an Indian arts and crafts organization.

"(2) DISPOSITION OF AMOUNTS RECOVERED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an amount recovered in a civil action under this section shall be paid to the Indian tribe, the Indian, or the Indian arts and crafts organization on the behalf of which the civil action was initiated.

"(B) EXCEPTIONS.—

"(i) ATTORNEY GENERAL.—In the case of a civil action initiated under paragraph (1)(A), the Attorney General may deduct from the amount—

"(I) the amount of the cost of the civil action and reasonable attorney's fees awarded under subsection (c), to be deposited in the Treasury and credited to appropriations available to the Attorney General on the date on which the amount is recovered; and

"(II) the amount of the costs of investigation awarded under subsection (c), to reimburse the Board for the activities of the Board relating to the civil action.

“(ii) INDIAN TRIBE.—In the case of a civil action initiated under paragraph (1)(B), the Indian tribe may deduct from the amount—
“(I) the amount of the cost of the civil action; and

“(II) reasonable attorney’s fees.”; and
(7) in subsection (e), by striking “(e) In the event that” and inserting the following:

“(e) SAVINGS PROVISION.—If”.

SEC. 3. MISREPRESENTATION OF INDIAN PRODUCED GOODS AND PRODUCTS.

Section 1159 of title 18, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) PENALTY.—Any person that knowingly violates subsection (a) shall—

“(1) in the case of a first violation by that person—

“(A) if the applicable goods are offered or displayed for sale at a total price of \$1,000 or more, or if the applicable goods are sold for a total price of \$1,000 or more—

“(i) in the case of an individual, be fined not more than \$250,000, imprisoned for not more than 5 years, or both; and

“(ii) in the case of a person other than an individual, be fined not more than \$1,000,000; and

“(B) if the applicable goods are offered or displayed for sale at a total price of less than \$1,000, or if the applicable goods are sold for a total price of less than \$1,000—

“(i) in the case of an individual, be fined not more than \$25,000, imprisoned for not more than 1 year, or both; and

“(ii) in the case of a person other than an individual, be fined not more than \$100,000; and

“(2) in the case of a subsequent violation by that person, regardless of the amount for which any good is offered or displayed for sale or sold—

“(A) in the case of an individual, be fined under this title, imprisoned for not more than 15 years, or both; and

“(B) in the case of a person other than an individual, be fined not more than \$5,000,000.”; and

(2) in subsection (c), by striking paragraph (3) and inserting the following:

“(3) the term ‘Indian tribe’—

“(A) has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); and

“(B) includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

“(i) a State legislature;

“(ii) a State commission; or

“(iii) another similar organization vested with State legislative tribal recognition authority; and”.

DESIGNATING AUGUST 8, 2009, AS NATIONAL MARINA DAY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 215 and that we now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 215) designating August 8, 2009, as “National Marina Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements pertaining to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 215) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 215

Whereas the people of the United States highly value their recreational time and their ability to access the waterways of the United States for enjoyment in and on one of the Nation’s greatest natural resources;

Whereas in 1928, the National Association of Engine and Boat Manufacturers first used the word “marina” to describe a recreational boating facility;

Whereas the United States is home to over 12,000 marinas that contribute substantially to their local communities by providing safe and reliable gateways to boating;

Whereas the marinas of the United States serve as stewards of the environment and actively seek to protect the waterways that surround them for the enjoyment of this generation and generations to come;

Whereas the Association of Marina Industries has joined with the National Youth Marine Alliance to offer youth service projects for the Preserve America’s Waterways volunteer service initiative at marinas across the Nation;

Whereas the marinas of the United States provide their communities and visitors a place where friends and families, united by a passion for the water, can come together for recreation, rest, relaxation, and stewardship of the environment; and

Whereas the Association of Marina Industries has designated August 8, 2009, as “National Marina Day”, to increase awareness among citizens, policymakers, and elected officials about the many contributions that marinas make to their communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 8, 2009, as “National Marina Day”;;

(2) supports the goals of “National Marina Day”; and

(3) urges that all marinas continue to provide environmentally friendly gateways to boating for all the people of the United States.

NATIONAL KOREAN WAR VETERANS ARMISTICE DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2632.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2632) to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times,

passed, and the motion to reconsider be laid upon the table; that there be no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2632) was ordered to a third reading, was read the third time, and passed.

EXTENSION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to S. 1513.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1513) to provide for additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1513) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-10 (123 Stat. 990), is amended by striking “July 31, 2009” each place it appears and inserting “September 30, 2009”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 30, 2009.

EXECUTIVE SESSION

EXECUTIVE CALENDAR— NOMINATION DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendars numbered 282, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 305, 306, 307, 308, and all nominations on the Secretary’s desk in the Foreign Service; further, that the Agriculture Committee be discharged

from Presidential Nomination 333, that the Senate then proceed to its consideration, the nominations be confirmed *en bloc*, the motions to reconsider be laid on the table *en bloc*, no further motions be in order, and any statements relating to these matters be printed in the RECORD, and the President of the United States be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed *en bloc* are as follows:

DEPARTMENT OF STATE

Anne Elizabeth Derse, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

Kenneth H. Merten, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

Donald Sternoff Beyer, Jr., of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

John R. Nay, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

Vinai K. Thummalapally, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Nicole A. Avant, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

Howard W. Gutman, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Vilma S. Martinez, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

David H. Thorne, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Italian Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of San Marino.

DEPARTMENT OF TRANSPORTATION

Polly Trottenberg, of Maryland, to be an Assistant Secretary of Transportation.

Deborah A. P. Hersman, of Virginia, to be Chairman of the National Transportation Safety Board for a term of two years.

Deborah A.P. Hersman, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2013.

FEDERAL MARITIME COMMISSION

Richard A. Lidinsky, Jr., of Maryland, to be a Federal Maritime Commissioner for the term expiring June 30, 2012.

FEDERAL COMMUNICATIONS COMMISSION

Meredith Attwell Baker, of Virginia, to be a Member of the Federal Communications

Commission for the remainder of the term expiring June 30, 2011.

Mignon L. Clyburn, of South Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2007.

DEPARTMENT OF EDUCATION

Anthony W. Miller, of California, to be Deputy Secretary of Education.

Thelma Melendez de Santa Ana, of California, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

NATIONAL MEDIATION BOARD

Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2011.

[NEW REPORTS]

DEPARTMENT OF THE TREASURY

Kim N. Wallace, of Texas, to be a Deputy Under Secretary of the Treasury.

DEPARTMENT OF THE TREASURY

William J. Wilkins, of the District of Columbia, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

Rosa Gumataotao Rios, of California, to be Treasurer of the United States.

Daniel M. Tangherlini, of the District of Columbia, to be an Assistant Secretary to the Treasury.

Daniel M. Tangherlini, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN682 FOREIGN SERVICE nominations (149) beginning Christopher L. Andino, and ending Holly Hope Zardus, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2009.

DEPARTMENT OF AGRICULTURE

Jonathan Steven Adelstein, of South Dakota, to be Administrator, Rural Utilities Service, Department of Agriculture.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

PROGRAM

Mr. REID. Mr. President, on Monday we are going to move to another appropriations bill. Senators DORGAN and BENNETT will manage that. I think it would be wise at this time for me to tell everyone that I think we will not have a vote Monday. There is a lot of work to do on that bill. We will have some votes before noon on Tuesday, but we will not have votes on Monday.

ORDERS FOR MONDAY, JULY 27, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, July 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be

reserved for their use later in the day, and there be a period of morning business until 3 p.m. with Senators permitted to speak for up to 10 minutes each; further, that following morning business, the Senate proceed to the consideration of Calendar No. 116, H.R. 3183, the Energy and Water Appropriations Act for Fiscal Year 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JULY 27, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 2:03 p.m., adjourned until Monday, July 27, 2009, at 2 p.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF COMMERCE

DENNIS F. HIGHTOWER, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF COMMERCE, VICE JOHN J. SULLIVAN, RESIGNED.

DISCHARGED NOMINATION

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, July 24, 2009:

DEPARTMENT OF STATE

ANNE ELIZABETH DERSE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

KENNETH H. MERTEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

DONALD STERNOFF BEYER, JR., OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PRINCIPALITY OF LIECHTENSTEIN.

JOHN R. NAY, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

VINAI K. THUMMALAPALLY, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

NICOLE A. AVANT, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

HOWARD W. GUTMAN, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

VILMA S. MARTINEZ, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

DAVID H. THORNE, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT

ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SAN MARINO.

DEPARTMENT OF TRANSPORTATION

POLLY TROTTEBERG, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

DEBORAH A. P. HERSMAN, OF VIRGINIA, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS.

DEBORAH A. P. HERSMAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2013.

FEDERAL MARITIME COMMISSION

RICHARD A. LIDINSKY, JR., OF MARYLAND, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2012.

FEDERAL COMMUNICATIONS COMMISSION

MEREDITH ATTWELL BAKER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2011.

MIGNON L. CLYBURN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2007.

DEPARTMENT OF EDUCATION

ANTHONY W. MILLER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF EDUCATION.

THELMA MELENDEZ DE SANTA ANA, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

NATIONAL MEDIATION BOARD

HARRY R. HOGLANDER, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2011.

DEPARTMENT OF THE TREASURY

KIM N. WALLACE, OF TEXAS, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

WILLIAM J. WILKINS, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF COUNSEL FOR THE INTERNAL REVENUE SERVICE AND AN ASSISTANT GENERAL COUNSEL IN THE DEPARTMENT OF THE TREASURY.

ROSA GUMATAOTAO RIOS, OF CALIFORNIA, TO BE TREASURER OF THE UNITED STATES.

DANIEL M. TANGHERLINI, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DANIEL M. TANGHERLINI, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF AGRICULTURE

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CHRISTOPHER L. ANDINO AND ENDING WITH HOLLY HOPE ZARDUS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 25, 2009.

HOUSE OF REPRESENTATIVES—Friday, July 24, 2009

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BLUMENAUER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
July 24, 2009.

I hereby appoint the Honorable EARL BLUMENAUER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Who rewards the just service of Your people and never forgets those who offer the ultimate sacrifice of their lives to protect others, we praise You and we thank You for those who serve as Capitol Police here in the Nation's Capital.

As we honor the memory of Officer Jacob Chestnut and Detective John Gibson later today with a moment of silence, we now pray for all those who presently commit themselves to serve as a security force that shields government workers and the public from harm and danger. May their service never be compromised or be taken for granted by others.

Lord, protect, guide and encourage all those women and men who give of themselves for the good of others in public service. Reward them and their families with peace and security in this life. Answer their prayers and all the longings of their hearts for a better world in the future.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Mrs. CAPPS) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPPS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a joint resolution of the House of the following title:

H.J. Res. 56. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The message also announced that the Senate, sitting as a court of impeachment in the trial of Samuel B. Kent, former District Judge for the Southern District of Texas, upon articles of impeachment exhibited against him and upon the receipt and exhibit of House Resolution 661, has dismissed the articles of impeachment and has adjourned sine die.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 5 requests for 1-minute speeches on each side of the aisle.

WE NEED TO BREAK THE HOLD INTEREST GROUPS HAVE ON OUR NATION

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. The health care debate ends up being a debate about the legitimacy of our political system. If this is truly a government of the people, by the people and for the people, then why do we not already have a health care system which meets the needs of all the people? Is it because we have a market-based, for-profit health care system? Why do we have 50 million Americans uninsured and another 50 million Americans underinsured? Why are most bankruptcies connected to people being so heavily in debt for hospital bills?

America faces not only a health crisis but a spiritual crisis when health insurance and other interest groups stand between the people and their government extracting the wealth of our Nation and appropriating it to a few at the expense of the many and pressing upon the many the burden of illness and the brevity of life.

It is time to break the hold these interest groups have on our government. When we do, our Nation will be more healthy and more free.

COMMONSENSE HEALTH CARE REFORM

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, the worst State for health insurance in the country is New Jersey at \$5,500 a patient. The best is California at \$2,500 each. California has lawsuit reform to reduce the need for expensive defensive medicine and larger insurance pools to lower average risk.

For this Congress, Republican moderates wrote a health reform bill to repeat these successes, lowering the costs for all Americans and expanding coverage. Indications are we will not be allowed to vote on these commonsense reforms. Instead, we will vote on a bill that is 1,000 pages long, at \$1 billion a page, costing \$1 trillion, raising taxes in the teeth of this recession to marginal rates higher than France.

I urge Members to reject this bill and put forward a commonsense set of reforms that will lower health costs without raising taxes.

WE NEED TO PASS THE HEALTH REFORM BILL

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, recently a constituent called me distraught. She has health insurance, but that company is denying life-saving surgery for her daughter born with spina bifida. Why? Because when this mother took a new job recently, she got new health insurance, and this health insurance company says they don't have to pay for her daughter's surgery because spina bifida is a preexisting condition.

Sadly, this is not an isolated story. Every one of us here has constituents who are going through similar situations. These are the people I am fighting for.

Our health reform bill seeks to insure the nearly 50 million people who don't have any health insurance, but just as important is fixing the currently broken health insurance for people who have or think they have coverage. We will force insurance companies to

change these policies, and we will guarantee that every American has access to a plan that will always be there for them. This can be a private plan or the public plan, but there will always be an option.

And that's why we need to pass this health reform bill, and we need to do it now.

REFORM IN OUR FINANCIAL SYSTEM CANNOT SACRIFICE THE HEALTH OF OUR SMALL FINANCIAL INSTITUTIONS

(Mr. LUCAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUCAS. Mr. Speaker, an uneven playing field already exists between large financial institutions and smaller community banks. Rather than working to close that gap, however, President Obama has decided to further our community bankers' burdens with his Consumer Financial Protection Agency.

Under this new agency, community banks that have continued to provide a reliable source of credit to their customers will be saddled with additional costs and regulations that could potentially drive many out of business. In addition, these increased costs will be passed along to consumers in the form of higher bank fees and less availability of credit. So, exactly how is this supposed to help our current financial crisis?

It appears as though, once again, this administration plans to force Main Street to pay for the mistakes made on Wall Street as they continue to follow their financial policy of "too big to fail, too small to matter."

Reform is needed within our financial system, but that reform cannot sacrifice the health of our small financial institutions.

MINIMUM WAGE INCREASE

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, today the Federal minimum wage rises to \$7.25 an hour. This Congress is proud that the previous Congress passed the minimum wage, and it went up in stair steps; and in these tough economic times, working people need help. They need help with all types of activities.

This will put \$1,100 in the pockets of working people. That means money for groceries, for rent, for school supplies, moneys that will help with this economic recovery, \$5.5 billion over the next 12 months.

One of the first votes I took in this Congress was to increase the minimum wage that had been held stagnant for decades. This will help 40,000 people in

my district in Memphis and across the country.

This Congress should be proud of its support for working families, but sad that it took so long to get this minimum wage to where it is. We need to help the working people, and we need to make sure we make this country a better country with health insurance for all.

CONSUMER PROTECTION REGULATION?

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, Toni Marie's bakery in my hometown can fulfill your chocolate chip cookie cravings or make an elegant wedding cake for you, which they did for my kids. Imagine if D.C. bureaucrats from a new Federal consumer cookie protection agency require our bakery to use only a new Federal cookie recipe and sell one kind of cookie, sugar free with no flavor, and only certain customers are deemed healthy enough to buy it so they stop going. What happens? The bakery is out of business.

As crazy as it sounds, it's very similar to the Democrats' solution to protect us from our future financial disaster. Masked in rhetoric to simplify and improve our lives, the proposal creates a new agency to tell every community financial business across America which products they can and cannot offer to consumers.

Bigger government and limits on choice won't restore confidence in our financial marketplace. Our system needs a stronger, smarter, regulatory approach which our Republican plan offers to empower consumers, protect against fraud, and preserve consumer choice.

THE TIME IS NOW FOR HEALTH INSURANCE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, President Obama in his speech to the Nation on Wednesday night really brought home the fact that we need to act on health care reform immediately before this Congress adjourns for the August recess, and the reason is simple: costs continue to go up.

The cost of health insurance, inflation is way out of line by comparison to any other developed country, and we still have about 40 million to 50 million Americans that have no health insurance. So we need to do both. We need to cover everyone as best we can, and we need to bring down the costs of health insurance.

The bottom line is that many of the organizations who opposed health in-

surance reform 15 years ago when I was here under President Clinton now support a plan that the insurance companies, the AMA, the doctors, PhRMA, the pharmaceutical industry, all these groups have come together with President Obama because they realize that we can't continue with the status quo.

The time is now for health insurance reform, and we need to get together as both Democrats and Republicans to pass it.

GOVERNMENT HEALTH CARE TAKEOVER WILL KILL JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the President says incorrectly that if you like your health care coverage you can keep it under his plan. This has been refuted by many sources, including the White House, which has admitted that the President's rhetoric should not be taken literally. Unfortunately, with the mandates and new taxes on small businesses included in the Democrat bill, the question should be: if you like your job, can you keep it?

With estimates ranging from 1.6 million to 4.7 million jobs lost under the Democrat scheme, it is clear this plan will destroy jobs and weaken our economy. You cannot make health care more affordable for Americans if you destroy jobs.

Republicans want to give the American people a leg up through tax relief and resources for small businesses to provide quality health care coverage. We have solutions that do not rely on tax hikes, mandates, and Big Government bureaucrats which lead to waiting lists and rationing.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

DEMOCRATS ARE DOING SOMETHING ABOUT HEALTH CARE

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, my constituents have given me the honor and the privilege of serving here in the House of Representatives for 17 years now, and in all of those 17 years coming from an area where health care costs have continued to accelerate each year, in all those years, I've come here along with colleagues on both sides of the aisle seeking better opportunities for the seniors, those who are disabled, those who are without health care, and all we've done is talk.

Well, now the Democrats have done something about that. We do have a

plan that is before the American public. It allows for no more copays or deductibles for preventative care and an annual cap on out-of-pocket expenses, keeping Americans from financial ruin; an end to increases for pre-existing conditions, gender, or occupation; group rates of a national pool if you buy your own plan; guaranteed affordable health care and vision care.

If we keep the Republican's plan in mind, costs will go up.

AMERICANS NEED TO SAY "YES" TO REPUBLICAN HEALTH CARE ALTERNATIVE

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, this morning on "Fox and Friends," one of my favorite golfists, Phil Mickelson, was there talking about his wife, Amy, and his mother, Mary, having breast cancer. He made an astonishing statement. He said that the treatment of breast cancer today is better than it was 5 years ago, better than 10 years ago, and he's absolutely right. Mr. Mickelson's hope in the cure for his mother and his wife's breast cancer, this devastating illness, is very high.

But, Mr. Speaker, the American people need to understand if we pass the Democratic health care reform bill that they are proposing, innovation in health care is going to quit or go down and be very little. The quality of care is going to go down. As a physician, I can tell the American people that the quality of your care will be worse a few years from now because of the Democratic Party's health reform plan.

The American people need to stand up, Mr. Speaker, and say "no" to this and say "yes" to some of the alternatives that Republicans are presenting. We have a plan, but it will not be heard unless the American people demand it.

□ 0915

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the House that on July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

At an appropriate point today, the Chair will recognize the anniversary of this tragedy by observing a moment of silence in their memory.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. KING of Iowa. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas the gentleman from Iowa, Mr. King submitted an amendment to the Committee on Rules to H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have required that none of the funds made available in this Act be made available to ACORN or any of its 174 known affiliates;

Whereas, since 1994, ACORN, the Association of Community Organizations for Reform Now, and its affiliates have received \$53,643,444.58 in taxpayer funding from the federal government;

Whereas despite the trust placed in ACORN by taxpayers to act as a responsible steward of the funding provided to it, ACORN has proven itself to be an organization committed to breaking our laws and undermining our democratic political process;

Whereas during the 2008 federal election cycle, ACORN mobilized its nationwide, grassroots organization in an effort to affect the outcomes of elections nationwide through voter registration campaigns; and

Whereas ACORN is now under investigation in at least 14 states regarding allegations of fraudulent activities that were undertaken by the organization as part of its voter registration campaigns;

Whereas ACORN was charged with voter fraud in Nevada;

Whereas ACORN has admitted to submitting over 400,000 fraudulent voter registrations in the 2008 election cycle;

Whereas, because of its alleged fraudulent behavior during the 2008 election cycle, it is important that ACORN be prohibited from receiving any additional taxpayer funding;

Whereas the need to prohibit additional funding to ACORN led the Gentleman to submit his amendment to the Committee on Rules;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Mrs. Pelosi, the Democrat leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 673, the rule to accompany H.R. 3293, be amended to allow the gentleman from Iowa's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, the resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair with-

in 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Iowa will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PROVIDING FOR CONSIDERATION OF H.R. 3293, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution H. Res. 673 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 673

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 134, line 12. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except

one motion to recommit with or without instructions.

SEC. 2. After disposition of the amendments specified in the first section of this resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 3293, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against consideration of the rule because the resolution violates section 426(a) of the Congressional Budget Act.

The resolution carries a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule and the gentleman from Arizona and a Member opposed each will control 10 minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I come here today completely baffled at this point. We've had in this appropriations season what can best be described as martial law, in legislative terms, where we've had appropriation bill after appropriation bill come to the floor under a closed rule or a modified structured rule, where the majority party decides which amendments the minority party can offer.

I suppose they thought it was amusing at first. They claim it was an issue of time. And so some of us on this side that had amendments that were ruled in order asked unanimous consent to be able to substitute other Members' amendments that had not been ruled in order—amendments that were germane—that the majority party simply saw unfit for this party to vote on and debate.

And 16 times that I have asked for unanimous consent, that unanimous consent has been denied. So it's not an issue of time at all. It's not an issue of time.

As much as the majority party wants to stand up and say, We've got to get

these finished because we have a time limit—for one, it's a pretty sorry excuse. We do appropriations. That's what the Congress does. And to say we've got to get these done in 1 day for the Defense bill next week, one day for Labor-HHS today, but then we find out that that's a ruse in itself, because if we agree to stay within the time constraints, then they still won't allow us to substitute the amendments that we would like to offer.

On this bill, because the majority party had seen fit to give me several amendments on bills to cut earmarks that they knew would likely not pass because of the logrolling that takes effect here, I decided on this bill, although there were plenty of targets, I believe there were over a thousand earmarks in the bill, I decided not to offer one earmark amendment. So surely, surely the majority party would see fit to allow a few of my colleagues' amendments in order so they couldn't say, Oh, we gave you 10 amendments. Of course, 8 of those were Flake earmark amendments. But we gave you 10.

So I didn't submit any. Not one. Our party submitted 12 amendments—12 amendments—and we were given 4. Just four amendments. One was given to I think the chairman of the Appropriations Committee and several, my understanding, were rolled into the manager's amendment.

I would love to hear—and I will retain my time—but hear what the Rules Committee is thinking here, or why they see fit to deny the majority party the ability to offer amendments.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman is recognized for 10 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, my good friend for whom I have great affection began his remarks by saying he's baffled. Well, I'm baffled and befuddled by the many actions that my good friend from Arizona persists in bringing to the floor of the House of Representatives.

Start with the fact—and the distinguished chair of the Appropriations Committee will outline the particulars of the bill—but start with the fact that there are no unfunded mandates in this particular provision.

So, once again, this point of order is not about unfunded mandates. It's about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation itself.

I think that's wrong, and I hope my colleagues will vote "yes" so we can consider this important legislation on its merits and not stop it, as my friend would try to do, on a procedural motion.

Those who oppose the bill can vote against it on final passage. We must

consider this rule, and we must pass this legislation today.

Now I have the right to close, but in the end I'm going to urge my colleagues to vote "yes" to consider the rule, and take one final moment to ask my friend to consider what he does when he persists, as is his right as a Member of this body, in coming here repeatedly after every measure that he wishes to put forward.

What does he think he is doing to the legislative council of this office? There are 441 Members that ought to be able to access that body, and many of us find our legislation at the back of the track for the reason that we are coming here with what amounts to nothing but process motions that everybody has heard.

We have an expression here—and children use it frequently—"I got the memo." Or, "I got it." We hear him on this particular subject. He can vote on it at any such time, but it is the Rules Committee that makes the determination as to what rules are going to be on the floor of the House of Representatives.

I reserve the balance of my time.

□ 0930

Mr. FLAKE. I think the gentleman doth protest a little too much. We are here on the unfunded mandate thing because it's the only opportunity we've got. We've been shut out of just about everything else. We offered 12 amendments to a bill that typically has dozens and dozens and dozens and which typically we spend a couple of days on. We're told, "We've got to get it done today, and we're only going to allow four amendments from the other side, and they are the four that we pick." I mean, what has this legislative body come to? I suppose the gentleman was referring to the 540 amendments that I have offered for the Defense bill. I have offered 540 because that represents the number of no-bid contracts that this body is authorizing for private companies in the Defense bill. That's why there are investigations swirling around this body. Yet we come to the floor and authorize 540—not authorize—we appropriate money for 540 no-bid contracts. So I make no apology at all for offering 540 amendments. But I knew that I didn't want to tie the hands and tie up Legislative Counsel. That's something that I worry about. So we went to them and said, "How can we do this without causing you trouble?" They gave us a template, and we've done it all in our office. My staff and other staffs were up nearly all night last night, making 30 copies of 540 amendments on our own—not taking any of Legislative Counsel's time—just so we could do this body and this institution the favor of trying to actually vet some of the earmarks, no-bid contracts for private companies, that come through this body. And then we

get scolded for that; and to say, "You're taking up too much time. We've given you four amendments on this bill and you should be happy with it"? These crumbs that fall from the table, the Appropriations Committee and the Rules Committee, just be happy with it. Go on your merry way. It just is baffling. I don't know what else to say. I don't know what else we can do on this side. But bad process always begets bad policy, and it will come back to bite at some point. I just wish the majority party would realize that this martial law on appropriations bills is not justified. You shouldn't do it just because you can.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I stand duly chastised by my friend from Arizona. I am delighted that he took up his office's time and not the Office of Legislative Counsel's time in order to provide the amendments that I still consider to be spurious. Perhaps it is that he would urge not wasting his staff's time then. But there have been other times, by virtue of the repetition, that Legislative Counsel has been burdened, template or not. There are other Members in this body that exercise that abuse process, including another one that I am watching, and that is the use of privileged motions for purposes of legislating. Assume that every Member in this body wanted to use that prerogative, then we would never be able to get our work done. Yes, it is the responsibility of the majority to see to it that the business of the people of this country moves along.

I, again, want to urge my colleagues to vote "yes" on this motion to consider so we can debate and pass this important piece of legislation today.

I yield back the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Arizona has 4½ minutes.

Mr. FLAKE. I thank the gentleman. If I was looking to waste time and to delay, I would call a vote on this. That would take this body an extra half-hour or so. I am not going to do so. I know I'm going to lose this. But somebody at some point has to stand up and say, We're not potted plants over here. We're in the minority, yes. But we do have some rights, we think. The gentleman said that these amendments that I'll be offering to the Defense bill today are spurious. Last year I would have loved to have been able to offer some of these amendments, but I didn't have any ability at all. Not one amendment was offered to earmarks in the Defense bill. Why? Because it was a closed rule completely. It came in in mini-bus form, and no amendments at all were offered. That's happened, to some extent, over a couple of years. And what has happened during that time? Earmarks have been awarded,

no-bid contracts to private companies, that are now being investigated because money went out; and individuals have already pled guilty to taking that earmarked money and spreading it around to some companies that did no work, none. They've already pled guilty for it. Again, we're bringing to the floor next week a Defense bill as if nothing's wrong, nothing's happening, no investigations are occurring. We're still going to award no-bid contracts to private companies. And yeah, we might hide some language or put some language in the bill that says, Well, these things are really going to be bid out. But the Defense Department, if you ask them today, Do you bid these things out? They say, Yes, we're required to. Except when we don't, when we issue what's called a J&A, and we decide, Well, we're really not going to bid that one out because it was asked for by Congress.

That is just unbelievable to me that we are accused of being spurious when we attempt to bring earmark amendments to the floor to vet in some way, shallow though it may be on the floor of the House, it's all we've got because we only got a list of these earmarks this week, we're scolded and told that we're spurious for asking for just a smidgeon of accountability here for the sponsor of the earmark to stand up and justify why he thinks or she thinks that she has the ability to award a no-bid contract to a private company whose executives may turn around and give big amounts of money to that Member. That's being investigated in some cases by the Department of Justice.

And we say, We should be able to do it, and no Member should be able to question it, that we shouldn't be able to raise it on the floor of the House. I just don't get it. Every time I think I have seen it all, I haven't. And today to be scolded for bringing amendments to the floor, and then to have the majority party bring 12 and to be told that we should be happy because they have seen fit to choose four of those amendments, allow us to offer them, and we should be somehow grateful and should embrace this rule just blows me away.

I don't know what to say, Mr. Speaker. But I would urge this Congress not to move ahead with this bill in this fashion. There is no requirement that we have to do this today any more than you have to do health care this week or next week. We're a deliberative body, I hope; and we should deliberate just a little bit more.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself as much time as I may consume.

The resolution provides for consideration of H.R. 3293, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act of 2010 under a structured rule. The Labor-HHS-Education Appropriations bill provides \$160.7 billion for fiscal year 2010 and continues this Congress' commitment to fiscal responsibility by coming in \$52 million below the President's request, and cutting 46 individual programs to ensure that taxpayer funds are used in the most effective way. This bill also includes \$1.1 billion for activities to reduce improper payments, abuse and fraud in the Departments of Labor and Health and Human Services and in the Social Security Administration, which could result in over \$48 billion in taxpayer savings over the next 10 years. During these difficult economic times, it is more important than ever that we not only spend taxpayer funds prudently but that we make the necessary investments to move our economy forward.

This bill provides \$64.7 billion for the Department of Education to prepare America's youth for an increasingly competitive global economy and to ensure that all Americans have access to the education needed to succeed. Funds in this bill, combined with the funds in the Recovery Act, will provide States with \$4 billion in grants under the School Improvement Fund which will target assistance to approximately 13,000 low-performing schools. This bill also boosts Pell Grants which help approximately 7.6 million low- and middle-income students pay for college each year. Further, it provides \$653 million to Historically Black Colleges and Universities, Hispanic-Serving Institutions and other developing institutions and nearly triples new loan guarantees for HBCUs.

As we prepare our youth for the jobs of tomorrow, we must also protect and develop our current workforce. This bill restores the Department of Labor's capacity to enforce laws that protect the wages, safety and benefits of workers. It also helps those who lost their

jobs during the course of this recession by providing \$1.4 billion for training and supportive services. Of these funds, \$50 million will be used to prepare workers in green industries, not only helping to provide Americans with decent, good-paying jobs but also helping the American economy be more competitive.

This bill, recognizing the incredible burden that this economic crisis has placed on countless Americans, also provides much-needed assistance to our vulnerable populations. It will help families stay warm through the winter by providing \$5.1 billion for the low-income energy assistance program. It will boost nutrition, transportation and other supportive services for seniors by providing \$1.5 billion for senior nutrition and other services; and it will relieve some of the pressure placed on the Social Security Administration by providing \$11.4 billion to help the agency process the rising number of claims and reduce its current backlog.

Finally, as we in Congress work to pass health care reform in the coming weeks, this bill will help build the capacity of our health care system and provide funding for job training in the health care sector, one of the strongest and fastest-growing sectors in our economy. My colleagues are well aware that a whole lot of people, well over 47 million people in our Nation, are uninsured. In the district that I am privileged to serve, 25 percent of my constituents lack health care coverage. This bill provides \$2.2 billion for Community Health Centers, which provide primary care to 17 million patients, 40 percent of which are uninsured. While such centers provide a vital service, there are still far too many individuals that go without any primary care at all, endangering their health and increasing the burden on taxpayers by getting treatment when their illnesses have become serious and their care several times more costly. In my home State of Florida, over 971,000 women are in need of publicly supported family planning services; yet only 35 percent of them are currently being met through public funding providers.

While my colleagues on the other side of the aisle will throw—and have thrown—insulting accusations and deceitful claims, what we should be talking about today is how to further support the essential community providers, such as Planned Parenthood, during a provider shortage in this country rather than making it harder for women and families to access vital health care.

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For 8 years, the Republican administration placed the needs of the wealthy and the privileged before those of the middle class and the poor, and now we are paying the price. I have listened to my Republican colleagues for the past

week beat the drum of fiscal responsibility. Quite frankly, this is laughable at best.

These are the same people who claim to be deficit hawks, but quite frankly, the real truth is that Republicans instituted tax cuts for extremely wealthy people in this country and new spending programs that took our Nation from surplus to debt. And my colleagues on the other side of the aisle participated in decreasing taxes for wealthy people at a time when we were at war. It was the only time in the history of this country when we were at war that we decreased taxes. And then when we did it, we did it for the best of us in our society, as far as wealth is concerned. The Republicans lecturing us on fiscal responsibility is like Al Capone lecturing about crime on the street. It doesn't pass the laugh test.

With our economy in turmoil, Democrats are picking up the pieces of the Bush administration and restoring this Congress' responsibilities to protect our Nation's health and social safety nets to ensure equal access to a quality education and to develop a globally competitive workforce.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I also appreciate the gentleman from Florida yielding me such time as I may consume.

Mr. Speaker, let's just go to the words that people have. Republicans cut taxes and employed people, 5.3 million new jobs. The Democrats put their spending plan on the floor and said we would have jobs and more jobs, and we don't. So regardless of what the gentleman talks about with all these big tax breaks, they worked. They employed people. People had jobs. And in the scheme of things, Mr. Speaker, that's good for all of us. So I will stand behind those tax cuts that employed this country, as opposed to unemployment, the highest unemployment in 26 years, by our friends, the Democrats.

Mr. Speaker, today I stand about this structured rule, and I stand in opposition. My friends on the other side of the aisle, for the first time in the history of the Republic, have shut down the appropriations process by placing an extremely restrictive rule on every single appropriations bill that has come to the floor this year.

Chairman DAVID OBEY of Wisconsin has set an arbitrary timeline to finish the fiscal year 2010 spending bills which has forced this Congress and the Democrat-run Rules Committee to limit every Republican's and Democrat's chance to offer an amendment on the floor. Hundreds of amendments have been offered by all of my colleagues, and they have been rejected in an unprecedented fashion. I ask, once again, Mr. Speaker, what is the majority afraid of? Why are we doing this for the first time in the history of this Repub-

lic? Why won't they allow for the open and honest debate that they called for just a few years ago?

In order to operate under the needlessly short debate that my friends on the other side of the aisle have forced Republicans to pursue, my colleagues and I offered 12 amendments to ensure that a thoughtful and constructive debate could take place. We helped manage ourselves before we came to the Rules Committee. Yet what happened? Only four were made in order, while the Democrats had seven of their offered amendments rolled right into the manager's amendment.

This Democrat Congress, in unprecedented fashion, continues to reject and silence the American public and to muzzle Members on the floor of the House of Representatives, not allowing their voices to be heard on the people's floor.

Mr. Speaker, today we are discussing the Labor, Health and Human Services and Education Appropriations bill for fiscal year 2010. It is my intent to focus on this huge increase in spending over last year's level and to discuss the majority party's destructive initiatives that continue to kill jobs and lead to record deficits; that is, kill jobs and record deficits under control of Speaker NANCY PELOSI, the Democrat-held Senate, and President Barack Obama. This is their policy that we are debating on the floor today.

This underlying legislation is a 7 percent, or \$10.6 billion, increase above the current year's spending levels, and that's excluding the \$126 billion in stimulus funding that these programs have already received. Since 2007, funding for programs under Labor, Health and Human Services and Education have increased a whopping 93 percent. This bill does not represent a commitment, or any commitment, to fiscal sustainability. We simply cannot keep doing this. But, here we are again today. It will cost us jobs.

Mr. Speaker, we will continue to ask, where are the jobs? With this legislation, Congress only further slows down economic recovery and increases the financial burden being placed on our children and grandchildren. Mr. Speaker, where are the jobs?

The Obama administration promised Americans that unemployment would not go beyond 8 percent, that they would create and save millions of jobs if Congress simply passed the stimulus. Here we are, months later, with a record 9.5 percent unemployment rate, the highest in 26 years, and 2 million Americans have lost their job since the passage of this massive \$1.2 trillion stimulus plan. Mr. Speaker, where are the jobs?

Earlier this month, when discussing the stimulus, Vice President BIDEN said the Obama administration misread how bad the economy was. The Obama administration got it wrong when it

came to \$1.2 trillion of taxpayer spending by this Democrat Congress. The American people can no longer afford for this Democrat-controlled House, Senate, and White House to get it wrong. Where are the jobs?

Last month, my friends on the other side of the aisle passed a cap-and-trade bill that top White House economic advisers had suggested could actually cost up to \$1.9 billion, raising prices on energy, goods and services for every American, an increase for every American back home, between \$1,200 and \$1,600 a year. Additionally, this legislation would kill up to 2 million manufacturing jobs. Mr. Speaker, we have to ask again, where are the jobs? Oh, we are beginning to find out that they are in Washington, D.C.

Mr. Speaker, next week, this Democrat-controlled Congress wants to pass sweeping health care reform that effectively will kill employer-based insurance marketplaces and force 114 million Americans into a government-run program, a program where government bureaucrats will be choosing what doctor-and-patient relationships will be and what procedures will be covered by that doctor.

This \$1.2 trillion package raises taxes on individuals and small businesses that do not participate in the government plan, and up to \$818 billion will be the cost, which, according to a model developed by the President's own economic adviser team, will result in 4.7 million employees losing their job. Mr. Speaker, we ask, once again, where are the jobs?

This is economic insanity. The American people know that you shouldn't spend what you don't have. But that is exactly what Ms. PELOSI and this Democrat majority is doing. Mr. Speaker, we ask, once again, where are the jobs?

According to the Congressional Budget Office, the Obama administration is on its way to doubling the national debt in 5 years. Mr. Speaker, we would ask, where are the jobs?

Earlier this month, the Congressional Budget Office released a Monthly Budget Review that states that the Federal budget deficit reached \$1.1 trillion during the month of June. As of June 30, the national debt stood at \$11.5 trillion. Mr. Speaker, we will ask again, where are the jobs?

Especially at a time of deep economic recession, Congress should be promoting pro-growth policies that reduce spending, increase job growth, and give Americans confidence. Mr. Speaker, where are the jobs?

The deficit has increased \$1.7 trillion, or 1,000 percent, since the Democrats took control of this House of Representatives 3 years ago. Mr. Speaker, where are the jobs?

It has gone from a \$162 billion fiscal deficit to a projected \$2 trillion this year. Mr. Speaker, we ask, where are the jobs?

In closing, Mr. Speaker, I would like to continue to point out to our friends on the other side of the aisle that we cannot tax, spend, and borrow our way out of this country's economic recession. Our Democrat colleagues need to get a handle on this out-of-control spending that, once again, they are bringing to the floor of the House of Representatives today to pursue an ever-growing American government size. Rising unemployment and record deficits cannot be remedied with massive increases in government spending. Mr. Speaker, where are the jobs?

Huge energy and health care bills will raise taxes and kill jobs. Mr. Speaker, the American public understands this. They know that the Republican Party has better ideas, and that's why we're on the floor of the House of Representatives today. I encourage a "no" vote but will, once again, ask the question, where are the jobs?

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am challenged to answer my good friend from Texas before I yield to the distinguished chairperson of the Appropriations Committee.

The mantra that I just heard from my colleague asks a legitimate question, where are the jobs? I can't attest to everywhere in the United States of America, but I do know this about the area that I'm privileged to serve.

Four months ago, 400 school teachers received slips indicating that their jobs were going to be lost. Since that time, money provided from the stimulus package has come into the system. When I was home this past weekend, I was very pleased to read that 124 of those school teachers have been called back to work and that it is expected that the next tranche will allow for all of them to be called back to work. It's a special concern to me, because one of those persons was a young lady that worked with me when she was in high school.

So, some things are turning. Some jobs are being created. But I would not have the American public believe that the recession began when Barack Obama became President. The recession began in December, and the job attrition was taking place then. We are in a transformational posture in this country of ours, and we are going to see the kind of uptick in jobs at the time that the stimulus takes full impact.

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I would like, at this time, to yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY), who has worked actively to try to get us in a position where we can answer that "where are the jobs." And my question is, Why did they lose so many before they started asking the question, Where are the jobs?

Mr. OBEY. Mr. Speaker, I don't particularly care to get into a partisan

diatribe this morning. I recognize that the gentleman from Texas is the chairman of the Republican House Congressional Campaign Committee, and I can understand, in his position, why he would be willing to look anywhere he can to try to find the slightest issue which he thinks can restore his party to the majority status in this House.

And I sympathize with them because I suspect that he's going to have to strain at gnats often in order to accomplish that. And one such example is the objection that they're raising to the rule this morning with respect to amendments.

I want to walk you through, Mr. Speaker, what the facts are on the amendments that were offered to this bill. There were 35 amendments that were initially filed for the bill. On the Democratic side there were 21. Seven of those amendments were not in order because they violated the rules of the House, so they were set aside.

That left 14 left. Of the 14 that were left, nine of them are now going to be wholly or partially incorporated into the manager's amendment with the agreement of the sponsors. That leaves five left. Two of those amendments, in the judgment of the Rules Committee, were related to arguments that better belonged in the authorizing committees.

Another was, and I'm sure the gentleman from Arizona will be shocked by this, another would have added an earmark which would not have been eligible for funding under the program to which the earmark wanted to be attached, so the Rules Committee turned that down. And then two of those amendments, the remaining two, were dropped with the understanding that we would try to strengthen funding for the programs involved when we move to conference. So we've dealt with all of the amendments on the Democratic side.

On the Republican side there were 14 amendments that were offered. Initially, nine of them were out of order. They were worked with, and that reduced the number to four amendments that were out of order under House rules and subject to point of order. That left 10 Republican amendments.

Three of those issues, again, in the judgment of the Rules Committee, were determined to be issues that more appropriately should be dealt with in the health care reform bill. Example: one sought to prevent us from creating a public plan in the health insurance bill. I did not know that the Appropriations Committee was so talented that, in addition to handling the budget matters, it's also supposed to interfere in judgments about health care reform. Evidently, some people think they should. I think the Rules Committee was right.

Another amendment dealt with an issue that had been disposed of in the

authorizing committee, the Education and Labor Committee, in the same week. And then there was one other amendment that simply reshaped an old campaign argument, a matter which relates to elections and more properly belongs in either the Judiciary Committee or the House Administration Committee, which oversees elections.

That leaves five remaining Republican amendments. Four of them were made in order. Four of them were made in order, four out of the five remaining amendments. And there was only one that was not made in order, and that one was an amendment that simply sought to stuff an additional \$1 billion into a program that had already been increased by \$12 billion.

So if someone wants to make a Federal case out of the fact that one amendment was denied, be my guest. I've seen worse offenses around here.

With respect to the budget, I'm not going to get into a partisan debate. All I want to say is this: both Presidents, Bush and President Obama, were faced with terrible problems when the economy collapsed late last year. We were losing 700,000 full-time jobs at a time when Mr. Obama was still waiting to take the oath to be sworn in, and so he inherited a terrible problem. Both President Bush and President Obama wound up having to push a lot of money into the financial sector of the economy to solve our economic problems. This bill takes care of the rest of the economy, and I hope we get to it and support it when it comes before the House.

Mr. SESSIONS. Mr. Speaker, I'm saddened that the gentleman from Wisconsin believes that if I bring up a question about jobs, that that's political. It shouldn't be. It's not on our side. It's just a fact of the matter. We don't know where the jobs are. We were promised these jobs.

Secondly, it's good for me to learn that now I know who runs the Rules Committee, the chairman of the Appropriations Committee, because I thought that the chairman of the Rules Committee did, but I found out now it's run by the Appropriations chair. At least I know that answer today.

Mr. Speaker, I would like to yield 3 minutes to the distinguished gentleman from Indianapolis, Indiana, Mr. BURTON.

Mr. BURTON of Indiana. Mr. Speaker, in 1965, this Congress passed the Federal Family Education Loan Program Act, and it was designed to provide private funds for college students' loans. And since 1965, this program has provided over 194 million loans to college students, with private funds, and they've delivered about \$695 billion in loans.

The problem that we have is unemployment right now. It's 9.5 percent nationwide. And in Indiana, my State,

it's 10.7 percent. And we have 35,000 jobs nationwide that work for this education program funded by private funds, and 2,400 people in Indiana. Now, Mr. CARTER and I, Congressman CARTER and I had an amendment that would guarantee the survivability of this program because it has helped so many college students get loans.

And what the Democrats are trying to do is they're trying to have a direct loan program take the place of the privately funded program that we now have, and that the government and the taxpayers will be paying for that loan. It's one more attempt for them to put everything that we do, day and night, under the control of the Federal Government.

Now, why in the world, when we have a program that's providing millions of loans to college students, without taxpayer dollars funding it, why would we want to change to a direct loan program and have the taxpayers underwrite it, especially at a time when the economy is going down the tubes and we're spending trillions of dollars on many programs we don't even need; the automobile industry, the banking financial industry, the health care industry, energy, all of those things?

And now they're going after education by trying to come up with a direct loan program that the taxpayers will have to pay for, and the private funding that's now being used will not be utilized. It will cost somewhere between 30,000 and 35,000 jobs across the country. Now, they want us to have more jobs. Here's a chance to preserve 30,000 to 35,000 jobs by not having the government step in and take over the financing of college loans for students.

And yet you want to have the government take over, the Department of Education, take over the direct funding program, take it away from the private sector and independent funding so we would have more government control and cost another 35,000 jobs we're going to put into the unemployment lines. It makes no sense to me.

My colleagues, I'm very disappointed you did not allow this under the rule. We should have fully debated this on the floor. I think you just didn't want to debate it because you don't want the American people to see, once again, we're putting everything under the control of government, every aspect of their lives and now including education.

I rise in strong opposition to this rule.

Congressman CARTER and I submitted an amendment to Rules Committee that was rejected. It was a legitimate and appropriate amendment for this bill. Unfortunately, under the House Leadership's modus operandi of "it's our way or the highway," I shouldn't be too surprised that it was not accepted.

Here's what the amendment would have done. The amendment stated that no funds may be used to promulgate, amend, or repeal any regulation pursuant to the Federal Family Education Loan program.

Although the Carter-Burton Amendment will not be debated today, I wanted to make sure that my colleagues know what the damage may be.

First, I want to thank my colleague from Texas, Representative JOHN CARTER, for working with me on this amendment. I very much appreciate his efforts on the Appropriations Committee to preserve the FEDERAL FAMILY EDUCATION LENDING PROGRAM.

The Rules Committee should have supported the Carter-Burton amendment, and I will tell you why.

THE FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP) WORKS

The Federal Family Education Loan Program—FFELP for short—was first established as part of the Higher Education Act of 1965 and has provided higher education funding for 53, tens of millions of Americans.

Since its creation, FFELP has disbursed more than 194 million loans to college students totaling nearly 695 billion.

A key component of FFELP is that it utilizes private capital, not taxpayer dollars, to fund loans with the Federal Government providing guarantees against loss.

Competition and choice in student loan delivery and support are hallmarks of the Federal Family Education Loan Program.

EFFORTS TO DISMANTLE FFELP

Right now there are efforts underway to weaken and dismantle the Federal Family Education Loan Program (FFELP).

The President's FY2010 budget plan contained a proposal that would effectively end FFELP and force all student loans through the government's Direct Lending.

The President's plan calls for all Federal student loans—beginning with the 2010–2011 academic year—to be made under the Direct Lending Program. Moving to 100 percent Direct Lending in 2010–2011 coincides with—the expiration of the temporary loan purchase programs that were authorized by Congress in response to the credit crunch that swept this country last year.

The Department of Education is currently using appropriated dollars to implement the President's proposal, which has been considered by neither house of Congress, nor is authorized under current law.

They are writing letters to schools, enhancing systems, and otherwise using appropriated funds for a proposal not authorized by Congress.

Evidence of this comes in the form of a July 8, 2009, letter from the Chief Operating Officer for Federal Student Aid at the Department of Education to college presidents detailing the steps the Department is taking to ensure a smooth transition into the Direct Loan Program.

Quotes from the July 8th letter from the Department of Education to college presidents:

Since the President's announcement last February, we have taken numerous steps to ensure a smooth process for the transition of schools into the Direct Lending Program. We have expanded the capacity of the automated system that is used for the origination of Direct Loans.

Of course, what is most important to you and your colleagues at other colleges and universities is whether campuses will be ready to move to Direct Lending. To assist

you, we will establish the electronic accounts that will enable your institutions to electronically send and receive Direct Loan records and reports. The establishment of these accounts does not obligate your institution to move to the Direct Lending Program at this time; it simply takes care of one of the first steps, so that when you are ready you can select the Direct Loan processing and funding options that work best for you.

However, to ensure a smooth transition, please encourage your staff to learn more about the Direct Loan Program and the business processes that are used to deliver these important financial resources to students and families. If they run into any problems that have not been satisfactorily addressed by our staff please let me know immediately.

The Rules Committee should have supported this amendment if they were serious about preserving American jobs. More than 30,000 private sector jobs nationwide are directly connected to the Federal Family Education Loan Program.

In my home state of Indiana 2,356 people are employed in the FFELP industry. In my district—the 5th Congressional District of Indiana—there are more than 1,500 jobs. The Nation's unemployment rate is running around 9.5 percent. In Indiana, which has been hit extremely hard by the current economy, the unemployment rate is 10.7 percent.

This amendment was a chance for this House to support thousands of hard-working Americans who are employed in industries supporting the Federal Family Education Loan Program.

Without the Carter-Burton Amendment, we leave open the door to the very real possibility that the existing FFELP infrastructure, which supports over 35,000 jobs nationwide, could be dismantled.

If you believe in a student loan industry that is driven by consumer choice, competition, continuous innovation, and dedicated customer service then you should join me in opposing this rule.

Mr. HASTINGS of Florida. I would like, at this time, to ask of the Speaker how much time remains on each side, please.

The SPEAKER pro tempore. The gentleman from Florida has 15½ minutes, and the gentleman from Texas has 16 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 4 minutes to the distinguished gentlewoman from Connecticut, my good friend, a member of the Appropriations Committee, Ms. DELAURO.

Mr. DELAURO. Mr. Speaker, I rise in support of this rule, and I commend the chairman and the staff for an excellent bill which reflects our noblest priorities as a Nation. It has been said that a society should be judged by how it treats its least fortunate members. And with this bill, I believe we do our Nation proud. The goal of the bill has always been to make a strong investment in our future, to take seriously our responsibilities to the American public on the issues that affect people every single day, from our health, to our children's education, to scientific

research that will unlock the cures of tomorrow, from protecting workers to providing the training that they need to succeed in today's economy.

Our bill does not disappoint. And, yes, to help States serve both the 14 million unemployed Americans and the many more millions of underemployed Americans, the bill provides resources for training, for supportive services to workers affected by mass layoffs and plant closures.

On worker protection, the bill provides an increase to key health and safety programs that protect the more than 140 million strong American workforce. On education, the bill restores critical funding to Title 1 so that disadvantaged children can continue to gain the educational skills that they need to thrive. On special needs education, the bill says to our States, the Federal Government is going to begin to make good on its promise, not leave you with an unfunded mandate to pick up the cost for special needs kids, but we are going to make a contribution to that, and we do so with a 25 percent Federal contribution.

I'm personally grateful to the chairman for continuing the funding for the Even Start Program. The bill makes real progress toward aiding college students with a significant increase in the Pell Grant, allowing us to raise the maximum Pell Grant award to \$5,550. And with regard to my colleague's comments on direct loans, yes, essentially what we're doing there is taking bank profit out of that equation and allowing for families to be able to get the kinds of loans that they need for their children without having to pay additional money to add to the coffers and the profits of banks.

In the area of medical research, the bill provides continued investment and lifesaving innovations at the National Institutes of Health, provides resources to lead us into the future of a new health care system. The bill insures that 7½ million low-income households continue to receive home energy assistance. It supports the Community Service Block Grant. It allows States to expand critical services such as housing, home weatherization, parenting education, adult literacy classes and emergency food assistance.

Mr. Speaker, this bill not only reflects a commitment to our longstanding responsibilities, but this Congress' continued commitment to fiscal responsibility. In addition to the investments which are made, the program includes terminations, reductions and other savings when compared to last year totaling \$1.3 billion and \$3.3 billion when compared to what the budget request was about.

We will accomplish a lot of goodwill with this bill. I especially want to highlight and commend Chairman OBEY for again including the Reducing

the Need for Abortion Initiative, total investment of \$7.8 billion for programs such as Title X and Healthy Start teen pregnancy prevention, adoption awareness, after school programs and child care programs for new parents attending college, just to name a few.

Mr. Speaker, I am proud to be a member of this subcommittee. Its members and the work that we do every year, we live up to our moral responsibility to promote the general welfare, care and comfort the afflicted. It makes opportunity real for millions of Americans.

□ 1015

Mr. SESSIONS. Mr. Speaker, this floor is home to lots of people and to lots of ideas, but once again, we see from a senior member of the Democratic Party the words "fiscal responsibility" attached to this Congress. Incredible. Secondly, we heard, "and let's take the bank profits out of the equation." Once again, the dialogue from this floor is really to bankrupt this country and to kill the free enterprise system. I see it firsthand right here on the floor.

Mr. Speaker, I would like to yield 3 minutes to the gentleman, the ranking member of Education, Labor and the Work Force, the distinguished gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

Mr. Speaker, I rise in very strong opposition of this rule. Yet again, this majority is stifling debate, and it is limiting opportunities for Members on both sides of the aisle to have a say in how we fund vital and some not so vital spending programs. Unfortunately, this time, it comes at the expense of some of our Nation's most vulnerable citizens.

Mr. Speaker, I am here because I had hoped to debate an amendment that would benefit every school in America and would begin to fulfill a commitment that has been slighted by Congress for far too long. This amendment, offered by Mr. TIAHRT of Kansas and myself, would have provided critical support for the Individuals with Disabilities Education Act, IDEA.

This act was created in 1975 to help States provide a free, appropriate public education for children with disabilities. At that time, Congress told the States that Congress would provide 40 percent of the excess costs of educating these students. Now, almost 35 years later, that funding stands below 17 percent, and even with the onetime spike of the stimulus bill, we fall far short of the 40 percent. We are overdue in keeping our promises here. We must fulfill this commitment. Our amendment would have taken a small step toward that goal by giving the IDEA an additional \$1 billion this year. Had it been ruled in order, this amendment would have increased funding for IDEA to 18.3

percent, and it would have put us on a course toward meeting this obligation for the long term.

This may be seen as a small step, but Mr. TIAHRT and I believe it is time to put first things first, and that means living up to our funding commitments under IDEA before we create and expand unnecessary programs that are contained in this bill. If we were to fully fund IDEA, our local schools would have more of their own money to use for their specific needs, whether that is recruiting new teachers and the best new technology, reducing class sizes, or encouraging community service.

Mr. Speaker, this is exactly the kind of amendment that should have been made in order. It is 100 percent germane. It addresses priorities within the confines of the jurisdiction of this bill.

Should we spend more money on a new program or should we meet our commitment? We, the Members of this body, all of us, ought to have the chance to say where those priorities lie. Do they lie with our schools across the board, with every school in America? Do they lie with our children's special needs or do they lie with some new program? That is a fair debate and one we ought to be having.

What has happened is, perhaps the chairman, perhaps the Rules Committee chairman, perhaps leadership on the other side has decided what those priorities ought to be, and the rest of us will have no say in making that determination. This body is supposed to have the opportunity to represent our constituents, to represent our best judgment and to give us a say in where those priorities are, and this rule denies that.

Mr. HASTINGS of Florida. Mr. Speaker, when I was a child, there was a radio program called "Let's Pretend." It came on Saturdays. I really enjoyed that program, and I'm beginning to enjoy my colleagues who pretend as if other days didn't exist. Twelve billion dollars was put in the exact same program that the previous speaker spoke about just past. Not one Member of the Republican Party voted for it. Come on, gang. Let's stop playing "let's pretend."

Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, I rise in support of the rule and in strong opposition to the Pence amendment.

At a time when we are consumed with discussions of expanding health care to the uninsured and on improving our health care system, I find this amendment confusing. The Pence amendment would effectively cut off 1.7 million women from what, in many cases, serves as their primary care provider, Planned Parenthood.

Aren't we trying to expand coverage, not limit it?

Thirty-six percent of women receiving family planning care through the Title X program do so through Planned Parenthood. Let's be clear: These services do not include abortion. Title X dollars are prohibited from being spent on abortion. The services we are talking about cutting include breast exams, the testing for cervical cancer, the screenings for sexually transmitted diseases, HIV screening, and family planning services.

Planned Parenthood has worked for over 90 years to educate women about pregnancy and to help prevent unintended pregnancies and, thus, the need for abortion. For 1.7 million, the only medical care they will be able to receive this year is from a provider at Planned Parenthood. Why, when we are working so diligently to reform our health care system, would we take away the only source of health care to so many women?

Vote "no" on this destructive amendment. Vote "no" on the Pence amendment.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 3½ minutes to the distinguished gentleman from Indiana, the Republican Conference chairman (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in opposition to the rule, and I rise in support of the Pence amendment.

I welcome the opportunity to debate my distinguished colleague on the topic on the floor, and will do so respectfully in an effort to alleviate what he described as his confusion about the bill.

A couple of basic facts: Planned Parenthood is the largest abortion provider in America. According to their annual report, most recently, they boasted of having performed more than 300,000 abortions in this country.

Another fact: Planned Parenthood is the largest recipient of Federal funding under Title X. According to that same annual report, Planned Parenthood received approximately \$350 million in government grants and contracts.

The Pence amendment before the Congress today simply states that none of the funds made available under this act shall be available to Planned Parenthood for any purpose under Title X of the Public Health Services Act. The largest abortion provider in America should not also be the largest recipient of Federal funding under Title X. As I believe a majority of the American people would attest, the time has come to deny all Federal funding to Planned Parenthood of America.

Now the case for that: The Public Health Services Act was first enacted in 1946 and in 1970. It included the creation of Title X. Title X is the only Federal grant program that provides Americans with comprehensive family planning and related preventative health care services.

As my colleague just said, let me echo: Title X does provide a broad

range of important and quality services to the underserved community in this country. Over 4 million Americans are served every year, 67 percent of whom are low-income. Approximately 600,000 abortions are prevented by Title X family planning funding, and it's reassuring to many of us that abstinence education is required of many clinics.

First, the Pence amendment does not cut or reduce the budget for family planning by one penny. Let me say that again to my colleagues in the majority, to whom I am grateful today to have been extended the opportunity to bring this amendment. The Pence amendment does not cut one penny from the budget of Title X.

Also, let me make a very clear point. I understand that current law and regulation prevents Title X funds from going directly to fund abortions, as my colleague just said, but there is no question that the money that Planned Parenthood receives for its operational expenses from the Federal Government frees up resources that can be used to provide and to promote abortions through its abortion clinics. Common sense teaches no other idea.

So these are important points as I rise and urge what I believe will be bipartisan support for this amendment. I believe it echoes the views of millions of Americans on the point as well. We could talk about the role Planned Parenthood plays in the abortion trade in this country. We could talk about the real scandal of the fact that 1 out of every 2 African American pregnancies ends in abortions. We could talk about the allegations of fraud and investigation; but let me just say to my colleagues:

The time has come to deny all Federal funding to Planned Parenthood. We have the opportunity to do it today. I urge the adoption of the Pence amendment.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to my good friend, the gentleman from California and a member of the subcommittee on Labor, Health, Human Services, and Education (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I am just a little bit concerned about information that has been shared with the public and through the media about the student loans and about the criticism of the fact that banks and other financial institutions were being eliminated from this ability to provide direct student loans to our students and were charging them interest rates.

As a teacher and as a person who used to receive student loans, I think that it's really misleading the public when we say that they're being put out of business when, in fact, the Federal Government subsidizes these banks and these financial institutions to provide the student loans, and then they add on top of that the subsidy that they're

going to charge interest to the students so that these banks and financial institutions will be making money on Federal dollars and on the backs of students. That is so wrong, and I think that that has to be clarified.

So I just wanted to make that clarification, not only as a person who used to receive student loans and who made it through school, but also as a teacher who wants to make sure that our students get a fair break and that the taxpayers get a fair break.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 2 minutes to the distinguished gentleman from Tarkio, Missouri (Mr. GRAVES).

Mr. GRAVES. I thank the gentleman.

Mr. Speaker, I rise today in opposition to this proposed rule. I don't know what it is about open debate and process that some leaders in this House fear so much.

Today, the House of Representatives is considering an appropriation bill under a closed rule. In fact, yesterday, we learned that the option of the health care legislation's bypassing the House Energy and Commerce Committee isn't off the table since neither the Speaker nor the chairman have the votes in committee to pass their multi-trillion-dollar Big Government health bill.

My own amendment that I offered, along with Congressman BONNER, to today's bill was rejected. It didn't violate a single rule of the House, but because the Speaker doesn't want Members to protect small businesses from their onerous mandates and tax increases, the message is loud and clear to me. The majority has no plans to protect small businesses in any health care plan that comes to this floor.

This is unacceptable, and the majority leadership's legislative game of hide-and-seek can only last so long. Sooner or later, when health care legislation comes to the floor, Members of this body are going to have to make a decision. They're either going to vote to increase taxes and force everybody into a government-run health care plan or they're going to have to vote it down.

Mr. Speaker, I strongly urge my colleagues to join me in standing up for our Nation's small businesses today by voting against this rule. I appreciate the opportunity.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, I wanted to clarify something that was said earlier. The gentleman from the Rules Committee mentioned or suggested that I had tied up the Leg Counsel office by offering

540 amendments for the no-bid contract in the defense bill for next week.

In truth, we went to the Leg Counsel office because we were concerned about that, and they worked with us so that we could draft all of those amendments and so that they didn't have to do any of it. We didn't consume any of their time.

If the gentleman has other information, I would ask him, please, to say so, but I think to suggest that we're doing that is, one, unfair to Leg Counsel. They work hard over there, and they do a great job. Secondly, it's unfair to my staff, who has worked a long time, late into the night, to do that.

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. FLAKE. I will yield to the gentleman.

Mr. HASTINGS of Florida. When I stood before, evidently, you were distracted, and didn't hear me when I said I was duly chastened and appreciated the fact that you took that burden off of legislative counsel. I said, perhaps, you ought to consider taking that burden off your staff as well.

Mr. FLAKE. I appreciate it. I have a very hardworking staff. They deserve a lot of credit.

□ 1030

Also, since we have the chairman of the Appropriations Committee here and he was mentioning the process that's been gone through, and I, like our representative from the Rules Committee, are now learning who it seems controls what goes on in the Rules Committee. But I'm wondering why my unanimous consent request to simply swap amendments that were germane, like, for example, on financial services, the amendment to protect broadcaster freedom was not allowed. It came within the time constraints. It was germane. It was even offered last year and passed by an overwhelming margin. Why was unanimous consent not received to swap that?

I would ask either the gentleman from the Rules Committee or the gentleman from the Appropriations Committee.

Mr. HASTINGS of Florida. If the gentleman will yield.

Mr. FLAKE. Yes, I will.

Mr. HASTINGS of Florida. I believe you understand that it was not made in order under the rule, and toward that end, I think that's your answer.

One of the things I keep hearing—

Mr. FLAKE. I reclaim my time.

There was another one. I asked unanimous consent to swap one of my amendments for the D.C. voucher amendment in D.C. Again, it fell within the time constraints.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I think the gentleman, Mr. FLAKE, makes a point that it's a shame that we have to come beg

the Rules Committee for what for 229 years has been appropriate on the floor.

Mr. Speaker, I would like to yield 2 minutes to the gentleman from Iowa, the distinguished gentleman, Mr. KING.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas for his yielding and for his relentless work on the Rules Committee that has taken on a responsibility that goes beyond what was anticipated by the Founding Fathers or the tradition of this House.

Mr. Speaker, 229 years, and Members are reduced to sitting in tiny little chairs with their elbows tucked into their waistline, not having room for their own staff to come in the room, sending e-mails out where the staff has congregated in order to get a piece of paper handed in that you might need to beg the Rules Committee to allow for an open debate here on the floor of the House of Representatives. This is the deconstruction of deliberative democracy. This usurps 229 years of tradition in this House, and it muzzles Members of the United States Congress and disenfranchises the people on this side of the aisle especially that represent over 600,000 people.

I have offered, the number goes upwards of 40 amendments to the Rules Committee. Only two have been allowed to come to the floor. Both of them passed. In 2007, the last time we had a legitimate open rules process under appropriations, I offered something like 12 amendments; nine of them passed. I don't think anybody in Congress was successful in passing more amendments than I happened to have been myself, but my constituents have been muzzled by this.

Today, my amendment that was offered would have cut off funding to the criminal enterprise ACORN in light of this report that came out of the Government Reform Committee that is about 82 pages long and now lists 361 entities that are affiliated with ACORN and claims that there has been systemic fraud, that they have created a paper wall, that they are a criminal conspiracy, that they have laundered Federal money, that they manipulated the elections and the electorate of the United States of America, that they have evaded taxes, that they have obstructed justice, that they have covered up embezzlement of \$948,607.50 embezzled by the brother of the founder and covered it up for 8 years.

The gross abuse of tax laws that is affiliated with that and other book-keeping procedures, the documents they have from insiders, the definitive evidence that is here, this amendment needs to be allowed, and this rule needs to be voted on.

Mr. SESSIONS. Mr. Speaker, Republicans are on the floor today asking the question, where are the jobs and what about the process of the ability to come and talk on this floor about

issues and ideas, ideas that these Members have.

I was reminded again today in looking at Congress Daily dated Friday, July 24, and while it was talking about health care, it's really a philosophy, and they're quoting the House Rules Committee Chairman LOUISE SLAUGHTER of New York. And I will quote what's in here: We can do anything up there in the Rules Committee. We can do anything.

What that really means is they can do whatever they want to do. Evidently Speaker PELOSI really does run the Rules Committee. We can do anything up there, even muzzle all of the Members of this floor.

Mr. Speaker, I will be asking for a "no" vote on the previous question so we can amend this horrible rule, the muzzle rule, and allow for an open rule. There is no question that the rule the majority brings forth today will only submit the dangerous precedent the majority set earlier this year. Every single appropriations bill. It will only damage bipartisanship and, really, the nature of this body.

I urge my colleagues to vote "no" on the previous question so we can allow free and open debate on the appropriations bills and uphold the right of millions of Americans, or perhaps more than that, just the Members of Congress who come here and do this work every day.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I urge a "no" vote on the previous question and a "no" vote on the rule.

Mr. Speaker, Members of Congress need to get this. Every single one of us can say "no" to the way this body is being run and just put us on a different course, a course that we have had for all these years. We recognize what open and honest and ethical government is. And today, we had Members of this body come to the floor and talk about openness, about ethics with the gentleman, Mr. FLAKE, and about the ability of this body to run as it has in its entire history.

We Republicans don't understand why this big change. We do understand why we are in a deep recession. We do understand President Obama has an economic problem because he has helped create that, and we do understand Obama economics are about destroying the free enterprise system of this country on behalf of government. What we don't get is why can't Members of Congress openly debate this issue.

Vote for it and have openness and ethics at the same time. Mr. Speaker, I'm going to vote "no."

I yield back the balance of my time. Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

I will take just one moment to make it very clear that there is nothing that's being done by the President of the United States or this Congress that is going to destroy the free enterprise system in the United States of America. The free enterprise system cannot be destroyed by any of us.

The proposals that are being offered on a variety of measures, and particularly this one, increases opportunity for the least of us and those in the middle that have been hit the hardest by our colleagues on the other side. They can name it anything they want to. It doesn't have to be class warfare. People can come up here and talk all they please. Middle class Americans have carried the weight of this country for a substantial period of time.

Now we're in two wars and we find ourselves in a position of having to try to right an economy that allows, among other things, that we had taken a surplus and turned it into a deficit. That is irrefutable.

President Obama has been in office 6 months. Let's give him a little bit more time. Let's give this Democratic Congress the time, as we are undertaking right now, to do something that hasn't been done in quite a while, and that is to complete the appropriations process, which is our principle work here on behalf of the American people.

Mr. Speaker, for years, Republicans thought that they could ignore our children and ignore the poor, ignore the middle class, ignore the unemployed and ignore the uninsured, and somehow our Nation would magically prosper. Footnote right there: All of these people that keep talking about health care, all of these folks who say we can't do health care, I have been here 17 years and we haven't done it. One thing I know for sure is, if we do nothing, health insurance rates will rise and the cost of health care will increase.

Well, Mr. Speaker, now we are seeing the repercussions of the philosophy of the past. Our economy is in grave distress. Everybody knows that. Millions are out of work. My colleague asked, Where are the jobs? There is no one in the House of Representatives that would not do anything and everything that he or she could to ensure that every American is employed. Much of what's in these programs will help many of those Americans.

Our Nation's schools are falling further behind than their overseas' counterparts right in our face and have been, and these are the people that said leave no children behind. They didn't only leave children behind, they lost them and couldn't find them.

Now, while my Republican colleagues continue to play politics with this

measure, I remind them that we are facing grave problems in this country. We must put the empty, divisive rhetoric aside and pass the bill so that we can provide real relief for those struggling in this economy, shoring up our Nation's health and social safety nets by protecting our workforce and increasing access to the education and training opportunities that are vital to our country's long-term economic recovery and success.

And no, America, no free enterprise is going to be lost. And no, America, there is no reason to fear. The fear would come from the people that caused us to be in this position in the first place.

I urge a "yes" vote on the previous question and the rule.

Mr. POLIS. Mr. Speaker, I rise today in strong support of this rule and the underlying bill.

I would like to thank Chairman OBEY for his leadership in developing a bill that represents a major investment in our nation's human capital and strikes a responsible balance between funding critical priorities that will put the nation on a path toward growth and prosperity and making the necessary adjustments for controlling spending and promoting government efficiency. I would like to thank his committee staff for all of their hard work in achieving all this within reasonable spending constraints.

As a strong proponent of adequate federal funding for education, I believe that this bill builds upon the historic investments Congress made in the Recovery Act and provides unprecedented support to help close the achievement gap plaguing our schools. The inclusion of several key investments will help America achieve educational excellence for all children and retain its global competitiveness and leadership.

From funding for schools serving low-income children, special education, adult education, adolescent literacy, Head Start, and English Language Learners, to Pell Grants and other programs that help disadvantaged and first-generation college students to attend and graduate from college, this bill takes another bold step toward our shared goal of providing educational opportunity to each and every child.

And as a longtime advocate of education reform and innovation, I am particularly pleased that this bill proposes more than quadrupling funding for the Teacher Incentive Fund, which will help reward effective teaching outcomes in high-need schools, and a significant increase of \$40 million to support the start-up of additional new public charter schools. Also, for the first time, this legislation recognizes that the federal role in public charter schools needs to move beyond the start-up phase to scaling up successful innovation by allowing the Secretary of Education to provide up to \$30 million to organizations to replicate and expand outstanding charter school models.

The need to build on and scale up educational innovation that gets the job done is greater than ever and this new flexibility is an important step in the right direction. I would like to thank Chairman OBEY for incorporating

this recommendation in the Manager's Amendment. However, given the large number of exceptional models with a proven track record of serving the needs of at-risk students and closing the achievement gap, this approach cannot meet our public charter school expansion and replication needs.

That is why I will soon introduce the All Students Achieving through Reform (All-STAR) Act to create a new competitive grant program in the Department of Education to enable and encourage excellent public charter schools to expand and replicate. This bill will allow more students in underperforming schools to access educational opportunity and realize their full potential, while strengthening accountability and transparency.

But in addition to education investments, which will pave the road for our nation's long-term future, this bill provides immediate relief to the American people who are experiencing the longest and deepest economic downturn since the Great Depression and tackles the challenges facing hard-working families, local communities and states across the country. With vital services being cut back and eliminated, this bill protects the most vulnerable among us, supports our health and social safety net, and gives hope to all those struggling for economic survival.

Few things can be more disruptive and destabilizing than a job loss. Uncertainty and economic insecurity have a devastating effect on families and communities. This bill helps unemployed and underemployed workers by providing training and supportive services to dislocated workers, veterans transitioning to the civilian workforce, and older workers. It offers at-risk youth the opportunity to earn high school credentials and construction skills training while building affordable housing for homeless families, and prepares workers for careers in energy efficiency, renewable energy, health professions, and other high-demand and emerging industries. It also helps States process unemployment insurance claims, strengthens worker safety and health law enforcement, and ensures that approximately 7.5 million low-income households continue to receive the home energy assistance they need in a volatile energy market.

As we move forward to enact meaningful health care reform, we must also continue to support the infrastructure that serves many of the uninsured and most vulnerable populations. This bill achieves this goal and lays the groundwork for the comprehensive reform we're working so hard to pass. Community health centers play an essential role in rural and urban areas by addressing unmet primary health care needs. Recognizing this, the funding in this bill will serve 17 million patients, of whom 40 percent are uninsured, in 7,500 service delivery sites.

My district is home to several such community health centers, including Clinica Family Health Service. Clinica's mission is to provide high-quality health care services to low-income and other underserved people in South Boulder County, Broomfield County and West Adams County. Last year, Clinica provided 160,190 medical, dental, behavioral health and health education encounters to 34,257 Coloradans at its four clinics, which are located in Boulder, Lafayette, Thornton and unincor-

porated Adams County. Half of its patients had no health insurance.

I would like to thank Chairman OBEY for providing Clinica with funds that will be used to help cover the cost of technology upgrades and medical and dental equipment for a new clinic in Boulder and a dental clinic in West Adams County. The new facilities will allow Clinica to serve an additional 1,500 people with medical care and 3,500 people with dental care annually, while the information and communications technology upgrades will significantly improve clinical quality and efficiency.

Finally, this bill also provides funding to the National Institutes of Health for biomedical research to improve health and reduce health care expenditures that will help doctors move away from today's costly and predominantly curative model to a presumptive model, allowing intervention before disease occurs. Further, it increases funding for public health programs administered by the Centers for Disease Control and Prevention and for mental health services, and substance abuse and treatment programs administered by the Substance Abuse and Mental Health Services Administration.

Mr. Speaker, by helping people train for jobs, protecting workers, meeting the needs of our nation's most vulnerable populations, laying the groundwork for comprehensive reform of health insurance, and providing historic levels of education funding, this bill represents a responsible, yet bold, step to a more prosperous, healthier, and stronger America.

I urge passage of this rule and the underlying bill.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. 673 OFFERED BY MR. SESSIONS OF TEXAS

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the

previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's* "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools

for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the gentleman from Georgia, Mr. Price, submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have required that none of the funds made available in this Act be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the otherwise lawful possession or use of firearms in federally assisted housing;

Whereas the Second Amendment of the United States constitution guarantees that "the right of the people to keep and bear Arms, shall not be infringed";

Whereas the Second Amendment applies equally to all Americans, regardless of who owns or pays for their housing;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Ms. Pelosi, the Democrat leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Georgia's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Does the gentleman from Georgia wish to present an argument on why the resolution qualifies as privileged?

Mr. PRICE of Georgia. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia may proceed.

Mr. PRICE of Georgia. Mr. Speaker, this House operates under rules, or it's

supposed to operate under rules, rules that have been longstanding in the House and that are incorporated in written form. And rule IX of those rules of the House states specifically, Members may raise questions "affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings" and those affecting the rights of Members individually in their representative capacity.

So the question is, Mr. Speaker, what is more fundamental to the rights of the Members of this House than the ability to represent their constituents and to affect the legislation that's brought to the floor?

The Democrat majority, under Speaker PELOSI, has unilaterally—some would say brazenly, some would say repressively—ended a 220-year tradition of allowing any Member to allow a spending bill.

□ 1045

The SPEAKER pro tempore. The Chair must remind the gentleman that his remarks must be confined to the question of order, to wit: why the resolution has precedence over other questions under rule IX.

Mr. PRICE of Georgia. And that's precisely what I'm attempting to do, Mr. Speaker.

When my constituents sent me here to Congress, they didn't send me here to just push buttons. What they sent me here to do was to exercise every single ability that a Member of the House is granted. And one of the abilities that the Member of the House is granted is the opportunity to affect legislation.

And under rule IX, which states, Mr. Speaker, that the proceedings should not affect the rights of the Members individually in their Representative capacity, so if being denied the ability to offer an amendment doesn't affect the rights of this House, if it doesn't affect the dignity and integrity of its proceedings, if it doesn't affect my rights as a Representative, then I don't know what does, Mr. Speaker.

I don't know what does. If Members are not allowed to offer amendments, then the Member, him or herself, is unable to represent their constituents and consequently is disenfranchising every single American.

So, Mr. Speaker, I would contend respectfully that the inability of Members to offer amendments is an indignity upon the House and makes it so that Members are not able to exercise their representative capacity.

And I appeal to the Chair to see the light of day and allow this privileged resolution to move forward.

The SPEAKER pro tempore. The Chair is prepared to rule.

In evaluating the resolution offered by the gentleman from Georgia under the standards of rule IX, the Chair

must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual, to wit: that a question of the privileges of the House may not be invoked to prescribe a special order of business for the House.

The Chair finds that the resolution offered by the gentleman from Georgia, by proposing directly to amend House Resolution 669, prescribes a special order of business. Under a long and well-settled line of precedent presently culminating in several rulings during this first session of the 111th Congress, such a resolution cannot qualify as a question of the privileges of the House.

The Chair, therefore, holds that the resolution is not privileged under rule IX for consideration ahead of other business. Instead, the resolution may be submitted through the hopper in the regular course.

Mr. PRICE of Georgia. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. HASTINGS of Florida. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to lay the appeal on the table will be followed by 5-minute votes on:

Ordering the previous question on House Resolution 673; adopting House Resolution 673, if ordered; suspending the rules on House Resolution 538, House Resolution 285, and House Resolution 519, if ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 182, not voting 13, as follows:

[Roll No. 638]

YEAS—238

Abercrombie	Boyd	Cooper
Ackerman	Brady (PA)	Costa
Adler (NJ)	Braley (IA)	Costello
Altmire	Brown, Corrine	Courtney
Andrews	Butterfield	Crowley
Arcuri	Capps	Cuellar
Baca	Capuano	Cummings
Baird	Cardoza	Davis (AL)
Baldwin	Carnahan	Davis (CA)
Barrow	Carney	Davis (TN)
Bean	Carson (IN)	DeFazio
Becerra	Castor (FL)	DeGette
Berkley	Chandler	Delahunt
Berman	Chu	DeLauro
Berry	Clarke	Dicks
Bishop (GA)	Clay	Dingell
Bishop (NY)	Cleaver	Doggett
Blumenauer	Clyburn	Donnelly (IN)
Bocciari	Cohen	Doyle
Boswell	Connolly (VA)	Driehaus
Boucher	Conyers	Edwards (MD)

Edwards (TX) Levin
 Ellison Lewis (GA)
 Ellsworth Lipinski
 Engel Loeb sack
 Eshoo Lofgren, Zoe
 Etheridge Lowey
 Farr Luján
 Fattah Lynch
 Filner Maffei
 Foster Maloney
 Frank (MA) Markey (CO)
 Fudge Markey (MA)
 Giffords Marshall
 Gonzalez Massa
 Gordon (TN) Matheson
 Grayson Matsui
 Green, Al McCollum
 Green, Gene McDermott
 Griffith McIntyre
 Grijalva McMahon
 Gutierrez Meek (FL)
 Hall (NY) Meeks (NY)
 Halvorson Melancon
 Hare Michaud
 Harman Miller (NC)
 Hastings (FL) Miller, George
 Heinrich Mitchell
 Herseth Sandlin Mollohan
 Higgins Moore (KS)
 Himes Moore (WI)
 Hinchey Moran (VA)
 Hinojosa Murphy (CT)
 Hirono Murphy, Patrick
 Hodes Murtha
 Holden Nadler (NY)
 Holt Napolitano
 Honda Neal (MA)
 Hoyer Oberstar
 Inslee Obey
 Israel Oliver
 Jackson (IL) Ortiz
 Jackson-Lee (TX) Pallone
 Johnson, E. B. Pascarella
 Kagen Pastor (AZ)
 Kanjorski Payne
 Kaptur Perlmutter
 Kennedy Perriello
 Kildee Peters
 Kilpatrick (MI) Peterson
 Kilroy Pingree (ME)
 Kind Polis (CO)
 Kirkpatrick (AZ) Pomeroy
 Kissell Price (NC)
 Klein (FL) Quigley
 Kucinich Rahall
 Langevin Rangel
 Larsen (WA) Reyes
 Larson (CT) Richardson
 Lee (CA) Rodriguez
 Ross

NAYS—182

Aderholt Cao
 Akin Capito
 Alexander Carter
 Austria Cassidy
 Bachmann Castle
 Bachus Chaffetz
 Bartlett Childers
 Barton (TX) Coble
 Biggert Coffman (CO)
 Bilbray Cole
 Bilirakis Conaway
 Blackburn Crenshaw
 Blunt Culberson
 Boehner Davis (KY)
 Bonner Deal (GA)
 Bono Mack Dent
 Boozman Diaz-Balart, L.
 Boren Diaz-Balart, M.
 Boustany Dreier
 Brady (TX) Duncan
 Bright Ehlers
 Broun (GA) Emerson
 Brown (SC) Fallin
 Brown-Waite, Ginny Flake
 Buchanan Fleming
 Burgess Forbes
 Burton (IN) Fortenberry
 Buyer Foss
 Calvert Franks (AZ)
 Camp Callegary
 Campbell Garrett (NJ)
 Cantor Gerlach

Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Salazar
 Sánchez, Linda T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer
 Schiff
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (WA)
 Snyder
 Space
 Speier
 Spratt
 Stark
 Murphy
 Stupak
 Tanner
 Teague
 Thompson (CA)
 Thompson (MS)
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Visclosky
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Wilson (OH)
 Woolsey
 Wu
 Yarmuth

Gingrey (GA)
 Gohmert
 Goodlatte
 Graves
 Guthrie
 Hall (TX)
 Harper
 Hastings (WA)
 Heller
 Hensarling
 Herger
 Hill
 Hoekstra
 Hunter
 Inglis
 Issa
 Jenkins
 Johnson (IL)
 Johnson, Sam
 Jones
 Jordan (OH)
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kline (MN)
 Kosmas
 Kratovil
 Lamborn
 Lance
 Latham
 LaTourette
 Latta

Lee (NY)
 Lewis (CA)
 Linder
 LoBiondo
 Lucas
 Luetkemeyer
 Lungren, Daniel E.
 Mack
 Manzullo
 Marchant
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McHugh
 McKeon
 McMorris
 Rodgers
 McNeerney
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Minnick
 Moran (KS)
 Murphy, Tim
 Myrick

Barrett (SC)
 Bishop (UT)
 Dahlkemper
 Davis (IL)
 Granger

Neugebauer
 Nunes
 Nye
 Olson
 Paulsen
 Pence
 Petri
 Pitts
 Platts
 Poe (TX)
 Posey
 Price (GA)
 Putnam
 Radanovich
 Rehberg
 Reichert
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Royce
 Ryan (WI)
 Scalise
 Schmidt
 Schock

NOT VOTING—13

Johnson (GA)
 Lummis
 McCarthy (NY)
 McGovern
 Murphy (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1113

Messrs. POSEY, GUTHRIE, CARTER, HOEKSTRA, KRATOVIL, HILL and BOREN changed their vote from “yea” to “nay.”

Mrs. HALVORSON and Messrs. LARSON of Connecticut and FOSTER changed their vote from “nay” to “yea.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. LUMMIS. Mr. Speaker, on rollcall No. 638, I was in a House Budget Committee hearing questioning Interior Secretary Salazar. Had I been present, I would have voted “no.”

MOMENT OF SILENCE IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The SPEAKER pro tempore (Mr. STUPAK). Pursuant to the Chair’s announcement of earlier today, the House will now observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

Will all present please rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3293, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 673, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 181, not voting 13, as follows:

[Roll No. 639]

YEAS—239

Abercrombie
 Ackerman
 Adler (NJ)
 Altmire
 Andrews
 Arcuri
 Baca
 Baird
 Baldwin
 Barrow
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Bishop (GA)
 Blumenauer
 Boccieri
 Boren
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Braley (IA)
 Bright
 Brown, Corrine
 Butterfield
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Castor (FL)
 Chandler
 Chu
 Clarke
 Clay
 Cleaver
 Clyburn
 Cohen
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Crowley
 Cuellar
 Cummings
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Driehaus
 Edwards (MD)
 Edwards (TX)
 Ellison
 Engel
 Eshoo
 Etheridge
 Farr
 Fattah
 Filner
 Foster
 Frank (MA)
 Fudge
 Giffords
 Gonzalez
 Gordon (TN)
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Gutierrez
 Hall (NY)
 Halvorson
 Hare
 Harman
 Hastings (FL)
 Heinrich
 Herseth Sandlin
 Higgins
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Hoekstra
 Holden
 Holt
 Honda
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Johnson, E. B.
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kosmas
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 Loeb sack
 Lowey
 Luján
 Lynch
 Maffei
 Maloney
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCollum
 McDermott
 McGovern
 McIntyre
 McMahon
 McNeerney
 Meek (FL)
 Meeks (NY)
 Michaud
 Miller (NC)
 Miller, George
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy, Patrick
 Murtha
 Nadler (NY)
 Napolitano
 Neal (MA)
 Oberstar
 Obey
 Oliver
 Ortiz
 Pallone
 Pascarella
 Pastor (AZ)
 Payne
 Perlmutter
 Peters
 Peterson
 Pingree (ME)
 Polis (CO)
 Pomeroy
 Price (NC)
 Quigley
 Rahall
 Rangel
 Reyes
 Richardson
 Rodriguez
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Salazar
 Sánchez, Linda T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer
 Schiff
 Schrader

Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt

NAYS—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)

NOT VOTING—13

Barrett (SC)
Bishop (UT)
Dahlkemper
Granger
Johnson (GA)

Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Townes
Tsongas
Van Hollen
Visclosky

Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 187, not voting 14, as follows:

[Roll No. 640]

YEAS—232

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords

Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Insole
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowe
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)

Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters

Watson
Watt
Waxman
Weiner
Welch
Wexler

NAYS—187

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx

Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (MI)
Miller, Gary
Minnick
Paul

Wilson (OH)
Woolsey
Wu
Yarmuth
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Perriello
Petri
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—14

Barrett (SC)
Bishop (UT)
Clyburn
Dahlkemper
Granger

McCarthy (NY)
McDermott
McHugh
Murphy (NY)
Paul

□ 1128

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENCOURAGING SELECTION OF CHICAGO AS THE 2016 OLYMPIC HOST CITY

The SPEAKER pro tempore. The unfinished business is the question on

□ 1121

So the previous question was ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

suspending the rules and agreeing to the resolution, H. Res. 538, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 538, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution supporting Olympic Day and encouraging the International Olympic Committee to select Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games."

A motion to reconsider was laid on the table.

CONGRATULATING LITHUANIA ON 1,000TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 285.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 285.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING APPRECIATION OF CANADIAN FRIENDSHIP AND CO- OPERATION

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and agreeing to the resolution, H. Res. 519.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 519.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include tabular and extraneous material on H.R. 3293.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 673 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3293.

□ 1131

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3293)

making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Kansas (Mr. TIAHRT) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I want to thank Mr. TIAHRT and every member of the subcommittee on both sides of the aisle for the work that they've put in in bringing this bill to the floor today. It's a controversial bill. I know we've had a lot of disagreements, but I think that the disagreement has not been disagreeable, and I appreciate that very much.

I want to thank Beverly Pheto, Rebecca Motley, Cheryl Smith, Susan Quantius, Nicole Kunko, Stephen Steigleder, Mike Gentilly, Amy Battaglia, Albert Lee, Christina Hamilton, and Ellis Brachman; and on the minority side, Steve Crane, Stephanie Meyers and AmyClaire Brusch for all of the staff work that has been put into this bill.

Mr. Chairman, this country has pushed a lot of money, government money, taxpayers' money, into the financial sector of the economy and Wall Street the last few months in order to try to stabilize the economy. This is the bill that tries to deal with the problems of everybody else in this society.

I urge its passage, and I reserve the balance of my time.

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

		----- H.R. 3293 vs. -----					
		FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request	
100	TITLE I - DEPARTMENT OF LABOR						100
150	EMPLOYMENT AND TRAINING ADMINISTRATION						150
200	TRAINING AND EMPLOYMENT SERVICES						200
250	Grants to States:						250
300	Adult Training, current year.....	149,540	149,540	149,540	---	---	300 FF
350	Advance from prior year.....	(712,000)	(712,000)	(712,000)	---	---	350
400	FY 2011.....	712,000	712,000	712,000	---	---	400
410	Public Law 111-5 (emergency).....	500,000	---	---	-500,000	---	410 FF
450	Subtotal (excluding emergencies).....	861,540	861,540	861,540	---	---	450
500	Youth Training.....	924,069	924,069	924,069	---	---	500 FF
510	Public Law 111-5 (emergency).....	1,200,000	---	---	-1,200,000	---	510
550	Dislocated Worker Assistance, current year.....	335,840	335,840	321,731	-14,109	-14,109	550 FF
600	Advance from prior year.....	(848,000)	(848,000)	(848,000)	---	---	600
650	FY 2011.....	848,000	848,000	862,109	+14,109	+14,109	650
660	Public Law 111-5 (emergency).....	1,250,000	---	---	-1,250,000	---	660 FF
700	Subtotal (excluding emergencies).....	1,183,840	1,183,840	1,183,840	---	---	700
710	Subtotal, Grants to States.....	5,919,449	2,969,449	2,969,449	-2,950,000	---	710 UA
720	Current Year.....	(1,409,449)	(1,409,449)	(1,395,340)	(-14,109)	(-14,109)	720
725	Current Year (emergency).....	(2,950,000)	---	---	(-2,950,000)	---	725
730	FY 2011.....	(1,560,000)	(1,560,000)	(1,574,109)	(+14,109)	(+14,109)	730
732	Subtotal, Grants to States (excl. emergencies).....	2,969,449	2,969,449	2,969,449	---	---	732 UA
750	Federally Administered Programs:						750
755	Dislocated Worker Assistance National Reserve:						755
760	Current year.....	71,051	17,160	17,160	-53,891	---	760 FF
765	Public Law 111-5 (emergency).....	200,000	---	---	-200,000	---	765 FF
770	Advance from prior year.....	(212,000)	(212,000)	(212,000)	---	---	770
780	FY 2011.....	212,000	212,000	197,891	-14,109	-14,109	780
790	Subtotal (excluding emergencies).....	283,051	229,160	215,051	-68,000	-14,109	790
792	Less Career Pathways Innovation Fund 1/.....	(-125,000)	---	---	(+125,000)	---	792
793	Subtotal (excluding emergencies).....	158,051	229,160	215,051	+57,000	-14,109	793
794	Subtotal, Dislocated Worker Assistance.....	1,341,891	1,413,000	1,398,891	+57,000	-14,109	794 UA
800	Native Americans.....	52,758	52,758	52,758	---	---	800 UA FF
850	Migrant and Seasonal Farmworkers.....	82,620	82,620	84,620	+2,000	+2,000	850 UA FF
855	Women in apprenticeship.....	1,000	1,000	1,000	---	---	855 FF
875	YouthBuild.....	70,000	114,476	100,000	+30,000	-14,476	875 FF
877	Public Law 111-5 (emergency).....	50,000	---	---	-50,000	---	877 FF
900	Subtotal, Federally Administered Programs (FAP).....	739,429	480,014	453,429	-286,000	-26,585	900
910	Current Year.....	(277,429)	(268,014)	(255,538)	(-21,891)	(-12,476)	910
912	Current Year (emergency).....	(250,000)	---	---	(-250,000)	---	912
920	FY 2011.....	(212,000)	(212,000)	(197,891)	(-14,109)	(-14,109)	920
925	Subtotal, FAP (excluding emergencies).....	489,429	480,014	453,429	-36,000	-26,585	925
1300	National Activities:						1300
1350	Pilots, Demonstrations and Research.....	48,781	57,500	66,990	+18,209	+9,490	1350
1360	Green Jobs Innovation Fund.....	---	50,000	50,000	+50,000	---	1360 FF
1365	Public Law 111-5 (emergency).....	500,000	---	---	-500,000	---	1365 FF
1380	High Growth/Emerging industries/health sector jobs (PL 111-5) (emergency).....	250,000	---	---	-250,000	---	1380 FF
1381	Reintegration of Ex-Offenders.....	108,493	115,000	108,493	---	-6,507	1381 FF
1420	Evaluation.....	6,918	11,600	9,600	+2,682	-2,000	1420
1450	Career Pathways Innovation Fund 1/.....	---	135,000	130,000	+130,000	-5,000	1450
1515	Career Pathways Innovation Fund (NA)1/.....	(125,000)	---	---	(-125,000)	---	1515
1517	Subtotal, program level.....	125,000	135,000	130,000	+5,000	-5,000	1517
1525	Denali Commission.....	3,378	---	---	-3,378	---	1525
1530	Workforce Data Quality Initiative.....	---	15,000	15,000	+15,000	---	1530
1600	Subtotal (excluding emergencies).....	167,570	384,100	380,083	+212,513	-4,017	1600 UA FF
2100	Total, Training and Employment Services (TES).....	7,576,448	3,833,563	3,802,961	-3,773,487	-30,602	2100
2151	Current Year.....	(1,854,448)	(2,061,563)	(2,030,961)	(+176,513)	(-30,602)	2151
2155	Current Year (emergency).....	(3,950,000)	---	---	(-3,950,000)	---	2155 FF
2200	FY 2011.....	(1,772,000)	(1,772,000)	(1,772,000)	---	---	2200
2202	Total, TES (excluding emergencies).....	3,626,448	3,833,563	3,802,961	+176,513	-30,602	2202

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

				----- H.R. 3293 vs. -----			
		FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request	
2300	COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS.....	571,925	575,425	615,425	+43,500	+40,000	2300 FF
2305	Public Law 111-5 (emergency).....	120,000	---	---	-120,000	---	2305 FF
2310	Subtotal.....	691,925	575,425	615,425	-76,500	+40,000	2310
2311	Subtotal (excluding emergencies).....	571,925	575,425	615,425	+43,500	+40,000	2311
2400	FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES.....	958,800	1,818,400	1,818,400	+859,600	---	2400 M UA
2600	STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT						2600
2650	SERVICE OPERATIONS						2650
2700	Unemployment Compensation (UI):						2700
2750	State Operations.....	2,822,145	3,245,645	3,245,645	+423,500	---	2750
2850	National Activities.....	11,310	11,310	11,310	---	---	2850
2950	Subtotal, Unemployment Compensation.....	2,833,455	3,256,955	3,256,955	+423,500	---	2950
3100	Employment Service (ES):						3100
3150	Allotments to States:						3150
3200	Federal Funds.....	22,683	22,683	22,683	---	---	3200
3250	Trust Funds.....	680,893	680,893	680,893	---	---	3250
3255	Public Law 111-5 (emergency).....	400,000	---	---	-400,000	---	3255
3300	Subtotal (excluding emergencies).....	703,576	703,576	703,576	---	---	3300 FF
3350	ES National Activities.....	20,869	20,869	20,869	---	---	3350
3400	Subtotal, Employment Service.....	1,124,445	724,445	724,445	-400,000	---	3400
3450	Federal Funds.....	(22,683)	(22,683)	(22,683)	---	---	3450
3500	Trust Funds.....	(701,762)	(701,762)	(701,762)	---	---	3500
3505	Trust Funds (emergency).....	(400,000)	---	---	(-400,000)	---	3505
3507	Subtotal, ES (excluding emergencies).....	724,445	724,445	724,445	---	---	3507
3550	Foreign Labor Certification:						3550
3560	Federal Administration.....	52,821	53,307	53,307	+486	---	3560
3570	Grants to States.....	15,129	15,129	15,129	---	---	3570
3580	Subtotal, Foreign Labor Certification.....	67,950	68,436	68,436	+486	---	3580
3595	One-Stop Career Centers/Labor Market Information.....	51,720	51,720	47,220	-4,500	-4,500	3595 FF
3600	Work Incentives Grants.....	17,295	---	---	-17,295	---	3600 FF
3650	Total, State UI and ES.....	4,094,865	4,101,556	4,097,056	+2,191	-4,500	3650
3700	Federal Funds.....	(91,698)	(74,403)	(69,903)	(-21,795)	(-4,500)	3700
3750	Trust Funds.....	(3,603,167)	(4,027,153)	(4,027,153)	(+423,986)	---	3750
3752	Trust Funds (emergency).....	(400,000)	---	---	(-400,000)	---	3752
3753	Total, State UI and ES (excluding emergencies).....	3,694,865	4,101,556	4,097,056	+402,191	-4,500	3753
3800	ADVANCES TO THE UI AND OTHER TRUST FUNDS 2/.....	422,000	120,000	120,000	-302,000	---	3800 M
3900	PROGRAM ADMINISTRATION						3900
3950	Adult Employment and Training.....	43,250	47,109	46,609	+3,359	-500	3950
3955	Public Law 111-5 (emergency).....	5,875	---	---	-5,875	---	3955
4000	Trust Funds.....	7,811	8,553	8,553	+742	---	4000
4050	Youth Employment and Training.....	10,932	12,558	12,058	+1,126	-500	4050
4100	Employment Security.....	3,669	3,740	3,240	-429	-500	4100
4105	Public Law 111-5 (emergency).....	4,125	---	---	-4,125	---	4105
4150	Trust Funds.....	35,276	39,496	39,496	+4,220	---	4150
4200	Apprenticeship Services.....	21,447	27,784	27,784	+6,337	---	4200
4250	Executive Direction.....	6,025	6,575	6,575	+550	---	4250
4300	Trust Funds.....	2,053	2,091	2,091	+38	---	4300
4400	Total, Program Administration.....	140,463	147,906	146,406	+5,943	-1,500	4400
4451	Federal Funds.....	(85,323)	(97,766)	(96,266)	(+10,943)	(-1,500)	4451
4455	Federal Funds (emergency).....	(10,000)	---	---	(-10,000)	---	4455
4500	Trust Funds.....	(45,140)	(50,140)	(50,140)	(+5,000)	---	4500
4505	Total, Program Admin. (excluding emergencies).....	130,463	147,906	146,406	+15,943	-1,500	4505
4550	Total, Employment and Training Admin. (ETA).....	13,884,501	10,596,850	10,600,248	-3,284,253	+3,398	4550
4600	Federal Funds.....	9,836,194	6,519,557	6,522,955	-3,313,239	+3,398	4600
4650	Current Year.....	(3,984,194)	(4,747,557)	(4,750,955)	(+766,761)	(+3,398)	4650
4655	Current Year (emergency).....	(4,080,000)	---	---	(-4,080,000)	---	4655
4700	FY 2011.....	(1,772,000)	(1,772,000)	(1,772,000)	---	---	4700
4750	Trust Funds.....	3,648,307	4,077,293	4,077,293	+428,986	---	4750
4755	Trust Funds (emergency).....	400,000	---	---	-400,000	---	4755
4757	Total, ETA (excluding emergencies).....	9,404,501	10,596,850	10,600,248	+1,195,747	+3,398	4757

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

		----- H.R. 3293 vs. -----					
		FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request	
4800	EMPLOYEE BENEFITS SECURITY ADMINISTRATION						4800
4805	SALARIES AND EXPENSES						4805
4850	Enforcement and Participant Assistance	119,691	130,398	128,398	+8,707	-2,000	4850
4855	Public Law 111-5 (emergency)	9,705	---	---	-9,705	---	4855
4900	Policy and Compliance Assistance	18,198	18,994	18,994	+796	---	4900
4950	Executive Leadership, Program Oversight and Admin.	5,530	6,668	6,668	+1,138	---	4950
5005	Total, EBSA (excluding emergencies)	143,419	156,060	154,060	+10,641	-2,000	5005
5050	PENSION BENEFIT GUARANTY CORPORATION (PBGC)						5050
5060	Pension insurance activities	(70,590)	(86,412)	(86,412)	(+15,822)	---	5060
5070	Pension plan termination	(232,337)	(234,005)	(234,005)	(+1,668)	---	5070
5080	Operational support	(141,795)	(143,650)	(143,650)	(+1,855)	---	5080
5250	Total, PBGC (program level)	(444,722)	(464,067)	(464,067)	(+19,345)	---	5250
5300	EMPLOYMENT STANDARDS ADMINISTRATION (ESA)						5300
5350	SALARIES AND EXPENSES						5350
5400	Enforcement of Wage and Hour Standards	193,092	227,656	220,156	+27,064	-7,500	5400
5405	Public Law 111-5 (emergency)	21,987	---	---	-21,987	---	5405
5450	Office of Labor-Management Standards	44,938	40,557	40,557	-4,381	---	5450
5455	Public Law 111-5 (emergency)	581	---	---	-581	---	5455
5500	Federal Contractor EEO Standards Enforcement	82,107	109,521	101,521	+19,414	-8,000	5500
5505	Public Law 111-5 (emergency)	7,200	---	---	-7,200	---	5505
5550	Federal Programs for Workers' Compensation	100,809	106,378	105,178	+4,369	-1,200	5550
5650	Trust Funds	2,101	2,124	2,124	+23	---	5650
5700	Program Direction and Support	17,220	17,220	17,220	---	---	5700
5750	Total, ESA salaries and expenses	470,035	503,456	486,756	+16,721	-16,700	5750
5801	Federal Funds	(438,166)	(501,332)	(484,632)	(+46,466)	(-16,700)	5801
5805	Federal Funds (emergency)	(29,768)	---	---	(-29,768)	---	5805
5850	Trust Funds	(2,101)	(2,124)	(2,124)	(+23)	---	5850
5855	Total, ESA S&E (excluding emergencies)	440,267	503,456	486,756	+46,489	-16,700	5855
5900	SPECIAL BENEFITS						5900
5950	Federal employees' compensation benefits	160,000	184,000	184,000	+24,000	---	5950 M
6000	Longshore and harbor workers' benefits	3,000	3,000	3,000	---	---	6000 M
6050	Total, Special Benefits	163,000	187,000	187,000	+24,000	---	6050
6060	SPECIAL BENEFITS FOR DISABLED COAL MINERS						6060
6065	Benefit payments	245,000	220,000	220,000	-25,000	---	6065 M
6070	Administration	5,130	5,180	5,180	+50	---	6070 M
6075	Subtotal, FY 2009 program level	250,130	225,180	225,180	-24,950	---	6075
6080	Less funds advanced in prior year	-62,000	-56,000	-56,000	+6,000	---	6080 M
6085	Total, Current Year, FY 2010	188,130	169,180	169,180	-18,950	---	6085
6090	New advances, 1st quarter FY 2011	56,000	45,000	45,000	-11,000	---	6090 M
6095	Total, Special Benefits for Disabled Coal Miners	244,130	214,180	214,180	-29,950	---	6095
6200	ENERGY EMPLOYEES OCCUPATIONAL ILLNESS						6200
6210	COMPENSATION FUND						6210
6250	Part B Administrative Expenses	49,654	51,197	51,197	+1,543	---	6250 M
6350	BLACK LUNG DISABILITY TRUST FUND						6350
6400	Benefit payments and interest on advances	2,765,000	241,605	241,605	-2,523,395	---	6400 M
6450	Employment Standards Admin., Salaries and expenses	32,308	32,720	32,720	+412	---	6450 M
6500	Departmental Management, Salaries and expenses	24,694	25,091	25,091	+397	---	6500 M
6550	Departmental Management, Inspector General	325	327	327	+2	---	6550 M
6600	Subtotal, Black Lung Disability	2,822,327	299,743	299,743	-2,522,584	---	6600
6650	Treasury Department Administrative Costs	356	356	356	---	---	6650 M
6700	Total, Black Lung Disability Trust Fund	2,822,683	300,099	300,099	-2,522,584	---	6700
6750	Total, Employment Standards Administration (ESA)	3,749,502	1,255,932	1,239,232	-2,510,270	-16,700	6750
6800	Federal Funds	3,747,401	1,253,808	1,237,108	-2,510,293	-16,700	6800
6810	Current year	(3,661,633)	(1,208,808)	(1,192,108)	(-2,469,525)	(-16,700)	6810
6815	Current Year (emergency)	(29,768)	---	---	(-29,768)	---	6815
6820	FY 2011	(56,000)	(45,000)	(45,000)	(-11,000)	---	6820
6850	Trust Funds	2,101	2,124	2,124	+23	---	6850
6852	Total, ESA (excluding emergencies)	3,719,734	1,255,932	1,239,232	-2,480,502	-16,700	6852

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

----- H.R. 3293 vs. -----					
	FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request
6900 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)					6900
6950 SALARIES AND EXPENSES					6950
7000 Safety and Health Standards.....	17,204	19,569	19,569	+2,365	---
7050 Federal Enforcement.....	197,946	227,149	221,149	+23,203	-6,000
7055 Public Law 111-5 (emergency).....	9,221	---	---	-9,221	---
7100 State Programs.....	92,593	106,393	103,393	+10,800	-3,000
7105 Public Law 111-5 (emergency).....	3,750	---	---	-3,750	---
7150 Technical Support.....	22,632	25,920	25,920	+3,288	---
7200 Compliance Assistance:					7200
7250 Federal Assistance.....	72,659	73,380	73,380	+721	---
7300 State Consultation Grants.....	54,531	54,798	54,798	+267	---
7350 Training Grants.....	10,000	10,000	10,000	---	---
7400 Subtotal, Compliance Assistance.....	137,190	138,178	138,178	+988	---
7450 Safety and Health Statistics.....	34,128	34,875	34,875	+747	---
7455 Public Law 111-5 (emergency).....	600	---	---	-600	---
7500 Executive Direction and Administration.....	11,349	11,536	11,536	+187	---
7551 Total, OSHA (excluding emergencies).....	513,042	563,620	554,620	+41,578	-9,000
7600 MINE SAFETY AND HEALTH ADMINISTRATION					7600
7650 SALARIES AND EXPENSES					7650
7700 Coal Enforcement.....	154,491	156,662	156,662	+2,171	---
7750 Metal/Non-Metal Enforcement.....	82,427	85,672	85,172	+2,745	-500
7800 Standards Development.....	3,031	3,081	3,081	+50	---
7850 Assessments.....	6,134	6,233	6,233	+99	---
7900 Educational Policy and Development.....	38,605	38,605	38,605	---	---
7950 Technical Support.....	30,117	30,642	30,642	+525	---
7975 Program evaluation and information resources (PEIR)...	16,514	16,857	16,857	+343	---
8000 Program Administration.....	15,684	15,941	15,941	+257	---
8050 Total, Mine Safety & Health Administration MSHA	347,003	353,693	353,193	+6,190	-500
8070 Total, Worker protection agencies.....	1,496,775	1,576,829	1,548,629	+51,854	-28,200
8080 Federal Funds.....	(1,441,630)	(1,574,705)	(1,546,505)	(+104,875)	(-28,200)
8085 Federal Funds (emergency).....	(53,044)	---	---	(-53,044)	---
8090 Trust Funds.....	(2,101)	(2,124)	(2,124)	(+23)	---
8091 Total, Worker protection (excluding emergencies)	1,443,731	1,576,829	1,548,629	+104,898	-28,200
8100 BUREAU OF LABOR STATISTICS					8100
8150 SALARIES AND EXPENSES					8150
8200 Employment and Unemployment Statistics.....	188,206	198,028	198,028	+9,822	---
8250 Labor Market Information.....	78,264	78,264	78,264	---	---
8300 Prices and Cost of Living.....	198,464	201,081	201,081	+2,617	---
8350 Compensation and Working Conditions.....	87,281	88,553	88,553	+1,272	---
8400 Productivity and Technology.....	11,706	11,904*	11,904	+198	---
8450 Executive Direction and Staff Services.....	33,261	33,793	33,793	+532	---
8500 Total, Bureau of Labor Statistics.....	597,182	611,623	611,623	+14,441	---
8550 Federal Funds.....	518,918	533,359	533,359	+14,441	---
8600 Trust Funds.....	78,264	78,264	78,264	---	---
8650 OFFICE OF DISABILITY EMPLOYMENT POLICY					8650
8700 SALARIES AND EXPENSES.....	26,679	37,031	37,031	+10,352	---
8850 DEPARTMENTAL MANAGEMENT					8850
8900 SALARIES AND EXPENSES					8900
8950 Executive Direction.....	25,831	34,125	33,125	+7,294	-1,000
8955 Public Law 111-5 (emergency).....	4,140	---	---	-4,140	---
9000 Departmental IT Crosscut.....	21,286	21,392	19,892	-1,394	-1,500
9050 Departmental Management Crosscut.....	---	---	---	---	---
9075 Departmental Program Evaluation.....	---	5,000	5,000	+5,000	---
9100 Legal Services.....	97,382	117,121	113,621	+16,239	-3,500
9105 Public Law 111-5 (emergency).....	6,665	---	---	-6,665	---
9150 Trust Funds.....	327	327	327	---	---
9200 International Labor Affairs.....	86,074	91,419	91,419	+5,345	---
9250 Administration and Management.....	32,506	33,707	33,707	+1,201	---
9255 Public Law 111-5 (emergency).....	5,451	---	---	-5,451	---
9300 Adjudication.....	28,560	29,286	29,286	+726	---
9350 Women's Bureau.....	10,419	10,604	12,604	+2,185	+2,000
9400 Civil Rights Activities.....	6,535	6,812	6,812	+277	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

----- H.R. 3293 vs. -----						
	FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request	
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9450 Chief Financial Officer.....	5,278	5,361	5,361	+83	---	9450
9455 Public Law 111-5 (emergency).....	700	---	---	-700	---	9455
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9500 Total, Salaries and expenses.....	331,154	355,154	351,154	+20,000	-4,000	9500
9551 Federal Funds.....	(313,871)	(354,827)	(350,827)	(+36,956)	(-4,000)	9551
9555 Federal Funds (emergency).....	(16,956)	---	---	(-16,956)	---	9555
9560 Trust Funds.....	(327)	(327)	(327)	---	---	9560
9562 Total, S&E (excluding emergencies).....	314,198	355,154	351,154	+36,956	-4,000	9562
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9600 OFFICE OF JOB CORPS						9600
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9610 Administration.....	28,662	29,190	29,190	+528	---	9610
9615 Public Law 111-5 (emergency).....	2,500	---	---	-2,500	---	9615
9620 Operations.....	949,276	966,199	985,130	+35,854	+18,931	9620 FF
9622 Public Law 111-5 (emergency).....	35,854	---	---	-35,854	---	9622
9630 Advance from prior year.....	(591,000)	(591,000)	(591,000)	---	---	9630
9640 FY 2011.....	591,000	591,000	591,000	---	---	9640
9650 Construction and Renovation.....	15,000	15,000	---	-15,000	-15,000	9650 FF
9660 Public Law 111-5 (emergency).....	211,646	---	---	-211,646	---	9660
9670 Advance from prior year.....	(100,000)	(100,000)	(100,000)	---	---	9670
9680 FY 2011.....	100,000	100,000	100,000	---	---	9680
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9690 Total, Office of Job Corps.....	1,933,938	1,701,389	1,705,320	-228,618	+3,931	9690 UA
9696 Current Year.....	(992,938)	(1,010,389)	(1,014,320)	(+21,382)	(+3,931)	9696 UA
9697 Current Year (emergency).....	(250,000)	---	---	(-250,000)	---	9697 UA
9700 FY 2011.....	(691,000)	(691,000)	(691,000)	---	---	9700 UA
9702 Total, Job Corps (excluding emergencies).....	1,683,938	1,701,389	1,705,320	+21,382	+3,931	9702 UA
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9800 VETERANS EMPLOYMENT AND TRAINING						9800
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9810 State administration, Grants.....	168,894	172,394	172,394	+3,500	---	9810
9820 Federal Administration.....	34,625	35,313	35,313	+688	---	9820
9830 National Veterans Training Institute.....	1,949	2,449	2,449	+500	---	9830
9840 Homeless Veterans Program.....	26,330	35,330	37,330	+11,000	+2,000	9840
9850 Veterans Workforce Investment Programs.....	7,641	9,641	9,641	+2,000	---	9850 UA FF
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10050 Total, Veterans Employment and Training.....	239,439	255,127	257,127	+17,688	+2,000	10050
10100 Federal Funds.....	33,971	44,971	46,971	+13,000	+2,000	10100
10150 Trust Funds.....	205,468	210,156	210,156	+4,688	---	10150
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10200 OFFICE OF INSPECTOR GENERAL						10200
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10250 Program Activities.....	76,326	78,093	78,093	+1,767	---	10250
10255 Public Law 111-5 (emergency).....	6,000	---	---	-6,000	---	10255
10300 Trust Funds.....	5,815	5,921	5,921	+106	---	10300
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10400 Total, Office of the Inspector General.....	88,141	84,014	84,014	-4,127	---	10400
10401 Total, OIG (excluding emergencies).....	82,141	84,014	84,014	+1,873	---	10401
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10550 Total, Departmental Management.....	2,592,672	2,395,684	2,397,615	-195,057	+1,931	10550
10600 Federal Funds.....	2,381,062	2,179,280	2,181,211	-199,851	+1,931	10600
10610 Current Year.....	(1,417,106)	(1,488,280)	(1,490,211)	(+73,105)	(+1,931)	10610
10615 Current Year (emergency).....	(272,956)	---	---	(-272,956)	---	10615
10620 FY 2011.....	(691,000)	(691,000)	(691,000)	---	---	10620
10650 Trust Funds.....	211,610	216,404	216,404	+4,794	---	10650
10655 Total, Departmental Mgmt (excluding emergencies).....	2,319,716	2,395,684	2,397,615	+77,899	+1,931	10655
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10685 Total, Workforce Investment Act programs.....	9,513,649	5,543,593	5,516,922	-3,996,727	-26,671	10685
10690 Current Year.....	(7,050,649)	(3,080,593)	(3,053,922)	(-3,996,727)	(-26,671)	10690
10695 FY 2011.....	(2,463,000)	(2,463,000)	(2,463,000)	---	---	10695
10697 Total, Workforce Investment(excl. emergencies).....	5,313,649	5,543,593	5,516,922	+203,273	-26,671	10697
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10700 Total, Title I, Department of Labor.....	21,877,276	15,970,493	15,947,622	-5,929,654	-22,871	10700
10750 Federal Funds.....	17,536,994	11,596,408	11,573,537	-5,963,457	-22,871	10750
10800 Current Year.....	(10,211,994)	(9,088,408)	(9,065,537)	(-1,146,457)	(-22,871)	10800
10805 Current Year (emergency).....	(4,406,000)	---	---	(-4,406,000)	---	10805
10850 FY 2011.....	(2,519,000)	(2,508,000)	(2,508,000)	(-11,000)	---	10850
10900 Trust Funds.....	3,940,282	4,374,085	4,374,085	+433,803	---	10900
10905 Trust Funds (emergency).....	400,000	---	---	-400,000	---	10905
10907 Total, Title I (excluding emergencies).....	17,071,276	15,970,493	15,947,622	-1,123,654	-22,871	10907
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10920 Title I Footnotes:						10920
10937 1/ Formerly Community-based Job Training Grants.						10937
10942 2/ Two year availability						10942

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

				----- H.R. 3293 vs. -----			
		FY 2009	FY 2010	H.R. 3293	Comparable	Request	
		Comparable	Request				
10950	TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES						10950
11000	HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA)						11000
11050	HEALTH RESOURCES AND SERVICES						11050
11060	Bureau of Primary Health Care						11060
11100	Community health centers.....	2,190,022	2,190,022	2,190,022	---	---	11100
11105	Public Law 111-5 (emergency).....	2,000,000	---	---	-2,000,000	---	11105
11110	State health access grants.....	75,000	75,000	75,000	---	---	11110
11125	Free Clinics Medical Malpractice.....	40	40	40	---	---	11125
11134	National Hansen's Disease Program.....	16,109	16,109	16,109	---	---	11134
11136	Buildings and Facilities.....	129	129	129	---	---	11136
11138	Payment to Hawaii, treatment of Hansen's.....	1,976	1,976	1,976	---	---	11138
11142	Subtotal (excluding emergencies).....	2,283,276	2,283,276	2,283,276	---	---	11142
11149	Bureau of Health Professions						11149
11150	National Health Service Corps:						11150
11200	Field placements.....	39,736	46,412	39,736	---	-6,676	11200
11205	Public Law 111-5 (emergency).....	60,000	---	---	-60,000	---	11205
11250	Recruitment.....	95,230	122,588	102,114	+6,884	-20,474	11250
11255	Public Law 111-5 (emergency).....	240,000	---	---	-240,000	---	11255
11300	Subtotal (excluding emergencies).....	134,966	169,000	141,850	+6,884	-27,150	11300
11350	Health Professions						11350
11355	Health Professions (Public Law 111-5) (emergency).....	200,000	---	---	-200,000	---	11355
11400	Health Professions, Training for Diversity:						11400
11450	Centers of excellence.....	20,602	24,602	24,602	+4,000	---	11450
11500	Health careers opportunity program.....	19,133	22,133	22,133	+3,000	---	11500
11550	Faculty loan repayment.....	1,266	1,266	1,266	---	---	11550
11600	Scholarships for disadvantaged students.....	45,842	52,842	52,842	+7,000	---	11600
11650	Subtotal, Training for Diversity.....	86,843	100,843	100,843	+14,000	---	11650
11700	Training in Primary Care Medicine and Dentistry.....	48,425	56,425	56,425	+8,000	---	11700
11750	Interdisciplinary Community-Based Linkages:						11750
11800	Area health education centers.....	32,540	32,540	34,150	+1,610	+1,610	11800
11900	Allied health and other disciplines.....	13,890	23,890	23,890	+10,000	---	11900
11950	Geriatric programs.....	30,997	41,997	41,997	+11,000	---	11950
12050	Subtotal, Interdisciplinary Community Linkages..	77,427	98,427	100,037	+22,610	+1,610	12050
12200	Public health, preventive medicine and dental programs	9,000	9,000	9,000	---	---	12200
12207	Subtotal, Public Health, preventive medicine....	9,000	9,000	9,000	---	---	12207
12399	Nursing Programs:						12399
12400	Advanced Education Nursing.....	64,438	64,438	64,438	---	---	12400
12450	Nurse education, practice, and retention.....	37,291	37,291	37,291	---	---	12450
12500	Nursing workforce diversity.....	16,107	16,107	16,107	---	---	12500
12505	Loan repayment and scholarship program.....	37,128	125,000	125,000	+87,872	---	12505
12515	Comprehensive geriatric education.....	4,567	4,567	4,567	---	---	12515
12520	Nursing faculty loan program.....	11,500	16,000	16,000	+4,500	---	12520
12525	Subtotal, Nursing programs.....	171,031	263,403	263,403	+92,372	---	12525
12550	Subtotal, Health Professions.....	592,726	528,098	529,708	-63,018	+1,610	12550 UA
12555	Subtotal, Health Professions (excl. emergencies)	392,726	528,098	529,708	+136,982	+1,610	12555 UA
12600	Children's Hospitals Graduate Medical Education.....	310,000	310,000	320,000	+10,000	+10,000	12600
12605	Patient Navigator.....	4,000	4,000	4,000	---	---	12605
12610	National Practitioner Data Bank.....	19,750	19,750	19,750	---	---	12610
12615	User Fees.....	-19,750	-19,750	-19,750	---	---	12615
12620	Health Care Integrity and Protection Data Bank.....	3,758	3,758	3,758	---	---	12620
12625	User Fees.....	-3,758	-3,758	-3,758	---	---	12625
12630	Subtotal, Bureau of Health Professions (BHP)....	1,341,692	1,011,098	995,558	-346,134	-15,540	12630
12631	Subtotal, BHP (excluding emergencies).....	841,692	1,011,098	995,558	+153,866	-15,540	12631

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

		----- H.R. 3293 vs. -----						
		FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request		
12745	Maternal and Child Health Bureau						12745	
12750	Maternal and Child Health Block Grant.....	662,121	662,121	665,000	+2,879	+2,879	12750	
12775	Sickle cell anemia demonstration program.....	4,250	4,250	5,250	+1,000	+1,000	12775	UA
12800	Traumatic Brain Injury.....	9,877	9,877	10,000	+123	+123	12800	UA
12810	Autism and other developmental disorders.....	42,000	48,000	48,000	+6,000	---	12810	
12815	Heritable disorders.....	10,013	10,013	10,013	---	---	12815	
12820	Congenital disabilities.....	1,000	1,000	---	-1,000	-1,000	12820	
12950	Healthy Start.....	102,372	102,372	105,000	+2,628	+2,628	12950	
13000	Universal Newborn Hearing.....	19,000	19,000	19,000	---	---	13000	UA
13005	Emergency medical services for children.....	20,000	20,000	20,000	---	---	13005	UA
13015	Subtotal, Maternal and Child Health Bureau.....	870,633	876,633	882,263	+11,630	+5,630	13015	
13020	HIV/AIDS Bureau						13020	
13025	Ryan White AIDS Programs:						13025	
13030	Emergency Assistance.....	663,082	671,075	679,074	+15,992	+7,999	13030	
13035	Comprehensive Care Programs.....	1,223,791	1,253,791	1,253,791	+30,000	---	13035	
13040	AIDS Drug Assistance Program (ADAP) (NA).....	(815,000)	(835,000)	(835,000)	(+20,000)	---	13040	
13045	Early Intervention Program.....	201,877	211,877	206,823	+4,946	-5,054	13045	
13050	Children, Youth, Women, and Families.....	76,845	76,845	78,728	+1,883	+1,883	13050	
13055	AIDS Dental Services.....	13,429	15,429	13,758	+329	-1,671	13055	
13060	Education and Training Centers.....	34,397	38,397	35,240	+843	-3,157	13060	
13065	Subtotal, Ryan White AIDS programs.....	2,213,421	2,267,414	2,267,414	+53,993	---	13065	UA
13070	Evaluation Tap Funding (NA).....	(25,000)	(25,000)	(25,000)	---	---	13070	
13075	Subtotal, Ryan White AIDS program level.....	(2,238,421)	(2,292,414)	(2,292,414)	(+53,993)	---	13075	
13110	Subtotal, HIV/AIDS Bureau.....	2,213,421	2,267,414	2,267,414	+53,993	---	13110	
13200	Healthcare Systems Bureau						13200	
13205	Organ Transplantation.....	24,049	24,049	24,049	---	---	13205	UA
13210	National Cord Blood Inventory.....	11,983	11,983	11,983	---	---	13210	
13215	Bone Marrow Program.....	23,517	23,517	23,517	---	---	13215	
13220	Office of Pharmacy Affairs.....	1,470	2,970	1,470	---	-1,500	13220	
13225	Poison control.....	28,314	28,314	28,314	---	---	13225	
13230	Subtotal, Healthcare systems bureau.....	89,333	90,833	89,333	---	-1,500	13230	
13300	Rural Health Programs						13300	
13305	Rural outreach grants.....	53,900	55,450	56,600	+2,700	+1,150	13305	UA
13310	Rural Health Research.....	9,700	9,700	10,200	+500	+500	13310	
13315	Rural Hospital Flexibility Grants.....	39,200	39,200	41,200	+2,000	+2,000	13315	UA
13318	Delta Health Initiative.....	26,000	---	---	-26,000	---	13318	
13320	Rural and community access to emergency devices.....	1,751	1,751	3,300	+1,549	+1,549	13320	UA
13330	State Offices of Rural Health.....	9,201	9,450	9,700	+499	+250	13330	UA
13332	Black lung clinics 2/.....	7,200	7,200	7,200	---	---	13332	UA
13333	Radiation Exposure Screening and Education Program 2/.....	1,952	1,952	1,952	---	---	13333	UA
13340	Subtotal, Rural health programs.....	148,904	124,703	130,152	-18,752	+5,449	13340	
13345	Denali Commission.....	19,642	---	---	-19,642	---	13345	UA
14300	Family Planning.....	307,491	317,491	317,491	+10,000	---	14300	UA
14350	Health care-related facilities and activities.....	310,470	---	179,330	-131,140	+179,330	14350	
14450	Telehealth.....	7,550	8,200	15,000	+7,450	+6,800	14450	UA
14850	Program management.....	142,024	147,052	146,000	+3,976	-1,052	14850	
14900	Total, Health resources and services (HRSA).....	9,734,436	7,126,700	7,305,817	-2,428,619	+179,117	14900	
14901	Total, HRSA (excluding emergencies).....	7,234,436	7,126,700	7,305,817	+71,381	+179,117	14901	
14910	Total, Health resources & services program level.....	(9,759,436)	(7,151,700)	(7,330,817)	(-2,428,619)	(+179,117)	14910	
14915	Total, Evaluation tap funding.....	(25,000)	(25,000)	(25,000)	---	---	14915	
14917	Total, HRSA program level (excl. emergencies)....	(7,259,436)	(7,151,700)	(7,330,817)	(+71,381)	(+179,117)	14917	
15050	HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT						15050	
15100	HEAL Liquidating account.....	(1,000)	(1,000)	(1,000)	---	---	15100	
15150	HEAL Program management.....	2,847	2,847	2,847	---	---	15150	
15200	Total, HEAL.....	2,847	2,847	2,847	---	---	15200	

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

				----- H.R. 3293 vs. -----			
		FY 2009	FY 2010	H.R. 3293	Comparable	Request	
		Comparable	Request				
15250	VACCINE INJURY COMPENSATION PROGRAM TRUST FUND						15250
15300	Post-FY 1988 claims.....	113,115	115,908	115,908	+2,793	---	15300 M
15350	HRSA administration.....	5,404	6,502	6,502	+1,098	---	15350
15400	Total, Vaccine Injury Compensation Trust Fund...	118,519	122,410	122,410	+3,891	---	15400
15410	Covered Countermeasure Process Fund.....	---	5,000	---	---	-5,000	15410
15450	Total, Health Resources & Services Administration	9,855,802	7,256,957	7,431,074	-2,424,728	+174,117	15450
15475	Total, HRSA program level.....	(9,881,802)	(7,277,957)	(7,457,074)	(-2,424,728)	(+179,117)	15475
15477	Total, HRSA (excluding emergencies).....	7,355,802	7,256,957	7,431,074	+75,272	+174,117	15477
15479	Total, HRSA program level (excl. emergencies)....	(7,381,802)	(7,277,957)	(7,457,074)	(+75,272)	(+179,117)	15479
15500	CENTERS FOR DISEASE CONTROL AND PREVENTION						15500
15505	DISEASE CONTROL, RESEARCH, AND TRAINING						15505
15510	Infectious Diseases						15510
15520	Immunization and respiratory diseases.....	703,254	704,596	704,596	+1,342	---	15520 UA
15522	Public Law 111-5 (emergency).....	300,000	---	---	-300,000	---	15522 UA
15525	Evaluation Tap Funding.....	(12,794)	(12,864)	(12,864)	(+70)	---	15525
15530	Subtotal (excluding emergencies).....	(716,048)	(717,460)	(717,460)	(+1,412)	---	15530
15540	HIV/AIDS, Viral hepatitis, STD, and TB prevention....	1,006,375	1,060,299	1,062,082	+55,707	+1,783	15540 UA
15550	Zoonotic, Vector-Borne, and Enteric diseases.....	67,978	73,122	76,790	+8,812	+3,668	15550
15559	Preparedness, detection, and control of infectious						15559
15560	diseases.....	157,426	168,741	173,791	+16,365	+5,050	15560 UA
15565	Public Law 111-5 (emergency).....	40,000	---	---	-40,000	---	15565
15570	Subtotal (excluding emergencies).....	1,935,033	2,008,758	2,017,259	+82,226	+10,501	15570
15575	Total, Evaluation tap funding.....	(12,794)	(12,864)	(12,864)	(+70)	---	15575
15580	Subtotal, Infectious diseases program level....	(2,287,827)	(2,019,622)	(2,030,123)	(-257,704)	(+10,501)	15580
15581	Subtotal, program level (excluding emergencies)	(1,947,827)	(2,019,622)	(2,030,123)	(+82,296)	(+10,501)	15581
15650	Health Promotion						15650
15654	Chronic disease prevention, health promotion						15654
15655	and genomics.....	881,686	896,239	910,812	+29,126	+14,573	15655
15659	Birth defects, developmental disabilities, disability						15659
15660	and health.....	138,022	142,016	140,882	+2,860	-1,134	15660
15665	Subtotal, Health promotion.....	1,019,708	1,038,255	1,051,694	+31,986	+13,439	15665 UA
15700	Health Information and Service						15700
15705	Health statistics.....	---	---	---	---	---	15705 UA
15710	Evaluation Tap Funding.....	(124,701)	(138,683)	(138,683)	(+13,982)	---	15710
15715	Subtotal, Health statistics program level.....	(124,701)	(138,683)	(138,683)	(+13,982)	---	15715
15720	Public health informatics/Health marketing.....	83,124	96,690	58,679	-24,445	-38,011	15720
15725	Evaluation Tap Funding.....	(71,531)	(56,411)	(94,422)	(+22,891)	(+38,011)	15725
15729	Subtotal, Public health informatics/health						15729
15730	marketing, program level.....	(154,655)	(153,101)	(153,101)	(-1,554)	---	15730
15750	Subtotal, Health information and service.....	83,124	96,690	58,679	-24,445	-38,011	15750
15755	Total, Evaluation tap funding.....	(196,232)	(195,094)	(233,105)	(+36,873)	(+38,011)	15755
15760	Subtotal, Health information & service program..	(279,356)	(291,784)	(291,784)	(+12,428)	---	15760
15765	Environmental Health and Injury						15765
15770	Environmental health.....	185,415	186,401	191,023	+5,608	+4,622	15770
15775	Injury prevention and control.....	145,242	148,615	148,615	+3,373	---	15775
15780	Subtotal, Environmental health and injury.....	(330,657)	(335,016)	(339,638)	(+8,981)	(+4,622)	15780 UA
15800	National Institute for Occupational Safety & Health 1/	268,834	276,664	277,617	+8,783	+953	15800
15810	Evaluation Tap Funding.....	(91,225)	(91,724)	(91,724)	(+499)	---	15810
15815	Subtotal, Occupational Safety & health program1/	(360,059)	(368,388)	(369,341)	(+9,282)	(+953)	15815
15839	Energy employees occupational illness						15839
15840	compensation program.....	55,358	55,358	55,358	---	---	15840 M

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
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			----- H.R. 3293 vs. -----		
	FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request
15850 Global health.....	308,824	319,134	323,134	+14,310	+4,000
15870 Terrorism preparedness and response	1,514,657	1,546,809	1,546,809	+32,152	---
15900 Public health research.....	---	---	---	---	---
15910 Evaluation Tap Funding.....	(31,000)	(31,170)	(31,170)	(+170)	---
15950 Public health improvement and leadership.....	209,136	188,586	199,093	-10,043	+10,507
16000 Preventive health and health services block grant.....	102,000	102,034	102,034	+34	---
16050 Buildings and facilities.....	151,500	30,000	30,000	-121,500	---
16150 Business services.....	359,877	372,662	367,075	+7,198	-5,587
=====					
16400 Total, Centers for Disease Control.....	6,678,708	6,367,966	6,368,390	-310,318	+424
16410 Discretionary	6,283,350	6,312,608	6,313,032	+29,682	+424
16412 Discretionary (emergency).....	340,000	---	---	-340,000	---
16420 Evaluation Tap Funding (NA).....	(331,251)	(330,852)	(368,863)	(+37,612)	(+38,011)
16422 Total, CDC (excluding emergencies).....	6,338,708	6,367,966	6,368,390	+29,682	+424

16425 Total, Centers for Disease Control program level.....	(7,009,959)	(6,698,818)	(6,737,253)	(-272,706)	(+38,435)
16430 Discretionary.....	(6,954,601)	(6,643,460)	(6,681,895)	(-272,706)	(+38,435)

16435 Total, program level (excluding emergencies).....	(6,669,959)	(6,698,818)	(6,737,253)	(+67,294)	(+38,435)
16437 Discretionary (excluding emergencies).....	(6,614,601)	(6,643,460)	(6,681,895)	(+67,294)	(+38,435)

16550 NATIONAL INSTITUTES OF HEALTH.....					
16600 National Cancer Institute.....	4,968,973	5,150,170	5,150,170	+181,197	---
16602 Public Law 111-5 (emergency).....	1,256,517	---	---	-1,256,517	---
16604 Subtotal.....	6,225,490	5,150,170	5,150,170	-1,075,320	---

16650 National Heart, Lung, and Blood Institute.....	3,015,689	3,050,356	3,123,403	+107,714	+73,047
16652 Public Law 111-5 (emergency).....	762,584	---	---	-762,584	---
16654 Subtotal.....	3,778,273	3,050,356	3,123,403	-654,870	+73,047

16700 National Institute of Dental & Craniofacial Research..	402,652	408,037	417,032	+14,380	+8,995
16702 Public Law 111-5 (emergency).....	101,819	---	---	-101,819	---
16704 Subtotal.....	504,471	408,037	417,032	-87,439	+8,995

16740 National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK).....	1,761,338	1,781,494	1,824,251	+62,913	+42,757
16752 Public Law 111-5 (emergency).....	445,393	---	---	-445,393	---
16775 Juvenile diabetes (mandatory).....	(150,000)	(150,000)	(150,000)	---	---
16780 Subtotal, NIDDK program level.....	2,356,731	1,931,494	1,974,251	-382,480	+42,757

16800 National Institute of Neurological Disorders & Stroke.....	1,593,344	1,612,745	1,650,253	+56,909	+37,508
16802 Public Law 111-5 (emergency).....	402,912	---	---	-402,912	---
16804 Subtotal.....	1,996,256	1,612,745	1,650,253	-346,003	+37,508

16850 National Institute of Allergy and Infectious Diseases.....	4,402,572	4,460,295	4,559,502	+156,930	+99,207
16852 Public Law 111-5 (emergency).....	1,113,288	---	---	-1,113,288	---
16900 Global HIV/AIDS Fund Transfer.....	300,000	300,000	300,000	---	---
16950 Subtotal, NIAID program level.....	5,815,860	4,760,295	4,859,502	-956,358	+99,207

17000 National Institute of General Medical Sciences.....	1,997,801	2,023,677	2,069,156	+71,355	+45,479
17002 Public Law 111-5 (emergency).....	505,188	---	---	-505,188	---
17004 Subtotal.....	2,502,989	2,023,677	2,069,156	-433,833	+45,479

17050 National Institute of Child Health & Human Development.....	1,294,894	1,313,674	1,341,120	+46,226	+27,446
17052 Public Law 111-5 (emergency).....	327,443	---	---	-327,443	---
17054 Subtotal.....	1,622,337	1,313,674	1,341,120	-281,217	+27,446

17100 National Eye Institute.....	688,480	695,789	713,072	+24,592	+17,283
17102 Public Law 111-5 (emergency).....	174,097	---	---	-174,097	---
17104 Subtotal.....	862,577	695,789	713,072	-149,505	+17,283

17150 National Institute of Environmental Health Sciences.....	662,820	684,257	695,497	+32,677	+11,240
17152 Public Law 111-5 (emergency).....	187,354	---	---	-187,354	---
17154 Subtotal.....	850,174	684,257	695,497	-154,677	+11,240

17250 National Institute on Aging.....	1,080,796	1,093,143	1,119,404	+38,608	+26,261
17252 Public Law 111-5 (emergency).....	273,303	---	---	-273,303	---
17254 Subtotal.....	1,354,099	1,093,143	1,119,404	-234,695	+26,261

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LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

			----- H.R. 3293 vs. -----		
	FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request
17300 National Institute of Arthritis and Musculoskeletal					17300
17350 and Skin Diseases.....	524,872	530,825	543,621	+18,749	+12,796 17350
17352 Public Law 111-5 (emergency).....	132,726	---	---	-132,726	---
17354 Subtotal.....	657,598	530,825	543,621	-113,977	+12,796 17354
17400 National Institute on Deafness and Other Communication					17400
17450 Disorders.....	407,259	413,026	422,308	+15,049	+9,282 17450
17452 Public Law 111-5 (emergency).....	102,984	---	---	-102,984	---
17454 Subtotal.....	510,243	413,026	422,308	-87,935	+9,282 17454
17500 National Institute of Nursing Research.....	141,879	143,749	146,945	+5,066	+3,196 17500
17502 Public Law 111-5 (emergency).....	35,877	---	---	-35,877	---
17504 Subtotal.....	177,756	143,749	146,945	-30,811	+3,196 17504
17550 National Institute on Alcohol Abuse and Alcoholism....	450,230	455,149	466,308	+16,078	+11,159 17550
17552 Public Law 111-5 (emergency).....	113,851	---	---	-113,851	---
17554 Subtotal.....	564,081	455,149	466,308	-97,773	+11,159 17554
17600 National Institute on Drug Abuse.....	1,032,759	1,045,384	1,069,583	+36,824	+24,199 17600
17602 Public Law 111-5 (emergency).....	261,156	---	---	-261,156	---
17604 Subtotal.....	1,293,915	1,045,384	1,069,583	-224,332	+24,199 17604
17650 National Institute of Mental Health.....	1,450,491	1,474,676	1,502,266	+51,775	+27,590 17650
17652 Public Law 111-5 (emergency).....	366,789	---	---	-366,789	---
17654 Subtotal.....	1,817,280	1,474,676	1,502,266	-315,014	+27,590 17654
17700 National Human Genome Research Institute.....	502,367	509,594	520,311	+17,944	+10,717 17700
17702 Public Law 111-5 (emergency).....	127,035	---	---	-127,035	---
17704 Subtotal.....	629,402	509,594	520,311	-109,091	+10,717 17704
17750 National Institute of Biomedical Imaging and					17750
17800 Bioengineering.....	308,208	312,687	319,217	+11,009	+6,530 17800
17802 Public Law 111-5 (emergency).....	77,937	---	---	-77,937	---
17804 Subtotal.....	386,145	312,687	319,217	-66,928	+6,530 17804
17850 National Center for Research Resources.....	1,226,263	1,252,044	1,280,031	+53,768	+27,987 17850
17852 Public Law 111-5 (emergency).....	1,610,088	---	---	-1,610,088	---
17854 Subtotal.....	2,836,351	1,252,044	1,280,031	-1,556,320	+27,987 17854
17900 National Center for Complementary and Alternative					17900
17950 Medicine.....	125,471	127,241	129,953	+4,482	+2,712 17950
17952 Public Law 111-5 (emergency).....	31,728	---	---	-31,728	---
17954 Subtotal.....	157,199	127,241	129,953	-27,246	+2,712 17954
18000 National Center on Minority Health and Health					18000
18050 Disparities.....	205,959	208,844	213,316	+7,357	+4,472 18050
18052 Public Law 111-5 (emergency).....	52,081	---	---	-52,081	---
18054 Subtotal.....	258,040	208,844	213,316	-44,724	+4,472 18054
18100 John E. Fogarty International Center.....	68,691	69,227	70,780	+2,089	+1,553 18100
18102 Public Law 111-5 (emergency).....	17,370	---	---	-17,370	---
18104 Subtotal.....	86,061	69,227	70,780	-15,281	+1,553 18104
18150 National Library of Medicine (NLM).....	330,771	334,347	342,585	+11,814	+8,238 18150
18152 Public Law 111-5 (emergency).....	83,643	---	---	-83,643	---
18155 Evaluation Tap Funding.....	(8,200)	(8,200)	(8,200)	---	---
18157 Subtotal.....	422,614	342,547	350,785	-71,829	+8,238 18157

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

			----- H.R. 3293 vs. -----			
	FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request	
18200 Office of the Director	1,246,864	1,182,777	1,168,704	-78,160	-14,073	18200
18202 Public Law 111-5 (emergency).....	1,336,837	---	---	-1,336,837	---	18202
18205 Common fund.....	(541,133)	(549,066)	(534,066)	(-7,067)	(-15,000)	18205
18210 Public Law 111-5 (emergency).....	(136,837)	---	---	(-136,837)	---	18210
18217 Subtotal.....	2,583,701	1,182,777	1,168,704	-1,414,997	-14,073	18217
18218 Subtotal, Common Fund.....	(677,970)	(549,066)	(534,066)	(-143,904)	(-15,000)	18218
18250 Buildings and Facilities.....	125,581	125,581	100,000	-25,581	-25,581	18250
18255 Public Law 111-5 (emergency).....	500,000	---	---	-500,000	---	18255
18260 Subtotal.....	625,581	125,581	100,000	-525,581	-25,581	18260
18400 Total, National Institutes of Health (NIH).....	40,717,024	30,758,788	31,258,788	-9,458,236	+500,000	18400 UA
18450 Global HIV/AIDS Fund Transfer.....	-300,000	-300,000	-300,000	---	---	18450
18455 Emergency appropriations	(10,400,000)	---	---	(-10,400,000)	---	18455
18480 Evaluation Tap Funding.....	(8,200)	(8,200)	(8,200)	---	---	18480
18485 Total, NIH (excluding emergencies).....	30,317,024	30,758,788	31,258,788	+941,764	+500,000	18485
18500 Total, NIH Program Level.....	(40,425,224)	(30,466,988)	(30,966,988)	(-9,458,236)	(+500,000)	18500
18507 Total, NIH Program Level (excluding emergencies).....	(30,325,224)	(30,766,988)	(31,266,988)	(+941,764)	(+500,000)	18507
18600 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES						18600
18601 ADMINISTRATION (SAMHSA)						18601
18620 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES						18620
18650 Mental Health:						18650
18700 Programs of Regional and National Significance....	344,438	335,802	357,165	+12,727	+21,363	18700
18750 Mental Health block grant.....	399,735	399,735	399,735	---	---	18750
18775 Evaluation Tap Funding.....	(21,039)	(21,039)	(21,039)	---	---	18775
18780 Subtotal, Program level.....	(420,774)	(420,774)	(420,774)	---	---	18780
18800 Children's Mental Health.....	108,373	125,316	125,316	+16,943	---	18800
18850 Grants to States for the Homeless (PATH).....	59,687	68,047	68,047	+8,360	---	18850
18900 Protection and Advocacy.....	35,880	35,880	36,880	+1,000	+1,000	18900
18950 Subtotal, Mental Health.....	948,113	964,780	987,143	+39,030	+22,363	18950
18955 Subtotal, Mental health program level.....	(969,152)	(985,819)	(1,008,182)	(+39,030)	(+22,363)	18955
19000 Substance Abuse Treatment:						19000
19050 Programs of Regional and National Significance....	405,746	451,460	452,903	+47,157	+1,443	19050
19075 Evaluation Tap Funding.....	(8,596)	(8,596)	(8,596)	---	---	19075
19080 Subtotal, Program level.....	(414,342)	(460,056)	(461,499)	(+47,157)	(+1,443)	19080
19100 Substance Abuse block grant.....	1,699,391	1,699,391	1,699,391	---	---	19100
19125 Evaluation Tap Funding.....	(79,200)	(79,200)	(79,200)	---	---	19125
19130 Subtotal, Program level.....	(1,778,591)	(1,778,591)	(1,778,591)	---	---	19130
19150 Subtotal, Substance Abuse Treatment.....	2,105,137	2,150,851	2,152,294	+47,157	+1,443	19150
19155 Subtotal, Program level.....	(2,192,933)	(2,238,647)	(2,240,090)	(+47,157)	(+1,443)	19155
19200 Substance Abuse Prevention:						19200
19250 Programs of Regional and National Significance....	201,003	198,259	200,009	-994	+1,750	19250
19350 Program Management.....	77,381	79,197	79,197	+1,816	---	19350
19352 Evaluation Tap funding (NA).....	(22,750)	(22,750)	(22,750)	---	---	19352
19353 Subtotal, Program level.....	100,131	101,947	101,947	+1,816	---	19353
19380 St. Elizabeth's Hospital--Environmental remediation...	772	795	795	+23	---	19380
19390 Data evaluation.....	2,500	---	---	-2,500	---	19390
=====						
19400 Total, SAMHSA.....	3,334,906	3,393,882	3,419,438	+84,532	+25,556	19400 UA
19405 Evaluation Tap funding.....	(131,585)	(131,585)	(131,585)	---	---	19405
19410 Total, SAMHSA program level.....	(3,466,491)	(3,525,467)	(3,551,023)	(+84,532)	(+25,556)	19410

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

		----- H.R. 3293 vs. -----				
		FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request
19500	AGENCY FOR HEALTHCARE RESEARCH AND QUALITY (AHRQ)					19500
19510	HEALTHCARE RESEARCH AND QUALITY					19510
19550	Research on Health Costs, Quality, and Outcomes:					19550
19600	Federal Funds.....	---	---	---	---	19600
19605	Public Law 111-5 (emergency).....	700,000	---	---	-700,000	19605
19650	Evaluation Tap funding (NA).....	(314,053)	(314,053)	(309,053)	(-5,000)	19650
19700	Patient-Centered Health Research (NA).....	(50,000)	(50,000)	(12,500)	(-37,500)	19700
19750	Patient Safety Research and Health (NA).....	(93,709)	(93,709)	(98,905)	(+5,196)	19750
19800	Subtotal, Program level (excl. emergencies).....	(314,053)	(314,053)	(309,053)	(-5,000)	19800
19850	Medical Expenditures Panel Surveys:					19850
19900	Federal Funds.....	---	---	---	---	19900
19950	Evaluation Tap funding (NA).....	(55,300)	(55,300)	(60,300)	(+5,000)	19950
19960	Subtotal, Medical Expenditures Panel Surveys....	(55,300)	(55,300)	(60,300)	(+5,000)	19960
20100	Program Support:					20100
20140	Evaluation Tap funding (NA).....	(2,700)	(2,700)	(2,700)	---	20140
=====						
20290	Total, AHRQ.....	700,000	---	---	-700,000	20290 UA
20291	Total, AHRQ (excluding emergencies).....	---	---	---	---	20291 UA
20300	Evaluation Tap funding (NA).....	(372,053)	(372,053)	(372,053)	---	20300
20310	Total, AHRQ program level.....	(1,072,053)	(372,053)	(372,053)	(-700,000)	20310
20311	Total, AHRQ program level (excl. emergencies)....	(372,053)	(372,053)	(372,053)	---	20311
=====						
20350	Total, Public Health Service (PHS) appropriation	61,286,440	47,777,593	48,477,690	-12,808,750	20350
20355	Total, Public Health Service program level.....	(61,855,529)	(48,346,283)	(49,084,391)	(-12,771,138)	20355
=====						
20357	Total, PHS appropriation (excluding emergencies)	47,346,440	47,777,593	48,477,690	+1,131,250	20357
20359	Total, PHS program level (excluding emergencies)	(47,915,529)	(48,346,283)	(49,084,391)	(+1,168,862)	20359
20500	CENTERS FOR MEDICARE AND MEDICAID SERVICES					20500
20550	GRANTS TO STATES FOR MEDICAID					20550
20600	Medicaid current law benefits.....	241,748,640	276,957,508	276,957,508	+35,208,868	20600 M
20650	State and local administration.....	12,021,152	12,381,233	12,381,233	+360,081	20650 M
20700	Vaccines for Children.....	3,377,911	3,323,770	3,323,770	-54,141	20700 M
20750	Subtotal, Medicaid program level.....	257,147,703	292,662,511	292,662,511	+35,514,808	20750
20850	Less funds advanced in prior year.....	-67,292,669	-71,700,038	-71,700,038	-4,407,369	20850 M
20900	Total, Grants to States for Medicaid.....	189,855,034	220,962,473	220,962,473	+31,107,439	20900
20950	New advance, 1st quarter.....	71,700,038	86,789,382	86,789,382	+15,089,344	20950 M
21000	PAYMENTS TO HEALTH CARE TRUST FUNDS					21000
21050	Supplemental medical insurance.....	150,077,000	153,060,000	153,060,000	+2,983,000	21050 M
21100	Hospital insurance for the uninsured.....	351,000	-414,000	-414,000	-765,000	21100 M
21150	Federal uninsured payment.....	263,000	272,000	272,000	+9,000	21150 M
21200	Program management.....	281,000	338,070	403,070	+122,070	21200 M
21205	General revenue for Part D benefit.....	44,999,000	53,180,000	53,180,000	+8,181,000	21205 M
21210	General revenue for Part D administration.....	547,000	484,000	484,000	-63,000	21210 M
21220	HCFAC reimbursement.....	198,000	311,000	311,000	+113,000	21220 M
21222	Quinquennial adjustment.....	1,028,000	---	---	-1,028,000	21222 M
21280	Total, Payments to Trust Funds, program level...	197,744,000	207,231,070	207,296,070	+9,552,070	21280
21300	PROGRAM MANAGEMENT					21300
21400	Research, Demonstration, Evaluation.....	30,192	56,978	31,600	+1,408	21400
21450	Medicare Operations.....	2,265,715	2,363,862	2,323,862	+58,147	21450
21700	State Survey and Certification.....	293,128	346,900	346,900	+53,772	21700
21705	Public Law 111-5 (emergency).....	10,000	---	---	-10,000	21705
21750	High risk insurance pools.....	75,000	---	65,000	-10,000	21750
21800	Federal Administration.....	641,351	697,760	696,000	+54,649	21800
=====						
21950	Total, Program management, Limitation on new BA.	3,315,386	3,465,500	3,463,362	+147,976	21950
22000	Total, program level (excluding emergencies)....	3,315,386	3,465,500	3,463,362	+147,976	22000

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

				----- H.R. 3293 vs. -----		
	FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request	
22010	HEALTH CARE FRAUD AND ABUSE CONTROL					22010
22015	Part D drug benefit/medicare advantage (MIP).....	147,038	220,320	220,320	+73,282	22015
22017	HHS Office of Inspector General.....	18,967	29,790	29,790	+10,823	22017
22019	Department of Justice.....	18,967	29,790	29,790	+10,823	22019
22020	Medicaid/SCHIP.....	13,028	31,100	31,100	+18,072	22020
22025	Total, Health Care Fraud and Abuse Control.....	198,000	311,000	311,000	+113,000	22025
22050	Total, Centers for Medicare and Medicaid Services	462,812,458	518,759,425	518,822,287	+56,009,829	22050
22100	Federal funds.....	459,299,072	514,982,925	515,047,925	+55,748,853	22100
22150	Current year.....	(387,599,034)	(428,193,543)	(428,258,543)	(+40,659,509)	22150
22200	New advance, FY 2011.....	(71,700,038)	(86,789,382)	(86,789,382)	(+15,089,344)	22200
22250	Trust Funds.....	3,503,386	3,776,500	3,774,362	+270,976	22250
22251	Trust Funds (emergency).....	10,000	---	---	-10,000	22251
22252	Total, Centers (excluding emergencies).....	462,802,458	518,759,425	518,822,287	+56,019,829	22252
22300	ADMINISTRATION FOR CHILDREN AND FAMILIES					22300
22349	PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND					22349
22350	FAMILY SUPPORT PROGRAMS					22350
22400	Payments to territories.....	33,000	33,000	33,000	---	22400 M
22450	Repatriation.....	1,000	1,000	1,000	---	22450 M
22500	Subtotal, Welfare payments.....	34,000	34,000	34,000	---	22500
22550	Child Support Enforcement:					22550
22600	State and local administration.....	3,768,699	4,023,509	4,023,509	+254,810	22600 M
22650	Federal incentive payments.....	504,000	504,000	504,000	---	22650 M
22750	Access and visitation.....	10,000	10,000	10,000	---	22750 M
22800	Subtotal, Child Support Enforcement.....	4,282,699	4,537,509	4,537,509	+254,810	22800
22850	Total, Family support payments program level....	4,316,699	4,571,509	4,571,509	+254,810	22850
22900	Less funds advanced in previous years.....	-1,000,000	-1,000,000	-1,000,000	---	22900 M
22950	Total, Family support payments, current year....	3,316,699	3,571,509	3,571,509	+254,810	22950
23000	New advance, 1st quarter, FY 2011.....	1,000,000	1,100,000	1,100,000	+100,000	23000 M
23020	LOW-INCOME HOME ENERGY ASSISTANCE (LIHEAP)					23020
23050	Formula grants.....	---	2,410,000	4,509,672	+4,509,672	23050
23055	Continuing Appropriations, 2009 (PL 110-329) (NA).	(1,980,000)	---	---	(-1,980,000)	23055
23060	(emergency) (PL 110-329) (NA).....	(2,529,672)	---	---	(-2,529,672)	23060
23080	Subtotal, Formula grants.....	4,509,672	2,410,000	4,509,672	---	23080 UA
23150	Contingency fund.....	---	790,000	590,328	+590,328	23150
23152	Continuing Appropriations, 2009 (PL 110-329) (NA).	(340,328)	---	---	(-340,328)	23152
23153	(emergency) (PL 110-329) (NA).....	(250,000)	---	---	(-250,000)	23153
23154	Subtotal, Contingency fund.....	590,328	790,000	590,328	---	23154
23160	Total, LIHEAP.....	---	3,200,000	5,100,000	+5,100,000	23160
23175	Total, LIHEAP, program level.....	5,100,000	3,200,000	5,100,000	---	23175
23179	Total, LIHEAP, program level (excl. emergencies)	2,320,328	3,200,000	5,100,000	+2,779,672	23179
23200	REFUGEE AND ENTRANT ASSISTANCE					23200
23250	Transitional and Medical Services.....	282,348	337,102	337,102	+54,754	23250 UA
23300	Victims of Trafficking.....	9,814	9,814	9,814	---	23300
23350	Social Services.....	154,005	154,005	154,005	---	23350 UA
23400	Preventive Health.....	4,748	4,748	4,748	---	23400 UA
23450	Targeted Assistance.....	48,590	48,590	48,590	---	23450 UA
23475	Unaccompanied minors.....	123,120	175,581	149,351	+26,231	23475
23480	Public Law 111-32 (emergency).....	82,000	---	---	-82,000	23480
23500	Victims of Torture.....	10,817	10,817	11,358	+541	23500 UA
23550	Total, Refugee and entrant assistance.....	715,442	740,657	714,968	-474	23550
23551	Total, REA (excluding emergencies).....	633,442	740,657	714,968	+81,526	23551
23648	PAYMENTS TO STATES FOR THE					23648
23649	CHILD CARE AND DEVELOPMENT BLOCK GRANT					23649
23675	Child Care and Development Block Grant.....	2,127,081	2,127,081	2,127,081	---	23675 UA
23677	Public Law 111-5 (emergency).....	2,000,000	---	---	-2,000,000	23677 UA
23690	Total, Child Care and Development Block Grant...	4,127,081	2,127,081	2,127,081	-2,000,000	23690
23691	Total, CCDBG (excluding emergencies).....	2,127,081	2,127,081	2,127,081	---	23691

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

			----- H.R. 3293 vs. -----			
	FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request	
23700 SOCIAL SERVICES BLOCK GRANT (TITLE XX).....	1,700,000	1,700,000	1,700,000	---	---	23700 M
23750 CHILDREN AND FAMILIES SERVICES PROGRAMS						23750
23800 Programs for Children, Youth and Families:						23800
23850 Head Start, current funded.....	7,112,786	7,234,783	7,234,783	+121,997	---	23850
23900 Advance from prior year.....	(1,388,800)	---	---	(-1,388,800)	---	23900
23910 Public Law 111-5 (emergency).....	2,100,000	---	---	-2,100,000	---	23910 UA
24000 Subtotal (excluding emergencies).....	7,112,786	7,234,783	7,234,783	+121,997	---	24000
24050 Consolidated Runaway, Homeless Youth Program.....	97,234	97,234	98,234	+1,000	+1,000	24050
24125 Prevention grants to reduce abuse of runaway youth	17,721	17,721	18,721	+1,000	+1,000	24125
24150 Child Abuse State Grants.....	26,535	26,535	26,535	---	---	24150 UA
24200 Child Abuse Discretionary Activities.....	41,757	39,345	40,595	-1,162	+1,250	24200
24225 Community based child abuse prevention.....	41,689	41,689	41,689	---	---	24225
24250 Abandoned Infants Assistance.....	11,628	11,628	11,628	---	---	24250 UA
24300 Child Welfare Services.....	281,744	281,744	281,744	---	---	24300
24350 Child Welfare Training.....	7,207	7,207	7,207	---	---	24350
24375 Innovative Approaches to Foster Care.....	---	20,000	20,000	+20,000	---	24375
24400 Adoption Opportunities.....	26,379	26,379	26,379	---	---	24400 UA
24500 Adoption Incentive.....	36,500	39,500	39,500	+3,000	---	24500
24550 Adoption Awareness.....	12,953	12,953	12,953	---	---	24550 UA
24600 Compassion Capital Fund.....	47,688	---	---	-47,688	---	24600
24640 Strengthening Communities Fund.....	---	50,000	---	---	-50,000	24640
24645 Public Law 111-5 (emergency).....	50,000	---	---	-50,000	---	24645
24650 Social Services and Income Maintenance Research.....	14,498	---	13,569	-929	+13,569	24650
24655 Evaluation Tap funding.....	(5,762)	(5,762)	(5,762)	---	---	24655
24657 Subtotal, Program level (excl. emergencies).....	(20,260)	(5,762)	(19,331)	(-929)	(+13,569)	24657
24750 Developmental Disabilities Programs:						24750
24800 State Councils.....	74,316	74,316	74,316	---	---	24800
24850 Protection and Advocacy.....	40,024	40,024	41,024	+1,000	+1,000	24850
24875 Voting access for individuals with disabilities...	17,410	17,410	17,410	---	---	24875
24899 Developmental Disabilities Projects of National						24899
24900 Significance.....	14,162	14,162	14,662	+500	+500	24900
24949 University Centers for Excellence in Developmental						24949
24950 Disabilities.....	37,943	37,943	38,943	+1,000	+1,000	24950
25000 Subtotal, Developmental disabilities programs...	183,855	183,855	186,355	+2,500	+2,500	25000 UA
25050 Native American Programs.....	47,023	47,023	48,523	+1,500	+1,500	25050 UA
25100 Community Services:						25100
25110 Community Services Block Grant Act programs:						25110
25150 Grants to States for Community Services.....	700,000	700,000	700,000	---	---	25150 UA
25155 Public Law 111-5 (emergency).....	1,000,000	---	---	-1,000,000	---	25155 UA
25250 Economic Development.....	36,000	36,000	36,000	---	---	25250 UA
25350 Rural Community Facilities.....	10,000	---	10,000	---	+10,000	25350 UA
25400 Subtotal (excluding emergencies).....	746,000	736,000	746,000	---	+10,000	25400
25550 Job Opportunities for Low-Income Individuals..	5,288	5,288	---	-5,288	-5,288	25550
25560 Individual Development Account Initiative.....	24,025	24,025	24,025	---	---	25560 UA
25580 Subtotal, Community Services (excl. emergencies)	775,313	765,313	770,025	-5,288	+4,712	25580
25650 Domestic Violence Hotline.....	3,209	3,209	3,209	---	---	25650 UA
25700 Family Violence/Battered Women's Shelters.....	127,776	127,776	133,776	+6,000	+6,000	25700 UA
25900 Mentoring Children of Prisoners.....	49,314	49,314	49,314	---	---	25900
25950 Independent Living Training Vouchers.....	45,351	45,351	45,351	---	---	25950
25960 Community-based Abstinence Education.....	94,659	---	---	-94,659	---	25960
25962 Evaluation Tap Funding.....	(4,455)	---	---	(-4,455)	---	25962
25964 Subtotal, Abstinence Education.....	(99,114)	---	---	(-99,114)	---	25964
25980 Teen Pregnancy Prevention Community Grants.....	---	110,000	110,000	+110,000	---	25980
25990 Evaluation Tap Funding.....	---	(4,455)	(4,455)	(+4,455)	---	25990
25995 Subtotal, Teen Pregnancy Prevention Com Grants..	---	(114,455)	(114,455)	(+114,455)	---	25995
25997 Faith-Based Center.....	1,362	1,376	1,376	+14	---	25997
25998 Disaster human services case management.....	---	2,000	2,000	+2,000	---	25998
26000 Program Direction.....	196,930	217,624	213,485	+16,555	-4,139	26000
26050 Total, Children and Families Services Programs..	12,451,111	9,459,559	9,436,951	-3,014,160	-22,608	26050
26101 Current Year.....	(9,301,111)	(9,459,559)	(9,436,951)	(+135,840)	(-22,608)	26101
26105 Current Year (emergency).....	(3,150,000)	---	---	(-3,150,000)	---	26105
26160 Evaluation Tap funding.....	(10,217)	(10,217)	(10,217)	---	---	26160
26165 Total, CFSP (excluding emergencies).....	9,301,111	9,459,559	9,436,951	+135,840	-22,608	26165
26180 Total, Program level.....	(12,461,328)	(9,469,776)	(9,447,168)	(-3,014,160)	(-22,608)	26180
26185 Total, Program level (excluding emergencies)....	(9,311,328)	(9,469,776)	(9,447,168)	(+135,840)	(-22,608)	26185

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

			----- H.R. 3293 vs. -----		
	FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request
26250 PROMOTING SAFE AND STABLE FAMILIES	345,000	345,000	345,000	---	---
26300 Discretionary Funds.....	63,311	63,311	63,311	---	---
26350 PAYMENTS FOR FOSTER CARE AND PERMANENCY					
25400 Foster Care.....	4,660,000	4,681,000	4,681,000	+21,000	---
26450 Adoption Assistance.....	2,371,000	2,462,000	2,462,000	+91,000	---
26455 Kinship Guardianship.....	14,000	49,000	49,000	+35,000	---
26500 Independent Living.....	140,000	140,000	140,000	---	---
26550 Total, Payments to States.....	7,185,000	7,332,000	7,332,000	+147,000	---
26600 Less Advances from Prior Year.....	-1,776,000	-1,800,000	-1,800,000	-24,000	---
26650 Total, payments, current year.....	5,409,000	5,532,000	5,532,000	+123,000	---
26700 New Advance, 1st quarter.....	1,800,000	1,850,000	1,850,000	+50,000	---
=====					
26750 Total, Administration for Children & Families.....	30,927,644	29,689,117	31,540,820	+613,176	+1,851,703
26800 Current year.....	(22,895,644)	(26,739,117)	(28,590,820)	(+5,695,176)	(+1,851,703)
26810 Current Year (emergency).....	(5,232,000)	---	---	(-5,232,000)	---
26850 FY 2011.....	(2,800,000)	(2,950,000)	(2,950,000)	(+150,000)	---
26875 Evaluation Tap funding.....	(10,217)	(10,217)	(10,217)	---	---
26877 Total, ACF (excluding emergencies).....	25,695,644	29,689,117	31,540,820	+5,845,176	+1,851,703
26880 Total, ACF program level.....	30,937,861	29,699,334	31,551,037	+613,176	+1,851,703
26881 Total, ACF program level (excl. emergencies).....	25,705,861	29,699,334	31,551,037	+5,845,176	+1,851,703
26900 ADMINISTRATION ON AGING					
26910 AGING SERVICES PROGRAMS					
26950 Grants to States:					
27000 Home and Community-based Supportive Services.....	361,348	361,348	371,348	+10,000	+10,000
27050 Preventive Health.....	21,026	21,026	21,026	---	---
27100 Protection of Vulnerable Older Americans-Title VII	21,383	21,383	21,383	---	---
27150 Family Caregivers.....	154,220	154,220	154,220	---	---
27200 Native American Caregivers Support.....	6,389	6,389	6,389	---	---
27250 Subtotal, Caregivers.....	160,609	160,609	160,609	---	---
27300 Nutrition:					
27350 Congregate Meals.....	434,269	434,269	447,297	+13,028	+13,028
27355 Public Law 111-5 (emergency).....	65,000	---	---	-65,000	---
27400 Home Delivered Meals.....	214,459	214,459	220,893	+6,434	+6,434
27405 Public Law 111-5 (emergency).....	32,000	---	---	-32,000	---
27425 Nutrition Services Incentive Program.....	161,015	161,015	161,015	---	---
27430 Subtotal (excluding emergencies).....	809,743	809,743	829,205	+19,462	+19,462
27440 Subtotal, Grants to States (excl. emergencies)	1,374,109	1,374,109	1,403,571	+29,462	+29,462
27450 Grants for Native Americans.....	27,208	27,208	28,208	+1,000	+1,000
27455 Public Law 111-5 (emergency).....	3,000	---	---	-3,000	---
27500 Program Innovations.....	18,172	13,049	21,128	+2,956	+8,079
27550 Aging Network Support Activities.....	41,694	44,283	44,283	+2,589	---
27600 Alzheimer's Disease Demonstrations.....	11,464	11,464	11,464	---	---
27610 Lifespan Respite Care.....	2,500	2,500	2,500	---	---
27650 Program Administration.....	18,696	21,230	19,727	+1,031	-1,503
27700 Total, Administration on Aging.....	1,593,843	1,493,843	1,530,881	-62,962	+37,038
27701 Total, Admin. on Aging (excluding emergencies).....	1,493,843	1,493,843	1,530,881	+37,038	+37,038
27750 OFFICE OF THE SECRETARY					
27800 GENERAL DEPARTMENTAL MANAGEMENT					
27810 General Departmental Management:					
27850 Federal Funds.....	194,252	205,025	199,384	+5,132	-5,641
27950 Trust Funds.....	5,851	5,851	5,851	---	---
28050 Subtotal.....	200,103	210,876	205,235	+5,132	-5,641

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LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

----- H.R. 3293 vs. -----						
	FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request	
28100 Adolescent Family Life (Title XX).....	29,778	29,778	29,778	---	---	28100 UA
28200 Minority health.....	52,956	55,956	56,000	+3,044	+44	28200
28250 Office of women's health.....	33,746	33,746	33,746	---	---	28250
28500 Minority HIV/AIDS.....	51,891	51,891	53,891	+2,000	+2,000	28500
28530 Afghanistan.....	5,789	5,789	5,789	---	---	28530
28535 Transformation of the Commissioned Corps.....	14,813	14,813	14,813	---	---	28535
28540 Embryo adoption awareness campaign.....	4,200	4,200	4,200	---	---	28540
28560 Evaluation tap funding (ASPE) (NA).....	(46,756)	(59,756)	(69,756)	(+23,000)	(+10,000)	28560
28600 Total, General Departmental Management.....	393,276	407,049	403,452	+10,176	-3,597	28600
28650 Federal Funds.....	(387,425)	(401,198)	(397,601)	(+10,176)	(-3,597)	28650
28700 Trust Funds.....	5,851	5,851	5,851	---	---	28700
28775 Evaluation tap funding.....	(46,756)	(59,756)	(69,756)	(+23,000)	(+10,000)	28775
28777 OFFICE OF MEDICARE HEARINGS AND APPEALS.....	64,604	71,147	71,147	+6,543	---	28777
28779 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH						28779
28780 INFORMATION TECHNOLOGY.....	43,552	42,331	---	-43,552	-42,331	28780
28781 Public Law 111-5 (emergency).....	2,000,000	---	---	-2,000,000	---	28781
28782 Evaluation tap funding.....	(17,679)	(19,011)	(61,342)	(+43,663)	(+42,331)	28782
28783 Total, program level (excluding emergencies)...	(61,231)	(61,342)	(61,342)	(+111)	---	28783
28850 OFFICE OF INSPECTOR GENERAL						28850
28900 Inspector General Federal Funds.....	45,279	50,279	50,279	+5,000	---	28900
28905 Public Law 111-5 (emergency).....	17,000	---	---	-17,000	---	28905
28950 HIPAA/HCFAC funding (NA).....	(177,205)	(177,205)	(177,205)	---	---	28950
28975 Medicaid integrity program						28975
28976 Deficit Reduction Act (P.L. 109-171) (NA).....	(25,000)	(25,000)	(25,000)	---	---	28976
29050 Total, Inspector General program level.....	(264,484)	(252,484)	(252,484)	(-12,000)	---	29050
29052 Total, IG program level (excluding emergencies)...	(247,484)	(252,484)	(252,484)	(+5,000)	---	29052
29100 OFFICE FOR CIVIL RIGHTS:						29100
29150 Federal Funds.....	36,785	37,785	37,785	+1,000	---	29150
29200 Trust Funds.....	3,314	3,314	3,314	---	---	29200
29250 Total, Office for Civil Rights.....	40,099	41,099	41,099	+1,000	---	29250
29450 RETIREMENT PAY AND						29450
29451 MEDICAL BENEFITS FOR COMMISSIONED OFFICERS						29451
29500 Retirement payments.....	339,352	356,455	356,455	+17,103	---	29500 M
29550 Survivors benefits.....	19,474	24,593	24,593	+5,119	---	29550 M
29600 Dependents' medical care.....	75,868	93,509	93,509	+17,641	---	29600 M
29605 Total, Medical benefits for Commissioned Officers	434,694	474,557	474,557	+39,863	---	29605
29710 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND						29710
29715 Assistant Secretary for Preparedness and Response						29715
29717 Operations.....	12,847	12,847	12,847	---	---	29717
29720 Preparedness and emergency operations.....	22,225	35,565	35,565	+13,340	---	29720
29725 National disaster medical system.....	49,500	56,037	56,037	+6,537	---	29725
29730 Hospital Preparedness Cooperative Agreement Grants:						29730
29735 Formula grants.....	370,797	420,000	420,000	+49,203	---	29735
29750 Other costs.....	16,788	---	---	-16,788	---	29750
29760 Emergency Systems for Advanced Registration of						29760
29765 Volunteer Health Professionals (ESAR-VHP).....	6,000	6,000	6,000	---	---	29765
29767 Emergency care systems.....	---	10,000	---	---	-10,000	29767
29775 Advanced research and development.....	275,000	305,000	305,000	+30,000	---	29775
29778 Project Bioshield Special Reserve Fund 2/.....	---	1,264,000	764,000	+764,000	-500,000	29778
29780 Bioshield management.....	22,052	22,364	22,364	+312	---	29780
29782 Medical Countermeasure Dispensing.....	---	10,000	10,000	+10,000	---	29782
29785 Global Medicine, Science, and Public Health.....	8,690	8,748	8,748	+58	---	29785
29790 Policy, strategic planning, and communications.....	4,292	4,367	4,367	+75	---	29790
29795 Subtotal, AS for Preparedness and Response.....	788,191	2,154,928	1,644,928	+856,737	-510,000	29795
29800 Assistant Secretary for Resources and Technology,						29800
29805 Cyber security.....	8,906	50,000	14,080	+5,174	-35,920	29805
29807 Public Law 111-5 (emergency).....	50,000	---	---	-50,000	---	29807
29810 Office of security and strategic information.....	3,263	4,893	4,893	+1,630	---	29810
29815 Office of Public Health and Science						29815
29825 Medical Reserve Corps.....	12,344	12,581	12,581	+237	---	29825

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

		FY 2009 Comparable		FY 2010 Request		H.R. 3293 Comparable		Request		H.R. 3293 vs. Request	
29835	Office of the Secretary										
29837	Parklawn lease expiration.....	---		102,000		70,000		+70,000		-32,000	
29840	Pandemic influenza preparedness:										
29845	Available until expended.....	507,000		276,000		276,000		-231,000		---	
29847	Public Law 111-32 (emergency).....	7,650,000		---		---		-7,650,000		---	
29850	Fiscal year 2010.....	78,091		78,167		78,167		+76		---	
29860	Subtotal, Office of the Secretary.....	8,235,091		456,167		424,167		-7,810,924		-32,000	
29865	Subtotal, Non-pandemic flu/BARDA/BioShield/Parklawn	(587,704)		(653,402)		(607,482)		(+19,778)		(-45,920)	
29870	Total, PHSSEF.....	9,097,795		2,678,569		2,100,649		-6,997,146		-577,920	
29875	Total, PHSSEF (excluding emergencies).....	1,397,795		2,678,569		2,100,649		+702,854		-577,920	
29880	Prevention and Wellness Fund (PL 111-5)(emergency)....	650,000		---		---		-650,000		---	
29900	Total, Office of the Secretary.....	12,786,299		3,765,031		3,141,183		-9,645,116		-623,848	
29950	Federal Funds.....	2,345,530		3,684,719		3,060,871		+715,341		-623,848	
29955	Federal Funds (emergency).....	10,367,000		---		---		-10,367,000		---	
30000	Trust Funds.....	73,769		80,312		80,312		+6,543		---	
30010	Total, Ofce of the Secretary (excl. emergencies)	2,419,299		3,765,031		3,141,183		+721,884		-623,848	
30100	Total, Title II, Dept of Health & Human Services	569,406,684		601,485,009		603,512,861		+34,106,177		+2,027,852	
30150	Federal Funds.....	565,829,529		597,628,197		599,658,187		+33,828,658		+2,029,990	
30200	Current year.....	(461,690,491)		(507,888,815)		(509,918,805)		(+48,228,314)		(+2,029,990)	
30210	Current Year (emergency).....	(29,639,000)		---		---		(-29,639,000)		---	
30250	FY 2011.....	(74,500,038)		(89,739,382)		(89,739,382)		(+15,239,344)		---	
30300	Trust Funds.....	3,577,155		3,856,812		3,854,674		+277,519		-2,138	
30301	Total, Title II (excluding emergencies).....	539,757,684		601,485,009		603,512,861		+63,755,177		+2,027,852	
30305	Title II Footnotes:										
30315	1/ Includes Mine Safety and Health										
30335	2/ FY 2010 request proposes to transfer the Project										
30336	BioShield Special Fund from Dept. of Homeland Security										
30350	TITLE III - DEPARTMENT OF EDUCATION										
30400	EDUCATION FOR THE DISADVANTAGED										
30450	Grants to Local Educational Agencies (LEAs)										
30500	Basic Grants:										
30550	Advance from prior year.....	(633,827)		(2,946,721)		(2,946,721)		(+2,312,894)		---	
30600	Forward funded.....	3,647,225		2,147,225		3,145,801		-501,424		+998,576	
30650	Current funded.....	4,000		4,000		4,000		---		---	
30700	Subtotal, Basic grants current year approp..	3,651,225		2,151,225		3,149,801		-501,424		+998,576	
30750	Subtotal, Basic grants total funds available	(4,285,052)		(5,097,946)		(6,096,522)		(+1,811,470)		(+998,576)	
30800	Basic Grants FY 2011 Advance.....	2,946,721		2,946,721		3,448,145		+501,424		+501,424	
30850	Subtotal, Basic grants, program level.....	6,597,946		5,097,946		6,597,946		---		+1,500,000	
30900	Concentration Grants:										
30950	Advance from prior year.....	(1,365,031)		(1,365,031)		(1,365,031)		---		---	
31000	FY 2011 Advance.....	1,365,031		1,365,031		1,365,031		---		---	
31100	Targeted Grants:										
31120	Forward funded.....	---		---		250,712		+250,712		+250,712	
31125	Public Law 111-5 (emergency).....	5,000,000		---		---		-5,000,000		---	
31150	Advance from prior year.....	(2,967,949)		(3,264,712)		(3,264,712)		(+296,763)		---	
31200	FY 2011 Advance.....	3,264,712		3,264,712		3,014,000		-250,712		-250,712	
31250	Subtotal (excluding emergencies).....	3,264,712		3,264,712		3,264,712		---		---	
31300	Education Finance Incentive Grants:										
31305	Forward Funded.....	---		---		250,712		+250,712		+250,712	
31310	(Public Law 111-5) (emergency).....	5,000,000		---		---		-5,000,000		---	
31350	Advance from prior year.....	(2,967,949)		(3,264,712)		(3,264,712)		(+296,763)		---	
31400	FY 2011 Advance.....	3,264,712		3,264,712		3,014,000		-250,712		-250,712	
31450	Subtotal (excluding emergencies).....	3,264,712		3,264,712		3,264,712		---		---	
31500	Subtotal, Grants to LEAs, program level.....	24,492,401		12,992,401		14,492,401		-10,000,000		+1,500,000	
31505	Subtotal, program level (excl. emergencies).	14,492,401		12,992,401		14,492,401		---		+1,500,000	
31550	Even Start.....	66,454		---		66,454		---		+66,454	
31560	School improvement grants.....	545,633		1,545,633		545,633		---		-1,000,000	
31561	Public Law 111-5 (emergency).....	3,000,000		---		---		-3,000,000		---	
31670	Early Childhood Grants.....	---		500,000		---		---		-500,000	
31675	Early Learning Challenge Fund.....	---		300,000		---		---		-300,000	
31890	Early Reading First.....	112,549		162,549		127,549		+15,000		-35,000	
31895	Striving readers.....	35,371		370,371		146,000		+110,629		-224,371	

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LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

		FY 2009		FY 2010		H.R. 3293		H.R. 3293 vs.	
		Comparable		Request		Comparable		Request	
31900	Literacy through School Libraries.....	19,145	19,145	19,145	---	---	31900		
31950	State Agency Programs:						31950		
32000	Migrant.....	394,771	394,771	394,771	---	---	32000	FF	
32050	Neglected and Delinquent/High Risk Youth.....	50,427	50,427	50,427	---	---	32050	FF	
32060	Subtotal, State Agency programs.....	445,198	445,198	445,198	---	---	32060		
32100	Evaluation.....	9,167	9,167	9,167	---	---	32100		
32155	High School Graduation Initiative.....	---	50,000	50,000	+50,000	---	32155		
32400	Migrant Education:						32400		
32450	High School Equivalency Program.....	18,682	36,668	36,668	+17,986	---	32450		
32500	College Assistance Migrant Program.....	15,486	---	---	-15,486	---	32500		
32550	Subtotal, Migrant Education.....	34,168	36,668	36,668	+2,500	---	32550	UA	
=====									
32600	Total, Education for the disadvantaged.....	28,760,086	16,431,132	15,938,215	-12,821,871	-492,917	32600		
32651	Current Year.....	(4,918,910)	(5,589,956)	(5,097,039)	(+178,129)	(-492,917)	32651		
32655	Current Year (emergency).....	(13,000,000)	---	---	(-13,000,000)	---	32655		
32700	FY 2011.....	(10,841,176)	(10,841,176)	(10,841,176)	---	---	32700		
32750	Subtotal, Forward Funded (excl. emergencies)....	(4,739,881)	(4,508,427)	(4,850,510)	(+110,629)	(+342,083)	32750		
32751	Total, Ed. for disadvantaged (excl. emergencies)	15,760,086	16,431,132	15,938,215	+178,129	-492,917	32751		
32800	IMPACT AID						32800		
32850	Basic Support Payments.....	1,128,535	1,128,535	1,151,535	+23,000	+23,000	32850		
32900	Payments for Children with Disabilities.....	48,602	48,602	48,602	---	---	32900		
32950	Facilities Maintenance (Sec. 8008).....	4,864	4,864	4,864	---	---	32950		
33000	Construction (Sec. 8007).....	17,509	17,509	17,509	---	---	33000		
33005	Public Law 111-5 (emergency).....	100,000	---	---	-100,000	---	33005		
33050	Payments for Federal Property (Sec. 8002).....	66,208	66,208	68,208	+2,000	+2,000	33050		
33100	Total, Impact aid.....	1,365,718	1,265,718	1,290,718	-75,000	+25,000	33100		
33101	Total, Impact aid (excluding emergencies).....	1,265,718	1,265,718	1,290,718	+25,000	+25,000	33101		
33150	SCHOOL IMPROVEMENT PROGRAMS						33150		
33200	State Grants for Improving Teacher Quality.....	1,266,308	1,266,308	1,266,308	---	---	33200	FF	
33250	Advance from prior year.....	(1,435,000)	(1,681,441)	(1,681,441)	(+246,441)	---	33250		
33300	FY 2011.....	1,681,441	1,681,441	1,681,441	---	---	33300		
33350	Subtotal, State Grants for Improving Teacher						33350		
33400	Quality, program level.....	2,947,749	2,947,749	2,947,749	---	---	33400		
33700	Mathematics and Science Partnerships.....	178,978	178,978	178,978	---	---	33700	FF	
34150	Educational Technology State Grants.....	269,872	100,000	100,000	-169,872	---	34150	FF	
34155	Public Law 111-5 (emergency).....	650,000	---	---	-650,000	---	34155		
34200	Supplemental Education Grants.....	17,687	17,687	17,687	---	---	34200		
34325	21st Century Community Learning Centers.....	1,131,166	1,131,166	1,181,166	+50,000	+50,000	34325	FF	
35050	State Assessments/Enhanced Assessment Instruments....	410,732	410,732	410,732	---	---	35050	FF	
35060	Javits gifted and talented education.....	7,463	---	7,463	---	+7,463	35060		
35070	Foreign language assistance.....	26,328	26,328	26,328	---	---	35070		
35100	Education for Homeless Children and Youth.....	65,427	65,427	65,427	---	---	35100	FF	
35105	Public Law 111-5 (emergency).....	70,000	---	---	-70,000	---	35105		
35150	Training and Advisory Services (Civil Rights).....	9,489	6,989	6,989	-2,500	---	35150		
35200	Education for Native Hawaiians.....	33,315	33,315	33,315	---	---	35200		
35250	Alaska Native Education Equity.....	33,315	33,315	33,315	---	---	35250		
35300	Rural Education.....	173,382	173,382	173,382	---	---	35300	FF	
35400	Comprehensive Centers.....	57,113	57,113	57,113	---	---	35400		
=====									
35900	Total, School improvement programs.....	6,082,016	5,182,181	5,239,644	-842,372	+57,463	35900		
35951	Current Year.....	(3,680,575)	(3,500,740)	(3,558,203)	(-122,372)	(+57,463)	35951		
35955	Current Year (emergency).....	(720,000)	---	---	(-720,000)	---	35955		
36000	FY 2011.....	(1,681,441)	(1,681,441)	(1,681,441)	---	---	36000		
36050	Subtotal, Forward Funded (excluding emergencies)	(4,215,865)	(3,325,993)	(3,375,993)	(-839,872)	(+50,000)	36050		
36051	Total, School improvement (excl. emergencies)....	5,362,016	5,182,181	5,239,644	-122,372	+57,463	36051		

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

		----- H.R. 3293 vs. -----				
		FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request
36100	INDIAN EDUCATION					36100
36110	Grants to Local Educational Agencies.....	99,331	99,331	109,331	+10,000	+10,000 36110
36120	Federal Programs:					36120
36130	Special Programs for Indian Children.....	19,060	19,060	19,060	---	---
36140	National Activities.....	3,891	3,891	3,891	---	---
36150	Subtotal, Federal Programs.....	22,951	22,951	22,951	---	---
36170	Total, Indian Education.....	122,282	122,282	132,282	+10,000	+10,000 36170
36300	INNOVATION AND IMPROVEMENT					36300
36310	Troops-to-Teachers.....	14,389	14,389	14,389	---	---
36320	Transition to Teaching.....	43,707	43,707	43,707	---	---
36330	National Writing Project.....	24,291	24,291	24,291	---	---
36340	Teaching of Traditional American History.....	118,952	118,952	100,000	-18,952	-18,952 36340
36350	School Leadership.....	19,220	29,220	29,220	+10,000	---
36360	Advanced Credentialing.....	10,649	10,649	10,649	---	---
36365	Adjunct Teacher Corps.....	---	---	---	---	---
36370	Charter Schools Grants.....	216,031	268,031	256,031	+40,000	-12,000 36370
36380	Credit Enhancement for Charter School Facilities.....	---	---	---	---	---
36390	Voluntary Public School Choice.....	25,819	25,819	25,819	---	---
36400	Magnet Schools Assistance.....	104,829	104,829	104,829	---	---
36425	Fund for the Improvement of Education (FIE).....	250,370	213,836	217,666	-32,704	+3,830 36425
36430	Teacher Incentive Fund.....	97,270	487,270	445,864	+348,594	-41,406 36430
36432	Public Law 111-5 (emergency).....	200,000	---	---	-200,000	---
36438	National Teacher Recruitment Campaign.....	---	30,000	10,000	+10,000	-20,000 36438
36440	Ready-to-Learn television.....	25,416	25,416	25,416	---	---
36460	Close Up Fellowships.....	1,942	---	1,942	---	+1,942 36460
36465	Advanced Placement & International Baccalaureate prog.	---	---	---	---	---
36470	Advanced Placement.....	43,540	43,540	43,540	---	---
36480	Total, Innovation and Improvement.....	1,196,425	1,439,949	1,353,363	+156,938	-86,586 36480
36486	Current Year.....	(996,425)	(1,439,949)	(1,353,363)	(+356,938)	(-86,586) 36486
36490	Current Year (emergency).....	(200,000)	---	---	(-200,000)	---
36492	Total, Innovation & Improve. (excl. emergencies)	996,425	1,439,949	1,353,363	+356,938	-86,586 36492
36500	STATE FISCAL STABILIZATION FUND.....	---	100,000	3,000	+3,000	-97,000 36500
36502	Public Law 111-5 (emergency).....	53,600,000	---	---	-53,600,000	---
36505	SAFE SCHOOLS AND CITIZENSHIP EDUCATION					36505
36510	Safe and Drug Free Schools and Communities:					36510
36520	State Grants, forward funded.....	294,759	---	---	-294,759	---
36570	National Programs.....	140,264	250,896	195,041	+54,777	-55,855 36570
36590	Alcohol Abuse Reduction.....	32,712	32,712	32,712	---	---
36600	Mentoring Programs.....	47,264	---	---	-47,264	---
36610	Character education.....	11,912	---	---	-11,912	---
36620	Elementary and Secondary School Counseling.....	52,000	52,000	55,000	+3,000	+3,000 36620
36630	Carol M. White Physical Education Program.....	78,000	78,000	78,000	---	---
36640	Civic Education.....	33,459	---	35,000	+1,541	+35,000 36640
36670	Total, Safe Schools and Citizenship Education...	690,370	413,608	395,753	-294,617	-17,855 36670
36695	Subtotal, Forward Funded.....	(294,759)	---	---	(-294,759)	---
36700	ENGLISH LANGUAGE ACQUISITION					36700
36710	Current funded.....	47,450	47,450	49,400	+1,950	+1,950 36710
36750	Forward funded.....	682,550	682,550	710,600	+28,050	+28,050 36750
36800	Total, English Language Acquisition.....	730,000	730,000	760,000	+30,000	+30,000 36800
36850	SPECIAL EDUCATION					36850
36900	State Grants:					36900
36950	Grants to States Part B current year.....	2,912,828	2,912,828	2,912,828	---	---
36955	Public Law 111-5 (emergency).....	11,300,000	---	---	-11,300,000	---
37000	Part B advance from prior year.....	(6,856,444)	(8,592,383)	(8,592,383)	(+1,735,939)	---
37050	Grants to States Part B (FY 2011).....	8,592,383	8,592,383	8,592,383	---	---
37100	Subtotal, program level (excluding emergencies)	11,505,211	11,505,211	11,505,211	---	---
37150	Preschool Grants.....	374,099	374,099	374,099	---	---
37155	Public Law 111-5 (emergency).....	400,000	---	---	-400,000	---
37200	Grants for Infants and Families.....	439,427	439,427	439,427	---	---
37205	Public Law 111-5 (emergency).....	500,000	---	---	-500,000	---
37250	Subtotal, program level (excluding emergencies)	12,318,737	12,318,737	12,318,737	---	---

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LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

----- H.R. 3293 vs. -----					
	FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request
37300 IDEA National Activities (current funded):					37300
37350 State personnel development.....	48,000	48,000	48,000	---	37350
37450 Technical Assistance and Dissemination.....	48,549	48,549	48,549	---	37450
37500 Personnel Preparation.....	90,653	90,653	90,653	---	37500
37550 Parent Information Centers.....	27,028	27,028	27,028	---	37550
37600 Technology and Media Services.....	38,615	38,615	38,615	---	37600
37700 Subtotal, IDEA special programs.....	252,845	252,845	252,845	---	37700
37740 Special Olympics Education programs.....	8,095	8,095	8,095	---	37740
37750 Total, Special education.....	24,779,677	12,579,677	12,579,677	-12,200,000	37750
37801 Current Year.....	(3,987,294)	(3,987,294)	(3,987,294)	---	37801
37805 Current Year (emergency).....	(12,200,000)	---	---	(-12,200,000)	37805
37850 FY 2011.....	(8,592,383)	(8,592,383)	(8,592,383)	---	37850
37900 Subtotal, Forward Funded (excl. emergencies)....	(3,726,354)	(3,726,354)	(3,726,354)	---	37900
37901 Total, Special education (excluding emergencies)	12,579,677	12,579,677	12,579,677	---	37901
37950 REHABILITATION SERVICES AND DISABILITY RESEARCH					37950
38000 Vocational Rehabilitation State Grants.....	2,974,635	3,084,696	3,084,696	+110,061	38000 M
38005 Public Law 111-5 (emergency).....	540,000	---	---	-540,000	38005
38100 Client Assistance State grants.....	11,576	11,576	11,576	---	38100
38150 Training.....	37,766	37,766	37,766	---	38150
38200 Demonstration and training programs.....	9,594	6,506	9,076	-518	38200
38250 Migrant and seasonal farmworkers.....	2,239	2,239	2,239	---	38250
38300 Recreational programs.....	2,474	2,474	2,474	---	38300
38350 Protection and advocacy of individual rights (PAIR)...	17,101	17,101	18,101	+1,000	38350
38400 Projects with industry.....	19,197	19,197	19,197	---	38400
38450 Supported employment State grants.....	29,181	29,181	29,181	---	38450
38500 Independent living:					38500
38550 State grants.....	23,450	23,450	23,450	---	38550
38555 Public Law 111-5 (emergency).....	18,200	---	---	-18,200	38555
38600 Centers.....	77,266	80,266	80,266	+3,000	38600
38605 Public Law 111-5 (emergency).....	87,500	---	---	-87,500	38605
38650 Services for older blind individuals.....	34,151	34,151	34,151	---	38650
38655 Public Law 111-5 (emergency).....	34,300	---	---	-34,300	38655
38700 Subtotal (excluding emergencies).....	134,867	137,867	137,867	+3,000	38700
38750 Program Improvement.....	622	852	852	+230	38750
38800 Evaluation.....	1,447	1,217	1,217	-230	38800
38849 Helen Keller National Center for Deaf/Blind Youth and					38849
38850 Adults.....	8,362	8,362	8,362	---	38850
38900 National Inst. Disability and Rehab. Research (NIDRR)...	107,741	110,741	110,741	+3,000	38900
38950 Assistive Technology.....	30,960	30,960	30,960	---	38950
39050 Subtotal, Discretionary programs.....	1,093,127	416,039	419,609	-673,518	39050
39051 Subtotal, Discretionary (excluding emergencies)	413,127	416,039	419,609	+6,482	39051
39100 Total, Rehabilitation services.....	4,067,762	3,500,735	3,504,305	-563,457	39100 UA
39101 Total, Rehab. services (excluding emergencies)...	3,387,762	3,500,735	3,504,305	+116,543	39101 UA
39150 SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES					39150
39200 AMERICAN PRINTING HOUSE FOR THE BLIND.....	22,599	22,599	22,599	---	39200
39250 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID):					39250
39300 Operations.....	63,037	63,037	63,037	---	39300
39400 Construction.....	1,175	5,400	5,400	+4,225	39400
39450 Total, NTID.....	64,212	68,437	68,437	+4,225	39450 UA
39550 GALLAUDET UNIVERSITY:					39550
39555 Operations.....	118,000	118,000	118,000	---	39555 UA
39557 Construction.....	6,000	2,000	2,000	-4,000	39557
39570 Total, Gallaudet University.....	124,000	120,000	120,000	-4,000	39570
39699 Total, Special Institutions for Persons with					39699
39700 Disabilities.....	210,811	211,036	211,036	+225	39700

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

		----- H.R. 3293 vs. -----					
		FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request	
39750	CAREER AND ADULT EDUCATION						39750
39800	Career Education:						39800
39850	Basic State Grants/Secondary & Technical Education						39850
39875	State Grants, current funded.....	369,911	369,911	369,911	---	---	39875 FF
39900	Advance from prior year.....	(791,000)	(791,000)	(791,000)	---	---	39900
39950	FY 2011.....	791,000	791,000	791,000	---	---	39950
40000	Subtotal, Basic State Grants, program level.....	1,160,911	1,160,911	1,160,911	---	---	40000
40050	Tech-Prep Education State Grants.....	102,923	102,923	102,923	---	---	40050 FF
40150	National Programs.....	7,860	7,860	7,860	---	---	40150 FF
40300	Subtotal, Vocational Education.....	1,271,694	1,271,694	1,271,694	---	---	40300
40350	Adult Education:						40350
40375	State Grants/Adult basic and literacy education:						40375 FF
40400	State Grants, current funded.....	554,122	628,221	628,221	+74,099	---	40400 FF
40450	National Programs:						40450
40500	National Leadership Activities.....	6,878	13,346	11,346	+4,468	-2,000	40500 FF
40550	National Institute for Literacy.....	6,468	---	---	-6,468	---	40550 FF
40600	Subtotal, National programs.....	13,346	13,346	11,346	-2,000	-2,000	40600
40650	Subtotal, Adult education.....	567,468	641,567	639,567	+72,099	-2,000	40650
40710	Smaller Learning Communities, current funded.....	4,400	4,400	4,400	---	---	40710
40720	Smaller Learning Communities, forward funded.....	83,600	83,600	83,600	---	---	40720 FF
40725	State Grants for Incarcerated Youth Offenders.....	17,186	17,186	17,186	---	---	40725 UA FF
40750	Total, Career and adult education.....	1,944,348	2,018,447	2,016,447	+72,099	-2,000	40750 UA
40800	Current Year.....	(1,153,348)	(1,227,447)	(1,225,447)	(+72,099)	(-2,000)	40800
40850	FY 2011.....	(791,000)	(791,000)	(791,000)	---	---	40850
40900	Subtotal, Forward Funded.....	(1,148,948)	(1,223,047)	(1,221,047)	(+72,099)	(-2,000)	40900
40950	STUDENT FINANCIAL ASSISTANCE						40950
41000	Pell Grants -- maximum grant (NA).....	(4,860)	(4,860)	(4,860)	---	---	41000
41050	Pell Grants 1/.....	17,288,000	17,495,000	17,783,395	+495,395	+288,395	41050
41055	Public Law 111-5 (emergency).....	15,640,000	---	---	-15,640,000	---	41055
41100	Federal Supplemental Educational Opportunity Grants.....	757,465	757,465	757,465	---	---	41100
41150	Federal Work Study.....	980,492	980,492	980,492	---	---	41150
41155	Public Law 111-5 (emergency).....	200,000	---	---	-200,000	---	41155
41200	Federal Perkins loan cancellations.....	67,164	---	49,701	-17,463	+49,701	41200
41400	LEAP program.....	63,852	63,852	63,852	---	---	41400
41500	Total, Student Financial Assistance (SFA).....	34,996,973	19,296,809	19,634,905	-15,362,068	+338,096	41500 UA
41501	Total, SFA (excluding emergencies).....	19,156,973	19,296,809	19,634,905	+477,932	+338,096	41501 UA
41610	STUDENT AID ADMINISTRATION.....	753,402	870,402	870,402	+117,000	---	41610 UA
41615	Public Law 111-5 (emergency).....	60,000	---	---	-60,000	---	41615 UA
41650	HIGHER EDUCATION						41650
41700	Aid for Institutional Development:						41700
41750	Strengthening Institutions.....	80,000	84,000	84,000	+4,000	---	41750
41800	Hispanic Serving Institutions.....	93,256	97,919	136,938	+43,682	+39,019	41800
41810	Promoting Post-Baccalaureate Opportunities for						41810
41811	Hispanic Americans.....	---	---	10,500	+10,500	+10,500	41811
41850	Strengthening Historically Black Colleges (HBCUs).....	238,095	250,000	283,172	+45,077	+33,172	41850
41898	Strengthening Historically Black Graduate						41898
41900	Institutions.....	58,500	61,425	61,425	+2,925	---	41900
41905	Strengthening Predominantly Black Institutions....	---	7,875	13,727	+13,727	+5,852	41905
41925	Asian American Pacific Islander.....	2,500	2,625	4,575	+2,075	+1,950	41925
41949	Strengthening Alaska Native and						41949
41950	Native Hawaiian-Serving Institutions.....	11,579	12,158	18,010	+6,431	+5,852	41950
41955	Strengthening Native American-Serving Nontribal						41955
41956	Institutions.....	---	2,625	4,575	+4,575	+1,950	41956
42000	Strengthening Tribal Colleges.....	23,158	24,316	36,021	+12,863	+11,705	42000
42050	Subtotal, Aid for Institutional development.....	507,088	542,943	652,943	+145,855	+110,000	42050 UA
42100	International Education and Foreign Language:						42100
42150	Domestic Programs.....	102,335	102,335	111,635	+9,300	+9,300	42150 UA
42200	Overseas Programs.....	14,709	14,709	15,209	+500	---	42200
42250	Institute for International Public Policy.....	1,837	1,837	2,037	+200	+200	42250 UA
42300	Subtotal, International Education & Foreign Lang	118,881	118,881	128,881	+10,000	+10,000	42300
42375	Fund for the Improvement of Postsec. Ed. (FIPSE).....	133,667	47,424	133,916	+249	+86,492	42375 UA
42400	Minority Science and Engineering Improvement.....	8,577	9,006	10,000	+1,423	+994	42400 UA
42475	Tribally Controlled Postsec Voc/Tech Institutions.....	7,773	7,773	8,162	+389	+2475	42475 UA
42500	Federal TRIO Programs.....	848,089	848,089	868,089	+20,000	+20,000	42500 UA
42550	GEAR UP.....	313,212	313,212	333,212	+20,000	+20,000	42550 UA
42600	Byrd Honors Scholarships.....	40,642	40,642	40,642	---	---	42600 UA

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

		----- H.R. 3293 vs. -----					
		FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request	
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42650	Javits Fellowships.....	9,687	9,687	9,687	---	---	42650 UA
42700	Graduate Assistance in Areas of National Need.....	31,030	31,030	31,030	---	---	42700 UA
42750	Teacher Quality Partnerships.....	50,000	50,000	43,000	-7,000	-7,000	42750 UA
42755	Public Law 111-5 (emergency).....	100,000	---	---	-100,000	---	42755 UA
42760	BA Degrees in STEM & Critical Foreign Languages.....	1,092	1,092	---	-1,092	-1,092	42760
42770	MA Degrees in STEM & Critical Foreign Languages.....	1,092	1,092	---	-1,092	-1,092	42770
42800	Child Care Access Means Parents in School.....	16,034	16,034	17,034	+1,000	+1,000	42800 UA
42850	Demonstration in Disabilities / Higher Education.....	6,755	6,755	10,755	+4,000	+4,000	42850 UA
42900	Underground Railroad Program.....	1,945	1,945	1,945	---	---	42900 UA
42950	GPRA data/HEA program evaluation.....	609	609	609	---	---	42950 UA
43050	B.J. Stupak Olympic Scholarships.....	977	977	977	---	---	43050 UA
43075	Thurgood Marshall Legal education opportunities.....	3,000	3,000	3,000	---	---	43075
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43110	Total, Higher education.....	2,200,150	2,050,191	2,293,882	+93,732	+243,691	43110
43111	Total, Higher education (excluding emergencies)	2,100,150	2,050,191	2,293,882	+193,732	+243,691	43111
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43150	HOWARD UNIVERSITY						43150
43200	Academic Program.....	202,567	202,431	202,431	-136	---	43200
43250	Endowment Program.....	3,464	3,600	3,600	+136	---	43250 UA
43300	Howard University Hospital.....	28,946	28,946	28,946	---	---	43300
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43350	Total, Howard University.....	234,977	234,977	234,977	---	---	43350
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43400	COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS(CHAFL)...	461	461	461	---	---	43400
43450	HBCU CAPITAL FINANCING PROGRAM						43450
43460	HBCU Federal Administration.....	354	354	354	---	---	43460
43470	HBCU Loan Subsidies.....	10,000	20,228	20,228	+10,228	---	43470
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43480	Total, HBCU Capital Financing Program.....	10,354	20,582	20,582	+10,228	---	43480
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43500	INSTITUTE OF EDUCATION SCIENCES (IES)						43500
43600	Research, development and dissemination.....	167,196	224,196	199,196	+32,000	-25,000	43600
43620	Statistics.....	98,521	108,521	108,521	+10,000	---	43620
43650	Regional Educational Laboratories.....	67,569	70,650	70,650	+3,081	---	43650
43720	Research in special education.....	70,585	70,585	70,585	---	---	43720
43725	Special education studies and evaluations.....	9,460	11,460	11,460	+2,000	---	43725
43730	Statewide data systems.....	65,000	65,000	65,000	---	---	43730
43735	Public Law 111-5 (emergency).....	250,000	---	---	-250,000	---	43735
43750	Assessment:						43750
43800	National Assessment.....	130,121	130,121	130,121	---	---	43800
43850	National Assessment Governing Board.....	8,723	8,723	8,723	---	---	43850
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43900	Subtotal, Assessment.....	138,844	138,844	138,844	---	---	43900
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44050	Total, IES.....	867,175	689,256	664,256	-202,919	-25,000	44050
44051	Total, IES (excluding emergencies).....	617,175	689,256	664,256	+47,081	-25,000	44051
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44100	DEPARTMENTAL MANAGEMENT						44100
44150	PROGRAM ADMINISTRATION						44150
44160	Salaries and Expenses.....	428,082	448,300	444,000	+15,918	-4,300	44160
44170	Building Modernization.....	5,400	8,200	8,200	+2,800	---	44170
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44181	Total, Program administration.....	433,482	456,500	452,200	+18,718	-4,300	44181
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44200	OFFICE FOR CIVIL RIGHTS.....	96,826	103,024	103,024	+6,198	---	44200
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44250	OFFICE OF THE INSPECTOR GENERAL.....	54,539	60,053	60,053	+5,514	---	44250
44255	Public Law 111-5 (emergency).....	14,000	---	---	-14,000	---	44255
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44300	Total, Departmental management.....	598,847	619,577	615,277	+16,430	-4,300	44300
44301	Total, Dept. management (excluding emergencies)	584,847	619,577	615,277	+30,430	-4,300	44301
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44320	MANDATORY PELL GRANTS (Public Law 111-5) (emergency)...	643,000	831,000	831,000	+188,000	---	44320
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44500	Total, Title III, Department of Education.....	163,914,834	68,608,020	68,590,182	-95,324,652	-17,838	44500
44550	Current Year.....	(142,008,834)	(46,702,020)	(46,684,182)	(-95,324,652)	(-17,838)	44550
44560	FY 2011.....	(21,906,000)	(21,906,000)	(21,906,000)	---	---	44560
44562	Total, Title III (excluding emergencies).....	66,507,834	67,777,020	67,759,182	+1,251,348	-17,838	44562
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44600	1/ Budget request reflects current law per the						44600
44601	Congressional Budget Office. The proposed Budget						44601
44604	request is to change the Pell Grant program to						44604
44605	mandatory and includes a request of \$1,801,809,000						44605

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

				----- H.R. 3293 vs. -----			
		FY 2009	FY 2010	H.R. 3293	Comparable	Request	
		Comparable	Request				
44650	TITLE IV - RELATED AGENCIES						44650
44885	COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR						44885
44890	SEVERELY DISABLED.....	5,094	5,396	5,396	+302	---	44890
44900	CORPORATION FOR NATIONAL AND COMMUNITY SERVICE						44900
44905	OPERATING EXPENSES						44905
44910	Domestic Volunteer Service Programs:						44910
44950	Volunteers in Service to America (VISTA).....	96,050	97,932	97,932	+1,882	---	44950
44952	Public Law 111-5 (emergency).....	65,000	---	---	-65,000	---	44952
45050	National Senior Volunteer Corps:						45050
45100	Foster Grandparents Program.....	108,999	110,996	110,996	+1,997	---	45100
45150	Senior Companion Program.....	46,144	46,904	46,904	+760	---	45150
45200	Retired Senior Volunteer Program.....	58,642	63,000	63,000	+4,358	---	45200
45300	Subtotal, Senior Volunteers.....	213,785	220,900	220,900	+7,115	---	45300
45400	Subtotal, Domestic Volunteer Service Programs...	374,835	318,832	318,832	-56,003	---	45400
45401	Subtotal, Domestic Volunteer (excl. emergencies)	309,835	318,832	318,832	+8,997	---	45401
45415	National and Community Service Programs:						45415
45430	AmeriCorps State and National Grants.....	271,196	372,547	331,547	+60,351	-41,000	45430
45431	Public Law 111-5 (emergency).....	89,000	---	---	-89,000	---	45431
45432	Disability Placement Funds.....	---	5,000	5,000	+5,000	---	45432
45435	Innovation, assistance, and other activities.....	18,893	65,500	40,500	+21,607	-25,000	45435
45440	Evaluation.....	3,891	6,000	6,000	+2,109	---	45440
45445	National Civilian Community Corps.....	27,500	26,300	26,300	-1,200	---	45445
45450	Learn and Serve America.....	37,459	39,500	39,500	+2,041	---	45450
45455	State Commission Administrative Grants.....	11,790	16,000	17,000	+5,210	+1,000	45455
45457	Training and Technical Assistance.....	---	8,000	7,500	+7,500	-500	45457
45470	Subtotal, National & Community Service Programs...	459,729	538,847	473,347	+13,618	-65,500	45470
45471	Subtotal, Natl Com Svce Prog (excl. emergencies)	370,729	538,847	473,347	+102,618	-65,500	45471
45472	Total, Operating expenses.....	834,564	857,679	792,179	-42,385	-65,500	45472
45474	Total, Operating expenses (excl. emergencies)...	680,564	857,679	792,179	+111,615	-65,500	45474
45475	National service trust.....	131,075	195,637	178,214	+47,139	-17,423	45475
45476	Public Law 111-5 (emergency).....	40,000	---	---	-40,000	---	45476
45477	Salaries and expenses.....	71,715	88,000	80,923	+9,208	-7,077	45477
45478	Public Law 111-5 (emergency).....	6,000	---	---	-6,000	---	45478
45480	Office of the Inspector General.....	6,512	7,700	7,700	+1,188	---	45480
45485	Public Law 111-5 (emergency).....	1,000	---	---	-1,000	---	45485
45490	Total, Corp. for National and Community Service...	1,090,866	1,149,016	1,059,016	-31,850	-90,000	45490 UA
45491	Total, Corporation (excluding emergencies).....	889,866	1,149,016	1,059,016	+169,150	-90,000	45491 UA
45500	CORPORATION FOR PUBLIC BROADCASTING:						45500
45550	FY 2012 (current) with FY 2011 comparable.....	430,000	440,000	440,000	+10,000	---	45550
45600	FY 2011 advance with FY 2010 comparable (NA).....	(420,000)	(430,000)	(430,000)	(+10,000)	---	45600
45650	FY 2010 advance with FY 2009 comparable (NA).....	(400,000)	(420,000)	(420,000)	(+20,000)	---	45650
45690	Fiscal Stabilization Grants, current funded.....	---	---	40,000	+40,000	+40,000	45690
45700	Digitalization program, current funded.....	34,591	36,000	36,000	+1,409	---	45700
45725	Interconnection, current funded.....	26,642	25,000	25,000	-1,642	---	45725
45750	Subtotal, FY 2010 appropriation.....	61,233	61,000	101,000	+39,767	+40,000	45750 UA
45850	FEDERAL MEDIATION AND CONCILIATION SERVICE.....	45,476	46,303	47,000	+1,524	+697	45850
45900	FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.....	8,653	9,858	9,858	+1,205	---	45900
45950	INSTITUTE OF MUSEUM AND LIBRARY SERVICES.....	274,840	265,556	275,688	+848	+10,132	45950
46000	MEDICARE PAYMENT ADVISORY COMMISSION.....	11,403	11,800	11,800	+397	---	46000
46050	NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE.....	---	---	---	---	---	46050
46100	NATIONAL COUNCIL ON DISABILITY.....	3,206	3,271	3,271	+65	---	46100 UA
46200	NATIONAL LABOR RELATIONS BOARD.....	262,595	283,400	283,400	+20,805	---	46200
46250	NATIONAL MEDIATION BOARD.....	12,992	13,434	12,992	---	-442	46250
46300	OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.....	11,186	11,712	11,712	+526	---	46300
46350	RAILROAD RETIREMENT BOARD						46350
46400	Dual Benefits Payments Account.....	72,000	64,000	64,000	-8,000	---	46400
46450	Less Income Tax Receipts on Dual Benefits.....	-5,000	-3,000	-3,000	+2,000	---	46450
46500	Subtotal, Dual Benefits.....	67,000	61,000	61,000	-6,000	---	46500
46550	Federal Payment to the RR Retirement Account.....	150	150	150	---	---	46550 M
46600	Limitation on Administration.....	105,463	109,073	109,073	+3,610	---	46600
46650	Inspector General.....	7,806	8,186	8,186	+380	---	46650

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

		----- H.R. 3293 vs. -----			
		FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable Request
46700	SOCIAL SECURITY ADMINISTRATION				46700
46750	Payments to Social Security Trust Funds.....	20,406	20,404	20,404	-2 --- 46750 M
47150	SUPPLEMENTAL SECURITY INCOME				47150
47200	Federal benefit payments.....	42,027,000	46,602,000	46,602,000	+4,575,000 --- 47200 M
47250	Beneficiary services.....	3,000	49,000	49,000	+46,000 --- 47250 M
47300	Research and demonstration.....	35,000	49,000	49,000	+14,000 --- 47300 M
47350	Administration.....	3,206,537	3,442,000	3,442,000	+235,463 --- 47350
47400	Subtotal, SSI program level.....	45,271,537	50,142,000	50,142,000	+4,870,463 --- 47400
47450	Less funds advanced in prior year.....	-14,800,000	-15,400,000	-15,400,000	-600,000 --- 47450 M
47500	Subtotal, regular SSI current year.....	30,471,537	34,742,000	34,742,000	+4,270,463 --- 47500
47700	New advance, 1st quarter, FY 2011.....	15,400,000	16,000,000	16,000,000	+600,000 --- 47700 M
47710	Total, SSI program.....	45,871,537	50,742,000	50,742,000	+4,870,463 --- 47710
47750	LIMITATION ON ADMINISTRATIVE EXPENSES				47750
47800	OASDI Trust Funds.....	5,200,463	5,592,200	5,592,200	+391,737 --- 47800
47850	HI/SMI Trust Funds.....	1,876,000	2,106,000	2,106,000	+230,000 --- 47850
47900	Social Security Advisory Board.....	2,000	2,300	2,300	+300 --- 47900
47950	SSI.....	2,989,037	3,100,000	3,100,000	+110,963 --- 47950
47955	Workload Processing (PL 111-5) (emergency).....	500,000	---	---	-500,000 --- 47955
47956	National Support Center (PL 111-5) (emergency).....	500,000	---	---	-500,000 --- 47956
48000	Subtotal, regular LAE.....	11,067,500	10,800,500	10,800,500	-267,000 --- 48000
48001	Subtotal, regular LAE (excluding emergencies)....	10,067,500	10,800,500	10,800,500	+733,000 --- 48001
48002	Additional Program Integrity Funding:				48002
48003	OASDI Trust Funds.....	22,500	143,000	143,000	+120,500 --- 48003
48004	SSI.....	217,500	342,000	342,000	+124,500 --- 48004
48005	Subtotal, additional CDR funding.....	240,000	485,000	485,000	+245,000 --- 48005
48020	User Fees:				48020
48040	SSI User Fee activities.....	145,000	160,000	160,000	+15,000 --- 48040
48050	SSPA User Fee Activities.....	1,000	1,000	1,000	--- --- 48050
48060	Subtotal, User fees.....	146,000	161,000	161,000	+15,000 --- 48060
48100	Total, Limitation on Administrative Expenses....	11,453,500	11,446,500	11,446,500	-7,000 --- 48100
48101	Total, LAE (excluding emergencies).....	10,453,500	11,446,500	11,446,500	+993,000 --- 48101
48450	OFFICE OF THE INSPECTOR GENERAL				48450
48500	Federal Funds.....	28,000	29,000	29,000	+1,000 --- 48500
48505	Public Law 111-5 (emergency).....	2,000	---	---	-2,000 --- 48505
48550	Trust Funds.....	70,127	73,682	73,682	+3,555 --- 48550
48600	Total, Office of the Inspector General.....	100,127	102,682	102,682	+2,555 --- 48600
48601	Total, OIG (excluding emergencies).....	98,127	102,682	102,682	+4,555 --- 48601
48750	Adjustment: Trust fund transfers from general revenues	-3,206,537	-3,442,000	-3,442,000	-235,463 --- 48750
48800	Total, Social Security Administration.....	54,239,033	58,869,586	58,869,586	+4,630,553 --- 48800
48850	Federal funds.....	47,067,943	50,952,404	50,952,404	+3,884,461 --- 48850
48900	Current year.....	(31,667,943)	(34,952,404)	(34,952,404)	(+3,284,461) --- 48900
48950	New advances, 1st quarter.....	(15,400,000)	(16,000,000)	(16,000,000)	(+600,000) --- 48950
49000	Trust funds.....	7,171,090	7,917,182	7,917,182	+746,092 --- 49000
49010	Total, SSA (excluding emergencies).....	53,237,033	58,869,586	58,869,586	+5,632,553 --- 49010
49100	Total, Title IV, Related Agencies.....	56,636,996	61,348,741	61,309,128	+4,672,132 -39,613 49100
49150	Federal Funds.....	49,341,234	53,302,500	53,262,887	+3,921,653 -39,613 49150
49200	Current Year.....	(32,308,234)	(36,862,500)	(36,822,887)	(+4,514,653) (-39,613) 49200
49250	FY 2011 Advance.....	(15,400,000)	(16,000,000)	(16,000,000)	(+600,000) --- 49250
49300	FY 2012 Advance.....	(430,000)	(440,000)	(440,000)	(+10,000) --- 49300
49350	Trust Funds.....	7,295,762	8,046,241	8,046,241	+750,479 --- 49350
49351	Total, Title IV (excluding emergencies).....	55,433,996	61,348,741	61,309,128	+5,875,132 -39,613 49351

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION AND RELATED AGENCIES APPROPRIATIONS - FY 2010
(Amounts in thousands)

		----- H.R. 3293 vs. -----				
		FY 2009 Comparable	FY 2010 Request	H.R. 3293	Comparable	Request
49640	RECAP					49640
49760	Mandatory, total in bill.....	523,793,396	582,823,383	582,888,383	+59,094,987	+65,000 49760
49780	Less advances for subsequent years.....	-89,956,038	-105,784,382	-105,784,382	-15,828,344	--- 49780
49800	Plus advances provided in prior years.....	84,930,669	89,956,038	89,956,038	+5,025,369	--- 49800
49820	Total, mandatory, current year.....	518,768,027	566,995,039	567,060,039	+48,292,012	+65,000 49820
49860	Discretionary, total in bill.....	288,042,394	164,588,880	166,471,410	-121,570,984	+1,882,530 49860
49880	Less advances for subsequent years.....	-24,799,000	-24,809,000	-24,809,000	-10,000	--- 49880
49900	Plus advances provided in prior years.....	21,269,000	24,789,000	24,789,000	+3,520,000	--- 49900
49920	Subtotal, discretionary, current year.....	284,512,394	164,568,880	166,451,410	-118,060,984	+1,882,530 49920
49960	Discretionary Scorekeeping adjustments:					49960
50100	SSI User Fee Collection.....	-146,000	-161,000	-161,000	-15,000	--- 50100
50111	Medicaid moratoria (PL 110-252) (emergency).....	805,000	---	---	-805,000	--- 50111
50136	Average Weekly Insured Unemployment (AWIU) Conting	492,492	50,000	50,000	-442,492	--- 50136
50202	Low Income Home Energy Assistance (PL 110-329)....	2,320,328	---	---	-2,320,328	--- 50202
50203	(emergency).....	2,779,672	---	---	-2,779,672	--- 50203
50206	Academic Competitiveness & SMART grants (rescission)	-887,000	-511,000	-511,000	+376,000	--- 50206
50210	Excess H-1B Fee Revenue (rescission).....	-97,000	-30,000	-65,000	+32,000	-35,000 50210
50228	Trade adjustment assistance extension (PL 110-329)	16,000	---	---	-16,000	--- 50228
50243	Medicare eligible accruals (permanent, indefinite).	34,778	35,590	35,590	+812	--- 50243
50246	BARDA transfer (from Bioshield to PHSSEF).....	-412,000	-1,569,000	-1,569,000	-1,157,000	--- 50246
50255	Ticket to work (rescission).....	-21,500	---	---	+21,500	--- 50255
50275	Less emergency appropriations.....	-136,649,672	-831,000	-831,000	+135,818,672	--- 50275
50280	Total, discretionary.....	152,747,492	161,552,470	163,400,000	+10,652,508	+1,847,530 50280
50285	Adjustment to balance with 2009 enacted.....	-492,492	---	---	+492,492	--- 50285
50291	Total, discretionary (FY 2009 enacted).....	152,255,000	161,552,470	163,400,000	+11,145,000	+1,847,530 50291
		=====	=====	=====	=====	=====
50320	Grand total, current year (incl FY 2009 comparable)...	671,515,519	728,547,509	730,460,039	+58,944,520	+1,912,530 50320
50325	Grand total, current year (incl FY 2009 enacted).....	671,023,027	728,547,509	730,460,039	+59,437,012	+1,912,530 50325

Mr. TIAHRT. I thank the chairman. It's a pleasure to be here with you this morning as we continue to consider the fiscal year 2010 Labor, HHS, and Education Appropriations bill.

First, I'm frustrated by my role here today. Instead of being able to perform my duties as a ranking member as I've done in the past, my role requires that I protest the way debate is suppressed on this bill. It is necessary, but not something that I relish.

Usually the role of the ranking member on the Appropriations Committee, as well as the authorizing committees, is to present the views of the minority and to work with the majority in crafting a bill that combines the best ideas of both sides of the aisle. We do this through the amendment process. As the ranking member, I have not always agreed with what my colleagues on the other side of the aisle have proposed, but I always defended their right to offer their amendments.

Mr. Chairman, I do want to thank Chairman OBEY for reaching out to me during the drafting of this bill. He is a passionate advocate for many of the programs funded in this bill, and he has clearly put a great deal of thought into this bill before us. I also want to credit him for trying to put together a bill that Members could support by including many national priorities; yet, due to the wholly unsustainable allocation on top of an already unsustainable allocation in the stimulus bill for these agencies, we could not agree on the final product.

I also want to thank the staff for their dedication to this important bill, on the majority side, Cheryl Smith, Susan Quantius, Nicole Kunko, Stephen Steigleder, Albert Lee, Mike Gentilly, Amy Battaglia and Devon Klein; on my side, Stephanie Myers, Steve Crane, of course AmyClaire Brusch from my personal office staff.

One of the most important duties of this House, as directed by article I, section 9 of the Constitution, is to determine the financial obligations of the Federal Government, the power of the purse, as we say. This is, indeed, what we are here to do today, with the Labor-HHS-Education Appropriations bill. Yet instead of being able to have a healthy discussion, as the Founders intended with this representative body, Members, both Republican and Democrat, I note, are shut out of the process and only permitted to speak for a short time without the ability to offer alternatives.

Several of my colleagues and I submitted amendments to the Rules Committee for consideration on the floor today. I think they are substantive amendments that deal with the public policy issues our constituents sent us here to debate. Even though they met the requirements for consideration on an appropriations act, the Democrat leadership decided to report a gag rule

that severely limits our ability to offer them.

When we first started down this road to ruin with respect to the autocratic rules that govern debates on appropriations bills, we were told that these rules were required because Republicans were "filibustering by amendment" and because we would not commit to time limits. We knew at the time that those arguments were mere fig leaves, and over the past few weeks, the evidence has become crystal clear.

We were told that we had to finish our work quickly, so time agreements were essential. Next, we were told that we had done nothing to limit our amendments. Strangely, when we were in the majority, we didn't limit amendments to appropriations bills. Why? Because we believed then, as we do now, that Members have not only the right, but the constitutional responsibility, to represent their constituents.

Even so, while we were stating our continued concern about the restrictive rules by which we have been forced to abide for this bill, we reached out in good faith. Instead of offering upwards towards 50 amendments, House Republicans, in good faith, limited the amendments request. This year, there were fewer Republican amendments offered on this very substantial bill than were offered under an open rule just a few years ago.

Republicans offered 12—only 12—amendments. Did some of those amendments pose potentially difficult votes for Democrats? I guess so.

We had an amendment by Mr. CARTER and Mr. BURTON, which would have been in order under an open rule, to prohibit the Democrats from killing the largest student loan program in operation today. Is it permitted to be offered today? No.

We had an amendment by Mr. LEWIS, the ranking Republican of the Appropriations Committee, again in order under the standing rules of the House if we were operating under the procedures that allowed the American people full representation. The amendment would have prohibited the Secretary of Health and Human Services from starting a government-run health insurance plan. The amendment was ruled by the Parliamentarians to be permissible under the standing House rules. Is Mr. LEWIS going to offer his amendment today? No. Why not? The Democrats don't want to vote on socialized medicine, probably because their leadership and their constituents don't agree how they should vote.

As ranking Republican on this subcommittee, I had an amendment that would have done nothing other than codify the nonbinding language the majority included in the so-called stimulus bill with respect to using comparative effectiveness research as an excuse to ration health care. Was I permitted to offer it? No.

As I travel through the State of Kansas and talk to the people who sent me here, it is clear that most Kansans, and I think most Americans, are wondering if this Congress and this administration understand the long-term ramifications of the massive spending spree we've been on since January. The stimulus bill we passed spent nearly \$800 billion, money we don't have. When you add the interest that we'll have to pay to the Chinese who buy our debt, the cost is going to exceed \$1 trillion.

And what do we have to show for that exercise? Unemployment has hit 9.5 percent nationwide and is expected to rise above 10 percent. Some States are already well over 10 percent unemployment. If this is recovery, then it is a "jobless recovery." Well, who does that help?

We have massive amounts of money spent on programs, many funded by the agencies in this bill that are maybe good in the long term but have absolutely nothing to do with bringing this country out of the economic crisis we're facing today. What it did do is create a mountain of spending that will hit next year and create the cliff effect.

At the time, the President and the Democrats in the majority claimed this was one-time spending that would drop off after 2011. I'd like to believe that's true, because if it isn't, this bill will cost about \$220 billion, or \$60 billion above where we are today, which is about a 40 percent increase.

I suppose that would be okay if we had an extra \$60 billion laying around in the Treasury, although I'd prefer to give it back to those who worked so hard to earn it. But the fact is, we do not have this money. It is borrowed. It is borrowed from the American people. It is borrowed from their future earnings, and it is borrowed from foreign governments like China.

Next week we will consider the health reform bill that looks like it's going to cost well over \$1 trillion, and it is full of provisions that instruct the Congressional Budget Office to overlook the spending.

We had a budget submitted to us by the White House this year that, for the first time, exceeded \$3.5 billion in total spending. The White House is apparently so worried about letting the American people know how much of their money is being spent that they have delayed the traditional midyear budget review, which is expected to show a historic deficit. It's delayed until next month when Congress has left Washington and while many Americans are on vacation—well, those that can afford it this year, anyway.

I want to make clear to the American people what exactly we are voting on here today. It's \$163 billion in discretionary allocation and an \$11 billion increase from fiscal year 2009, but that is about a 7 percent increase. But the true cost to the American taxpayer has

to include the \$126 billion that was allocated for those agencies in the stimulus act. So, in reality, these agencies have grown by \$135.3 billion, or a 93 percent increase over 2 years, 93 percent.

My colleagues and I were prepared, as is historically done in this body, to offer amendments to hold the spending to levels we can afford, even move from some of the overfunded programs to the underfunded programs, such as special education, but as I have noted, we are prohibited by the Democrat leadership from doing so today.

In addition to the excessive spending in the bill, we have several other concerns. First and foremost, though the distinguished chairman has told us in committee that this bill has nothing to do with the health care reform bill the Democrat majority is crafting, the committee report for this bill that they are crafting includes language that tells a different story.

It acknowledges that this bill is setting the foundation for the implementation of health care reform, and it also acknowledges the stimulus does, as I argued then, "the committee continues the investments begun in the Recovery Act to expand the capacity of the health care system to handle the increased demand that will come from health care reform."

□ 1145

So, indeed, it is important for us to talk about health care reform proposals, how they will impact these agencies and, more importantly, how they will impact the American people. I do not think that there is a Member of this body who denies the importance of reforming our health care system. We have serious problems with regard to cost and access and rationing, even to a point where choice and quality will also be threatened.

My biggest concern with the Democrat proposals as intended is the rationing of health care. The Obama administration has begun to set the framework for rationing health care with comparative effectiveness research. Who is going to be affected most by this rationing and by using comparative effectiveness to do so. Unfortunately, it is those with the most to lose. Though they deny this program is intended to make coverage decisions based on cost, the government already does in Medicare and Medicaid and in TRICARE.

Forcing us into a public plan that rations health care is not what the American people want. What they need and want is medical decisions made by patients and their physicians, not unelected government bureaucrats. Congressional Democrats are actively campaigning for a nationalized health care proposal that includes more than \$800 billion in new tax increases. It's estimated that this plan will result in

4.7 million workers losing their jobs as a result of tax hikes on business.

Under the President's government-run health care plan, businesses will face further operating costs, jobs will be cut and, worst of all, Americans will be left with fewer choices and lower-quality health care. Having seen the failed results of the administration's so-called economic stimulus plan, the last thing Americans need is to have Democrat leaders nationalizing our health care system.

Reforms to the health care system are needed and Republicans have offered to work with the Democrats in creating a bipartisan solution. But so far our efforts have been ignored by Speaker PELOSI and President Obama. We have offered a plan to promote new jobs to enhance the growth in our economy that does not strangle the already faltering economy. Most importantly, any health care plan should offer Americans freedom through expanded access and increased quality.

My colleagues and I tried to offer amendments today that would have prevented the Department of Health and Human Services from using our tax dollars to implement policies that would ration care, that would have prevented a burden on small businesses and threaten jobs, that would have prevented an advisory board accountable to no one that determines health care payment policies, or that would have prevented Americans from being forced into a public plan instead of their private insurance.

These are extremely important protections that HHS is already moving towards doing, and more, with the stimulus funds as well as expected funds for next year. I assure the chairman and his leadership that our intent is not to be obstructionists, or to be dilatory. However we believe it is important to preserve the integrity of this body and have a full and open discussion on the funding levels in this bill.

Therefore, it was important for me to take time to explain at length to the American people why there is scant debate on this bill. We are not being silent. We're simply being gagged. In closing, I believe there is a better way to provide services included in this bill. I believe there are commonsense ways to provide health care to all Americans without rationing and without the cost of Americans losing their jobs. There's a way that increases access and keeps patients and doctors in control in health care. And I believe there's a way to rebuild our economy without borrowing money to do it.

But today we won't have access to these solutions. That debate, those votes were prevented by the majority. Because of that, the American people will suffer.

I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I rise to enter into a colloquy with the gen-

tleman from Colorado and yield to Mr. POLIS.

Mr. POLIS. I want to thank the chairman for his committee's work on this bill and, in particular, his attention to the Energy Employees Occupational Illness Compensation Program. This bill provides the necessary resources to better serve seriously ill former nuclear energy workers, and we appreciate the committee's work to make that happen. We hope that this program will expand in the coming year and will serve more former nuclear energy workers in the process.

Mr. OBEY. I yield to Mr. PERLMUTTER.

Mr. PERLMUTTER. As we work with the Department of Labor on needed reforms, we hope that the committee will continue to work with us and OMB to ensure that this program continues to provide benefits to seriously ill individuals, and that the EEOICPA Ombudsman's Office continues to have the resources it needs to maintain its important oversight responsibilities over this program.

Mr. OBEY. I thank both gentlemen for your efforts on this issue. The committee will work with the gentlemen, the Department of Labor, and OMB, to ensure that this program continues to help deserving beneficiaries, and that the Ombudsman's Office continues to have the resources it needs to properly fulfill its oversight duties.

I reserve the balance of my time.

Mr. TIAHRT. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Michigan, a member of the Ways and Means Committee, Mr. CAMP.

Mr. CAMP. Mr. Chairman, I intend to vote against this bill, but I want to recognize and highlight one section, and that is ensuring workers continue to get promised regular and extended unemployment benefits and States are able to keep paying those benefits. Let's be clear why this provision is necessary. The Democrats' economic policy has resulted in record job loss, record deficits and none of the job creation they promised. But American workers should not pay for the mistakes and failures of the Democrats' so-called stimulus bill.

Just yesterday we reached yet another record in the number of American workers collecting unemployment checks instead of paychecks, and the Nation's unemployment rate is headed quickly to 10 percent and is already above 15 percent in my home State of Michigan.

Mr. Chairman, Americans can surely see the record unemployment, but they cannot see where the jobs are. The President and administration officials recently suggested their stimulus plan is working as intended and helping the economy recover. Well, it's not. The bill before us proves that. As the chart next to me shows, since President

Obama was sworn into office, the Nation's public debt and unemployment combined, the Obama Misery Index, has risen by a shocking 40 percent, and that's before literally trillions of dollars in additional spending under the Democrats' stimulus, energy and health plans, and whatever higher unemployment lies ahead.

The bill reflects the continued failure of their economic policy to save or create millions of jobs they promised would flow quickly from their stimulus bill. Mr. Chairman, Republicans offered a plan that would have provided twice the jobs at half the cost. It was disappointing when it was rejected earlier this year, and the bill before us, in which Congress is bailing out the Federal unemployment bailout fund for States, is yet another reminder of the failure of the bill Democrats wrote behind closed doors and forced through Congress.

Given the amendments, as the ranking member articulated, that were not allowed or not included, I can only hope that this bill comes back from the Senate improved. Mr. Chairman, we must help those who need help. But it would be nice if the Congress would provide them a job, not another unemployment check.

Mr. OBEY. I yield 1½ minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. I want to thank Chairman OBEY and Ranking Member TIAHRT and their staffs for their hard work in crafting this bill. Overall, this is an excellent bill which includes increases for critical programs such as Pell Grants, NIH, family planning services, GEAR-UP, TRIO and after-school programs, just to name a few.

Despite the positive provisions before us, I'm disappointed that the bill eliminates the Safe and Drug Free School and Communities State Grants. The community-based coalitions in White Plains, Ossining, Larchmont, Port Chester and Ardsley, to name a few, are working tirelessly to reduce drug and alcohol use among young people. I hope I can work with the chairman to restore funding for this program as the bill moves through the process.

Despite this concern, the bill takes big steps towards addressing some of our Nation's most pressing challenges. I am proud to support it, and I encourage my colleagues to do the same.

Mr. TIAHRT. I yield as much time as he may consume to the gentleman from California, the ranking member of the Appropriations Committee, Mr. LEWIS.

Mr. LEWIS of California. Mr. Chairman, as we begin the 11th of 12 appropriations bills, let me congratulate DAVID OBEY, as well as Mr. TIAHRT, for their very fine work together. They're agreeing to disagree on many of the key issues here but, nonetheless, work very positively at the subcommittee level.

Mr. Chairman, the Labor-HHS spending bill we will consider today is an appropriations bill that involves a very significant level of funding. By now we all know how important it is to Chairman OBEY to complete each of the spending bills by the end of July. It's almost a badge of courage for him to go into the August recess saying, "I did my job; the House Appropriations Committee has completed its work."

To some extent, I know how he feels. On June 30, 2005, Mr. OBEY and I celebrated the passage of all of the fiscal year 2006 spending bills with our bipartisan staff just across the hall from the House Chamber. And for the record, each of those spending bills was considered on this floor under an open rule with unlimited opportunity for Members of both parties to offer and debate amendments.

Today, the House is under different management and, clearly, we're on a different path. In 2005, there were 27 amendments offered on the House floor during consideration of the Labor-HHS bill. And it took a total of 14 hours over 2 days to complete our work. Today, only five amendments have been made in order, and we will conveniently complete our work in time for a late lunch.

Until today, every single floor amendment allowed by the majority on every spending bill considered thus far, they have been limited to 10 minutes of debate time. That is until now. Members on both sides of the aisle may be interested to know that the Rules Committee has generously allotted 20 minutes for the consideration of amendments today, an amendment to be offered by Chairman OBEY himself. Sadly, as other Members are shut out of the process time and time again, Chairman OBEY is an exception to the rule.

By this time next week the House will have passed each of its annual spending bills. Every Member of this body knows that the majority leadership has only been able to achieve its goal by pursuing a distorted road map, stifling any and all meaningful debate throughout the process. To me, it's a legislative sleight of hand that obliterates the rights of every American and undermines the very institution we all love.

A few years ago, a very talented baseball player, Barry Bonds, took a shortcut to break the home run record. This was a ball player with tremendous natural talent and great skills that, on its own, could have achieved greatness. But because he took the easy way out, he undermined his own credibility as well as the magnitude of that record-breaking performance. Barry Bonds felt then, as the majority leadership seems to feel today, that the end justifies the means. In the mind's eye of the public, Barry Bonds' achievement was illegitimate, and as an asterisk was

placed next to his performance in the history books and even on the record-breaking home run ball. Barry Bonds never recovered and, I fear, neither will this committee or this Congress.

As this majority leadership continues to add to the mountain of debt on a daily basis, it's important that we remind the American people that each of the spending bills are being completed this year in much the same manner as Barry Bonds setting the home run record. The majority leadership is taking shortcuts to pass these bills, an achievement they apparently could not attain within the rules. As a result, the Rules Committee has become to Chairman OBEY what steroids became to Barry Bonds, not a ticket to the Hall of Fame, but merely the means to an end.

I do not hold all of my friends of the majority party responsible, for many of them feel as strongly as I do about an open process. I believe most of my friends would prefer to return to the time-honored practices and traditions of our committee.

□ 1200

I know many of them have grown weary of the arm-twisting and of the overly partisan instructions to oppose every Republican amendment offered in our full committee.

I don't know if or when our committee will ever return to the old days, but I do know that, when the history of the fiscal year 2010 budget process is written, it will be noted with a Barry Bonds asterisk that these spending bills were completed under an entirely illegitimate process.

The lesson learned is this: To this majority leadership, the end is more important than the means, and sadly, it will take any shortcut necessary to win.

Mr. OBEY. I yield 1½ minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Chairman OBEY, I want to commend you for the very hard work that you put into this bill, which shows a strong commitment to America's children, seniors, families, and others most in need. In particular, I want to thank you for increasing funding for the NIH, CDC and SAMHSA.

When it comes to medical research, this bill moves our Nation forward. It provides \$500 million over the President's budget for the National Institutes of Health so the NIH can move us closer to the cures that we all wait for.

When it comes to public and preventive health, this bill moves our Nation forward. It provides increases to health professionals and to nursing education and to the very serious public health and national security crises posed by the H1A1, avian flu. This bill prepares us for that uncommon threat.

When it comes to mental health and substance abuse services, this bill

moves us forward. In particular, Mr. Chairman, I want to thank you for funding a new initiative regarding the effects of the economic downturn on mental health, called the Community Resilience initiative. Through this funding, we are going to be able to design a health program that meets our public's mental health resilience needs at a time of economic downturn and of very strong public stress.

In my State of Rhode Island, with 12 percent unemployment and in a state of budget crisis, my people and our country's needs are much greater because of this pressure, not only on our economy but on the public at large in their personal lives.

For that, I want to thank you, Mr. Chairman, for these increases in funding.

Mr. TIAHRT. Mr. Chairman, might I inquire of how much time is left?

The CHAIR. The gentleman from Kansas has 8 minutes remaining. The gentleman from Wisconsin has 25 minutes remaining.

Mr. TIAHRT. I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, it is time to take a second look at Planned Parenthood. I respectfully ask Members to support the Pence amendment which will be offered later on.

Mr. Chairman, no child is safe in a Planned Parenthood clinic. That goes equally for the preborn child who is yearning to be born as well as for the 15-year-old pregnant girl being told she is entitled to a secret abortion, an abortion procured with neither her parents' knowledge or consent.

Each year, with poison pills or by dismemberment, Planned Parenthood aborts more than 305,000 unborn children. That's a quarter of all abortions performed in America—a staggering loss of children's lives that, years to date, now exceeds over 5 million dead babies all by just one organization.

Planned Parenthood aggressively lobbies and litigates against every modest restriction that has been proven to significantly reduce abortions. Planned Parenthood lobbies and litigates against women's right-to-know laws, waiting periods and parental involvement statutes, even though the latter has been shown to reduce abortions among teenage girls by between 19 and 31 percent. Planned Parenthood lobbies and litigates against prohibitions of taxpayer funding for abortions even though Planned Parenthood's own research shows that funding bans reduce abortion by between 20 and 35 percent. Millions of children live today because public funds weren't available to effectuate their demise. Yet Planned Parenthood aggressively seeks to compel taxpayer funding for abortion.

It is time, Mr. Chairman, to take a second look at Planned Parenthood. It is time to understand the irreparable

harm Planned Parenthood is doing to the children of America, both born and unborn.

Mr. OBEY. I yield 1½ minutes to the distinguished gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Chairman, I would like to start by commending Chairman OBEY for his leadership and for his crafting of a fiscally responsible bill that meets the needs of America's children, families, seniors, and communities we live in for today and tomorrow.

This bill marks a new era in which Congress and the White House are working in partnership to invest in the health, education, workforce training, and success of all of our country's citizens. I would like to highlight some of the investments that are most important to my constituents in Minnesota.

The \$5.1 billion included in LIHEAP ensures that more than 7 million low-income households will have the money they need to keep warm this winter. The education increases in Head Start, IDEA, TRIO, and Pell Grants will help give our children a quality education and opportunities to attend and succeed in college. The \$3.8 billion for the Workforce Investment Act will help to retrain our neighbors who have been hurt by these tough economic times. Lastly, the investments in the CDC and in the NIH will strengthen public health and health research, which are critical to keeping America healthy.

Families in Minnesota and across the United States need this bill. I strongly support this bill, and I urge my colleagues to support it as well.

Again, I want to commend Chairman OBEY and his staff for their extraordinary commitment to giving all of America's children and families the opportunity to be healthy, secure and successful.

Mr. TIAHRT. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Florida (Mr. CRENSHAW), who is also a member of the Appropriations Committee.

Mr. CRENSHAW. I thank the gentleman for yielding.

Mr. Chairman, as a member of this committee, I certainly want to commend Chairman OBEY and Ranking Member TIAHRT for bringing this bill to the floor today.

Like a lot of legislation, there are some good things in this bill, and there are some things that are not so good. One of the best things, I believe, is the money that we are appropriating to the National Institutes of Health, some \$31 billion, which is about a 3 percent increase over last year. I think the research that they do is efficient. It's cost-effective. They find cures for disease. They help prevent disease. I think we'd all agree that the money we spend today can save us billions of dollars tomorrow.

One of the areas to which this money is going is the area called "inflam-

matory bowel disease." You don't hear much about it. It's a terrible disease. It affects about 1.5 million people in America today. About 10 percent of them are young people. We don't know what causes it, and we don't know how to cure it, but the money that is part of this NIH today is going to really make some major breakthroughs because so little is known.

It is one of the most exciting areas in scientific research, so it's my hope, as this money continues to go to this area, that one day we will be able to find a cure and will be able to beat this terrible disease.

Mr. OBEY. I yield 1½ minutes to the distinguished gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman.

Mr. Chairman, there have been a lot of people saying: Why are we rushing? Why aren't there more amendments? Why isn't there more debate?

We have an obligation to the American people to get these budgets done. The fiscal year starts at the end of October, and we need to get our job done.

I want to commend Chairman OBEY for making sure that we are going to get all of these House bills done before we leave in August. Given all of the tactics that our friends on the other side have used, I think it's going to be quite an accomplishment. It's important for us to remember that our friends on the other side had control of the House, had control of the Senate, had control of the White House, had control of the Supreme Court, had a chance to implement their health care policy, their energy policy and their overall economic policy. That's the world that we're living in right now. They had control of everything, and we're trying to fix it.

The \$1,100 increase in gas prices per family over the course of the last 10 years and the increase in health care, going up 120-some percent over the last decade for small businesses—that's a tax. We're trying to fix it. If we do nothing, gas prices are going to continue to go up; energy costs are going to continue to go up; health care costs are going to continue to go up. We are trying to rein this in, and we are trying to fix it. I think this bill does a lot of what we need to do.

This eliminates 28 programs; it cuts \$1.3 billion out of the bill; it funds community health clinics so that 17 million patients can have some access to health care; it increases the Pell Grants since Democrats have had an opportunity to move in; there is a \$1,500 increase, a 37 percent increase, in charter schools.

The CHAIR. The time of the gentleman has expired.

Mr. OBEY. I yield the gentleman an additional 30 seconds.

Mr. RYAN of Ohio. There is \$256 million for helping start up 1,300 new charter schools; there are investments into the NIH for cancer research.

These are the investments that we need to make. This is the situation we've been given, and these are the cards we've been dealt. I think this bill goes a long way in trying to clean up this mess. It's not going to happen overnight. It took 10 years of Republican leadership to get us in the worst economic situation we've been in since the Great Depression. It's going to take a few years for us to get out. The current system cannot continue. This bill, the energy bill and the health care reform are all opportunities for us to change the direction in which we're going.

Mr. TIAHRT. Mr. Chairman, apparently, the gentleman from Ohio has overlooked the fact that every spending bill that has made it to the President's desk since 2007 has been originated by the Democrat-controlled House. So I would like to correct that.

May I inquire as to how much time remains in this debate?

The CHAIR. The gentleman from Kansas has 4½ minutes remaining. The gentleman from Wisconsin has 21½ minutes remaining.

Mr. TIAHRT. I will yield myself such time as I might consume.

Mr. Chairman, sometimes there is convenient memory loss about what has happened in the economy recently. Since 2007, the House Appropriations Committee, as well as the full House, have been controlled by Democratic leadership. The bills that were voted for in the bailout last year were voted for by the current President, then-Senator Obama. So, to think that the economic woes of today were imposed upon the Democratic-controlled House by Republicans is a stretch of even the wildest imagination. To assume that the Republicans in the House controlled the Supreme Court at any time in the history of this country is a stretch of the imagination.

The bill before us today, when added with the stimulus bill, is a 93 percent increase in spending. It's a tremendous amount of money, and it's money that is not designed to bring jobs back to America but merely to continue existing programs and even to create new programs that have not gone through the hearing process, the process of developing, of changing and of molding these programs, so that they are fully productive for the American people, whether it's in health care or in education or in labor.

So I think that it's important for us to realize that this bill has a lot of money which is money we don't have, excessive money, and it should have had the opportunity, through the amendment process, to be brought back to levels that we can afford, to levels that would not have imposed an excessive amount of borrowing for the American people, because that borrowing leads to requirements for not only ourselves but for future Ameri-

cans, who work hard for their money, to then pay money for programs that have already existed in the past.

So, Mr. Chairman, I would say that this process has been, I think, restricted in an unnecessary fashion, and because of that, there are many people who will not be able to support this legislation.

I want to, once again, acknowledge that the chairman of the Appropriations Committee has spent a lot of time and a lot of effort, and has looked deeply into the details of this bill. I think that this bill is an encompassment of his passion for serving, and he has done a very good job on the details and on the work that he has put into this bill. I want to acknowledge that publicly and thank him for that effort. I wish that the spending levels were less so that I could also join with him in supporting this measure, but I will not be able to do so.

In the future, as we move forward, I hope that, next year, we bring the spending levels to an area that is acceptable and that continues these very necessary programs, because much of this bill is work that needs to be done in America. I am looking forward to working with the chairman on this bill next year to, hopefully, achieve those levels.

With that being said, I yield back the balance of my time.

□ 1215

Mr. OBEY. Mr. Chairman, I recognize myself for the remainder of the time.

Mr. Chairman, before I get into the specifics of the bill, I would like to take a couple of minutes to respond to some of the criticisms that have been made about the process by which this bill has come to the floor.

Much has been made of the fact that this bill did not come to the floor under an open rule. There is nothing really new about that. On at least 25 occasions during the Republican control of this House, appropriation bills came to the floor without being under an open rule. But I want to specifically address the so-called "outrage" that has occurred by our supposedly denying Republican amendments the right to get a vote.

Here are the facts: Republican Members of the House offered 14 amendments. They filed 14 amendments with the Rules Committee. Four of those amendments were not in order under the rules. A point of order could have been lodged against all of them, so they were out. Three more were on subjects that belong in the health care debate or the health care reform debate, which is now working its way through the Congress.

I think what happened is that some Members on the other side of the aisle mistook me for HENRY WAXMAN and thought we were in the Energy and Commerce Committee. Now, I don't

think I look like him. I don't think HENRY would want to look like me. But somehow there is confusion.

So our Republican friends have brought a number of amendments, three of them, to this bill on subjects such as forbidding us from having a public option in the health care reform bill. That's not under the jurisdiction of this committee. All that would do is add to the confusion. So those amendments were rejected by the Rules Committee.

Then our Republican friends offered another amendment which dealt with the issue of indirect student loans, whether that program should expire or not. That is an issue which was decided by the Education and Labor Committee earlier this week. It is an authorization. It's not an appropriation issue. So it's decided on that bill.

So that takes us from the Republicans' 14 initial amendments down to five amendments. We made in order four of those five amendments. The one amendment that we did not make in order that was remaining was an amendment that would have added a billion dollars to a program that we already added \$12 billion to earlier this year in the recovery package. We put \$12 billion in increases into special education. In the 12 years that the Republicans controlled this place, in total they only added \$8.5 billion to that program. So we poured money into that program. And given the competition on the part of all other programs for taxpayers' money, I think the Rules Committee justifiably felt that that amendment was a little outlandish, so we didn't vote on it.

Now, if people want to make a Federal case out of that history, be my guest.

The second thing we've heard today is considerable bashing—in addition to bashing of the majority party of the House, we've heard considerable bashing of President Obama. In terms of the bashing of the majority, we were told a bit earlier by one of the speakers over there that we had been partisan in the full committee and had rejected every Republican amendment. That's nonsense. We accepted 57 Republican amendments on all of the appropriation bills that went through the committee this year. I hardly think that that is being partisan.

I would also point out that the bailout, which has been so roundly denounced by several speakers today, that bailout was originally proposed and asked for by President Bush. It was voted down the first time in this House. It was voted up the second time after credit markets further collapsed. And both Mr. Obama and Mr. MCCAIN, in an act of patriotism, rose above their partisan and electoral interests and supported Bush on that issue even though it was unpopular.

Enough said on that score.

I would also say that for those who are screaming about the President's economic recovery efforts, the President has been in office a very few short months. The Recovery Act passed less than 5 months ago. It is designed to be a 30-month program to try to limit to some degree the job loss in this economy. We were losing 700,000 jobs a month in the last 3 months of the Bush administration. We've now seen that job loss decline to about 400,000 jobs a month. That's not good enough in anybody's eyes, but it is a whole lot better than was happening last year. And it's going to take, frankly, a long time to repair the damage done by 8 years of previous government policy.

So I would prefer to set those issues aside. I don't think it's particularly productive to engage in partisan bashing.

I should correct one statement that I made. I said that we accepted 57 amendments in committee. We accepted 57 amendments in committee and on the floor. Let me correct that statement.

Having gotten rid of all of that underbrush, I would like to now turn to what is in this bill and why I believe the House ought to support it.

As I said earlier, this government, both under President Bush and under President Obama, has pumped a lot of money into what I would call the elite sectors of the economy: the financial sectors of the economy, the banking system, et cetera, and Wall Street. And now this bill is the main appropriation bill that deals with the economic problems and the health problems of every other American, and I want to walk you through just a bit what this bill does.

First of all, I think we need to understand this bill is fiscally responsible. The committee's allocation cut a total of \$10 billion from the President's discretionary spending request, and in this bill, we have a \$52 million reduction from President Obama's request. We have eliminated or cut some 44 programs, saving \$1.3 billion.

And I would point out that the largest single problematic increase in the bill is a \$993 million increase for the Social Security Administration to dramatically cut back the backlog on disability claims facing that agency. And I think no one would argue those funds are wasteful.

After we account for that increase for Social Security, that leaves us with a 1.7 percent increase for the rest of the bill. After you deduct for inflation, it means this bill, in real terms, is three-tenths of 1 percent above last year. That is hardly profligate.

In addition, a priority for this bill is \$1.1 billion which we include for activities to reduce improper payments, fraud, and abuse in the Department of Labor and Health and Human Services and in the Social Security Administra-

tion. That is a 50 percent increase in enforcement money to go after fraud and waste and abuse over the previous year. It's been estimated by the budget office that that action could result in over \$48 billion in savings and increased revenue for picking up legitimate revenues that would have otherwise been lost.

With respect to the Department of Health and Human Services, this bill increases that agency by about 3.3 percent. Again, hardly a profligate increase.

Now, we're all talking about our desire to pass health care reform. We recognize in the committee that if we're going to do that, we have to increase the capacity in the health care system, and so we are appropriating nearly \$3 billion to do just that. We're providing \$2.2 billion for community health centers; \$530 billion to expand training programs in the nursing field; \$135 million for a career pathway innovation fund to again train nurses, medical technicians, and others in the health care industry; \$75 million additional funding for State health access grants to help States transition to a health reform program; and \$65 billion for State high-risk insurance pools. We've also increased the National Institutes of Health funding by \$500 million.

I've said many times on this House floor, when I go home, I've never had anybody in my life come up to me and say, "Hey, Obey, why don't you in Washington get your act together and cut cancer research?" and yet that is what the previous President and the previous Congress did. They eliminated over 900 medical research grants at the National Institutes of Health. We don't do that. We add a significant amount of money to try to beef up our medical research across the board.

We also added some \$200 million for an initiative begun by former Treasury Secretary O'Neill in Pennsylvania to try to get hospitals to bring under control their life-threatening hospital infection problem which is plaguing the entire country.

With respect to senior nutrition and other services, we provided \$1.5 billion. We have rejected the administration's efforts to cut \$1.5 billion out of basic grants for Title 1. We've restored that funding.

We have provided a large increase, \$446 million, for the administration's top priority, which is the Teacher Incentive Fund, and \$500 million for Pell Grants.

The Department of Labor, more than half of the increase in that department is simply to help States to process unemployment compensation claims. We also have a \$271 million program in this bill to strengthen our ability to help veterans transition to civilian workforce employment.

And I think, Mr. Chairman, that's about all I want to say about the numbers in the bill.

I just want to add one thing. With respect to the policy provisions in this bill, we have retained every single limitation that was contained in previous appropriation bills when our Republican friends were in the majority. We have retained every single restriction on abortion that was in bills when they controlled the House, and so I think we have leaned over backwards to try to work with our friends in the minority.

And as I say, I appreciate the relationship that I have with the gentleman from Kansas. He's a fine and good man. We don't agree on everything, but as Will Rogers once said, when two people agree on everything, one of them is unnecessary.

So we do the best we can to reconcile our differences. We all have deeply held beliefs, but I think this bill represents the values of the country and, I hope, the values of this Congress.

I would urge support.

Mr. BLUMENAUER. Mr. Chair, I strongly support the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act. This bill strengthens our economy and our communities by improving education, expanding job training, and strengthening our health and social services safety nets. I appreciate strategic investments made in Oregon and around the country to make our communities more livable and our families safer, healthier, and more economically secure. There are two important pieces of this bill I'd like to highlight: funding for public broadcasting and the University Sustainability Program.

Nationwide, the economic downturn has struck businesses and individuals hard. The free, noncommercial, cultural and educational programming services provided by public broadcasting are now more valuable than ever. Many communities rely on public broadcasting stations as a sole source of news and information. States and local governments use the public broadcasting system for both day-to-day and emergency communications. Stations, which receive most of their funding from donations, have been hard hit by the recession as well. I am pleased that this bill includes \$40 million in fiscal stabilization grants, 100 percent of which will go directly to stations in need, to shore up these local stations and local jobs. And I appreciate the continued advance appropriations for the Corporation for Public Broadcasting included as well, which helps ensure broadcasters can provide continuity of service and plan budgets adequately.

Public broadcasting connects people with their local community, their nation, and their world in a way that no other outlet can or does. Because American citizens have come to rely on these services and programs, I am pleased Congress is fulfilling its responsibility to support public broadcasting.

In addition, on behalf of the thirty members of Congress who requested funding for the University Sustainability Program, I would like to thank the Labor, Health and Human Services, Education and Related Agencies Appropriation Committee for recognizing the important role that this program will play in helping revitalize the American economy. I'm proud

that the committee has recognized the need for credible, multi disciplinary, innovative education centers to help our universities prepare students for the economy of tomorrow.

There is a growing awareness that transitioning to a green economy presents a tremendous opportunity for those who embrace it—and a great risk for those who ignore it. Making this transition promises to create a new engine to drive America's economy, achieve greater energy security, and reduce impacts from global warming—and reduce chances of losing American jobs to other countries which charge ahead and take the lead. This program will provide competitive grants for the development, implementation and evaluation of sustainability programs in American colleges and universities. It was created in the Higher Education Opportunity Act of 2008, based on legislation that I introduced in 2007, the Higher Education Sustainability Act.

Industry leaders in energy management, green building design and materials, waste management, toxics management, and sustainable transportation are hungry for a well-trained workforce trained in the latest technologies and approaches. A recent study of Fortune 500 CEOs reported that, while 90 percent agreed that “sustainable development is important to their company's future,” only 30 percent say they have the “skills, information, and personnel to meet the challenge.”

It's not surprising that company leaders feel this way. The United States lags far behind other countries when it comes to preparing our students to understand the environmental problems we face and come up with innovative technological and organizational ways to attack them. According to the International Organization for Economic Co-operation and Development, the U.S. ranks 34th out of 57 developed countries when it comes to students' knowledge about the environment and environment-related issues, behind Estonia, Croatia and the Slovak and Czech Republics. According to the National Renewable Energy Lab, the major barriers to a more rapid adoption of renewable energy and energy efficiency in America are insufficient skills and training.

The University Sustainability Program is supported by the Association for the Advancement of Sustainability in Higher Education, the American Association of Community Colleges, Associations of College Unions International, Campaign for Environmental Literacy, National Council for Science and the Environment, Nike, National Wildlife Federation, Association of College and University Housing Officers International, Mary Kay, Inc, Earth Day Network, Chesapeake Bay Foundation, American Academy of Religion, and many more companies, organizations and leaders.

I strongly support this bill and hope that the Senate will also include this much needed funding to support universities as they work to overcome some of the barriers to providing real, hands-on, environmental education to prepare students for the changing economy.

Mr. HOLT. Mr. Chair, I rise today in support of the Fiscal Year 2010 Labor-HHS-Education Appropriations bill and my Amendment to increase the Math and Science Partnership program funding by \$5 million.

I want to thank Chairman OBEY for including my amendment in the manager's amendment

before us today. This program is the federal government's only generally available math and science teacher training program. By providing more resources to the Math and Science Partnership program at the Department of Education the program would be able to expand to additional schools across the country, and countless students would benefit from improved instruction in these critical subject areas. If our economy is going to grow, if our productivity is going to grow, we must do better in math and science education.

Mr. Chair, this \$5 million increase in funding is long overdue, and yet still far short of what is needed. We are not doing nearly enough in this area, and everyone says so.

The Glenn Commission, on which I was honored to serve said so, the National Academies of Science have said so. And the recently released report by the Carnegie Corporation of New York and the Institute for Advanced Study entitled “The Opportunity Equation: Transforming Mathematics and Science Education for Citizenship and the Global Economy” called for increasing the “supply of well-prepared teachers of mathematics and science at all grad levels by improving teacher preparation . . .”

That is why representative EHLERS and I led a letter to the House Appropriations Committee to increase funding for the Math and Science Partnership program to \$450 million that was joined by 23 Members of Congress.

In 2002, prior to the reauthorization of the Elementary and Secondary Education Act, the Eisenhower program provided \$485 million for teacher professional development primarily in science and math. Yet, today the Math and Science Partnership program is funded at less than half that level at only \$179 million.

Earlier this year, Education Secretary Duncan stated that “science education is central to our broad effort to restore American leadership in Education worldwide” and yet the budget proposal from the Department flat funded this essential training program again.

We need to change this cycle of recognizing problems, identifying solutions, and then failing to act.

My amendment was offered to increase funding for the Math and Science Partnerships program, and I know all too well that the \$5 million included will not solve the problem.

I hope this serves as recognition that we cannot be a global economic power unless we make the appropriate investments in education, with special focus on math and science education. We may never know how many students could have benefited over the past seven years from full funding, but I hope that we will soon be able to restore funding to this program to its pre-2002 levels.

Again, I want to thank the Chairman for including my amendment and I urge my colleagues to support the amendment and the underlying bill.

Mr. Chair, I rise today to express regret that full funding for disability access programs under the Help America Vote Act (HAVA) was not included in the Labor, Health and Human Services, and Education and Related Agencies Appropriations Act for Fiscal Year 2010, as the amendment I offered to the bill would have done. Three years after its final implementation deadline, the promise of disability

access under HAVA still has not been fulfilled and I believe we should make that a priority before the next general election.

On June 10, 2009, the Government Accountability Office (GAO) issued a report indicating that much work is yet to be done to ensure full access to the polls. It stated, in part, that “[w]hile the percent of polling places with multiple impediments decreased significantly from 2000, still a fair number—16 percent—had four or more potential impediments in 2008. Over 50 percent of polling places had one or more potential impediments on the path from the parking lot to the building entrance, while 14 percent had potential impediments from the building entrance to the voting area.” According to the GAO, currently only 27 percent of polling places are fully accessible. Therefore, I believe it is time we distributed to the states the full amount originally authorized and contemplated by HAVA to ensure full access to the polls, in time to achieve that goal before the election in November 2010.

It has been argued that additional funding is not needed in this bill because some funding previously appropriated has not been spent. But when one understands why, it becomes clear that the remaining funds are still needed. HAVA originally anticipated that funding for polling place accessibility and protection and advocacy could go directly to local election officials, but subsequently the Department of Health and Human Services (HHS) determined that it would only take applications from state departments of elections. Funds therefore had to pass through Congress, HHS, and state departments of elections before being distributed to local officials, which has significantly slowed down the process.

The Protection and Advocacy for Voting Access (PAVA) program has never been fully funded, and the National Disability Rights Network (NDRN) advises me that this year, nearly ten months into the 2009 Fiscal Year, PAVA funding has still not been released to protection and advocacy organizations. This has forced them to ration carryover funds to allow continuity of existing projects, giving the appearance that they are sitting on money in the bank when in fact they are simply trying to keep their programs running on a shoestring without interruption. “Those who question why PAVA funds still exist in accounts need to look no further than the inconsistent funding and distribution history of this program,” NDRN said.

That is why I offered an amendment to increase HAVA disability access funding by \$20 million, and protection and advocacy funding by \$5 million, so that the disability access funding in this year's appropriation bill would reach the level originally authorized and contemplated by HAVA. I regret that the full funding for disability access was not included in the bill, and I look forward to working with my colleagues to ensure that full funding for disability access under the Help America Vote Act is appropriated in the next fiscal cycle.

Ms. WATERS. Mr. Chair, I rise to support this bill, which provides funding for essential health and education services for the well-being of the American people.

I commend the Appropriations Committee for providing \$263 million for Title VIII Nursing

Workforce Development programs, a \$92 million increase in funding for these nurse education and training programs. Our nation is facing a severe shortage of nurses, and this shortage will only become more severe as we embark on health reform and provide more Americans access to affordable healthcare.

There are many young people in my district and throughout the country who would welcome the opportunity to pursue a career in nursing. Enabling promising young people to receive a college education in nursing will reduce unemployment rates in the short term and provide a long-term investment in our nation's healthcare system.

Over the last four years, funding for the Nursing Workforce Development programs has remained relatively flat. In fiscal year (FY) 2006, these programs received just under \$150 million and supported 91,189 nursing students. In the following year, these programs received the same amount of funding but supported only 71,729 nursing students. In FY 2008, the programs received \$156 million but still supported only 51,657 nursing students. These recent trends demonstrate the rising costs of nurse education and training, which results in the participation of fewer nursing students and, therefore, fewer new nurses. In FY 2009, the programs received \$171 million and, while this was a slight increase, it was still far below our nation's needs. A significant increase is necessary for these programs to overcome rising tuition costs and allow more students to participate.

The increase in this bill for nurse education and training programs will improve our nation's health system and allow thousands of young people to pursue a promising career field and serve their communities as nurses.

I urge my colleagues to support this bill.

Mr. HOYER. Mr. Chair, I rise to support this Labor-HHS-Education Appropriations bill, and particularly to call attention to a program that is close to my heart and vital for so many communities: full-service community schools. Full-service community schools are public schools that do much more than educate: they coordinate a wide range of social service programs for students and families, in partnerships with community organizations and the private sector. They provide students, families, and neighborhoods a seamless web of academic, health, and personal development services, all of which combine to expand opportunity in the communities that need it most. Full-service community schools can offer everything from health and dental care, to mental health counseling, to career advice, to literacy programs, to adult classes, to nutrition education. These schools quickly become the center of their communities, staying open long after school hours and on the weekends, as well.

Over the last decade, research has consistently shown that full-service community schools mean better outcomes in student achievement, attendance rates, student discipline, parental involvement, and access to preventive health services. That's why they're supported by so many education professionals, including the National Education Association, the American Federation of Teachers, the Coalition for Community Schools, and the National Association of State Boards of Education.

My late wife, Judy Hoyer, introduced me to full-service community schools. She was an early childhood educator, and at the Early Childhood and Family Learning Center in Adelphi, Maryland, she helped bring to life an innovative vision for education and community services, working together. Today, thousands of Maryland children benefit from the "Judy Centers" that operate across the state.

But full-service community schools can succeed in any state. That's why I'm glad that this legislation provides \$10 million to fund grants that will help local education agencies work with community organizations and implement the community schools model. I believe that the result will be healthier and more successful students, more involved parents, and stronger communities.

I urge my colleagues to support this appropriations bill.

Mr. EHLERS. I rise in support of funding for the U.S. Department of Education's Math and Science Partnerships program. The legislation we are considering today appropriates \$179 million for Math and Science Partnerships—equal to the current funding level.

The Math and Science Partnerships program is an innovative, proven program designed to improve teacher content knowledge and teaching skills in math and science subjects. Through formula grants to every state, the program provides crucial teacher professional development and teacher in-service training by linking school districts with university mathematics, science and engineering departments. As a result of the Math and Science Partnerships program, our students' math and science skills are strengthened.

This week, we celebrated the 40th anniversary of *Apollo 11*'s mission and astronauts Neil Armstrong and Buzz Aldrin walking on the Moon. This event, and the earlier launch of Sputnik, sparked remarkable interest in science education, and led to the creation of many valuable federal education programs over the next several decades. One such program, the Eisenhower Professional Development Act, was originally enacted in 1985 to provide funding for professional development opportunities for math and science educators. In fact, before the No Child Left Behind Act (NCLB), Congress provided substantially more funding for math and science teacher professional development through the Eisenhower program. In short, in spite of our great national need for more well-trained scientists and engineers, we are providing less than half as much funding for training science teachers as we did before NCLB was passed into law. Currently, many science teachers report little, if any, funds available for professional development activities.

Earlier this year, Representative HOLT and I led the charge to provide at least \$450 million in funding for the Math and Science Partnerships program. Twenty-three Members of Congress joined us in sending a letter to the Labor, Health & Human Services Appropriations Subcommittee requesting this important funding.

I am disappointed that the bill before us today provides level funding for the Math & Science Partnerships program. However, I am deeply grateful to Chairman OBEY for his willingness to include \$5 million in additional

funding for the Math & Science Partnerships program in his manager's amendment. I sincerely thank him for recognizing the need for increased funding for the Math and Science Partnerships program. I also thank Representative HOLT for his continued dedication to supporting this program and for his work in securing this additional funding.

Mrs. MALONEY. Mr. Chair, I rise in support of H.R. 3293, the Labor, Health and Human Services, and Education Appropriation bill for fiscal year 2010. In tough economic times, it is this important spending measure that makes critical investments in job training, strengthens health and social safety nets, and provides the educational opportunities that are critical to the nation's long-term prosperity. I want to thank Chairman OBEY for his tireless work on this always challenging legislation.

I also want to thank Chairman OBEY for including \$70.7 million in the bill—the President's request—for the World Trade Center (WTC) Health programs, which provide medical monitoring and treatment to WTC responders, community members, and others who have become ill because of the aftermath of the attacks on September 11, 2001. While the New York Delegation works toward a long-term legislative solution in passage of the James Zadroga 9/11 Health and Compensation Act (H.R. 847), this funding to continue the current WTC Health programs is absolutely critical in ensuring that the heroes and heroines of 9/11 receive the health care they need and deserve.

Again, I am pleased to support this bill and thank Chairman OBEY for his leadership.

Mr. STARK. Mr. Chair, I rise today in support of the 2010 Labor, Health & Education Appropriations (H.R. 3293). It will ease the recession by increasing job training, strengthening the social safety net, and investing in families. I am particularly supportive of the bill's education and health care provisions.

The bill makes critical investments toward the goal of providing every student with a world-class education. Additional resources will go to Title I schools serving low-income students, as well as programs under the Individuals with Disabilities Act (IDEA), which serve 6.7 million students with disabilities. The bill also provides \$545 million for assistance to thousands of schools with chronically poor performance. When coupled with funding from the American Recovery and Reinvestment Act, states will receive \$4 billion to turn around these schools and create opportunities for children.

This legislation will also make college affordable for many more students by continuing to increase the Pell Grant. Since Democrats took charge of Congress in January 2007, the maximum Pell Grant has increased 37 percent from \$4,050 to \$5,550.

The legislation also invests in our health care system to make our nation healthier and more productive. The bill will help Community Health Centers provide care for 17 million Americans with a \$2.2 billion investment. It will also help us to meet nursing and other workforce shortfalls by increasing support for training of medical professionals. Finally, the legislation provides a \$992 million increase for the life saving research carried out by the NIH.

This bill continues the commitment to reconstruct our public schools and address the

health care crisis by building on the historic education and health investments made by the American Recovery and Reinvestment Act. I urge all of my colleagues to support this legislation.

Mr. VAN HOLLEN. Mr. Chair, I rise to support the FY10 Labor, Health and Human Services, and Education Appropriations bill.

As we continue to debate sweeping health care reform, today's legislation makes investments in our most urgent needs, including \$2.2 billion for community health centers to serve vulnerable populations, \$530 million to train new health professionals, and \$204 million to continue an aggressive campaign to reduce life-threatening infections that patients acquire while receiving treatment for medical or surgical conditions.

I am pleased that the bill includes \$31.3 billion for the National Institutes of Health, although I am concerned that the funding increases will not keep up with escalating biomedical costs. As we consider the costs of our health care system, we must make the investments necessary to find cures for chronic diseases that require expensive long-term care.

I also strongly support the \$10 million in funding included for the Caroline Pryce Walker Conquer Childhood Cancer Act, legislation I co-authored with former Congresswoman Deborah Pryce. This will fund pediatric cancer research activities to eradicate the number one cause of death for our nation's children.

Today's bill also makes vital investments in education and workforce development. It includes \$17.5 billion for Title I grants to serve 20 million disadvantaged children and \$11.5 billion for the Individuals with Disabilities Act, which, when combined with funding from the American Recovery and Reinvestment Act, will support a 25 percent Federal contribution for special education. Additional new investments are made in literacy and dropout prevention initiatives.

In a time when students across the country are struggling to pay for college, this bill continues the new Congress's commitment to affordable education by raising the maximum Pell grant award to \$5,550.

The bill also includes a \$50 million investment in green job training, to prepare workers for a new, 21st century economy. Additional funding is included to train veterans transitioning to a civilian workforce and dislocated workers who have lost their jobs during the recession.

Mr. Chair, the FY10 Labor, Health and Human Services, and Education Appropriations bill funds some of our nation's most important domestic priorities. I urge my colleagues to support these critical investments in our nation's children, families, and workers.

Mr. GENE GREEN of Texas. Mr. Chair, I rise today in strong support of this appropriations bill. In this time of economic uncertainty, the Labor, HHS, and Education Appropriations Act funds some of the most important programs that provide a social safety net, as well as programs that will help us on the road to recovery. Investment in education and job training is one of the best ways to help America become stronger, and more productive and competitive.

H.R. 3293 makes critical investments to train people for jobs, shore up health and so-

cial safety nets to provide relief for millions of hard-working Americans struggling to make ends meet in the economic crisis, and provide the educational opportunity that is critical to the nation's longer-term prosperity.

One of these jobs training programs will take place in Texas's 29th District at the International Maritime and Energy Center of Houston, which San Jacinto College will operate along with other regional and industry partners. Our district includes the Port of Houston, and this center will provide training for the high demand jobs that exist right in our backyard. With inland shipping docks protected from open seas, by the 1980s more than half of the United States energy/petrochemical capacity was built in the Houston port region. Today, this global maritime and industrial complex is second in size only to Rotterdam in the entire world.

This funding will allow San Jacinto College along with other regional and industry partners, to address the critical need for trained workers in both the maritime and energy industries. Recognizing this critical need for trained workers, and how a shortage of workers would impact the Houston Port region, numerous public and private entities have partnered with the intent to create the International Maritime and Energy Center of Houston. This project will allow enhanced training programs that develop skilled workers in technical education and also a training and workforce pipeline in regional dual credit programs with the area high schools, and I thank the Committee for including this critical funding.

Also included in this bill is funding for the purchase of direct-capture digital imaging devices by the Harris County Hospital District that will enhance clinical work flow and will allow imaging technologists to increase productivity and increase access to care for clinic beneficiaries which is the overall program goal. Current radiology practices in the Community Health Centers are hampered by analog imaging products that limit work flow efficiencies. Existing systems require the Radiology Technologist to capture radiographic images on an imaging plate that is processed by a computed radiography device. The process is time consuming and limits patient throughput by nearly one-third—cassette based image management systems are very inefficient and resource-intensive.

The Harris County Hospital District is the public hospital system for Harris County, Texas. With an operating budget in excess of \$800 million, the district runs 3 hospitals, 11 community health centers, a freestanding HIV clinic, and several school-based and community-based clinics. This equipment will allow them to better serve the needs of our community.

I am also pleased that this bill supports three important education programs that are active throughout our district. Several of the schools in our district participate in the Education for Democracy Act program which is one of the most cost effective education programs supported by the federal government. This important program promotes our students' capacity to participate competently and responsibly in our democratic system by providing them with a thorough understanding of our constitutional democracy as expressed in

such seminal documents as the Declaration of Independence, the Constitution and the Bill of Rights, and the Gettysburg Address.

The Reach Out and Read program promotes literacy and language development in infants and young children, targeting disadvantaged children and families across our country. Through fifteen years of peer-reviewed and published research, an extensive body of documentation now clearly demonstrates the importance of promoting early language and literacy skills so that children have the essential reading skills they need to begin school successfully. I am proud that there are fifteen Reach Out and Read locations in our district serving 9,161 children each year.

Finally, I am a long time supporter of the Reading is Fundamental Program in our country and am pleased that the Appropriations Committee continued their strong support for this program as well. This important program also enhances child literacy by providing millions of underserved children, including several in my district, with free books—thereby encouraging them to read and cultivate the skills they need to be successful in school.

Mr. Chair, this is a good bill that funds so many needs in our district and across the country. I strongly urge my colleagues to join me in supporting its passage.

Ms. MOORE of Wisconsin. Mr. Chair, as Congress continues to address proposals intended to decrease the poverty gap and increase access to higher education for low-income and first generation college students, as well as at-risk youth, I strongly encourage a significant funding boost for Federal TRIO programs. TRIO has offered effective supportive services with proven results for hundreds of thousands of students across the country. However, these local programs work on a shoestring budget that forces them to turn away thousands of eligible students every year.

I applaud the increase that TRIO received in the FY 2010 House Labor-HHS-Education Appropriations bill, but it is nowhere near enough to address the need. I offered an amendment to increase funding by an additional \$5 million, offset by a new and unproven grant program that aims to accomplish exactly the same goals that the proven TRIO program is already working towards. I fully support innovation, but not at the expense of meeting the needs of students now.

TRIO is a proven program currently serving nearly 850,000 at-risk students ranging from middle school to college students nearing graduation.

TRIO provides the academic and personal support that young, low-income, and at-risk students need to help take advantage of the opportunities afforded to them.

TRIO students who have participated in pre-college programs have a higher matriculation rate than other low-income students. In 2005, 77.3% of all students who participated in Upward Bound programs immediately went to college the following fall and 86.5% of students who participated in Upward Bound-Math Science went directly to college. Similarly, 73% of Talent Search participants enrolled in college the fall following high school graduation. These figures stand in sharp contrast to the immediate college enrollment rate of all low-income high school students—only 41%.

Several data sources illustrate the success of TRIO by showing that students who participate in TRIO Student Support Services (SSS), with Pell Grant funding, are almost 10% more likely to attain a bachelor's degree than those who solely received Pell Grants without SSS participation.

51% percent of campuses that enroll over 1,000 Pell recipients host SSS programs. Yet, the average size of an SSS grant only allows a typical program to serve a portion (25.11%) of eligible students. Many others—students for whom consistent supportive services could mean the difference between a college degree and dropping out—do not receive the support they need.

TRIO has not received a significant increase since FY 2006. According to the Pell Institute for the Study of Opportunity in Education 2009, current TRIO funding levels are only sufficient to serve 11% of the students who are eligible for help.

Students from the bottom income quartile (\$38,660 or under per family) have a 25% chance at completing a college degree once they begin. In contrast, students from the top quartile (\$105,800 or over per family) have a 95% chance of completing a college degree. As such, services offered by the TRIO programs become all the more critical to ensure that such students have the opportunity to become economically viable and independent members of our post-industrial, global society.

The High School Graduation Initiative is an untested program that received \$50 million dollars in the Department of Education Appropriations Act of 2010. It aims for the same goals as TRIO, yet it is unproven. My amendment would have drawn \$5 million from this fund to put towards TRIO. It is not enough to ensure that this effective program can reach all eligible students, but it is a start.

Mr. SPACE. Mr. Chair, I rise today in support of the FY 2010 Labor-HHS-Education Appropriations bill which contains \$10 million for the continuation of rural facilities technical assistance. Among the grantees for this program are the six Rural Community Assistance Partnerships (RCAPs). The RCAPs have functioned as a national network of regional organizations for over two decades. They utilize public and private funds to provide technical assistance for a range of tasks: community-development, infrastructure expansion, pollution-prevention, environmental-compliance and others.

Rural communities have billions of dollars of need for new and improved water and waste disposal facilities. Addressing this need is not just important for improving public health, but also for alleviating poverty. Lacking adequate water or waste disposal facilities, small communities cannot attract business, develop a housing subdivision or build a new school. I am incredibly pleased that Chairman OBEY understands the unique needs of rural communities and worked to secure funding for the RCAPs which are so important to my District.

RCAP has helped communities in Ohio's District 18 access over \$8 million in 2009 alone, and is currently working with more than 13 projects to access available Recovery Act funding. In addition, RCAP has provided training to over 280 local officials from 60 communities in the district on managerial and finan-

cial issues to promote small system sustainability. Again, I want to thank Chairman OBEY for his hard work on this important bill that will allow communities in my District to continue receiving necessary assistance in addressing their drinking water and waste water needs.

Mr. KENNEDY. Mr. Chair, I want to commend your hard work on this bill which shows our strong commitment to America's children, seniors, families, and others in most need.

In particular, I want to thank the Chairman for increasing funding for the NIH, CDC and SAMHSA.

When it comes to medical research the bill moves our nation forward. It provides \$500 million over the President's Budget for the National Institutes of Health so that NIH can get us closer to the cures that we all wait for.

When it comes to addressing our national security from the H1N1 virus it moves our nation forward. The bill gives \$545 million total for critical pandemic flu activities at NIH, CDC and the Office of the Secretary.

When it comes to public and preventative health the bill moves our nation forward. It provides increases to health professions and nursing education, which have been starved in recent years. This year instead, we will be able to train the doctors, nurses, and other health professionals the country needs to ensure that more people get quality health care.

When it comes to mental health and substance abuse services the bill moves us forward. In particular, I want to commend the new initiative funded by the Chairman in SAMHSA regarding the effects of the economic downturn on mental health. There is \$5 million provided for a Community Resilience Initiative.

Nowhere are our economic hard times felt more than in Rhode Island, where we have over twelve percent (12%) unemployment and a state in budget crisis. This new initiative will help workers across the nation and in my state, to better cope with the stress this economy is placing on them.

I also would like to commend the Chairman for his commitment to funding the Senator Edward M. Kennedy Serve America Act. Named after my father, the senior Senator from Massachusetts, this bill provides the public and volunteer service roadmap for the Twenty-first Century, much like my uncle's call to service over 40 years ago.

Named after a steadfast leader of so many of the programs that are funded in this bill, from vocational education to AmeriCorps, from NIH research to the Corporation for National and Community Service, it is only fitting that funding for the Senator Edward M. Kennedy Institute for the Senate be included in this Labor, HHS, Education and Related Agencies Appropriations bill. I thank the Chairman for his support for what will be a part of a tremendous legacy.

Again, I want to thank the Gentleman from Wisconsin and his staff, for their unwavering commitment to the vital programs in this bill.

Mr. ETHERIDGE. Mr. Chair, I rise today in support of H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Bill. This legislation provides a total of \$730.5 billion, including \$163.4 billion in discretionary funds, for the Department of Labor, Health and Human Services,

and Education. In the current economic crisis, this bill makes vital investments to improve job training, shore up our Nation's health and social safety nets, and provide the educational opportunities that are critical to the nation's longer-term prosperity.

With health care reform looming in Congress, H.R. 3293 is a step in the right direction to provide a health care safety net to nearly 50 million people with no insurance and another 16 million who are underinsured. This bill includes \$603.5 billion for the Department of Health and Human Services, including funding for Medicare and Medicaid. H.R. 3293 provides \$73.7 billion in discretionary funds, including \$2.2 billion for community health centers, \$2.3 billion for AIDS initiatives, \$6.7 billion for the Centers for Disease Control and Prevention, and \$31.3 billion for critical research at the National Institutes of Health.

During this economic downturn, H.R. 3293 makes important investments to help Americans get back to work. This bill provides almost \$16 billion for the Department of Labor, including \$100 million for low-income youth education and job training, \$1.4 billion for Dislocated Worker Employment and Training Activities, and \$265 million in veterans' job training. In addition, the bill provides \$135 million for the Career Pathways Innovation Fund to provide new competitive grants for community colleges and local adult education providers for initiatives that prepare workers for careers in high demand and emerging industries.

I am particularly pleased that this bill makes significant investments in the Department of Education. As the only former state schools chief serving in Congress, I understand the devastating impact education cuts have had on our Nation's school systems. This bill includes \$14.5 billion in Title I grants to local districts, \$1.4 billion in Innovation and Improvement, \$12.6 billion for special education, and \$19.7 billion for student financial assistance including Pell Grants.

As the representative of Fort Bragg, however, I am concerned that this bill again underfunds Federal Impact Aid, which helps support the education needs of federally-connected students. The bill provides \$1.3 billion, which is less than two-thirds of the full funding needs for Impact Aid. As Fort Bragg expands through the BRAC process, military children represent a significant burden to communities in Cumberland, Harnett, Lee, and Sampson Counties, and current funding is insufficient. Impact Aid allows school districts to use funds for either operating expenses or capital expenditures, yet by the Department of Education's own admission these funds are barely enough to support current expenditures for educating federally connected students. I hope that this flaw in an otherwise excellent bill will be improved in conference.

Mr. Chair, H.R. 3293 is fiscally responsible and represents the priorities of the American people. I urge my colleagues to join me in supporting this legislation.

Mr. OBEY. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule and the bill shall be considered read through page 134, line 12.

The text of that portion of the bill is as follows:

H.R. 3293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Workforce Investment Act of 1998 ("WIA"), the Second Chance Act of 2007, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; \$3,802,961,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, \$2,969,449,000 as follows:

(A) \$861,540,000 for adult employment and training activities, of which \$149,540,000 shall be available for the period July 1, 2010, through June 30, 2011, and of which \$712,000,000 shall be available for the period October 1, 2010 through June 30, 2011;

(B) \$924,069,000 for youth activities, which shall be available for the period April 1, 2010 through June 30, 2011; and

(C) \$1,183,840,000 for dislocated worker employment and training activities, of which \$321,731,000 shall be available for the period July 1, 2010 through June 30, 2011, and of which \$862,109,000 shall be available for the period October 1, 2010 through June 30, 2011: *Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further*, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice;

(2) for federally administered programs, \$453,429,000 as follows:

(A) \$215,051,000 for the dislocated workers assistance national reserve, of which \$17,160,000 shall be available for the period July 1, 2010 through June 30, 2011, and of which \$197,891,000 shall be available for the period October 1, 2010 through June 30, 2011: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers;

(B) \$52,758,000 for Native American programs, which shall be available for the period July 1, 2010 through June 30, 2011;

(C) \$84,620,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including \$78,610,000 for formula grants (of which not less than 70 percent shall be for employment and training services), \$5,500,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$510,000 for other discretionary purposes, which shall be available for the period July 1, 2010 through June 30, 2011: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) \$1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2010 through June 30, 2011; and

(E) \$100,000,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2010 through June 30, 2011: *Provided*, That for program year 2010 and each program year thereafter, the YouthBuild program may serve an individual who has dropped out of high school and re-enrolled in an alternative school, if that re-enrollment is part of a sequential service strategy;

(3) for national activities, \$380,083,000, as follows:

(A) \$66,990,000 for Pilots, Demonstrations, and Research, which shall be available for the period April 1, 2010 through June 30, 2011, of which \$35,000,000 shall be for Transitional Jobs activities, and shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA, and that a sufficient portion of these funds shall be for an evaluation of the program; and of which \$5,500,000 shall be for competitive grants to address the employment and training needs of young parents, and shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA; and of which \$24,490,000 shall be used for the projects, and in the amounts, specified under the heading "Training and Employment Services" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act: *Provided*, That funding provided to carry out such projects shall not be subject to the requirements of sections 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) \$108,493,000 for ex-offender activities, under the authority of section 171 of the WIA and section 212 of the Second Chance Act of 2007, which shall be available for the period July 1, 2010 through June 30, 2011, and which shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA: *Provided*, That not less than \$34,000,000 shall be available for adult ex-offender activities, of which \$15,000,000 shall be for competitive grants to provide Transitional Job activities for adult ex-offenders;

(C) \$9,600,000 for Evaluation, which shall be available for the period July 1, 2010 through June 30, 2011, and which may be transferred to any other account within the Department to carry out evaluation activities;

(D) \$50,000,000 for activities that prepare workers for careers in energy efficiency and renewable energy as described in section 171(e)(1)(B) of the WIA, under the authority

of section 171 of the WIA, which shall be available for the period July 1, 2010 through June 30, 2011, and which shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D);

(E) \$130,000,000 for the Career Pathways Innovation Fund, under the authority of section 171 of the WIA, which shall be available for the period July 1, 2010 through June 30, 2011, of which not less than \$65,000,000 shall be dedicated to activities that prepare workers for careers in the health care sector, and which shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D); and

(F) \$15,000,000 for the Workforce Data Quality Initiative, under the authority of section 171(c)(2) of the WIA, which shall be available for the period July 1, 2010 through June 30, 2011, and which shall not be subject to the requirements of section 171(c)(4)(D).

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, \$615,425,000, which shall be available for the period July 1, 2010 through June 30, 2011: *Provided*, That funds made available under this heading in this Act may, in accordance with section 517(c) of the Older Americans Act of 1965, be recaptured and re-obligated.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2010 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, including benefit payments, allowances, training, and related State administration provided pursuant to paragraphs (1) and (2) of section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, \$1,818,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2010.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$69,903,000, together with not to exceed \$3,977,153,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) \$3,195,645,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including \$10,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501-8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, and shall be available for obligation by the States through December 31, 2010, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2012, and funds used for unemployment insurance workloads

experienced by the States through September 30, 2010 shall be available for Federal obligation through December 31, 2010;

(2) \$11,310,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) \$680,893,000 from the Trust Fund, together with \$22,683,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2010 through June 30, 2011;

(4) \$20,869,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed \$1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) \$68,436,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which \$53,307,000 shall be available for the Federal administration of such activities, and \$15,129,000 shall be available for grants to States for the administration of such activities; and

(6) \$47,220,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171 (e)(2)(C) of the Workforce Investment Act of 1998 and shall be available for Federal obligation for the period July 1, 2010 through June 30, 2011:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2010 is projected by the Department of Labor to exceed 5,059,000, an additional \$28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Act: *Provided further*, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A-87: *Provided further*, That the Secretary, at the re-

quest of a State participating in a consortium with other States, may reallocate funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request.

In addition, \$50,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for non-repayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the "Federal Unemployment Benefits and Allowances" account, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$96,266,000, together with not to exceed \$50,140,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$154,060,000.

PENSION BENEFIT GUARANTY CORPORATION PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2010, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2010 shall be available for obligations for administrative expenses in excess of \$464,067,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2010, an amount not to exceed an additional \$9,200,000 shall be available through September 30, 2011 for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional \$50,000 shall be made available through September 30, 2011 for obligation for investment management fees for every \$25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraor-

dinary pretermination expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION SALARIES AND EXPENSES (INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$484,632,000, together with \$2,124,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, \$65,000,000 are rescinded as of September 30, 2010.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, \$187,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2009, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2010: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$58,120,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, \$19,968,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, \$23,323,000;

(3) For periodic roll management and medical review, \$14,829,000; and

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, \$169,180,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2011, \$45,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$51,197,000, to remain available until expended: *Provided*, That the Secretary of Labor may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND (INCLUDING TRANSFER OF FUNDS)

In fiscal year 2010, such sums as may be necessary from the Black Lung Disability Trust Fund ("Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1986; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2010 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed \$32,720,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; not to exceed \$25,091,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed \$327,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$554,620,000, including not to exceed \$103,393,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act ("Act"), which grants shall be not less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$200,000 per fiscal year of training institute

course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2010, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That \$10,000,000 shall be available for Susan Harwood training grants.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$353,193,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the

sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized, in fiscal year 2010 and each fiscal year thereafter, to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$533,359,000, together with not to exceed \$78,264,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which \$1,500,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$37,031,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, \$350,827,000, of which \$91,419,000 is for the Bureau of International Labor Affairs (including \$6,500,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and of which \$19,892,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will

be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy, and of which \$5,000,000 is for Program Evaluation, which may be transferred to any other appropriate account in the Department for such purpose; together with not to exceed \$327,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; \$1,705,320,000, plus reimbursements, as follows:

(1) \$1,576,130,000 for Job Corps Operations, of which \$985,130,000 shall be available for obligation for the period July 1, 2010 through June 30, 2011 and of which \$591,000,000 shall be available for obligation for the period October 1, 2010 through June 30, 2011;

(2) \$100,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period October 1, 2010 through June 30, 2013; and

(3) \$29,190,000 for necessary expenses of the Office of Job Corps which shall be available for obligation for the period October 1, 2009 through September 30, 2010:

Provided, That the Office of Job Corps shall have contracting authority: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$210,156,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4113, 4211-4215, and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2010, of which \$2,449,000 is for the National Veterans' Employment and Training Service Institute.

In addition, to carry out the Department of Labor programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, \$46,971,000, of which \$9,641,000 shall be available for obligation for the period July 1, 2010 through June 30, 2011.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$78,093,000, together with not to exceed \$5,921,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a

program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 105. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and the related activities necessary to support such training: *Provided*, That the preceding limitation shall not apply to multi-year grants awarded prior to June 30, 2007.

SEC. 106. None of the funds available in this Act or available to the Secretary of Labor from other sources for Career Pathways Innovation Fund grants and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 107. None of the funds appropriated in this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

SEC. 108. The Secretary of Labor shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for the transfer of the administration of the Job Corps program authorized under title I-C of the Workforce Investment Act of 1998 from the Office of the Secretary to the Employment and Training Administration. As of the date that is 30 days after the date of submission of such plan, the Secretary may transfer the administration and appro-

priated funds of the program from the Office of the Secretary and the provisions of section 102 of Public Law 109-149 shall no longer be applicable.

This title may be cited as the "Department of Labor Appropriations Act, 2010".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XI, XII, XIX, and XXVI of the Public Health Service Act ("PHS Act"), section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 711, 1128E, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, and the Stem Cell Therapeutic and Research Act of 2005, \$7,305,817,000, of which \$41,200,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: *Provided*, That of the funds made available under this heading, \$129,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That \$56,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than \$40,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act including associated administrative expenses and relevant evaluations: *Provided further*, That no more than \$44,055,000 shall be available until expended for carrying out the provisions of Public Law 104-73 and for expenses incurred by the Department of Health and Human Services ("HHS") pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, \$317,491,000 shall be for the program under title X of the PHS Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That of the funds available under this heading, \$1,932,865,000 shall remain available to the Secretary of HHS through September 30, 2012, for parts A and B of title XXVI of the PHS Act: *Provided further*, That within the amounts provided for part A of title XXVI of

the PHS Act, \$6,021,000 shall be available to the Secretary through September 30, 2012, and shall be available to qualifying jurisdictions, within 30 days of enactment, for increasing supplemental grants for fiscal year 2010 to metropolitan and transitional areas that received grant funding in fiscal year 2009 under subparts I and II of part A of title XXVI of the PHS Act to ensure that an area's total funding under subparts I and II of part A for fiscal year 2009, together with the amount of this additional funding, is not less than 92.4 percent of the amount of such area's total funding under part A for fiscal year 2006: *Provided further*, That notwithstanding section 2603(c)(1) of the PHS Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2009, shall be available to the area for obligation from the date of the award through the end of the grant year for the award: *Provided further*, That \$835,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the PHS Act: *Provided further*, That in addition to amounts provided herein, \$25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund section 2691 Special Projects of National Significance: *Provided further*, That notwithstanding section 703 of Public Law 109-415, authority to carry out title XXVI of the PHS Act shall continue in effect until October 1, 2010, unless prior to that date, authorization is enacted into law otherwise extending this authority: *Provided further*, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed \$92,649,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and \$10,400,000 shall be available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further*, That notwithstanding section 747(e)(2) of the PHS Act, not less than \$5,000,000 shall be for general dentistry programs, not less than \$5,000,000 shall be for pediatric dentistry programs including faculty loan repayment, and not less than \$29,025,000 shall be for family medicine programs: *Provided further*, That funds provided under section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under these sections: *Provided further*, That of the amount appropriated in this paragraph, \$179,330,000 shall be used for the projects financing the construction and renovation (including equipment) of health care and other facilities and for other health-related activities, and in the amounts, specified under the heading "Health Resources and Services" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act, and of which up to one percent of the amount for each project may be used for related agency administrative expenses: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, \$9,700,000 shall be available for State Offices of Rural Health: *Provided further*, That of the funds provided, \$15,000,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology: *Provided further*, That \$75,000,000 shall be available for State Health Access Grants to expand access to affordable health care coverage for the uninsured populations in such States.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act ("PHS Act"). For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, \$2,847,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund ("Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed \$6,502,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act ("PHS Act"), sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, \$6,313,032,000, of which \$30,000,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which \$595,749,000 shall remain available until expended for the Strategic National Stockpile under section 319F-2 of the PHS Act; of which \$13,455,000 shall be used for the projects, and in the amounts, specified under the heading "Disease Control, Research, and Training" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act; of which \$118,979,000 for international HIV/AIDS shall remain available through September 30, 2011; and of which \$70,723,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center: *Provided*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program shall be available through September 30, 2011: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act: (1) \$12,864,000 to carry out the National Immunization Surveys; (2) \$138,683,000 to carry out the National Center for Health Statistics surveys; (3) \$47,386,000 for Public Health Informatics; (4) \$47,036,000 for Health Marketing; (5) \$31,170,000 to carry out Public Health Research; and (6) \$91,724,000 to carry out research activities

within the National Occupational Research Agenda: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That of the funds made available under this heading, up to \$1,000 per eligible employee of the Centers for Disease Control and Prevention shall be made available until expended for Individual Learning Accounts: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such redirection: *Provided further*, That not to exceed \$20,573,000 may be available for making grants under section 1509 of the PHS Act to not less than 21 States, tribes, or tribal organizations: *Provided further*, That of the funds appropriated, \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: *Provided further*, That none of the funds appropriated may be used to implement section 2625 of the PHS Act.

In addition, for necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$55,358,000, to remain available until expended: *Provided*, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106-554.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$5,150,170,000, of which up to \$8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$3,123,403,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$417,032,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,824,251,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect

to neurological disorders and stroke, \$1,650,253,000.

NATIONAL INSTITUTE OF ALLERGY AND
INFECTIOUS DISEASES
(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$4,859,502,000, of which \$500,000,000 shall be derived by transfer from funds appropriated under the heading "Biodefense Countermeasures" in the Department of Homeland Security Appropriations Act, 2004: *Provided*, That \$300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL
SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$2,069,156,000.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE
OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,341,120,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$713,072,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL
HEALTH SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to environmental health sciences, \$695,497,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$1,119,404,000.

NATIONAL INSTITUTE OF ARTHRITIS AND
MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$543,621,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER
COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$422,308,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$146,945,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$466,308,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$1,069,583,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,502,266,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$520,311,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING
AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$319,217,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,280,031,000.

NATIONAL CENTER FOR COMPLEMENTARY AND
ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$129,953,000.

NATIONAL CENTER ON MINORITY HEALTH AND
HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$213,316,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), \$70,780,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act ("PHS Act") with respect to health information communications, \$342,585,000, of which \$4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2010, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health ("NIH"), \$1,168,704,000, of which up to \$25,000,000 shall be used to carry out section 214 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the NIH is authorized to collect third party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund ("Fund"): *Provided further*, That all funds credited to the Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to \$194,400,000 shall be available for continuation of the National Children's Study: *Provided further*, That \$534,066,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act ("PHS Act"): *Provided further*, That of the funds provided \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to \$8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$100,000,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH
SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH
SERVICES

For carrying out titles III, V, and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services and the Protection and Advocacy for Individuals with Mental Illness Act, \$3,419,438,000, of which \$10,108,000 shall be used for the projects, and in the amounts, specified under the heading "Substance Abuse and Mental Health Services" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That \$795,000 shall be available until expended for reimbursing the General Services Administration for environmental testing and remediation on the federally owned facilities at St. Elizabeths Hospital, including but not limited to testing and remediation conducted prior to fiscal year 2010: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) \$21,039,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) \$22,750,000 to carry out national surveys on drug abuse and mental health; and (4) \$8,596,000 to collect and analyze data and evaluate substance abuse treatment programs: *Provided further*, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2010.

AGENCY FOR HEALTHCARE RESEARCH AND
QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act ("PHS Act"), part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 937(c) of the PHS Act shall not exceed \$372,053,000.

CENTERS FOR MEDICARE AND MEDICAID
SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$220,962,473,000, to remain available until expended.

For making, after May 31, 2010, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2010 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2011, \$86,789,382,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D-16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$207,296,070,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D-16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act ("PHS Act"), and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$3,463,362,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary of Health and Human Services pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That \$35,681,000, to remain available through September 30, 2011, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That \$65,600,000, to remain available through September 30, 2011, shall be for the Centers for Medicare and Medicaid Services ("CMS") Medicare contracting reform activities: *Provided further*, That the Secretary is directed to collect fees in fiscal year 2010 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That \$1,600,000 shall be used for the projects, and in the amounts, specified under the heading "Program Management" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act: *Provided further*, That \$65,000,000 shall be available for the State

high risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$311,000,000, to remain available through September 30, 2011, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which \$220,320,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act and for activities listed in section 1893 of such Act; of which \$29,790,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act; of which \$31,100,000 shall be for the Medicaid and Children's Health Insurance Program ("CHIP") program integrity activities; and of which \$29,790,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2010 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, \$3,571,509,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2011, \$1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b), (d), and (e) of section 2602 of the Low Income Home Energy Assistance Act of 1981, \$5,100,000,000, of which \$4,509,672,000 shall be for payments under subsections (b) and (d) of such section; and of which \$590,328,000 shall be for payments under subsection (e) of such section, to be made notwithstanding the designation requirements of such subsection:

Provided, That all but \$839,792,000 of the amount provided in this Act for subsections (b) and (d) shall be allocated as though the total appropriation for such payments for fiscal year 2010 was less than \$1,975,000,000: *Provided further*, That notwithstanding section 2605(b)(2)(B)(i) of such Act, a State may use any amount of an allotment from prior appropriations Acts that is available to that State for providing assistance in fiscal year 2010, and any allotment from funds appropriated in this Act or any other appropriations Act for fiscal year 2010, to provide assistance to households whose income does not exceed 75 percent of the State median income.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000, for costs associated with the care and placement of unaccompanied alien children, and for carrying out the Torture Victims Relief Act of 1998, \$714,968,000, of which up to \$9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act, section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000 for fiscal year 2010 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2012.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, \$2,127,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That \$18,960,000 shall be available for child care resource and referral and school-aged child care activities, of which \$1,000,000 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, \$271,401,000 shall be reserved by the States for activities authorized under section 658G, of which \$99,534,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That \$9,910,000 shall be for use by the Secretary of Health and Human Services for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family

Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act ("PHS Act"), the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B-1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act ("CSBG Act"), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, \$9,436,951,000, of which \$39,500,000, to remain available through September 30, 2011, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2010: *Provided*, That \$7,234,783,000 shall be for making payments under the Head Start Act: *Provided further*, That of the funds appropriated in the American Recovery and Reinvestment Act of 2009 for Head Start and Early Head Start, only the amount provided to a Head Start grantee under section 640(a)(3)(A)(i)(I) of the Head Start Act as a cost of living adjustment may be considered to be part of the fiscal year 2009 base grant for such grantee for purposes of section 640(a)(2)(B)(i) through (v) of the Head Start Act: *Provided further*, That \$746,000,000 shall be for making payments under the CSBG Act: *Provided further*, That not less than \$10,000,000 shall be for section 680(a)(3)(B) of the CSBG Act: *Provided further*, That in addition to amounts provided herein, \$5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That \$17,410,000 shall be for activities authorized

by the Help America Vote Act of 2002, of which \$12,154,000 shall be for payments to States to promote access for voters with disabilities, and of which \$5,256,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That \$110,000,000 shall be for making competitive contracts and grants to fund teenage pregnancy prevention programs and for the Federal costs of administering and evaluating such contracts and grants, of which not less than \$75,000,000 shall be for programs that replicate the elements of one or more teenage pregnancy prevention programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy or reduce behavioral risk factors underlying teenage pregnancy; of which not less than \$25,000,000 shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy: *Provided further*, that in addition to amounts provided herein for teenage pregnancy prevention, \$4,455,000 shall be available from amounts under section 241 of the PHS Act to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That \$2,000,000 shall be for a human services case management system for Federally-declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: *Provided further*, That up to \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: *Provided further*, That of the funds appropriated under this heading, \$1,000,000 shall be transferred to the National Commission on Children and Disasters to carry out title VI of division G of Public Law 110-161: *Provided further*, That \$14,819,000 shall be used for the projects, and in the amounts, specified under the heading "Children and Families Services Programs" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, \$345,000,000 and section 437 of such Act, \$63,311,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$5,532,000,000.

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, for the first quarter of fiscal year 2011, \$1,850,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV-E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, section 398 and title XXIX of the Public Health Service Act, and section 119 of the Medicare Improvements for Patients and Providers Act of 2008, \$1,530,881,000, of which \$5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: *Provided*, That \$5,079,000 shall be used for the projects,

and in the amounts, specified under the heading "Aging Services Programs" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act ("PHS Act"), the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$397,601,000, together with \$5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, and \$69,756,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, \$53,891,000 shall be for minority AIDS prevention and treatment activities; \$5,789,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and \$1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee: *Provided further*, That of the funds made available under this heading for carrying out title XX of the PHS Act, \$13,120,000 shall be for activities specified under section 2003(b)(2), of which \$9,840,000 shall be for programs that replicate the elements of one or more teenage pregnancy prevention programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy or reduce behavioral risk factors underlying teenage pregnancy, and of which \$3,280,000 shall be for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teen pregnancy, without application of the limitation of section 2010(c) of such title XX: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4): *Provided further*, That \$700,000 shall be used for the projects, and in the amounts, specified under the heading "General Departmental Management" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act: *Provided further*, That specific information requests from the chairmen and ranking members of the Subcommittees on the Departments of Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate ("Committees on Appropriations") in a prompt, professional manner and within the time frame specified in the request: *Provided further*, That scientific information, including such information provided in congressional testimony, requested by the Committees on Appropriations and prepared by government researchers and scientists shall be

transmitted to the Committees on Appropriations, uncensored and without delay.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), \$71,147,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, \$61,342,000, which shall be available from amounts available under section 241 of the Public Health Service Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, \$50,279,000: *Provided*, That of such amount, necessary sums shall be available for providing protective services to the Secretary of Health and Human Services and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: *Provided further*, That at least forty percent of the funds provided in this Act for the Office of Inspector General shall be used only for investigations, audits, and evaluations pertaining to the discretionary programs funded in this Act.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$37,785,000, together with not to exceed \$3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies and to pay the costs described in section 319F-2(c)(7)(B) of the Public Health Service Act ("PHS Act"), \$607,482,000; of which \$35,565,000 shall be to support preparedness and emergency operations, of which \$5,000,000 shall remain available through September 30, 2011; and of which \$10,000,000, to remain available through September 30, 2011, shall be to support the delivery of medical countermeasures: *Provided*, That of the amount made available herein for the delivery of medical countermeasures, up to \$8,000,000 may be transferred to the U.S. Postal Serv-

ice to support delivery of medical countermeasures.

For expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act, \$305,000,000, to be derived by transfer from funds appropriated under the heading "Biodefense Countermeasures" in the Department of Homeland Security Appropriations Act, 2004, to remain available through September 30, 2011.

For expenses necessary to prepare for and respond to an influenza pandemic, \$354,167,000, of which \$276,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F-2(a) of the PHS Act: *Provided further*, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this paragraph.

All remaining balances from funds appropriated under the heading "Biodefense Countermeasures" in the Department of Homeland Security Appropriations Act, 2004, shall be transferred to this account, and shall remain available for obligation through September 30, 2013, for the procurement of medical countermeasures pursuant to section 319F-2(c) of the PHS Act: *Provided*, That products purchased with these funds shall be deposited in the Strategic National Stockpile under section 319F-2(a) of the PHS Act.

For expenses necessary for fit-out and other costs related to a competitive lease procurement to renovate or replace the existing headquarters building for Public Health Service agencies and other components of the Department of Health and Human Services, \$70,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.

SEC. 202. The Secretary of Health and Human Services shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to sec-

tion 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 205. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary of Health and Human Services that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any

trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. (a) Except as provided by subsection (e) none of the funds appropriated for fiscal year 2010 or any subsequent fiscal year by this or any subsequent appropriations Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act ("PHS Act") if such State certifies to the Secretary of Health and Human Services by May 1 of the fiscal year for which the funds are appropriated that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary under section 1926 of such Act.

(c) The State is to maintain State expenditures in such fiscal year for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for the preceding fiscal year, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all State obligations of funds for such fiscal year and all State expenditures for the preceding fiscal year for tobacco prevention and compliance activities by program activity by July 31 of such fiscal year.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31 of such fiscal year.

(e) None of the funds appropriated by this or any subsequent appropriations Act may be used to withhold substance abuse funding pursuant to section 1926 of the PHS Act from a territory that receives less than \$1,000,000.

SEC. 213. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2010:

(1) The Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a

manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 214. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health ("Director") may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act ("PHS Act") to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 215. Notwithstanding any other provisions of law, funds made available under this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102-408.

SEC. 216. Not to exceed \$35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed \$2,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the

amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2010".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, \$15,938,215,000, of which \$4,850,510,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011, and of which \$10,841,176,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011, for academic year 2010-2011: *Provided*, That \$6,597,946,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to \$4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2009, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,365,031,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That \$3,264,712,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That \$3,264,712,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That \$9,167,000 shall be to carry out sections 1501 and 1503 of the ESEA: *Provided further*, That \$545,633,000 shall be available for school improvement grants under section 1003(g) of the ESEA and, notwithstanding such section, each State educational agency shall ensure that not less than 50 percent of its allocation of funds under this proviso is used for evidence-based reading instruction: *Provided further*, That State and local educational agencies may use fiscal year 2009 appropriations, and funds appropriated in this Act, for school improvement grants under section 1003(g) of the ESEA for any school eligible to receive assistance under part A of title I that has not made adequate yearly progress for at least two years or is in a State's lowest quintile of performance based on proficiency rates and, in the case of secondary schools, priority shall be given to those schools with graduation rates below 60 percent: *Provided further*, That the ESEA title I, part A funds awarded to local educational agencies under the American Recovery and Reinvestment Act of 2009 for fiscal year 2009 shall not be considered for the purpose of calculating harmless amounts under subsections 1122(c) and 1125A(g)(3) in making allocations under title I, part A for fiscal year 2010 and succeeding years.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$1,290,718,000, of which \$1,151,535,000 shall be for basic support payments under section 8003(b), \$48,602,000 shall be for payments for children with disabilities under section 8003(d), \$17,509,000 shall be for construction under section 8007(a) and shall remain available through September 30, 2010, \$68,208,000 shall be for Federal property payments under section 8002, and \$4,864,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency

under section 8003(a) for school year 2009–2010, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A, B, and D of title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (“ESEA”); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$5,239,644,000, of which \$3,375,993,000 shall become available on July 1, 2010, and remain available through September 30, 2011, and of which \$1,681,441,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011, for academic year 2010–2011: *Provided*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of public elementary schools, public secondary schools, and structures related to public elementary schools and secondary schools, if such construction, renovation, or modernization would support achievement of the purposes of that part: *Provided further*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That the Secretary shall implement part C of title VII of the ESEA without regard to the requirements of section 7304(d)(2): *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further*, That \$57,113,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That \$26,328,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further*, That \$17,687,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*, That \$9,360,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand ar-

ticated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, \$132,282,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (“ESEA”), and by part F of title VIII of the Higher Education Act of 1965, \$1,353,363,000: *Provided*, That \$10,649,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA, including \$1,000,000 to develop a National Board certification for principals of elementary and secondary schools: *Provided further*, That from funds for subpart 4, part C of title II of the ESEA, up to 3 percent shall be available to the Secretary of Education for technical assistance and dissemination of information: *Provided further*, That \$666,530,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That \$51,732,000 shall be used for the projects, and in the amounts, specified under the heading “Innovation and Improvement” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act: *Provided further*, That \$445,864,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: *Provided further*, That from funds for subpart 1 of part D of title V of the ESEA, up to \$10,000,000 shall be available to carry out activities authorized under section 2151(a) of the ESEA: *Provided further*, That of the funds available for section 2151(b), \$5,000,000 shall be available to continue a national school leadership partnership initiative as described under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act: *Provided further*, That of the funds available for part B of title V, the Secretary shall use up to \$21,031,000 to carry out activities under section 5205(b) and under subpart 2, and shall use not less than \$195,000,000 to carry out other activities authorized under subpart 1: *Provided further*, That of the funds available for subpart 1 of part B of title V of the ESEA, and notwithstanding section 5205(a), the Secretary may reserve up to \$20,000,000 to make multiple awards to charter management organiza-

tions and other entities for the replication and expansion of successful charter school models and may reserve up to \$10,000,000 to carry out the activities described in section 5205(a), including by providing technical assistance to authorized public chartering agencies in order to increase the number of high-performing charter schools: *Provided further*, That each application submitted pursuant to section 5203(a) shall describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include planning, training and systems development for staff of authorized public chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and hold accountable charter schools: *Provided further*, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school’s authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school’s financial statements that are filed with the school’s authorized public chartering agency; and demonstrate improved student academic achievement; and (2) authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school’s charter.

STATE FISCAL STABILIZATION FUND, RECOVERY ACT

For an additional amount for the Innovation Fund established pursuant to section 14007 of division A of the American Recovery and Reinvestment Act of 2009, \$3,000,000.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965, \$395,753,000: *Provided*, That \$195,041,000 shall be available for subpart 2 of part A of title IV, of which \$2,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence (“Project SERV”) program to provide education-related services to local educational agencies and to institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That \$133,000,000 shall be available to carry out part D of title V: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to \$13,383,000 may be used to carry out section 2345 and \$2,957,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, \$760,000,000, which shall become available on July 1, 2010, and shall remain available through September 30, 2011, except that 6.5 percent of such amount shall be available on October 1, 2009, and shall remain available through September 30, 2011, to carry out activities under section 3111(c)(1)(C): *Provided*,

That the Secretary of Education shall use estimates of the American Community Survey child counts for the most recent 3-year period available to calculate allocations under such part.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act ("IDEA") and the Special Olympics Sport and Empowerment Act of 2004, \$12,579,677,000, of which \$3,726,354,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011, and of which \$8,592,383,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011, for academic year 2010-2011: *Provided*, That \$13,250,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of accessible educational materials: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2009, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2009: *Provided further*, That funds made available for the Special Olympics Sport and Empowerment Act of 2004 may be used to support expenses associated with the Special Olympics National and World games.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$3,504,305,000: *Provided*, That \$2,570,000 shall be used for the projects, and in the amounts, specified under the heading "Rehabilitation Services and Disability Research" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, \$22,599,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, \$68,437,000, of which \$5,400,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, \$120,000,000, of which \$2,000,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act ("AEFLA"), subpart 4 of part D of title V of

the Elementary and Secondary Education Act of 1965 ("ESEA") and title VIII-D of the Higher Education Amendments of 1998, \$2,016,447,000, of which \$4,400,000 shall become available on October 1, 2009, and remain available through September 30, 2011, of which \$1,221,047,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011, and of which \$791,000,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011: *Provided*, That in allocating AEFLA State grants, the Secretary of Education shall first distribute up to \$45,907,000 to those States that, due to administrative error, were underpaid for fiscal years 2003 through 2008 in the amounts such States were underpaid: *Provided further*, That the Secretary shall not reduce the allocations for those years to the States that were overpaid through such error, or take other corrective action with respect to those overpayments: *Provided further*, That the additional funds provided to States to correct the administrative error shall not be considered in determining the "hold harmless" amounts under section 211(f) of the AEFLA for fiscal year 2011 or subsequent fiscal years: *Provided further*, That of the amount provided for Adult Education State Grants, \$75,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the AEFLA, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: *Provided further*, That of the amounts made available for AEFLA, \$11,346,000 shall be for national leadership activities under section 243: *Provided further*, That \$88,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available on October 1, 2009, and shall remain available through September 30, 2011, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2010, and remain available through September 30, 2011, for grants to local educational agencies: *Provided further*, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools: *Provided further*, That the Secretary of Education may use amounts available under this heading for the necessary costs of any closeout of the National Institute for Literacy.

STUDENT FINANCIAL ASSISTANCE (INCLUDING DEFERRAL OF FUNDS)

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, \$19,634,905,000, which shall remain available through September 30, 2011.

The maximum Pell Grant for which a student shall be eligible during award year 2010-2011 shall be \$4,860.

Of the funds made available under section 401A(e)(1)(D) of the Higher Education Act of 1965, \$511,000,000 shall not be available until October 1, 2010.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 4, and 9 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, \$870,402,000, which shall remain available until expended.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, \$2,293,882,000: *Provided*, That \$9,687,000, to remain available through September 30, 2011, shall be available to fund fellowships for academic year 2011-2012 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: *Provided further*, That \$609,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That notwithstanding any other provision of law, a recipient of a multi-year award under section 316 of the HEA, as that section was in effect prior to the date of enactment of the Higher Education Opportunity Act ("HEOA"), that would have otherwise received a continuation award for fiscal year 2010 under that section, shall receive under section 316, as amended by the HEOA, not less than the amount that such recipient would have received under such a continuation award: *Provided further*, That the portion of the funds received under section 316 by a recipient described in the preceding proviso that is equal to the amount of such continuation award shall be used in accordance with the terms of such continuation award: *Provided further*, That \$1,000,000, to remain available until expended, shall be available to carry out a scholarship program for the purpose of increasing the skilled workforce for industrial health and safety occupations, including mine safety: *Provided further*, That the Secretary of Education shall identify these scholarships as "Erma Byrd Scholarships": *Provided further*, That such scholarships shall be awarded without regard to an applicant's prior work experience, but the Secretary shall, notwithstanding section 437 of the General Education Provisions Act and

5 U.S.C. 553, by notice in the Federal Register, establish the eligibility requirements, service obligations, payback requirements, and other program requirements similar to those specified in section 515 of the Federal Mine Safety and Health Act as are necessary to implement such a program: *Provided further*, That such scholarship funds may be used to replace a student's expected family contribution, but institutions accepting such scholarship funds may not use these funds to supplant existing institutional aid: *Provided further*, That the Secretary shall be authorized to accept contributions for such scholarships from private sources: *Provided further*, That these funds shall be used for scholarships for academic year 2010-2011 and may be available for scholarships in academic year 2011-2012: *Provided further*, That \$68,247,000 shall be used for the projects, and in the amounts, specified under the heading "Higher Education" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

HOWARD UNIVERSITY

For partial support of Howard University, \$234,977,000, of which not less than \$3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, \$461,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, \$20,228,000, as authorized pursuant to part D of title III of the Higher Education Act of 1965 ("HEA"): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$178,221,000.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, \$354,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$664,256,000, of which \$593,606,000 shall be available through September 30, 2011: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used for Statewide data systems that include postsecondary and workforce information and information on children of all ages: *Provided further*, That up to \$10,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination, quality, and use.

DEPARTMENTAL MANAGEMENT PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of con-

ference rooms in the District of Columbia and hire of three passenger motor vehicles, \$452,200,000, of which \$8,200,000, to remain available until expended, shall be for relocation of, and renovation of buildings occupied by, Department staff.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$103,024,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$60,053,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. The Outlying Areas may consolidate funds received under this Act, pursuant to 48 U.S.C. 1469a, under part A of title V of the Elementary and Secondary Education Act.

SEC. 306. None of the funds made available in the fifth proviso under the heading "Innovation and Improvement" in this Act shall be made available for new awards under the Teacher Incentive Fund prior to the submission of an impact evaluation plan to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 307. Section 14007 of division A of the American Recovery and Reinvestment Act of 2009 is amended—

(1) by amending subsection (a)(3) to read as follows:

"(3) PURPOSE OF AWARDS.—The Secretary shall make awards to eligible entities in order to identify, document, and bring to scale innovative best practices based on demonstrated success, to allow such eligible entities to—

"(A) expand their work and serve as models for best practices; and

"(B) work in partnership with the private sector and the philanthropic community.";

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (1)(A), (1)(B), (2), and (3), respectively;

(B) in paragraph (1)(A), as so redesignated, by inserting "or" after the semicolon;

(C) by amending paragraph (1)(B), as so redesignated, to read as follows:

"(B) have demonstrated success in significantly increasing student academic achievement for all groups of students described in such section"; and

(D) in paragraph (3), as so redesignated, by striking "they have established partnerships" and inserting "it has established one or more partnerships";

(3) in subsection (c), by striking "paragraphs" and all that follows through "such requirements" and inserting "paragraphs (1)(A) or (1)(B) and (2) of subsection (b) if the nonprofit organization has a record of significantly improving student achievement, attainment, or retention and shall be considered to have met the requirements of subsection (b)(3) if it demonstrates that it will meet the requirement relating to private-sector matching"; and

(4) by adding at the end a new subsection (d) to read as follows:

"(d) SUBGRANTS.—In the case of an eligible entity that is a partnership described in subsection (a)(1)(B), the partner serving as the fiscal agent may make subgrants to one or more of the other entities in the partnership."

This title may be cited as the "Department of Education Appropriations Act, 2010".

TITLE IV—RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92-28, \$5,396,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service ("the Corporation") to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") and the National and Community Service Act of 1990 ("1990 Act"), \$792,179,000, of which \$318,832,000 shall be to carry out the 1973 Act and \$473,347,000 shall be to carry out the 1990 Act and notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) \$35,000,000 shall be available for expenses authorized under section 501(a)(4)(E) of the 1990 Act; (3) \$7,500,000 shall be available for expenses to carry out sections 112(e), 179A, and 198O and subtitle J of

title I of the 1990 Act, notwithstanding section 501(a)(6) of the 1990 Act; (4) \$5,000,000 shall be available for grants to public or private nonprofit institutions to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, notwithstanding section 129(k)(1) of the 1990 Act; and (5) \$17,000,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act.

NATIONAL SERVICE TRUST (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the National Service Trust established under subtitle D of title I of the National and Community Service Act of 1990 ("1990 Act"), \$178,214,000, to remain available until expended: *Provided*, That the Corporation for National and Community Service may transfer additional funds from the amount provided within "Operating Expenses" allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$80,923,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$7,700,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. The Corporation for National and Community Service ("the Corporation") shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2010, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first three years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to the Corporation for National and Community Service under section 196 of the National and Community Service Act of 1990 ("1990 Act") for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitles B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting ("Corporation"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2012, \$440,000,000: *Provided*, That none of the funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to the Corporation by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to support the Television Future Fund or any similar purpose.

In addition, for payment to the Corporation for fiscal year 2010, \$76,000,000 as follows:

(1) \$40,000,000 shall be for fiscal stabilization grants to public radio and television licensees, with no deduction for administrative or other costs of the Corporation, to maintain local programming and services and preserve jobs threatened by declines in non-Federal revenues due to the downturn in the economy, to be awarded no later than 45 days after enactment of this Act; and

(2) \$36,000,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

In addition, for fiscal year 2010, \$25,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, \$47,000,000, including \$650,000 to remain available through September 30, 2011, for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign govern-

ments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$9,858,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, \$275,688,000, of which \$10,132,000 shall be used for the projects, and in the amounts, specified under the heading "Office of Museum and Library Services: Grants and Administration" in the report of the Committee on Appropriations of the House of Representatives accompanying this Act.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$11,800,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, \$3,271,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, \$283,400,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, \$12,992,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, \$11,712,000.

RAILROAD RETIREMENT BOARD DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$64,000,000, which shall include amounts becoming available in fiscal year 2010 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2011, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$109,073,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General ("Office") for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than \$8,186,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office, except as permitted pursuant to the last proviso under this heading in division G of the Consolidated Appropriations Act, 2008.

SOCIAL SECURITY ADMINISTRATION PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$20,404,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$34,742,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in

the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2011, \$16,000,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$40,000 for official reception and representation expenses, not more than \$10,800,500,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than \$2,300,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2010 not needed for fiscal year 2010 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than \$273,000,000 shall be available for the cost associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to the amounts made available above, and subject to the same terms and conditions, \$485,000,000, for additional continuing disability reviews and redeterminations of eligibility, of which, upon a determination by the Office of the Chief Actuary that such initiative would be at least as cost effective as redeterminations of eligibility, up to \$34,000,000 shall be available for one or more initiatives to improve asset verification: *Provided*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these additional amounts, similar to the reports that were required by section 103(d)(2) of Public Law 104-121 for fiscal years 1996 through 2002.

In addition, \$160,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2010 exceed \$160,000,000, the amounts shall be available in fiscal year 2011 only to the extent provided in advance in appropriations Acts.

In addition, up to \$1,000,000 to be derived from fees collected pursuant to section 303(c)

of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$29,000,000, together with not to exceed \$73,682,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

TITLE V—GENERAL PROVISIONS (TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and Expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "National Mediation Board, Salaries and Expenses".

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local

governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 508. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 514. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 515. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 516. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 517. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2010 that are different than those specified in this Act, the accompanying detailed table in the committee report, or the fiscal year 2010 budget request.

SEC. 518. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding \$100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2010, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 519. None of the funds appropriated or otherwise made available by this Act may be

used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 520. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 521. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 522. None of the funds made available in this Act may be used in contravention of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611 et seq.).

SEC. 523. None of the funds contained in this Act may be used to distribute any needle or syringe for the hypodermic injection of any illegal drug in any location which is within 1,000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, park, playground, video arcade, or youth center, or an event sponsored by any such entity.

The CHAIR. No amendment to the bill shall be in order except those printed in House Report 111-222. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be not be subject to amendment, and shall not be subject to a demand for division of the question.

After disposition of the amendments specified in the first section of House Resolution 673, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to

the bill for the purpose of debate, which shall be controlled by the proponent.

AMENDMENT NO. 1 OFFERED BY MR. OBEY

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-222.

Mr. OBEY. Mr. Chairman, I have a manager's amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBEY:

Page 8, line 3, insert "(reduced by \$5,000,000)" after the dollar amount.

Page 8, line 12, insert "(increased by \$5,000,000)" after the dollar amount.

Page 26, line 24, insert "(reduced by \$1,000,000)" after the first dollar amount.

Page 33, line 14, insert "(increased by \$1,000,000)" after the first dollar amount.

Page 39, line 10, insert "(increased by \$1,000,000)" after the aggregate dollar amount.

Page 40, line 10, insert "(increased by \$1,000,000)" after the dollar amount.

Page 40, line 12, insert "(reduced by \$1,000,000)" after the dollar amount.

Page 65, line 13, after "III," insert "IV,".

Page 65, line 17, insert "(reduced by \$1,000,000)" after the aggregate dollar amount.

Page 84, line 17, insert "(increased by \$5,000,000)" after the aggregate amount.

Page 84, line 18, insert "(increased by \$5,000,000)" after the dollar amount.

Page 86, line 25, insert "(reduced by \$6,000,000)" after the aggregate dollar amount.

Page 87, line 9, insert "(reduced by \$9,000,000)" after the dollar amount.

Page 88, line 24, insert "(increased by \$10,000,000)".

Page 90, line 6, insert before the period at the end the following: "Provided further, That \$6,965,000 of the funds available to carry out subpart I of part D of title V of the ESEA shall be used for the Reach Out and Read program".

Page 97, line 18, insert "(increased by \$1,000,000)" after the first dollar amount.

Page 100, line 2, after the colon, insert the following: "Provided further, That of the funds available under part B of title VII of the HEA, \$1,000,000 shall be used to implement section 891 of the HEA."

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs are "Energy Star" qualified or have the "Federal Energy Management Program" designation.

SEC. _____. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301-10.124 of title 41, Code of Federal Regulations.

The CHAIR. Pursuant to House Resolution 673, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin.

□ 1230

Mr. OBEY. Mr. Chairman, this amendment, I believe, is not controversial. It incorporates several amendments requested by Members and

makes technical corrections to the underlying bill. These adjustments are fully offset and do not change the bottom-line funding for the bill.

Briefly, the amendment provides an additional \$5 million for the Career Pathways Innovation Fund within the Department of Labor requested by Mr. TEAGUE, offset by a reduction in the green jobs fund.

It contains an additional million dollars for the emergency medical services for children's programs. As a result, the total of \$21 million is included in the bill to bring improved emergency medical care to children due to Mr. MATHESON's work on this issue.

It contains an additional \$1 million for the National Center for Health Statistics within the Centers for Disease Control, fully offset. As a result, the bill includes \$140 million for the collection of critical health statistics. Mr. COHEN sponsored this important amendment.

Mathematics and Science Partnership program is increased by \$5 million to \$184 million to expand professional development for math and science teachers. Again, it is fully offset. It was urged by Mr. HOLT and Mr. EHLERS and others.

The amendment provides nearly \$7 million for the Reach Out and Read program within the fund for improvement of education in the Department of Education. It will result in an additional \$2 million for books to help children learn to read due to the efforts of Mr. MCGOVERN.

The amendment increases the amount from \$20 million to \$30 million within the charter schools program in the Department of Education that may be used for grants to charter management organizations. It replicates successful charter models at the request of Mr. POLIS.

The amendment provides \$1 million for university-based modeling and simulation programs newly authorized by the Higher Education Act proposed by Mr. SCOTT.

It then includes two funding limitation amendments sponsored by Mr. CUELLAR with respect to the Federal management program designation and a prohibition on the use of funds in the bill for any first class travel in the agencies funded under this bill.

And the amendment also makes technical correction.

I would be happy to yield briefly to Mr. COHEN.

Mr. COHEN. I rise to thank Chairman OBEY for his inclusion of \$1 million to be directed to the National Center for Health Statistics. This was requested in the hopes that it would end up with some funds being used to study enhanced birth certificates across the Nation.

The National Center for Health Statistics faces a funding shortage, inhibiting their ability to study these vital

records which is a roadblock to understanding the high infant mortality rate that plagues our Nation, in particular my city of Memphis. We have a rate that is the highest in the country and rivals that of Third World nations. It's unacceptable in America.

It's these types of programs that will help move America forward. We must work together to lower our Nation's infant mortality rate. It starts with gaining a statistical knowledge of why these deaths occur. I wholeheartedly support Chairman OBEY's inclusion of the funding for the National Center for Health Statistics, and I urge a "yes" vote on the bill.

Thank you for the time.

Mr. OBEY. I would be happy to yield to Mr. TEAGUE.

Mr. TEAGUE. I thank Chairman OBEY.

And, Mr. Chairman, I rise today in support of my energy jobs amendment to the Labor-H Appropriations Act. The amendment takes \$5 million from the green jobs fund and puts that money into the Career Pathways Fund for the purpose of job training in all energy fields.

Now, let me be clear. I do not oppose green jobs and I don't oppose green energy. Quite the opposite. We need all the jobs we can get, and we need all the energy that we can produce. But as we work in Congress to make up for the inaction on energy issues of this decade, the inaction that led to a dependence on foreign oil and high energy costs, we cannot pretend that green energy will solve all of our problems. We cannot pretend that the American economy does not depend on oil and gas. We cannot forget that nuclear energy is a safe, dependable and carbon-neutral source of power.

Mr. Chairman, I am an oilman, always have been, always will be. When I arrived in Congress, the oil and gas industry was in the trough. It still is. Around my hometown of Hobbs, if you're not looking for a job yourself, you surely know a handful of folks who are. Times are tough; work is scarce. We're hoping that that will change soon, however; and when the oil and gas industry comes out of the trough, we're going to need to find a lot of trained and skilled oil field workers in a hurry.

I want to help make New Mexico the all-energy capital of the world. We want to double up on energy jobs, grow the number of oil and gas jobs we have, and add new energy jobs. But let me be clear. In order to double up on energy jobs, we must increase the oil and gas jobs we have, and we can't do that if job training programs ignore the needs of the oil and gas industry.

Mr. OBEY. I thank the gentleman.

I reserve the balance of my time.

Mr. TIAHRT. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from Kansas is recognized for 10 minutes.

Mr. TIAHRT. Mr. Chairman, I'm not opposed to the chairman's amendment in substance, but I am opposed to the amendment in process.

The amendment incorporates nine separate stand-alone amendments offered by Democrat Members of this body, thus ensuring that those Members would not have to go to the Rules Committee and plead just to have a perfectly legitimate amendment proposed on the floor.

It incorporates no Republican amendments. If I heard the chairman correctly this morning, there are 10 that could have been included, but were not.

Looking through the list of what's in the chairman's amendment, there is Career Pathways Innovation Fund for \$5 million with an offset. There's a health resources and service administration with a \$1 million offset. Going through the list, there's really not much that brings out any controversy. They could have stood alone. There perhaps is one that would not have been legitimate standing alone, which would include a prohibition to purchase light bulbs unless the light bulbs are Energy Star qualified or have a Federal energy management program designation. I think that one is probably protected under the rule.

But let me tell you what was not included because these amendments were not made in order. What was not included was a commonsense amendment to use technology to reduce unemployment insurance, improper and fraudulent payments.

What was not included was an amendment to prohibit the Department of Education from shutting down the largest student loan program that exists today.

What was not in order was an amendment to prohibit the Secretary of Health and Human Services from setting up any kind of rationed health care system.

What was not included was an amendment to prevent the government from nationalizing our health care system.

What was not included was an amendment to prevent the government from imposing a costly health care mandate on small businesses which, if it had been permitted to be considered and if it had passed, would have saved hundreds of thousands, if not millions, of jobs.

What was not included was an amendment to ensure that the only entity setting up Medicare reimbursement rates is the Center for Medicare and Medicaid Services, not any other government agency or bureaucracy.

What is not included was a shift to add \$1 billion to special education for new, never-before-tried programs.

What was not included was an amendment before us that would have addressed other issues that are important.

But what is in the amendment that is before us is systematically what's wrong with the process, and it disenfranchises the American people. So, therefore, I would urge a "no" vote.

I yield back the balance of my time.

Mr. OBEY. Could I ask how much time I have remaining.

The CHAIR. The gentleman from Wisconsin has 5 minutes remaining.

Mr. OBEY. Let me consume 1 minute of that time myself.

Mr. Chairman, all I would say is that I've had at least two Members of the Republican side of the aisle come up and thank me for accepting various amendments. So while they may not have been the lead sponsors on amendments, they were certainly involved on the Republican side of the aisle in supporting some of the amendments that we have accepted and incorporated.

Secondly, I think the gentleman's recitation of some of the amendments that were not considered illustrates my point earlier. The first amendment that he mentioned was an amendment that was clearly not in order under the Budget Act. It would have put this entire bill under a violation of the Budget Act for being over our allowable funding. I didn't think good conservatives would want us to do that.

Secondly, I would point out that the second, third and fourth option he was talking about all speak to what kind of health care reform we should have, and that is not the jurisdiction of this committee. Those issues right now are being worked on in the Energy and Commerce Committee; they're being worked on in the Education and Labor Committee; they're being worked on in the Ways and Means Committee. And that's where they should remain.

Having said that, I would now like to yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Thank you very much, Mr. Chairman.

Let me just say I rise in strong support of this amendment and this bill, and I want to thank Chairman OBEY for yielding, and I want to thank the chairman and his staff and my staff of the subcommittee and all of our staffs for producing this very excellent bill.

Mr. Chair, our Nation is in the midst of, as all know, the worst economic crisis since the Great Depression. Families are losing their jobs, losing their homes, losing their access to health care. People are hurting, and they really do need our help. That's why this bill is so important.

From expanding support for education initiatives like early childhood education, to job training and employment services, to expanding access to health care and improving public health, this bill will provide a critical range of services and support for our constituents, especially during these very devastating times.

I want to thank the chairman for including a number of very important

priorities that many of my colleagues requested, in particular, \$653 million to strengthen Historical Black Colleges and Universities, predominantly black institutions, Hispanic-serving institutions, and other developing institutions. And this is a \$110 million increase over the President's request for HBCUs.

Also, for a \$54 million increase for HIV/AIDS funding through the Ryan White CARE Act and a \$56 million increase for the CDC's HIV/AIDS bureau.

We also included \$50 million for green jobs training programs, building on the \$500 million we provided in the Recovery Act. And this is extremely important because there are those individuals who need to be trained and need the skills for this great trillion-dollar industry that is emerging in our country.

And, also, I want to thank the chairman for replacing the discredited and ineffective abstinence-only programs with the President's evidence-based Teen Pregnancy Prevention Initiative to fund proven approaches to reduce unintended pregnancies and sexually transmitted infections. This is a huge, huge step in the right direction to ensure the health of our young teenage girls and boys.

These critical investments will help put our Nation back on the right track, and I urge my colleagues to vote for the amendment and the bill. I thank you, the chairman, for his leadership.

Mr. OBEY. I yield 1¼ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my chairman of the committee.

This is a good bill, but the other side wants to change it by restricting access to reproductive services, by limiting research in AIDS, and particularly—and this is the issue I want to speak to right now—by preventing the exchange of clean needles among drug addicts.

Well, I think people need to know that we have had experimentation with this kind of punitive prohibitive action because over the last several years the same people as are pushing this amendment have been successful in imposing this restriction on the District of Columbia, and we know what the results are.

For the last 6 years, we have seen an increase in AIDS among female residents of the District of Columbia of 76 percent. We now have a larger number of women with AIDS in D.C. than in any place in the country. Now, why? Well, it hasn't happened in other cities. In fact, in New York City they saw a reduction of 75 percent in AIDS infection since they were able to make clean needles available. 61 percent of women who have AIDS get it through injection of dirty needles.

Now, of course, it's women also who have babies, and what could be worse than a child born to a life of suffering,

deprivation and early death? But, in fact, largely as a result of what was the Tiahrt amendment imposed on D.C. for the last 6 years, there is now a rate of children born with AIDS that is 54 times the rest of the country children of women with AIDS from HIV infection, is 54 times greater in D.C. largely because of the Tiahrt amendment to prohibit clean needle availability.

Now, this is the result of the kind of punitive legislation that the other side would like to impose on the rest of the country with this bill.

Let's keep this bill clean. It's a good bill.

Mr. OBEY. Mr. Chairman, I would simply urge adoption of the manager's amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. TIAHRT. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

□ 1245

AMENDMENT NO. 2 OFFERED BY MR. SOUDER

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-222.

Mr. SOUDER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SOUDER:

At the end of the bill (before the short title), insert the following:

Sec. _____. None of the funds made available by this Act may be used to provide individuals with hypodermic needles or syringes under section 300ee-5 of title 42, United States Code.

The CHAIR. Pursuant to House Resolution 673, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. I yield myself 2 minutes. Contrary to what was just said on the House floor, in fact, Dr. David Murray has pointed out in research that it's very mixed. In fact, in most cases, the HIV virus does not come through needles. The overwhelming majority comes through sexual activity, not through the needles.

The District of Columbia, which seeks money from the Federal Government, unlike any other city, is then subject to restrictions. The District of Columbia had the strictest gun laws in the United States, yet led the country in the murder rate. The rest of the country can't be blamed for whatever problems they may have that are be-

havioral related in the District of Columbia.

The fundamental question is why Congress has repeatedly, over and over, banned needle exchange programs, when, given the opportunity, is: One, they may undermine community drug-prevention messages and programs. Two, providing needles acts as a way for drug users to sustain and support their intravenous drug use and does not address the primary illness of the drug addiction itself.

And, three, needle exchange programs direct critical resources away from treatment and intervention programs which have not proven to significantly affect HIV infection rates and drug use. Arguably, there is some, but it has not been substantial.

I reserve the balance of my time.

Mr. OBEY. I claim time in opposition.

The CHAIR. The gentleman from Wisconsin is recognized for 10 minutes.

Mr. OBEY. I would ask the gentleman if he can proceed with another speaker until my speaker gets here.

Mr. SOUDER. I yield myself 3 additional minutes. I want to go through a number of statements regarding the needle exchange programs. This is a series of questions with Dr. David Murray, who was the ONDC policy analyst and expert in needle exchange, to resolve some of these.

In a nutshell, why doesn't the Federal Government fund needle exchange programs? The existing evidence cannot support the claim that distribution of needles to enable continued drug addiction behavior can meet these criteria.

Another question was: What is the current state of research regarding needle exchange programs? The most recent comprehensive analysis of the evidence by the U.S. Institute of Medicine is much retrenched from earlier claims that there were these overwhelming results.

For example, the report notes that the evidence that needle exchanges reduce HIV incidence is limited and inconclusive, that the evidence is even worse for Hepatitis C transmission, and that their impact on high-risk behaviors like sex-related risk is inconclusive.

What's the risk in States experimenting with implementing their own needle exchange programs? Are there potential unintended consequences? Indeed, the healer's motto is: First do no harm.

Evidence concerning the impact of needle exchange programs on both drug use and reduction, and disease transmission is by no means comforting. While the evidence is not clear and convincing that needle exchange makes things actively worse, there are still grounds for concern.

There are reports of increased disease incidence, increased crime, and loss of

drug deterrence in association with needle programs.

I reserve the balance of my time.

Mr. OBEY. I yield 2 minutes to the distinguished gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong opposition to this amendment. Prior to elected office, I worked in alcohol and drug prevention programs and saw firsthand the power and the destructive nature of drug addiction. I saw it destroy the life of the user, and I saw the agony it caused families. I would never support a measure that encourages or contributes to the use of illegal drugs.

Chairman OBEY's leadership in eliminating the ban on Federal dollars for needle exchange programs is based on sound scientific research that tells us these programs are a valuable HIV prevention tool that does not increase drug use.

Mr. SOUDER's amendment reinstates this ill-advised ban and returns us to a practice of allowing personal belief rather than science to direct our Federal funding decisions.

The science is clear. When addicts have clean needles available, the incidence of HIV infection declines among users.

Furthermore, needle exchange programs provide a critical portal to treatment and are an important part of our efforts to reduce the HIV epidemic.

I urge my colleagues to follow the science and to join me in voting "no" on this amendment.

Mr. SOUDER. I continue to reserve the balance of my time.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to this amendment. For those of you of my colleagues who might support this amendment because you believe that withholding clean needles from addicted drug users is somehow helping in the fight against illegal drug use, please allow me to suggest that that is a mistaken view and that you are really promoting the incidence of infection, of disease, and death among active addicts and those with whom they socialize. Indeed, that's the point. Needle exchange is not about promoting drug use. It is in fact about preventing disease.

Now, to understand why this is true, you really must understand that at the heart of addiction is craving. An addict, a person who is addicted, they are addicted because they crave. They have to have the drug that artificially gives them that feeling of well-being, that instantaneous euphoria. There is a powerful craving.

There are lots of ways to enable drug use. There's lots of ways to help promote drug use in the country, to enable. Families allowing drug users to have access to resources is the most prominent one.

But the needle exchange program advocated for and carried out by health professionals is not one of those enablers because, again, why? At the moment that an addicted person has to have the drug, he or she is driven by this craving and the condition of the needle is not going to deter its use.

Now, while that may not be rational, while people who are standing around thinking rationally, Gee, you wouldn't use a bad needle. They are not acting in a rational way. And that's the point.

The condition of the needle is not the deterrence and therefore withholding clean needles simply means that they likely use and share dirty needles—and this spreads disease.

Mr. SOUDER. I yield 2 minutes to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, the gentleman from Virginia (Mr. MORAN) felt it necessary to mention me as responsible for the increase in AIDS in the District of Columbia. This is a personal attack. Rarely do we see such a personal attack on the floor of the House.

He did it because he believes I'm responsible since I had the amendment that did restrict needles in the District of Columbia. Apparently, he felt like I was down there forcing people with AIDS to have relations, forcing drug abusers to take drugs. I just think it's very much a problem when we start being so personal in this attack.

He overlooks the fact that these people really need help overcoming the use of illegal drugs. That they're dependent on a lifestyle that only leads to destruction, and that I personally don't want to be part of that destruction. Many people in America feel like it's unnecessary.

He also overlooks the fact that many people who have studied long term the effect of the needles program believe it doesn't work. In Baltimore, where they followed the same drug abusers through the process, when they had access to the needles program, 90 percent of the people had a bloodborne illness.

I would consider 90 percent negative a failure. Now other people may think when 90 percent of the people attract a bloodborne illness like Hepatitis A or B or HIV positive or AIDS itself, that that would be a success. But to me, personally it's not.

I regret that I was brought into this personally and that I was personally attacked about this because I didn't force people to use illegal drugs. I didn't force people to have relationships with those who are positive in AIDS.

I think it's sad that when we personally found needles on school property in the area where needles were distributed before the restriction, that it's sad we can't even protect the children of D.C. from being exposed to this type of activity.

Mr. MOLLOHAN. Would the gentleman yield?

Mr. TIAHRT. I won't yield. I'm very pleased that the chairman of this committee has tried to allow areas of this country around schools, around places to be vacant of these systems. I think there's some good things in this bill about it, but I don't think the overall program has been successful.

Mr. OBEY. I yield 45 seconds to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. I rise in strong opposition to this amendment. The simple fact of the matter is the needle exchange programs do work. Since 1999, there have been at least 18 major reviews and assessments of needle exchange programs under the Republican and Democratic administrations, which concluded that needle exchange programs help reduce the spread of AIDS and other infectious diseases without encouraging or increasing drug use.

Studies also show that needle exchange programs serve as an effective entry for drug users to access the public health system and receive substance abuse treatment to help them overcome their addiction. And that is what it is about.

We all want to make sure that those who are using drugs overcome their addiction. This is a proven strategy. And so I ask for a "no" vote on this amendment. We have to remember, funding HIV/AIDS strategies involve prevention. This is a prevention measure.

Mr. SOUDER. How much time do I have remaining?

The CHAIR. The gentleman from Indiana has 5 minutes remaining. The gentleman from Wisconsin has 5¼ minutes remaining.

Mr. SOUDER. I have tracked this issue for a long time. You can make allegations of studies, but studies are in fact very mixed on both sides, as I read from the office of National Drug Control Policy person who studied all the studies, worked with the people at night in the studies and, quite frankly and honestly, they're mixed.

There's a new recent study in Vancouver by somebody who advocated the program, who also advocates the legalization of marijuana, and he concluded that the study, at least in the downtown area of Vancouver, showed some progress on AIDS but no progress on heroin.

Now I mentioned Vancouver. Vancouver and Switzerland have been addressing this question long before the United States got into this. When you go over to Switzerland and study their program, they evolved first from a needle exchange to then having a place where they could inject, separate, then to the government of Switzerland providing the heroin and managing.

To some degree, they have reduced certain elements of problems. They did not reduce heroin abuse. In fact, you could argue they increased heroin

abuse. They basically turned a bunch of people into zombies instead of addressing the social problem of heroin addiction.

Now in Vancouver, where I've been three times—and I encourage people to go to the Cop Squad site, policemen who have been dedicated to trying to counter what some of the government has been spreading about the drug problem in Vancouver.

Vancouver is a very interesting case because they were first. They were the first city in North America that in effect had a drug-free zone and dealt with the needles question. And it has been debated.

There are certain studies now that claim this is a brand new experiment. It's been going on for at least 10 years. The first time I was there, they had a needle exchange. They just had people in the street, with a stand, trying to do needles.

By the next time I went up there, they had an injection site, and they were out trying to reach and they had spread into the suburbs, because they didn't want people have to go just to downtown, they wanted it in the suburbs. And most of the studies were only studying the downtown area.

The third time I was there, they've got these guys out in the street peddling, trying to keep the police away.

Now let me read from an article about downtown Vancouver, where the Winter Olympics are going to be held, where we have a zero standard of narcotics on our athletes, yet they're going to be going to a city where, "the junkies come here almost around the clock, seven days a week. Some just grab a fistful of clean syringes from one of the buckets by the door and head out again. But about 600 times a day, others walk in with pocketfuls of heroin, cocaine or speed that they've scored out on the street; sign in; go to a clean, well-lit room lined with stainless-steel booths; and, under the protective watch of two nurses, shoot their drugs into their veins."

□ 1300

Welcome to North America's only officially sanctioned supervised injection site. The facility sits in the heart of Vancouver, 10 blocks that compose one of the poorest neighborhoods in all of Canada. The area is home to an estimated 4,700 intravenous drug users and thousands of crack addicts. For years it's been a world-class health disaster, not to mention a public relations nightmare for a town that is famous for its beautiful mountains and beaches and is gearing up to host the 2010 Winter Olympics. Nearly a third of the downtown East Side inhabitants are estimated to be HIV-positive, according to the U.N. Population Fund, a rate on par with Botswana. Twice that number have hepatitis C. Dozens die of drug overdoses every year. This has been a

problem that has been building and building, now spreading to the suburbs of British Columbia. They have the first gun violence there, drug pushers moving there. It is an example of the failure of this program.

We are in the process of eliminating moral hazard in America. If you fail in your bank, we bail you out; if you fail in your business and go bankrupt, we bail you out. Now the question is, are we going to eliminate moral hazard in narcotics? At what point do we send a message not just this year but 5 years from now and 10 years from now that there's no accountability for your behavior, that everything is okay, we're just going to put you over the zone?

One of the problems with these zones is they're often where the homeless shelters are; they are often where the people that we have deinstitutionalized are. And they have seen a soaring of their addiction rates because we put these needles in places—although away from a school—they are just by the poorest people. But the people who are most vulnerable to seeing drug addiction for the first time, having free needles right there. And every society that has done this has also started to provide the free heroin. They are even now into providing free cocaine and free narcotics because they say, Well, the people won't go in. The lines are too long. That's the answer in Vancouver: "The lines are too long, so we're doing it out on the street anyway." As you get more and more packed in in the different areas, you have to put in additional sites or, in fact, unless you provide the narcotics in the safe area and then the government—in fact, the taxpayers—are funding a habit.

We need to use this on drug treatment. We don't have enough dollars in drug treatment. We are, in fact, cutting back what prevention programs we do have. There is no longer a Safe and Drug-Free Schools Program. It is proposed to be zeroed out and changed to Safe Schools. The drug czar has been taken down from a cabinet post to just another consultant. I don't even know if he's really a czar anymore. We've been cutting drug funds in this Congress. The question is, Is there going to be a moral hazard in America? Or are we just going to create a bunch of people who we just write off and don't pay attention? Walker Percy wrote a great book called *The Thanatos Syndrome* where he talks about a drug-addicted society that no longer has free will. Are we going to have accountability in America or not? And are we going to fund this type of project?

The CHAIR. The time of the gentleman has expired.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me point out that the underlying language in this bill is, in fact, a compromise. It lifts the ban, but it does not permit Federal funds to

be used for needle exchange programs that occur within 1,000 feet of a day care center, school, college or university, any public swimming pool, park, playground, video arcade, or youth center or any events sponsored by any such entity.

There is overwhelming evidence that syringe exchange programs when implemented as part of a comprehensive prevention strategy are an effective public health intervention for reducing HIV/AIDS and hepatitis and do not promote drug use.

Now let me be clear. I detest illegal drug use. I think it constitutes a national security threat. It ruins lives. It causes crime. It gets us into wars against drugs in Colombia and Mexico; and in fact, it gets us into another war in Afghanistan because of poppy production. So I hate illegal drugs. But even more, I hate the spread of AIDS. There's overwhelming evidence that we can help stop the spread of AIDS by allowing needle exchange programs. They are endorsed by leading public health organizations, such as the Institute of Medicine, the World Health Organization, the American Academy of Pediatrics, the American Medical Association, the American Nurses Association, the American Public Health Association. They are endorsed by people such as Dr. Anthony Fauci, the Nation's leading fighter against AIDS; Thomas Frieden; former NIH Director Harold Varmus; former Surgeons General C. Everett Koop and David Satcher, who served under Republican and Democratic administrations. They are endorsed by people such as Captain Andrew Smith from the Los Angeles Police Department; Atlantic City Deputy Chief of Police Robert Schwartz; and San Francisco Chief of Police Frederick Lau.

Let me make one other point. Every Member of Congress has access to decent primary health care; but we are going to put at risk a substantial number of people if we do not support this underlying committee amendment. I want to say something personal. If we lose this amendment, it is not going to be because a lot of people on this House floor really believe that this ban makes sense. It will be because many Members are concerned and fear a cheap-shot political 30-second ad that distorts their position, spreads half-truths and scares people. I understand that concern.

The CHAIR. The time of the gentleman has expired.

Mr. OBEY. I yield myself 1 additional minute.

But for the good of the country, we are being paid to ignore that kind of pressure and simply do the right thing for the country. I ask every Member of the House to do the right thing because if you do, it will save lives. I ask them to vote "no" on the amendment.

Ms. WATERS. Mr. Chair, I rise to oppose the Souder amendment, which prohibits funding needle exchange programs. Needle exchange programs are effective at preventing the spread of HIV/AIDS.

There are over 1 million Americans living with HIV/AIDS in the United States today, and over 20 percent of them do not know they are infected. Every 9½ minutes, another person is infected with HIV. Last fall, the Centers for Disease Control and Prevention (CDC) released new estimates of HIV infection in the United States, which indicate that the HIV/AIDS epidemic is even worse than was previously thought. These new estimates indicate that approximately 56,300 new HIV infections occurred in the United States in 2006. This figure is approximately 40 percent higher than CDC's previous estimates of 40,000 new infections per year.

According to the CDC, 13 percent of new HIV infections in the United States occur among intravenous drug users. Needle exchange programs are an effective means of preventing HIV transmission among this population. Needle exchange programs save lives, reduce health care costs, and link intravenous drug users with substance abuse treatment programs that could end their addiction and allow them to live healthy and productive lives.

The Souder amendment is opposed by AIDS Action, the HIV Medicine Association, The AIDS Institute, and several other organizations concerned about the spread of HIV/AIDS in our communities.

I urge my colleagues to oppose the Souder amendment.

Mr. OBEY. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. ISSA

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-222.

Mr. ISSA. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ISSA:

At the end of the bill (before the short title), insert the following:

SEC. 524. (a) None of the funds provided in this Act under the heading "National Institutes of Health—National Institute on Drug Abuse" shall be available for grant number 1R21DA026324-01A1 (Substance Use and HIV Risk among Thai Women).

(b) None of the funds provided in this Act under the heading "National Institutes of Health—National Institute on Alcohol Abuse and Alcoholism" shall be available for grant number 1R01AA018090-01 (Venue-based HIV and alcohol use risk reduction among female

sex workers in China), or grant number 5R01AA016059-03 (Maximizing Opportunity—HIV Prevention in Hospitalized Russian Drinkers).

The CHAIR. Pursuant to House Resolution 673, the gentleman from California (Mr. ISSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ISSA. Thank you, Mr. Chairman.

My amendment does not reduce by one penny NIH funding at all. My amendment simply prohibits what is clearly becoming an endless stream of repeating and repeating and repeating and repeating studies of HIV at ever-greater cost. It deals with the \$325,000 to research Thai sex workers who also use drugs. What a surprise. We've already gone into extensive legislation to deal with that criminal activity on a worldwide basis. It also deals with prostitutes in China and alcohol and drug users in Russia. We're simply looking at just \$5 million over three grants.

Mr. Chairman, I think when we look at this \$5 million, we have to consider this: A flight to Bangkok is \$9,000. A ride on BART across town is \$3.10. On the government rate for less than \$200, people who want to study the growth of HIV can come here to Washington, D.C., where we have a 25 percent rate. Mr. Chairman, we have studied this. As a matter of fact, we have studied HIV contraction from dangerous behavior, particularly drug and alcohol, over 200 times. We've studied HIV at the National Institutes of Health over 1,400 times. We've studied just about everything one could imagine. But just so that we not miss one, how about HIV Prevention with Young Men Who Have Sex with Men: What Young Men Themselves Say is Needed? This was the Medical College of Wisconsin. We have studied it all. We have studied it for decades. This money needs to be spent on more than just study. It has to be spent on prevention and cure.

I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to claim the time in opposition, though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Wisconsin is recognized for 5 minutes.

There was no objection.

Mr. OBEY. Let me simply say that I'm perfectly happy to accept the amendment.

I reserve the balance of my time, unless the gentleman is prepared to close.

Mr. ISSA. I have just one speaker, and then I am prepared to close—quickly.

The CHAIR. The gentleman from California has the right to close.

Mr. ISSA. Thank you.

I will yield 45 seconds to the gentleman from Kansas (Ms. JENKINS).

Ms. JENKINS. Mr. Chairman, I have a provision in the Republican motion

to recommit that will be discussed later this afternoon that I would like to bring to the body's attention. The need to provide Americans more choice, more affordability, and more access in health care is a belief we all share. Two towns in my district Onaga and Wamego, both small, rural communities, are facing the very real possibility of losing their hospital because growth in a town 45 miles away is jeopardizing their critical access funding. At a time when rural communities are already faced with major challenges, any loss of health care access would be devastating. My provision will protect the critical access hospital designation, and I would ask the body for their support for the motion to recommit.

Mr. OBEY. I yield back the balance of my time.

Mr. ISSA. Mr. Chairman, never let it be said that Republicans can't take "yes" for an answer. I only wish that we had more amendments, allowing us to further refine the bill. With that, I thank the gentleman for agreeing to the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ISSA).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PENCE

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-222.

Mr. PENCE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PENCE:

At the end of the bill (before the short title), insert the following:

SEC. 5 _____. None of the funds made available under this Act shall be available to Planned Parenthood for any purpose under title X of the Public Health Services Act.

The CHAIR. Pursuant to House Resolution 673, the gentleman from Indiana (Mr. PENCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. PENCE. Mr. Chair, I yield myself 1 minute.

I believe with all my heart that ending an innocent human life is morally wrong; but I also believe it's morally wrong to use the taxpayer dollars of millions of pro-life Americans to fund abortion providers. The Pence amendment before the House today simply states that none of the funds made available under this act shall be available for Planned Parenthood for any purpose under Title X. Title X is the only Federal grant program that provides Americans with comprehensive family planning and related preventive health services. It does important work in communities around the country.

Now while I understand that current laws and regulations prevent Title X

funds from flowing directly to funding abortions, today the largest recipient of Federal funding under Title X is Planned Parenthood, and they're well able to use the resources they receive from taxpayers to offset the resources and free up resources to engage in the abortion trade, which they boast last year over 300,000 abortions performed. Planned Parenthood, the largest abortion provider in America, should not be the largest recipient of Federal funding under Title X. I urge my colleagues in both parties to join me in supporting the Pence amendment. The time has come to deny all Federal funding to Planned Parenthood of America, and the Pence amendment would do that.

I reserve the balance of my time.

Mr. OBEY. I rise to claim the time in opposition.

The CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. I reserve the balance of my time.

Mr. PENCE. With that, I would like to yield 1 minute to the gentlelady from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Chair, I rise today in strong support of the Pence amendment. Recent polls indicate that a majority of Americans are opposed to paying for abortions through their tax dollars. This amendment offered by Mr. PENCE simply brings the Federal family planning funds in line with the sentiment of the majority of Americans. From 2007 to 2008, Planned Parenthood, our Nation's largest abortion provider, received almost \$350 million of our American taxpayer dollars. The fiction that we try to create when we say that these funds are not directly going for abortion is disingenuous at best.

I urge my colleagues to support the Pence amendment today and deny Title X funds for Planned Parenthood.

□ 1315

Mr. OBEY. I reserve the balance of my time.

Mr. PENCE. Mr. Chairman, could I inquire as to whether the distinguished chairman of the Appropriations Committee has any speakers on this amendment?

Mr. OBEY. Just one; me.

Mr. PENCE. With that, Mr. Chairman, I would like to clarify with my good friend from Wisconsin that the author of the amendment would like to reserve the right to close?

Mr. OBEY. No. I have the right to close.

The CHAIR. The gentleman from Wisconsin has the right to close.

Mr. PENCE. Mr. Chairman, with that, I would like to recognize the distinguished Member, Mr. CAO, for 1 minute.

Mr. CAO. Mr. Chairman, I rise today in strong support of the Pence amendment because I am very concerned about the prospect of taxpayer dollars of hardworking families across this

country going to fund an institution like Planned Parenthood. We need to look no further than to the comments of Planned Parenthood founder Margaret Sanger to see how controversial this organization is. She said, "We want fewer and better children, and we cannot make the social life and the world peace we are determined to make with the ill-bred, ill-trained swarms of inferior citizens that you inflict on us."

Yesterday, while we debated on this amendment in the Rules Committee, my friend and colleague PETE SESSIONS shared a heartfelt story that deeply touched and inspired me. As many of us know, PETE's son has Down syndrome. He and his wife could have chosen the easy way out by terminating the life of his son while he was still in the womb, but they courageously chose to give his son life, and through this life have instilled and inspired hope in the lives of others. The same profile in courage is reflected in my mother who single-handedly raised eight children in the midst of war and poverty.

The CHAIR. The time of the gentleman has expired.

Mr. CAO. With that, I urge my colleagues to vote "yes" on this amendment.

The CHAIR. The gentleman from Indiana has 2 minutes remaining. The gentleman from Wisconsin has 5 minutes remaining and the right to close.

Mr. PENCE. Mr. Chairman, it is my privilege to recognize for 1 minute the distinguished Republican whip, Mr. CANTOR, from Virginia.

Mr. CANTOR. I thank the gentleman from Indiana.

Thomas Jefferson warned that, "To compel a man to subsidize with his taxes the propagation of ideas which he disbelieves and abhors is sinful and tyrannical." Mr. Chairman, I rise in support of this amendment as the underlying legislation embodies the very action Jefferson cautioned against.

About 7 out of 10 Americans oppose public funding of abortion; yet this bill defies their moral concerns by funding groups like Planned Parenthood, the single largest abortion provider in America. Planned Parenthood performs over 300,000 abortions per year while receiving \$350 million in taxpayer dollars annually.

The gentleman from Indiana's amendment does not reduce overall funds for family planning services. It merely ensures that no taxpayer dollars are used to fund entities that conduct abortions. It is a reasonable approach, Mr. Chairman, and I urge my colleagues to support this amendment.

Mr. PENCE. Mr. Chairman, I will close, and I yield myself such time as I may consume.

The Pence amendment simply states that "none of the funds made available under this act are available to Planned Parenthood for any purpose under Title

X." That's all it does. The Pence amendment does not cut one penny from Title X. It merely prohibits those funds from flowing into the largest abortion provider in America.

The Pence amendment is endorsed by National Right to Life Committee and a score of other organizations representing traditional values. We cannot reduce the number of abortions in America while increasing Federal funding to the Nation's leading abortion provider. The largest abortion provider in America should not also be the largest recipient of Federal funding under Title X. The time has come to deny all Federal funding to Planned Parenthood.

I urge my colleagues in both parties to join us in supporting this sensible amendment. Let's choose life. Let's defend the defenseless. Let us defend taxpayers. I urge adoption of the Pence amendment.

I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, Title X is America's family planning program. It provides comprehensive family planning services and a wide variety of other preventive care, including breast exams and instruction on breast self-examination, Pap tests, screening and appropriate treatment for sexually transmitted infections, HIV screening, et cetera, et cetera.

This amendment gratuitously blocks Planned Parenthood clinics from receiving Title X funding. Those clinics provide important health care access to low-income uninsured patients, 5 million women in 4,500 clinics nationwide. The breast cancer screenings and the well-mother exams they receive may be the only health care they get all year.

If Planned Parenthood clinics are forced to close, these women may have to forgo critical care because they will lack a single provider providing Title X family planning funding, and this amendment would only make matters worse.

Now, if this amendment is intended to stop abortions, it has no impact whatsoever. Title X statutes forbid the use of funding for abortions, and this bill appropriates no funds whatsoever for abortions. Our bill includes the traditional Hyde language, prohibiting funds in the act from being used to support abortions. And it reads, in part: "Projects under such title shall not be expended for abortions, all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity, including publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal or candidates for public office". And I repeat again, no funds flow for abortions, none whatsoever.

Planned Parenthood plays a central role in expanding access to care under

Title X. Planned Parenthood is the Nation's leading reproductive health care provider. For over 90 years, Planned Parenthood has provided low-income uninsured women with the vital reproductive health care services they need.

I want to make one other point. Every Member of Congress has access to decent primary care. The Pence amendment would cut millions of American women off from their source of primary care. If Members want to do that, go ahead and vote that way. Not me. Not me and not any Member of the House, I believe, who understands the true needs of American women.

Mr. HOLT. Mr. Chair, I rise in opposition to the Amendment offered by my colleague from Indiana, Mr. PENCE, to the Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Bill.

I have long been a supporter of Planned Parenthood and the services it offers to my Central New Jersey constituents. Mr. PENCE's purely political amendment would deny funds under Title X of the Public Health Services Act to Planned Parenthood health facilities throughout the country. It would cut these women off from their source of primary care. At a time when more and more women and families are facing difficulties in accessing health care due to a provider shortage in this county, Congress should be doing everything we can to ensure that women have access to a trusted health care provider.

This should not be an anti-choice or pro-choice debate about one of the many services that Planned Parenthood provides. This amendment would have no effect on abortion services in our country. According to Federal statute, no money from Title X can be used for abortion services. Title X makes grants to public and private nonprofit organizations to provide family planning and basic reproductive health care information and services to low-income women. The Pence amendment would deny essential family planning services to the 5 million Americans that Planned Parenthood serves annually, including the 89,000 men and women in New Jersey.

This debate should be about prevention. It should be about continuing to provide women with the necessary tools for prevention, including contraception and education. It should be about protecting women's health by providing women with access to reproductive health care. We all should be able to agree that we would like to see fewer abortions performed in this country, and comprehensive family planning services that Planned Parenthood provides are a proven means to accomplish that. Title X has proven to be effective and prevents 1 million unwanted pregnancies each year. Planned Parenthood, as the Nation's oldest and largest family planning provider, is responsible for preventing 60 percent of unwanted pregnancies, approximately 631,000 unwanted pregnancies annually.

Planned Parenthood's 841 affiliates make up 13 percent of all Title X providers and provide 1.7 million women with reproductive health care services under title X each year. 63 percent of these patients receive reproductive health care services and 37 percent receive family planning services.

Cutting Title X funding to Planned Parenthood is nothing short of irresponsible. The low income women who are served through Title X are four times more likely to face an unintended pregnancy. As a safety net provider, Planned Parenthood plays a critical role in serving these women. We should not act to prevent women from getting the reproductive health care they need. I urge my colleagues oppose the Pence amendment.

Ms. TSONGAS. Mr. Chair, I stand in opposition to the Pence amendment, which would prevent thousands of low-income women from receiving critical women's health services.

At a time when Congress is trying make sure every American has access to affordable, critical health care services, this amendment goes against our attempts to reform a broken health care system.

Planned Parenthood is one of the nation's leading women's health care providers.

In my home state of Massachusetts, Planned Parenthood serves more than 36,000 patients, most of them in need of basic health care.

This includes nearly 5,000 pap tests and breast exams.

They provide affordable contraception, STD testing and treatment, anemia testing, cholesterol and thyroid screening.

With 47 million Americans uninsured, we need clinics like Planned Parenthood. Low-income women are currently four times more likely to face an unintended pregnancy.

We should do everything we can to try to reduce the number of unintended pregnancies in America through common-sense measures.

None of the funds in this bill can be used for abortions, and clinics that receive them have to show that federal funds are not used for the procedure.

In fact, 97 percent of the health care that Planned Parenthood provides is primary and preventive.

If this amendment were to pass, millions of women all across the country would have nowhere else to turn for quality, preventive health care.

I urge a "no" vote on this amendment.

Ms. SLAUGHTER. Mr. Chair, I rise today in opposition to Mr. PENCE's amendment. Pursuant to Federal Statute, no Title X funds can be spent on abortions. So the only conclusion to be drawn from the offering of this amendment is that Mr. PENCE is attempting to use propaganda based on hypocrisy to wage war on family planning services. Mr. PENCE's amendment would cut off 1.7 million women—more than one in three women who receive Title X services—from their trusted, family planning provider.

Multitudes of poor and low-income women cannot afford to purchase contraceptive services and supplies on their own. Half of all women who are sexually active, but do not want to get pregnant, need publicly funded services to help them access public health programs like Medicaid and Title X.

Low-income women are currently four times more likely to face an unintended pregnancy. 84 percent of Title X clients have incomes below 150 percent of the federal poverty level, and 61 percent are uninsured. That is why for most women, including women who want to have children, contraception is not an option;

it is a basic health care necessity. Each year, publicly funded family planning services help women to prevent an estimated one million unplanned pregnancies and 630,000 abortions.

From a public health standpoint, Title X family planning clinics are often the primary health care provider for low income women.

The Title X program provides comprehensive family planning services as well as a wide range of other preventive health care services, including breast exams and instruction on breast self-examination, Pap tests for early detection of cervical cancer or precancerous conditions, testing for high blood pressure, screening and appropriate treatment for sexually transmitted infections, HIV screening, counseling on adoption, foster care, and pregnancy termination and referrals to specialized health care.

In these tough economic times it is hard to understand why Mr. PENCE would want to yet again launch an assault on public health care for low income women and families. I strongly urge my colleagues to put public health ahead of politics and vote "no" on Mr. PENCE's harmful amendment.

Mr. NADLER of New York. Mr. Chair, I rise today in opposition to the amendment offered by my colleague, Representative MIKE PENCE, which would prohibit Planned Parenthood from receiving Title X family planning funds.

For many women and men, the area Planned Parenthood is their only source of health care. In my home state of New York, more than 30 percent of Title X providers are Planned Parenthood health centers. Planned Parenthood is an essential community health provider, acting as a source of primary care for thousands of women and men. In addition to providing routine gynecological exams, cervical cancer screenings and breast exams, Planned Parenthood clinics also offer anemia testing, cholesterol screening, diabetes screening, employment and sports physicals, high blood pressure screening, physical examinations, smoking cessation, thyroid screening, adoptive services, prenatal services, and childbirth classes.

Despite the important role that Planned Parenthood plays in the health care delivery system in communities across the country, the Pence amendment would single out Planned Parenthood and prohibit it from receiving Title X funding for one reason—because, in addition to the multitude of other health services they offer for women and men, Planned Parenthood also offers abortion services—services that are lawful and constitutionally protected, and which are NOT paid for with a single federal tax dollar.

Mr. Chair, at its heart, the Pence amendment seeks to punish a single health care entity for providing a lawful, constitutionally protected service. Put another way, the Pence amendment hopes to force Planned Parenthood to abandon the exercise of a lawful act, which is inextricably and critically tied to a woman's constitutional right to reproductive services. This amendment—in addition to being misguided and mean-spirited—is suspect, at best, and is an unconstitutional condition, at worst.

Mr. Chair, I urge my colleagues to vote "no" on the Pence amendment.

Ms. LEE of California. Mr. Chair, I rise in strong opposition to this amendment.

Planned Parenthood provides critical health care services to women throughout this country, and in many places they are the only provider of family planning and reproductive health services.

An attack on Planned Parenthood is a direct attack on the 1.7 million women in this country who receive family planning service through this trusted provider.

The simple fact is that the federal government is specifically prohibited from providing support for abortions in this country—although I believe we've got to get rid of this prohibition.

Planned Parenthood has never violated the restriction on federal funding, and has taken great pains to separate its funding streams—however burdensome and unnecessary this really is—to ensure that it complies with federal law.

Denying funding to Planned Parenthood will deny critical health services to millions of women around the country and drive up the rate of unintended pregnancies for those who lose access to family planning programs.

Let's reject this ideologically driven amendment and support the rights of women to access the health services they need.

Mr. HODES. Mr. Chair, I congratulate Chairman OBEY and the Ranking Member on all of their work on this important appropriations bill.

I rise in opposition to the amendment offered by Mr. PENCE.

This amendment is an attack not only on Planned Parenthood but an attack on women's health.

A grocery store clerk in my district recently described her difficulties with her extremely limited health insurance. It did not provide for preventative coverage. She had not received a routine health screening in more than 18 years when her cancer was discovered.

If services like those provided by Planned Parenthood and other family planning health centers had been available to this woman, her cancer would have been caught earlier. She might have avoided the radical—and expensive—treatment that was the only option left to her by the time she made it to the doctor.

In New Hampshire, Planned Parenthood does more than any other organization to reduce the number of unintended pregnancies, serving over 18,400 patients a year.

In my home state, Planned Parenthood is a trusted provider of high quality affordable health care. In fact, more than 90 percent of services provided at Planned Parenthood are for preventive and primary health care.

We should be doing more to strengthen the Title X programs, and reduce the number of unintended pregnancies in this country. Planned Parenthood is the biggest provider of Title X services in New Hampshire, serving over 63 percent of the women who need these services.

The proposed amendment would severely reduce access to family planning services for more than 60 percent of women in New Hampshire, and reduce access to primary health care for women across the country.

Planned Parenthood should be commended for the work they do every day, helping millions of women and their families get preventive care they need. If it were not for Planned

Parenthood, thousands of women in my state would not get the basic health care they need.

I urge a "no" vote on this amendment.

Mr. CARSON of Indiana. Mr. Chair, I respectfully oppose the Pence amendment to defund Planned Parenthood.

Planned Parenthood plays a vital and important role in my home state of Indiana. In Indiana, Planned Parenthood serves over 94,000 patients a year. Of those, more than 25,000 women are served through Title X, that's over half of all the women served by the program in our state. In my district, Planned Parenthood is an integral part of the patchwork of safety net providers, which includes county health departments, free standing clinics, and women's health centers.

The simple fact is that we are in the middle of a health care crisis and Planned Parenthood is part of the solution to this crisis. One out of three women, 1.7 million, who receives Title X family planning health care does so at a Planned Parenthood health center. Planned Parenthood affiliates serve a diverse range of women and men throughout their lifetimes, providing family planning and other reproductive health care.

Planned Parenthood health centers are working daily to provide quality, preventive health services. Planned Parenthood runs over 880 non-profit health centers in communities where there are limited affordable, quality health care options. In fact seventy-five percent of Planned Parenthood's patients live under 150% of the federal poverty level. Planned Parenthood provides options counseling for patients facing unintended pregnancies, preventive services including birth control, screening for cervical and breast cancer screenings, immunizations to prevent cervical cancer and sexually transmitted infection testing and treatment, education and information.

If it were not for Planned Parenthood, thousands of women in my state would not get basic health care at all. That's why I support Planned Parenthood, and oppose the Pence amendment.

Mr. OBEY. I yield back the balance of my time. I urge opposition to the amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. PENCE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. WITTMAN

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-222.

Mr. WITTMAN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. WITTMAN: At the end of the bill, before the short title, insert the following:

SEC. 524. Appropriations made in this Act are hereby reduced in the amount of \$803,270,000.

The CHAIR. Pursuant to House Resolution 673, the gentleman from Virginia (Mr. WITTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WITTMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is simple. It would cut spending in the bill across the board by one-half of 1 percent. While this appropriations bill funds critical national priorities such as research at the National Institutes of Health, pandemic flu preparedness, and job training programs, the underlying bill provides \$730.5 billion, making it the largest of 12 appropriations bills.

The total is \$59.4 billion, that is 9 percent, more than the regular fiscal year 2009 appropriations, and \$1.9 billion more than that requested by the President. It also includes \$163.4 billion in discretionary spending, which is \$11.15 billion, or 7 percent, over last year's level.

I do not question the value of many of the programs funded by this bill. This bill funds programs that are critical to my district, like Impact AID, community health centers, the TRIO program, and nurse training and career technical education, but I offer this amendment because our Nation cannot continue on this path of deficit spending without serious, negative, long-term consequences.

Among the various appropriations bills, this bill is typically the largest single source of discretionary funds for domestic Federal programs. It represents a 12.8 percent increase in spending over the level we were operating under in fiscal year 2008 less than 1 year ago. And while I travel around my district and talk to constituents, their greatest concern is spending. It's hard to explain to a family that has had to make tough choices about their own spending that Washington can't make the same tough choices.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. I claim the time in opposition.

The CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. I reserve the balance of my time.

The CHAIR. The gentleman from Wisconsin is reserving his right to close. The gentleman from Virginia has 3½ minutes remaining.

Mr. WITTMAN. I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman from Virginia.

Mr. Chairman, this is really a pretty straightforward amendment, but I want to put it in perspective. This bill

is a 7 percent increase over last year's funding. The gentleman from Virginia is merely asking for a half of a percent reduction in something that is already increased by 7 percent. When you include what was allocated in the stimulus bill for these very same agencies, it is a 93 percent increase. So when you look at it in total, we are merely scratching the surface by having some common sense brought into the amount of money being spent.

Now, this doesn't eliminate any programs. This doesn't put anybody in a hardship. This simply says that rather than having 93 percent in total increase for this funding, that we are going to reduce it by a total of \$11.15 billion. Now, this is \$11.15 billion that we will not have to borrow and that our children will not have to pay back. This is money that we will not be obligated to return to the people in China.

So this is a commonsense amendment. I urge its adoption.

Mr. WITTMAN. Mr. Chairman, I would like to thank the gentleman from Kansas. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, for the past couple of months, we have been passing spending bills with double-digit increases year over year, and these are unacceptable increases in spending. Already, there have been mentions of tax increases that will be necessary to maintain this level of spending. Imagine that for a moment, tax increases in the name of fiscal responsibility.

The administration projects that the budget deficit will reach \$1.8 trillion in 2009 compared to \$455 billion in 2008. This represents 3.2 percent of our gross domestic product, up from \$161 billion, or 1.2 percent of GDP, in fiscal year 2007. As a share of GDP, this will be the largest deficit since World War II. For fiscal year 2009, we have a \$2 trillion deficit. Between fiscal year 2010 and fiscal year 2019, the Congressional Budget Office estimates cumulative deficits could reach as high as \$10 trillion.

A few other signs that we are in dangerous territory when it comes to the Nation's economic security are this Congress raised the statutory debt limit from \$11.315 trillion to \$12.04 trillion in the American Recovery and Reinvestment Act earlier this year, and together China and Japan hold almost 41 percent of our foreign-held debt, which is 27.8 percent of the gross Federal debt.

The question then becomes, how and when do we slow the growth? When do we make the tough decisions on spending? This amendment is an opportunity to show that this Congress wants to make responsible decisions on spending and to achieve fiscal discipline.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I reserve my time.

Mr. WITTMAN. Mr. Chairman, I recognize the gentleman from Georgia (Mr. BROWN) for 1 minute.

Mr. BROWN of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I'm pleased to see that finally after 10 appropriations bills under closed rules, the Democratic majority has finally seen fit to allow this sensible cost-reduction amendment. The underlying bill increases the funding for the Departments of Labor, Health and Human Services and Education by 25 percent.

□ 1330

Mr. Chairman, isn't a 24½ percent increase over last year enough? Is the Department of Labor really going to feel the effects of this modest amendment? We're only talking about reducing their increase for half a penny for every dollar that the agency spends. The American people are feeling the squeeze of this economy and, to date, Congress has done nothing to ease their burdens or address their frustrations. This modest reduction, Mr. Chairman, however small, is an important step. So I urge my colleagues to vote "yes" on this amendment.

Mr. WITTMAN. Mr. Chairman, this is a good amendment, and it puts us back on the path of fiscal discipline, and I urge my colleagues to support it.

I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

Ms. JACKSON-LEE of Texas. Because this bill does have the right priorities for HBCUs and Ryan White treatment dollars and teen pregnancy, I support this legislation and the priorities of this committee.

Mr. Chair, I stand here today to express my support for H.R. 3293 the Labor, Health and Human Services and Education Appropriation Act of 2010. With an emphasis on job training, increased educational opportunities and the implementation of health and social safety nets, H.R. 3293 ensures that we will be able to effectively rise up out of the ashes of what has been categorized as the longest and deepest economic downturn since the Great Depression. The national economic crisis has begun to infiltrate every corner of this country, and my home State of Texas is no exception.

In Texas, unemployment has climbed to a staggering 7.6 percent, and in my own district of Houston, unemployment has risen to an unprecedented 6.4 percent. In January 2009, it was documented that Texas experienced an extensive job loss of 75,800 nonagricultural jobs. Accordingly, I am taking every possible measure to help the people of Houston, right down to hosting a comprehensive job fair for the people of my district this coming weekend. While States across the country reduce vital services, including those services that provide aid to the most vulnerable among us, we must make every legislative effort to remedy the negative and wide sweeping impact of this most devastating recession.

To tackle unemployment, joblessness and disparity, we must address the roots of the problem head-on. We need to invest our resources in the people of this country, and H.R. 3293 provides much needed assistance to do just that. The FY 2010 Labor, HHS, Education Appropriations Bill is legislation that makes the necessary investments in our Nation's greatest treasure, our future.

INCREASING FUNDING FOR EDUCATION

Increasing educational opportunities for students of every level, from every socio-economic background throughout our Nation will yield the greatest return on our investment. Providing access to educational opportunities is critical to the Nation's long term prosperity. H.R. 3293 will make the necessary investments to provide children with a 21st century education, will provide the resources to modernize our schools and colleges, and will provide funding to make college more affordable.

Just as I supported past legislation like H.R. 3081, the American Recovery and Reinvestment Act of 2009, which placed a premium on providing funding for and lending institutional support to our Historical Black Colleges and Universities, HBCUs, and Predominantly Black Institutions, PBIs, H.R. 3293 also provides a comprehensive fiscal plan for 2010 to ensure that adequate funding is allocated to our HBCUs and PBIs.

HBCUs and PBIs as defined in the Higher Education Act of 1965, as amended, HEA, as the following: A historically Black college or university is an institution of higher education established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation. Historically Black colleges or universities also include any branch campus of a southern institution of higher education that prior to September 30, 1986, received a grant as an institution with special needs under HEA Section 321 and was formally recognized by the National Center for Education Statistics as a Historically Black College or University.

Predominantly Black Institutions are defined in HEA Section 318. These institutions meet basic eligibility under Title III, Section 312(b) and serve at least 40 percent Black American students. Basic eligibility under Title III, Section 312(b) of the HEA is met by institutions that: have low educational and general expenditures, E&G, or seek a waiver by submitting evidence that is both persuasive and compelling to have this requirement waived; have a requisite enrollment of needy students; are legally authorized within their respective State to award bachelors degrees or are a community college; and are accredited by a nationally or State recognized accrediting agency.

An institution is considered to have met the enrollment of needy students criterion if (1) at least 50 percent of its degree-seeking students receive financial assistance under one or more of the following programs: Federal Pell Grant Program, Federal Supplemental Educational Opportunity Grant Program, Federal Work-Study Program and/or the Federal Perkins Loan Program or (2) the percentage

of its undergraduate degree-seeking students who were enrolled at least half time and received a Federal Pell grant met or exceeded the average for similar institutions.

We must invest in our Nation's Historically Black Colleges and Universities, HBCUs, and other Minority Serving Institutions. A digital disparity between HBCU campuses and their counterparts currently exists. There is a significant need among HBCUs to update technological equipment and to develop advanced and cutting edge educational and technological opportunities for students. In the face of the adversity that outdated technology poses, HBCUs continue to generate thousands of African-American graduates who are prepared to compete in and contribute to our global economy. HBCUs represent 9 of the top 10 colleges that graduate the most African-Americans who go on to earn Ph.D.s. HBCUs and PBIs continue to provide opportunity and advancement to African-American students, and therefore are worthy of federal support.

Accordingly, this bill provides \$653 million to strengthen the capacity of HBCUs and PBIs, Hispanic-serving Institutions, Tribal Colleges and Universities and Native American-serving Institutions, Asian Pacific Islander, and Native American Institutions. This is \$110 million over the President's request and \$146 million over 2009. Additionally, H.R. 3293 provides for \$178 million new loan guarantees for HBCUs and University facilities, which is nearly triple that of the 2009 level. As a Representative from the 18th Congressional District of Texas, I know firsthand that this will enable HBCUs like Texas Southern University in my district and Prairie View A&M University just outside of my district to thrive.

H.R. 3293 also provides an investment of \$15.9 billion for Title I Education for the Disadvantaged Children Account, which will provide much needed support to underprivileged children in grades K through 12, and will give hope to the low income families in my district in Houston, that their children will receive quality education. This funding also places an emphasis on early childhood and family literacy programs. Furthermore, the bill provides \$446 million for a Teacher Incentive Fund, which supports school districts and States that aim to reward effective teaching through compensation systems that reward entire high-need schools on the basis of increasing student achievement.

GREEN JOBS

Finally, this bill provides the necessary funding for increased employment opportunities and job training. H.R. 3293 appropriates \$50 million, the same as the President's request, to prepare workers for careers in energy efficiency and renewable energy. This new administration initiative will support pre-apprenticeship programs and new careers for more than 8,000 workers in emerging green industries. In the tradition of our new administration, this Congress understands the energy concerns of the American people and we continue to work to ensure this Nation moves in a new direction to achieve energy independence and energy security.

I have long been a proponent of green education. For example, during the 110th Congress, I successfully offered amendments to

the Comprehensive Energy Independence bill that was introduced late last year and voted out of the House.

Specifically, I have offered past amendments that would provide scholarships for post-secondary study in ethanol, wind, solar energy, and other green alternatives to petroleum. I have also offered an amendment to establish Energy Centers of Excellence, which would provide a consortium of Historically Black Colleges and Universities, HBCUs, Hispanic serving institutions, tribal universities, and majority serving institutions to develop curriculum and programs in green energy. Moreover, my amendments provided scholarships, and academic opportunities for minorities to study green energy. Thus, I have long been a proponent of the type of education and job provisions that this bill requires.

Indeed, I count myself as one on the forefront of this cause. As a representative of the 18th Congressional District of Texas, which includes the energy capital of the world, Houston, I am especially pleased to support this bill. This bill fosters education and increased job opportunity in green energy, which increasingly is becoming a viable alternative to petroleum.

Today, we as a global community must take the time out to appreciate the natural resources our planet has provided. It is also a day where we must better examine energy alternatives to carry forth the advancement of mankind and the preservation of the world at large. I have long been a proponent of green jobs, as evidenced in my support of H.R. 957, the Green Energy Education Act of 2009, which provided an opportunity to learn about the positive actions that we as a Nation can take to improve energy efficiency; to develop safe, renewable energy sources; to design goods that are durable, reusable, and recyclable; and to eliminate the production of harmful waste, while protecting our environment and encouraging sustainable development throughout the world.

H.R. 957 empowered leading authorities to teach and conduct the necessary research on energy consumption throughout our Nation. The research and studies are highly detailed, and carefully constructed to be statistically representative of the entire population, and are indicative of the indispensable analysis and policy planning required to execute a comprehensive green initiative. By providing the necessary funding to implement green research programs and new green job opportunities, policy planners will be in a position to better identify the highest-value energy efficient methods to decrease our dependency on foreign fuel.

Along with rising gas prices, weak economic growth, continued environmental warnings and scientific studies pointing to global warming, many Americans continue to worry about the state of energy security in the world. Adding green space in urban areas, investing in alternative energy, and ensuring our participation in the conservation of our planet's resources are just some ways that we can preserve our wonderful planet, and plan for our future. We now turn to our Federal Government to provide us with the resources to do so. I urge my colleagues today to pass this critical piece of legislation, as our Nation's long-term prosperity hangs in the balance.

Mr. OBEY. Mr. Chairman, I rise in strong opposition to this amendment which would cut \$803 million out of important investments in this bill. Let me point out a few facts. First of all, as I said earlier, the Appropriations Committee allocation has already cut a total of \$10 billion from the President's discretionary spending request, and this bill cuts \$52 million from that same request.

This bill, on a comparable basis, is 3.6 percent above the 2009 limit. That is hardly runaway spending. Furthermore, when you look at program lines, you will see that this bill makes hard choices to terminate programs that are not working, with \$1.3 billion in cuts to individual programs below the 2009 level. The bill terminates or cuts 44 programs. The largest single program increase is for the Social Security Administration, effectively one fourth of the bill's entire increase for 2009.

With dramatically rising retirement and disability claims facing the agency, nobody would argue that those funds are wasteful. After accounting for the SSA increase, this bill is 1.7 percent above for the rest of the bill, meaning, in real dollar terms, after inflation, it is an increase of .3 percent. That is hardly being spendthrift.

If this amendment is adopted, I would point out two problems. First of all, it makes no real spending decisions. It leaves all of that in the hands of the President of the United States. It allows the President to determine this funding level for every single account in this bill. I don't think this Congress should be a rubber stamp for any President.

And, then, I think we ought to look at what the implications are for programs in this bill. Applied to the National Institutes of Health, this cut would wipe out more than 900 new research grants and eliminate inflation adjustments for 36,000 new and existing research grants undermining efforts to treat cancer, Parkinson's, diabetes and other deadly diseases. Applied to community health centers, nearly 1.3 million people could see their health care services reduced or eliminated. Applied to special education, IDEA funding would be cut by 7 percent below the 2009 level. Applied to Pell Grants, 7.6 million students could see their grants reduced and the maximum Pell award cut by approximately \$135.

Applied to LIHEAP, it would reduce the number of households served by over 900,000. Applied to senior nutrition, it would eliminate nearly 240 million meals to 2.5 million vulnerable Americans. Applied to Head Start, over 50,000 low-income children would be denied comprehensive early childhood development services. Applied to the Child Care Block Grant, child care services for over 270,000 low-income families would be eliminated. And applied to the Job Corps, it would deliver

a more than 50 percent cut to Job Corps centers.

With all due respect, I don't think anybody on this side of the aisle needs to hear a lecture about deficits. I have opposed the Bush policies, both economic and war policies, which led to the unraveling of the budget, which led to a huge amount of debt and which led to the collapse of the economy. I don't think we need more of that kind of medicine.

I urge a "no" vote on this amendment and yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. WITTMAN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-222 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. OBEY of Wisconsin;

Amendment No. 2 by Mr. SOUDER of Indiana;

Amendment No. 4 by Mr. PENCE of Indiana;

Amendment No. 5 by Mr. WITTMAN of Virginia.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. OBEY

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 284, noes 137, not voting 18, as follows:

[Roll No. 641]

AYES—284

Abercrombie	Barrow	Blumenauer
Ackerman	Bean	Boccheri
Adler (NJ)	Becerra	Bordallo
Altmire	Berkley	Boren
Andrews	Berman	Boswell
Arcuri	Berry	Boucher
Baca	Biggert	Boyd
Baird	Bishop (GA)	Brady (PA)
Baldwin	Bishop (NY)	Braley (IA)

Bright	Hirono	Paulsen
Brown, Corrine	Hodes	Payne
Burgess	Holden	Perlmutter
Butterfield	Holt	Perriello
Buyer	Honda	Peters
Camp	Hoyer	Peterson
Cao	Inglis	Petri
Capps	Inslee	Pingree (ME)
Capuano	Israel	Platts
Cardoza	Jackson (IL)	Polis (CO)
Carnahan	Jackson-Lee	Pomeroy
Carney	(TX)	Price (NC)
Carson (IN)	Jenkins	Quigley
Castle	Johnson (GA)	Rahall
Castor (FL)	Johnson, E. B.	Rangel
Chandler	Kagen	Reichert
Childers	Kanjorski	Reyes
Christensen	Kaptur	Richardson
Chu	Kennedy	Rodriguez
Clay	Kildee	Rogers (MI)
Cleaver	Kilpatrick (MI)	Ross
Clyburn	Kilroy	Rothman (NJ)
Cohen	Kind	Roybal-Allard
Cole	Kirk	Royce
Connolly (VA)	Kirkpatrick (AZ)	Ruppersberger
Cooper	Kissell	Rush
Costa	Klein (FL)	Ryan (OH)
Costello	Kosmas	Ryan (WI)
Courtney	Kratovil	Sablan
Crowley	Kucinich	Salazar
Cuellar	Lance	Sánchez, Linda T.
Cummings	Langevin	Sanchez, Loretta
Davis (AL)	Larsen (WA)	Sarbanes
Davis (CA)	Larson (CT)	Schakowsky
Davis (IL)	Lee (CA)	Schauer
Davis (TN)	Levin	Schiff
DeFazio	Lewis (GA)	Schock
DeGette	Lipinski	Schrader
DeLauro	LoBiondo	Schwartz
Dent	Loeb sack	Scott (GA)
Dicks	Lofgren, Zoe	Scott (VA)
Dingell	Lowey	Serrano
Doggett	Lujan	Sestak
Donnelly (IN)	Maffei	Shea-Porter
Doyle	Maloney	Sherman
Driehaus	Markey (CO)	Shuler
Edwards (MD)	Markey (MA)	Skelton
Edwards (TX)	Marshall	Slaughter
Ehlers	Massa	Smith (NJ)
Ellison	Matheson	Smith (WA)
Ellsworth	Matsui	Snyder
Engel	McCollum	Space
Eshoo	McCotter	Speier
Etheridge	McDermott	Spratt
Faleomavaega	McGovern	Stark
Farr	McIntyre	Stupak
Fattah	McMahon	Sutton
Filner	McNerney	Taylor
Forbes	Meek (FL)	Teague
Foster	Meeks (NY)	Terry
Frank (MA)	Melancon	Thompson (CA)
Fudge	Michael	Thompson (MS)
Garrett (NJ)	Miller (MI)	Tierney
Gerlach	Miller (NC)	Titus
Giffords	Minnick	Tonko
Gonzalez	Mitchell	Towns
Gordon (TN)	Mollohan	Tsongas
Granger	Moore (KS)	Upton
Grayson	Moore (WI)	Van Hollen
Green, Al	Moran (VA)	Velázquez
Green, Gene	Murphy (CT)	Visclosky
Griffith	Murphy (NY)	Walz
Grijalva	Murphy, Patrick	Wasserman
Gutierrez	Murphy, Tim	Schultz
Hall (NY)	Murtha	Waters
Halvorson	Nadler (NY)	Watson
Hare	Napolitano	Watt
Harman	Neal (MA)	Waxman
Hastings (FL)	Nye	Weiner
Heinrich	Oberstar	Welch
Herseth Sandlin	Obey	Wexler
Higgins	Oliver	Wilson (OH)
Hill	Ortiz	Woolsey
Himes	Pallone	Wu
Hinchey	Pascrell	Yarmuth
Hinojosa	Pastor (AZ)	

NOES—137

Bartlett	Bonner
Barton (TX)	Bono Mack
Billbray	Boozman
Bilirakis	Boustany
Blackburn	Brady (TX)
Blunt	Brown (GA)

Brown (SC)	Hoekstra	Poe (TX)
Brown-Waite,	Hunter	Posey
Ginny	Issa	Price (GA)
Buchanan	Johnson (IL)	Putnam
Burton (IN)	Johnson, Sam	Radanovich
Calvert	Jones	Rehberg
Campbell	Jordan (OH)	Roe (TN)
Cantor	King (IA)	Rogers (AL)
Carter	King (NY)	Rogers (KY)
Cassidy	Kline (MN)	Rohrabacher
Chaffetz	Lamborn	Rooney
Coble	LaTourette	Ros-Lehtinen
Coffman (CO)	Latta	Roskam
Conaway	Lee (NY)	Scalise
Crenshaw	Lewis (CA)	Schmidt
Culberson	Linder	Sensenbrenner
Davis (KY)	Lucas	Sessions
Deal (GA)	Luetkemeyer	Shadegg
Diaz-Balart, L.	Lummis	Shimkus
Diaz-Balart, M.	Lungren, Daniel E.	Shuster
Dreier	Mack	Simpson
Duncan	Manzullo	Smith (NE)
Fallin	Marchant	Smith (TX)
Flake	McCarthy (CA)	Souder
Fleming	McCaul	Stearns
Fortenberry	McClintock	Sullivan
Fox	McHenry	Thompson (PA)
Franks (AZ)	McKeon	Thornberry
Frelinghuysen	McMorris	Tiahrt
Gallely	Rodgers	Tiberi
Gingrey (GA)	Mica	Turner
Gohmert	Miller (FL)	Walden
Goodlatte	Miller, Gary	Wamp
Graves	Moran (KS)	Westmoreland
Guthrie	Myrick	Whitfield
Hall (TX)	Neugebauer	Wilson (SC)
Harper	Nunes	Wittman
Hastings (WA)	Heller	Wolf
Hensarling	Pence	Young (AK)
Herger	Pitts	Young (FL)

NOT VOTING—18

Barrett (SC)	Dahlkemper	Miller, George
Bishop (UT)	Emerson	Norton
Boehner	Kingston	Paul
Capito	Latham	Pierluisi
Clarke	McCarthy (NY)	Sires
Conyers	McHugh	Tanner

□ 1400

Messrs. HASTINGS of Florida, GARRETT of New Jersey, TIM MURPHY of Pennsylvania, RYAN of Wisconsin, KIRK, PETRI, CAO, ISRAEL, INGLIS, ROYCE, KRATOVIL, and Mrs. MILLER of Michigan changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. SOUDER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 211, noes 218, not voting 10, as follows:

[Roll No. 642]

AYES—211

Aderholt Foster Murphy (NY)
 Akin Foss Murphy, Tim
 Alexander Franks (AZ) Myrick
 Austria Frelinghuysen Neugebauer
 Bachmann Gallegly Nunes
 Bachus Garrett (NJ) Nye
 Barrow Gerlach Olson
 Bartlett Gingrey (GA) Paulsen
 Barton (TX) Gohmert Pence
 Berry Goodlatte Peterson
 Biggert Granger Petri
 Bilbray Graves Pitts
 Bilirakis Grayson Platts
 Blackburn Green, Gene Poe (TX)
 Blunt Griffith Pomeroy
 Bonner Guthrie Posey
 Bono Mack Hall (NY) Price (GA)
 Boozman Hall (TX) Putnam
 Boren Harper Radanovich
 Boswell Hastings (WA) Himes
 Boucher Heller Rehberg
 Boustany Hensarling Reichert
 Boyd Herger Rodriguez
 Brady (TX) Herseth Sandlin Roe (TN)
 Bright Hill Rogers (AL)
 Broun (GA) Hoekstra Rogers (KY)
 Brown (SC) Holden Rogers (MI)
 Brown-Waite, Hunter Rohrabacher
 Ginny Inglis Rooney
 Buchanan Jenkins Roskam
 Burgess Johnson (IL) Ross
 Burton (IN) Johnson, Sam Royce
 Buyer Jones Ryan (WI)
 Calvert Jordan (OH) Scalise
 Camp King (IA) Schmidt
 Campbell King (NY) Schock
 Cantor Kingston Scott (GA)
 Cao Kirk Sensenbrenner
 Cardoza Kline (MN) Sessions
 Carney Lamborn Shadegg
 Carter Lance Shimkus
 Cassidy Latham Shuler
 Chaffetz Latta Shuster
 Chandler Lee (NY) Simpson
 Childers Lewis (CA) Skelton
 Coble Linder Smith (NE)
 Coffman (CO) Lipinski Smith (NJ)
 Cole LoBiondo Smith (TX)
 Conaway Lucas Souder
 Costa Luetkemeyer Spratt
 Costello Lummis Stearns
 Crenshaw Lungren, Daniel Sullivan
 Cuellar E. Taylor
 Culberson Mack Teague
 Davis (AL) Marchant Terry
 Davis (KY) Marshall Thompson (PA)
 Davis (TN) McCarthy (CA) Thornberry
 Deal (GA) McCaul Tiahrt
 Dent McClintock Tiberi
 Diaz-Balart, L. McCotter Turner
 Diaz-Balart, M. McHenry Upton
 Donnelly (IN) McIntyre Walden
 Dreier McKeon Wamp
 Duncan McMahon Westmoreland
 Edwards (TX) McMorris Whitfield
 Ellsworth Rodgers Wilson (OH)
 Etheridge Melancon Wilson (SC)
 Fallon Mica Wittman
 Flake Miller (FL) Wolf
 Fleming Miller (MI) Young (AK)
 Forbes Miller, Gary Young (FL)
 Fortenberry Moran (KS)

NOES—218

Abercrombie Brady (PA) Conyers
 Ackerman Braley (IA) Cooper
 Adler (NJ) Brown, Corrine Courtney
 Altmire Butterfield Crowley
 Andrews Capps Cummings
 Arcuri Capuano Davis (CA)
 Baca Carnahan Davis (IL)
 Baird Carson (IN) DeFazio
 Baldwin Castle DeGette
 Bean Castor (FL) Delahunt
 Becerra Christensen DeLauro
 Berkley Chu Dicks
 Berman Clarke Dingell
 Bishop (GA) Clay Doggett
 Bishop (NY) Cleaver Doyle
 Blumenauer Clyburn Driehaus
 Boccieri Cohen Edwards (MD)
 Bordallo Connolly (VA) Ehlers

Ellison Lee (CA)
 Emerson Levin
 Engel Lewis (GA)
 Eshoo Loebbeck
 Faleomavaega Lofgren, Zoe
 Farr Lowey
 Fattah Lujan
 Filner Lynch
 Frank (MA) Maffei
 Fudge Maloney
 Giffords Markey (CO)
 Gonzalez Markey (MA)
 Gordon (TN) Massa
 Green, Al Matheson
 Grijalva Matsui
 Gutierrez McCollum
 Halvorson McDermott
 Hare McGovern
 Harman McNeerney
 Hastings (FL) Meek (FL)
 Heinrich Meeks (NY)
 Higgins Michaud
 Himes Miller (NC)
 Rehberg Miller, George
 Hinojosa Minnick
 Hirono Mitchell
 Hodes Mollohan
 Holt Moore (KS)
 Honda Moore (WI)
 Hoyer Moran (VA)
 Isler Murphy (CT)
 Israel Murphy, Patrick
 Issa Murtha
 Jackson (IL) Nadler (NY)
 Jackson-Lee Napolitano
 Neal (MA)
 Oberstar
 Obey
 Oliver
 Ortiz
 Pallone
 Pascarell
 Pastor (AZ)
 Payne
 Perlmutter
 Perriello
 Peters
 Pierluisi
 Pingree (ME)
 Polis (CO)
 Price (NC)
 Quigley
 Welch
 Wexler
 Woolsey
 Wu
 Yarmuth

NOT VOTING—10

Barrett (SC) Dahlkemper
 Bishop (UT) Manzullo
 Boehner McCarthy (NY)
 Capito McHugh

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remaining in this vote.

□ 1407

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. NORTON. Mr. Chair, I was unable to vote on rollcall Nos. 641 and 642. Had I been present, I would have voted “aye” on rollcall 641 and “no” on 642.

AMENDMENT NO. 4 OFFERED BY MR. PENCE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. PENCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 247, not voting 9, as follows:

[Roll No. 643]

AYES—183

Aderholt Gallegly Murphy, Tim
 Akin Garrett (NJ) Myrick
 Alexander Gerlach Neugebauer
 Austria Gingrey (GA) Nunes
 Bachmann Gohmert Olson
 Bachus Goodlatte Paulsen
 Bartlett Granger Pence
 Barton (TX) Graves Peterson
 Bilbray Griffith Petri
 Bilirakis Guthrie Pitts
 Blackburn Hall (TX) Platts
 Blunt Harper Poe (TX)
 Bonner Hastings (WA) Posey
 Bono Mack Heller Price (GA)
 Boozman Hensarling Putnam
 Bordallo Herger Radanovich
 Boren Hoekstra Rahall
 Boustany Hunter Rehberg
 Brady (TX) Inglis Reichert
 Bright Issa Roe (TN)
 Broun (GA) Johnson (IL) Rogers (AL)
 Brown (SC) Johnson, Sam Rogers (KY)
 Brown-Waite, Jones Rogers (MI)
 Ginny Jordan (OH) Rohrabacher
 Buchanan King (IA) Rooney
 Burgess King (NY) Ros-Lehtinen
 Burton (IN) Kingston Roskam
 Buyer Kline (MN) Royce
 Calvert Lamborn Ryan (WI)
 Camp Latham Scalise
 Campbell LaTourette Schmidt
 Cantor Latta Schock
 Cao Lee (NY) Sensenbrenner
 Carter Lewis (CA) Sessions
 Cassidy Linder Shadegg
 Chaffetz Lipinski Shimkus
 Childers LoBiondo Shuler
 Coble Lucas Shuster
 Coffman (CO) Luetkemeyer Simpson
 Cole Lummis Skelton
 Conaway Lungren, Daniel Smith (NE)
 Costello E. Smith (NJ)
 Crenshaw Mack Smith (TX)
 Culberson Manzullo Souder
 Davis (KY) Marchant Stearns
 Davis (TN) Marshall Sullivan
 Deal (GA) McCarthy (CA) Taylor
 Diaz-Balart, L. McCaul Terry
 Diaz-Balart, M. McClintock Thompson (PA)
 Donnelly (IN) McCotter Thornberry
 Dreier McHenry Tiahrt
 Duncan McIntyre Tiberi
 Ehlers McKeon Turner
 Ellsworth McMorris Wamp
 Emerson Rodgers Westmoreland
 Fallon Melancon Whitfield
 Flake Mica Wilson (OH)
 Fleming Miller (FL) Wilson (SC)
 Forbes Miller (MI) Wittman
 Fortenberry Miller, Gary Wolf
 Foxx Mollohan Young (AK)
 Franks (AZ) Moran (KS) Young (FL)

NOES—247

Abercrombie Bishop (NY) Castor (FL)
 Ackerman Blumenauer Chandler
 Adler (NJ) Boccieri Christensen
 Altmire Boswell Chu
 Andrews Boucher Clarke
 Arcuri Boyd Clay
 Baca Brady (PA) Cleaver
 Baird Braley (IA) Clyburn
 Baldwin Brown, Corrine Cohen
 Barrow Butterfield Connolly (VA)
 Bean Capps Conyers
 Becerra Capuano Cooper
 Berkley Cardoza Costa
 Berman Carnahan Courtney
 Berry Carney Crowley
 Biggert Carson (IN) Cuellar
 Bishop (GA) Castle Cummings

Davis (AL) Kilroy
 Davis (CA) Kind
 Davis (IL) Kirk
 DeFazio Kirkpatrick (AZ)
 DeGette Kissell
 Delahunt Klein (FL)
 DeLauro Kosmas
 Dent Kratovil
 Dicks Kucinich
 Dingell Lance
 Doggett Langevin
 Doyle Larsen (WA)
 Driehaus Larson (CT)
 Edwards (MD) Lee (CA)
 Edwards (TX) Levin
 Ellison Lewis (GA)
 Engel Loeb sack
 Eshoo Lofgren, Zoe
 Etheridge Lowey
 Faleomavaega Luján
 Farr Lynch
 Fattah Maffei
 Filner Maloney
 Foster Markey (CO)
 Frank (MA) Markey (MA)
 Frelinghuysen Massa
 Fudge Matheson
 Giffords Matsui
 Gonzalez McCollum
 Gordon (TN) McDermott
 Grayson McGovern
 Green, Al McMahon
 Green, Gene McNeerney
 Grijalva Meek (FL)
 Gutierrez Meeks (NY)
 Hall (NY) Michaud
 Halvorson Miller (NC)
 Hare Miller, George
 Harman Minnick
 Hastings (FL) Mitchell
 Heinrich Moore (KS)
 Hereth Sandlin Moore (WI)
 Higgins Moran (VA)
 Hill Murphy (CT)
 Himes Murphy (NY)
 Hinchey Murphy, Patrick
 Hinojosa Murtha
 Hirono Nadler (NY)
 Hodes Napolitano
 Holden Neal (MA)
 Holt Norton
 Honda Nye
 Hoyer Oberstar
 Inslee Obey
 Israel Oliver
 Jackson (IL) Ortiz
 Jackson-Lee Pallone
 (TX) Pascarell
 Jenkins Pastor (AZ)
 Johnson (GA) Payne
 Johnson, E. B. Perlmutter
 Kagen Perriello
 Kanjorski Peters
 Kaptur Pierluisi
 Kennedy Pingree (ME)
 Kildee Polis (CO)
 Kilpatrick (MI) Pomeroy

NOT VOTING—9

Barrett (SC) Capito
 Bishop (UT) Dahlkemper
 Boehner McCarthy (NY)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remaining in this vote.

□ 1413

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. WITTMAN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. WITTMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 229, not voting 11, as follows:

[Roll No. 644]

AYES—199

Aderholt Gallegly
 Adler (NJ) Garrett (NJ)
 Akin Gerlach
 Alexander Giffords
 Altmire Gingrey (GA)
 Arcuri Gohmert
 Austria Goodlatte
 Bachmann Granger
 Bachus Graves
 Baird Griffith
 Bartlett Guthrie
 Barton (TX) Hall (TX)
 Bean Harper
 Biggert Hastings (WA)
 Bilbray Heinrich
 Bilirakis Heller
 Blackburn Hensarling
 Blunt Herger
 Bonner Hill
 Bono Mack Hoekstra
 Boozman Hunter
 Boustany Inglis
 Bustard (TX) Issa
 Bright Jenkins
 Brown (GA) Johnson (IL)
 Brown (SC) Johnson, Sam
 Brown-Waite, Jones
 (Ginny) Jordan (OH)
 Buchanan King (IA)
 Burgess King (NY)
 Burton (IN) Kingston
 Buyer Kirk
 Calvert Kirkpatrick (AZ)
 Camp Kline (MN)
 Campbell Kosmas
 Cantor Kratovil
 Cao Lamborn
 Carter Lance
 Cassidy Latham
 Castle LaTourrette
 Chaffetz Latta
 Childers Lee (NY)
 Coble Lewis (CA)
 Coffman (CO) Linder
 Cole LoBiondo
 Conaway Lucas
 Cooper Luetkemeyer
 Crenshaw Lummis
 Culberson Lungren, Daniel
 Davis (KY) E.
 Deal (GA) Mack
 Dent Manzullo
 Diaz-Balart, L. Marchant
 Diaz-Balart, M. Marshall
 Donnelly (IN) Matheson
 Dreier McCarthy (CA)
 Driehaus McCaul
 Duncan McClintock
 Ehlers McCotter
 Ellsworth McHenry
 Fallin McKeon
 Flake McMorris
 Fleming Rodgers
 Forbes Mica
 Fortenberry Miller (FL)
 Foyx Miller (MI)
 Franks (AZ) Miller, Gary
 Frelinghuysen Minnick

NOES—229

Abercrombie Berman
 Ackerman Berry
 Andrews Bishop (GA)
 Baca Bishop (NY)
 Baldwin Blumenauer
 Barrow Boccieri
 Becerra Bordallo
 Berkley Boren

Capuano Hoyer
 Cardoza Inslee
 Carnahan Israel
 Carney Jackson (IL)
 Carson (IN) Jackson-Lee
 Castor (FL) (TX)
 Chandler Johnson (GA)
 Christensen Johnson, E. B.
 Chu Kagen
 Clarke Kanjorski
 Clay Kaptur
 Cleaver Kennedy
 Clyburn Kildee
 Cohen Kilpatrick (MI)
 Connolly (VA) Kilroy
 Conyers Kind
 Costa Kissell
 Costello Klein (FL)
 Courtney Kucinich
 Crowley Langevin
 Cuellar Larsen (WA)
 Cummings Larson (CT)
 Davis (AL) Lee (CA)
 Davis (CA) Levin
 Davis (IL) Lewis (GA)
 Davis (TN) Lipinski
 DeFazio Loeb sack
 DeGette Lofgren, Zoe
 Delahunt Lowey
 DeLauro Luján
 Dicks Lynch
 Dingell Maffei
 Doggett Maloney
 Doyle Markey (CO)
 Edwards (MD) Markey (MA)
 Edwards (TX) Massa
 Ellison Matsui
 Emerson McCollum
 Engel McDermott
 Eshoo McGovern
 Etheridge McIntyre
 Faleomavaega McMahon
 Farr McNeerney
 Fattah Meek (FL)
 Filner Meeks (NY)
 Foster Melancon
 Frank (MA) Michaud
 Fudge Miller (NC)
 Gonzalez Miller, George
 Gordon (TN) Mollohan
 Grayson Moore (KS)
 Green, Al Moore (WI)
 Green, Gene Moran (VA)
 Grijalva Murphy (CT)
 Gutierrez Murphy, Tim
 Hall (NY) Murtha
 Halvorson Nadler (NY)
 Hare Napolitano
 Harman Neal (MA)
 Hastings (FL) Norton
 Hereth Sandlin Oberstar
 Higgins Obey
 Himes Oliver
 Hinchey Ortiz
 Hinojosa Pallone
 Hirono Pascarell
 Hodes Pastor (AZ)
 Holden Perlmutter
 Holt Peterson
 Honda Pierluisi

NOT VOTING—11

Barrett (SC) Dahlkemper Pence
 Bishop (UT) McCarthy (NY) Rangel
 Boehner McHugh Wexler
 Capito Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1420

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010”.

The CHAIR. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SNYDER) having assumed the chair, Mr. HOLDEN, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 673, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 673, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. TIAHRT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TIAHRT. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tiahrt moves to recommit the bill H.R. 3293 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 2, line 19, after the dollar amount, insert "(reduced by \$195,000,000)".

Page 6, line 7, after the dollar amount, insert "(reduced by \$195,000,000)".

Page 7, line 21, insert "and" after the semicolon.

Page 8, line 2, strike the semicolon and insert a period.

Page 8, strike line 3 and all that follows through line 2 on page 9.

Page 43, line 16, after the first dollar amount, insert "(reduced by \$300,000,000)".

Page 43, line 19, strike the colon and all that follows through "expended" on line 23.

Page 84, line 17, after the dollar amount, insert "(reduced by \$100,000,000)".

Page 84, line 18, after the dollar amount, insert "(reduced by \$100,000,000)".

Page 86, line 25, after the dollar amount, insert "(reduced by \$148,000,000)".

Page 87, line 9, after the dollar amount, insert "(reduced by \$38,000,000)".

Page 91, line 23, after the dollar amount, insert "(increased by \$1,000,150,000)".

Page 91, line 24, after the dollar amount, insert "(increased by \$1,000,150,000)".

Page 94, line 8, after the dollar amount, insert "(reduced by \$88,000,000)".

Page 94, line 9 strike "\$4,400,000" and all that follows through "which" on line 11.

Page 94, line 11, after the dollar amount, insert "(reduced by \$83,600,000)".

Page 95, line 23, strike the colon and all that follows through "schools" on line 13 on page 96.

Page 107, line 7, after the dollar amount, insert "(reduced by \$111,615,000)".

Page 107, line 8, after the dollar amount, insert "(reduced by \$8,997,000)".

Page 107, line 9, after the dollar amount, insert "(reduced by \$102,618,000)".

Page 107, line 16, after the dollar amount, insert "(reduced by \$21,607,000)".

Page 107, line 18, strike "(3)" and all that follows through "(5)" on line 1 on page 108, and insert "and (3)".

Page 108, line 1, after the dollar amount, insert "(reduced by \$5,210,000)".

Page 108, line 11, after the dollar amount, insert "(reduced by \$47,139,000)".

Page 109, line 11, after the dollar amount, insert "(reduced by \$9,208,000)".

Page 109, line 15, after the dollar amount, insert "(reduced by \$1,188,000)".

POINT OF ORDER

Mr. OBEY. I make a point of order against the motion to recommit with instructions because it includes legislation and is not in order under clause 2 of rule XXI, and I ask for a ruling from the Chair.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. TIAHRT. Mr. Speaker, I would just like to say that this, Mr. Speaker, takes the amendments that were not made in order by the rule en masse. It's very similar to what the manager did by, in aggregate, considering amendments, and I would ask that the Chair allow this vote up or down on the amendments that were not made in order by the rule.

The SPEAKER pro tempore. The Chair is prepared to rule.

As argued by the gentleman from Wisconsin, the amendment proposed in the motion to recommit violates clause 2 of rule XXI in a number of respects.

The point of order is sustained. The motion is not in order.

MOTION TO RECOMMIT

Mr. TIAHRT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman still opposed to the bill?

Mr. TIAHRT. I still am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tiahrt moves to recommit the bill back to the Committee on Appropriations with instructions to report the same back to the House forthwith amended as follows:

At the appropriate place in the bill, execute amendments numbered 1 through 22, printed in the Congressional Record of July 23, 2009.

Mr. TIAHRT (during the reading). Mr. Speaker, I ask unanimous consent to waive the reading of the motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Kansas is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I offer this motion with the gentleman from Minnesota (Mr. KLINE). He's the ranking Republican on the Education and Labor Committee.

The motion is simple. It adds \$1 billion for special education with offsets from an equal amount on other agencies. Americans are compassionate people. We want every American to climb the ladder of success, even if we have to provide the less fortunate with an escalator.

Almost 35 years ago when the Individuals with Disabilities and Education Act, or IDEA as we refer to it, when it was enacted, the Federal Government mandated that our schools educate all children, even those with severe mental and physical disabilities. During the floor debate, it was clear the Federal Government was committed to pay 40 percent of the costs needed to educate a special-needs child. Today, however, we are falling short of that promise. Now, our good intentions have turned into bad consequences.

The Federal Government's mandate has undermined the public school system's ability to adequately meet the needs of the special children. This is not acceptable for either the children who need special education or those without disabilities who watch their education programs cut in order to fund IDEA.

Educating every child is the right thing to do, and I am proud that we are doing it today. Yet, IDEA has placed an extreme financial burden on our public schools, forcing school districts to rob Peter to pay Paul.

But we can fix this problem, this shortfall. By fully funding IDEA, we can put an end to this practice, helping all children reach their full potential.

I would now like to yield to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. I thank the gentleman for yielding and for offering this motion to recommit.

Mr. Speaker, this is exactly the kind of amendment which should have been made in order during today's debate. It is completely germane. It is all about priorities in education funding.

As Mr. TIAHRT said, this motion to recommit would increase funding for IDEA by \$1 billion. We have for over 35 years fallen short of our commitment, the government's commitment, to fund special education and provide relief to every school in America. This bill would provide relief to every school in your districts. Even with the one-time spike in IDEA funding provided by the stimulus bill, we fall short of reaching the 40 percent threshold that Mr. TIAHRT discussed.

What this motion to recommit would do would increase that percentage of funding from the 17 percent where it sits to 18.3 percent in the base. We need to get that base up and let our superintendents, our principals, our teachers, our parents, our families know

that that money is going to be there for the long term.

We take money from some other programs, absolutely. I am arguing that those programs, some of them brand new, some of them with hundreds of millions of dollars, may be important, but not as important as this. This is the debate that we should have had this morning. It's the debate that we are having now.

I am asking my colleagues to help us start to meet our obligation. Let's help our children with special needs.

Mr. TIAHRT. Mr. Speaker, I would just like to conclude by saying we only take money from new programs or we continue programs that exist at a lower level than we have today to replace it with a higher priority program, IDEA, which meets the needs of our special-needs students, and also this will help preserve the ability to educate those who are not physically and mentally challenged in a better fashion. So I would urge its adoption.

I yield back the balance of my time.

Mr. OBEY. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, this is what I would call the original holy picture amendment. Sometimes we see legislators who think that the way to do business is to cut everybody else's priorities in order to fund theirs. That's not the way 435 people can come to a constructive conclusion. The fact is that this is a recovery or trailer amendment left over from the stimulus bill of a few months ago.

Just a few months ago, we had a stimulus bill on the House floor which increased special education by \$12 billion. In the 12 years the Republicans were in control of this House, they increased special education by a total of \$8.5 billion. We increased it by \$12 billion in 1 year, and not a single Member on that side of the aisle voted for it.

□ 1430

And now, they're belatedly trying to recover politically by cutting a laundry list of other programs in order to pretend that they found a responsible way to free up money to fund Special Education.

I want to point out that this amendment would cut \$100 million from the School Improvement account. That could endanger 100,000 kids who, right now, have after-school learning programs. It cuts \$148 million from the Innovation and Improvement account, Reach Out and Read, Teach for America, Full Service Community Schools, and Reading is Fundamental.

It eliminates \$88 million in smaller learning communities. We've learned from research that a lot of high schools need to be downsized. This cripples the program and would prevent 500,000 high

school students from benefiting from that program.

It cuts almost \$170 million from the Community Service and Volunteer Program, including AmeriCorps and Summers of Service—summer jobs. It would also put at risk an effort to bolster the participation of disabled Americans in community service. It would cut the Foster Grandparents and Senior Companion program as well.

It would eliminate \$300 million from the Global Fund to Fight AIDS, Tuberculosis, and Malaria. If the H1N1 virus has taught us anything, it's that we have to attack these disease problems on a worldwide basis.

I think the amendment speaks for itself. I don't think we want to play "fruit basket upset" just so that somebody can get better on a rollcall. I would urge defeat of the amendment.

Ms. MCCOLLUM. Mr. Speaker, I rise today in opposition to this Republican motion to recommit on the Fiscal Year 2010 Labor, Health and Human Services, and Education bill (H.R. 3293).

Since I was first elected to Congress, I have been advocating for more funding for the Individuals with Disabilities Education Act (IDEA). In January, I voted for the American Recovery and Reinvestment Act (H.R.1) that included \$12.2 billion to help States and localities fund special education for 6.7 million students with disabilities. I want to note that not one Republican in the House of Representatives voted for the Recovery Act that included this vital funding. In the 109th and 110th Congresses, I introduced the Achieving Our IDEA Act, which would guarantee that the federal government meets its commitment to provide 40 percent of the cost of educating children with special needs by 2013.

The bill we have before us today includes \$12.58 billion for IDEA and I wish it included more. However, we cannot make up 8 years of lost ground in a single piece of legislation. This motion to recommit would add one billion dollars to the IDEA only by cutting other critical investments. If this motion passes, neighbors who have lost their jobs would suffer due to reduced funding for Training and Employment Services in the Department of Labor. Schools would lose needed funds for innovation and improvement. Nonprofits would suffer because the Corporation for National and Community Service budget would be reduced by 30 percent.

For these reasons, I will not support this motion and urge a "no" vote.

Mr. OBEY. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. TIAHRT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 171, noes 248, not voting 14, as follows:

[Roll No. 645]

AYES—171

Aderholt	Gerlach	Murphy, Tim
Akin	Gingrey (GA)	Myrick
Alexander	Gohmert	Neugebauer
Austria	Goodlatte	Nunes
Bachmann	Granger	Olson
Bachus	Graves	Paulsen
Bartlett	Guthrie	Petri
Barton (TX)	Hall (TX)	Pitts
Biggart	Harper	Platts
Bilbray	Hastings (WA)	Poe (TX)
Bilirakis	Heller	Posey
Blackburn	Hensarling	Price (GA)
Blunt	Herger	Putnam
Bonner	Hodes	Radanovich
Bono Mack	Hoekstra	Rehberg
Boozman	Hunter	Reichert
Boustany	Inglis	Roe (TN)
Brady (TX)	Issa	Rogers (AL)
Broun (GA)	Jenkins	Rogers (KY)
Brown (SC)	Johnson (IL)	Rogers (MI)
Brown-Waite,	Johnson, Sam	Rohrabacher
Ginny	Jones	Rooney
Buchanan	Jordan (OH)	Ros-Lehtinen
Burton (IN)	King (IA)	Roskam
Buyer	King (NY)	Royce
Calvert	Kingston	Ryan (WI)
Camp	Kirk	Scalise
Campbell	Kline (MN)	Schmidt
Cantor	Lamborn	Schock
Cao	Lance	Sensenbrenner
Carter	Latham	Sessions
Cassidy	LaTourette	Shadegg
Castle	Latta	Shimkus
Chaffetz	Lee (NY)	Shuster
Coble	Lewis (CA)	Simpson
Coffman (CO)	Linder	Smith (NE)
Cole	LoBiondo	Smith (NJ)
Conaway	Lucas	Smith (TX)
Crenshaw	Luetkemeyer	Souder
Culberson	Lummis	Stearns
Deal (GA)	Lungren, Daniel	Sullivan
Dent	E.	Taylor
Diaz-Balart, L.	Mack	Terry
Diaz-Balart, M.	Manzullo	Thompson (PA)
Dreier	Marshall	Thornberry
Duncan	McCarthy (CA)	Tiahrt
Ehlers	McCaul	Tiberi
Emerson	McClintock	Turner
Fallin	McCotter	Upton
Flake	McHenry	Walden
Fleming	McKeon	Wamp
Forbes	McMorris	Westmoreland
Fortenberry	Rodgers	Whitfield
Fox	Mica	Wilson (SC)
Franks (AZ)	Miller (FL)	Wittman
Frelinghuysen	Miller (MI)	Wolf
Gallegly	Miller, Gary	Young (AK)
Garrett (NJ)	Moran (KS)	Young (FL)

NOES—248

Abercrombie	Boyd	Conyers
Ackerman	Brady (PA)	Cooper
Adler (NJ)	Braley (IA)	Costa
Altmore	Bright	Costello
Andrews	Brown, Corrine	Courtney
Arcuri	Butterfield	Crowley
Baca	Capps	Cuellar
Baird	Capuano	Cummings
Baldwin	Cardoza	Davis (AL)
Barrow	Carnahan	Davis (CA)
Bean	Carney	Davis (IL)
Becerra	Carson (IN)	Davis (TN)
Berkley	Castor (FL)	DeFazio
Berman	Chandler	DeGette
Berry	Childers	Delahunt
Bishop (GA)	Chu	DeLauro
Bishop (NY)	Clarke	Dicks
Blumenauer	Clay	Dingell
Bocchieri	Cleaver	Doggett
Boren	Clyburn	Donnelly (IN)
Boswell	Cohen	Doyle
Boucher	Connolly (VA)	Driehaus

Edwards (MD) Lee (CA)
 Edwards (TX) Levin
 Ellsworth Lewis (GA)
 Engel Lipinski
 Eshoo Loebach
 Etheridge Lofgren, Zoe
 Farr Lowey
 Fattah Luján
 Filner Lynch
 Foster Maffei
 Frank (MA) Maloney
 Fudge Markey (CO)
 Giffords Markey (MA)
 Gonzalez Massa
 Gordon (TN) Matheson
 Grayson Matsui
 Green, Al McCollum
 Green, Gene McDermott
 Griffith McGovern
 Grijalva McIntyre
 Gutierrez McMahon
 Hall (NY) McNerney
 Halvorson Meek (FL)
 Hare Meeks (NY)
 Harman Melancon
 Hastings (FL) Michaud
 Heinrich Miller (NC)
 Hereth Sandlin Miller, George
 Higgins Minnick
 Hill Mitchell
 Himes Mollohan
 Hinchey Moore (KS)
 Hinojosa Moore (WI)
 Hirono Moran (VA)
 Holden Murphy (CT)
 Holt Murphy (NY)
 Honda Murphy, Patrick
 Hoyer Murtha
 Inslee Nadler (NY)
 Israel Napolitano
 Jackson (IL) Neal (MA)
 Jackson-Lee Nye
 (TX) Oberstar
 Johnson (GA) Obey
 Johnson, E. B. Oliver
 Kagen Ortiz
 Kanjorski Pallone
 Kaptur Pascarella
 Kennedy Pastor (AZ)
 Kildee Payne
 Kilpatrick (MI) Perlmutter
 Kilroy Perriello
 Kind Peters
 Kirkpatrick (AZ) Peterson
 Kissell Pingree (ME)
 Klein (FL) Polis (CO)
 Kosmas Pomeroy
 Kratochvil Price (NC)
 Kucinich Quigley
 Langevin Rahall
 Larsen (WA) Rangel
 Larson (CT) Reyes

NOT VOTING—14

Barrett (SC) Dahlkemper
 Bishop (UT) Davis (KY)
 Boehner Ellison
 Burgess Marchant
 Capito McCarthy (NY)

□ 1448

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. ELLISON. Mr. Speaker, on rollcall No. 645, I was stuck in a meeting on health care and did not get back in time. Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 264, nays 153, not voting 16, as follows:

[Roll No. 646]

YEAS—264

Abercrombie Gerlach
 Ackerman Giffords
 Ross Nadler (NY)
 Rothman (NJ) Napolitano
 Roybal-Allard Neal (MA)
 Ruppertsberger Gordon (TN)
 Rush Grayson
 Ryan (OH) Green, Al
 Salazar Green, Gene
 Sánchez, Linda Arcuri
 T. Baca
 Sanchez, Loretta Altmire
 Sarbanes Andrews
 Schakowsky Arcuri
 Schauer Baca
 Schiff Baid
 Schrader Baldwin
 Schwartz Barrow
 Scott (GA) Bean
 Scott (VA) Becerra
 Serrano Berkeley
 Sestak Berman
 Shea-Porter Berry
 Sherman Bilbray
 Shuler Bishop (GA)
 Sires Bishop (NY)
 Skelton Blumenauer
 Slaughter Boccieri
 Smith (WA) Boren
 Snyder Bowers
 Space Boucher
 Speier Boyd
 Spratt Brady (PA)
 Stark Braley (IA)
 Stupak Bright
 Sutton Brown, Corrine
 Tanner Brown-Waite,
 Teague Ginny
 Thompson (CA) Buchanan
 Thompson (MS) Butterfield
 Tierney Cao
 Titus Capps
 Tonko Capuano
 Towns Cardoza
 Tsongas Carnahan
 Van Hollen Carney
 Velázquez Carson (IN)
 Visclosky Castle
 Walz Castor (FL)
 Wasserman Chandler
 Schultz Childers
 Waters Chu
 Watson Clarke
 Watt Clay
 Waxman Cleaver
 Weiner Clyburn
 Welch Coby
 Wilson (OH) Connolly (VA)
 Woolsey Conyers
 Wu Cooper
 Yarmuth Costa
 Costello
 Courtney
 Crowley
 Cuellar
 Cummings
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dent
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Driehaus
 Edwards (MD)
 Edwards (TX)
 Ehlers
 Ellison
 Ellsworth
 Engel
 Eshoo
 Etheridge
 Farr
 Fattah
 Filner
 Foster
 Frank (MA)
 Fudge

Wilson (OH)
 Wolf

Woolsey
 Wu

Yarmuth
 Young (AK)

NAYS—153

Aderholt Goodlatte
 Akin Granger
 Austria Graves
 Bachmann Guthrie
 Bachus Hall (TX)
 Bartlett Harper
 Barton (TX) Hastings (WA)
 Biggert Heller
 Bilirakis Hensarling
 Blackburn Herger
 Blunt Hill
 Bonner Hoekstra
 Bono Mack Hunter
 Boozman Inglis
 Boustany Issa
 Brady (TX) Jenkins
 Broun (GA) Johnson (IL)
 Brown (SC) Johnson, Sam
 Burgess Jordan (OH)
 Burton (IN) King (IA)
 Buyer Kingston
 Calvert Kirk
 Camp Kline (MN)
 Campbell Kratochvil
 Cantor Lamborn
 Carter Lance
 Cassidy Latham
 Chaffetz LaTourette
 Coble Latta
 Coffman (CO) Lee (NY)
 Cole Lewis (CA)
 Conaway Linder
 Crenshaw Lucas
 Culberson Luetkemeyer
 Davis (KY) Lummis
 Deal (GA) Lungren, Daniel
 Diaz-Balart, L. E.
 Diaz-Balart, M. Mack
 Dreier Manullo
 Duncan Matheson
 Emerson McCarthy (CA)
 Fallon McCaul
 Flake McClintock
 Fleming McCotter
 Forbes McHenry
 Fortenberry McKeon
 Foss McMorris
 Franks (AZ) Rodgers
 Frelinghuysen Mica
 Gallegly Miller (FL)
 Garrett (NJ) Miller (MI)
 Gohmert Miller, Gary

NOT VOTING—16

Barrett (SC) Jackson-Lee
 Bishop (UT) (TX)
 Boehner Jones
 Capito Marchant
 Dahlkemper McCarthy (NY)
 Gingrey (GA) McHugh

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in the vote.

□ 1454

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 646, had I been present, I would have voted "yea."

REPORT ON H.R. 3326, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

Mr. MURTHA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111-230) on the bill (H.R. 3326) making appropriations for the Department of Defense for the

fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. KISSELL). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. WATT, from the Committee on Financial Services, submitted a privileged report (Rept. No. 111-231) on the resolution (H. Res. 591) requesting that the President transmit to the House of Representatives all information in his possession relating to certain specific communications with and financial assistance provided to General Motors Corporation and Chrysler LLC, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 2469

Mr. POE of Texas. Mr. Speaker, I ask unanimous consent to remove as cosponsors from H.R. 2469 the following Representatives:

Mr. LATTA of Ohio;
Mr. BROWN of Georgia;
Ms. FOXX of North Carolina;
Dr. GINGREY of Georgia;
Mr. SHADEGG of Arizona;
Ms. FALLIN of Oklahoma;
Mr. KING of Iowa;
Mrs. SCHMIDT of Ohio;
Mr. ISSA of California;
Mr. PENCE of Indiana;
Mr. CONAWAY of Texas;
Mr. KINGSTON of Georgia;
Mr. FLEMING of Louisiana;
Mr. PITTS of Pennsylvania.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman from Virginia, the Republican whip, for yielding. On Monday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Tuesday the House will meet at 10:30 a.m. for morning-hour debate and 12 p.m. for legislative business. On Wednesday and Thursday the House will meet at 10 a.m. for legislative business, and on Friday the House will meet at 9 a.m.

We will consider several bills under suspension of the rules. A complete list of suspension bills will be announced by the close of business today.

In addition, we will consider the 2010 Department of Defense Appropriations Act; also H.R. 3269, the Corporate and Financial Institution Compensation Fairness Act of 2009; and H.R. 2749, the Food Safety Enhancement Act of 2009.

Mr. CANTOR. Mr. Speaker, I did not hear the gentleman speak of the prospects of the House considering the health care bill. I would ask the gentleman the status of that discussion and whether this House will be delivering on the Speaker's commitment that this House was going to vote on her health care bill.

I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding. The status of the health bill, I think as the gentleman probably knows, is it's still in the Energy and Commerce Committee. The Energy and Commerce Committee has not reported out that bill.

I don't know the Speaker's commitment, but certainly the Speaker and I both had the hope that we would be able to pass the health care bill by the time we left here on the 31st of July. My view is at this point in time, that may not be possible. However, that does not mean necessarily that we won't be here perhaps longer. I hope that's not the case; but if it proves to be necessary, we may be here a little longer, either on the Saturday or the 3rd or the 4th. I don't want anybody to be planning on that at this point in time. But currently the status of the bill is it's still in the Energy and Commerce Committee.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would ask the gentleman again for some clarification. Did I just hear the gentleman say that we will not be considering the health care bill this week?

Mr. HOYER. I didn't say it in so many words. But I have indicated and the Speaker has indicated that we're going to do 48 hours' notice, as required, or at least as we would hope to do. This is a very important bill. It is a bill that is of great consequence to all Americans, and we are going to meet those targets of notice.

□ 1500

So in that context, in light of the fact the bill is still in the committee, it may be impossible to meet that commitment and get the bill on the floor on the 31st. As a result, my view is the probability of doing that bill by the 31st is very small.

Mr. CANTOR. I thank the gentleman.

So to reiterate, I will say that I heard the gentleman say the probability of taking up the health care bill by the 31st is very small, and I suspect that is due to what we have read in the

news reports for successive days now about the difficulty that your side is having in gaining a majority in support of the bill. We have said all along, Mr. Speaker, there is a reason that there's a bipartisan majority against the health care bill being proposed by the Speaker, and that is because people are unsure about the direction a government health care plan would take them.

Mr. Speaker, the gentleman knows we stand ready and willing to work together to try and effect reform for the American people. We on the Republican side of the aisle do not accept the status quo. We want to see a health care reform bill that works for the American people, maintains choice and quality, and reduces costs so more folks can have access to coverage, and that is not the bill before us, at least that which is being reported.

So I would ask the gentleman, if there is a very little probability that this bill would come up prior to the 31st, and given that he and I have had some discussion about the schedule, how long will we be in session beyond the 31st?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

We think the bill that is pending—we are not sure that your premise is correct. As a matter of fact, we think your premise is probably not correct. We think the majority of people on this floor want to vote for a health care reform bill. We think a majority of people on this floor will vote for the bill that is currently pending as it becomes more perfected. So I'm not sure that—I'm not only not sure, I don't accept your premise that there aren't a majority of votes for the bill that is being considered in this House.

Having said that, however, my point was that we want to give appropriate notice. If we can't give appropriate notice by the 31st of July, it is possible, I'm not saying that we're going to be doing this, but it is possible that we would move on to either Saturday, the 1st, or Monday and Tuesday the 3rd and 4th, if need be, if that was appropriate. It may or may not be. I don't want to say at this point in time, but I do want to give Members some notice that that is a possibility.

Mr. CANTOR. I thank the gentleman.

Obviously, if the process had worked differently, I would suggest to the gentleman that if we were allowed to try and put forward the kinds of proposals that we are attempting to do and there was a receptivity on your side to allow for some of the "free-market principles and cost-control suggestions" that have been made, according to a Member on your side, Mr. MINNICK, back a few days ago, maybe we would be on a better course.

In the same way, I think a colleague from the gentleman's State, Mr.

KRATOVIL, said, the bill is not even out of all the committees and we're already talking about voting on this. We feel the same way, that there has been very little willingness to work together to try and get a health care plan right.

Mr. Speaker, the way that I believe we get it right is to tell the people of this country exactly what would be in store for them by the insistence that there be a government plan involved in their health care.

So I would tell the gentleman, we obviously stand ready to work with him and the Speaker to perfect a plan that could get much larger than just probably the small majority that he'll be able to produce, given the news reports that we are hearing.

With that, Mr. Speaker, I would like to ask the gentleman about his anticipation of next week's appropriations bill, the DOD bill. He and I, as the gentleman knows, have had a longstanding discussion on the rules. We, on this side of the aisle, have been extremely upset, as he knows, about the change in precedent in this House that somehow it was okay for this Congress to leave the precedent of open rule, to insist that we not be able to hold open discussions on issues surrounding the constitutional obligation of this body to spend taxpayer funds.

So I would ask, even after the good faith attempt that we have made to open up rules and have been rebuffed at each turn, is it his hope, is it his intention, that perhaps on the DOD bill, whether we could see that happen? And I yield.

Mr. HOYER. You're certainly going to have good faith on our side, as you've had all along. On the Defense Appropriations bill, it is my understanding there are well over 100 amendments that have been filed. Clearly, if we did that under an open rule or allowed all 100 amendments—which, by the way, are by one Member. There are over 100 amendments by one Member—we would never finish the bill if we stayed through August.

Having said that, I have talked to the chairwoman, and it's my belief that Mr. FLAKE, who has filed over 100 amendments, will be given, certainly, ample opportunity to choose which amendments he wants to offer at the time that we consider the bill. I don't know the other amendments. Notice has been filed. I don't know the other amendments and don't know what the Rules Committee is going to do. But I will tell the gentleman, as I'm sure he knows, the bill will come under a rule.

We believe that your side of the aisle has had most of the amendments that have been offered, clearly, and Mr. FLAKE and others, Mr. HENSARLING were given the opportunity to offer a number of their amendments on earmarks, which I know are of great concern to both sides of the aisle.

So I say to the gentleman, we do expect to take the Defense bill up under

a rule similar to those under which we have operated, which have facilitated, by the way, as the gentleman knows, all 11 of the 12 appropriations bills having passed. And while I was not sure of what was going to happen on the health care bill, we will achieve our objective of passing all 12 appropriations bills in a timely fashion.

I yield back.

Mr. CANTOR. I thank the gentleman.

I think the gentleman, though, speaks to the point I'm trying to make. We are trying to get things right here, and spending billions of dollars for spending's sake is not the goal here, and I know he agrees with me on that, that we are trying to effect the most prudent expenditure of taxpayer dollars in these very difficult economic times.

As the gentleman knows, we voted on a PAYGO bill this week, and frankly, the spirit behind that PAYGO bill was to attempt to restrain the type of spending that we've seen this Congress conduct. In fact, this week, in one of the reports, one of the authors of an opinion column said, frankly, we are spending—the spending PAYGO bill that was passed this week was full of loopholes.

And again, we know that the PAYGO bill that was passed was that. It wasn't a holistic PAYGO bill. It wasn't something that, frankly, will do much to address the runaway spending. So we still sit here, Mr. Speaker, and want to have an open process so we can contribute to holding back the runaway spending in this town.

So I would say to the gentleman, just as he has said to me, we ought to be looking to try and open up this process again. We were not allowed to do so in the PAYGO debate and address the number one concern of this government right now, which is the runaway spending. We have not been allowed to do so in any of the appropriations bills, and if we are going to be here through the weekend, as the gentleman may suggest, why isn't it we couldn't take that time to debate the DOD bill in an open and full, transparent manner?

I yield.

Mr. HOYER. As I said, I think we'll have a rule similar to the ones that we have considered the previous 11 bills under.

Mr. CANTOR. I didn't hear the gentleman, Mr. Speaker.

Mr. HOYER. I said, as I said, I believe we will be considering the defense bill under rules similar to those which have led to the passage of the other 11 bills.

I yield back.

Mr. CANTOR. I will say to the gentleman, obviously, with much disappointment, and I think really reflecting the disappointment on the part of the American people, that we should be having a much more robust debate on these issues. Certainly, if we are going to be addressing the issue of

health care, and the gentleman says that his side is insistent on rushing back to the floor, insisting on some political deadline, then I don't understand why it is we couldn't have an open debate on some of the other issues if we are going to be waiting around here until next Monday or Tuesday.

So, with that, Mr. Speaker, I thank the gentleman, and I yield back.

ADJOURNMENT TO MONDAY, JULY 27, 2009

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate, and further, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, July 28, 2009, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

INCREASE PRESSURE ON HONDURAN COUP GOVERNMENT

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, the de facto government in Honduras and President Zelaya should accept the San Jose Accord proposed by Costa Rican President Oscar Arias. The Arias proposal includes the return of President Zelaya, formation of a unity government, a general amnesty for political crimes by all parties, and moves forward the date of the upcoming elections.

The U.S. should impose tough sanctions on the de facto government that carried out the coup. The U.S. should suspend all MCC funds, cancel visas for members of the de facto government and their families, and freeze all their assets in the United States. President Zelaya must also accept the terms of the Arias proposal in order to restore democracy in Honduras and avoid greater conflict and bloodshed.

Not a single, solitary government in the world recognizes the coup government. It's time to end this stalemate and move forward. The Arias proposal puts the Honduran people first, treats all parties with respect, and offers a peaceful resolution. It's not too late for President Zelaya and Roberto Micheletti to accept it.

F-22 PRODUCTION

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, 2 days after the Senate voted to

strip funding for an additional seven F-22 Raptors from the 2010 National Defense Authorization Act, it seems that critical information may have been withheld that could have influenced the outcome of this vote; an internal Pentagon oversight board report has revealed that full rate production of the F-35 Joint Strike Fighter may be delayed.

Given that the need to transition to the F-35 was cited by several Senators who voted to terminate the F-22 program, it is indeed troubling that this information was held internally until after the F-22 vote earlier this week. If the Pentagon had been forthright with the facts, there is a very strong chance that the hearts and the minds of several Senators might have been changed and the funding for the additional F-22s may not have been stripped.

The news that the F-35 will again be delayed only further strengthens the argument for continued production of the world's only fifth-generation fighter in full-rate production, the F-22 Raptor.

I hope that as we move forward with negotiations between the House and the Senate on the future of the F-22 program, the Pentagon will make every effort possible to ensure that Congress is fully briefed on the facts and what they mean for the future of American air dominance.

JULY 24, 2009, THE FIFTIETH ANNIVERSARY OF THE KITCHEN DEBATE

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, today, July 24, marks the 50th anniversary of an important incident in the history of the cold war, the famous Kitchen Debate in Moscow between then Vice President Richard Nixon and Soviet Premier Nikita Khrushchev.

At the informal debate in 1959, Mr. Khrushchev predicted wrongly that the Soviet Union would overtake America in economic prosperity. As Time Magazine reported, Vice President Nixon managed in a unique way to personify a national character proud of peaceful accomplishment, such as its way of life, confident of its power under threat.

Today, I pay tribute to President Nixon for his diplomacy and his years of service to the Nation, including at the Kitchen Debate 50 years ago today.

FOREIGN WORKERS AND U.S. AIRCRAFT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, American taxpayers spend millions of dollars a year screening people who

board an airplane. We check IDs and roll-on luggage. We check purses, pockets and computers, and we take off our shoes. We check everything that goes through the door. But the next attack on our country is probably not going to be because somebody is flying in an airplane. It will probably be because somebody has access to our airports and our airplanes who shouldn't.

Byron Burris of WFFA in Dallas reports that the San Antonio Aerospace facility in Texas has hired 767 foreign airplane mechanics over the past 2 years without a real background check. These mechanics come from 45 countries, including Vietnam, Ethiopia, Egypt, Venezuela, Nicaragua, Cuba, Jordan, China and Sudan. These people work on American airplanes.

The State Department says it does a "criminal" background check, but reports indicate those checks are of poor quality and sometimes are left up to a third party.

We are ignoring the obvious when it comes to airline safety. Foreign workers with shady or unknown backgrounds should not have access to American aircraft.

And that's just the way it is.

□ 1515

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, just a moment ago I heard the minority whip profess interest in working with the Democrats to reform the health care system. Yet, I'm sad to say that the minority whip, the minority leader have been part of an effort to deal with fear and misrepresentation, attacking bipartisan legislation that would have done precisely that, reform the health care system.

Sadly, Mr. Speaker, there are some here who simply are not expressing the sense of urgency that most of us feel from the American people, a sense of urgency about fixing a broken health care system that costs too much, that produces wildly uneven results, and leaves too many outside the system of coverage, and others, with health insurance, at risk. We cannot continue along this path. Americans are not getting the help they need, even if they have insurance coverage. I was, I must say, disappointed, to say the very least, to see the attack on bipartisan legislation that we have worked on to help reform the health care system.

In a statement from the minority leader, and with the whip, and Mr. MCCOTTER, there is an allegation that somehow there is legislation in the health care draft that may place senior citizens in situations where they feel pressured to sign end-of-life directives that they would not otherwise sign that may start us down a "treacherous path towards government-encouraged euthanasia if enacted into law."

Well, Mr. Speaker, nothing could be further from the truth. Had the minority leader, and his whip, and the conference Chair bothered to check how that legislation came to be enacted into our health care legislation, they would have found out that it was work of a bipartisan group of Ways and Means Committee members. There were Republicans cosponsoring it along with Democrats. We had spirited discussion dealing with the fact that too often senior citizens and their families are not given the information they need to be able to cope with the most serious situation any of us will ever face as we have a loved one move into the end of his or her life.

We discussed how Medicare would pay for tests to hook people up, to poke them, to run them through machines, to have them on ventilators, to do all sorts of things; but it will not pay a health care professional to sit down with that patient, with that family, and let them know what they expect, answer their questions, help them know what their choices are. We had examples of committee members talk about their loved ones, and I would say, Republican committee members talk about how their loved ones didn't get that type of help at the end of life and actually were subjected to things that they thought were not in the best interests of their loved one. If they had a choice, they wouldn't have done it over again, and it didn't prolong their life, it actually made them less comfortable.

We're seeking to change that, to be able to adjust Medicare so that it speaks to the needs of American seniors and their families, that they're given the attention they need to prepare for this difficult period of time. There's nothing in this legislation that would force people to have consultations. There's nothing that would force them to sign advance directives. It's not going to choose a health care professional by the government and force it on them.

It's the type of sad, inflammatory rhetoric that suggests that people aren't serious about health care reform, not serious about meeting the needs of American families, but, rather, they're playing political games. Mr. Speaker, I can't tell you how disappointed I was to see this type of reaction to a carefully crafted piece of legislation that we've been working on

for more than 6 months that is bipartisan and that speaks to the needs of American families.

The American public, especially our senior citizens, deserve our best efforts to meet their needs, not treat them like political footballs. I hope the Republican leadership will reconsider, and that we'll be able to enact provisions like this to help our senior citizens.

THE BEST PRODUCT FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, back in November, Hank Paulson, the Secretary of the Treasury, and President Bush came to Congress in a rush that the financial sky was going to fall out if we did not pass the TARP bill, the financial bailout for Wall Street. Now, we were told that if we didn't do it, that stock portfolios and savings of Americans all over the country would decrease, maybe as much as 30 or 40 percent. Well, in that spirit of panic that frequently happens in this town, we did pass TARP. And what happened to your IRA back home? What happened to your savings account? What happened to your stock portfolio? Unless you're extremely lucky and unusual, your assets dropped by 30 or 40 percent. So much for the \$700 billion bailout.

And then in January, President Obama, using the same panic tactic, came to us and said, we have got to pass a second stimulus program. Keep in mind we had already passed one under President Bush in May of 2008. But we had to pass, in a hurry, something big, something dramatic, \$790 billion for a stimulus program. Why? Because the unemployment rate was 8 percent. But this would give us immediate results, President Obama promised. And so that was passed by Congress.

And yet, now, unemployment is approaching 10 percent, and in States like Michigan, as high as 15 percent; 2½ million Americans have become unemployed since the passage of the stimulus program. And now we have the same Washington-knows-best experts telling us that we have to pass major health care reform by next week, August 1.

Now, I want you to think about this. This is 17 percent of the economy, and we would put it in the hands of the Federal Government. It would set up a scheme where there would be a health care czar that would run and stipulate insurance policies all over the country; and in order to sell insurance in the United States of America, you would have to go through this bureaucracy and enter into an exchange. And there, inside this closed circle defined by the

Federal Government, you would compete against a government option which would have the rules rigged in its favor. And if you, as an individual, did not do that, you'd have to pay a 2½ percent surcharge. And if you, in a small business, did not offer insurance to your employees you'd have to pay 8 percent.

Is that the best way to get things done? A huge, \$1.2 trillion expense on top of the TARP bill, on top of the stimulus bill, on top of the war in Iraq, on top of all the other problems that we have, we're now going to go out and spend \$1.2 trillion and tax virtually everybody in America to do it. We can also look at the Canadian or the German or the British system and see the rationing that it leads to. And we know, if you live around a border State near Canada, that when they need to see a doctor, they come to the United States of America.

And we have also seen in States like Massachusetts, where they have a government option, that it takes twice as long to see a doctor as it does in Los Angeles. We also know that this plan will do away with Medicare Advantage. I don't know if the AARP realized that when they endorsed the bill, but this not only does away with Medicare Advantage, but it cuts Medicare itself. And then, between you and the doctor comes the bureaucrat, because you don't get a second opinion under the government-run health care system. What the doctor tells you, that sticks. You can't go to three or four doctors because the bureaucrats in Washington who make the rules don't allow it.

These are things that concern me. They concern Democrats and Republicans alike, seniors and young people entering into the workforce. That's why I think we should slow this system down. And when you hear somebody say this does not require a senior citizen to have a consultant with their doctor and the government bureaucrat every 5 years, on their end-of-life plan, they're wrong because that is in the bill. Every 5 years senior citizens are supposed to report to some bureaucrat and say, here's my 5-year end-of-life plan, and as President Obama said himself, and we are going to strongly encourage hospice.

Well, you know, I'd rather have my mom make that decision as my dad, who is now dead. I'd like to have her make that decision just as he did, with his doctor, not bringing in a government bureaucrat, and not having to have some sign-off by some government bureaucrat. That should scare anybody who's parents are alive or any senior citizens.

Indeed, there are better ways to do this thing: association health plans that would allow small businesses to band together and get the economies of scale that the big purchasers of insurance can get; medical savings accounts,

which would allow you to have deductibles; many other options. We can look at them. We need the time. Let's make the time count. Let's pull Democrats and Republicans together for the best product

□ 1530

SENIORS MUST CONTROL THEIR OWN HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, this body passed a cap-and-trade bill, and we had people coming down, friends across the other side of the aisle, saying this isn't going to cost jobs, that it's going to create jobs. Well, they telegraphed, every time that was said, that they'd not read the bill. They assured America that this was going to create green jobs and that it wasn't going to cost jobs.

If they'd bothered to read the bill, they would have seen that, before the 300 pages were added and, unaffected by the 300 pages, there was a fund created to pay an allowance to people who'd lost their jobs because of the bill. It also created a fund that could help them with relocation after they lost their jobs because of the bill. They just hadn't read the bill, so they were able to come down and, with righteous indignation, say it wasn't going to cost jobs. I knew they were being honest. They were just ignorant about what the bill said, but it will cost jobs, and now we're told that some of us don't care about seniors.

Mr. Speaker, I'm here because I care about seniors, and I know what that health care bill is going to do to them. It is going to put seniors on lists to get treatment. The lists will be for those who are not considered too old to be put on lists.

If you'd followed the President's own presentation in that townhall, Ms. Pam Stern pointed out her mother was nearly 100, and she needed a pacemaker. Her doctor said, because of the joy and quality of her life, she should have one, but the arrhythmia specialist said, no, not somebody her age until he met her. Then he said, Well, of course, she needs to have one. So they did and she's now 105.

So Ms. Stern asked the President, Is there any consideration to be given for a certain spirit, joy of living, quality of life, or is it just a medical cutoff?

He went into a long explanation, and ended by saying, You know what? We at least can let your mom know that, you know what, maybe this isn't going to help, maybe you're better off not having the surgery but taking a painkiller. Taking a painkiller, when we've already seen that she had another 5 years, and the President wants to say,

Well, maybe we'll just give you a pain-killer and let you die?

This is going to allow seniors to die who could have a much more ongoing, productive life. There is no reason to do this.

Now, when I and my staff looked at this, the latest numbers we were able to get were from 2007 of, roughly, 112 million households in America. If you divide that into the amount of money paid into Medicare and Medicaid, it's \$9,200 per household for every household in America.

Well, once I saw that, I realized, boy, there is a way for the first time in 40-something years to give seniors control over their own health care and over their own lives. You give them \$3,500 in their own health savings accounts that they control. You give them a debit card. They have exclusive control. No insurance company can tell them what to do with it. Then you buy them private insurance, and they won't have to do like my mother-in-law did and buy supplemental insurance on top of that. You buy them good insurance. They don't need to do that. On top of that, you save the country hundreds of billions of dollars a year. Now, that puts control in seniors' hands, and it saves the country money.

This isn't about that. It is about control. This health care bill is about control. It's about taking charge of people's lives.

We had the EPA already say, since carbon dioxide is a pollutant, this body has the right to control any entity that puts out carbon dioxide. Well, maybe there are people here in the majority who can pick out individuals and say, You know what? I'm tired of them putting out carbon dioxide. It's time for them to stop. I mean that's how ludicrous it gets, except that, once you can control whether people put out carbon dioxide, you can control whether they live or not. Once you can control their health care, you can have the right to say, You know what? I noticed on your credit card purchase you bought some Twinkies last month, and therefore, we're not going to provide health care unless you quit buying those. I mean this is going to get so intrusive.

The one thing that's clear is that Orwell was 25 years early, because this is going to be so Orwellian with Big Brother looking into everyone's lives and having the right to do so once they pay for your health care. This will allow seniors to die, waiting in line for lists. Do you think that's over the top? I had a Canadian man tell me that just a few weeks ago.

His dad got put on a list for bypass surgery, and he had to wait 2 years. I said, Why did it take so long? He said, Well, the bureaucrats kept moving him back.

Let's don't kill our seniors. Let's give them control. That's what Americans should do.

MARKING ANNIVERSARIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the minority leader.

Mr. DREIER. Mr. Speaker, anniversaries, marking anniversaries, is a very important thing to do, and we do that on a regular basis.

In fact, just this past week, a great deal of attention was focused on that marvelous achievement when we saw Neil Armstrong 40 years ago take that first step on the Moon. We in just a few months are going to be marking the 20th anniversary of that amazing achievement, which many of us throughout our lifetimes thought would never happen, and that was the crumbling of the Berlin Wall, and there are countless other events that take place that are regularly remembered.

The importance of remembering events that have taken place, Mr. Speaker, is that we want to do everything that we possibly can to learn from those very tragic experiences and also from the good experiences so that we can ensure that the world is a better place.

Eleven years ago at this very moment, there was a tragic occurrence here in our Nation's Capitol, and I remember it just as if it were yesterday. It was when we saw a madman come into the Capitol, what is now referred to as Memorial Door. At that door, he brutally murdered Officer Jacob J. Chestnut and Detective John Gibson of the U.S. Capitol Police.

Mr. Speaker, in just one moment, colleagues of ours and Members of the U.S. Capitol Police are going to be, for 1 minute, taking a moment of silence to remember the lives of those heroes who were here, defending the U.S. Capitol. Earlier today, here in the House Chamber, we all know that, in remembering that occurrence of 11 years ago, we did have a moment of silence in remembrance of those great men.

At this moment, since it is now 3:40, Mr. Speaker, I would like to ask that we have 1 minute of silence to remember the lives of Officer Chestnut and Detective Gibson.

Thank you very much, Mr. Speaker. I would like to continue the train of marking anniversaries.

Today, I rise to mark the occasion of the 220th anniversary of the First Congress and what is, perhaps, the most important milestone that was achieved in that first session of Congress, that being, of course, the passage of the Bill of Rights.

Two hundred twenty years ago, James Madison, a Congressman from Virginia and the Father of our Constitution, introduced a package of constitutional amendments, sparking a great, historic debate in the House of Representatives and in the Senate.

This came about despite the fact that Madison had opposed the inclusion of a Bill of Rights when drafting the Constitution.

It came about because his constituents demanded it. Lives, fortunes and sacred honor had been sacrificed in the war that followed the signing of our Declaration of Independence, and many believed fervently that it would all have been in vain were it not for putting in place a Bill of Rights. The States, Mr. Speaker, went on to ratify 10 of the 12 amendments that Congress passed, the very first 10 amendments to our Constitution, which collectively are known around the world as the most enduring and comprehensive guarantor of rights in the modern world.

I believe there is great value in remembering our history as a nation and as an institution, and in examining the lessons that can be applied to our own era today. As we deal with the many challenges today—the worst recession in recent memory, two ongoing wars and a worldwide struggle that is going on against violent extremism—there is much to be gleaned from the great debates of our past, and the more we know about where we have been, the better we can understand where we are now and where we as a nation are headed.

On May 4 of 1789, James Madison announced his intention to introduce a series of amendments that would constitute the Bill of Rights that many opponents of the Constitution had sought. Though 11 of the 13 States had ratified the Constitution, there remained those who opposed the Constitution and the system of federalism it established. Chief among the complaints by those who had not supported the Constitution was, as I said, the absence of a clear Bill of Rights.

As I've said, Madison, himself, had originally opposed the issue when he crafted and then, under the nom de plume Publius, joined Alexander Hamilton and John Jay and penned the Federalist Papers with the goal of defending the U.S. Constitution. But he came to see the value not only in explicitly delineating the rights of the citizens of the United States, but more importantly, he came to see the value in bringing unity to the Nation and in consolidating support for our Constitution.

On June 8 of 1789, he introduced his proposal in the House of Representatives. Two hundred twenty years ago this very week, on July 21, 1789, the matter was referred to the Rules Committee on which Madison served. After reviewing the proposal, the committee moved the amendment package to the House floor on August 14, marking the start of a very vigorous debate right in the House of Representatives where we are privileged to serve, Mr. Speaker.

□ 1545

That debate carried on for 10 days, 10 days as Members passionately argued for and against the individual amendments, passing some, amending some, and rejecting others. On August 24, the House took its final vote and passed 17 amendments sending them over to the other body, to the Senate, for consideration.

220 years ago this summer, the Senate began its debate on August 25. The debate carried on throughout the month of September and additional changes were made. Ultimately, a conference committee was convened and both the House and the Senate passed the final version on September 24 of 1789, having whittled the package down to 12 proposed constitutional amendments. As we all know, the States went on to ratify 10 of those, and Mr. Madison's Bill of Rights was incorporated into our Constitution.

Now, throughout that summer and early fall 220 years ago, many passionate arguments were made for and against the proposed constitutional amendments, but I believe, Mr. Speaker, that the most instructive debate came on June 8 when Madison first introduced his proposal in the House of Representatives. He argued vigorously for the need to pass a Bill of Rights, but he also presented a fair representation of the arguments against a Bill of Rights. He welcomed a fair, open, and spirited debate, and he wanted it to take place on the floor of the House of Representatives where it could be conducted in the light of day and within plain view of the American people.

Though Madison had previously opposed the idea, he became increasingly ambivalent, and then ultimately, as we all know, supportive of the need for a Bill of Rights. But he remained sympathetic to the argument that rights that are enumerated are inherently limited. He noted that some believe, "that a declaration of rights . . . is either ineffectual or improper. It has been said that in the Federal Government, they are unnecessary because the powers are enumerated, and it follows that all that are not granted by the Constitution are retained by the people; that the Constitution is a bill of powers, the great residuum being the rights of the people."

Madison, Mr. Speaker, understood, that the government does not grant the people their rights; rather, the people grant their government certain powers. For this reason, he sought to assuage these concerns by including in his proposal a provision clarifying that—and as I quote again from that speech—"The exceptions here or elsewhere in the Constitution made in favor of particular rights, shall not be so construed as to diminish the just importance of other rights retained by the people; or as to enlarge the powers delegated by the Constitution."

Congressman Madison knew that this was an important clarification to make, but ultimately he believed very deeply that despite the concerns, the imperative for moving forward was far more compelling.

As I said at the outset, Mr. Madison very passionately believed in bringing unity to our Nation on the question of our Constitution. He saw this as the most fundamental of issues, and he believed very deeply in continuing to work towards consensus despite the fact that the necessary majority had ratified our Constitution already.

In his speech on June 8, he expressed respect and understanding for those whose point of view on our system of Federalism was different from his, and he said the following: "Yet still there is a great number of our constituents who are dissatisfied with (our Constitution), among whom are many respectable for their talents, their patriotism, and respectable for the jealousy they have for their liberty, which, though mistaken in its object, is laudable in its motive."

Mr. Speaker, Congressman Madison widely understood that Congress' capability as a representative body dependent upon the full support of those they represented, whatever disagreements on the various issues of the day there may be that exist, Congress' legitimacy in working out these issues would be called into question as long as there remained a vocal minority who opposed the very existence of the Constitution and our Federal Government.

He noted that "so far as to satisfy the public that we do not disregard their wishes, it will have a salutary influence on the public councils, and prepare the way for a favorable reception of our future measures."

Mr. Speaker, he also saw the passage of a Bill of Rights as an opportunity to demonstrate good faith to those who were skeptical of the Federal Government and its powers, saying, "those who have been friendly to the adoption of this Constitution may have the opportunity of proving to those who were opposed to it that they were as sincerely devoted to liberty and a republican government as those who charged them with wishing the adoption of this Constitution in order to lay the foundation of an aristocracy or despotism. It will be a desirable thing to extinguish from the bosom of every member of the community any apprehensions that there are those among his countrymen who wish to deprive him of the liberty for which they valiantly fought and honorably bled."

Mr. Madison viewed the unity of the Nation on the issue of our Constitution as far more important than any reservation some may have had on the need for a Bill of Rights, and he championed the need for a rigorous, very rigorous, debate on the issue.

Mr. Speaker, he also believed that despite his earlier ambivalence, that the

case for a Bill of Rights was ultimately persuasive on the merits because of the needs for checks and balances on the powers of the Federal Government. Though he found persuasive the argument that the government's powers are enumerated and therefore our liberties need not be, he recognized that explicitly enumerating the most important rights would help to place a check on the governments power.

He noted, "It is true the powers of the general government are circumscribed . . . but even if government keeps within those limits, it has certain discretionary powers with respect to the means, which may admit of abuse to a certain extent."

Mr. Speaker, ever mindful that government is made up of fallible men, Madison believed wholeheartedly in the need to hold the Federal Government's power in check.

He also understood that the issue of basic rights could not be left merely to the whims of majority rule. In fact, he feared this even more than the potential abuse of government, saying again in that June 8 speech, "I confess that I do not conceive that in a government modified like this of the United States, the great danger lies rather in the abuse of the community than in the legislative body. The prescriptions in favor of liberty, ought to be leveled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power. But this is not found in either the executive or legislative departments of government, but in the body of the people, operating by the majority against the minority."

Mr. Speaker, had Madison not taken up the cause of the Bill of Rights, our Constitution may never have explicitly enshrined our freedom of speech, freedom of press, of religion, of assembly, of our right to petition our government. It may have never expressly guaranteed trials by juries of our peers or guarded against lawful searches and seizures, self-incrimination, cruel and unusual punishment, or double jeopardy.

Today, we hold these enumerated rights to be as self-evident and fundamental as the rights of life, liberty, and the pursuit of happiness that the Declaration of Independence claimed. We can't imagine our Constitution without the Bill of Rights. But what I believe is most instructive for us today is not the contents of Madison's Bill of Rights, but the manner in which he proposed it. The intellectual rigor which led him to champion this cause and with which he made his case to his colleagues and the American people was very important.

That open, vigorous, comprehensive debate that was held in the United States House of Representatives and the tenure of that debate being, Mr. Speaker, as we've seen from the text of

that June 8 speech, 1789, as was introduced by Mr. Madison, he had great respect for the views of the Members with whom he disagreed. He argued with civility, comity, and respect. He did not impugn his adversaries' motives and, in fact, defended them.

He passionately sought consensus on the fundamental issues and placed it above his own ambivalence on lesser concerns. He urged his colleagues to act based on "the principles of amity and moderation," to "proceed with caution," but that ultimately they must act resolutely "to satisfy the public mind that their liberties will be perpetual."

He clearly did not believe that decisive action and a full, open debate were mutually exclusive. In fact, he saw them as being fully intertwined, that elevating the debate above reproach would give this body the moral authority to act decisively and appropriately as a truly representative body.

In his closing remarks that day, June 8, 1789, Mr. Speaker, Congressman Madison said, "If we can make the Constitution better in the opinion of those who are opposed to it, without weakening its frame or abridging its usefulness in the judgment of those who were attached to it, we act the part of wise and liberal men to make such alterations as shall produce that effect."

Let me repeat that final phrase, Mr. Speaker, Mr. Madison said, "we act the part of wise and liberal men." By that, one can only surmise that he meant we're not here to grandstand. We're not here to demagogue or turn the important issues of our day into political footballs. We're not here to attack those who hold different views or stifle debate or prevent opposing views from being heard. We're not here to become mired in petty arguments and partisan politics. We are here, Mr. Speaker, as we all know, we are here—and James Madison set the example of this—we are here to deliberate. We are here to honestly and openly confront the difficult challenges we face together as a country, to ensure that our constituents' concerns, whether they represent the majority or the minority view, can be voiced and discussed in the House of Representatives.

I believe very much in this Madisonian model of rigorous yet civil debate. So it's with great dismay and sadness, Mr. Speaker, that I have seen the tenure of our debate deteriorate and the legislative process grow ever more closed in recent years. I believe, Mr. Speaker, that Republicans and Democrats alike have shared in the blame for this deterioration, but there is no doubt whatsoever, no doubt, that that deterioration has accelerated dramatically in the past few years.

We've seen the opportunities for open debate become rarer. What's more, the level of debate and transparency allowed has been inversely proportional

to the significance of the legislation in question. The more consequential, the more complicated, the more controversial a bill may be, the less opportunity there is for the kind of intellectually rigorous debate that James Madison called for and exemplified.

One by one, Mr. Speaker, the traditions and precedents of this House have been disregarded. Perhaps the most significant of these has been the abandonment of openness in the appropriations process which, as is the tradition, we are in the midst of consideration this summer, and we have only one appropriations bill left to be considered, the Department of Defense Appropriations bill next week.

□ 1600

Now, throughout our 220-year history, the House of Representatives has considered its annual appropriations bills with an open debate. In recent history, this open appropriations process has been one of the very few opportunities that Members of the House have to get to freely offer amendments and have a debate on the issues that matter most to them.

Unlike the Senate, we have a Rules Committee on which Congressman Madison sat in the House of Representatives. The modern Rules Committee sets the terms and conditions of debate on almost every major bill that comes to a vote. These terms and conditions have become increasingly more restrictive, shutting out all amendments to more legislation than ever before and significantly limiting the number of amendments on others.

But, Madam Speaker, the open appropriations process has always been held sacrosanct because we have no greater constitutional duty in this body than holding the power of the purse.

We have the very serious responsibility of spending the taxpayers' hard-earned money, and this responsibility deserves to be considered under a completely open and transparent process. There have been times in the past when some limits have been imposed. This has almost always been done by unanimous consent, both parties coming together to expedite matters after a period of open debate. There have been other instances of debate restrictions on individual appropriations bills that have been put into place for various reasons.

But, Madam Speaker, those have been the exceptions to the rule. And the rule has been an open, good-faith process in which any Member, Democrat or Republican, I underscore that again, any Member, Democrat or Republican, can offer any amendment that conforms to the rules of the House. I am proud to say that this is certainly the spirit in which Republicans operated during the 12 years that we held the majority, and during 8 of those I was privileged to serve as

chairman of the House Rules Committee.

But this year, we have seen a very troubling reversal of this practice. Madam Speaker, from the very outset, before a single vote was cast or a single word of debate was uttered, the appropriations process was restricted. Rather than granting the traditional and customary open rule to our appropriations bills, they imposed a preprinting requirement.

Now, the preprinting requirement means that rather than a free-flowing and rigorous debate that has always characterized our appropriations process, Members were required to submit their amendments in advance to be printed in the CONGRESSIONAL RECORD.

And now this may seem like a reasonable requirement at first glance, and many on the other side of the aisle argued that it was a very reasonable request. Why shouldn't amendments be submitted in advance of debate? In practice, there are a number of ways that unfortunately this stifles the Madisonian debate.

First of all, appropriations bills are often debated over the course of a number of days. I mean, 10 days on the Bill of Rights. We have had 3, 4, 5 days on appropriations bills for many, many years. When a deadline is imposed prior to the start of debate, in effect this requires amendments to be submitted 2, 3 or even 4 days in advance of when debate on the relevant section of the bill is considered.

Secondly, the Budget Act prevents Members from offering amendments that increase the overall cost of an appropriations bill, and that's a correct thing. This means that if a Member wants to increase funding for a particular program, the amendment must also cut funding elsewhere by an equivalent amount.

But what happens if the offset contained in one amendment has already been zeroed out by another? That Member would no longer be able to offer his or her amendment, and the deadline having come and gone before the start of debate, there would be no opportunity to redraft the amendment with a different offset.

What's more, Madam Speaker, there are many logistical issues beyond Members' control that can prevent them from getting their amendments properly submitted prior to this artificial deadline. Legislative Counsel, faced with a deluge of requests as Members scramble to get their amendments drafted and submitted, can be too swamped to handle every request. Likewise for the Government Printing Office. This is a self-compounding problem, Madam Speaker, as Members submit multiple versions of the same amendment, just in case their offsets of course are altered by another Member's amendment. It compounds the problem.

All of these problems inherent to the preprinting requirement have the effect of limiting debate and the ability of rank-and-file Members of both political parties, again, Democrats and Republicans, from being able to fully participate in the appropriations process; and yet it was imposed at the very outset this year before we had begun consideration of one appropriations bill.

Now, that was only the beginning. As we started the already restricted debate on our very first appropriations bill, we got to exactly page 2, line 7 before the chairman of the Appropriations Committee had had enough. One page, seven lines was apparently his capacity for even a partially, even though it was limited, a partially open debate.

So he promptly shut down the entire process. We returned to the Rules Committee late that night where the Democratic majority imposed a structured rule for the consideration of the bill. They decided that they alone would be the arbiters on which issues could be debated, which amendments would see the light of day. They were saying 220 years of history be damned. This closed process has been repeated for every single appropriations bill that we have considered.

And for those, Madam Speaker, who have followed the debate here, our colleagues know that we have just completed 11 of those 12 appropriations bills and have only one remaining next week. I will make my commitment that, as has been the case for every single one of them, we will try to make an open rule in order upstairs in the Rules Committee on this.

As I say, with one remaining appropriations bill, we know that it will most likely be considered under a highly restrictive rule that shuns the traditionally open debate with which we have handled our constitutionally mandated power of the purse.

I believe that it is no accident that the abandonment of open debate on our appropriations bills has coincided with the most profligate spending in our Nation's history. It's no coincidence that our deficit has exceeded that \$1 trillion mark just halfway through the year at the same time that the Democratic majority has shut out meaningful debate on their spending practices.

As disastrous as the consequences of this reckless and unchecked spending spree will be, I fear that even greater damage will come as a result of the utter disregard for the traditions and precedents of this great body. Looking back at that historic debate on the Bill of Rights 220 years ago this summer, it's so instructive because it illustrates just how far we have digressed from the high-minded example that James Madison laid out for us.

The civility, the respect for opposing views, the intellectually rigorous and open debate, the deep belief in the im-

portance of building consensus, all of these elements, Madam Speaker, all of these elements that characterized the debate led by Congressman James Madison 220 years ago have been gradually hollowed out, leaving us with little more than empty, partisan rhetoric.

Perhaps most troubling of all is how quickly this has become, and it really saddens me to say this, the new normal. More than a quarter of this entire body has served less than two terms. For over 25 percent of the House of Representatives, limited debate and bills written in the dead of night appear to be standard operating procedure. A closed appropriations process is just the normal way of doing business. Rancorous debate and demagoguery is simply the way we operate now.

If we do not urgently consider our history and our traditions as an institution, if we do not make an effort to come together very soon and work to restore civility and open debate, these traditions will be lost forever.

Of course there will always be significant divergence of opinions. We were meant to have a great clash of ideas here in the Congress. Our Founders very intentionally designed a system in which we would hold ourselves accountable by this very divergence.

Benjamin Franklin wrote very famously in 1789, "A plural legislature is as necessary to good government as a single executive. It is not enough that your legislature should be numerous; it should also be divided." Franklin went on to say, "Numbers alone are not a sufficient barrier against the impulses of passion, the combination of interest, the intrigues of faction, the haste of folly, or the spirit of encroachment. One division should watch over and control the other, supply its wants, correct its blunders, and cross its designs, should they be criminal or erroneous."

Madam Speaker, we certainly have seen a great deal in recent weeks of the haste of folly and spirit of encroachment that Franklin spoke of.

When debate is stifled, these checks and balances that the Founders envisaged are drastically diminished, and the result is both a poisonous atmosphere and, sadly, reckless public policy. In fact, the latter inevitably follows the former. A bad process begets bad legislation. And the respect, civility and comity that used to govern this body are destroyed in the process.

Madam Speaker, my fear is that irreversible damage has already been done. But I'm standing here today to remember history. By remembering history, by honoring our tradition, by looking back to our Founders and the example that they gave us 220 years ago this summer with that rigorous, open debate, I believe we can begin to restore our institution. We can once again engage in great debates, in a clash of ideas, and do so with respect for our

adversaries and a sincere desire to ultimately reach consensus.

This is the model, this is the model that James Madison presented in one of the most important debates in Congress' history. The great challenges we face today are no less deserving of this kind of debate.

If we are going to effectively and appropriately deal with the economic, energy, health care, environmental, national security and other issues that are before us, we must immediately reverse the very dangerous course on which we have embarked.

Madam Speaker, I urge the Democratic leadership to restore deliberation in this body. This body is known as the greatest deliberative body known to man; and, sadly, we are losing that. I urge my colleagues on both sides of the aisle to once again engage in exchanges characterized by what Madison described as the "principles of amity and moderation," to once again act the part, act the part as Madison said on June 8, 1789, act the part of wise and liberal men.

We must do this, Madam Speaker, if we are going to successfully address the great challenges of our day.

ISSUES IMPORTANT TO AMERICANS

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). Under the Speaker's announced policy of January 6, 2009, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes.

Mr. HOEKSTRA. I thank the Speaker for the opportunity to talk about issues that I think are not only important to my congressional district, are not only important to the State of Michigan, but are also important to the people of the country.

I was struck this morning when one of the first newspapers that I saw said: "Democrats Out of Sync." I didn't read the article because what really caught my attention was the headline at the bottom that said: "Michigan Lawmakers look to Gitmo for Stimulus."

□ 1615

Now this is a story that has been out there now for a couple of months, but it looks like my colleagues on the other side of the aisle again believe that the stimulus package for the State of Michigan should be moving the people from Guantanamo—the radical jihadists, the individuals who are identified as being members of al Qaeda, some of whom have been identified as members of al Qaeda—and saying we ought to move these individuals to the State of Michigan. This is our economic stimulus package.

Now I understand why they believe that Michigan needs help. As I take a look through my counties, I see unemployment rates of 10.9 percent, 13 percent, 12.5 percent, 19.1 percent. Roughly one out of every five people are out

of work in at least two of my counties. You have 16.8, 15.3, 16.7. Those are the counties that I represent. And, as a State, we have an unemployment rate that is now 15.2 percent, which I expect will again be the highest unemployment rate in the country.

But believing that Michigan's stimulus package and the way that we are going to rebuild the State of Michigan is by opening Gitmo North, I think is a terrible idea. I'm the ranking member of the Intelligence Committee. I've had the opportunity also to serve as the chairman of that committee. And we get some special insights into who these folks really are and what the impact of having these people in your community may be.

I have no doubt that we can move these folks into a prison in Michigan. We can move them into a maximum security perhaps anywhere around the country. There's no doubt in my mind that we could probably contain them and hold them and they wouldn't escape. But there is a reason that they are in Guantanamo.

Guantanamo is a difficult place to get to. We have constructed a facility specifically to match the needs and the challenges of the prisoners that are held in Guantanamo. And those facilities don't exist in other parts of the country.

The other reason that we have them there is we recognize that by the very fact of putting them in the United States and putting them into a community, they present an increased threat to those communities, to the people that work in those facilities, and to the region itself.

This is a really bad idea. To my colleagues from the Michigan delegation, let's not do this. Let's not promote this. Let's make sure that we keep Guantanamo open, and let's make sure that we don't move these people to Michigan, and let's make sure that we don't move them to other parts of the United States. Keep them in Gitmo and let's make sure that we deal with this threat in the most appropriate way.

I also found it interesting that as we talk about economic development—you know, we've got a model for economic development. We did it in the 1990s. We did it with a Republican Congress, and we did it with a Democrat President. It began in January of 1995.

It was relatively straightforward. We are going to cut taxes, we are going to reform government, and we are going to freeze spending.

The end result is that during the 1990s we saw unprecedented economic growth, and we balanced the budget for 4 years in a row. I wish that my colleagues here from Michigan and my colleagues in the State of Michigan would have recognized that formula. Because instead of cutting taxes, reforming government, and freezing spending, what we are doing in Michi-

gan today is we are increasing business costs by piling on more mandates, and there's no plan to create jobs.

They want to raise the minimum wage to perhaps the highest minimum wage in the country. They want to put more mandates on businesses in Michigan. And we will end up with the most mandates on our businesses for any one State save one, which is California.

Right now, I don't think Michigan really wants to go down the path of California. We've seen what California looks like.

If you want to take a look at the State of Michigan, this is my State. The counties that are in pink have an unemployment rate of between 10 and 15 percent. The darker purple, that is 15 to 20 percent. And we now have two counties now where the unemployment rate is over 20 percent. More than one out of every five workers.

And the response from the other side of the aisle and from Democrats in the State of Michigan is to open Guantanamo North, put more mandates on businesses, and provide no incentives for economic growth in the State of Michigan.

Michigan is a whole lot better than that. We could cut taxes, we could reform government programs, and we could freeze spending, and we could become a model and an engine for economic growth. Michigan has tremendous strengths that we could build off of.

Sure, there's a lot of focus as to exactly what's happening with the automobile industry today, but think about the people that have lost their jobs in the automotive industry—the skills, the talents that they have that can be applied to other industries and other opportunities. It's happening each and every day.

I have a situation in my congressional district right now where the people coming out of the automotive industry have developed some very innovative products for alternative energy. They have been ideated in Michigan—the ideas came out of Michigan. They have been created, they have been engineered, and developed in the State of Michigan.

A relatively small number of jobs, but as this particular product is now moving into production, which is where the real jobs are and where Michigan has a tremendous number of strengths in terms of manufacturing skills and manufacturing facility, it appears that those jobs will go to some other State. Not some other country. They're not going offshore. They will go to some other State that has created a more inviting environment for job creation and business investment than the State of Michigan, even though we have got all of those manufacturing skills and all of those talented manufacturing people.

We can build things in the United States. It appears that right now we

just can't build them in the State of Michigan because we have put up too many barriers to job creation in the State of Michigan.

We're also doing some of that same thing here in Washington that sometime in the future may force those types of jobs offshore.

What kind of things am I talking about? Well, if the model is to freeze spending and to cut taxes, what are we doing in Washington, D.C.? Well, we're spending. We're spending much more than we have ever spent before.

When President Clinton came into office and we were in a recession, he proposed, I believe, an economic stimulus of around \$25 billion to \$40 billion, primarily on infrastructure. When this President came into office, he too proposed a stimulus package. \$787 billion. \$787 billion, which is starting to slowly work its way through the system but is having very, very little impact because of the types of things that it is being used for. It's not being used significantly for long-term infrastructure investment.

If you were looking at the State of Michigan, where could we be building or what could we be building, and what could we be using those dollars for? For real stimulus, meaning we would be building infrastructure that our kids would benefit from.

We need a new train tunnel between Windsor and Detroit. Sounds like a good idea to build that tunnel with stimulus dollars. It is a long-term investment. Right now, Detroit and Michigan, we are the main link between Ontario and the United States. That traffic comes through the State of Michigan. Goes through that tunnel that we currently have.

The problem is, if you take a look at the trains coming through, the trains coming through the tunnel, they're stacked too high with the containers. They get to the tunnel, they've got to take the top one off, set it aside, take the train through, put the container on another carrier, take it underneath the river. When they get to the other side of the river, they put the container back on.

It's not a very efficient way to move goods from Canada into the United States. We need a new train tunnel. Build a new train tunnel that will accommodate a double-decker to make sure that Michigan and the Midwest stay competitive, because we have got an efficient transportation corridor.

We need a new bridge between Detroit and Windsor. Build a new bridge. It will last a long time. We have a lot of minerals that we take out of the UP, that we take out of Minnesota, that go through Lake Superior and go down to the lower Great Lakes. We need a new Soo Lock.

If we're worried about stimulus, and we're going to have Federal stimulus dollars being spent, let's use it on

things that make a real difference and will provide us a competitive advantage and strengthen our economy and will benefit our kids and our grandkids, rather than spending it on projects that don't have much of a long-term benefit.

What are some of the things that we're going to be building in Michigan with our stimulus dollars? \$500,000 to renovate a facility which may house yoga or children's movement classes. \$6.9 million to put in 29 intelligent transportation system signs in four west Michigan counties. I'm assuming that these big electronic signs will be put up to warn the motorists about the potholes that are ahead because we're building signs instead of repairing the roads.

We're going to be spending \$983,000 dollars for streetscaping. We're going to be spending \$1.3 million for construction of a wastewater treatment plant for which there may be no plan and little community support.

Of course, every time, whether you're in Michigan or in some other State around the country, you're going to see these wonderful signs that say: This project was brought to you by the stimulus package.

These signs cost anywhere from \$300 to \$1,000 apiece. They don't fill one pothole, they don't pave 1 increment of road. Yet, we're spending on those to remind you that your money that came to Washington, D.C.—actually, the money that Washington, D.C., is borrowing for the stimulus package, you ought to thank us for borrowing this money, so we put up the sign to remind you where it came from.

But we don't say: This road or this project is brought to you by your kids and your grandkids. We seem to think that it's brought to you by your Congress, and you should be thankful for the stuff that we've done.

We've just approached and gone over a trillion dollars of deficit spending for this fiscal year—and the fiscal year doesn't end until September 30. So we've still got July, August, and September to go, and there are many that are saying the deficit for this fiscal year will probably exceed \$1.5 trillion. That is something that our kids will not be thankful for, and it's something that they will carry long into their future.

But in addition to that kind of spending—again, if the model is cut taxes, freeze spending, and reform government, where are we headed today in Washington, D.C., in regards to cutting taxes? We are not going to cut taxes. We are actually going to increase taxes on the American people.

It is estimated by some accounts that the cap-and-trade, the cap-and-tax bill that we passed through this Chamber a few weeks ago is going to cost the average American family about \$3,100 per year.

Now you may not see this as a tax bill that you will have to write a check to the Federal Government for, but what you will see in it is increased cost for electricity, for gasoline, and any other product that, when you consume it, has a carbon emission. It's a carbon tax. And so you will see the cost of goods, the cost of services increase for every American family.

□ 1630

It will also make it more difficult for American businesses to compete, to invest and to grow our economy. Again, in Michigan we are a heavy manufacturing State. What does cap-and-trade do to the State of Michigan? What does it do to the Midwest? It hammers the Midwest. We have a lot of coal-fired plants. They do have carbon emissions. They will be heavily taxed, heavily regulated; and the cost of producing energy out of those plants will increase significantly. I've got a lot of foundries in my district. What do foundries do? They melt steel. They melt aluminum. They pour them in a mold. They wait for them to cool. They take the mold out, and you've got a piece of metal that has been molded and shaped and then will be machined. It will become part of a car, or it will become part of another product. That consumes a tremendous amount of energy. What do we think will happen to that business if cap-and-trade becomes the law of the land and that business sees its energy costs go up by 50 to 70 percent? Remember, this is a large input cost to this business. It's a cost of production. They will start looking for alternatives. And where will those alternatives be? Will they be someplace else in the United States? Probably not because these facilities and the similar facilities in the United States will all be experiencing these kinds of cost increases. Where will they begin looking? They will begin looking in places like China. They will begin looking in places like India and Mexico, the countries that do not have these types of regulatory burdens placed on them. So again, it is an indirect tax on jobs and businesses; and the result will be that more and more counties in my State and more and more counties around the country will start changing these pink counties from being pink to being purple, meaning that the unemployment rate is going to continue to increase. We see it both at the State level and at the Federal level.

The model that my counterparts on the other side are using to—in their belief—grow the economy is to increase taxes, to grow spending and, really, to reform nothing. I'll give you one example of where we're not seeing a lot of effective reform. There's a couple of things that you ought to know about this chart. Number one, the Speaker of the House and counterparts on the other side have said, This chart is un-

approved for public use. Actually, it's unapproved for us to send to our constituents under the franking process. So if someone calls my office, and they say, Congressman HOEKSTRA, we'd like a better understanding of how this new health care proposal is going to work or what the structure is going to be for that new plan—that's another new tax that's coming as well. But as the President proposed and as my colleagues on the other side of the aisle proposed a new plan for health care, what does that system exactly look like? I don't know if this chart is right, but we had some really bright people come together and read the thousand pages of rules and regulations of the new health care bill. As they read it, they tried to put an organizational structure to it to say, Here's how it's going to work. This is the process, and these are the different kinds of organizations that are going to be necessary or are identified by name in the legislation. This is it. At least this is what they thought it looked like, as they put the pieces together and how the different pieces of this related to each other. This is the organization that will stand between my constituents and their doctors. This is the organization that will say, If you're sick and you want to go to a doctor or you want to go to a hospital, this is the organization that will decide whether that is permissible and then what the doctor may or may not be able to do. At least this is our understanding. But the franking board, the organization that determines whether we can make copies of this and send this out to our constituents, has decided that this is inappropriate to send to our constituents because they say it's inaccurate. So now the Democrats here in the House are starting to control what Members of Congress can send back to their constituents when their constituents ask for information. The interesting thing is, as we talk about this, we may ask and say, Well, if this chart isn't right, could you lay out for us the chart that is more accurate and the chart that you would use to explain to your constituents exactly how this process would work? We are still waiting for that chart.

The other thing that we found out that was kind of interesting is that it appears that the Speaker's Office has determined that it is inappropriate to say "government-run health care." So even though we're putting an organization in place like this to manage the health care system in America, something that the Congressional Budget Office says will add about \$1 trillion to our debt over the next 10 years, even though we're creating all of these different agencies, it is inappropriate to tell our constituents that this is government-run health care and that we cannot use those words to describe this system to our constituents. So rather than reforming government, what we

are doing is we are growing government. We are growing this bureaucracy in health care. We are also growing this bureaucracy in the energy area. So we are seeing a massive expansion of the role of government and an erosion of freedom for American citizens today. The model is, cut taxes, reform government and freeze spending. Whether you are in the State of Michigan and perhaps many other States around the country or you are in Washington, D.C., if you're asking, Where are the jobs and why is there not any economic recovery?, the answer becomes fairly clear. We've got the wrong model in place because rather than cutting taxes, we are going to be increasing taxes. Whether it's in cap-and-trade, whether it's in health care or whether it is allowing many of the tax cuts that were implemented in the previous administration to expire, we are going to grow taxes rather than reforming government. We are going to grow government. And rather than freezing spending, we are going to increase spending. We're going in exactly the wrong direction for economic growth. The model that you are seeing here in Washington—and I remember a couple of months after the election, President-elect Obama was sitting at a conference in Chicago and had a lot of his economic advisers and a lot of his future cabinet with him. They were talking about what to do with the economy. I saw that the governor of Michigan was sitting next to the President. I thought part of the reason for this would be for the President to learn from our governor about some of the things that we had tried in Michigan that clearly hadn't worked. That increasing taxes had not grown Michigan's economy, that it had been detrimental to our economy; that more regulations and more bureaucracy had been detrimental to our economy; that increasing the size and the scope of Michigan's government had been bad for our economy and bad for job creation; that the President would be able to understand that and say, Maybe we ought to take a different look at what we're going to be doing in Washington. But he has followed the same formula of increasing taxes, forgetting to reform government and increasing spending. In each of these cases, as we move through that direction, as we move down that path, when we grow taxes, who gets more control of America's future, and who loses freedom? When we grow taxes, it means that America's families, America's individuals and America's businesses, they lose control, and they lose freedom. When we grow government, when we put this system between you and your doctor, who gets control and who loses freedom? This system guarantees that control moves to the Federal Government. Who loses freedom? America's families, America's individuals, and America's businesses.

So when we grow taxes, who loses freedom? The American people do. When we grow government, who loses freedom and who gains control? America's people lose freedom. The government gains control. When we grow spending, who gets control? The Federal Government. Who loses freedom? The American people. Which means that a lot of this debate now in Washington, D.C., is about control and it is about freedom.

Let me give you a couple of examples. This week the President announced a new education program, \$4 billion, one more education program. We counted all the education programs that were out there a few years ago, and we came up with a number of 659 different education programs, and now we've got one more. In other parts of this education bill, I agree with the themes and the objectives. It says, We've got to open up our education system to more K-12 systems and to more charter schools. It's kind of like, Yes, I like charter schools. I think they work. But then this is how the Federal Government's saying, If you want a piece of the action, if you want some of this \$4 billion, these are the things that you're going to have to do to compete for those \$4 billion. Charter schools may be appropriate for Michigan; but they may not be appropriate for another State. So why's the Federal Government saying that with charter schools, that is now the way it's going to be nationally, and we're going to take your money to incent you to do things that the Federal Government wants to you do? Who loses control, and who loses freedom? The Federal Government gets control, using your money to bribe you to do things they want you to do that may or may not be appropriate for your State or your community. Who loses control? Local schools, local families and the States.

Of course the most massive expansion and best example of this in education is the passage of No Child Left Behind in 2001. The goal is a goal that I think every American agrees with, no child left behind. Every child is a unique gift to us. It's our responsibility. As a parent, it's my responsibility to try to do everything that I can to raise up that child and to make sure that that child is given the background, the values, and the education necessary that will enable them to have a fruitful and productive life. I want that responsibility as a parent. I want the freedom to raise my child. What does No Child Left Behind do? No Child Left Behind says, we're going to move responsibility for K-12 education. We're not going to move it from a parent and a family to the local school board, to the State. It says, Man, we're going to grab K-12 education, and we are going to move it not only from the local community; but from there, we're going to move it all the way to the De-

partment of Education. Who gets control? Who now has control of your local schools? We send to your local school about 10 to 12, maybe 15 percent of the money that they spend every year. The majority of that money is raised at the State or the local level. But ask your teachers and ask your superintendents as to who is controlling what is going on in your local school. They'll tell you very clearly and very quickly. They'll say, It's that bureaucracy in Washington, D.C. It's called the Department of Education.

When I chaired the Oversight Committee on the Education and Workforce Committee and had the opportunity to have oversight over the Department of Education, I always had a great time. Me and a colleague, we would walk over to the Department of Education. We would just walk in. We'd walk into some offices, and people would look at us and say, Who are you? And we would say, "Well, I am Congressman Hoekstra, and this is Congressman Schaffer, and we're here to help." To help, we'd really like to understand what you do and how you help my kids in my local schools. So you kind of say, This is my congressional district. Here is Ludington, Michigan, and I am very concerned about what is happening with the schools in Detroit. There are some rural school districts up here. But this is my congressional district. Can you tell me if there's anybody from Ludington, Michigan, that works here in the Department of Education who might understand the needs of Ludington, Michigan? What about Pentwater? What about Muskegon? What about Holland? What about Zeeland? What about Jenison? I couldn't find anybody from west Michigan at the Department of Education. Then you'd say, Well, if we really don't have anybody there from west Michigan—it was even hard to find people from Michigan. As we went through, we would say, Do you guys know where these towns are? Do you know the differences in the needs of schools in Ludington versus the kids and the challenges and the opportunities that we have in Baldwin or Cadillac or Sparta? Do you understand that? These are just names to them. They're just little pushpins on a map to these folks. They don't know the differences and the unique characteristics of each of these communities. Then you would ask them and say, You know, all of my school districts in the State, they prepare a mountain of paperwork that they send to this place in Washington, to the Department of Education. Can you tell me where this paperwork comes in and to what office it goes to?

□ 1645

They said, Well, you know, not really. Who reads this stuff? And does anybody ever read it and then send a letter back to the kids at Muskegon or the

superintendent at Muskegon Heights and say, We've read your material, we've analyzed it, and here are some ideas as to how you may improve your schools?

But at the same time that these folks in Washington really don't understand the kids or the communities that they are managing, they have a tremendous amount of control over what goes on in these schools. And how do you know?

Every year now, what does this Department of Education, in conjunction, or mandated through the States do? Think about it. You have a Department of Education here in Washington that is dictating the standards that identify whether your school is a good school—and they don't call it a "not so good school" or a "school in need of improvement." What do they call it? They call it a "failing school."

You have the Department of Education telling you whether your school is a good school or a failing school. They'll tell you the same thing about your teachers. We put in all kinds of mandates. And I spend a lot of time going through these schools and talking to these different classrooms, and after we passed No Child Left Behind, I started going back to some of the schools that I had been at, and they'd bring in the kids and the government teacher would come in.

And I said, Well, what happened to Mr. Smith? Well, Mr. Smith wasn't a highly qualified teacher. He didn't meet the requirements that some bureaucrat in Washington said you needed to have to teach government under No Child Left Behind, so he retired or he or she is not teaching government anymore. And I said, Wow, I didn't know that they didn't have necessarily all the class background. They've got a teaching degree and all of those types of things.

But these persons, really, when I had been there before, they appeared to have a genuine passion for the kids. They understood the subject matter. They must have found out about it some way, and they appeared to be doing a really good job with the kids when I was there. But now what you find out is that because they didn't check every box on a form that came out of Washington, D.C., they no longer could teach the subject that they loved, and perhaps they had taught for 10 or 15 years.

Control came to Washington, D.C., and parents and local school boards lost the freedom to run their schools the way that they felt was most appropriate for their kids and would give them the best learning. And we now have a school system that, across the United States, is getting to look a lot more bureaucratic rather than innovating and being creative as we're moving forward.

I'll give you another example as to where States lose freedom. Think

about it. Every time you go to your local gas pump, a good portion, 10 to 15 percent of the price that you pay comes to Washington, D.C. In the history of the transportation bill, a State like Michigan has gotten, historically we have gotten 83 cents of the dollar back. So for every dollar that we send to Washington, D.C., under the highway trust fund, we have gotten 83 cents back. That's not a very good return. It may be one of the reasons we don't have the greatest roads.

There are other people around the country who ought to be thanking Michigan because Michigan dollars are paving their roads. But the interesting thing is, when this money comes back, when the money comes back to Michigan, it comes back with a lot of strings and mandates attached to it saying, You are going to build these signs that may be expensive.

In the northern part of my district, a few years ago they were going to build a turtle fence along the expressway. It goes through a wetlands area maybe a mile, mile and a half long, and we found out about it and said, We are not going to build a turtle fence. And so we were effective in the delaying of that turtle fence for about a year. We came back a year, a year and a half later and saw that there was construction going on along the road there. And we said, Man, they are going to build this turtle fence.

For those people who don't know what a turtle fence is, you don't need to have much of an imagination. A turtle fence is a fence that you put alongside the highway to make sure that turtles don't cross the road. And that's really good for the turtles, except when you build the turtle fence and you build it along the river so a turtle can't sneak into the river, swim under the bridge and then get into the median by getting up on the bank there. They put the turtle fence there so all they can do is get in the river, swim under both bridges and then get up on the other side of the other fence. For the turtles that are on the outside of the fence, they are really thrilled about this fence because they can't get hit by a car again. But I have gotten a significant number of complaints. The turtles inside of the fence are really unhappy because the only place that they can hang out is in the median or on the roadway, and they can't get back to the road.

But the bottom line here is, I talked with the Governor about this, and she said, Pete, let's not get into an argument about the turtle fence. I'm just telling you that the Federal Government, that money came in a funnel. We had to use it for road beautification or enhancement projects, meaning we had to build things like turtle fences.

Well, for those of us that live in the State of Michigan, we have a lot of pot-holes, and a turtle fence was not a pri-

ority for us. But it was \$318,000 for the turtle fence. Before that, we had spent about \$80,000 to \$90,000, I believe, doing a study as to whether a turtle fence was absolutely essential.

In Florida, they have done us one better. They have not only built the turtle fence, but they have also built turtle tunnels. They now have tunnels under the roadway so that the turtles can go and get from one side of the road to the other side of the road, and they go through tunnels. I'm not sure whether they have built turtle tunnels as well as alligator tunnels, because they don't want both of them in the same tunnel. That, again, is a bad place for the turtles to be.

In Michigan we have been forced to spend about \$400,000 on a turtle fence. We also have a rest area. It looked like a perfectly good rest area to me, but we ended up tearing down the rest area, and we ended up building a new rest area for about \$3.6 million. And remember that this is the State where we have the eighth worst road system based on overall performance in the country.

The \$400,000 for the turtle fence and the \$3.6 million for the rest area we could have spent on other things and invested that on the things that we really need those transportation dollars for, and that is to repair our roads, to build bypasses, and to build new on and off ramps so that we can facilitate the movement of goods and services throughout our State so that we would enhance our ability to compete, not only in the United States but on a global basis to enhance our transportation system.

Again, when we send that money to Washington, when we send that dollar to Washington, Washington gets control, and Washington uses its control by saying, Michigan, you're sending a buck here, and we're only going to send you, over the life of the program, we have only sent you 83 cents back. We've got that improved now. I think this year we're going to get 93 cents back. Still it's not good enough.

But Washington says, We're going to exercise control by taking some of your money and siphoning it off and giving it to other States, and then when you get the money, we're going to force you to spend that money on things that you otherwise perhaps would not have wanted to do.

And what does Washington, D.C., what does the Department of Transportation know about whether we ought to be building a turtle fence, a rest area, or investing it in basic infrastructure? Those are the decisions that should be made and could be made at the State level. Again, Washington exercising its control, the residents and the citizens of Michigan losing the freedom to set their own destination and to set their own priorities.

The same thing happens with all kinds of other spending. It comes here

to Washington, D.C., it goes back to the States, but it comes back with all kinds of strings attached to it.

Michigan's budget is about a \$44 billion budget. I think it's roughly two-thirds, somewhere between two-thirds and three-quarters of that budget comes back to the State with strings attached to it by the Federal Government, and "strings" means control by the Federal Government and it means a loss of freedom for the people in the State of Michigan.

There is one other area that is a very, very different area. Let me just change focus for a minute here. But before I do that, let me just reinforce, what we are talking about here, if we want to get back to economic growth, what we need to do is we need to move in a direction of cutting taxes, reforming government, and freezing spending. We need to empower individuals. We need to empower families and businesses, the job creators and the movers in our economy, and take control away from Washington, D.C. and devolve it back to States, local governments and individuals. That is how we will get economic growth; not by raising taxes, not by growing government, and not by increasing spending.

The thing that I wanted to talk a little bit about is one other area of freedom. A year and a half ago, a friend of mine came to me and said, Pete, we need to do a constitutional amendment. I'm very cautious about amending the Constitution. I think that's something we ought to take very, very seriously. And he said, I've got an idea that we need to do a parental rights constitutional amendment. And I said, Parental rights? What are we doing with parental rights?

The parental rights constitutional amendment is very simple. It is less than 50 words, and it basically says that parents have the right to raise and educate their kids or lead in the direction of raising and educating their kids. The government has the responsibility to step in if there are cases of abuse or neglect with the children, and the third part is that this constitutional amendment takes precedence over any treaty.

You ask, Well, why would we need to do that? We understand that, and it is clear. That is an implied right in our Constitution, meaning, if you read the Constitution, most people would say, Yeah, we understand that to be true, that parents have the right and the responsibility to raise and educate their kids. But what we have found so often in the last 40 to 50 years is that the things we took for granted slowly eroded and changed and got to a point where we didn't expect that it would ever go.

Fifty or 60 years ago, if people had said, We need an amendment to protect an unborn child, people would have said, People understand that that is a

life. Obviously, we found out that that is not true. We have moved to a different place. Twenty or 25 years ago, if someone would have said, we need to define "marriage" and put a definition of "marriage" into the law or into the Constitution, people would have said, everybody knows what that is. And we have now found out that no, we have broad disagreements as to exactly what that is.

That's why we are doing this parental rights amendment, where we understand that it is an implied right, that parents have the right to raise and educate their kids. But what we are now seeing is that that right is starting to be eroded. It is being eroded by our courts. It is being eroded by what we are doing here in Congress and those types of things. So what we want to do is take this implied right and make it an explicit right in the Constitution, just like the Bill of Rights, which guaranteed explicitly what the rights and privileges were, the right to free speech, the right to practice religion, the right to bear arms and those types of things.

The spirit of this amendment is to explicitly put into the Constitution the right of parents to raise, educate, and direct the upbringing of their children, because that right is being eroded and being questioned and challenged in the courts and in this building each and every day.

The third piece here is, why put in that it takes precedence over any treaty? Well, under the U.S. Constitution, loosely interpreted by a marketing guy and not an attorney, under the Constitution, if the United States signs a treaty, the treaty takes precedence over the Constitution unless it is expressly stated in either the treaty or in the Constitution what takes precedence. And right now, moving through the U.N., and the President has said we ought to ratify this treaty; the Secretary of State has said that it is a disgrace that we have not yet signed this treaty or ratified this treaty.

□ 1700

And BARBARA BOXER, a colleague in the Senate, has said that she is going to make it a priority of hers to move this through her committee and bring to the Senate. And this is the treaty on the U.N. Convention on the Rights of a Child. And if this were ratified by the United States Senate, it would totally change the relationship and set in place a framework to alter the relationship between a parent and their child, and put the government in a potentially critical role in directing the upbringing of our kids.

Probably another bureaucracy just like this bureaucracy that is going to potentially get between you and your doctor, you could very easily envision this kind of bureaucracy getting between you and your children. And

that's why we've done that amendment.

And finally, let me bring up an issue that we're working through right now in the Intelligence Committee. Earlier this year, the Speaker of the House indicated and made a statement along the lines of, I believe that, loosely stated, that the CIA lies. They lie all the time. More recently, the chairman of the Intelligence Committee has made a similar statement, that the CIA lies and lies consistently. Seven members of the Intelligence Committee have written to the Director of the CIA asking him to retract some statements that he made back in May about the CIA and the honorable men and women in the CIA and their service and their intent to always fully brief Congress and to be truthful in their testimony to Congress.

And these seven members said that he should retract that statement and, basically, implied that they believe that he had now misled the Congress and the Intelligence Committee. And remember, this is all Democrats, the Speaker saying, the CIA, this CIA lies, now under the direction of Leon Panetta, a former Democrat Member of this House. The seven Democratic members of the Intelligence Committee saying that Leon Panetta, a former Democrat Member of this House may have lied to the committee, the President of the United States, as we were considering, or we were hoping to bring an intelligence bill to the floor for a debate, the President coming back and saying that he—putting a veto threat on that bill because of the language that was in that bill.

But the bottom line is that, as we've gone through this process, and coming out of this briefing where Director Panetta had briefed us, some of my colleagues on the committee have now said, well, we're going to bring in the Vice President. We need to bring in Vice President Cheney, and we have to investigate a program that was very clearly stated yesterday in USA Today. They want to investigate a program that they never told Congress about, that never happened, meaning they planned it and they did some work on it, but they never executed the program.

And so, it's kind of like, what's going on here? The program, sure there was some planning done on it. There might have been some training dollars that were expended on it. Yeah, you're right; they didn't brief Congress, but they never did the program. And then USA Today said, you know, and guess what? This was in the immediate aftermath of 9/11, and it's alleged that the program and the deliberations within the CIA were about how to disrupt, contain, and perhaps, kill the leadership of al Qaeda.

And you kind of step back and think, you would think that our national security apparatus in the months after 9/

11, in the years after 9/11, that they would have been considering different ways to contain, disrupt or to kill the leaders of al Qaeda. And, in reality, according to press reports, much of that has happened over the last 8 years, guess what? In many of these cases, the American people are very grateful that we've disrupted al Qaeda, that they've not been able to carry out another attack against the United States.

And according to press reports, in the last few months, one of the top leaders of al Qaeda, one of Bin Laden's sons may have been killed in an attack. But he's part of the leadership that still wants to attack U.S. troops in Afghanistan, to kill our troops in Afghanistan and, if possible, to attack the United States again.

But it's just amazing to me that you have the men and women of the CIA who have been aggressively going after the threats and the enemies of the United States, and they've done it successfully for 8 years. We haven't been attacked again. And the thanks that they get now from this administration and the leadership of this Congress is that they are called liars and they're called liars repeatedly, and they are now being threatened by the Attorney General that they are going to be investigated and they may be prosecuted. That's the wrong way to go.

These are all points that were raised in the editorial yesterday in USA Today, saying it's wrong to go down this path because, number one, there's nothing there to be investigated. What it appears that some want to do, what it appears they want to do is they want to move and they want to focus back on the previous administration. And what we need to be doing is we need to be looking forward. The threats to America are real. We need to be focused on containing and defeating the threats that we face as a country today, and we need a strong intelligence community and a strong military to make that happen, and we need to demonstrate to the men and women of the intelligence community and in the armed services that we stand behind them.

And sure we recognize that they may make mistakes. They will recognize that, and that when they do, they will be held accountable. But when they do the job that we have asked them to do, when they do the job that we have funded them to do, it is amazing to me that many of the programs that are now being criticized that have kept us safe are the same programs that many of the Members of this House knew about, they supported them, they funded them, and they asked the intelligence community to carry them forward and to do them.

They are now criticizing the intelligence community for—they are calling them liars, and they're saying, we may prosecute you. And the bottom

line, as it was pointed out in the USA Today editorial, is they are destroying the morale within the intelligence community. These are people who risk their lives to keep America safe, and they're saying, this is the thanks that we are getting from America's elected political leadership for the risks that we have taken and for the results that we have gotten. It is just plain wrong for us to be doing this to the men and women of the intelligence community.

And, like the USA Today, I think the message has to be very simply: Stop. Stop. There's not any evidence that you need to go down the path that you're going down, and all you're going to do is hurt the community that has kept America safe. America has great strengths. We've got great people in the State of Michigan. Yes, we are struggling, but Michigan is going to come back because we've got great people. We've got great resources. We have got the opportunity to rebuild the State, we've got the opportunity to rebuild this country, but the solutions for rebuilding America and rebuilding Michigan are not going to come from Washington, DC.

They are not going to come from Lansing. They are going to come from Washington, DC and Lansing giving up control and giving more freedom back to the people of America, to the people of Michigan, to let them get some of their sovereignty back, let them get some of the freedom back and to free them from some of the burdensome mandates, rules and regulations. We do that by cutting their taxes, by reforming government, allowing for innovation and creativity at a grass-roots level, at a local level and by freezing spending here in Washington.

I think, with the mad dash that we've done here in Washington on spending, we ought to be looking at cutting spending here in Washington and shrinking the size of this government and unleashing the potential of America's people and Michigan's citizens to rebuild our State and rebuild this country. Give them the freedom, give them the freedom to grow their business, to start a business, to hire a few more people, to try things, the freedom to grow a business, the freedom to fail, and the freedom to be successful, the freedom to succeed in a dream that they may have.

Michigan was built on the creativity and the innovation and the ingenuity of a whole range of people over generations. Michigan's future was never built or created by a government in Lansing or a government in Washington, DC. We need to reform this government here in Washington. We need to cut taxes. We need to reform government and we need to reduce spending.

And when we start setting up the tone here in Washington and start moving that money back, and just think, if we could get 5 or 10 percent ef-

ficiency of the money that goes back to the States, a lot of our States wouldn't be facing the financial challenges that they face today. They'd have more money coming in. And if they experienced and implemented the same kinds of practices of cutting taxes, lowering spending and getting rid of burdensome government programs, we would see a real rebirth at the local level, at the individual level, and at the business level in this country.

We've done the model before. We didn't do enough of it in the 1990s. We need to do it again, and we need to do more of it because only, you know, during the last 8 years and now going into the last 9 years, what we've been doing is we've been growing this beast in Washington. We've been taking control here in Washington and we've been stripping freedom away from people at the local level and moving the control, moving the freedom that they had and been moving the control to Washington, and that's exactly the wrong thing to do.

Madam Speaker, I yield back the balance of my time.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2632. An act to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 151. An act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

S. 1513. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The message also announced that the Senate agreed to a concurrent resolution of the following title:

S. Con. Res. 35. Concurrent resolution authorizing printing of the pocket version of the United States Constitution.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BLUMENAUER) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SALAZAR, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 31.

Mr. JONES, for 5 minutes, July 31.

Mr. BURTON of Indiana, for 5 minutes, July 27, 28, 29, 30 and 31.

Mr. GOHMERT, for 5 minutes, July 24, 27, 28, 29, 30 and 31.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 151. An act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes; to the Committee on Natural Resources; in addition, to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 35. Concurrent resolution authorizing printing of the pocket version of the United States Constitution; to the Committee on House Administration.

ADJOURNMENT

Mr. HOEKSTRA. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until Monday, July 27, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2805. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — S-Absciscic Acid; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2009-0189; FRL-8427-3] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2806. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No.: R-1364] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2807. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket

ID: FEMA-2008-0020] received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2808. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8079] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2809. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2810. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2811. A letter from the Regulatory Specialist, LRAD, Department of Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program; Correcting Amendment [Docket ID: OCC-2009-0007] (RIN: 1557-AD25) received July 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2812. A letter from the General Counsel, National Credit Union Administration, Department of Treasury, transmitting the Department's final rule — Procedures To Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transaction Act (RIN: 3084-AA94) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2813. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Hawaii; Update to Materials Incorporated by Reference [HI-126-NBK; FRL-8916-9] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2814. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Ohio; Volatile Organic Compound Emission Control Measures for Cleveland [EPA-R05-OAR-2008-0812, EPA-R05-OAR-2009-0292; FRL-8932-4] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2815. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; South Carolina; Transportation Conformity Memorandum of Agreement Update [EPA-R04-OAR-2009-0303 a; FRL-8936-2] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2816. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (St.

Paul, Minnesota) [MB Docket No.: 09-71 RM-11533] received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2817. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Smart Grid Policy [Docket No.: PL09-4-000] received July 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2818. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Drug and Alcohol Testing Program; Technical Amendment [Docket No.: FAA-2008-0937; Amendment No. 91-308] (RIN: 2120-AJ37) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2819. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revisions to Digital Flight Data Recorder Regulations for Boeing 737 Airplanes and for All Part 125 Airplanes [Docket No.: FAA-1999-6482; Amendment No. 121-346] (RIN: 2120-AG87) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2820. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revisions to Cockpit Voice Recorder and Digital Flight Data Recorder Regulations [Docket No.: FAA-2005-20245; Amendment No. 23-58, 25-124, 27-43, 29-50, 91-300, 121-338, 125-54, 129-45, and 135-113] (RIN: 2120-AH88) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2821. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Anthropomorphic Test Devices; SID-IIs Side Impact Crash Test Dummy; 5th Percentile Adult Female [Docket No.: NHTSA-2009-0002] (RIN: 2127-AK26) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2822. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2010 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2010 [Docket No.: NHTSA-2009-0061] (RIN: 2127-AK47) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2823. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30674 Amdt. No. 3328] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2824. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Coleman, TX [Docket No.: FAA-2008-1139; Airspace Docket No. 08-ASW-23] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2825. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kona, HI [Docket No.:

FAA-20029-0002; Airspace Docket No. 09-AWP-1] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 1121. A bill to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes; with an amendment (Rept. 111-227). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1080. A bill to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes; with an amendment (Rept. 111-228). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1376. A bill to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas; with an amendment (Rept. 111-229). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURTHA: Committee on Appropriations. H.R. 3326. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-230). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. House Resolution 591. Resolution requesting that the President transmit to the House of Representatives all information in his possession relating to certain specific communications with and financial assistance provided to General Motors Corporation and Chrysler LLC; with an amendment (Rept. 111-231). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CANTOR (for himself and Mr. WITTMAN):

H.R. 3324. A bill to amend title 10, United States Code, to provide for the payment of monthly annuities under the Survivor Benefit Plan to a supplemental or special needs trust established for the sole benefit of a disabled dependent child of a participant in the Survivor Benefit Plan; to the Committee on Armed Services.

By Mr. TANNER (for himself and Mr. McDERMOTT):

H.R. 3325. A bill to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia (for himself and Mr. POE of Texas):

H.R. 3327. A bill to amend title 18, United States Code, to prevent unjust and irrational criminal punishments; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Mr. STARK, Mr. McGOVERN, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. HONDA, Mr. CROWLEY, and Mr. FILNER):

H.R. 3328. A bill to authorize the Gandhi-King Scholarly Exchange Initiative focusing on peace and nonviolence in global conflict resolution, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself, Mr. STARK, Mr. McGOVERN, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. HONDA, Mr. CROWLEY, Mr. FILNER, and Ms. BERKLEY):

H.R. 3329. A bill to eliminate the requirement that, to be eligible for foster care maintenance payments, a child would have been eligible for aid under the former program of Aid to Families with Dependent Children at the time of removal from the home; to the Committee on Ways and Means.

By Mr. DRIEHAUS (for himself, Mr. MOORE of Kansas, Mrs. BIGGERT, and Mr. LEE of New York):

H.R. 3330. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to provide more effective reviews of losses in the Deposit Insurance Fund and the Share Insurance Fund by the Inspectors General of the several Federal banking agencies and the National Credit Union Administration Board, and for other purposes; to the Committee on Financial Services.

By Mr. CONNOLLY of Virginia (for himself and Mr. GOODLATTE):

H.R. 3331. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to make grants to recognized science and technology secondary schools to support research and development projects at such schools in science, mathematics, engineering, and technology to supplement the national security functions of the Department of Defense; to the Committee on Armed Services.

By Mr. CONNOLLY of Virginia (for himself and Mr. LANCE):

H.R. 3332. A bill to establish the National Commission on Intergovernmental Relations to facilitate the fullest cooperation and coordination between all levels of government; to the Committee on Oversight and Government Reform.

By Mr. ABERCROMBIE (for himself, Mr. FARR, Mr. PUTNAM, and Ms. BERKLEY):

H.R. 3333. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 3334. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services, acting through the Center for Health Statistics, to allocate such sums as may be necessary for the collection of statistics from enhanced birth certificates; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Mr. NADLER of New York, Mr. GRAYSON, Mr. GRIJALVA, Mr. STARK, Ms. WATERS, Mr. PAYNE, Ms. NORTON, Mr. DAVIS of Illinois, Mr. FRANK of Massachusetts, Mr. HINCHAY, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. RANGEL, Ms. LEE of California, Ms. FUDGE, Mr. MEEK of Florida, Mr. COHEN, Mr. THOMPSON of Mississippi, Ms. CLARKE, Mr. RUSH, Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr.

MORAN of Virginia, Mr. HASTINGS of Florida, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, and Mr. HONDA):

H.R. 3335. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

By Mr. COURTNEY (for himself, Mr. ROSS, Mr. HARE, Mr. YOUNG of Alaska, Mr. WALZ, Mr. LOEBBACH, Mr. COHEN, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. BISHOP of Georgia, Mr. HINCHAY, Mrs. McMORRIS RODGERS, Mr. MASSA, Ms. DELAURO, Ms. GIFFORDS, Mr. MURPHY of Connecticut, and Mr. SMITH of New Jersey):

H.R. 3336. A bill to amend title 10, United States Code, to lift restrictions on the availability of certain enlistment, reenlistment, and student loan benefits for military technicians, when membership in a reserve component is a condition of the military technician's employment and to repeal the prohibition in title 32, United States Code, against overtime pay for National Guard technicians; to the Committee on Armed Services.

By Ms. DELAURO (for herself, Mr. SABLON, Mr. KISSELL, Ms. SCHAKOWSKY, Mr. PETERSON, Mr. MASSA, Mr. HOLT, Mr. BLUMENAUER, Mr. KENNEDY, Mr. COURTNEY, Mr. McGOVERN, Mr. FILNER, and Mr. GRAYSON):

H.R. 3337. A bill to amend title 38, United States Code, to provide for the use of entitlement under Post-9/11 Veterans Educational Assistance Program for the pursuit of apprenticeships and on-job training; to the Committee on Veterans' Affairs.

By Ms. EDWARDS of Maryland (for herself, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. CONNOLLY of Virginia, Ms. NORTON, Mr. WOLF, and Mr. HOYER):

H.R. 3338. A bill to authorize the Secretary of Transportation to establish national safety standards for transit agencies operating heavy rail on fixed guideway; to the Committee on Transportation and Infrastructure.

By Mr. HEINRICH (for himself and Mrs. LUMMIS):

H.R. 3339. A bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes; to the Committee on Natural Resources.

By Mr. JOHNSON of Illinois (for himself, Ms. SCHWARTZ, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. LATHAM):

H.R. 3340. A bill to establish a Medicare Chronic Care Rapid Learning Network to develop and apply improved practices in care management for Medicare beneficiaries with multiple chronic conditions; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA (for himself, Mr. BILBRAY, Mr. LEWIS of California, Mr. ROHRBACHER, Mr. GALLEGLY, Mr. BOOZMAN, Mr. ROGERS of Michigan, Mr. BARTLETT, Mr. CAO, Mr. NUNES, Mr. LAMBORN, Mr. GINGREY of Georgia, Mr. WOLF, Mr. BURTON of Indiana, Mr. KLINE of Minnesota, Mr. ISSA, Mr. CALVERT, Mr. ROGERS of Kentucky, Mr. MCCARTHY of California, Mr. BLUNT, Mr. AUSTRIA, Mr. RADANOVICH, Mrs. BONO MACK, Mr. CHAFFETZ, Mr. POE of Texas, Mr.

SMITH of Nebraska, Mr. SCALISE, Mrs. MYRICK, Mr. CONAWAY, and Mrs. BLACKBURN):

H.R. 3341. A bill to require the Secretary of the Treasury to mint coins in commemoration of Ronald Wilson Reagan, the 40th President of the United States; to the Committee on Financial Services.

By Mr. LUJÁN:

H.R. 3342. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; to the Committee on Natural Resources.

By Mr. PAYNE (for himself, Mr. KILDEE, and Mr. SCOTT of Virginia):

H.R. 3343. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed integrated services and comprehensive supports to children, and to ensure that schools are centers of communities, for the ultimate goal of assisting students to stay in school, become successful learners, and improve academic achievement; to the Committee on Education and Labor.

By Mr. ROTHMAN of New Jersey:

H.R. 3344. A bill to provide for the reliquidation of certain entries of chlorinated isocyanurates; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H. Con. Res. 169. Concurrent resolution expressing a sense of Congress that a government-defined or public option insurance plan should not be used to fund abortion and taxpayer-funds should not be used to provide abortion under a benefit package within any health care reform package; to the Committee on Energy and Commerce.

By Mr. BURGESS:

H. Res. 676. A resolution congratulating the American Motorcyclist Association on its 85th Anniversary; to the Committee on Oversight and Government Reform.

By Mr. McDERMOTT (for himself, Mr. ROYCE, and Ms. JACKSON-LEE of Texas):

H. Res. 677. A resolution extending best wishes to the people of India as they celebrate the 62nd anniversary of India's independence from the British Empire; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas (for herself, Mr. BURTON of Indiana, and Mr. McDERMOTT):

H. Res. 678. A resolution extending best wishes to the people of the Islamic Republic of Pakistan as they celebrate the 62nd anniversary of Pakistan's independence from the British Empire; to the Committee on Foreign Affairs.

By Mrs. HALVORSON (for herself, Mr. RODRIGUEZ, Mr. LANCE, Mr. TEAGUE, Mr. COURTNEY, Mrs. EMERSON, Mr. ALEXANDER, Mr. BURTON of Indiana, Mr. TIM MURPHY of Pennsylvania, Mr. LATOURETTE, Mr. ALTMIRE, Mr. REICHERT, Mr. LAMBORN, Mr. GRAYSON, Mr. BURGESS, Ms. BORDALLO, Mr. WESTMORELAND, Mr. BISHOP of New York, Mrs. McMORRIS RODGERS, Mr. PERLMUTTER, and Mr. CAO):

H. Res. 679. A resolution supporting the goals and ideals of American Legion Day; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. SESTAK, Mr. WEXLER, Mr. CONYERS, and Ms. MCCOLLUM.

H.R. 42: Mr. PIERLUISI.

H.R. 175: Mr. WEXLER.

H.R. 211: Mr. BOYD and Mr. LEWIS of Georgia.

H.R. 235: Mr. GRIFFITH.

H.R. 433: Mr. MINNICK.

H.R. 521: Mr. ROTHMAN of New Jersey.

H.R. 555: Ms. SCHAKOWSKY.

H.R. 571: Mr. JOHNSON of Illinois.

H.R. 621: Ms. TSONGAS and Ms. WOOLSEY.

H.R. 658: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. KUCINICH.

H.R. 690: Mr. BOUSTANY, Mr. HELLER, and Mrs. SCHMIDT.

H.R. 699: Ms. KILPATRICK of Michigan.

H.R. 775: Mr. LYNCH, Mr. OLSON, Mr. CHAFFETZ, Mrs. HALVORSON, Mr. ANDREWS, Mr. GINGREY of Georgia, Mr. SIREN, Mr. JOHNSON of Illinois, Mr. POSEY, and Mr. YOUNG of Florida.

H.R. 836: Mr. CARNEY.

H.R. 913: Mr. WEXLER.

H.R. 916: Mr. KENNEDY and Ms. ROYBAL-ALLARD.

H.R. 948: Mr. KIND.

H.R. 1103: Mr. ROSKAM.

H.R. 1176: Mr. AUSTRIA.

H.R. 1177: Mr. KRATOVL.

H.R. 1179: Mr. FORTENBERRY.

H.R. 1215: Mr. FATTAH, Mr. NADLER of New York, and Mr. JOHNSON of Georgia.

H.R. 1245: Mr. YOUNG of Alaska.

H.R. 1269: Mr. GARRETT of New Jersey.

H.R. 1300: Mr. GARRETT of New Jersey.

H.R. 1392: Mr. SCHIFF and Mr. LOBIONDO.

H.R. 1425: Mr. BERMAN.

H.R. 1441: Mr. LOBIONDO and Mr. PAULSEN.

H.R. 1454: Mr. MARKEY of Massachusetts.

H.R. 1458: Mr. MILLER of North Carolina and Mr. TIERNEY.

H.R. 1466: Ms. JACKSON-LEE of Texas.

H.R. 1470: Mr. YOUNG of Florida.

H.R. 1499: Mr. KIND and Mr. HODES.

H.R. 1521: Mr. AUSTRIA, Mr. FRELINGHUYSEN, and Mr. MINNICK.

H.R. 1523: Mr. CONYERS and Ms. RICHARDSON.

H.R. 1570: Mr. YOUNG of Florida.

H.R. 1608: Ms. VELÁZQUEZ, Ms. MOORE of Wisconsin, Ms. SLAUGHTER, Ms. WATSON, Ms. LEE of California, and Mr. ELLISON.

H.R. 1618: Mr. ELLSWORTH and Mr. PETERS.

H.R. 1646: Mr. MILLER of North Carolina.

H.R. 1670: Mrs. DAHLKEMPER.

H.R. 1686: Ms. MCCOLLUM.

H.R. 1695: Mr. ADLER of New Jersey.

H.R. 1740: Mr. BAIRD and Mr. SCALISE.

H.R. 1790: Mr. WEXLER.

H.R. 1802: Mr. GARRETT of New Jersey.

H.R. 1826: Mr. ORTIZ.

H.R. 1898: Mr. HOLT.

H.R. 1993: Mr. McMAHON.

H.R. 2016: Mr. WEXLER and Mr. COHEN.

H.R. 2017: Mr. MINNICK and Ms. FALLIN.

H.R. 2030: Mr. HINCHEY, Mr. GRIJALVA, and Ms. HIRONO.

H.R. 2035: Mr. KISSELL.

H.R. 2054: Mr. WELCH and Mr. GRAYSON.

H.R. 2060: Mr. WEXLER.

H.R. 2070: Mr. CARNEY.

H.R. 2112: Mrs. CAPPS.

H.R. 2119: Mr. YOUNG of Florida.

H.R. 2139: Ms. BALDWIN, Mr. FATTAH, Mr. TERRY, Mr. MURPHY of Connecticut, Mr. SESTAK, Mr. HIMES, Mr. MILLER of North Carolina, and Mr. WALZ.

H.R. 2190: Ms. SHEA-PORTER.

H.R. 2194: Mr. YOUNG of Florida, Mr. WEINER, Mr. GINGREY of Georgia, and Mrs. BACHMANN.

H.R. 2213: Mr. ROTHMAN of New Jersey.

H.R. 2214: Ms. CORRINE BROWN of Florida.

H.R. 2215: Mr. CAMP.

H.R. 2231: Ms. ROYBAL-ALLARD.

H.R. 2287: Mr. MORAN of Kansas, Mrs. CAPITO, and Mr. MARSHALL.

H.R. 2324: Mr. SHERMAN and Mr. HOLT.

H.R. 2329: Mr. BOSWELL, Mr. WATT, Mr. HOEKSTRA, and Mr. SIREN.

H.R. 2339: Mr. HONDA.

H.R. 2406: Mr. GARRETT of New Jersey.

H.R. 2408: Mr. KILDEE, Mr. McCOTTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HARE, Mr. BISHOP of New York, Mr. CAMP, and Mrs. CAPITO.

H.R. 2452: Mr. MICHAUD, Mr. McMAHON, Mr. SHERMAN, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2456: Mr. CARNAHAN and Mr. WEXLER.

H.R. 2478: Mr. FATTAH.

H.R. 2492: Mr. ETHERIDGE.

H.R. 2499: Mr. CAMP.

H.R. 2520: Mr. SOUDER.

H.R. 2521: Mr. SCHIFF.

H.R. 2529: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2546: Mr. ROONEY.

H.R. 2558: Mr. EHLERS.

H.R. 2563: Mr. HASTINGS of Florida, Mr. MACK, and Mr. MCCARTHY of California.

H.R. 2568: Mr. LEWIS of Georgia.

H.R. 2709: Mr. HOLT.

H.R. 2724: Ms. MOORE of Wisconsin.

H.R. 2740: Ms. ZOE LOFGREN of California and Mr. WEXLER.

H.R. 2746: Ms. NORTON, Ms. HIRONO, Ms. BERKLEY, Ms. KILPATRICK of Michigan, Ms. WASSERMAN SCHULTZ, Mr. MICHAUD, Mr. BERMAN, and Mr. WAXMAN.

H.R. 2754: Mr. BRADY of Pennsylvania and Mr. SARBANES.

H.R. 2882: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2935: Mr. ROGERS of Kentucky, Mr. SCHIFF, and Mrs. NAPOLITANO.

H.R. 2941: Mr. HALL of Texas, Mr. YOUNG of Florida, and Mr. PETERS.

H.R. 2992: Mr. ROONEY.

H.R. 3004: Mr. SIMPSON.

H.R. 3006: Mr. WEXLER.

H.R. 3011: Mr. SENSENBRENNER and Mr. WILSON of South Carolina.

H.R. 3037: Mr. CONYERS, Mr. PASCRELL, and Mr. GRAYSON.

H.R. 3042: Mr. MCGOVERN.

H.R. 3059: Mr. BUTTERFIELD.

H.R. 3068: Mr. PIERLUISI.

H.R. 3076: Mr. FILNER.

H.R. 3090: Ms. DELAURO.

H.R. 3165: Mr. WEXLER.

H.R. 3177: Mr. SIMPSON.

H.R. 3193: Mr. YOUNG of Florida.

H.R. 3202: Mr. WEXLER.

H.R. 3206: Mr. DEFazio.

H.R. 3212: Mr. BRALEY of Iowa.

H.R. 3217: Mr. SOUDER.

H.R. 3218: Mr. YOUNG of Alaska and Mr. SOUDER.

H.R. 3226: Mr. LUCAS and Mr. SAM JOHNSON of Texas.

H.R. 3227: Mr. PRICE of North Carolina and Mr. WEXLER.

H.R. 3238: Mr. WEXLER.

H.R. 3242: Ms. EDWARDS of Maryland and Ms. BORDALLO.

H.R. 3250: Mr. HIGGINS, Mr. McHUGH and Ms. MOORE of Wisconsin.

H.R. 3266: Ms. KILPATRICK of Michigan and Mr. BROWN of South Carolina.

H.R. 3289: Mr. CHAFFETZ, Mr. TIAHRT, and Mrs. MYRICK.

H.R. 3294: Ms. ROS-LEHTINEN and Ms. BORDALLO.

H.R. 3308: Mr. ALEXANDER and Mr. BROWN of South Carolina.

H.R. 3310: Mr. SESSIONS, Mr. PITTS, Mr. SHIMKUS, and Mrs. MYRICK.

H.R. 3313: Mr. STUPAK.

H.R. 3314: Mr. STUPAK.

H. J. Res. 42: Mr. CRENSHAW, Ms. ROS-LEHTINEN, and Mr. ADERHOLT.

H. J. Res. 61: Mr. KUCINICH.

H. Con. Res. 49: Mr. ROHRABACHER and Mrs. KIRKPATRICK of Arizona.

H. Con. Res. 74: Ms. HIRONO.

H. Con. Res. 87: Mr. CARSON of Indiana.

H. Con. Res. 95: Mr. MICHAUD.

H. Con. Res. 139: Mr. TIAHRT, Ms. LORETTA SANCHEZ of California, Mr. RODRIGUEZ, Mr. MARCHANT, Mr. RUPPERSBERGER, Mr. THORNBERRY, and Mr. MARSHALL.

H. Con. Res. 163: Mr. NEAL of Massachusetts, Mr. PIERLUISI, Mr. ARCURI, Mr. BOREN, Mr. PASTOR of Arizona, Ms. HIRONO, Ms. DELAURO, and Mr. CUMMINGS.

H. Con. Res. 165: Mr. RANGEL and Mr. LYNCH.

H. Res. 111: Ms. ESHOO.

H. Res. 221: Ms. WOOLSEY, Mr. SHERMAN, Mr. GRAYSON, Ms. WASSERMAN SCHULTZ, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, and Mr. COSTA.

H. Res. 278: Mr. FILNER.

H. Res. 362: Mr. WEXLER.

H. Res. 416: Mr. CARSON of Indiana.

H. Res. 443: Mr. MASSA.

H. Res. 459: Mr. ROE of Tennessee.

H. Res. 465: Mr. KLEIN of Florida.

H. Res. 487: Mr. PETERS, and Ms. KILPATRICK of Michigan.

H. Res. 494: Mrs. BLACKBURN.

H. Res. 508: Mr. HOEKSTRA.

H. Res. 575: Mr. PRICE of Georgia.

H. Res. 577: Mr. WALDEN, Mr. ROGERS of Michigan, Mr. PITTS, Mr. SHADEGG, Mr.

UPTON, Mr. HOEKSTRA, Mr. HALL of Texas, Mrs. MILLER of Michigan, Mr. GINGREY of Georgia, and Mr. KING of Iowa.

H. Res. 605: Mr. PETRI, Mr. KENNEDY, and Mr. LATHAM.

H. Res. 615: Mr. LATHAM.

H. Res. 630: Ms. WOOLSEY and Mr. QUIGLEY.

H. Res. 633: Ms. LEE of California.

H. Res. 659: Ms. WATSON, Mrs. CHRISTENSEN, Ms. FUDGE, Mr. PAYNE, and Ms. CASTOR of Florida.

H. Res. 660: Mr. WATT.

H. Res. 671: Mr. SCALISE, Mr. JONES, Mr. TIBERI, Mrs. CAPITO, and Mr. SOUDER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2469: Mr. LATTA, Mr. BROUN of Georgia, Ms. FOXX, Mr. GINGREY of Georgia, Mr. SHADEGG, Ms. FALLIN, Mr. KING of Iowa, Mrs. SCHMIDT, Mr. ISSA, Mr. PENCE, Mr. CONAWAY, Mr. KINGSTON, Mr. FLEMING, and Mr. PITTS.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 5. July 23, 2009, by Mrs. MARSHA BLACKBURN on the bill (H.R. 391), was signed by the following Members: Marsha Blackburn, Mike Pence, Wally Herger, Cynthia M. Lummis, Lynn A. Westmoreland, Steve Scalise, Donald A. Manzullo, Michael C. Burgess, Aaron Schock, Henry E. Brown, Jr., John L. Mica, Adrian Smith, John Shimkus, K. Michael Conaway, Doug Lamborn, Scott Garrett, Roscoe G. Bartlett, Sue Wil-

kins Myrick, George Radanovich, and Lynn Jenkins.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. CARTER on the bill (H.R. 735): Kenny Marchant and John L. Mica.

Petition 3 by Mr. LATOURETTE on H. Res. 359: Jerry Lewis, Peter T. King, Doc Hastings, J. Gresham Barrett, Vern Buchanan, Mike Rogers (MI), Brett Guthrie, Jeff Fortenberry, John L. Mica, Jeff Flake, and Walter B. Jones.

Petition 4 by Mr. BURTON on H. Res. 460: Adam H. Putnam, Louie Gohmert, Eric Cantor, Cathy McMorris Rodgers, Adrian Smith, John Kline, Paul C. Broun, F. James Sensenbrenner, Jr., Blaine Luetkemeyer, Sue Wilkins Myrick, Mike Pence, Lamar Smith, Thaddeus G. McCotter, Roy Blunt, Roscoe G. Bartlett, Kay Granger, Ralph M. Hall, Steve Austria, Pete Olson, J. Gresham Barrett, Ileana Ros-Lehtinen, David G. Reichert, Anh “Joseph” Cao, Bill Posey, Todd Tiahrt, Dennis R. Rehberg, John Linder, Charles W. Boustany, Jr., Joseph R. Pitts, Rodney Alexander, Mary Fallin, Jo Bonner, Michele Bachmann, Todd Russell Platts, Mary Bono Mack, Connie Mack, Jerry Moran, Joe Wilson, Marsha Blackburn, Jason Chaffetz, Robert J. Wittman, Greg Walden, Phil Gingrey, Doug Lamborn, Michael T. McCaul, Lee Terry, Brett Guthrie, Lynn A. Westmoreland, Tim Murphy, Jim Gerlach, Jean Schmidt, Daniel E. Lungren, Wally Herger, Mike Rogers (AL), Gus M. Bilirakis, John L. Mica, and Henry E. Brown, Jr.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. ROHRABACHER. Madam Speaker, pursuant to the requirements of the Republican Conference of the House, I am submitting the following information regarding earmarks I received, which were included in the reported version of H.R. 3288, the "Transportation, Housing and Urban Development and Related Agencies Appropriations Act of 2010."

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: H.R. 3288

Name of Project: San Diego Freeway (Interstate 405) Improvements

Account: Federal Highway Administration, Interstate Maintenance Discretionary

Legal Name of Requesting Entity: Orange County Transit Authority (OCTA)

Address of Requesting Entity: 550 South Main Street, Orange, CA 92863

Description of Request: I received \$750,000 for the Orange County Transit Authority's (OCTA) San Diego Freeway Improvements project. OCTA has successfully completed a major investment study (MIS) and Project Study Report for the Interstate 405 (I-405) Freeway. Funding is requested to support capacity improvements in each direction of the facility, adding up to two lanes from Euclid Street in Fountain Valley to Interstate 605 (I 605) near the Orange County/Los Angeles County border. Prior federal funding has fully supported the environmental phase of this project, which is currently underway. This request is to secure a portion of the funding needed to complete the final design, which is the next phase of the project. This project is included in both the regional and federal Transportation Improvement Program.

Commuters and goods movement carriers alike are currently experiencing severe peak period delays on the San Diego Freeway (I 405) corridor. Implementing these improvements to the I 405 will reduce travel delays, increase employee productivity and facilitate the movement of goods while reducing emissions to improve air quality. The project will not only provide significant congestion relief through one of the major interstate highways in Orange County, but also subsequent congestion relief benefits to Los Angeles County as well.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: H.R. 3288

Name of Project: Schuyler Heim Bridge Replacement and SR-47 Expressway, CA

Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: Alameda Corridor Transportation Authority

Address of Requesting Entity: One Civic Plaza, Suite 350, Carson, CA 90745

Description of Request: I received \$500,000 for the Alameda Corridor Transportation Authority's Schuyler Heim Bridge Replacement and SR-47 Expressway project. The Schuyler Heim Bridge Replacement and SR-47 Expressway project is one of the leading regional transportation projects affecting goods movement in Southern California. The project is a joint partnership between the Alameda Corridor Transportation Authority (ACTA) and the California Department of Transportation (Caltrans) to replace the State's seismically deficient Commodore Heim Bridge over Cerritos Channel and add a four lane elevated roadway to by-pass intersections and railroad crossings. The project will replace one of the seismically deficient bridges listed on the Department of Transportation's list of structurally deficient bridges.

ACTA's \$2.4 billion Alameda Corridor was designated as a Project of National Significance by Congress in 1995. The SR-47 Expressway is a project that will enhance the Alameda Corridor by improving the efficient and secure movement of international trade at the nation's largest port complex. Over 40% of the nation's imports flow through these Ports generating 3 million jobs nationally.

EARMARK DECLARATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development Appropriations Bill for Fiscal Year 2010:

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development Appropriations Bill for Fiscal Year 2010

Account: Interstate Maintenance

Legal Name of Requesting Entity: City of Rancho Cucamonga, CA

Address of Requesting Entity: 10500 Civic Center Drive, Rancho Cucamonga, CA 91730

Description of Request: Provide an earmark of \$750,000 for the construction of the I-15/ Base Line Road Interchange Improvements Project. 100% of this funding will be used for construction of the interchange which includes two new bridge structures for the southbound on/off ramps, a loop ramp for westbound Base Line Road to southbound I-15, and the widening of the on and off ramps on the east side. The project also improves East Avenue to provide curb, gutter, and sidewalks, as well

as the widening of the Base Line Road to provide two left turn lanes for eastbound Base Line Road to the northbound I-15. This request is consistent with the intended and authorized purpose of the Federal Highway Administration Interstate Maintenance Discretionary Program. The City of Rancho Cucamonga, with its non-federal partners, is providing 70% of the total cost of the project as a local match through the following funding sources: \$9,800,000 from the City of Rancho Cucamonga Development Impact Fees; \$6,200,000 from the Rancho Cucamonga Redevelopment Agency; \$9,800,000 from San Bernardino County Measure I Sales Tax, and \$4,600,000 from the City of Fontana.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development Appropriations Bill for Fiscal Year 2010

Account: Buses and Bus Facilities

Legal Name of Requesting Entity: City of Monrovia, CA

Address of Requesting Entity: 415 S. Ivy Avenue, Monrovia, CA 91016

Description of Request: Provide an earmark of \$750,000 for the acquisition, relocation, and development of properties within the Station Square Transit Village bus layover and park and ride project area. 100% of the funds will be used to acquire property for the bus layover facility and prepare plans for its construction, including providing adequate pedestrian access to the site. This request is consistent with the intended and authorized purpose of Buses and Bus Facilities funds. The City of Monrovia will provide the 20% local match for this project.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development Appropriations Bill for Fiscal Year 2010

Account: Federal lands, Public Lands Highways

Legal Name of Requesting Entity: San Bernardino Associated Governments, CA

Address of Requesting Entity: 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA 92410-1715

Description of Request: Provide an earmark of \$1,500,000 for design and environmental mitigation for the I-15/I-215 Devore Interchange improvement project. 100% of the funding will be used for project development and environmental mitigation of the interchange which will eliminate truck weaving in the middle of a substantial grade, improving operational efficiency, safety and enhancing regional connectivity for commuters and freight movement operators traveling between Los Angeles and San Bernardino Counties. The project will add one lane in each direction and provide truck bypass lanes around interchange merge zones, resulting in improved flow speeds through the Devore Interchange, reducing delays in this heavily traveled freeway.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This request is consistent with the intended and authorized purpose of the Federal Highway Administration Public Lands Program, which does not require matching funds.

EARMARK DECLARATION

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. CAMP. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2010. Details of these projects are:

\$496,000 for the Clare County Transit Corporation, located at 4175 North Clare Avenue, Harrison Michigan 48625, from the Federal Transit Administration's Buses and Bus Facilities account for the purpose of completing a new multi-modal transportation facility to house administration, operations and maintenance.

\$300,000 for the Roscommon County Transportation Authority, located at 2665 South Townline Road, Prudenville, Michigan 48651, from the Federal Transit Administration's Buses and Bus Facilities account for the purpose of replacing up to fifteen replacement buses.

\$250,000 for the Big Rapids Dial-A-Ride Public Transportation, located at 226 North Michigan Avenue, Big Rapids, Michigan 49307, from the Federal Transit Administration's Buses and Bus Facilities account for the purpose of replacing up to seven medium duty buses.

\$203,000 for the County Connection of Midland located at, 883 East Isabella Road, Midland, Michigan 48640, from the Federal Transit Administration's Buses and Bus Facilities account for the purpose of replacing up to three gas cutaway buses with lifts and up to three diesel cutaway buses with lifts.

The Clare bus facility is a project that began in 2005 and I helped to secure \$560,000 for this facility. This funding for Clare is the final piece in the long process of building their new facility.

With regards to the bus funding, the State of Michigan has struggled to balance its budget which has led to many cuts in transportation and infrastructure funding. This, coupled with an aging bus fleet and high energy costs, threatens to limit the mobility of seniors, the disabled, and students living in rural areas. The bus funding in this bill will provide important relief to various transit agencies so they may begin to replace their aging fleets and continue to serve rural America. For these reasons, this funding is a wise and responsible expenditure of taxpayer dollars.

IN RECOGNITION OF THE HONORABLE G.J. ROARK III UPON HIS RETIREMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the Honorable G.J. Roark III, a community leader who is retiring after over twenty years as an Escambia County, Florida judge. Judge Roark spent his career serving Northwest Florida and our country, and I am proud to honor his dedication and service.

After graduating from the University of Mississippi in 1969, Judge Roark joined the U.S. Navy as an intelligence officer. He remained on active duty until 1973 and then went on to earn his law degree from the University of Florida in 1976. Judge Roark returned to the Navy as a reservist in 1978 while maintaining his full-time career as an attorney. In 1988, he was appointed County Judge for Escambia, where he has served since. As County Judge, he has served as the Emergency Coordinating Officer and Chair of the Court Emergency Management Group. He was also the Founder and Chair of the Escambia County Court Security Committee and served on the Escambia County Law Library Board.

In addition to his judicial duties, Judge Roark continued his service in the U.S. Navy Reserve. He has operated as a counter-intelligence officer across the world, traveling to Panama, Italy, Bahrain, and Iceland in defense of the U.S. From 1986 through 1995 he was a Naval Criminal Investigative Service Agent. Judge Roark's accomplishments as a reserve officer led to his selection as Commanding Officer of NCIS Unit 2182 in New Orleans and NCIS Unit 2010 in Pensacola. He is also the former Commanding Officer of the Defense Intelligence Agency Headquarters Unit 1482 in New Orleans. In 1999, Judge Roark's command was named Unit of the Year for Reserve Intelligence Area 3.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize G.J. Roark for his lifetime of service to Northwest Florida and to the United States. The Florida judicial system will miss this admirable and principled Northwest Florida leader. My wife Vicki and I wish all the best for him and his family they embark on this next journey in their lives.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BISHOP of Utah. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2010.

Requesting Member: ROB BISHOP

Bill number: H.R. 3288

Account: Capitol Investment Grants

Legal name and address of requesting entity: Utah Transit Authority, 3600 South 700 West, SLC, UT 84130

Description of project: \$80,000,000 to build a 44 mile long commuter rail line running from downtown SLC to Weber County via the cities of Woods Cross, Farmington, Layton, Clearfield, Roy, Ogden, and Pleasant View.

Requesting Member: ROB BISHOP

Bill number: H.R. 3288

Account: Airport Improvement Program

Legal name and address of requesting entity: Ogden-Hinckley Airport, 2549 Washington Blvd., Ogden, UT 84401

Description of project: \$500,000 will be used for utilities infrastructure, construction of a maintenance hangar, and runway repairs.

Requesting Member: ROB BISHOP

Bill number: H.R. 3288

Account: Alternatives Analysis

Legal name and address of requesting entity: Salt Lake City, 451 South State Street, Salt Lake City, UT 84111

Description of project: \$360,000 to fund an alternative analysis under USC 49 section 5339 on a corridor from SLC to Centerville.

Requesting Member: ROB BISHOP

Bill number: H.R. 3288

Account: Buses and Bus Facilities

Legal name and address of requesting entity: Cache Valley Transit District, 754 West 600 North, Logan, UT 84321

Description of project: \$500,000 to expand the maintenance facility, storage areas, parking facility, administration building and transit hub.

EARMARK DECLARATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

I received one project in H.R. 3288.

\$750,000 for the Lake County Board of Commissioners located at 315 West Main St., P.O. Box 7800, Tavares, FL 32778. This funding is for the replacement of the Lakeshore Drive/Palatlakaha Bridge located over the Palatlakaha River at Lake Minnehaha in Lake County. It is a reinforced concrete structure, 185 feet long in five spans, and constructed in 1962. The bridge is functionally obsolete with two 12 foot travel lanes and no walkways or bicycle facilities.

The replacement of the Lakeshore Drive/Palatlakaha Bridge will improve the safety of movement of goods. Additionally, it will enhance and create economic benefits in the terms of movement of goods and services on Lakeshore Drive by allowing improved access to US 27, which is a Strategic Intermodal System. The project will also enhance the evacuation routes in and out of the Central Florida Region.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. McHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 3293

Account: HRSA: Health Facilities and Services

Legal Name of Requesting Entity: E.J. Noble Hospital

Address of Requesting Entity: 77 West Barney Street, Gouverneur, NY 13642

Description: The purpose of this earmark is to provide \$350,000 for the upgrade and modernization of the medical and surgical facilities at E.J. Noble Hospital. These antiquated facilities have not been upgraded since 1952.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 3293

Account: HRSA: Health Facilities and Services

Legal Name of Requesting Entity: Northern Oswego County Health Services, Inc.

Address of Requesting Entity: 61 Delano Street, Pulaski, NY 13142

Description: The purpose of this earmark is to provide \$150,000 for the expansion of existing primary dental care facilities at Northern Oswego County Health Services, Inc. (NOCHSI) to expand service to its medically underserved population.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 3293

Account: Department of Education: National Projects

Legal Name of Requesting Entity: Reach Out and Read National Center

Address of Requesting Entity: 56 Roland Street, Boston, NY 02129

Description: The purpose of this earmark is to provide \$4,965,000 for the Reach Out and Read (ROR) national program that promotes literacy and language development in infants and young children, targeting disadvantaged and poor children and families.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 3293

Account: Department of Education: National Projects

Legal Name of Requesting Entity: Reading is Fundamental

Address of Requesting Entity: 1825 Connecticut Avenue, NW, Washington, DC 20009

Description: The purpose of this earmark is to provide \$24,803,000 to the Reading is Fundamental program designed to enhance child literacy by providing millions of underserved children with free books for personal ownership and reading encouragement from the more than 18,000 locations.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development Appropriations Act, 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3288

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Chesterfield County, Virginia

Address of Requesting Entity: 9901 Lori Rd., Chesterfield, Virginia 23832 USA

Description of Request: Provides \$750,000 to construct a new interchange at I-295 and Meadowville Road which will enhance economic development opportunities for the region and help relieve local roads of the additional traffic generated.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Rd., Chesapeake, Virginia 23322 USA

Description of Request: Provides \$250,000 to construct a museum/visitor center and historic park to commemorate the Battle of Great Bridge, the Albemarle and Chesapeake Canal and the Dismal Swamp Canal and the growth of commerce in Hampton Roads.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Suffolk, Virginia

Address of Requesting Entity: 524 N. Main St., Suffolk, Virginia 23434 USA

Description of Request: Provides \$200,000 to design and construct the Dismal Swamp Interpretive Center within the new Suffolk Visitor Center.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. H.R. 3288, The Fiscal Year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act contains the following funding that I requested:

Requesting Member: Representative ZACH WAMP

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: City of Chattanooga's Enterprise Center

Address: 1250 Market Street, Suite 3020, Chattanooga, TN 37402

Description of Request: The City of Chattanooga's Enterprise Center requested funding to complete a feasibility study approved by Congress for a high speed maglev train between Atlanta, Chattanooga and Nashville. Atlanta's Hartsfield-Jackson Airport is the nation's busiest airport. A maglev train will relieve tremendous congestion in the Atlanta metro area and serve as part of a long needed "intermodal mass transit system" for the United States. Federal funding is needed for additional engineering work and development of a detailed financial plan, to include the number of riders and expected profits. The corridor is recommended by the State of Georgia's Joint Study Committee on Transportation Funding. The City of Chattanooga's Enterprise Center received \$750,000 to complete this study.

Distribution of funding: Salaries, wages, benefits and taxes, 23.85%; Professional Fee/Contractors, 56%; Office Supplies and maintenance, 4.65%; Travel/Conferences and Meetings, 9.07%; Indirect Costs, 6.43%

Requesting Member: Representative ZACH WAMP

Account: Interstate Maintenance Discretionary

Legal Name of Requesting Entity: City of Cleveland

Address: 190 Church Street NE, Cleveland, TN 37311

Description of Request: The Cleveland Mayor and City Council requested funding to redesign and construct Exit 20 on Interstate 75 to eliminate a dangerous bottleneck of traffic and widen a narrow bridge. This exit is the gateway to the Tri-State Exhibition Center, the Ocoee Recreation Region and the Cherokee National Forest, and is often excessively congested and unsafe for vehicles. A new exit and widened bridge will improve safety for travelers, truck drivers and community residents. The redesign will also facilitate new industrial and commercial growth in the area. The Mayor and City of Cleveland received \$1.05 million for this project.

Distribution of funding: Right of way and utilities, 100%

Requesting Member: Representative ZACH WAMP

Account: Transportation Planning, Research and Development

Legal Name of Requesting Entity: Oak Ridge National Laboratory

Address: 2360 Cherahala Boulevard, Knoxville, TN 37932

Description of Request: The National Transportation Research Center at Oak Ridge National Laboratory requested funding to examine how cutting edge technologies can be used to define real world driving conditions for advanced power train systems research. Building on past investments by the Oak Ridge National Laboratory and the University of Tennessee, this study will support existing research to increase automobile efficiency and safety and introduce new capabilities for advanced transportation for universities, the government and industry. Using these cutting edge technologies to test various combinations of engine components before building a prototype vehicle will save time and money in

developing our nation's next generation of trucks, buses, military vehicles and passenger cars. Oak Ridge National Laboratory's National Transportation Research Center received \$250,000 for this research.

Distribution of funding: Data Analysis, 50%; Model Development and Use, 40%; Program Management & Reporting, 10%

Requesting Member: Representative ZACH WAMP

Account: Economic Development Initiative
Legal Name of Requesting Entity: Claiborne County Industrial Development Board

Address: 1732 Main Street, Suite 1, Tazewell, TN 37879

Description of Request: The Claiborne County Center for Higher Education provides educational growth opportunities not available in Claiborne, Hancock, Grainger, and Union counties. Rural counties need access to advanced education. Career skills are necessary for the jobs of the future. The Claiborne County Industrial Development Board purchased an unused facility to provide job training for residents in this underserved area. The Claiborne County Industrial Development Board received \$189,000 for renovations to the building.

Distribution of funding: Fire Alarm, 30.2%; ADA Compliance, 31.8%; Window Replacement, 33.8%; Architectural Design, 4.2%

INTRODUCTION AND SUMMARY OF THE "SOCIAL SECURITY NUMBER PRIVACY AND IDENTITY THEFT PREVENTION ACT OF 2009"

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. TANNER. Madam Speaker, today I rise along with my colleague, the Ranking Member of the Subcommittee on Social Security SAM JOHNSON, to introduce the "Social Security Number Privacy and Identity Theft Prevention Act of 2009." This legislation is intended to enhance the privacy of Social Security numbers (SSNs) and combat identity theft. The bill we introduce today is identical to legislation reported unanimously by the Committee on Ways and Means in the 110th Congress. The legislation benefits from a long history of bipartisan support, and earlier versions also were sponsored in prior congresses by the Chairmen and Ranking Members of the Subcommittee since the 106th Congress.

The Federal Trade Commission (FTC) tells us that identity theft is the fastest growing type of fraud in the United States with an estimated cost to consumers of about \$50 billion annually. The FTC's most recent survey on identity theft found that 8.3 percent of the nation's adult population have been victims of this fraud. According to the private consulting firm Javelin Research and Strategy, nearly 10 million Americans were victims of this fraud in 2008, which is an increase of 22 percent over the number of victims in 2007.

Identity theft is facilitated by the easy availability of SSNs in many public and private sector records. SSNs are valuable to criminals because they are relied upon by business to authenticate identity. They are the skeleton

key that unlocks many other sources of private, personal information.

The legislation we introduce today would restrict the sale, purchase, and public display of SSNs in the public and private sector, while providing for appropriate exceptions for certain legitimate business purposes, as well as for law enforcement and statistical research. While there are many legitimate business and government uses for SSNs, the unrestricted flow of private personal information that includes SSNs often makes it too easy for identity thieves and other criminals to obtain SSNs for their own purposes. The bill received strong support from privacy and consumer groups, as well as from the AARP, when it was adopted by the Committee last Congress.

The bill strikes a balance between legitimate uses and the need for better protections for privacy of the SSN, in order to fight the scourge of identity theft. We invite our colleagues to examine and cosponsor the legislation and will also welcome your questions and comments as the bill moves forward in the legislative process.

A brief summary of the legislation follows:

SUMMARY OF THE SOCIAL SECURITY NUMBER PRIVACY AND IDENTITY THEFT PREVENTION ACT OF 2009

This legislation is identical to a bill reported by unanimous vote of the Committee on Ways and Means in the 110th Congress (HR. 3046).

PROVISIONS RELATED TO SOCIAL SECURITY NUMBERS (SSNS) IN THE PUBLIC AND PRIVATE SECTORS

Federal, State, and local governments would be prohibited from:

Selling SSNs (limited exceptions would be allowed, such as to facilitate law enforcement and national security, to ensure the accuracy of credit and insurance underwriting information and certain other Fair Credit Reporting Act purposes, for tax purposes, for research purposes, and to the extent authorized by the Social Security Act). Further exceptions may be made for other purposes by regulation.

Displaying SSNs to the general public, including on the Internet.

Displaying SSNs on checks issued for payment and accompanying documents.

Displaying SSNs on identification cards and tags issued to employees or their families, e.g., Defense Department IDs; to patients and students at public institutions; and on Medicare insurance cards.

Employing prisoners in jobs that provide them with access to SSNs.

Requiring the transmission of SSNs over the Internet without encryption or other security measures.

The private sector would be prohibited from:

Selling or purchasing SSNs (limited exceptions would be made for law enforcement (including child support enforcement); national security; public health; health or safety emergency situations; tax purposes; to ensure the accuracy of credit and insurance underwriting information and certain other Fair Credit Reporting Act purposes; if incidental to the sale, lease or merger of a business; to administer employee or government benefits; for some research; or with the individual's affirmative, written consent). Further exceptions may be made for other purposes by regulation.

Displaying SSNs to the general public, including on the Internet.

Displaying SSNs on checks.

Requiring the transmission of SSNs over the Internet without encryption or other security measures.

Making unnecessary disclosures of another individual's SSN to government agencies.

Displaying the SSN on cards or tags issued to employees, their family members, or other individuals.

Displaying the SSN on cards or tags issued to access goods, services, or benefits.

Public and private sectors would be required to safeguard SSNs they have in their possession from unauthorized access by employees or others.

Sale, purchase, or display of SSNs in the public or private sector would be permitted by regulation in other circumstances, when appropriate. In making this determination, regulators would consider whether the authorization would serve a compelling public interest and would consider the costs and burdens to the public, government, and businesses. If sale, purchase, or display were to be authorized, the regulation would provide for restrictions to prevent identity theft, fraud, deception, crime, and risk of bodily, emotional, or financial harm.

For a limited time, the public sector would be allowed to sell or display to the general public, and the private sector would be allowed to sell, purchase or display to the general public, the last four digits of SSNs. This temporary exception to the bill's general prohibition on such sale, purchase and public display would end two years after the effective date of the final regulations.

A person would be prohibited from obtaining another person's SSN to locate or identify the individual with the intent to harass, harm, physically injure or use the individual's identity for an illegal purpose.

Wherever a truncated SSN is used, it must be limited to the last 4 digits of the number. (This truncation standard does not change the permissible uses of the SSN.)

State law governing use of SSNs would not be preempted where state law is stronger.

The National Research Council would be commissioned to conduct a study to evaluate the feasibility of banning the use of the SSN as an authenticator of identity.

ENFORCEMENT

New criminal penalties (up to 5 years imprisonment and a fine up to \$250,000) and civil penalties (up to \$5,000 per incident) would be created for violations of the law relating to the display, sale, purchase, or misuse of the SSN, offering to acquire an additional SSN for a fee, and for selling or transferring one's own SSN.

Prison sentences would be enhanced for SSN misuse associated with repeat offenders (up to 10 years), drug trafficking or crimes of violence (up to 20 years), or terrorism (up to 25 years).

New criminal penalties (as much as 20 years in prison and fine up to \$250,000) and civil penalties (up to \$5,000 per incident) would be created for Social Security Administration employees who fraudulently sell or transfer SSNs or Social Security cards.

The bill permits enforcement by the Social Security Administration (which would have civil monetary penalty authority); the Department of Justice (which enforces criminal violations of federal law); and state attorneys general (who would be granted civil enforcement authority over private-sector users and state and local government). In addition, individual victims affected by violations of this bill by federal agencies would be provided with limited legal recourse to stop an agency's violation and recover any actual damages they may have suffered.

EARMARK DECLARATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

I received one project in H.R. 3293.

\$600,000 for the Enrichment Center located at 11375 Cortez Boulevard, Brooksville, FL 34613. This funding will go to build a Community Center/Special Needs Disaster Shelter in Hernando County. The Enrichment Center offers a comprehensive program, which includes health education, recreation, and promotion of ongoing personal growth. The Center serves as the focal point for health information and community services in Hernando County. The cost of this project is being shared by the State of Florida, the Hernando Board of County Commissioners, and the City of Brooksville.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BLUNT. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Department of Labor, Health and Human Services Appropriations Bill for Fiscal Year 2010.

Bill Number: H.R. 3293

Requesting Member: Congressman ROY BLUNT

Priority Name: Ozark Tri-County Healthcare Consortium

Amount: \$500,000

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Ozark Tri-County Health Care Consortium

Address of Requesting Entity: 4301 Doniphan Drive, Neosho, MO 64850

Description of Request: Funds will be used to complete the construction and expansion of a new facility for a current Federally Qualified Health Center site located in Cassville, MO and to add additional equipment to supplement the expansion. The use of taxpayer funds is justified as the funding will be used to provide health services to people who lack appropriate health care due, chiefly, to economic reasons. The operation of this Federally Qualified Health Clinic will continue to improve the health of the medically underserved in southwest Missouri

Priority Name: Jordan Valley Community Health Center

Amount: \$250,000

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Advocates for a Healthy Community, Inc

Address of Requesting Entity: 618 N. Benton Ave, Springfield, MO 65806

Description of Request: Funds will be used to complete the lower level of the current building project, located at 440 E. Tampa Street. The lower level will be renovated to increase access to healthcare. This will allow for significant expansion in children's and women's health services, providing greater access to the community to a medical home. The use of taxpayer funds is justified as the funding will be used to provide health services to people who lack appropriate health care due, chiefly, to economic reasons. The operation of this Federally Qualified Health Clinic will continue to improve the health of the medically underserved in southwest Missouri

Priority Name: Joplin School District: e-MINTS

Amount: \$100,000

Account: Elementary & Secondary Education

Legal Name of Requesting Entity: Joplin R-VIII School District

Address of Requesting Entity: PO Box 128, Joplin, MO 64802

Description of Request: Funding would be used to provide elementary school students the opportunity to be in either an eMINTS classroom or an eJOPLIN classroom. These classrooms will include one computer for every four students, an LCD projector, a laptop computer for the teacher, a Smart Board, educational software and a networked printer. The use of taxpayer funds is justified because funding will be used to transform classrooms for all learners through high quality teaching powered by technology.

Priority Name: Missouri State University Innovation Academy

Amount: \$150,000

Account: Elementary & Secondary Education

Legal Name of Requesting Entity: Missouri State University

Address of Requesting Entity: 901 S. National, Springfield, MO 65804

Description of Request: This funding will be used for the Missouri Innovation Academy, an on-campus summer program for at-risk high school sophomores and juniors from low-income backgrounds.

The academy focuses on recruiting urban and rural students that have had limited exposure to science and math. Particular attention is placed on recruiting students from lower income families. Students live on the Missouri State University campus during the duration of the Academy. The use of taxpayer funds is justified because innovation in math and science will be the key to economic growth in the future. This program will enable students who would do not have significant financial means with the access and opportunity to realize the education and training to fill these jobs domestically.

EARMARK DECLARATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BILIRAKIS. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education Appropriations Act for Fiscal Year 2010.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 3293

Account: HRSA Health Facilities and Services

Name of requesting entity: University of South Florida

Address of requesting entity: 4202 East Fowler Avenue, Tampa, Florida 33620

Description: The \$500,000 will be used to help cancer patients find appropriate clinical trials, which will save lives and lower health care costs.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 3293

Account: HRSA Facilities and Services

Name of requesting entity: All Children's Hospital

Address of requesting entity: 801 6th Street South, St. Petersburg, Florida 33701

Description: The \$350,000 will be used to build a specialty care center to provide high-quality physician, diagnostic, clinical, and rehabilitative services to underserved populations, which will improve health care and lower costs.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 3293

Account: SAMHSA—Mental Health

Name of requesting entity: BayCare Health System

Address of requesting entity: 16255 Bay Vista Drive, Clearwater, Florida 33760

Description: The \$200,000 will be used to provide services to those suffering from Post Traumatic Stress Disorder and their families, expanding access to needed care.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 3293

Account: Centers for Disease Control and Prevention

Name of requesting entity: Prevent Blindness Florida

Address of requesting entity: 1112 East Kennedy Boulevard, Tampa, Florida 33602

Description: The \$200,000 will be used to provide vision screenings to at-risk children, improving vision and lowering future health costs.

EARMARK DECLARATION

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. CAMP. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of

H.R. 3288, the Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2010. Details of these projects are:

(1) \$496,000 for the Clare County Transit Corporation, located at 4175 North Clare Avenue, Harrison, Michigan 48625, from the Federal Transit Administration's Buses and Bus Facilities account for the purpose of completing a new multi-modal transportation facility to house administration, operations and maintenance.

(2) \$300,000 for the Roscommon County Transportation Authority, located at 2665 South Townline Road, Prudenville, Michigan 48651, from the Federal Transit Administration's Buses and Bus Facilities account for the purpose of replacing up to fifteen replacement buses.

(3) \$250,000 for the Big Rapids Dial-A-Ride Public Transportation, located at 226 North Michigan Avenue, Big Rapids, Michigan 49307, from the Federal Transit Administration's Buses and Bus Facilities account for the purpose of replacing up to seven medium duty buses.

(4) \$203,000 for the County Connection of Midland located at, 883 East Isabella Road, Midland, Michigan 48640, from the Federal Transit Administration's Buses and Bus Facilities account for the purpose of replacing up to three gas cutaway buses with lifts and up to three diesel cutaway buses with lifts.

The Clare bus facility is a project that began in 2005 and I helped to secure \$560,000 for this facility. This funding for Clare is the final piece in the long process of building their new facility.

With regards to the bus funding, the State of Michigan has struggled to balance its budget which has led to many cuts in transportation and infrastructure funding. This, coupled with an aging bus fleet and high energy costs, threatens to limit the mobility of seniors, the disabled, and students living in rural areas. The bus funding in this bill will provide important relief to various transit agencies so they may begin to replace their aging fleets and continue to serve rural America. For these reasons, this funding is a wise and responsible expenditure of taxpayer dollars.

CONGRATULATIONS LUCILLE
GRIFFO

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. DUNCAN. Madam Speaker, I have the greatest respect and admiration for those involved in the Girl Scouts of America, and I have always attended as many Gold Award Gala ceremonies as I am able in my District.

These programs prepare our girls for the challenges of higher education, employment, and adulthood, and their experiences in the Girl Scouting program open many doors for them throughout their lives.

In my hometown of Knoxville, TN, there is one name that is the gold standard for devotion to the Girl Scouts: Lucille Griffo.

Lucille has devoted her career—and her life—to enrich the lives of girls in East Ten-

nessee, and they could not have had a better mentor. With the Girl Scout Promise as her guide, Lucille has been an ambassador for the values and leadership that Girl Scouting teaches.

After graduating from Jacksonville University in 1969, Lucille set out to conquer the business world, but time and again she was told by companies that they did not hire women for management. When a recruiter sent her to a job interview with the Girl Scouts, she thought her gender had type-cast her to a life of arts and crafts.

For more than 40 years, she has steered countless young girls through a transformative time of increasing opportunity for women. As she told the Knoxville News Sentinel recently, "Girls haven't changed—just society around them."

Her job was much more than arts and crafts. As CEO of the Tanasi Council, Lucille was responsible for a multi-million dollar budget and 13,000 Girl Scouts and volunteers in 16 East Tennessee counties.

Lucille began her career much before her role in Girl Scout management. At age 7, she became a Brownie, and it is an experience she describes as sending a shy little girl through a "journey of self-confidence." It would be hard to count how many girls have benefitted from her leadership and example, but I can say that East Tennessee is a much better place because of Lucille Griffo's devotion to our youth.

Madam Speaker, I would like to congratulate Lucille Griffo on her recent retirement as CEO of the Tanasi Council Inc. in Knoxville, Tennessee and bring her remarkable career to the attention of my Colleagues and other readers of the RECORD. I encourage everyone to get involved in Girl Scouting programs and help shape our next generation of youth. As Lucille would say, "We need Girl Scouting now more than ever."

AN ANNIVERSARY TO REMEMBER
AND MOURN, AND NEVER REPEAT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. ROS-LEHTINEN. Madam Speaker, thirty-five years ago, Turkey launched a massive and illegal military invasion of its sovereign neighbor, Cyprus.

On July 20, 1974, the Turkish government sent troops to Cyprus, allegedly in response to an effort to unify Cyprus with Greece, citing its interpretation of its rights as a "guarantor" nation to cloak its military invasion under the guise of "restoring the constitutional order" of Cyprus.

As a result of this invasion, over five thousand Greek Cypriots were killed, over sixteen hundred Greek Cypriots were reported missing, and two hundred thousand Greek Cypriots were forcibly displaced from their homes. Today, Cyprus remains a divided nation, and over forty-three thousand Turkish troops still illegally occupy almost half of the island.

Since the 1974 invasion, the international community has repeatedly condemned the

Turkish invasion, and has called for the reunification of Cyprus and the final withdrawal of Turkish troops from the island. In fact, more than seventy-five resolutions have been adopted by the United Nations (U.N.) Security Council and more than thirteen by the U.N. General Assembly, calling for the return of Greek Cypriot refugees to their homes and properties.

Turkey has not heeded these calls.

To the contrary, over one hundred and sixty thousand settlers from Turkey now occupy the homes or property of Greek Cypriots evicted from northern Cyprus. These illegal settlers today outnumber the native Turkish Cypriots by almost two to one.

These thirty-five years of occupation in northern Cyprus have also led to the tragic devastation of hundreds of religious and cultural sites. On July 21, 2009, the U.S. Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, issued a report entitled, "Destruction of Cultural Property in the Northern Part of Cyprus and Violations of International Law," stating that icons, manuscripts, frescoes and mosaics have been looted from Greek Orthodox, Catholic, Armenian Orthodox, Maronite and Jewish religious sites in northern Cyprus.

The Helsinki Commission Report stated that, in the occupied north, over five hundred Orthodox churches or chapels have been pillaged, demolished or vandalized. Additionally, seventy-seven churches have been turned into mosques, twenty-eight churches are being used by the Turkish military as hospitals or camps, and thirteen churches have been turned into barns. The historic St. Anastasia monastery is now a hotel with a swimming pool and casino; and the Byzantine-era monastery of Antiphonetes has had its icons and murals removed and sold to art dealers. The Helsinki Commission reported that, in contrast to those Turkish actions, the Republic of Cyprus has spent about \$600,000 since 2000 to renovate seventeen historic mosques in the southern portion of Cyprus.

I am cautiously encouraged by the efforts of President of Cyprus Dimitris Christofias and the leader of the Turkish Cypriot community in the north, Mr. Mehmet Talat in their reunification negotiations now being held under the auspices of the United Nations. They have now held more than thirty-five rounds of direct talks since negotiations began on September 3, 2008, and they continue to meet on a regular basis. It is clear that the reunification of Cyprus should be based on a bi-communal, bi-zonal federal state with a single sovereignty, international personality and citizenship.

Ultimately, any final solution to the division of Cyprus must be developed by the Cypriot people themselves. However, the Turkish government has yet to give the leader of the Turkish Cypriot community the necessary freedom to negotiate a solution, has not agreed to withdraw its troops, and has not publically announced its support for the reunification efforts. To the contrary, on July 20, 2009, the Turkish Deputy Prime Minister Cemil Cicek announced that Turkey will never abandon its rights as a "guarantor" power on Cyprus, even if a peace deal is signed between Greek and Turkish Cypriot leaders later this year.

This is precisely the false premise with which Turkey justified its military invasion in 1974, and the echoes of this false justification will reverberate in the hearts of the people of Cyprus, who continue to live with the brutal consequences of the 1974 incarnation of this argument. The international community rejected this argument thirty-five years ago, and it must today condemn such statements as counterproductive to the reunification process.

It is time that we commemorate the last anniversary of the presence of Turkish troops on Cyprus. It is time the leaders of the Cypriot communities have full freedom to negotiate the reunification of their country, without pressure and imposed conditions from other nations. It is time for there to be a new generation of Cypriots born into a unified homeland.

EARMARK DECLARATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SHIMKUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the 2010 Transportation, Housing and Urban Development Appropriations Bill.

Requesting Member: JOHN M. SHIMKUS

Bill number: H.R. 3288

The Account: Surface Transportation Priorities—Edwards County Bone Gap Road
Requesting Entity: Edwards County located at Edwards County Courthouse, Alboin, IL 62806.

The funding will go towards the reconstruct Bone Gap Rd in Edwards County.

The Account: Transportation & Community & System Preservation—Harrisburg Missouri Street Hospital Access Project.

Requesting Entity: City of Harrisburg at 110 East Locust Harrisburg, IL 62946.

The funding will go towards construction of a secondary access route to Harrisburg Medical Center that was inaccessible during floods of 2008.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. McKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 3293, the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010."

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 3293, the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010"

Account: Department of Health and Human Services, Health Resources and Services Ad-

ministration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Victor Valley Community Hospital

Address of Requesting Entity: 15248 Eleventh Street, Victorville, CA 92395

Description of Request: I requested and received a Member priority request totaling \$250,000 to assist the Victor Valley Community Hospital with a modernization effort that includes the purchase of MRI Equipment, CT scan equipment, and Integration and Implementation, personnel, and training costs. Funding would also be used to provide advanced services such as arthritis care, behavioral health and counseling, community wellness programs, poison control, and senior health services.

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 3293, the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010"

Account: Department of Education, Higher Education

Legal Name of Requesting Entity: College of the Canyons

Address of Requesting Entity: 26455 Rockwell Canyon Road, Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority request totaling \$100,000 to assist the College with the continuation of its University Center Consortium, a program to provide increased access to higher education and advanced training. The Consortium would use this funding to increase the number of advanced degree programs available to non-traditional students and help increase the number of students pursuing higher education. Funding would also go toward books, planning, and evaluation.

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 3293, the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010"

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Henry Mayo Newhall Memorial Hospital

Address of Requesting Entity: 23845 McBean Parkway, Valencia, CA 91355

Description of Request: I requested and received a Member priority request totaling \$350,000 to assist Henry Mayo Hospital, the only hospital in the Santa Clarita area, with completion of the design and construction of a helipad and flight safety equipment at the hospital necessary to provide emergency care for over 680 square miles of the diverse geography of north Los Angeles County, which is one of the fastest growing communities in the nation. Funding is also critical to ensure that the hospital is able to maintain its relationship with L.A. County trauma system.

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 3293, the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010"

Account: Department of Education, Elementary and Secondary Education

Legal Name of Requesting Entity: Springboard for Improving Schools

Address of Requesting Entity: 181 Fremont Street, Second Floor, San Francisco, CA 94105

Description of Request: I requested and received a Member priority request totaling \$150,000 for the Improving Student Achievement in Palmdale Elementary School District program that provides Palmdale Elementary School District education leaders—board members, superintendents and district staff, principals, and teacher leaders—with research-based training and coaching to help build capacity within their schools and districts to raise student achievement and narrow the achievement gap.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mrs. MCCARTHY of New York. Madam Speaker, yesterday, I missed 11 votes. I would have voted as follows:

Rollcall No. 605, on the Motion to Table H. Res. 667, I would have voted "yea."

Rollcall No. 606, on Agreeing to the Resolution H. Res. 665, I would have voted "yea."

Rollcall No. 607, on the Motion to Suspend the Rules and Pass H.R. 1675, I would have voted "yea."

Rollcall No. 608, on the Motion to Suspend the Rules and Pass H.R. 2938, I would have voted "yea."

Rollcall No. 609, on the Motion to Suspend the Rules and Agree to H. Res. 69, I would have voted "yea."

Rollcall No. 610, on Agreeing to the Ryan Amendment to H.R. 2920, I would have voted "no."

Rollcall No. 611, on the Motion to Recommit with Instructions to H.R. 2920, I would have voted "no."

Rollcall No. 612, on Passage of H.R. 2920, I would have voted "yea."

Rollcall No. 613, on the Motion to Suspend the Rules and Pass H.R. 3119, I would have voted "yea."

Rollcall No. 614, on the Motion to Suspend the Rules and Agree to H. Res. 534, I would have voted "yea."

Rollcall No. 615, on the Motion to Suspend the Rules and Pass H.R. 2972, I would have voted "yea."

EARMARK DECLARATION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. PLATTS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Department of Transportation,

Housing and Urban Development and Related Agencies Appropriations Act.

Requesting Member: Congressman TODD RUSSELL PLATTS (PA-19)

Bill Number: H.R. 3288—the Department of Transportation, Housing and Urban Development and Related Agencies Appropriations Act (1) Craighead Bridge Replacement Project—\$750,000

Account: FHA, Transportation and Community and System Preservation

Legal Name of Requesting Entity: Cumberland County, Pennsylvania

Address of Requesting Entity: One Courthouse Square, Room 200, Carlisle, PA 17013

Description of Request/Justification of Federal Funding: Cumberland County would use funding to engineer, design, and replace Craighead Bridge. Craighead Bridge is a 110 year-old steel thru truss bridge that carries nearly 2000 vehicles per day across the Yellow Breeches Creek. This is a good use of taxpayer funds because Craighead Bridge has been named one of the worst bridges in Pennsylvania and is functionally obsolete, structurally deficient, and has an estimated remaining life span of four years.

(2) Rabbitransit Bus Facility—\$250,000

Account: FTA, Bus and Bus Facilities

Legal Name of Requesting Entity: York County Transportation Authority (d.b.a. Rabbitransit)

Address of Requesting Entity: 1230 Roosevelt Avenue, York, PA 17404

Description of Request/Justification of Federal Funding: The York County Transportation Authority (Rabbitransit) is the public transportation provider for York County. Rabbitransit would use this funding to relocate its facility to a location that could house all 86 buses in its fleet. The current location can only house 65 buses. Due to rapid growth over the past decade, Rabbitransit has been providing increasingly valuable service to the community. However, because of the growth, Rabbitransit is completely out of parking space and the bus facility has become over crowded. This is a good use of taxpayer funds because the project would provide Rabbitransit with the ability to continue to meet the needs of the community.

(3) West Manheim Township Park Facilities Improvements—\$250,000

Account: HUD, EDI

Legal Name of Requesting Entity: West Manheim Township Park and Recreation Board Address of Requesting Entity: 15 Waterview Road, Hanover, PA 17331

Description of Request/Justification of Funding: West Manheim Township Park and Recreation Board is a non-profit organization dedicated to the planning for and funding of a 113 acre recreation park in West Manheim Township in Hanover, Pennsylvania. The Board would use this funding to outfit two regulation-sized baseball fields with backstops, bases, scoreboards, specialized infield dirt, field drainage systems, and fencing. The funding would also be used to purchase two sets of restroom facilities. This is a good use of taxpayer funds because the facilities in the park will provide a safe outlet for the activities of the local youth population. The West Manheim Recreation Park will be a premier destination for Southern Pennsylvania and Northern Maryland residents.

EARMARK DECLARATION

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mrs. SCHMIDT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3288, the Transportation, Housing and Urban Development Appropriations, 2010:

Requesting Member: Congresswoman JEAN SCHMIDT

Bill number: H.R. 3288

Account: Federal Highway Administration, Transportation & Community & System Preservation

Requesting entity: Clermont County Transportation Improvement District, 175 East Main Street, Batavia, Ohio, Suite 150, Batavia, Ohio 45103; and

Summary: \$900,000 provided to continue SAFETEA-LU High Priority Project (Ohio #3234) and FY08 and FY09 appropriations to improve IR275-SR32 Interchange in the Eastgate area. Improvements (Local Network Improvements-Segments IV and IVa) include Preliminary Engineering/Environmental Impact Studies (PE/EIS) and related activities to develop and construct projects consistent with appropriate federal project development and ODOT requirements.

CALLING ON GOVERNMENT OF VIETNAM TO SUPPORT CITIZEN ACCESS TO INTERNET

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to call attention to the number of bloggers and democracy activists who have been imprisoned in Vietnam for distributing their peaceful views over the Internet. The Government of Vietnam continues to restrict websites and blogs that promote democracy, human rights, and speak against the actions of the government.

It has become evident over the past several months that the human rights situation in Vietnam continues to deteriorate. Today, I will be introducing a House resolution calling on the Government of Vietnam to not only release imprisoned bloggers but to also respect the people's right to internet freedom.

This resolution urges the Vietnamese government to support the right of citizens to access websites of their choosing, and to repeal statutes like Circular 07 and Article 88 which restrict the internet in Vietnam. It is time for the Government of Vietnam to become a responsible member of the international community and to respect an individual's freedom of speech, press and political association.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BLUNT. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, The Departments of Transportation-HUD Appropriations Bill for FY 2010.

Bill Number: H.R. 3288

Requesting Member: Congressman ROY BLUNT

Priority Name: Springfield MO Transit Related Improvements for National Avenue, Monroe Street, Brick City, and John Q. Hammons Parkway

Amount: \$500,000

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: Missouri State University

Address of Requesting Entity: 901 S. National, Springfield, MO 65804

Description of Request: Missouri State University, an authorized recipient of transit funds, will make needed transit related improvements to make accessing transit safer and more convenient in order to increase transit use and reduce vehicle traffic in and around campus. The use of taxpayer funds is justified as decreasing vehicular traffic by increasing transit usage will have a significant impact on safety and the environment.

Priority Name: MODOT Reconstruct I-44/Range Line Road Interchange in Joplin, MO

Amount: \$550,000

Account: IM—Interstate Maintenance Discretionary

Legal Name of Requesting Entity: Missouri Department of Transportation

Address of Requesting Entity: 3901 East 32nd Street, Joplin, MO 64804

Description of Request: The use of taxpayer funds is justified because this request would fund the redesign and reconstruction of the functionally obsolete and structurally deficient cloverleaf interchange at Interstate 44 and Range Line Road in Joplin. The project would eliminate weaving movements traffic must now perform, and it also would eliminate two structurally deficient bridges.

Priority Name: City of Springfield, MO—West Wye Rail Line Relocation

Amount: \$500,000

Account: Rail Line Relocation and Improvement Program

Legal Name of Requesting Entity: City of Springfield, Missouri

Address of Requesting Entity: 840 Boonville Avenue, Springfield, MO 65802

Description of Request: The funding would be used to fund the design and construction of a new West Wye that will allow relocation and reconfiguration of freight rail traffic. The use of taxpayer funds is justified because completion of the project will have a large impact on safety.

EARMARK DECLARATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. HALL of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—Transportation, Housing and Urban Development Appropriations Act 2010:

Requesting Member: Congressman RALPH M. HALL

Bill Number: 3288—Transportation, Housing and Urban Development Appropriations Act 2010

Account: Surface Transportation Priorities
Legal Name of Requesting Entity: Federal Highway Administration

Address of Requesting Entity: 1200 New Jersey Ave., SE, Washington DC 20590

Description of Request: I have secured \$500,000 for I-69 with Federal Highway Administration. For more than 15 years, the I-69 Corridor has been under development and has been consistently recognized by Congress as a national transportation priority. Funding for this project in Texas will help expand interstate highways 77, 281, and 59, to support local, interregional and international traffic. It will provide direct access to the Port of Houston and relieve congestion for the communities all along the route, providing the most direct route from Mexico and Canada for major commercial centers in the U.S., easing traffic on I-35. Funds will also ensure FHWA and in turn the resource agencies with responsibility for environmental clearances—US Fish & Wildlife and the Army Corps of Engineers—have additional staff to expedite the environmental reviews of projects along congressionally designated High Priority Corridors, including I-69 in Texas which is defined by statute as US 59, 77 and 281. Without such resources, the ongoing delay of environmental clearances will continue to significantly increase the cost of construction of I-69 and other High Priority Corridors. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL and Congressman MIKE ROSS

Bill Number: 3288—Transportation, Housing and Urban Development Appropriations Act 2010:

Account: Airport Improvement Program
Legal Name of Requesting Entity: Texarkana Regional Airport

Address of Requesting Entity: 201 Airport Dr., Texarkana, AR 71854

Description of Request: I have secured \$750,000 for Texarkana Regional Airport Fire Station Project with the Texarkana Regional Airport. Funding for this project will be used to construct an aircraft rescue fire station to save lives in the event of an aircraft accident. This project would complete an Aircraft Rescue and Fire Fighting (ARFF) station that has been constructed in four phases using incremental funding (continuing resolutions). Without the remaining funds, the facility is not useable. Until recently, airport firefighters shared an off-airport station with city fire crews. Response

times to the airfield from the city station did not meet FAA standards for a commercial service airport. The ARFF crews have been temporarily relocated to a maintenance hangar to meet response timing, but the hangar does not meet FAA standards for an ARFF station. The hangar is located in an area where taxiing aircraft may delay ARFF response and aircraft engine noise limits the firefighters' training, rest and ability to hear the crash phone. I certify that I do not have any financial interest in this project.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. KINGSTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Labor, Health & Human Services, Education & Other Related Agencies Appropriations Act, 2010:

Representative JACK KINGSTON

Request information: H.R. 3293, Department of Health & Human Services Health Resources and Services Administration Account

Recipient information: \$1 million, Southeast Georgia Health System, Carlton DeVoght, 2415 Parkwood Avenue, Brunswick, GA 31522

Description: This program will establish a full spectrum of pediatric and adolescent care, including preventative immunizations and well care for Medicaid and uninsured patients in Glynn, Camden, Brantley, McIntosh and Wayne Counties. This pilot project will allow the system to cut costs of the ER, keeping health care costs down across the system.

Representative JACK KINGSTON

Request Information: H.R. 3293, Department of Health & Human Services, Health Resources and Services Administration Account

Recipient Information: \$100,000, Coastal Medical Access project, Pat Kota, 2605 Parkwood Drive, Brunswick, GA 31520

Description: This program will expand clinical care and add new services at CMAP's Brunswick clinic, including chronic disease management and dental and vision care. Program expansion meets the needs of many uninsured residents in Glynn and McIntosh County who cannot access health services.

Representative JACK KINGSTON

Request information: H.R. 3293 Department of Education, Fund for Improvement of Post-secondary Education

Recipient information: \$457,000 Armstrong Atlantic State University Cyber Security Foundation, Randy Grubb, 11935 Abercorn Street, Savannah, GA 31419

Description: The goal of the Cyber Security initiative is to provide subject matter expertise to students in cyber and homeland-security issues as they relate to academic curriculum, training, and special research and development projects.

Representative JACK KINGSTON

Request information: H.R. 3293, Department of Health & Human Services, Health Resources and Services Administration

Recipient Information: \$993,000, Bacon County Hospital, Cindy Turner, 302 South Wayne Street, Alma, GA 31510

Description: The equipment purchase will help the hospital decide whether to retain the patient in Bacon County or transfer to a trauma care center quicker and more accurate. As a result, healthcare dollars will be saved, patient's lives improved, and resources utilized more efficiently.

Representative JACK KINGSTON

Request information: H.R. 3293, Department of Health & Human Services Administration for Children and Families

Recipient information: \$300,000 The Marcus Autism Center Farah Chapes 1920 Briarcliff Road Atlanta, GA 30329

Description: The Marcus Autism center will use the federal funding to develop a statewide service delivery system supporting children with Autism and related disorders. Funds will link existing academic/research and clinical models together providing a cohesive continuum of care for the patient population.

Representative JACK KINGSTON

Request information: H.R. 3293, Department of Labor, Employment Training Administration

Recipient information: \$350,000, Atlanta Christian College, Dean Collins, 2605 Ben Hill Road, East Point, GA 30344

Description: ACC will use these funds to help supplement the development of a satellite campus in Savannah to bring college to working adults. This satellite campus will help ACC to equip working adults to obtain employment and/or advance to higher wage jobs.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. GALLEGLY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Department of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010:

Requesting Member: Representative ELTON GALLEGLY

Bill: H.R. 3293, the Department of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010

Account: Department of Health and Human Services, Health Resources and Services Administration—Health Facilities and Services

Legal Name of Requesting Entity: California State University Channel Islands

Address of Requesting Entity: One University Drive, Camarillo, CA 93012

Description of Request: This request of \$195,220 is to enhance nursing education and practice and improve health care quality by addressing technological competency in pre-licensure nursing education. Three areas of education are highlighted: faculty development, curriculum integration and infrastructure support. First, this project will strengthen faculty preparation in using health information technology through an intense week of training immersion prior to each fall semester and regularly updated thereafter. Second, health information technology theory and practice will be

integrated into multiple courses and all levels of the nursing program and supported as a basic practice skill in the simulation lab under the direct supervision of an instructor. Lastly, the existing regional simulation laboratory will be augmented by twelve computerized hospital information systems work stations equipped with information systems used in local facilities. Health information technology integration throughout the curriculum will enable beginning students to tackle technology in their introductory courses and labs and then increasingly use health information technology throughout their nursing educational experience. By integrating health information technology into the nursing program curriculum, CSUCI is ensuring that future nurses will be able to access and retrieve electronic data necessary for technological advances in patient care. The bill provides \$195,000 in funding for this project request.

Requesting Member: Representative ELTON GALLEGLY

Bill: H.R. 3293, the Department of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010

Account: Department of Health and Human Services, Administration on Aging

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This request of \$750,000 is for the formation by the County of Ventura Human Services Agency of a multidisciplinary "expert team" to comprehensively address the diverse needs of victims of elder abuse. The team will be comprised of experts and would provide new perspectives in working with the elderly and the training of social workers, mandated reporters, the medical community and all other types of organizations that interface with seniors and the aged community. The unified expert team concept is a practical approach for the development of empirical data and outcomes regarding service strategies, intervention and assessment tools, training, and public awareness information. Existing systems that service the aged population largely rely on intergovernmental partnerships, service referral networks, and community organizations. However, this proposal brings diverse services together under a unified mission to more fully realize the best practice models of expert teams. The bill provides \$654,000 in funding for this project.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed some recorded votes on the House floor on Thursday, July 16, 2009.

Had I been present, I would have voted "aye" on rollcall vote #555 (On agreeing to the Price of Georgia amendment to H.R. 3170), "aye" on rollcall vote #556 (On agreeing to the Emerson of Missouri amendment to H.R. 3170), "aye" on rollcall vote #557 (On agreeing

to the Blackburn of Tennessee amendment to H.R. 3170, "aye" on rollcall vote #558 (On agreeing to the Broun of Georgia amendment to H.R. 3170), "aye" on rollcall vote #559 (On agreeing to the Flake of Arizona amendment #7 to H.R. 3170), "aye" on rollcall vote #560 (On agreeing to the Flake of Arizona amendment #8 to H.R. 3170), "aye" on rollcall vote #561 (On agreeing to the Flake of Arizona amendment #9 to H.R. 3170), "aye" on rollcall vote #562 (On agreeing to the Flake of Arizona amendment #10 to H.R. 3170), "aye" on rollcall vote #563 (On agreeing to the Flake of Arizona amendment #11 to H.R. 3170), "aye" on rollcall vote #564 (On agreeing to the Flake of Arizona amendment #12 to H.R. 3170), "aye" on rollcall vote #565 (On agreeing to the Flake of Arizona amendment #13 to H.R. 3170), "aye" on rollcall vote #566 (On agreeing to the Flake of Arizona amendment #14 to H.R. 3170), "no" on rollcall vote #567 (On agreeing to the Flake of Arizona amendment #15 to H.R. 3170), "aye" on rollcall vote #568 (On agreeing to the Flake of Arizona amendment #16 to H.R. 3170), "aye" on rollcall vote #569 (On agreeing to the Flake of Arizona amendment #17 to H.R. 3170), "no" on rollcall vote #570 (On Motion to Table Appeal of the Ruling of the Chair to H.R. 3170), "no" on rollcall vote #571 (On passage to H.R. 3170), "aye" on rollcall vote #572 (On Motion to Suspend the Rules and pass H. Res. 476).

Madam Speaker, unfortunately I also missed some recorded votes on the House floor on Friday, July 17, 2009. Had I been present, I would have voted "aye" on rollcall vote #573 (to Table Appeal of the Ruling of the Chair), "no" on rollcall vote #574 (on ordering the previous question to H. Res. 653), "no" on rollcall vote #575 (on agreeing to H. Res. 653), "aye" on rollcall vote #576 (on agreeing to the Hastings of Washington part B substitute amendment to H.R. 1018), "no" on rollcall vote #577 (on passage to H.R. 1018), "aye" on rollcall vote #578 (on agreeing to Heinrich of New Mexico Part A Amendment No. 9 amendment to H.R. 3183), "aye" on rollcall vote #579 (on agreeing to Cao of Louisiana Part A Amendment No. 10 to H.R. 3183), "aye" on rollcall vote #580 (on agreeing to Blackburn of Tennessee Part A Amendment No. 11 to H.R. 3183), "aye" on rollcall vote #581 (on agreeing to Campbell of California Part B Amendment No. 2 to H.R. 3183), "aye" on rollcall vote #582 (on agreeing to Flake of Arizona Part C Amendment No. 1 to H.R. 3183), "aye" on rollcall vote #583 (on agreeing to Flake of Arizona Part C Amendment No. 3 to H.R. 3183), "aye" on rollcall vote #584 (on agreeing to Flake of Arizona Part C Amendment No. 4 to H.R. 3183), "aye" on rollcall vote #585 (on agreeing to Flake of Arizona Part C Amendment No. 5 to H.R. 3183), "aye" on rollcall vote #586 (on agreeing to Flake of Arizona Part C Amendment No. 10 to H.R. 3183), "aye" on rollcall vote #587 (on agreeing to Flake of Arizona Part C Amendment No. 11 to H.R. 3183), "aye" on rollcall vote #588 (on agreeing to Hensarling of Texas Part D Amendment No. 1 to H.R. 3183), "aye" on rollcall vote #589 (on agreeing to Hensarling of Texas Part D Amendment No. 2 to H.R. 3183), "aye" on rollcall vote #590 (on agreeing to Hensarling of Texas Part D Amendment No. 4 to H.R. 3183), "no" on

rollcall vote #591 (on motion to recommit with instructions to H.R. 3183), "aye" on rollcall vote #592 (on passage to H.R. 3183).

Madam Speaker, unfortunately I also missed recorded votes on the House floor on Monday, July 20, 2009. Had I been present, I would have voted "no" on rollcall vote #593 (On approving the journal), "aye" on rollcall vote #594 (on motion to suspend the rules and agree to H. Res. 607), "aye" on rollcall vote #595 (on motion to suspend the rules and agree to H.R. 2245).

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. COLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2010

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3288

Provision: Title I

Account: Interstate Maintenance Discretionary

Legal Name of Requesting Entity: Oklahoma Department of Transportation

Address of Requesting Entity: 200 N.E. 21st Street, Oklahoma City, OK 73105

Description of Request: Provide an earmark of \$750,000. 100% of funds allocated will be used by ODOT to widen 1–35 to six lanes from the 1–35/SH–9 West Interchange to North of Main Street.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3288

Provision: Title I

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Oklahoma Department of Transportation

Address of Requesting Entity: 200 N.E. 21st Street, Oklahoma City, OK 73105

Description of Request: Provide an earmark of \$500,000. 100% of funds allocated will be used by ODOT to reconstruct access for safety reasons from 1–44 and US–62 to Fort Sill Artillery Center.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3288

Provision: Title I

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: Oklahoma Transit Association

Address of Requesting Entity: 1141 N. Robinson, Suite 101B, Oklahoma City, OK 74820

Description of Request: Provide an earmark of \$1,400,000. 100% of funds allocated will be used to meet the vehicle needs for the two section 5307 systems in Oklahoma: CART/University of Oklahoma; and Lawton area Transit System.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3288

Provision: Title II
 Account: Economic Development Initiatives (EDI)
 Legal Name of Requesting Entity: Ada Public Works Authority
 Address of Requesting Entity: 231 South Townsend, Ada, OK 74820
 Description of Request: Provide an earmark of \$400,000. 100% of funds allocated will be used to construct a 1 million gallon water storage tower.
 Requesting Member: Congressman TOM COLE
 Bill Number: H.R. 3288
 Provision: Title II
 Account: Economic Development Initiatives (EDI)
 Legal Name of Requesting Entity: Oklahoma City Community College
 Address of Requesting Entity: 7777 South May Ave., Oklahoma City, OK 73159
 Description of Request: Provide an earmark of \$200,000. 100% of funds allocated will be used to prepare the necessary asbestos abatement and remodeling and retrofitting of the space.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. PUTNAM. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development Appropriations Act of 2010:

TRANSPORTATION, HOUSING, AND URBAN DEVELOPMENT—POLK COUNTY AGRICULTURAL CENTER BUILDING RENOVATION

Requesting Member: Rep. ADAM PUTNAM (FL-12)
 Bill Number: H.R. 3288
 Account: HUD—Economic Development Initiative

Project Funding Amount: \$200,000
 Legal Name of Requesting Entity: Polk County, Florida

Address of Requesting Entity: 300 West Church Street, Bartow, FL 33831

Description of Request: Funding to be used for renovation improvements to the Polk County Agricultural Center, which also serves as an Emergency Operation Center (EOC) for Polk County. Originally constructed in 1948, the facility plays a central role in the Polk County community, contributing to the region's economic strength and well-being. Renovations are needed to meet fire and safety standards, enabling its continued benefit to the area. Substantial contributions are being made by the state and local government.

Requesting Member: Rep. ADAM PUTNAM (FL-12)

Bill Number: H.R. 3288

Account: Federal Highway Administration—Transportation & Community & System Preservation

Project Funding Amount: \$500,000

Legal Name of Requesting Entity: Polk County, Florida

Address of Requesting Entity: 300 West Church Street, Bartow, FL 33831

Description of Request: Funding to be utilized for improvements to U.S. Highway 98 to reduce existing traffic congestion and improve mobility along the corridor, which links Bartow to Lakeland, FL, one of the largest metropolitan areas in the region. Specifically, funding would be used for right of way acquisition and construction of a continuous 6-lane corridor between SR 60 and SR 570 (Polk Parkway), two intersecting Strategic Intermodal System (SIS) facilities.

TRANSPORTATION, HOUSING, AND URBAN DEVELOPMENT—LAKELAND AREA MASS TRANSIT AUTHORITY BUS REPLACEMENT AND FACILITY MAINTENANCE, FL

Requesting Member; Rep. ADAM PUTNAM (FL-12)

Bill Number: H.R. 3288

Account: Federal Transit Administration—Buses & Bus Facilities

Project Funding Amount: \$200,000

Legal Name of Requesting Entity: Polk County, Florida

Address of Requesting Entity: 300 West Church Street, Bartow, FL 33831

Description of Request: To continue to provide vital transportation bus service to several regional locations. For the replacement of aging buses and security technology upgrades.

TRANSPORTATION, HOUSING, AND URBAN DEVELOPMENT—WINTER HAVEN/POLK COUNTY BUSES, FL

Requesting Member; Rep. ADAM PUTNAM (FL-12)

Bill Number: H.R. 3288

Account: Federal Transit Administration—Buses & Bus Facilities

Project Funding Amount: \$200,000

Legal Name of Requesting Entity: Polk County, Florida

Address of Requesting Entity: 300 West Church Street, Bartow, FL 33831

Description of Request: To continue to provide vital transportation bus service to several regional locations. For the replacement of aging buses and security technology upgrades.

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I submit the following.

Requesting Member: Congressman BILL SHUSTER (PA-9)

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS PROJECTS

Project Name: Building acquisition, renovation, and redevelopment of Lower Fairview

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: The Nehemiah Project

Address of Requesting Entity: 800 Valley View Boulevard, Altoona, PA 16602

Description of Request/Justification of Federal Funding: \$100,000 for building acquisition, renovation, and redevelopment of Lower Fairview

It is my understanding that funding for this project would be used for the acquisition, renovation, and redevelopment of buildings in the Lower Fairview neighborhood in Altoona, Pennsylvania.

This project is a valuable use of taxpayer funds because it will focus on blight elimination and reconstruction efforts to improve the quality of life for residents living in the Lower Fairview area and to spur economic development.

Project Name: Coalport Borough streetscape project

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Coalport Borough Council

Address of Requesting Entity: 961 Forest Street, Coalport, PA 16627

Description of Request/Justification of Federal Funding: \$150,000 for Coalport Borough streetscape project

It is my understanding that funding for this project would be used for streetscape improvements in Coalport Borough, Clearfield County, Pennsylvania.

This project is a valuable use of taxpayer funds because it will focus on downtown revitalization efforts within the Borough's historic and central business districts to improve the quality of life for residents and spur economic development.

Project Name: Bedford County business park development

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Bedford County Development Association

Address of Requesting Entity: One Corporate Drive, Suite 101, Bedford, PA 15222

Description of Request/Justification of Federal Funding: \$250,000 for Bedford County business park development

It is my understanding that funding for this project would be used for the development of a business park in Bedford County, Pennsylvania to facilitate regional economic growth and development. The project is expected to focus on the creation of high tech, light industrial, office, and warehouse distribution.

This project is a valuable use of taxpayer funds because it is estimated that completion of this project would create approximately 500 new jobs.

Project Name: Improvements to 1-81, Franklin County, PA

Account: Federal Highway Administration, Interstate Maintenance Discretionary

Legal Name of Requesting Entity: Township of Antrim

Address of Requesting Entity: 10655 Antrim Church Road, Greencastle, PA 17225

Description of Request/Justification of Federal Funding: \$750,000 for Improvements to 1-81, Franklin County, PA

It is my understanding that funding for this project would be used for improvements to Interstate 81 in Franklin County, Pennsylvania. These upgrades will address existing traffic

movement deficiencies and create capacity for planned economic development. Franklin County is one of the fastest growing counties along the eastern corridor.

This project is a valuable use of taxpayer dollars because it will contribute to economic development while also improving safety and relieving congestion on the Interstate.

Project Name: Flight 93 National Memorial, Public Lands Transportation Needs, Somerset, PA

Account: Federal Highway Administration, Federal Lands (Public Lands Highways)

Legal Name of Requesting Entity: National Park Service

Address of Requesting Entity: 109 West Main Street, Suite 104, Somerset, PA 15501

Description of Request/Justification of Federal Funding: \$4,000,000 for Flight 93 National Memorial, Public Lands Transportation Needs, Somerset, PA

In 2002, the Flight 93 National Memorial Act established the creation of the Flight 93 National Memorial to commemorate the passengers and crew of Flight 93 who courageously gave their lives to protect their fellow citizens. Funding for this project would be used to pay for the federal share of the infrastructure needs to accomplish Phase IA and 1B of the project as described and approved in the park's General Management Plan. This project is a valuable use of taxpayer funds because it is a national memorial for all citizens to memorialize and reflect on the tragic event of September 11th and to provide the heroes of Flight 93 with a proper resting place.

EARMARK DECLARATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. HUNTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for FY 2010:

I originally requested \$2 million in this legislation for the Improvements to State Route 52 East/West project through the Federal Highway Administration's Transportation & Community & System Preservation account. It is my understanding that \$400,000 was ultimately appropriated for this project by the Subcommittee and the entity to receive funding for this project is the San Diego Association of Governments (SANDAG), located at 401 B Street, Suite 800, San Diego, California 92101.

This project seeks to add Managed Lanes and extends the freeway to greatly improve traffic flow in East San Diego County on SR52 from 1-15, east to SR67, including a freeway exchange at SR52 and SR67, allowing for traffic flow to be reversed during peak periods. This project has been identified as "high-priority" by local and state transportation agencies as it will provide residents living in East County better access to employment in the western part of the region while also relieving

congestion on existing freeways and local arterials. For example, the completed project is expected to reduce traffic on Interstate 8 by as much as 20%.

I also originally requested \$2 million in this legislation for the Bradley Ave/State Route (SR)-67 Interchange project through the Federal Highway Administration's Transportation & Community & System Preservation account. It is my understanding that \$400,000 was ultimately appropriated for this project by the Subcommittee and the entity to receive funding for this project is the County of San Diego, located at 5555 Overland Avenue, San Diego, California 92123.

The Bradley Ave/SR-67 Interchange experiences heavy congestion during the morning and afternoon commute and currently operates at a failing level of service during peak traffic hours. This project will provide congestion relief for the residential neighborhoods east of SR-67, the businesses west of SR-67 and regional commuters by widening 0.75 miles of Bradley Avenue from two lanes to four, add lanes to the SR-67 on-ramps and off-ramps and replace the narrow existing 2-lane Bradley Avenue bridge over SR-67 with a 6-lane bridge. New bike lanes and sidewalks will also be incorporated into this project on Bradley Avenue.

Bradley Avenue is a key part of San Diego's Regional Arterial System and is classified as a Major Road. Improvements to this interchange will address local accessibility and regional mobility, all joint goals of County of San Diego, Caltrans, SANDAG, City of El Cajon and City of Santee, substantially alleviating congestion and improving traffic flow through the area. This is particularly necessary during commuter hours, but essential during disasters and evacuations which have occurred twice in the past five years.

Finally, I requested, and the Subcommittee appropriated, \$250,000 in this legislation for the East County Boys & Girls Club Teen Center project through the Housing and Urban Development's Economic Development Initiatives account. The entity to receive funding for this project is the Boys & Girls Club of East County Foundation, Inc., located at 8820 Tamberly Way, Santee, California 92071.

The East County Boys & Girls Club Teen Center project focuses on the rehabilitation of the 48-year-old Boys & Girls Club building and conversion of the Wells Park Fieldhouse into a facility that can service young adults. With the rehabilitation of both facilities, the number of El Cajon youth that can be served will increase from 230 to 400 per day. The Boys & Girls Clubs of East County have provided a number of recreational, cultural and leadership programs that promote good behavior, active lifestyles and a positive alternative to the streets. By converting the existing Clubhouse to a center for 6-10 year olds, and relocating the 11-18 year old population to the new Teen Center, the Boys & Girls Club will enhance learning environments for both populations resulting in improved academic achievement, citizenship, decreasing police contact and vastly improving health through childhood obesity and athletic programs.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. GALLEGLY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Representative ELTON GALLEGLY

Bill: H.R. 3288—the Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Department of Transportation, Federal Highway Administration, Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Thousand Oaks

Address of Requesting Entity: 2100 Thousand Oaks Boulevard, Thousand Oaks, CA 91362

Description of Request: This request of \$500,000 is for a project to widen the US-101 and SR-23 Interchange from the Los Angeles/Ventura County line to Moorpark Road (US-101) and Hillcrest Drive (SR-23). The proposed improvements include the extension of existing auxiliary lanes in both directions, conversion of auxiliary lanes to mixed-flow lanes, addition of a northbound lane, realignment and widening of ramps at the interchange, and the construction of soundwalls and retaining walls. The improvements are necessary to relieve congestion along the 101 and 23 Freeways in the City of Thousand Oaks. The California Department of Transportation recently began the three-year project to widen the Route 23 Freeway connecting to the 101/23 Interchange. Completion of the improvements is crucial to achieve the congestion benefits of the project. The Ventura County Transportation Commission considers both improvements as two integral parts of a single congestion relief project. Since the freeway widening is now underway, the interchange improvement needs to move forward without delay. The bill provides \$500,000 in funding for this project request.

Requesting Member: Representative ELTON GALLEGLY

Bill: H.R. 3288—the Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Department of Transportation, Federal Railroad Administration, Grade Crossings on Designated High Speed Rail Corridors

Legal Name of Requesting Entity: SCRR—Metrolink

Address of Requesting Entity: 700 So. Flower Street, Los Angeles, CA 90017

Description of Request: This request of \$2,000,000 will be used for an important project that enhances safety at highway-rail grade crossings through the construction of grade crossing safety improvements, including median barriers, four-quadrant gates at crossings, fencing at strategic points, traffic signal

system upgrades, additional traffic signage, and street striping improvements. These safety enhancements will take place at crossings in the Simi Valley and Moorpark areas in Ventura County. The objective is to reduce the opportunity for accidents in the corridor.

Within my congressional district, there are fourteen highway-rail crossings needing funding along the Ventura County Line, with two projects currently underway. In 2005, Metrolink, in partnership with cities throughout Los Angeles and Ventura Counties, developed the Sealed Corridor program to improve safety at highway-rail grade crossings. The first in the nation, the Sealed Corridor program takes a systematic approach and performs on-site diagnostics to identify grade crossing enhancements to reduce and eliminate accidents involving vehicles and pedestrians. Grade separation costs range from \$20 to \$70 million and with 464 at-grade crossings on the Metrolink system, funding to grade separate all crossings is unlikely. The Sealed Corridor approach is a cost-effective alternative that will improve rail safety through a comprehensive strategy to enhance the safety of trains, passengers, motorists, and pedestrians in the areas serviced by Metrolink. The bill provides \$750,000 in funding for this project.

EARMARK DECLARATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. CULBERSON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the FY2010 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act:

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3293

Account: Department of Health and Human Services, Health Resources and Services Administration account

Legal Name and Address of Requesting Entity: M.D. Anderson Cancer Center; 1515 Holcombe Boulevard, Unit 169; Houston, TX 77030

Description of Request: Provide an earmark of \$1,000,000 to the M.D. Anderson Cancer Center for equipment, supplies, and production at the Center for Cancer Immunology. This Center is utilizing innovations in immunotherapies and vaccinations to cure cancer.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3293

Account: Department of Health and Human Services, Health Resources and Services Administration account

Legal Name and Address of Requesting Entity: Memorial Hermann Foundation, 9401 Southwest Freeway, Suite 1200; Houston, TX 77074

Description of Request: Provide an earmark of \$250,000 to the Memorial Hermann Chil-

dren's Autism Program. This request will support comprehensive health care for children and families affected by autism. Clinical staff will conduct full assessments of patients, coordinate initial referrals for hospital outpatient testing, and conduct follow-up visits with patients and families to provide ongoing monitor of patient progress.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3293

Account: Department of Health and Human Services, Health Resources and Services Administration account

Legal Name and Address of Requesting Entity: Memorial Hermann Healthcare System, 6411 Fannin; Houston, TX 77030

Description of Request: Provide an earmark of \$1,000,000 to the Memorial Hermann Healthcare System for upgrades to the Critical Level 1 Trauma Care Center. The purpose of this request is to purchase equipment at the Level 1 Trauma Center and expand existing adult and pediatric trauma care facilities. This equipment is critical to the Center's ability to serve its patient volume, which is the highest in the nation.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3293

Account: Department of Health and Human Services, Health Resources and Services Administration account

Legal Name and Address of Requesting Entity: Rice University, 6100 Main Street, MS 603; Houston, TX 77005

Description of Request: Provide an earmark of \$150,000 to the Rice University BioScience Research Collaborative. This request is to purchase equipment for the BioScience Research Collaborative, dedicated to improving the diagnosis and treatment of human disease through biomedicine and drug development.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3293

Account: Department of Health and Human Services, Health Resources and Services Administration account

Legal Name and Address of Requesting Entity: University of Texas Health Science Center at Houston, 7000 Fannin, Suite 1550; Houston, TX 77030

Description of Request: Provide an earmark of \$150,000 to the Center for Translational Neuroinformatics at the University of Texas Health Science Center. The Center conducts innovative research to prevent and treat developmental and neurodegenerative diseases including autism, Alzheimer's and brain injury.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3293

Account: Department of Health and Human Services, Health Resources and Services Administration account

Legal Name and Address of Requesting Entity: Harris County Hospital District, 2525 Holly Hall; Houston, TX 77054

Description of Request: Provide an earmark of \$300,000 to the Harris County Hospital District for CHP Digital Radiology. The purpose of this request is to purchase direct-capture digital imaging devices. This equipment will enhance clinical work flow, patient treatment and

increase the productivity of imaging technologists.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY10 Labor, Health and Human Services, and Education Appropriations bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3293

Account: Department of Health & Human Services—Health Resources and Services Administration—Health Facilities and Services

Legal Name of Requesting Entity: Unity Health System

Address of Requesting Entity: 89 Genesee Street, Rochester, NY 14611

Description of Request: Provide an earmark of \$800,000 to develop a set of clinical applications to support the goal of enhancing both the quality and the delivery of care within Unity Health System. Will also expedite the implementation of a practice management and ambulatory electronic record system that enables connectivity between the Unity Medical Group physician offices.

Of the total project amount, approximately 100 percent is for implementation of information technology.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3293 Account: Department of Education—Higher Education

Legal Name of Requesting Entity: Niagara County Community College

Address of Requesting Entity: 3111 Saunders Settlement Road, Sanborn, NY 14132

Description of Request: Provide an earmark of \$275,000 to provide additional and updated technology for the Learning Commons project, including SMART classrooms and individual workstations. Of the total project amount, approximately 100 percent is for equipment. By establishing the Learning Commons, the project will improve student success and create an educated workforce by improving access to technology, enhancing learning, and providing a relevant education for graduating students across all disciplines. NCCC has seen increased enrollment, a number of whom are economically disadvantaged, who need this new technology for success in college.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3293 Account: Department of Education—Higher Education

Legal Name of Requesting Entity: Monroe Community College

Address of Requesting Entity: 100 East Henrietta Road, Rochester, NY 14623

Description of Request: Provide an earmark of \$325,000 to establish a Medical Laboratory Technicians (MLTs) program at the community college. Will establish the curriculum, move it through accreditation process, and recruit its first students.

Of the total amount, \$272,025 (83.7 percent) is for personnel; \$4,550 (1.4 percent) is for supplies; \$28,600 (8.8 percent) is for equipment; \$1,625 (.5 percent) is for travel; and \$18,200 (5.6 percent) is for minor renovations.

The establishment of a curriculum to prepare Medical Lab Technicians for licensure to meet new New York State requirements to enter the medical profession.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3293

Account: Department of Health & Human Services—Health Resources and Services Administration—Health Facilities and Services

Legal Name of Requesting Entity: Kaleida Health

Address of Requesting Entity: 100 High Street, Buffalo, NY 14203

Description of Request: Provide an earmark of \$300,000 to create a new academically-oriented medical, the Global Vascular Institute, to integrate key programs and personnel of Buffalo General Hospital and Millard Fillmore Gates Circle Hospital pursuant to recommendations of the Berger Commission.

Of the total amount, 100 percent is for equipment.

The project will relocate important clinical services and programs from Millard Fillmore Gates Circle Hospital to the Global Vascular Institute (GVI) at the Buffalo Niagara Medical Campus. This will greatly strengthen and improve the quality of health care services in western New York and provide an important center for medical research and education for physicians.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3293

Account: Department of Education—Higher Education Legal

Name of Requesting Entity: State University of New York at Geneseo

Address of Requesting Entity: Erwin 218, SUNY Geneseo, Geneseo, NY 14454

Description of Request: Provide an earmark of \$500,000 for the purchase of a Fourier Transform Nuclear Magnetic Resonance Spectrometer for SUNY Geneseo's Integrated Science Center.

Of the total amount, 100 percent is for purchase and installation of equipment.

This instrument will replace an aging spectrometer at the College thus allowing Geneseo to continue attracting competitive research grants, training students in critical fields of science and technology, and contribute to economic development efforts in the region.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3293

Account: Department of Education—Higher Education Legal

Name of Requesting Entity: Canisius College

Address of Requesting Entity: 2001 Main Street, Buffalo, NY 14208

Description of Request: Provide an earmark of \$400,000 to help with equipment costs for the new science center and office complex for Canisius College. The new center will include interdisciplinary research laboratories to enable the college to develop new programs in

bioinformatics, quantitative science, cellular molecular biology, analytical chemistry and neurosciences. The project will partner with the Buffalo Niagara Medical Campus.

Of the total amount, 100 percent is for renovation and equipment. As part of the college's master plan, the establishment of the science center will allow the college to consolidate all its science programs in one building. This important capital project will add the community investment at the Buffalo Niagara Medical Campus and help Canisius College, which is recognized as one of the top universities for its undergraduate science programs.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3293

Account: Department of Education/National Projects—Innovation and Improvement/Reach Out and Read authorized under the Elementary and Secondary Education Act

Legal Name of Requesting Entity: Reach Out and Read National Center

Address of Requesting Entity: 56 Roland Street, Boston, MA 02129

Description of Request: Provide an earmark of \$4,965,000. Reach Out and Read is a national program that promotes literacy and language development in infants and young children, targeting disadvantage and poor children and families. Through fifteen years of peer-reviewed and published research, an extensive body of documentation now clearly demonstrates the importance of promoting early language and literacy skills so that children have the essential reading skills to begin school successfully. Yet today, a large number of children do not receive the necessary support and assistance to develop these skills and begin kindergarten read to learn.

To close this gap, the Federal Government provides funding for a variety of literacy programs and strategies that reach children and parents, and the professionals who interact with them. ROR has proven to be among the most effective strategies to promote early language and literacy development and school readiness: pediatricians and other healthcare providers guide and encourage parents to read aloud to their children from their earliest years of their life, and send them home from each doctor visit with books and a prescription to read together.

Currently, nearly 50,000 doctors and nurses have been trained in ROR's proven strategies, and more than 3,500 clinics and hospitals nationwide are implementing the program, reaching more than 25 percent of America's at-risk children. Funding provided by Congress through the U.S. Department of Education has been matched by tens of millions of dollars from the private sector and State Governments.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3293

Account: Department of Education/National Projects—Innovation and Improvement/Reading is Fundamental authorized under the Elementary and Secondary Education Act

Legal Name of Requesting Entity: Reading is Fundamental (RIF)

Address of Requesting Entity: 1825 Connecticut Ave., NW., Washington, DC 20009

Description of Request: Provide an earmark of \$24,803,000. RIF enhances child literacy by

providing millions of underserved children with free books for personal ownership and reading encouragement from the more than 18,000 locations throughout all fifty states, Washington, D.C., Guam, Puerto Rico, and the U.S. Virgin Islands.

EARMARK DECLARATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, FY2010 Labor, Health and Human Services, Education and Related Agencies Appropriations Act.

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Washington State University

Address of Requesting Entity: French Administration Building, Room 324 Pullman, WA 98101

Description of Request: Provide an addition of \$150,000 to the WSU College of Nursing to fund distance learning technologies, simulation technology and novel e-network which will increase their capacity to educate and graduate nurses. In order to address the identified nursing shortage and the need to help facilitate workforce development, the funding will increase the ability to utilize existing resources to attract high-quality faculty which will in turn result in the production of more high-quality nurses.

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Providence St. Mary Medical Center

Address of Requesting Entity: 401 West Poplar Street Walla Walla, WA 99362

Description of Request: Provide \$100,000 for new image-guided radiation therapy treatment systems that acquire 3D images of every patient, every day, allowing the clinicians to check a tumor's size and shape and adjust the treatment beam accordingly to provide more precise treatments. The project will bring significant improvements to cancer treatment at St. Mary's and will have a positive impact on the area's economic status by providing ongoing treatment for patients in their local environment. Patients will have access to daily treatment close to their homes and work, allowing them to continue working throughout their radiation treatment series.

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Gonzaga University

Address of Requesting Entity: 502 East Boone Avenue Spokane, WA 99258

Description of Request: Provide \$250,000 for expansion and upgrades of the Gonzaga School of Nursing's resource and simulation center. An upgrade and additional equipment are needed to support university nursing students and hospital staff nurses as they utilize simulation opportunities for education and training. Funding is critical in the nationwide effort to address the nursing shortage.

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3293

Account: Centers for Disease Control and Prevention (CDC)

Legal Name of Requesting Entity: Inland Northwest Health Services

Address of Requesting Entity: 601 West First Avenue Spokane, WA 99201

Description of Request: Provide \$350,000 for the Regional Disease Surveillance and Early Event Detection project. This project will utilize anonymous health data to capture all inpatient and emergency room data, all laboratory and imaging data, and a significant percentage of ambulatory data for an entire region. Special pattern recognition software will be applied to the data allowing rapid detection of patterns that may indicate a need for public health and emergency response action. Because public health authorities are seeking methods for detecting diseases as early as possible, this project has the potential to transform disease surveillance in this country. This can be accomplished by analyzing data from a wide variety of sources and enable the user to see patterns and relationships that otherwise would be missed.

EARMARK DECLARATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. LANCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the FY2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act:

Project: Route 22 Sustainable Corridor, Somerset County, NJ

Agency: Federal Highway Administration
Account: Surface Transportation Priorities
Amount: \$1,250,000

Recipient: Somerset County Business Partnership, 360 Grove Street, Bridgewater, NJ 08807

The Route 22 Sustainable Corridor Plan would redefine an 8-mile section of Route 22 in Bridgewater Township and Somerville Borough, the main business districts of Somerset County, New Jersey, from a high-speed arterial highway into a suburban boulevard design. The \$96 million project would relieve current and projected traffic congestion, improve vehicular and pedestrian safety, and integrate access to mass transit in one of the fastest

growing regions of New Jersey. For this reason, it has been authorized through the Transportation Equity Act, a Legacy for Users (TEA-LU) and been appropriated funds through past Transportation, Treasury, Housing and Urban Affairs Appropriations bills.

This project will provide benefit to the 7th District of NJ by improving safety on one of the most dangerous corridors in New Jersey. Additionally, this project is a key to relieve congestion. There are several factors that also indicate that congestion along the corridor will worsen in the absence of significant regional improvements. The forecasted population growth rate in Somerset County is 17 percent through 2010. Somerset County's labor force is projected by the New Jersey Department of Labor to be the fastest growing county in the central region through 2008. Therefore, alleviating congestion on Route 22 is critical to maintaining economic viability and improving quality of life for hundreds of thousands of local residents and workers.

Project: Downtown Streetscape and Pedestrian Improvements (Final Phase), Borough of North Plainfield, NJ

Agency: Federal Highway Administration

Account: Surface Transportation Priorities

Amount: \$300,000

Recipient: Borough of North Plainfield, 263 Somerset Street, North Plainfield, NJ 07060

The funding would be used to complete streetscape and pedestrian improvements in the downtown business district of North Plainfield which were first begun in 1998. The project will consist of sidewalk, lighting, and landscape improvements consistent with the existing design for the remainder of Somerset Street. Somerset Street is the main road in the business district, providing access to the Municipal Building/Emergency Services Complex, a grade crossing of US Route 22, and to schools and train station.

Project: Affordable Housing Site Preparation, Township of Clinton, NJ

Agency: Housing and Urban Development

Account: Economic Development Initiatives

Amount: \$250,000

Recipient: Township of Clinton, 1225 Rt. 31, Lebanon, NJ 08833

The funding would be used to prepare sites for construction of affordable units in Clinton Township, NJ. Specifically, funds will be used for demolition and installation of infrastructure in preparation for the construction of 85 affordable housing units.

Project: Irvington Branch of Lightning Brook Retaining Wall Replacement, Union Township, NJ

Agency: Housing and Urban Development

Account: Economic Development Initiatives

Amount: \$250,000

Recipient: Township of Union, 1976 Morris Avenue, Union, NJ 07083

The funding would be used for the costs related to the design, permits, land acquisition, demolition, construction and contract administration, and inspection for 2,700 lineal feet of retaining wall replacement for stabilization and rehabilitation of the eroding banks of the Irvington Branch of Lightning Brook.

EARMARK DECLARATION

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. FLEMING. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the "Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010." I have requested funding for the following projects in Fiscal Year 2010:

I-49 North (I-220 in Shreveport to AR Line), Account: Federal Highway Administration/Interstate Maintenance Discretionary, Recipient: Louisiana Department of Transportation and Development.

FY10 funds are for right-of-way, utilities, and construction for I-49 N, from I-220 in Shreveport to the Arkansas line. The I-49 North project forms the southern segment of Congressionally designated High Priority Corridor I running from Shreveport, LA to Kansas City, MO. As defined by ISTEA and TEA-21 "this corridor is intended to complement the existing Interstate system, integrate regions of the country, improve safety and efficiency of travel and commerce, and promote economic development." I-49 North represents Louisiana's part in completing this critical corridor connecting Canada and Mid-America to the deep water ports in New Orleans.

I-69 (Texas state line to Arkansas via Shreveport, LA), Account: Federal Highway Administration/Interstate Maintenance Discretionary, Recipient: Louisiana Department of Transportation and Development.

FY10 funds are for design and environmental work for sections SIU14B, SIU15, and SIU16A from the Arkansas state line to the Texas state line via Shreveport, LA. The I-69 corridor accounts for over 63 percent of the nation's truck borne trade with Canada and Mexico and has the nation's busiest border crossings on both the Canadian and Mexican borders. Seventeen of the nation's top 25 seaports, 13 inland waterway ports and 15 of the nation's top 25 air cargo airports are directly served by I-69. The corridor traverses over 150 counties and hundreds of municipalities, directly serving over 25 million people. Completion will increase transportation efficiency by reducing fuel consumption, travel time and costs, while facilitating trade, providing intermodal connectivity, relieving congestion and promoting economic development.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge, this request: (1) is not directed to an entity or program that will be named after a sitting Member of Congress, (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark, and (3) meets or exceeds all statutory requirements for matching funds where applicable. I also hereby certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the House passed version of H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 3288

Provision: Federal Highway Administration, Transportation & Community & System Preservation Account

Legal Name of Requesting Entity: Anderson County, SC

Address of Requesting Entity: 101 South Main Street, Anderson, SC 29622

Description of Request: The purpose of this appropriation is to provide \$400,000 for the Parker Bowie Road Bridge in Anderson County, SC. Built in 1962, the Parker Bowie Road Bridge's current sufficiency rating is only 28.9 out of a possible 100, and a recent SC DOT Inspection Report rated the bridge as basically intolerable, requiring a high priority of replacement. Requested funding would be used to replace and widen the bridge to 34 feet curb-to-curb allowing for two lanes with safety shoulders. It would also raise the height of the bridge and its approaches in order to minimize current roadway obstructions from flooding. These changes would allow emergency service vehicles and school bus traffic, which cannot currently use the bridge, to access it.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 3288

Provision: Federal Highway Administration, Transportation & Community & System Preservation Account

Legal Name of Requesting Entity: Greenwood County, SC

Address of Requesting Entity: 600 Monument St., Laurens, SC 29646

Description of Request: The purpose of this appropriation is to provide \$400,000 for the Widening of SC Highway 225 in Greenwood, SC. At present, SC Highway 225 is a four-lane highway except for a 4.36 mile stretch at the southern end. In this stretch, approximately 1.4 miles from where the four lanes narrow to two, SC Highway 225 intersects with Alexander Road. Due to the addition of a new development, including a public school, healthcare entities, and industry, this intersection has become a major safety concern. During peak traffic times, SC Highway 225 and Alexander Road become very congested, and may be backed up for 1.5 miles.

EARMARK DECLARATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding projects that were included at my request in H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services and Education Appropriations Bill:

BAYCARE HEALTH SYSTEM HARDENING OF FACILITIES

Account: Health Resources and Services Administration, Health Care-Related Facilities and Activities

Legal name and address of requesting entity: BayCare Health System, 16331 Bay Vista Drive, Clearwater, FL 33760

Description of request: \$1,000,000 is included in the bill for BayCare Health System to harden the acute care/in-patient care facilities by focusing on roofs, windows and e-power generation for climate control. Such infrastructure investments are critical in order to protect patients, staff and the hospital itself during and immediately after hurricanes. No previous federal funding was requested for this project.

CANCER LIFELINK PROGRAM AT THE MOFFITT CANCER CENTER

Account: Health Resources and Services Administration, Health Care-Related Facilities and Activities

Legal name and address of requesting entity: Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612

Description of request: \$700,000 is included in the bill for the Moffitt Cancer Center for its Cancer LifeLink Program, which is an online patient portal technology solution that will provide cancer patients with access to personalized information on the most appropriate medical care available for their specific needs and circumstances, which will maximize clinical outcomes, empower individuals to take control of their care and enhance the health of the entire community through continuous monitoring and support of cancer survivors. The project involves a partnership with providers across the State of Florida and regionally. No previous federal funding has been provided for this project.

FLORIDA BLOOD SERVICES DISASTER PREPAREDNESS

Account: Health Resources and Services Administration, Health Care-Related Facilities and Activities

Legal name and address of requesting entity: Florida Blood Services, 10100 Dr. Martin Luther King, Jr. Street North, St. Petersburg, FL 33716

Description of request: \$200,000 is included in the bill for Florida Blood Services to procure the required equipment to be able to maintain its full complement of blood collection and distribution services during a natural disaster. This would allow for the real-time, uninterrupted management of more than 800,000 donors and provide for the processing of blood for patients at the Tampa Bay area's major Category I Advanced Trauma Centers. No

previous federal funding has been provided for this project.

FLORIDA CANCER CLINICAL TRIAL PATIENT/PHYSICIAN INFORMATION AND EDUCATION PROJECT

Account: Health Resources and Services Administration, Health Care-Related Facilities and Activities

Legal name and address of requesting entity: University of South Florida, College of Education, 4202 East Fowler Avenue, Tampa, FL 33620

Description of request: \$500,000 is included in the bill for the University of South Florida for its Florida Cancer Clinical Trial Patient/Physician Information and Education Project. This program has developed continuing education and databases for the public on clinical trials for cancer treatments focusing on the nature of clinical trials and how patients might benefit, what trials are being conducted in Florida, the criteria for participation, and contact information. It also has developed an interactive web based program that lists all current cancer clinical trials and allows patients to determine programs for which they might be eligible. Further, it allows patients to share this information with their physicians. Previous funding was provided for this project as follows: FY 2004—\$500,000, FY 2005—\$500,000, FY 2008—\$536,000, FY 2009—\$190,000.

FLORIDA HOLOCAUST MUSEUM

Account: Institute of Museum and Library Services

Legal name and address of requesting entity: Florida Holocaust Museum, 55 Fifth Street South, St. Petersburg, Florida 33701

Description of request: \$200,000 is included in the bill for the Florida Holocaust Museum to develop and maintain its collection of Holocaust related material and to make that information available to the public and to student organizations.

GULF COAST JEWISH FAMILY SERVICES COMMUNITY CARE FACILITY

Account: Health Resources and Services Administration, Health Care-Related Facilities and Activities

Legal name and address of requesting entity: Gulf Coast Jewish Family Services, 14041 Icot Boulevard, Clearwater, FL 33760

Description of request: \$500,000 is included in the bill for Gulf Coast Jewish Family Services to consolidate its operations into one facility to increase the number of patients served, enhance patient privacy, provide a more seamless system of care, and reduce overhead costs. Gulf Coast serves more than 50,000 at-risk children, youth, adults, and elderly. \$190,000 was included for this project in FY 2009.

PINELLAS COUNTY COMMUNITY HEALTH

Account: Health and Human Services, Substance Abuse and Mental Health Administration

Legal name and address of requesting entity: Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, FL 33756

Description of request: \$300,000 is included in the bill for the Pinellas County Board of County Commissioners to support the expansion of an integrated, coordinated mental health and substance abuse treatment program for chronic minor offenders. Working in

partnership with local mental health and substance abuse agencies, the Pinellas County Sheriff's Office and other agency law enforcement officers, who have received specialized training to recognize and respond to situations involving an individual suffering from mental illness or chronic substance abuse, direct these individuals into the Community Care Chronic Minor Offender Program as an alternative to the County jail. The expansion of the program will further alleviate Pinellas County's cost of frequent detention of individuals for minor local offenses thus helping to close the revolving door. This program allows such offenders suffering from mental illness or chronic substance abuse to be voluntarily taken to a detoxification or mental health service facility for a thorough assessment in lieu of the County jail. If the individual is cognizant and willing to participate in the program, he/she is referred/transported for housing (family or transitional housing) and for outpatient substance abuse and/or mental health services. Participating agencies have unfunded forensic beds, 24/7 crisis care, medication and outpatient treatment services needed to address the needs of these offenders and reduce the escalating jail population. The program also supports the offenders in their ability to stay close to family and friends and other support networks. 300 individuals are anticipated to be served in FY 2010. The county will provide \$383,648 toward the cost of this project. These are the first federal funds requested.

ST. PETERSBURG COLLEGE HEALTHCARE INFORMATICS
WORKFORCE TRAINING

Account: Department of Education, Fund for the Improvement of Postsecondary Education
Legal name and address of requesting entity: St. Petersburg College, 6021 142nd Avenue North, Clearwater, FL 33760

Description of request: \$300,000 is included in the bill for St. Petersburg College to continue work to create a course of study in the area of health care informatics that will meet the needs of the health care industry as it transitions to a system of electronic medical records. The college will develop a new postsecondary health care informatics curriculum, curricular units for secondary students, faculty development, and the marketing materials to recruit high school students and college students into health care informatics careers. The new courses will be designed for on-line learning but they will also be able to be delivered in a blended instructor-led format. Current health care employees will be able to receive individualized or group instruction and with the training will be able to move from entry-level jobs to increasingly responsible positions. A web portal will also be developed to serve as a source of information about health informatics, the college's certificate and degree programs, and related career and training opportunities. Youth will also learn about health care informatics through a structured high school outreach program and through in-school job and career presentations by college faculty. In addition, an online competency-based Introduction to Health Care Informatics tutorial will also be available free of charge to anyone interested in learning about health care informatics. Finally, an annual Health Care Informatics Symposium will bring nationally known subject matter experts to the region

and provide a health care informatics forum for communication industry representatives, secondary and postsecondary faculty, and students. \$95,000 was included for this project in FY 2009.

STETSON UNIVERSITY COLLEGE OF LAW ELDER JUSTICE
PROGRAM

Account: Administration on Aging, Aging Services Programs

Legal name and address of requesting entity: Stetson University College of Law, 1401 61st Street South, Gulfport, FL 33707

Description of request: \$100,000 is included in the bill for the Stetson University College of Law to establish a pilot program to determine the most effective way to educate seniors about mortgage fraud and other financial scams. Through Stetson's Elder Justice Resource Center, this program will focus on ways to communicate with seniors about the inherent dangers from unsolicited offers for home refinancing, reverse mortgages, consumer goods, and financial opportunities. Communications strategies will include a telephone hotline, a web site, onsite visits to senior centers, retirement homes, libraries, clubs, and other places that seniors gather. \$95,000 was provided in FY 2009 for this project. Stetson will match the FY 2010 request with \$100,000.

EARMARK DECLARATION

HON. FRANK A. LOBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. LOBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 3288:

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3288

Account: FRA, Rail Line Relocation and Improvement Program

Legal Name of Requesting Entity: County of Salem, NJ

Address of Requesting Entity: 94 Market St., Salem, NJ 08079

Description of Request: Received an earmark of \$750,000 for the rehabilitation of county owned rail line depended upon by local industry.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3288

Account: HUD, Economic Development Initiative

Legal Name of Requesting Entity: South Jersey Economic Development District

Address of Requesting Entity: 226 North High Street, Millville, NJ 08332

Description of Request: Received an earmark of \$250,000 to assist in the construction of facilities at the Aviation Research and Technology Park, an industrial park in Pomona, NJ which will facilitate economic development and provide new jobs to the area.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3288

Account: HUD, Economic Development Initiative

Legal Name of Requesting Entity: Town of Hammonton

Address of Requesting Entity: 100 Central Avenue, Hammonton, NJ 08332

Description of Request: Received an earmark of \$250,000 to assist in the acquisition and adaptation of blighted former industrial sites for reuse as a location for new businesses looking to bring jobs to the area.

NATIONAL YOUTH SPORTS WEEK 2009

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MCINTYRE. Madam Speaker, I rise today in support of National Youth Sports Week, which is held each year during the fourth week in July. As Co-Founder and Co-Chairman of the Congressional Caucus on Youth Sports, I was pleased to sponsor legislation in the 110th Congress that established this week in order to recognize the vast array of benefits that youth athletic programs offer our children—benefits that improve their general physical, emotional, and intellectual well-being.

In response to the first-ever Report Card on Youth Sports in 2006, I started the Congressional Caucus on Youth Sports with the intention to further develop our Nation's youth sports programs, and support the thousands of U.S.-based organizations that work with young athletes every day. The Congressional Caucus on Youth Sports specifically highlights programs that place character development at the forefront of their missions by promoting the values of sportsmanship, civility, respect, health, safety, fun, and fitness among players, coaches, parents, and officials.

Also, I would like to encourage my colleagues in the U.S. House to join me in supporting H. Res. 6, a resolution I introduced at the beginning of this Congress that acknowledges the significant contribution of coaches across the country who volunteer their time and energy to promote sportsmanship, leadership skills, and self confidence to our Nation's youth. H. Res. 6 serves as a reminder of our commitment to the children of this Nation and recognizes the need to encourage adult involvement in youth sports programs across the country. It also establishes that the week of September 13–19 serve as National Coaches Appreciation Week.

The parents, grandparents, aunts, uncles, and friends that volunteer their time to coach a team are invaluable leaders in our communities. In honor of National Youth Sports Week, it is important that the U.S. Congress recognizes their contributions and provides them with the resources they need to keep up the critical work they so selflessly do.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY2010 Transportation, Housing and Urban Development Appropriations Act.

Along with Representative BROWN, I have received \$250,000 in the Housing and Urban Development (HUD), Economic Development Initiatives Account for the Spring Hill Boys and Girls Community Center building construction. The entity to receive funding for this project is the City of DeLand, FL located at 120 South Florida Avenue, DeLand, FL 32720.

Federal funding will allow the construction of a new facility to house the Spring Hill Boys and Girls Club and Community Resource Center. This facility will house a variety of programs and services, providing opportunities for the safe, healthy and productive development of the Spring Hill youth.

Madam Speaker, along with Representative BROWN, I have received \$750,000 in the Federal Highway Administration, Surface Transportation Priorities Account for the AutoTrain Gateway Improvements, located at 300 N. Park Ave., Room 203, Sanford, FL 32771.

Federal funding will improve access to the Sanford AutoTrain Station. The Amtrak Auto Train Station is designated as a Strategic Intermodal System (SIS) as well as a SIS passenger terminal and is linked by State Road 46 W to the Interstate, which is designated as a SIS corridor. This project is consistent with Florida Department Of Transportation's focus on SIS facilities and initiatives related to improving multi-modal connectivity. Increased Auto Train ridership, lack of roadway connectivity, insufficient access to and from the station, an increased multi-modal presence and future improvement plans define the need for these access improvements. This project is eligible under SAFETA-LU program authorization.

Madam Speaker, I also received \$250,000 in the in the Housing and Urban Development, Economic Development Initiatives Account for the Palatka Riverfront Park Redevelopment project. The entity to receive funding for this project is the City of Palatka, FL located at 201 N. 2nd Street, Palatka, FL 32177.

Federal funding seeks to reinvigorate the economy and provide jobs in an area with more than an 11% unemployment rate. City officials are redeveloping the Palatka Riverfront Park along the St. Johns River. The funds requested to develop this public space will be used for the master planning and development to promote access, build new infrastructure facilities and clean up along the riverfront.

IN MEMORIAL OF C.P. THOMPSON, JR.

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the life of C. P. Thompson, Jr., who passed away on Sunday, July 12, 2009. In his passing, North Carolina lost one of its most outstanding citizens; a man who was instrumental in his community, county, and state.

A native of Four Oaks, North Carolina and a life-time resident of Johnston County, Mr. Thompson was born on August 24, 1941 to Cooper Person and Ella Mae Lee Thompson. Known for his passionate support of Johnston County, he dedicated his life to public service and his community. When he died, he was serving as Johnston County's chief building inspector and the Johnston County Democratic Party's First Vice Chair. His civic involvement eventually led him to run for county commissioner in 2006 and C. P. quickly made himself into one of the party's most reliable and committed leaders. He was truly willing to go the extra mile, as evidenced by the fact that he continued his work even after being diagnosed with lung cancer last summer. Fittingly, one of the last tasks he accomplished was this year's American Cancer Society's Relay for Life. His smile still continued to come easy in spite of the disease that had attacked his body. It is safe to say it never touched his spirit.

Madam Speaker, C. P. Thompson, Jr. had a commitment to excellence in everything he did. He was a father, grandfather and husband who dedicated his life to public service. He was a great North Carolinian and it is fitting that we honor him and his family today.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman Mike ROGERS (AL)

Bill Number: H.R. 3288

Account: FHA, Federal land (Public Lands Highways) account, \$500,000

Legal Name of Requesting Entity: Talladega County Commission, AL

Address of Requesting Entity: 17 S Tinney Street, Talladega, Alabama 35160

Description of Request: "Cheaha State Park Talladega National Forest Tourism Access" Taxpayer justification—It is my understanding that this funding will be used to connect Alabama Highway 21 and County Road 482. This project is a wise use of taxpayer dollars because it is intended to create more access to the National Park and a direct public benefit.

Requesting Member: Congressman Mike ROGERS (AL)

Bill Number: H.R. 3288

Account: HUD, EDI account, \$250,000

Legal Name of Requesting Entity: City of Ashland, AL

Address of Requesting Entity: P.O. Box 849, Ashland, Alabama 36251

Description of Request: "Ashland Industrial Park infrastructure improvements" Taxpayer justification—It is my understanding that the funding will get essential infrastructure to the Industrial Park including sewer, water and road improvements. This project is a wise use of taxpayer dollars because it will provide private investment and job creation.

Requesting Member: Congressman Mike ROGERS (AL)

Bill Number: H.R. 3288

Account: HUD, EDI account, \$250,000

Legal Name of Requesting Entity: City of Tuskegee, AL

Address of Requesting Entity: P.O. Box 830687, Tuskegee, Alabama 36083

Description of Request: "Tuskegee Industrial Park development" Taxpayer justification—It is my understanding that the funding will be used to complete phase one of the development of the Tuskegee Industrial Park. It will encourage economic development in one of the most economically depressed counties in the state and in the black belt region.

Requesting Member: Congressman Mike ROGERS (AL)

Bill Number: H.R. 3288

Account: HUD, EDI account, \$250,000

Legal Name of Requesting Entity: Randolph County Industrial Development Council, AL

Address of Requesting Entity: P.O. Box 566, Roanoke, Alabama 36274

Description of Request: "Industrial Park South infrastructure improvements" Taxpayer justification—It is my understanding that the funding will be used to develop Industrial Park South's infrastructure. Economic development and job creation is becoming more and more important to all taxpayers as the economic condition in the country continues to deteriorate. Efforts such as this one being proposed by the Randolph County Industrial Development Council are being initiated all over the country. The need for this park, so that Randolph County can enter the search for industries and jobs, particularly those associated with suppliers to the new KIA plant, is extremely important.

COMMEMORATING THE 35TH ANNIVERSARY OF THE LEGAL SERVICES CORPORATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. COHEN. Madam Speaker, this year marks the 35th anniversary of the Legal Services Corporation (LSC), the single largest provider of civil legal aid for the poor in the nation. Established by Congress in 1974, LSC is a private, nonprofit organization that promotes equal access to justice and provides grants for high-quality civil legal assistance to low-income Americans. The people who come to

LSC-funded programs for help are the most vulnerable among us: women seeking protection from abuse, mothers trying to obtain child support, families facing unlawful evictions or foreclosures that could leave them homeless, disaster victims trying to obtain federal emergency assistance or insurance payments to rebuild their lives. In fact, three out of four clients are women—many of whom are struggling to keep their children safe and their families together.

LSC's work is more important than ever before, partly because of the impact of the current recession. Economic downturns affect the poor disproportionately and add to the pressures on the nation's public health and safety, child welfare, housing and jobs programs. Ensuring that the poor are adequately represented in the civil judicial system greatly improves their chances of keeping or securing basic necessities—the keys to stability and self-sufficiency. It also helps keep communities healthy. For low-income individuals and families, legal services often represent their only means of access to the justice system.

Nearly 51 million people—including 17.6 million children—are eligible for LSC-funded services. LSC-funded programs close nearly one million cases per year nationwide and provide other assistance to more than five million people. The clients served are at or below 125 percent of the federal poverty threshold, an income of about \$27,000 a year for a family of four. An overwhelming demand for civil legal services exists. Based on a 2005 study, 50 percent of eligible potential clients requesting assistance from LSC-funded programs are turned away for lack of adequate program resources. At a time when poor Americans are struggling to keep their jobs, homes, and basic necessities for their families, it is crucial for the federal government to continue to address the civil legal needs of these vulnerable people as a national priority. Fortunately, LSC has broad bipartisan support for a strong federal role in access to equal justice efforts.

On the occasion of the 35th anniversary of the Legal Services Corporation, I welcome my fellow Members of Congress to join me in recognizing the critical role that the Legal Services Corporation plays in helping America live up to its commitment to ensure equal access to justice for all. LSC and its grantees are to be commended for the vital work they do every day on behalf of clients in desperate need of counsel.

EARMARK DECLARATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BARTON of Texas. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3288—Transportation, Housing and Urban Development and Related Agencies Appropriations Bill

Account: Transportation, Community & Systems Preservation or Surface Transportation Projects

Legal Name of Receiving Entity: The City of Ennis

Address of Receiving Entity: P.O. Box 220, Ennis, TX 75120

Description of Request: I have secured \$500,000 in funding to be used for project design and construction of US HWY 287 from State HWY 34 to 1–45.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3288—Transportation, Housing and Urban Development and Related Agencies Appropriations Bill

Account: Bus and Bus Facilities

Legal Name of Receiving Entity: Fort Worth Transportation Authority (The T)

Address of Receiving Entity: 1600 Lancaster Ave., Fort Worth, TX 76102

Description of Request: I have secured \$750,000 in funding to be used to purchase 12 Compressed Natural Gas fueled coaches to replace the oldest vehicles in The T's fleet.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3288—Transportation, Housing and Urban Development and Related Agencies Appropriations Bill

Account: FAA F&E

Legal Name of Receiving Entity: The City of Arlington

Address of Receiving Entity: 101 W. Abram, P.O. 90231, MS 01–0310, Arlington, TX 76004–0231

Description of Request: I have secured \$637,000 in funding to be used for construction and installation of a MALS (Medium Approach Lighting System) at the Arlington Municipal Airport to supplement and enhance the existing Instrument Landing System (ILS) for Runway 34.

THE BURLESON DECLARATION

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. EDWARDS of Texas. Madam Speaker, to honor the request of a group of citizens from Burleson, Texas in my district, I rise today to enter into the RECORD the following resolution:

THE BURLESON DECLARATION

When, in the course of human events it becomes necessary for "we the people" of the United States to remind our federal government of its constitutional limits, duty demands that we communicate our grievances and petition for redress under the First Amendment of the United States Constitution.

We begin by reaffirming the core values on which our forefathers founded this Constitutional Republic.

We hold these truths to be self evident—that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the pursuit of Happiness.

That to secure these rights our forefathers instituted a limited federal government which derives its just powers from the consent of the governed—but the history of our Federal government is one of continual overreaching beyond its constitutional mandate

to secure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity.

We are therefore peaceably assembled here in Burleson, Texas on this April 15th, 2009 to demand that the Federal government immediately cease its abridgement of the People's rights, and the state's rights.

We call on our District 17 U.S. Representative Chet Edwards to read this our petition for redress on the House floor so that it may be entered into the official record of the House. We call on our U.S. Senators Kay Bailey Hutchison and John Cornyn to enter our petition into the Senate record. We call on President Barack Hussein Obama to veto all legislation and desist from Executive Orders which contravene the will of the people here-in expressed.

Whereas, the encouragement of private and public debt by the federal government has brought America to the brink of financial devastation, and has made us a debtor nation;

Whereas, history proves government spending has never succeeded in curing an economic downturn, but rather serves only to deepen and prolong it, snowballing debt for future calamity;

Whereas, government takeovers of banks and financial institutions move America ever further from the free-enterprise principles that have brought the nation prosperity for 233 years, and bring it closer to Socialism;

Whereas, bailouts of private corporations represent a counterproductive response to what is, essentially, a government-induced crisis, and effectively make the President the CEO of private corporations;

Whereas, the current level of irresponsible government spending is bankrupting this country, burdening our children and great-grandchildren with never-ending debt, and making the United States a servant to lender nations such as Communist China;

Whereas, redistribution of wealth by government for the purpose of achieving "social justice" is immoral and a proven failure;

We hereby demand an end to all further "stimulus" spending, corporate bailouts, "earmarks," pork projects, welfare programs, higher tax rates and attempts to nationalize industries. We reject socialism, no matter how it is packaged. And we pledge to hold accountable any and all elected officials who continue to pursue this course that is rapidly leading America to ruin. We remind the government that we are guaranteed a Republican form of Government in the constitution. (Article 4, Section 4)

We hereby petition Congress to repeal the Emergency Economic Stabilization Act of 2008 which unconstitutionally delegated to the Executive Branch the spending decision of 700 Billion dollars. We call on the government to immediately divest itself of GM, AIG, and all private corporations, and to provide an exact accounting of all TARP funds spent to date. We demand the repeal of H.R. 1106, which forces American families pay the mortgage for those who received loans they did not qualify for.

We petition Congress to repeal the Omnibus Appropriations Act of 2009 (H.R. 1105), and that the budget bill under consideration be killed which has a net tax hike of \$1.35 trillion.

We petition Congress for passage of H.R. 450 the Enumerated Powers Act, to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

We petition Congress for a final end to the death tax which effectively double taxes every citizen's income and usurps our right to transfer wealth to our posterity. This abridges our constitutional right to be safe in our effects, papers and property.

We reject the cap-and-trade energy tax, which Candidate Obama admitted would "cause electricity rates to skyrocket."

We reject the Food Safety Modernization Act of 2009 which will force onerous certification and inspection requirements on family farms and could make private vegetable gardens unlawful and turn the farmers market into a black market. (H.R. 875)

We reject the deceptively named Employee Free Choice Act which takes from the American worker the right to privately ballot whether to organize labor, or not, and makes them subject to union intimidation and bullying. (H.R. 800)

We reject the so called "Ted Kennedy Serve America Act" which forces our youth into involuntary servitude and subjects them to years of indoctrination. This is a violation of the 13th Amendment to our constitution which abolished slavery and involuntary servitude except when duly convicted of a crime. (H.R. 1388)

We reject all encroachment upon our 2nd Amendment right to keep and bear arms. An armed populace is the greatest preservative of the Republic against tyrants. We reject all attempts to limit access to ammunition. We reject the reinstatement of the Failed 1994 Gun and Magazine ban.

As Ronald Wilson Reagan has said: "There are those in America today who have come to depend absolutely on government for their security. And when government fails they seek to rectify that failure [by giving] government more power . . . at the expense of the Constitution. . . . in their willingness to give up their arms in the name of safety, they are really giving up their protection from what has always been the chief source of despotism—government."

We reject government run Health Care which would give bureaucrats the power to ration health care. This leads to an Orwellian society where government ultimately decides the time and circumstance of every citizen's death.

Finally, we reject the current 'Create a Crisis' method of controlling the people of the United States. As Texas Congressman Ron Paul correctly stated, "Whenever something terrible happens, people reflexively demand that government do something. This impulse almost always leads to bad laws and the loss of liberty."

We say that we do not trust in the Nanny-state, we choose instead to believe in the Constitution, in our fellow Americans, in the free enterprise system, and in our God.

To these principles we pledge our lives, our fortunes, and our sacred honor, and witness our determination by our signature affixed below. We demand that our elected representatives make it their highest priority to address these grievances or face certain expulsion from office, and we strongly suggest they add their signature to ours.

Signed in Burleson, Texas, April 15th, 2009
by WE THE PEOPLE.

INTRODUCTION OF THE MAJOR GENERAL DAVID F. WHERLEY, JR. DISTRICT OF COLUMBIA NATIONAL GUARD RETENTION AND COLLEGE ACCESS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. NORTON. Madam Speaker, today, I introduce, for myself and for Congressman JOSÉ SERRANO, the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Act. I introduce this bill a month after the heart-breaking collision of two Red Line Metro trains here in the District of Columbia that took the lives of nine area residents, seven from the District, including a local hero, Major General David F. Wherley, Jr. I introduced the District of Columbia National Guard Retention and College Access Act in May of this year, but after the Metro tragedy I said at the Wherleys' memorial service that I would rename this bill in honor of General Wherley, who not only fought for his country, but also never forgot the men and women who served under him at home or at war. Thereafter, Congressman JOSÉ SERRANO, chair of the Appropriations Financial Services subcommittee, was good enough to offer this renaming in his appropriations bill and to appropriate the funds without authorization this year and in prior years.

Under General Wherley's command, the D.C. National Guard deployed several of its units in the Global War on Terrorism. General Wherley himself served courageously in both Iraq and Afghanistan, but at home he spent hours with me figuring out ways to get funds not only for his soldiers, but also for programs for the District's children. He was always successful because he would show up, not only in my office, but wherever he was needed to get funds or to do service.

General Wherley was a full-service leader. He not only commanded the D.C. National Guard; he worked closely with me and with city officials on programs for our city, its disadvantaged youth, and on keeping our Guard competitive as a premier force at home as well as abroad. He became one of us when he and his wife, Anne, decided to purchase a co-op in Southeast, D.C., here on Capitol Hill. Anne, who sadly also was killed in the train collision, was his high school sweetheart. At their joint memorial service, I only half-jokingly said that she did everything with him but run the D.C. Guard.

As I highlighted when I originally introduced this bill earlier this session, the education incentive in my bill serves not only to encourage high quality recruits, but has had the important benefit of helping the D.C. National Guard to maintain the force necessary to protect the federal presence because this funding helps equalize an important benefit compared with what is offered by Guards in surrounding jurisdictions.

A strong D.C. National Guard able to attract the best soldiers is especially important, given the dual mission of the D.C. National Guard to protect hometown D.C. as well as the federal presence. This unique responsibility distin-

guishes the D.C. National Guard from any other National Guard.

While the appropriators treat funding for the D.C. National Guard as a programmatic request, under past administrations the Office of Management and Budget has contended that these funds are earmarks, putting them in jeopardy of consistent funding. It therefore is imperative that this important educational incentive be authorized to ensure its permanent sustainability.

I urge my colleagues to support this bill.

EARMARK DECLARATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. PETRI. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010:

Requesting Member: The Honorable THOMAS E. PETRI

Bill Number: H.R. 3293

Account: Centers for Medicare and Medicaid Services (CMS) Account

Legal Name of Requesting Entity: Fond du Lac County

Address of Requesting Entity: 160 S. Macy Street, Fond du Lac, Wisconsin 54935

Description of Request: The \$400,000 appropriation will be used to expand Fond du Lac County's Save a Smile Program, which provides dental care to Medicaid eligible children. The CMS account provides federal funds for demonstration projects related to one of the core missions of CMS, including improving access to health care and access for low-income and uninsured individuals. The lack of dental care among children is a national problem and the Save a Smile Program is a new innovative approach to remedy the situation that may serve as a model for the rest of the country. The goal of the program is to maximize the dental provider delivery system with public sector intervention to establish a dental home for children with Medicaid who reside in Fond du Lac County. The program removes the major barriers voiced by local dental providers, which include burdensome and frustrated Medicaid billing, increased patient no show rates and inadequate Medicaid reimbursement. Specifically the funds will be used to cover additional eligible children, hire additional staff, and produce educational materials.

Requesting Member: The Honorable THOMAS E. PETRI

Bill Number: H.R. 3293

Account: Fund for the Improvement of Post-secondary Education (FIPSE) Account

Legal Name of Requesting Entity: Lakeshore Technical College

Address of Requesting Entity: 1290 North Avenue, Cleveland, Wisconsin 53015

Description of Request: The \$250,000 appropriation will be used by Lakeshore Technical College to support the development of new programs and certificates in sustainability,

renewable energy, energy management, solar power and photovoltaic installation, composites, and other relevant disciplines. These programs will be based on the needs of local industry as determined through program advisory committees, direct business requests, and relevant projections. These programs will expand on Lakeshore's current initiatives to retrain American workers with the skills necessary to succeed in the green workplace. The FIPSE account provides funds for projects that focus on improving access to, or the quality of, postsecondary education. Specifically these funds will be used to hire additional faculty, curriculum and professional development and to develop and offer community education sustainability workshops.

Requesting Member: The Honorable THOMAS E. PETRI

Bill Number: H.R. 3293

Account: Fund for the Improvement of Postsecondary Education (FIPSE) Account

Legal Name of Requesting Entity: Marian University

Address of Requesting Entity: 45 South National Avenue, Fond du Lac, Wisconsin 54935

Description of Request: The \$200,000 appropriation will be used to establish a collaborative abilities-based Master's Program in Nursing Education. The establishment of this program is designed to address the shortage of nurse educators, thereby expanding opportunities for students to get degrees in nursing. The FIPSE account provides funds for projects that focus on improving access to, or the quality of, postsecondary education. Through this program, Marian University proposes to create the relationships and infrastructure to support collaborative agreements among a group of nursing programs at colleges, universities, and technical colleges within Wisconsin. Although the proposed program would have as its primary focus nursing education, students would be able to obtain advanced clinical preparation in specialty areas. This venture would be the first in Wisconsin to join private and public colleges in order to create new models that wisely use the scarce faculty resources available. Specifically, the federal dollars will be used for faculty, staff, equipment and travel. This will address a national and state-wide need for nurses as identified by Wisconsin's Department of Workforce Development.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BILBRAY. Madam Speaker, I submit the following information:

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 3183, FY 2010 Energy and Water Appropriations

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: The City of Solana Beach

Address of Requesting Entity: 635 South Highway 101, Solana Beach, CA, USA 92075

I received \$440,000 to complete the feasibility study for the Solana Beach-Encinitas

Shoreline Protection Project. The protective beaches throughout the Solana Beach area are severely eroded, leaving residences, portions of Highway 101, and public access points susceptible to dangerous wave attack and beachgoers subject to falling rocks as bluffs are destabilized by erosion. This Shore Protection Project will build up the protective beaches along the coast, preserving public access, recreational areas, and as well as public infrastructure and private homes.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 3183, FY 2010 Energy and Water Appropriations

Account: Army Corps of Engineers, General Investigations, Miscellaneous

Legal Name of Requesting Entity: Scripps Institution of Oceanography, UC San Diego

Address of Requesting Entity: 9500 Gilman Drive, La Jolla, CA 92093

I received \$500,000 for the Coastal Data Information Program/Southern California Beach Processes Study within the Army Corps of Engineers. Through this program, high-resolution wave data and forecasts are disseminated in real time via the Internet to the National Weather Service and to tens of thousands of diverse users each day. Sea state and surf warnings are issued based on this information for the protection of life and property. In addition, beach elevations are monitored and analyzed, and this information is provided to coastal communities online where local governments and engineers use it for making educated policy decisions for protecting and enhancing local beaches. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, which has the federal responsibility for shoreline protection and uses this data for coastal dredging and construction projects. This program is critical to marine safety and operations for the coastal United States and there are no competitive funding sources available.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 3183, FY 2010 Energy and Water Appropriations

Account: EERE

Legal Name of Requesting Entity: UC San Diego

Address of Requesting Entity: 9500 Gilman Drive, San Diego CA 92093.

Description of Request: I received \$750,000 for the San Diego Center for Algae Biotechnology (SD-CAB). SD-CAB is a consortium of renowned research institutions—including UC San Diego, The Scripps Research Institute, the Salk Institute, Scripps Institution of Oceanography, San Diego State University and other regional entities—that are collaborating with industry partners in a broad-scale research effort to develop advanced transportation fuels from algae. Scientists from these institutions established SD-CAB in an effort to make sustainable algae-based fuel production and carbon dioxide abatement a reality within the next 5 to 10 years. The primary goal of the center is to create a national facility capable of developing and implementing innovative research solutions for the commercialization of fuel production from algae. Algae biofuels have the potential to provide a secure and renewable source of transportation fuel that is at

least carbon neutral, and does not compete for land or fresh water resources required to grow food supply crops.

To further establish the SD-CAB as a national research resource for the sustainable development of algae-based biofuels, I made a project request intended to help develop the facilities necessary to the production and culturing of a variety of algae strains. These facilities would be both on campus at UCSD and at an off-site location where existing infrastructure can be readily upgraded, refurbished and leveraged for the SD-CAB research enterprise. A congressionally directed appropriation of \$750,000 has been provided in the House FY 2010 Energy and Water Development appropriations bill to help meet these needs.

This advanced research project will provide an important training component for both students and faculty, in this critical emerging field of research. It will serve as a platform for continued collaboration with other universities and key industry partners. It is also a logical continuation of the San Diego region's leadership role at both the state and federal levels in developing and deploying viable alternative energy and transportation fuel solutions. Further, the cutting edge R&D into alternative transportation fuels derived from algae enabled by this project will be reflective of current related policy goals and funding priorities of both the federal government and the State of California.

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SOUDER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of the 2010 Labor, Health and Education Appropriations Bill.

Requesting Member: Congressman MARK SOUDER

Bill Number: 2010 Labor, Health and Education Appropriations Bill

Account: Department of Education Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Indiana University—Purdue University Fort Wayne

Address of Requesting Entity: 169 Kettler Hall, 2101 East Coliseum Boulevard, Fort Wayne, Indiana 46805-1499

Description of Request: The creation of a Strategic Languages Institute would provide basic through advanced training in Arabic, Chinese and Japanese. IPFW runs a very successful dual-credit program for regional high school students through its Division of Continuing Studies (DCS). The strategic languages would be offered to high school juniors and seniors for dual high school-IPFW credit, as well as IPFW students on campus. The study of foreign languages has long been proven to be imperative for its educational, cultural, economic and strategic benefits. Studies have shown that by learning a new language, students not only gain insight into new horizons but also build a stronger identity. Additionally, learning a foreign language has

been shown to greatly benefit reading and writing in one's own language by contributing significantly to the development of individual intelligence. In a globalized world characterized by international links and intercultural connections, linguistic skills are crucial for employment and career. The knowledge of foreign languages increases job opportunities in many careers and can raise the students global competitive advantage significantly.

Requesting Member: Congressman MARK SOUDER

Bill Number: 2010 Labor, Health and Education Appropriations Bill

Account: Department of Education Higher Education (includes FIPSE)

Legal Name of Requesting Entity: Grace College and Theological Seminary

Address of Requesting Entity: 200 Seminary Drive, Winona Lake, IN 46590

Description of Request: It is a major academic goal for Grace College to advance the community's standing as the center of medical device research. Working with other companies and with the Lilly Foundation, Grace College has helped make northern Indiana ground zero for the medical device industry. To maintain this standing, especially in light of Memphis, Tenn.'s full press to supplant this standing among orthopedic and medical device companies, Grace College wants to continue to offer these companies a stable of well-educated college graduates—ones who have received specialized training in the field as part of their college education, as well as adult certificate graduates who can also contribute to the industry. The orthopedic industry has grown more complex in recent years through the advancement of technology and market demands. In order for the industry to remain centrally located in north central Indiana, they must establish a workforce pipeline that can continually advance their educational background to accommodate emerging market needs. Grace College seeks to expand the adult and continuing education program to offer unique educational advancement opportunities through curriculum development, technology upgrades, and additional course offerings. Grace endeavors to provide more non-traditional education opportunities for students such as evening and weekend classes and distance learning courses through technology upgrades and additions. Finally, Grace College wishes to fully utilize the fiber rings offered by the State which connect Indiana colleges and universities electronically.

Requesting Member: Congressman MARK SOUDER

Bill Number: 2010 Labor, Health and Education Appropriations Bill

Account: Department of Education Higher Education (includes FIPSE)

Legal Name of Requesting Entity: Trine University

Address of Requesting Entity: One University Avenue, Angola, IN, 46703

Description of Request: Trine University will develop and deliver synchronous distance education Master's Degree programs in civil/mechanical engineering utilizing emerging technology. Providing a model for institutions wishing to empower graduate-level engineers who can think critically, solve problems. Students will be served from throughout Indiana

and our campuses are in Merrillville, Angola, South Bend. Facility location is in Angola.

Requesting Member: Congressman MARK SOUDER

Bill Number: 2010 Labor, Health and Education Appropriations Bill

Account: Department of Labor Employment and Training Administration (ETA)—Training & Employment Services (TES)

Legal Name of Requesting Entity: Easter Seals Arc of NE Indiana

Address of Requesting Entity: 4919 Coldwater Road, Fort Wayne, IN 46825

Description of Request: Easter Seals Arc of Northeast Indiana, Inc. will expand ES Arc's Production & Work Training Services (PWTS) to: secure longer term contracts for Work Services to provide additional jobs for adults who have disabilities; provide customized Supported Employment services for people with ASD; provide for needed facility, transportation and equipment upgrades related to workforce development; and facilitate a full inclusion workforce to provide new jobs for adults who are not disabled.

EARMARK DECLARATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BROWN of South Carolina. Madam Speaker, I submit the following:

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: USACE, Construction
Legal Name of Requesting Entity: U.S. Army Corps of Engineers—Charleston District
Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403

Description of Project: Dredged material disposal areas at Charleston Harbor, SC necessary to support continued operation of the harbor, which is a critical commercial and military harbor; if dredging does not occur, shippers will either light-load ships (which increases shipping cost) or bypass Charleston for other, deeper ports.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: USACE, O&M
Legal Name of Requesting Entity: U.S. Army Corps of Engineers—Charleston District
Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403

Description of Project: Maintenance dredging and dredged disposal area maintenance necessary for continued operation of the Atlantic Intracoastal Waterway (AIWW), SC; the AIWW is a protected marine highway and its maintenance ensures that smaller boats do not have to risk going out on the ocean, and in the future a well-maintained waterway will serve as a significant highway for energy efficient freight movement.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: USACE, O&M

Legal Name of Requesting Entity: U.S. Army Corps of Engineers—Charleston District
Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403

Description of Project: Maintenance dredging of Charleston Harbor, SC necessary to support continued operation of the harbor, which is a critical commercial and military harbor; if dredging does not occur, shippers will either light-load ships (which increases shipping cost) or bypass Charleston for other, deeper ports.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: USACE, O&M
Legal Name of Requesting Entity: U.S. Army Corps of Engineers—Charleston District
Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403

Description of Project: Maintenance dredging of Georgetown Harbor, SC necessary to support continued operation of the harbor; Georgetown Harbor supports local businesses, reduces shipping costs and congestion.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: USACE, Investigations
Legal Name of Requesting Entity: U.S. Army Corps of Engineers—Charleston District
Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403

Description of Project: Charleston Harbor Post 45ft Deepening 905(b) Study to examine deepening the harbor beyond its current depth to ensure the harbor can handle deeper ships.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, 2010

Account: SBA, Salaries & Expenses
Legal Name of Requesting Entity: City of Myrtle Beach

Address of Requesting Entity: P. O. Box 2468, Myrtle Beach, SC 29578

Description of Project: This project will provide for the expansion of the Convention Center to meet the needs of the area. Tourism is the number one industry in South Carolina and the Grand Strand represents the number one attraction in the State. An expanded Convention Center will increase the number of organizations that will consider this area for hosting a convention. Increased tourism will directly result in an increase in jobs in the Grand Strand.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: FTA, Buses & Bus Facilities
Legal Name of Requesting Entity: Charleston Regional Transportation Authority (CARTA)

Address of Requesting Entity: 36 John Street, Charleston, SC 29403

Description of Project: Funding will be used in support of CARTA's on-going efforts to replace its current fleet of 36 35-foot commuter buses. The current buses are coming up on the end of their useful life and support a system that serves 40,000 passengers per month.

Requesting Member: HENRY E. BROWN, Jr.
 Bill Number: H.R. 3288, Transportation,
 Housing and Urban Development, and Related
 Agencies Appropriations Act, 2010

Account: HUD, EDI
 Legal Name of Requesting Entity: South
 Carolina Maritime Foundation
 Address of Requesting Entity: P.O. Box
 22405, Charleston, SC 29413

Description of Project: Funds will assist the
 Maritime Foundation as it continues its effort
 towards expanding the education and leader-
 ship development programs for troubled youth
 aboard the Spirit of South Carolina across the
 entire state.

Requesting Member: HENRY E. BROWN, Jr.
 Bill Number: H.R. 3293, Departments of
 Labor, Health and Human Services, and Edu-
 cation, and Related Agencies Appropriations
 Act, 2010

Account: Department of Education—Na-
 tional Projects Innovation and Improvement
 Legal Name of Requesting Entity: Reading
 is Fundamental

Address of Requesting Entity: 1825 Con-
 necticut Ave., NW., Washington, DC 20009

Description of Project: Funding will be used
 for purposes authorized in Section 5451 of the
 Elementary and Secondary Education Act.
 Reading Is Fundamental enhances child lit-
 eracy by providing millions of underserved
 children with free books for personal owner-
 ship and reading encouragement from the
 more than 18,000 locations throughout all fifty
 states, Washington, D.C., Guam, Puerto Rico,
 and the U.S. Virgin Islands.

Requesting Member: HENRY E. BROWN, Jr.
 Bill Number: H.R. 3293, Departments of
 Labor, Health and Human Services, and Edu-
 cation, and Related Agencies Appropriations
 Act, 2010

Account: Department of Education—Na-
 tional Projects Innovation and Improvement

Legal Name of Requesting Entity: Reach
 Out and Read National Center

Address of Requesting Entity: 56 Roland
 Street, Boston, MA 02129

Description of Project: Reach Out and Read
 is a national program that promotes literacy
 and language development in infants and
 young children, targeting disadvantage and
 poor children and families. ROR has proven to
 among the most effective strategies to pro-
 mote early language and literacy development
 and school readiness: pediatricians and other
 healthcare providers guide and encourage
 parents to read aloud to their children from
 their earliest years of their life, and send them
 home from each doctor visit with books and a
 prescription to read together. Currently, nearly
 50,000 doctors and nurses have been trained
 in ROR's proven strategies, and more than
 3,500 clinics and hospitals nationwide are im-
 plementing the program, reaching more than
 25% of America's at-risk-children. Funding
 provided by Congress through the U.S. De-
 partment of Education has been matched by
 tens of millions of dollars from the private sec-
 tor and state governments. Program has ben-
 efitied over 18,000 children in the First District.

Requesting Member: HENRY E. BROWN, Jr.
 Bill Number: H.R. 3293, Departments of
 Labor, Health and Human Services, and Edu-
 cation, and Related Agencies Appropriations
 Act, 2010

Account: DOE, Higher Education
 Legal Name of Requesting Entity: Trident
 Technical College

Address of Requesting Entity: P.O. Box
 118067, Charleston, SC 29423

Description of Project: Purchasing simula-
 tors and equipment for a nursing simulation
 lab at Trident's School of Nursing; equipment
 will allow integration of simulation into every
 nursing program at the college; the nation and
 South Carolina is suffering from a nursing
 shortage, and Trident Tech has one of the
 most successful nursing schools in South
 Carolina.

Requesting Member: HENRY E. BROWN, Jr.
 Bill Number: H.R. 3293, Departments of
 Labor, Health and Human Services, and Edu-
 cation, and Related Agencies Appropriations
 Act, 2010

Account: Department of Health & Human
 Services Health Resources and Services Ad-
 ministration (HRSA)—Health Facilities and
 Services

Legal Name of Requesting Entity: Medical
 University of South Carolina Hollings Cancer
 Center

Address of Requesting Entity: 86 Jonathan
 Lucas Street, Charleston, SC 29425

Description of Project: Funding will be used
 to purchase medical and diagnostic equipment
 to support the research work at NCI-des-
 ignated Hollings Cancer Center at MUSC. The
 Center is focused on cancer molecular
 diagnostics as a path-way to create new can-
 cer screening tools, design of new treatments,
 monitor treatment effectiveness and predict
 patient response. Equipment will enhance the
 Center's ability to partner with other oncology
 providers across the state to not only improve
 research but ensure that South Carolina pa-
 tients receive cutting-edge care.

Requesting Member: HENRY E. BROWN, Jr.
 Bill Number: H.R. 3293, Departments of
 Labor, Health and Human Services, and Edu-
 cation, and Related Agencies Appropriations
 Act, 2010

Account: Department of Health & Human
 Services Health Resources and Services Ad-
 ministration (HRSA)—Health Facilities and
 Services

Legal Name of Requesting Entity: Roper St.
 Francis Healthcare

Address of Requesting Entity: 316 Calhoun
 Street, Charleston, SC 29401

Description of Project: Purchase of equip-
 ment a new hospital operated by non-profit
 health care provider to serve rural areas that
 currently lack health care services; by increas-
 ing access to health care, project will assist in
 reducing long-term health care costs.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. THOMPSON of Pennsylvania. Madam
 Speaker, pursuant to the Republican stand-
 ards on earmarks, I am submitting the fol-
 lowing information regarding earmarks I re-
 ceived as a part of H.R. 3288, the Transpor-
 tation, Housing and Urban Development, and

Related Agencies Appropriations Act, 2010.
 The entity to receive funding is the Centre
 County Commissioners, 420 Homes Street,
 Willowbank Building, Bellefonte, PA 16823, in
 the amount of \$750,000. Funding will be used
 for Safety Improvements along the US Route
 322 Corridor in Centre County.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. PUTNAM. Madam Speaker, pursuant to
 the Republican Leadership standards on ear-
 marks, I am submitting the following informa-
 tion regarding earmarks I received as part of
 H.R. 3293, the Departments of Labor, Health
 and Human Services, and Education, and Re-
 lated Agencies Appropriations Act, 2010:

Requesting Member: Congressman ADAM H.
 PUTNAM

Bill Number: H.R. 3293

Account: Department of Health and Human
 Services—Health Resources and Services Ad-
 ministration (HRSA)

Project Funding Amount: \$400,000

Legal Name of Requesting Entity: Florida
 Southern College

Address of Requesting Entity: 111 Lake Hol-
 lingsworth Drive, Lakeland, FL 33801

Description of Request: It is my under-
 standing that the funding would be used for
 construction costs and to purchase instruc-
 tional technology and equipment for the nurs-
 ing skills lab to allow Florida Southern College
 (FSC) to continue increasing student enroll-
 ment in its nursing programs in an effort to ad-
 dress the well-documented, critical shortage of
 nurses in the State of Florida and the nation.
 Specifically, accommodating rapidly growing
 enrollment in Florida FSC's RN-to-BSN, BSN,
 and MSN programs and to prepare for further
 growth from their three-year cooperative BSN
 program with Polk State (Community) College,
 FSC is constructing a 3,000-square-foot ex-
 pansion of the Joe K. and Alberta Blanton
 Nursing Building, which will house a class-
 room and a high-tech nursing skills lab.

IN TRIBUTE TO REUBEN K. HARPOLE, JR.

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. MOORE of Wisconsin. Madam Speak-
 er, I rise today to recognize a visionary, vet-
 eran, mentor, ambassador for the African
 American community, and grassroots activist.
 On September 12, 2009, at the University of
 Wisconsin-Milwaukee (UWM) Ballroom, Reu-
 ben K. Harpole, Jr. will celebrate his 75th
 birthday being honored by grateful members
 of the community for 50 years of service.

Mr. Harpole was born in Milwaukee to par-
 ents Mardee Johnson Harpole and Mr. Reu-
 ben K. Harpole, Sr. After graduating from
 North Division High School, he earned his

bachelor's degree in elementary education from UWM. He and his wife Mildred are long time members of All Saints Catholic Church. After his parents' divorce, Mr. Harpole and his three siblings were raised by his single parent mom and his maternal grandparents. Mr. Harpole was close to his Grandfather Johnson who ran numerous family businesses, all while working fulltime at a Milwaukee foundry.

Mr. Harpole worked for 31 years at UWM. When he retired in 1997 he was a Senior Outreach Specialist at UWM's Center for Urban Community Development. Since 1998, he has served as Special Advisor to the President of the Helen Bader Foundation. Mr. Harpole created and managed the Sankofa-Youth Development Program Area for 10 years, awarding more than \$5.6 million in grant dollars to small grassroots-oriented youth organizations in Milwaukee's low-income neighborhoods. Mr. Harpole helped initiate Homework First, an educational enrichment program serving low income students in more than 40 Milwaukee Public Schools.

Mr. Harpole received numerous awards including: an Honorary Doctorate of Humane Letters in 2005 from UWM, as well as the St. Mark African Methodist Episcopal Church's 2006 Dr. Martin Luther King Award. He and his wife of 50 years, Mildred were recipients of the Thurgood Marshall Scholarship Fund's 2005 Community Service Award, the YMCA's 2004 Lincoln Gaines Award, and the 1993 Vatican II Awards. Mr. Harpole helped found numerous organizations benefitting the greater Milwaukee community. He continues to serve in a leadership role in various community groups including: the Community Brainstorming Breakfast Forum, Metropolitan Milwaukee Association of Black School Educators, and the United Negro College Fund.

Madam Speaker, for these reasons, I am honored to pay tribute to Reuben K. Harpole, Jr. Mr. Harpole's contributions have greatly benefitted the citizens of the Fourth Congressional District.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010. The entity to receive funding is the Area Transportation Authority of North Central PA, 44 Transportation Center, Johnsonburg, PA 15845, in the amount of \$360,000. Funding will be used for the replacement of four paratransit vehicles that serve 7 counties in rural Pennsylvania.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3293, "Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN

Account: Department of Education—Higher Education

Project Amount: \$300,000

Legal Name of Requesting Entity: Maryville College, 502 East Lamar Alexander Parkway, Maryville, Tennessee 37804

Description of Request: The funding will be used to prepare increased numbers of talented students for professional lives as research scientists and educators.

Requesting Member: Congressman JOHN DUNCAN

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Project Amount: \$350,000

Legal Name of Requesting Entity: UT Medical Center, 1924 Alcoa Highway, Knoxville, Tennessee 37920

Description of Request: The funding will be used for renovation and expansion of the Family Medicine Building and Clinic at the UT Medical Center.

Requesting Member: Congressman JOHN DUNCAN

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Project Amount: \$200,000

Legal Name of Requesting Entity: Clinics of Hope, USA, 1064 Hayslope Drive, Knoxville, Tennessee 37919

Description of Request: The funding will be used to develop three free medical clinics in Knoxville, Tennessee. The clinics would serve those who are under two-times the federal poverty level. The requested funds will be used for initial start-up of the three clinics and for the first year of operation.

EARMARK DECLARATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. TERRY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the Transportation, Housing and Urban Development Appropriations Bill for Fiscal Year 2010, H.R. 3288.

My Congressional District received \$1.25 million for the construction of a child and fam-

ily services facility at Boys Town, Nebraska. The entity to receive this funding is Boys Town, located at 14100 Crawford St., Boys Town, NE 68010.

This funding will help fund the construction of a new totally comprehensive child and family services facility with increased capacity to serve more than double the population of children and families currently served of approximately 1,000. Boys Town will be providing at least \$7.25 million in matching funds towards the requested Federal share of \$1.25 million. This multi-dimensional service facility will include the broad range of medical and juvenile justice delinquency services so that at-risk girls and boys (and their families) can have all child related disorders and care provided. Some of the services included, but not limited to, in this facility will include juvenile justice evaluations, services to prevent delinquency and school failure, and parenting skill building services to help parents become more effective at dealing with a variety of child disorders and issues. It is expected that through these services, youth recidivism of criminal behavior will be greatly reduced as will the need for further out-of-home-placement, including that of a correctional or prison facility. Youth will be prepared to be productive members of society.

Nationally and locally, Boys Town's continuum of programs now provide direct care to more than 51,000 children and their families and assists nearly 1.4 million children each year through its youth care and health care programs. Boys Town operates programs in a dozen states and the District of Columbia. These programs include: Treatment Family Programs (i.e. Family Home, Assessment and Short-Term Residential Services, Treatment Foster Family Services, Family Based Services, Common Sense Parenting and National Hotline. Treatment modalities range from prevention to aftercare and include in- and out-of-home programs. The Boys Town model, the foundation for all Boys Town programs, has been recognized by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as a "Promising Model." Boys Town's leadership in treatment and child care technology provide youth with a safe, caring, loving environment where they gain confidence to get better and learn skills to become productive citizens. With at least an 81% success rate, Boys Town alumni have gone on to become successful in all facets of life. This commitment to our nation's youth placed Boys Town on the list of the 100 Best Communities for Young People as named by America's Promise Alliance in 2005, 2006, and 2007.

EARMARK DECLARATION

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. PAULSEN. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information regarding congressionally directed appropriations projects I sponsored as part of the Transportation, Housing and Urban Appropriations Bill, H.R. 3288.

Name of Project: Trunk Highway 610

Amount: \$400,000

Account: FHWA

Requesting entity: North Metro Crossing Coalition

Address: PO Box 1180, 12800 Arbor Lakes Pkwy, Maple Grove, MN 55311

Description of Project Request: Extension, and completion, of TH 610 from County State Aid Highway (CSAH) 81 to Interstate 94 in Maple Grove, MN.

Name of Project: 169/1-494 Interchange Construction.

Amount: \$400,000

Account: TCSP or Surface Transportation Priorities

Requesting entity: Serge Phillips

Address: 395 John Ireland Blvd.

Description of Project Request: Reconstruction of the existing interchange including grading, surfacing, drainage, utilities, noise barriers, retaining walls, traffic management systems, and bridges on TH 169 and I-494 including the TH 169/Valley View Road interchange.

Name of Project: Interstate 94/Brockton Lane Interchange.

Amount: \$700,000

Account: FHWA—Interstate Maintenance

Requesting entity: Doug Anderson, Mayor, City of Dayton

Address: 11260 Diamond Lake Road, Dayton, MN 55327

Description of Project Request: Funding to move through all elements of the scoping study, preliminary design, environmental review process, right-of-way acquisition and final design of an expanded I-94 corridor complete with a full interchange at Brockton Lane.

I certify that none of these projects has a direct and foreseeable effect on the pecuniary interests of me or my spouse.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010. The entity to receive funding is the Deane Center for the Performing Arts, P.O. Box 102, Wellsboro, PA 16901, in the amount of \$100,000. Funding will be used for construction and renovation of the Deane Center for the Performing Arts.

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy

on earmarks, to the best of my knowledge the requests I have detailed below are (1) not directed to an entity or program that will be named after a sitting Member of Congress; and (2) not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on projects I requested and that were included in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (H.R. 3288).

Account: Federal lands (Public Lands Highways)

Project Name: Highway 140, Lake County, OR

Legal Name and Address of Requesting Entity: Oregon Department of Transportation, 355 Capitol Street NE., Room 135 Salem, OR 97301

Project Location: Lake County, Oregon

Description of Project: H.R. 3288 appropriates \$1,250,000 for the Highway 140 (Lake County, OR) project. According to the requesting entity, funding would be combined with other state and federal funds to complete a project that will straighten an existing sharp and dangerous curve on Highway 140, Warner Highway, in Lake County, Oregon. According to the Oregon Department of Transportation, this is a valuable use of taxpayer funds because it will improve safety and eliminate existing vehicle length restrictions on Highway 140.

Account: Surface Transportation Priorities

Project Name: Bear Creek Greenway Crossing at Barnett Road (Medford, OR)

Legal Name and Address of Requesting Entity: City of Medford, 411 West 8th St. Modular Building, Medford, OR 97501

Project Location: Medford, Oregon

Description of Project: H.R. 3288 appropriates \$500,000 for the Bear Creek Greenway Crossing at Barnett Road (Medford, OR) project. According to the requestor, funds would be used for a grade-separated crossing of the Bear Creek Greenway Trail at Barnett Road. According to the City of Medford, this is a valuable use of taxpayer funds because it will improve safety at the Bear Creek Greenway Crossing.

HONORING ROLAND-WARNER MIDDLE SCHOOL

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mrs. MILLER of Michigan. Madam Speaker, I rise today to officially recognize the new Rolland-Warner Middle School in Lapeer, Michigan, which is named in honor of Doris F. Rolland and the late Ronald C. Warner. The community is preparing to mark this special occasion with a dedication ceremony on August 27th at the site of the new facility.

The process to name the school took nearly two months, and it was anything but simple and easy considering there was an exceptional list of 19 possible candidates to pick

from. Any one of these individuals would have been an excellent choice to receive this honor. But in the end, the members of the Lapeer Community Schools, LCS, Board of Education voted unanimously to name the facility the Rolland-Warner Middle School.

Mrs. Doris Rolland truly is an extraordinary person, and I commend her for her dedication and tireless work to educate the youth of Lapeer County. Mrs. Rolland still resides in beautiful Mayfield Township with her husband. Her resume speaks volumes about her commitment and devotion to help children succeed in academics and life, and especially those with special needs. Mrs. Rolland was both a teacher and principal at Woodside School at Oakdale, which coincidentally is the site of the new facility. In addition, she supervised a staff of 300 people who worked in the residential unit, the research unit and the unit that housed students with emotional impairment. Mrs. Rolland also served for 10 years as director of special education that served 750 students and 200 staff. She demonstrated unwavering passion for her work, and never questioned her mission. I thank her for her devoted spirit and willingness to assist the future of Lapeer, and I also want to offer my sincere congratulations on this very appropriate honor.

Mr. Ronald Warner held many positions during his 41 plus years career in the education field that concluded in 1984 when he retired as the Assistant Superintendent for the Lapeer Community Schools. However, Mr. Warner sadly passed away in June of 2008 at a tremendous loss to the community. My heartfelt condolences go out to his family and friends. And his family should rest assured that his spirit and legacy continue to live on. Mr. Warner began his career in Almont and held various teaching and administrative positions within the district. Mr. Rolland consistently demonstrated to his students and colleagues an outstanding capacity for leadership and the ability to make a positive difference. He helped countless young people learn and grow by challenging them to expand their minds. His contributions are greatly appreciated, and I could not think of a better way to show this gratitude other than by placing his name on the new school. His family should be extremely proud of this achievement, and I applaud Mr. Rolland posthumously on this wonderful acknowledgement.

August 27th will be a great day for the Lapeer Community Schools District and for the City of Lapeer as they pay tribute to Mrs. Doris Rolland and Mr. Ronald Warner, and I am pleased to have had the opportunity to do the same. I want to thank all parties involved for their hard work during the nomination process. The community can stand proud of these two individuals as they have their names remembered forever on the new facility. They are rightfully deserving of this prestigious distinction because they have laid a strong foundation on which to build and expand upon.

In closing, I offer my encouragement and best wishes to all the teachers, students and parents who are a part of the Rolland-Warner Middle School family. The future is bright and your potential is limitless. Go Wolves!

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010. The entity to receive funding is the Centre Area Transportation Authority, 2081 West Whitehall Road, State College, PA 16801, in the amount of \$300,000. Funding will be used for compressed natural gas powered articulated transit buses.

EARMARK DECLARATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BONNER. Madam Speaker, I submit the following:

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3293

Account: Elementary and Secondary Education

Legal Name of Requesting Entity: Alabama School of Math and Science

Address of Requesting Entity: 1255 Dauphin St., Mobile, Alabama 36604

Description of Request: Provide \$100,000 for curriculum development and training for teachers of Advanced Placement (AP) courses, along with upgrades to server and computer networks for the Alabama School of Math and Science (ASMS). Approximately, \$25,000 (25%) will be used for curriculum development and an AP workshop for faculty; \$35,000 (35%) will be used for computer lab equipment; \$34,000 (34%) will be used for computer upgrades for faculty and staff; and \$6,000 (6%) for server upgrades to accommodate new technology. ASMS is Alabama's statewide public school for science, technology, engineering, and math, grades 10–12. ASMS' AP program has been recognized for being in the top ten schools in Alabama for AP scores. A school with the mission of science and technology education must have adequate technological resources to carry out its purpose, and ASMS' computer network is badly outdated and in need of replacement. As STEM education continues to be a national and regional priority, ASMS is working to educate Alabama's future doctors, scientists, manufacturers and engineers.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3293

Account: Museums and Libraries

Legal Name of Requesting Entity: City of Daphne, Alabama

Address of Requesting Entity: 1705 Main St., Daphne, AL 36526

Description of Request: Provide \$100,000 to fund improvements to library equipment at the

Daphne Public Library. Of the requested funds, approximately \$20,000 (20%) will go to acquisition of fiber optics cable; \$20,000 (20%) for server equipment upgrades; \$25,000 (25%) for computer hardware and peripheral equipment; \$10,000 (10%) for computer software; \$10,000 (10%) for instructional computer equipment; \$3,500 (3.5%) for a computer lab printing server; \$3,000 (3%) for computer lab furnishings; \$3,200 (3.2%) for instructional computer materials; and \$5,300 (5.3%) for other library books and materials. Daphne Library is a public library serving a rapidly growing city in one of the fastest growing counties in Alabama. Ensuring its citizens have access to relevant and effective information and new technology is an important part of sustaining the county's growth and ensuring the success and stability of the community.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3293

Account: Museums and Libraries

Legal Name of Requesting Entity: Gulf Coast Exploreum Science Center

Address of Requesting Entity: 65 Government St., Mobile, AL 36602

Description of Request: Provide \$100,000 to fund equipment and programs to help teachers teach science and technology curriculum so area children may become more interested in science and its related industries. Approximately, \$35,000 (35%) is to develop and produce teacher training modules and science and engineering learning kits that address skills development used in the engineering design process; \$25,000 (25%) for the acquisition of computer technology to implement the project; \$25,000 (25%) for the acquisition of science and engineering learning kits; and \$15,000 (15%) to train teachers on the fundamentals of the engineering sciences. This request aligns with national, statewide and south Alabama priorities for workforce development in support of new area industries. Congress and the administration have also committed to increasing student interest and participation in science and technology education, a need the Exploreum directly addresses.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3293

Account: Health Resources and Services Administration—(HRSA) Health Facilities and Services

Legal Name of Requesting Entity: Infirmary Health System, Inc.

Address of Requesting Entity: 5 Mobile Infirmary Circle, Mobile, Alabama 36609

Description of Request: Provide \$250,000 to assist with the implementation of an Electronic Health Record System through the purchase of hardware and software, along with implementation and training as a part of phase two of Infirmary Health System's adoption of an integrated electronic health records system across four non-profit acute care hospitals and a network of other facilities. Approximately, \$75,000 (30%) is for the purchase of computer equipment for use by clinicians in direct patient care areas; \$50,000 (20%) for education and training of physicians and other clinical users; \$75,000 (30%) for software and networking costs associated with the EHR; and

\$50,000 (20%) for implementation assistance from certified clinical or software specialists. Electronic Health Records (EHR) improve efficiency and reduce costs by eliminating duplicative, and potentially dangerous, tests and prescriptions. EHR also helps hospitals manage beds and operating rooms more effectively. Transitions to EHR are a priority of the Department of Health and Human Services and are a necessary component in controlling health care costs while improving quality. Infirmary Health System has committed to matching these funds fully.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3293

Account: Health Resources and Services Administration—(HRSA) Health Facilities and Services

Legal Name of Requesting Entity: Providence Hospital

Address of Requesting Entity: 6801 Airport Boulevard, Mobile, AL

Description of Request: Provide \$250,000 to fund components for future installation of 2 generators and a 3000 amp ATS including conduit to future generator location. Of the funds requested, approximately, \$22,579 (9%) will be used for a generator to provide temporary power; \$8,300 (3.3%) for engineering and permit; \$6,000 (2.4%) for concrete pads for equipment support; \$120,000 (48%) for materials; and \$93,121 (37.2%) for labor. This installation will allow the hospital to use a temporary generator during major power outages at a much reduced cost of installation. The Mobile area has been significantly impacted by 14 hurricanes in the last 19 years, accompanied by widespread power outages. During these storms and others, Providence works with public health agencies to take on patients from many other local and regional facilities. Because hurricane season coincides with the hottest months of the year, reliable air conditioning is necessary for infection prevention, disease control, and sufficient ventilation.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3293

Account: Administration for Children and Families (ACF)—Social Services

Legal Name of Requesting Entity: University of Alabama

Address of Requesting Entity: 201 Rose Administration Building, Box 870117, Tuscaloosa, AL 35487

Description of Request: Provide \$355,000 to expand the University of Alabama West Alabama Autism Outreach Center to enhance community services, physician outreach, and education programs serving the needs of rural and underserved west Alabama families, who are among 30,000 people struggling with ASD in Alabama. Funds will be used to implement community education and outreach programs using personal and telemedicine visits. Approximately, \$125,000 (35%) will be used for early recognition and screening training within community medical settings; \$175,000 (50%) will be used for community-based intervention services in both early intervention and education settings; \$55,000 (15%) will be used to evaluate program effectiveness. This program is designed to address a public health crisis in Alabama where autism diagnoses are made

one and a half years later than in other parts of the country and where children receive only 4% of nationally recommended early intervention hours.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3293

Account: Health Resources and Services Administration—(HRSA) Health Facilities and Services

Legal Name of Requesting Entity: University of South Alabama

Address of Requesting Entity: 1660 Springhill Avenue, Mobile Alabama 36604

Description of Request: Provide \$2,500,000 for facilities and equipment. Of the requested funds, approximately \$1,250,000 (50%) will be used by the Mitchell Cancer Institute (MCI) to purchase a triple photon linear accelerator, a piece of advanced cancer treatment equipment for the MCI, the only research state university-based cancer center along the upper Gulf Coast, an area with cancer infection and fatality rates higher than the national average. Approximately \$892,300 (35.7%) will be used by the USA National Center for the Study of Medical Disaster Response for demolition and renovation of existing facilities; \$89,230 (3.5%) for architectural and engineering fees; \$18,470 (.7%) for video projection equipment and associated furniture; and \$250,000 (10%) to develop and/or purchase best of breed training simulators and training videos with the overarching goal of establishing a national library for use in training. The University of South Alabama, located in Mobile, Alabama, is a public university based in the heart of hurricane country, with a wealth of knowledge and experience in the field of disaster response. The center provides hospital and health personnel in Alabama and the gulf coast region with disaster management training. The center equips hospitals, first responders, and public safety officials with the necessary information and training to prepare for and manage patients and communities' critical health and safety needs in the event of a disaster.

EARMARK DECLARATION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. OLSON. Madam Speaker, to provide open disclosure pursuant to Republican standards on congressionally-directed funding, I am submitting the following information regarding funding that I support included in H.R. 3293, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman PETE OLSON

Bill Number: H.R. 3293, the Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2010

Account: Department of Labor, Employment and Training Administration (ETA)—Training and Employment Services (TES)

Name of Recipient: San Jacinto College

Address of Recipient: 4624 Fairmont Parkway, Pasadena, TX 77504

Description of Request: \$350,000 in funding would be used to purchase equipment to help displaced workers in the Houston area obtain training to reenter the workforce in high-demand positions. The goal of this project would help train new workers and retrain or upskill existing workers to become welders, pipefitters and nondestructive testing personnel for the petrochemical industry.

EARMARK DECLARATION

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SMITH of Nebraska. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Departments of Labor, Health and Human Services, and Education Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman ADRIAN SMITH

Bill Number: H.R. 3293

Account: Education/FIE

Legal Name of Requesting Entity: University of Nebraska Kearney

Address of Requesting Entity: Office of Sponsored Programs, University of Nebraska at Kearney, Kearney, NE 68849

Description of Request: Provide an earmark of \$350,000 for the University of Nebraska—Kearney's On-line Bachelor's Degree in Early Childhood Education program. The on-line program will enable in-service early childhood educators to retain their current jobs while earning bachelor's degrees to stay ahead of evolving federal and state professional development standards. Under the No Child Left Behind Act, states are working to close the achievement gap and ensure all students, including those who are disadvantaged, achieve academic proficiency. Schools that do not make progress must provide supplemental services, such as free tutoring or after-school assistance; take corrective actions; and, if still not making adequate yearly progress after five years, make dramatic changes to the way the school is operated. This project will enable Nebraska to stay in compliance with No Child Left Behind, Good Start, Grow Smart, Head Start Regulations, and state Early Childhood Initiatives.

EARMARK DECLARATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. CONAWAY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

In the Department of Education, Higher Education (includes FIPSE) account, an ear-

mark for the Midland Independent School District, Midland, TX for teacher training was included on my behalf. The entity to receive funding for this project is the Midland Independent School District (ISD), located at 615 W. Missouri Ave., Midland, TX 79701.

Funding for this project will be used for Texas Mathworks. Texas Mathworks is a center for mathematics education formed by Texas State University System to develop model programs and self-sustaining learning communities that engage Texas K–12 students in doing mathematics at a high level. Funding in Fiscal Year 2010 will be used to recruit and train six-to-eight teacher leaders from Midland Consolidated ISD at Mathworks training sites. Training includes observing a camp in the morning and then learning how to teach their own camp in the afternoon. Teachers will conduct their own Math Camp, assisted and mentored by the master teachers. Students will attend the junior summer math camps. During the academic year, the master teachers will pilot Part I of the curriculum, mentored and assisted by a full-time mathematics Peer Coach. These teachers will become part of a professional Math Inquiry Group. The Peer Coach will work closely with the faculty mentor to observe all teachers in their classrooms, give input and guidance and collect data required by the external evaluator.

In the Department of Health and Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services account, an earmark for the Texas Tech University Health Sciences Center (TTUHSC), Lubbock, TX for facilities and equipment was included on my behalf. The entity to receive funding for this project is the TTUHSC, located at 3601 4th Street, Lubbock, Texas. Funds would be used at the Laura W. Bush Institute for Women's Health—Odessa, TX Campus.

The mission of the Laura W. Bush Institute for Women's Health is to cultivate and advance multi-disciplinary science in women's health and to promote the well-being of women through research, education, and community outreach. This initiative will provide resources for tissue banks at TTUHSC dedicated to women's health and research into gender differences in health. This project will accomplish the following: (1) Create a women's health tissue bank on the TTUHSC campuses in Amarillo, El Paso, and Odessa to receive, store, and distribute a full range of biological specimens, such as whole organs, tissues, cells, and DNA. (2) Develop protocol to establish an organized repository of characterized tissues for collection and maintenance useful for a wide range of women's health research studies. (3) Collaborate with the Research Institutional Review Board to assist in the development of standards in methodology, management, and education regarding tissue bank specimens. (4) Develop a priority hierarchy for tissue distribution to assist researchers in fulfilling the purpose of taking research from the laboratory to the patient. (5) Create a reporting standard and method for researchers describing the purpose, process, and evaluation of the tissues used in laboratory research. (6) Improve the knowledge and breadth of research in the field of women's health and gender differences in health.

In the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) account, an earmark for Texas Tech University Health Science Center (TTUHSC), Lubbock, TX for the West Texas Center for Influenza Research, Education and Treatment was included on my behalf. The entity to receive funding for this project is the TTUHSC, located at 3601 4th Street, Lubbock, Texas. Funds would be used at the Odessa, TX Campus.

The West Texas Center for Influenza Research, Education and Treatment at the TTUHSC would provide a model of care of the influenza patient using a large network of primary care physicians from around West Texas. It would also develop an infrastructure for clinical research and the study of new drugs and therapies. The Center would provide education to patients and families in order to limit the spread of disease. It would further establish a clinical approach to pandemic influenza should such an epidemic occur.

EARMARK DECLARATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. INGLIS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman BOB INGLIS

Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: FAA—Airport Improvement Program

Legal Name of Requesting Entity: South Carolina Technology and Aviation Center (SC-TAC)

Address of Requesting Entity: 2 Exchange Street, Greenville, SC 29605

Description of Request: SC-TAC is the largest general aviation airport in the state of South Carolina, serving the aviation industry as a major aircraft maintenance and modification base. This high priority, taxiway B (North) improvement project would greatly enhance the operational capacity and safety parameters of the airfield, increasing access to current and future airport infrastructure. SC-TAC's 2600 acre aviation park is home to 80 high tech companies and organizations employing over 3,000 local residents. This upgrade project would facilitate SC-TAC's ability to attract additional aviation-related businesses (jobs) to the complex, adding to the \$222 Million economic impact of their operation. The amount is \$750,000 and it would go to SC-TAC.

Requesting Member: Congressman BOB INGLIS

Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: FHWA—Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Spartanburg

Address of Requesting Entity: 366 N. Church St., Suite 700, Spartanburg, SC 29303

Description of Request: The Fairforest Rd. at N. Blackstock Rd. intersection is directly adjacent to a major Norfolk Southern rail line that is also used by Amtrak for passenger service. Because of the present alignment of the rail line and adjacent roadways, two signals control traffic on either side of the at-grade rail crossing, increasing the possibility of a vehicle becoming trapped on the rail line between the two signals. The present situation presents a severe safety hazard to normal vehicular traffic and school buses which use the at-grade crossing frequently during school hours. The amount is \$500,000 and it would go to the City of Spartanburg.

EARMARK DECLARATION

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. FALLIN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

I, Congresswoman MARY FALLIN, requested and received \$1,000,000 for the Central Oklahoma Transportation and Parking Authority located at 300 SW 7th Street Oklahoma City, Oklahoma 73109.

This funding will be used to repair and replace a water cooling tower and correct drainage problems at historic Union Station. It will also be used to improve the lighting and exhaust systems at the maintenance garage and upgrade the oil and lube room facilities.

EARMARK DECLARATION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. LATTA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3228, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 3228, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Federal Agency Administration; Airport Improvement Program

Legal Name of Requesting Entity: Sandusky County Regional Airport

Address of Requesting Entity: 101 South Front Street, Fremont, OH 43420

Description of Request: \$500,000 for the Sandusky County Regional Airport (S24) Ap-

proach Lowering project. The first part of the project is the 405 topographical survey that is required before a GPS/LPV approach can be approved. The second item that the Sandusky County Regional Airport Authority (SCRAA) is proposing is to extend its parallel taxiway approximately 1,700 feet providing the Sandusky County Regional Airport (S24) a full length parallel taxiway. The existing 3,800 feet of taxiway, currently named taxiway "b" and "c", was constructed in two separate phases. The preliminary purpose to complete the parallel taxiway is to increase the Airport's level of operational safety. The completion of a full-length parallel taxiway at the Airport would eliminate the hazards of "back-taxiing" on the runway. A full length parallel taxiway makes it possible for a landing aircraft to exit a runway more quickly, allowing other aircraft waiting to land to get on the ground sooner. A full parallel taxiway would enhance airfield safety and reduce the risk of runway incursions. Additionally, the project will have an impact on the overall County's (and surrounding counties') public safety, as it will allow the Life Flight helicopter, which is based at the airport, the ability to return to its pad once critical missions have taken place. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 3228, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Housing and Urban Development (HUD); Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Board of Fulton County Commissioners

Address of Requesting Entity: 125 South Fulton Street, Suite 270, Wauseon, OH 43567

Description of Request: \$250,000 for the Northeast Fulton County water system project. Northeast Fulton County is a portion of the County that consists of four Townships (Amboy, Fulton, Pike and Royalton), two Villages (Metamora and Lyons) and the Evergreen Local School District. This project, as proposed, consists of installing water mains and facilities to provide for safe drinking water supply to these areas through a connection into an existing regional water system. The route of this water supply system through the four Townships would provide drinking water to 1100 people within both Villages and an estimated population of 1350 people outside both Villages. The Evergreen Local Schools District is one complex for 1400 high, middle and elementary schools students. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part

of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: U.S. Representative JUDY BIGGERT

Bill Number: H.R. 3293

Account: Higher Education (includes FIPSE)

Legal Name of Requesting Entity: Saint Xavier University

Address of Requesting Entity: 18230 Orland Parkway, Orland Park, IL 60467

Description of Remarks: Provide an earmark of \$500,000 for Saint Xavier University to develop a Science, Technology, Engineering, and Mathematics (STEM) Education Center on its Orland Park campus to better prepare educators and education students to teach STEM disciplines to pre-school through college-age students. The STEM Education Center will feature a state-of-the-art methods lab that will be used to provide exciting, hands-on science, math, and technology programs designed to increase teachers' knowledge and skills in these areas.

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. HASTINGS of Washington. Madam Speaker, to provide open disclosure, I am submitting the following information regarding projects that I support for inclusion in H.R. 3183, the Energy and Water Appropriations Act, 2010.

Amount: \$16,454,000

Account: Bureau of Reclamation's Water and Related Resources

Entity receiving funds: Columbia Basin Project, Bureau of Reclamation, Pacific Northwest Region, located at 1150 North Curtis Road, Suite 100, Boise, Idaho 83706.

Description: These funds will be used for ongoing operations of the Columbia Basin Project.

Amount: \$150,000

Account: Bureau of Reclamation's Water and Related Resources

Entity receiving funds: Washington Investigations Program, Bureau of Reclamation, Pacific Northwest Region, located at 1150 North Curtis Road, Suite 100, Boise, Idaho 83706.

Description: These funds will be used to support ongoing engineering and planning studies of Bureau of Reclamation projects in Washington state.

Amount: \$8,512,000

Account: Bureau of Reclamation's Water and Related Resources

Entity receiving funds: Yakima Project, Bureau of Reclamation, Pacific Northwest Region, located at 1150 North Curtis Road, Suite 100, Boise, Idaho 83706.

Description: These funds will be used for ongoing operations of the Yakima Basin Project.

Amount: \$8,500,000

Account: Bureau of Reclamation's Water and Related Resources

Entity receiving funds: Yakima River Basin Water Enhancement Project, Bureau of Rec-

lamation, Pacific Northwest Region, located at 1150 North Curtis Road, Suite 100, Boise, Idaho 83706.

Description: These funds will be used for ongoing programs of the Yakima River Basin Water Enhancement Project.

Amount: \$3,000,000

Account: Bureau of Reclamation's Water and Related Resources

Entity receiving funds: Odessa Subarea Special Study, Bureau of Reclamation, Pacific Northwest Region, located at 1150 North Curtis Road, Suite 100, Boise, Idaho 83706.

Description: These funds will be used to continue efforts to identify solutions and alternatives for local irrigators dependent on depleting Odessa wells.

Amount: \$1,500,000

Account: Bureau of Reclamation's Water and Related Resources

Entity receiving funds: Yakima River Basin Water Supply Study, Bureau of Reclamation, Pacific Northwest Region, located at 1150 North Curtis Road, Suite 100, Boise, Idaho 83706.

Description: These funds will be used to support the development of a plan to meet the water storage and supply needs of the Yakima River Basin.

EARMARK DECLARATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SULLIVAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for three project funding requests that I made and were included within the text of H.R. 3288—the FY 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

PROJECT 1

Project: Tulsa International Airport, Memorial Drive and Waterline Project

Project Amount: \$500,000

Account: Federal Aviation Administration Airport Improvement Program

Legal Name of Requesting Entity: Tulsa Airport and Improvement Trust/City of Tulsa

Address of Requesting Entity: P.O. Box 581838, Tulsa, OK 74103

Description of Request: Funding will upgrade approximately 1,000 feet of 8" waterline to 12" and extend the line an additional 1,800 feet. It will also reconstruct and re-align Memorial Drive south of Port Road, including repairs to about 1,000 feet of existing road and re-alignment of approximately 1,000 feet of road. This work is needed to support re-development of this area from its old, original residential use into an area being prepared for construction of large aircraft maintenance, repair and overhaul facilities planned for the North Development Area at Tulsa International Airport.

PROJECT 2

Project: US 60, widen between Bartlesville and Pawhuska, Osage County, OK

Project Amount: \$400,000

Account: Federal Highway Administration Transportation & Community & System Preservation

Legal Name of Requesting Entity: Oklahoma Department of Transportation

Address of Requesting Entity: 200 NE 21st Street, Oklahoma City, OK 73105

Description of Request: Funding will be used to provide needed transportation improvements to a heavily traveled narrow two lane highway containing both poor vertical and horizontal curves resulting in a high rate of accidents. This road is a key National Highway System route in northeastern Oklahoma, more specifically connecting Bartlesville and Vinita. This critical project is important for widening US 60 from approximately 2 miles east of the US 60/US 75 interchange east approximately 5.5 miles.

PROJECT 3

Project: Metropolitan Tulsa Transit Authority, bus purchase, Tulsa, OK

Project Amount: \$750,000

Account: Federal Transit Administration Buses & Bus Facilities

Legal Name of Requesting Entity: Metropolitan Tulsa Transit Authority

Address of Requesting Entity: 510 S. Rockford, Tulsa, OK 74120

Description of Request: Continued funding will be used to help Tulsa Transit's aging paratransit vehicle fleet—In the next three years, 26 of Tulsa Transit's full-sized transit buses will be eligible for replacement and all of the 40 paratransit vehicles are now ready to be replaced. Without the flow of capital funding to replace obsolete equipment, it is extremely difficult to maintain levels of service and existing route structure. Ridership has been increasing over the last year due to high fuel prices and the demand for transit service is expected to continue to increase.

EARMARK DECLARATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. PAUL. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I obtained as part of HR 3183, the Education and Transportation bills

1) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3288

Account: DOT, FHA

Legal Name of Requesting Entity: City of Baytown

Address of Requesting Entity: 2401 Market Street, Baytown, Texas 77522

Description of Request: An earmark of \$400,000 to fund infrastructure improvements at the Highway 146 and Spur 330 in Texas.

2) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3288

Account: DOT, FTA

Legal Name of Requesting Entity: City of Galveston

Address of Requesting Entity: PO Box 779, Galveston, Texas 77553

Description of Request: An earmark of \$500,000 to fund transit vehicle replacement in Galveston, Texas.

3) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3288

Account: DOT, FTA

Legal Name of Requesting Entity: Gulf Coast Center

Address of Requesting Entity: 123 Rosenberg, Ste 6; Galveston, Texas 77515

Description of Request: An earmark of \$750,000 to fund a Park and Ride in League City, Texas.

4) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3293

Account: DOE, FIPSE

Legal Name of Requesting Entity: Brazosport College

Address of Requesting Entity: 500 College Drive, Lake Jackson, Texas 77566

Description of Request: An earmark of \$200,000 to fund equipment purchases at Brazosport College in Texas.

5) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3293

Account: DOE, FIPSE

Legal Name of Requesting Entity: Brazosport College

Address of Requesting Entity: 500 College Drive, Lake Jackson, Texas 77566

Description of Request: An earmark of \$380,000 to fund curriculum development at Brazosport College in Texas.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I would like to list the congressionally-directed projects I requested in my home state of Idaho that are contained in the report of H.R. 3288, the FY2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Bill.

Project Name: City of Rocks Back Country Byway Relocation, ID

Amount Received: \$1,000,000

Account: FHWA/Public Lands Highways

Recipient: Idaho Transportation Department
Recipient's Street Address: 3311 West State Street, Boise, ID 83707

Description: This 16.7 mile long project is located on the popular City of Rocks Back Country Byway in Cassia County, Idaho, which provides the only direct access to the City of Rocks National Reserve. When fully completed, the project will pave a 1.0 mile gravel segment, reconstruct 15.7 miles of deficient roadway, correct deteriorated road and slope conditions, provide a wider road with shoulders and guardrail, and improve the road's alignment by reducing the number and severity of sharp curves and steep grades. These improvements will increase safety for the driving public and provide safer access for

bicycle and pedestrian traffic. These improvements will also significantly reduce the amount of on-going maintenance required to keep the route usable.

Project Name: Custer County Economic Development Initiative in Custer County, ID

Amount Received: \$500,000

Account: HUD/EDI

Recipient: Custer County, ID

Recipient's Street Address: 802 Main Street, Challis, ID 83226

Description: At almost 5,000 square miles, Custer County is larger than three states yet has just over 4,000 people. Unfortunately, it is burdened with a high proportion of public lands with over 95% of the county's 3.4 million acres administered by federal agencies. The county's tax base, or more specifically the lack thereof, is inadequate to support the services required for such an expansive county. This grossly disproportionate public ownership causes a severe strain on their resources. Funding would be used to construct a community center which would serve a number of purposes for the county.

Project Name: Trail Creek Highway/Forest Highway 66 Reconstruction, Mackay, ID

Amount Received: \$2,750,000

Account: FHWA/Public Lands Highways

Recipient: Lost River Highway District

Recipient's Street Address: 213 South McCaleb, Mackay, ID 83251

Description: Trail Creek Highway/Forest Highway 66 runs through the Salmon-Challis National Forest from U.S. Highway 93 west to Sun Valley, Idaho. The road is maintained entirely by the Lost River Highway District and includes 17 miles of unpaved road that is used extensively for commerce and recreational purposes by tourists and homeowners. The high traffic volume (500 cars per day and expected to grow) and poor road conditions cause safety concerns for those traveling along the highway. Funds would be used to complete study and design work and upgrade the road by paving 5.5 miles of gravel road from the end of existing pavement near the West Bartlett Point Road (MP 11.750) to the Copper Basin Turn-off (MP 17.250).

I appreciate the opportunity to provide a list of congressionally-directed projects I requested that have received funding in the FY2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill on behalf of Idaho and provide an explanation of my support for them.

EARMARK DECLARATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: U.S. Representative JUDY BIGGERT

Bill Number: H.R. 3293

Account: Administration for Children and Families (ACF)—Social Services

Legal Name of Requesting Entity: Little Friends, Inc.

Address of Requesting Entity: 140 N. Wright St., Naperville, IL 60540

Description of Remarks: Provide an earmark of \$200,000 for Little Friends, Inc. to offer evaluation and therapy services at an affordable rate. This funding also will enable Little Friends, Inc., to meet the increasing demand for their services. These early diagnosis and therapy services have been proven to be the most effective treatment in ameliorating the symptoms of children diagnosed with autism.

RECOGNITION OF THE BAINBRIDGE GRADUATE INSTITUTE

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. INSLEE. Madam Speaker, in the first years of the 20th century, Gifford Pinchot fought to protect our nation's forests and rivers from unsustainable logging as the first Chief of the U.S. Forest Service. Nearly a century later, his grandson, Gifford Pinchot III, established the Bainbridge Graduate Institute, or BGI. The Institute, situated on a sustainably-designed 210 acre campus near Seattle, is dedicated to educating the business leaders of the 21st century in sustainable management. I am honored to recognize the Bainbridge Graduate Institute for helping to shape the sustainable leaders of tomorrow.

As we face the new challenges of the 21st century, successful businesses will have to consider environmental and social sustainability. The Bainbridge Graduate Institute offers graduate degrees in Sustainable Business Administration as well as certificates in Sustainable Business and Entrepreneurship. The goal of these programs is to change the way companies operate and incorporate sustainability into business decisions.

Although it is a relatively new institution, the Bainbridge Graduate Institute is quickly garnering national recognition. In 2007, Business Week named BGI as one of its top global design schools, joining prestigious institutions such as the Harvard Business School, Rhode Island School of Design, and Massachusetts Institute of Technology. Last fall, BGI named Jon Strauss, former president of Harvey Mudd College, as its new president. The Institute's distinguished faculty includes graduates of Stanford Business School and Harvard University.

I am pleased that the Institute is also attracting support from the business world. Some companies, including technology giant Hewlett-Packard, indirectly support BGI by paying for their employees to attend its programs. Clearly, sustainable business practices appeal to even the largest companies. I believe that we can simultaneously grow our economy and improve the health of our environment. The Bainbridge Graduate Institute and programs like it give our economic leaders the knowledge needed to achieve both

goals, and I am honored to recognize the Institute's achievements.

INTRODUCTION OF THE "INVESTOR ADVISORY COMMITTEE ACT OF 2009"

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. KILROY. Madam Speaker, today I introduce legislation, the "Investor Advisory Committee Act of 2009," which would establish a permanent advisory committee within the Securities and Exchange Commission (SEC) and give investors a greater voice in the Commission's work.

One of the most significant contributors to our economic downturn was the unraveling of major financial institutions and the lack of adequate regulatory structures to prevent abuse and excess.

Financial innovators produced a huge variety of new and complex financial instruments, but, instead of reducing risk, the markets actually magnified risks that were being taken by ordinary families and large firms alike.

Millions of Americans who worked hard and behaved responsibly saw their savings eroded by the irresponsibility of others and by the failure of their government to provide adequate oversight.

Reforms are needed to encourage sound risk management, long-term growth and value creation—not only at individual firms, but for our financial system and the economy as a whole.

A permanent Investor Advisory Committee will help advance these reforms by providing investors a greater voice within the SEC.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for FY 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3293

Account: Higher Education (includes FIPSE)

Legal Name of Requesting Entity: North Arkansas College

Address of Requesting Entity: North Arkansas College, 1515 Pioneer Drive, Harrison, AR 72601

Description of Request: It is my understanding that the funding would be used to purchase new technology and technology upgrades for 4 computer laboratories, allied health classrooms and laboratories, professional development, and the student center.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health and Facilities Services

Legal Name of Requesting Entity: North West Arkansas Community College

Address of Requesting Entity: North West Arkansas Community College, One College Drive, Bentonville, AR 72712

Description of Request: It is my understanding that the funding would be used to support an expansion of the current nursing program, including expanding program delivery and curriculum, staff development, purchase instructional supplies/equipment, and provide for facility renovations.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health and Facilities Services

Legal Name of Requesting Entity: St. John's Hospital

Address of Requesting Entity: St. John's Hospital, 214 Carter Street, Berryville, AR 72616

Description of Request: It is my understanding that the funding would be used to purchase a standby generator to provide additional emergency electric generating capacity.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, FY 2010 Labor, Health and Human Services, and Education Appropriations Act.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3293

Account: Fund for the Improvement of Post Secondary Education

Legal Name of Requesting Entity: Burcham Hills Retirement Community

Address of Requesting Entity: 2700 Burcham Drive, East Lansing, MI 48823

Description of Request: Provide funding of \$200,000 to establish a nurse training and certification program in Alzheimer's and Dementia. This pilot program to help train nursing students and those already working in the field to better handle patients and family members going through this disease. Over 4 million people are afflicted with the disease in the U.S., taking more than 100,000 lives annually. This training program will ensure more health care professionals will have the resources to manage this deadly, growing disease. 50% of these funds will be used for classroom facilities and 50% will be used for instructor salaries.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3293

Account: Health Resources and Services Administration

Legal Name of Requesting Entity: Ingham Regional Medical Center

Address of Requesting Entity: 401 W. Greenlawn, Lansing, MI 48910

Description of Request: Provide funding of \$100,000 to purchase and place into service a digital mammography machine. For women, breast cancer is the most common non-skin cancer and the second leading cause of cancer-related death in the United States. Digital mammography allows improvement in breast cancer diagnosis. It also improves image storage and transmission because images can be stored and sent electronically. Radiologists also can use software to help interpret digital mammograms. 100% of these funds will be used to purchase a digital mammography machine.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3293

Account: Health Resources and Services Administration

Legal Name of Requesting Entity: Sparrow Health System

Address of Requesting Entity: 1215 East Michigan Avenue, P.O. Box 30480, Lansing, MI 48909-7980

Description of Request: Provide funding of \$300,000 to support hardware and software startup costs for a fully integrated Electronic Medical Record at Sparrow Health System. This project will ultimately benefit patients, physicians and hospitals throughout the Lansing region. This investment into the local economy would protect current employment levels while creating more new, highly skilled IT jobs. In addition, this project would allow more than 850 physicians to deploy a fully integrated EMR in their practices at a fraction of the cost that they would normally incur, creating a truly interoperable health care knowledge network. 100% of these funds would be used to purchase computer hardware and software, as well as network electronics and cabling.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3293

Account: Employment & Training Administration

Legal Name of Requesting Entity: Closing the Digital Gap

Address of Requesting Entity: 835 W. Genesee, Lansing, MI 48915

Description of Request: Provide funding of \$250,000 to provide computer training to low-income Lansing residents. Approximately 600 low-income, unemployed/underemployed residents will be provided with computer based job training, Internet access and computers that will enhance their ability to obtain employment as well as to compete in a technology-based economy. 30% of the funds will be used for staff salaries, 40% for computer hardware, 20% for computer software and 10% for other related training materials.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3293

Account: Employment and Training Administration

Legal Name of Requesting Entity: Lansing Community College

Address of Requesting Entity: 8100A-Administration, PO Box 40010, Lansing, MI 48901-7210

Description of Request: Provide funding of \$420,000 to expand employment retraining in the area of alternative automotive technologies. The related regional economic impact of the project is projected to be \$50 million. The estimated numbers of jobs created and/or workers retrained would be 2,000. 50% of these funds will be used to purchase equipment, 25% for professional development, and 25% for curriculum development to administer training.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3293

Account: Employment and Training Administration

Legal Name of Requesting Entity: Lansing Community College

Address of Requesting Entity: 8100A-Administration, PO Box 40010, Lansing, MI 48901-7210

Description of Request: Provide funding of \$420,000 to expand employment retraining in the area of alternative automotive technologies. The related regional economic impact of the project is projected to be \$50 million. The estimated numbers of jobs created and/or workers retrained would be 2,000. 50% of these funds will be used to purchase equipment, 25% for professional development, and 25% for curriculum development to administer training.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293—the Departments of Labor, Health and Human Services, and Education, & Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3293

Account: Substance Abuse and Mental Health Services Administration—Substance Abuse Treatment

Legal Name of Requesting Entity: Tuesday's Children

Address of Requesting Entity: 390 Plandome Road, Suite 217, Manhasset, NY 11030

Description of Request: \$750,000 will be used to provide mental health counseling for 9/11 first responders and other public safety workers involved in protecting our homeland security.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3293

Account: Higher Education (includes FIPSE)

Legal Name of Requesting Entity: St. Francis College

Address of Requesting Entity: 180 Remsen Street, Brooklyn, NY 11201

Description of Request: \$650,000 will be used to upgrade its science and information technology facilities in support of the Project Access higher education opportunity program.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3293

Account: Health Resources and Services Administration—Health Facilities and Services
Legal Name of Requesting Entity: National Kidney Registry

Address of Requesting Entity: 42 Fire Island Avenue, Babylon, NY 11702

Description of Request: \$177,000 will be used to support an upgrade of the architecture of the (kidney) matching system to enable more transplants to be facilitated.

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SOUDER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—FY 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Requesting Member: Congressman MARK SOUDER

Bill Number: H.R. 3288

Account: Federal Highway Administration Surface Transportation Priorities

Legal Name of Requesting Entity: City of Columbia City

Address of Requesting Entity: 112 South Chauncey, Columbia City, IN 46725

Description of Request: In 2011, Parkview Community Hospital System will open a brand new, state of the art, hospital facility at the corner of State Road 205 and US 30. In order to accommodate increased traffic flow on State Road 205, around the hospital entrance, and provide safe passage for entering and exiting vehicles, widening the existing State Road is necessary. The proposed project includes improved drainage, align existing drives, relocate utilities, provide deceleration and turning lanes, pedestrian cross walk, pedestrian sidewalks that will link to the existing Blue River Trail at the Morsches Park entrance, a landscaped median, and lighting. This project will benefit not only residents of Columbia City and Whitley County, but also visitors to the City and the new hospital campus. Turning and deceleration lanes, along with the alignment of existing drives will ensure proper traffic flow and safe passage for vehicle traffic. The landscaped median, cross walk, lighting and sidewalks will beautify the local area, as well as, allow for safe foot traffic in and out of the hospital campus area.

Requesting Member: Congressman MARK SOUDER

Bill Number: H.R. 3288

Account: Housing and Urban Development (HUD) Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Nappanee, IN

Address of Requesting Entity: 300 W. Lincoln St., Nappanee, IN 46550-0029

Description of Request: The City of Nappanee will run new water and sewer service to the new Industrial Park site to provide services for new factory building sites with a new elevated water storage tank.

Requesting Member: Congressman MARK SOUDER

Bill Number: H.R. 3288

Account: Housing and Urban Development (HUD) Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Town of Syracuse

Address of Requesting Entity: 310 N. Huntington, Syracuse, IN 46567

Description of Request: The purpose of this project will be to attract industry and encourage business expansion to diversify the local economy and generate long-term jobs. This project will add new jobs and encourage expansion.

COMMENDING WILL KEMPTON FOR HIS SIGNIFICANT CONTRIBUTIONS TO THE STATE OF CALIFORNIA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, as the Chair of the California Democratic Congressional Delegation, I rise today to honor the extraordinary work of Will Kempton, the current Director of the California Department of Transportation. Mr. Kempton was appointed Director in November of 2004, and in that capacity, he manages a \$13.3 billion budget for the Department, oversees \$10 billion for the improvement of California's transportation network, and a staff of over 23,000 employees, as well as manages the day to day operations of over 50,000 miles of highway in the State.

As Director, Mr. Kempton has provided leadership to the Department on a broad range of issues that impact transportation in the State of California. Some of his many accomplishments over the years include: helping California to rapidly obligate its share of funds from the American Recovery and Reinvestment Act of 2009; overseeing the passage and implementation of Proposition 1B in 2006, which invested \$19 billion into the State's aging infrastructure; and leading the Caltrans campaign to deliver 1,088 transportation construction projects valued at \$11.5 billion over the last half-decade, and delivered 1,087 of them, or 99.9 percent.

After more than three decades of public service, Mr. Kempton announced that he will be leaving as Director of the California Department of Transportation at the end of July, 2009. He has honorably and effectively served the State of California in various capacities throughout his career, including serving as the Assistant Director of the California Department of Transportation in charge of Legislative and Congressional Affairs. Since joining Caltrans in 1973, Mr. Kempton has served in various management positions in the Department

helping him to develop a broad understanding of transportation programs and policies at all levels of government.

Mr. Kempton is a San Francisco native, and received his bachelor's degree from the University of San Francisco. Mr. Kempton translated his knowledge of transportation programs into the production arena when, as Chair of the Santa Clara County Traffic Authority, I helped to hire him as the first Executive Director. During his assignment as Director of the Santa Clara County effort, Mr. Kempton mobilized California's sales tax programs into an effective coalition of "self help" counties. The sales tax program he managed is widely viewed as one of the most successful ever undertaken in California, resulting in the delivery of nearly \$1 billion dollars in highway improvements in less than 10 years. He brought in our Santa Clara County "Measure A" program under budget and ahead of schedule.

Mr. Kempton, who now lives with his wife Beverly in Folsom, California, served on the City of Folsom's Parks and Recreation Commission from 1995 until 2003. He also served as the City of Folsom Assistant City Manager for Community Services beginning in January 2003, where he was responsible for overseeing the operations of the City's Community Development, Neighborhood Services, Parks and Recreation, Utilities, and Public Works departments.

Will Kempton and I have worked in different capacities on California Transportation projects since 1985. I have met no abler a public administrator in my career. He is, simply, the best.

On behalf of the California Democratic Congressional Delegation, I would like to thank Will Kempton for more than three decades of public service in the State of California.

EARMARK DECLARATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. WOLF. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Fiscal Year 2010 Appropriations Act.

Requesting Member: The Hon. FRANK R. WOLF

Provision: Dulles Corridor Metrorail Project

Legal Name of Requesting Entity: Metropolitan Washington Airports Authority

Address of Requesting Entity: 1 Aviation Circle, MA-14, Washington, D.C., 20001

Description of Request: Provide \$85 million for the Dulles Corridor Metrorail Project. A full funding grant agreement (FFGA) was signed by the U.S. Department of Transportation and the Metropolitan Washington Airports Authority, the project sponsor, for this project in March 2009. The FFGA commits federal funding from the New Starts account to the project, which first received federal appropriations in FY 1999. This request reflects the amount

designated in the FFGA funding schedule for FY 2010. Metrorail service in the corridor will benefit all corridor users by: improving mobility to serve population and employment growth and increased travel demand; improving access to major activity centers such as Tysons Corner, Reston/Herndon, and Dulles International Airport; supporting air quality and energy conservation goals, and preserving the area's quality of life.

Requesting Member: The Hon. FRANK R. WOLF

Provision: Main Street and Maple Avenue Intersection Improvements

Legal Name of Requesting Entity: The Town of Purcellville

Address of Requesting Entity: 130 East Main Street, Purcellville, VA, 20132

Description of Request: Provides \$500,000 for needed updates to the intersection of Main Street and Maple Avenue in Purcellville, Virginia. Located in Loudoun County, Purcellville has experienced an 88 percent rate of growth from 2000 to 2007. Increased population and traffic volume has rendered this intersection undersized for its current and projected use. The project would add turn lanes to each leg of the intersection, reduce conflict points, upgrade crosswalks, add pedestrian countdown signals, provide new ADA compliant sidewalks, improve through lanes, upgrade traffic signals, and add bicycle access and landscaping. This project is also part of the Virginia Department of Transportation's Six-Year Improvement Program.

EARMARK DECLARATION

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. ROYCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Energy and Water Appropriations Bill, 2010.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 3288

Account: FTA—Buses and Bus Facilities Account

Legal Name of Requesting Entity: The City of Anaheim

Address of Requesting Entity: City of Anaheim, 200 S. Anaheim Blvd., Ste. 733, Anaheim, CA 92805.

Description of Request: Provide \$725,000 in FY 2010 to be used for the Anaheim Regional Transportation Intermodal Center (ARTIC). ARTIC will be the premier regional, multimodal transportation hub in Orange County. It is needed to accommodate the travel needs of 45 million annual visitors and will strategically facilitate bus, rail and air travel. The ARTIC project has been federally authorized in two previous transportation bills: 1991 ISTEA and 1998 TEA-21. These authorizations illustrate a federal commitment to the project.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—the Transportation, Housing and Urban Development, & Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3288

Account: Ferry Boats & Terminal Facilities

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: \$1,000,000 will be used for the construction of a fast ferry boat terminal to connect commuters and tourists from downtown Glen Cove to New York City, La Guardia Airport, and other key travel corridors.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3288

Account: Buses and Bus Facilities

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: \$500,000 will be used for improvements and repairs to two downtown parking structures integral to multimodal transit on the Long Island Rail Road, the regional bus system, pedestrian walkways, and the planned fast ferry system.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3288

Account: Capital Investment Grants

Legal Name of Requesting Entity: Metropolitan Transportation Authority

Address of Requesting Entity: 347 Madison Avenue, New York, NY 10017

Description of Request: \$215,000,000 will be used to continue the East Side Access project which will allow the Long Island Rail Road to terminate at Grand Central Terminal.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3293 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3293

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Riverside Unified School District (RUSD)

Address of Requesting Entity: 4011 Fourteenth Street, Riverside, California 92501

Description of Request: I have secured \$325,000 to provide the time and resources for highly qualified mathematics and science teachers to construct discrete digital learning modules aligned to the California science and mathematics standards, develop inquiry-based activities, and design extended learning opportunities for distribution via the Internet. iSTEM: Virtual Learning in Science and Mathematics is a project of the RUSD Riverside Virtual School that supports the enhancement of learning in science and mathematics through the construction of STEM (Science, Technology, Engineering, and Math) related digital curriculum modules for use within traditional classrooms and online courses.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3293

Account: Higher Education (includes FIPSE)

Legal Name of Requesting Entity: California Baptist University

Address of Requesting Entity: 8432 Magnolia Ave., Riverside, California 92504

Description of Request: I have secured \$300,000 to purchase specialized equipment for use in equipping engineering students and employees of local industries with the skills and techniques to become the next generation of professionals to deploy new sustainable technologies. In particular, the School of Engineering is developing an emphasis on utilization of engineering skills to engage local business and industry in sustainable design of "green" facilities and infrastructure.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3293

Account: Higher Education (includes FIPSE)

Legal Name of Requesting Entity: Riverside Community College District

Address of Requesting Entity: 4800 Magnolia Ave., Riverside, California 92506

Description of Request: I have secured \$600,000 to expand the curriculum of Riverside Community College District's law enforcement and fire academy programs to provide additional Basic Peace Officer and Correctional Deputy academies at the Ben Clark Training Center.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Riverside Community College District

Address of Requesting Entity: 4800 Magnolia Ave., Riverside, California 92506

Description of Request: I have secured \$150,000 to purchase equipment for RCCD's Allied Health Sciences Program. The Inland Empire has California's lowest number of physicians per 100,000 residents, with a projected shortfall of 1,140 physicians by 2015. This ratio also holds for allied health service professionals, making the Inland Empire one of the most medically underserved areas in the nation. The new equipment would expand the Allied Health Sciences Program, enabling RCCD

to graduate 300% more medical professionals over five years.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Riverside County Regional Medical Center

Address of Requesting Entity: 26520 Cactus Avenue, Moreno Valley, California 92555

Description of Request: I have secured \$400,000 to expand the emergency/trauma department to increase the number of major trauma treatment rooms, increase the size of current trauma treatment room, increase the number of non-trauma treatment rooms, increase the number of urgent care treatment stations, add a psychiatric emergency unit, add a logical adjacency to the Center for Abuse Services, and create a facility capable of handling mass casualties. Riverside County Regional Medical Center.

RCRMC is the Emergency First Responder for the County of Riverside which has a population of approximately 2 million people. RCRMC is the major trauma center for the county, handling twice as many trauma cases as any other hospital. RCRMC is also the only trauma center in proximity to March Air Reserve Base which is a deployment base for armed forces. In addition, RCRMC is the only pediatric trauma center within the county; and the only hospital with a mass decontamination unit for chemical, biological and nuclear incidents.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Saddleback Memorial Medical Center, San Clemente, CA

Address of Requesting Entity: 654 Camino de los Mares, San Clemente, California 92630

Description of Request: I have secured \$150,000 to support the implementation of electronic health record keeping (EHR) at Saddleback Memorial Hospital in San Clemente, CA. With EHR, caregivers can more easily read physician's orders and prescriptions because they are entered into a computer, rather than handwritten. This greatly reduces the possibility of transcription errors or other mistakes. Saddleback's EHR will include security features that make patient information more secure and private than paper charts.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: University of California—Riverside

Address of Requesting Entity: 900 University Ave., Riverside, California 92521

Description of Request: I have secured \$3,400,000 to renovate the anatomy lab and biomedical sciences facilities on UC Riverside's (UCR) campus in preparation for

the forthcoming Medical School and to provide current biomedical sciences students with state of the art science and medical equipment.

These renovations support the planned School of Medicine at UCR. The UCR School of Medicine will be located in the heart of Southern California's Inland Empire, one of America's most rapidly growing and ethnically diverse regions. Establishment of the medical school will help to address the severe physician shortage in Inland Southern California region by training a diverse physician workforce and by developing innovative research and health care delivery programs to improve the health of medically underserved populations.

EARMARK DECLARATION

HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3288

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Village of Boston Heights

Address of Requesting Entity: 45 East Boston Mills Road, Hudson, Ohio 44264 USA

Description of Request: Provide an earmark of \$750,000 to replace a badly deteriorated 4-lane bridge that spans the Summit County Metro Parks Bike and Hike Trail on Akron-Cleveland Road. The 90-year-old bridge was last renovated 35 years ago, and the Village has had to reduce the load limit by 30 percent due to continued deterioration. ODOT bridge inspection reports identify the bridge, which has more than 10,000 vehicle crossings daily including school buses, as in need of repair. Summit Metro Parks has committed \$50,000 toward a preliminary engineering study, and ODOT has committed to fund the construction phase up to \$2.5 million. Approximately, \$750,000 is for construction.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3288

Account: Ferry Boats and Terminal Facilities

Legal Name of Requesting Entity: Ashtabula City Port Authority

Address of Requesting Entity: 4717 Main Avenue, Ashtabula, Ohio 44004 USA

Description of Request: Provide an earmark of \$500,000 for a ferry service from Ashtabula to Canada. The funds will continue economic development in the Lake Erie region and facilitate travel, transport and recreation between the U.S. and Canada. Approximately, \$100,000 is for planning and engineering and \$400,000 is for rehabilitation and construction.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3288

Account: Neighborhood Initiatives
 Legal Name of Requesting Entity: The Cleveland Institute of Art
 Address of Requesting Entity: 11141 East Boulevard, Cleveland, Ohio 44106 USA
 Description of Request: Provide an earmark of \$500,000 to construct the Cleveland Institute of Art's new campus facility. The Institute, established in 1882, is one of the nation's premier colleges of art and design, and completion of its new facilities will continue to enhance the region in a host of areas including job creation. The entire amount of project funding will be used for design, engineering and construction of the project.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3288

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Cleveland State University

Address of Requesting Entity: 2121 Euclid Avenue, Cleveland, Ohio 44115 USA

Description of Request: Provide an earmark of \$500,000 to construct a new roadway (400 feet long, 30 feet wide) that will run from Euclid Avenue to Prospect Avenue. The new road will be necessary for a new campus building including a 600-bed dorm, mixed use residence and retail establishments. CSU expects the new road and building to spur additional redevelopment of the E 24th Street artery. Approximately, \$500,000 is for roadway construction.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3288

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Hiram College

Address of Requesting Entity: Hiram, Ohio 44234 USA

Description of Request: Provide an earmark of \$100,000 to study the feasibility of turning an abandoned rail line into a bike/hike path that will connect the campus with the college's James H. Barrow Field Station, a renowned, 400-acre biology and environmental studies lab. The path would be used by students and also be available to the public, and the college intends to work with the village, township and Portage County Parks Commission. Approximately, \$100,000 is for performing the study.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Geauga Park District

Address of Requesting Entity: 9160 Robinson Road, Chardon, Ohio 44024 USA

Description of Request: Provide an earmark of \$428,000 to assist the Geauga Park District in purchasing a 200-acre tract of land in Munson Township which would connect two preserves the park district already owns and complete an 835-acre greenway corridor. Additionally the preservation of the property would also protect water quality within Beaver Creek. Land preservation and watershed protection enhance local communities and improve the quality of life for their residents. Approximately, \$428,000 is to acquire fee title to the property.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3288

Account: Economic Development Initiatives
 Legal Name of Requesting Entity: Lake Metroparks

Address of Requesting Entity: 11211 Spear Road, Concord Township, Ohio 44077 USA

Description of Request: Provide an earmark of \$500,000 to assist Lake County with the continuation of its Open Space Plan with the purchase of a portion of Camp Stigwandish. The addition of this land into the public domain would allow for greater public access to open space. Land preservation enhances local communities and improves the quality of life for their residents. Approximately, \$500,000 is for land acquisition.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3288

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: City of Chardon

Address of Requesting Entity: 111 Water Street, Chardon, Ohio 44024 USA

Description of Request: Provide an earmark of \$136,000 to widen and realign Park Avenue at the busy intersection of Wilson Mills Road, and also provide better sight lines for motorists so traffic can move more efficiently and safely. The project has been endorsed by the City of Chardon through its 1990 Thoroughfare Plan and its 2008 Comprehensive Plan. Approximately, \$106,000 is for engineering and \$30,000 is for surveying.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3288

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Sagamore Hills Township

Address of Requesting Entity: 11551 Valley View Road, Sagamore Hills, Ohio 44067 USA

Description of Request: Provide an earmark of \$343,000 to make necessary grade and drainage improvements along 4,300 feet of a 12-foot-wide walking and biking loop trail with handicap access to all 50 acres of Sagamore Hills Park, which links to Summit Metro Parks Trail. Sagamore Hills Park is the only public park within the township, and the loop trail includes fitness programming implemented through local schools, business and the YMCA. Approximately, \$318,000 is for construction, paving and other affiliated costs; \$25,000 is for design and engineering.

HONORING FATHER GREGORY BOYLE, S.J. ON THE OCCASION OF HIS 25TH ANNIVERSARY OF HIS ORDINATION TO THE PRIESTHOOD IN THE SOCIETY OF JESUS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to pay tribute to an inspiring spiritual and civic leader not only in the Boyle Heights community in the heart of my congressional district, but in Los Angeles as a whole.

This year, Father Gregory Boyle, S.J.—best known as Father Greg by all who meet him—is celebrating his 25th anniversary of his ordination to the priesthood in the Society of Jesus. He is also celebrating the beginning of his third decade leading Homeboy Industries, the gang-intervention nonprofit organization that he founded to address the escalating problems and unmet needs of gang-involved youth. It is my pleasure to share with you some highlights from his ongoing work.

Father Greg was born in Los Angeles, one of eight children. His father, a third-generation Irish-American, worked in the family-owned dairy in Los Angeles County. Father Greg and his siblings worked side by side with their father in the dairy. He graduated from Loyola High School in Los Angeles in 1972 and would later return to his alma mater to teach and serve as a faculty advisor for the student service program called Christian Action Movement (CAM). He also worked with Christian Base Communities in Cochabamba, Bolivia, before becoming an ordained Jesuit priest in 1984.

In 1986, his work in the Boyle Heights community that I am proud to represent began to unfold when Father Greg was appointed Pastor of Dolores Mission where he served for six years.

Homeboy Industries traces its roots to "Jobs For A Future" (JFF), a program created in 1988 by Father Greg at Dolores Mission parish. Father Greg and the community developed positive alternatives for gang-involved youth, establishing an elementary school and a day care program, while working to find legitimate employment for young people. JFF's success confirmed that given an opportunity, many gang members are eager to leave the dangerous and destructive life on the "streets."

In 1992, Father Greg launched Homeboy's first business enterprise called the Homeboy Bakery. After 17 years, the bakery continues to provide training, work experience, and above all, the opportunity for rival gang members to work side by side. The success of the Homeboy Bakery created the groundwork for additional businesses, thus prompting JFF to become an independent non-profit organization, Homeboy Industries, in 2001.

Today Homeboy Industries' nonprofit economic development enterprises include Homeboy Bakery, Homeboy Silkscreen, Homeboy Maintenance, Homeboy/Homegirl Merchandise, and HomegirlCafO. Homeboy Industries, now located in Downtown Los Angeles in my district, serves thousands of young people each year, and has become a model for other organizations across the country.

It is currently enlarging its pilot Solar Panel Installation Training Program, where young men and women are trained and certified in this rapidly growing field. Father Greg remains a visionary, tapping into the green jobs and green economy movement and proving once again that we should invest in jobs, not jails.

As Executive Director of Homeboy Industries, Father Greg has become a nationally recognized expert on gangs and intervention approaches. Father Greg and several "homies" were featured speakers at the White House Conference on Youth in 2005, and he

was a member of the California delegation to President Clinton's 1998 Summit on Children in Philadelphia. Father Boyle is a member of the National Youth Gang Center Advisory Board and was a member of the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Father Greg has received the California Peace Prize, the Lifetime Achievement Award from MALDEF, the "Humanitarian of the Year" Award from Bon AppOtit magazine, the Caring Institute's Award, the Civic Medal of Honor from the Los Angeles Chamber of Commerce and the James Irvine Leadership Award. The Los Angeles Headquarters Association honored Father Greg this year as one of the city's leading visionaries responsible for changing the face of Los Angeles.

The reach of Father Greg's work also extends to our nation's capital. As recently as March, I had the privilege of meeting with Father Greg in my Washington, D.C. office on a trip he made to lobby members of Congress about the need to support federal efforts to help at-risk youth and former gang members lead crime-free and productive lives.

Madam Speaker, Pedro Arrupe, S.J., the late Father General of the Jesuits, stated that the paramount objective of Jesuit education was to create "men for others." To all who know him, Father Greg embodies this objective as he truly has conducted his ministry and lived his life as a "man for others." I am honored and blessed to be among the many in our community who consider him a friend.

As we celebrate Father Greg Boyle's 25th anniversary of ordination to the priesthood in the Society of Jesus and his 21st Anniversary of leading Homeboy Industries, I ask my colleagues to join me in congratulating Father Greg—or G-Dog, as he is affectionately known to his homeboys and homegirls—on these milestones. Above all, we thank him for continuing to call us all to—as he says—stand with those whose dignity has been denied, to embrace the poor and powerless and voiceless, to stand with the demonized so that the demonizing will stop, and to create a community of kinship.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010. The entity to receive funding is the Warren County Planning Commission, Warren County Courthouse, 204 Fourth Avenue, Warren, PA 16365, in the amount of \$350,000. Funding will be used to assist the construction of a building to provide health care services to residents in Warren County.

IN RECOGNITION OF MR. DOMINIC
"MICKEY" SGRO

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MURTHA. Madam Speaker, I rise today to honor the accomplishments of Mr. Dominic "Mickey" Sgro of Indiana, Pennsylvania. Mr. Sgro will be honored as the 2009 Labor Award recipient at the Blair/Bedford County Central Labor Council's 29th Annual Person of the Year Event.

The spirit of labor runs deep for Mr. Sgro and his family. He is a second generation labor leader. His father was a former business agent for the IUE. Over the course of his career, Mr. Sgro has held a number of various positions in AFSCME Council 83, based in Duncansville, Pennsylvania. These positions include staff representative, member of the Council Executive Board, and member of the Council Steering Committee. In February of 2006, Mr. Sgro became the staff director of Council 83.

In addition to his service to AFSCME Council 83, Mr. Sgro also spent 20 years working for PennDOT as an equipment operator. He also served the Local 2121 as its president and is now a member of the Retired Public Employees of Pennsylvania (RPEP), Subchapter 8306. He also serves on the Board of the Pennsylvania Employee Benefit Trust Fund (PEBTF) and the Executive Board of the Central Pennsylvania Area Labor Federation, AFL-CIO (Central PA ALF). He is also an alternate vice president to the AFL-CIO.

Over the years Mr. Sgro has been supported by his wife Jaime and his two daughters Danielle and Michelle.

Madam Speaker, I close my remarks by congratulating Mr. Mickey Sgro for the 2009 Labor Award and for all of his accomplishments.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of Departments of Labor, Health and Human Services, and Education Appropriations Bill, 2010.

Requesting Member: Congresswoman JO ANN EMERSON

Bill: Fiscal Year 2010 Departments of Labor, Health and Human Services, and Education Appropriations Bill.

Legal Name of Requesting Entity: Ozarks Medical Center

Address of Requesting Entity: P.O. Box 1100, West Plains, MO 65775

Description of Request: Provide an earmark of \$500,000 for equipment in a new and expanded Emergency Department.

Requesting Member: Congresswoman JO ANN EMERSON

Bill: Fiscal Year 2010 Departments of Labor, Health and Human Services, and Education Appropriations Bill.

Legal Name of Requesting Entity: Southeast Missouri State University

Address of Requesting Entity: One University Plaza, MS 1900: Cape Girardeau, MO 63701

Description of Request: Provide an earmark of \$205,000 for the Southeast Health on Wheels (SHOW) Mobile Program. The SHOW Mobile initiative is a health literacy, health promotional and disease prevention and primary health and dental care program designed to serve Southeast Missouri. The program is administered by the College of Health and Human Services of Southeast Missouri State University.

Requesting Member: Congresswoman JO ANN EMERSON

Bill: Fiscal Year 2010 Departments of Labor, Health and Human Services, and Education Appropriations Bill.

Legal Name of Requesting Entity: Southeast Missouri State University

Address of Requesting Entity: One University Plaza, Cape Girardeau, MO 63701

Description of Request: Provide an earmark of \$500,000 to expand the services of Kent Library into a modern Information Commons concept and to link the same technical and support services that this renovation will provide to the students, faculty, and staff on the main campus, to the students and faculty on the River Campus, four regional campuses and the community within the University's service region.

Requesting Member: Congresswoman JO ANN EMERSON

Bill: Fiscal Year 2010 Departments of Labor, Health and Human Services, and Education Appropriations Bill.

Legal Name of Requesting Entity: Three Rivers Community College

Address of Requesting Entity: 2080 3 Rivers Boulevard, Popular Bluff, MO 63901

Description of Request: Provide an earmark of \$215,000 to upgrade the delivery and management of on-line learning system. This enhancement will make it possible to rapidly expand education/training programs, and the initiation of on-line degree programs.

Requesting Member: Congresswoman JO ANN EMERSON

Bill: Fiscal Year 2010 Departments of Labor, Health and Human Services, and Education Appropriations Bill.

Legal Name of Requesting Entity: Susanna Wesley Family Learning Center, Inc.

Address of Requesting Entity: 207 N. Washington St, Box 249, East Prairie, MO 63845

Description of Request: Provide an earmark of \$250,000 for the Susanna Wesley Family Learning Center's Positive Alternative System Strategies to Work, or "Pass to Work," program will provide families with activities designed to emphasize good academic and healthy physical performance for at-risk children. In addition, this program will offer employment training, career counseling, and health behavior advice.

Requesting Member: Congresswoman JO ANN EMERSON

Bill: Fiscal Year 2010 Departments of Labor, Health and Human Services, and Education Appropriations Bill.

Legal Name of Requesting Entity: Missouri State University

Address of Requesting Entity: 901 S. National, Springfield, MO 65897

Description of Request: Provide an earmark of \$250,000 for nursing and allied technology enhancements, specifically to create nursing clinical simulation laboratories at the West Plains campus to support their nursing and allied health programs.

COMMEMORATING THE 35TH ANNIVERSARY OF THE TURKISH OCCUPATION OF CYPRUS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. BERKLEY. Madam Speaker, I rise to commemorate once again the anniversary of Turkey's illegal invasion and occupation of Cyprus, beginning in 1974, lasting up to the present time. The division of Cyprus has wreaked havoc on the island nation and left its Turkish-occupied section in disarray. It is cruel that the Cypriot people should continue to be subjected to this conflict.

Three summers ago, we were all pleased to see the two sides reach a major breakthrough in the troubled history of this divided island. After years of conflict, both sides committed themselves to the re-unification of Cyprus based on a bi-zonal, bi-communal federation and political equality. By agreeing to these principles, they recognized the status quo is unacceptable and that continuing it only hurts Turkish and Greek Cypriots.

It is my hope—and I believe my colleagues share in my feeling—that the two sides will soon be able to begin full-fledged negotiations, leading to a final status agreement and the removal of all Turkish troops from the island. Last Congress, this House expressed its support for these efforts by unanimously passing H. Res. 405, of which I was a proud cosponsor.

Madam Speaker, we urge the two parties to move forward in their discussions and, at the same time, we urge the international community to step back and allow the Cypriots—and the Cypriots alone—to make the decisions affecting their future. No one can force an agreement on them.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010. The entity to receive funding is the Mount Nittany Medical Center, 1800 East Park Avenue, State College, PA 16803,

in the amount of \$150,000. Funding will be used to support the expansion of its East Wing.

COMMEMORATING THE 15TH ANNIVERSARY OF THE TRAGIC ATTACK ON THE ARGENTINE JEWISH MUTUAL ASSOCIATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. WEINER. Madam Speaker, I rise to commemorate the 15th anniversary of the tragic events that took place at the Argentine Jewish Mutual Association (AMIA) in Buenos Aires. This tragic attack on a Jewish community center in Buenos Aires left 85 innocent people dead and 300 wounded in what remains the largest terrorist attack in Argentine history.

This bombing is a reminder of the very real and dangerous threat of anti-Semitism in the world. In an ongoing investigation, the Argentinean courts formally charged officials in the Iranian Government, including former President Rafsanjani, as well as militants from their proxy group Hezbollah for plotting and carrying out this attack.

In 2006, Argentina issued arrest warrants for these individuals. The following year, INTERPOL issued arrest warrants, but 15 years after the attack no arrests have been made. Iran and its neighbors continue to offer a safe harbor to these terrorists. These warrants were ignored by the Kingdom of Saudi Arabia, who did nothing to apprehend Ali Akbar Hashemi Rafsanjani and Mohsen Rezaei, two suspected terrorists who attended a conference last June hosted by the Saudi Government. According to a State Department report, Hezbollah and Hamas sympathizers continue to raise funds and support in the border region of Argentina as well.

The people responsible for such a brutal attack on a Jewish community center, as well as whatever government or organizations supported them must be brought to justice. As we mark the 15th anniversary we must continue to condemn these attacks, support its ongoing investigation, and urge the rest of the world to do so as well.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. PUTNAM. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman ADAM H. PUTNAM

Bill Number: H.R. 3293

Account: Department of Education—Elementary & Secondary Education, Fund for the Improvement of Education (FIE)

Project Funding Amount: \$150,000

Legal Name of Requesting Entity: Polk County Public Schools

Address of Requesting Entity: 1915 South Floral Avenue, Bartow, FL 33830

Description of Request: It is my understanding that the funding would be used to help fund the Polk County Safety Surveillance System Pilot Project, specifically the purchase and installment of alarm systems and surveillance equipment at 27 campuses throughout the school district. Implementation of these security systems would enable school officials and local law enforcement to monitor for and assess invasive acts of violence, theft and vandalism, coordinate effective responses to bring situations under control and protect approximately 20,000 students, teachers and other staff on these campuses. Educators and school administrators alike know that students who do not feel safe in school have difficulty concentrating in class and retaining what is taught and that positive student engagement in the classroom is a key factor in promoting student achievement. The participating pilot schools were selected based on the frequency and volume of theft, vandalism and violent incidents and requests for additional security guards to protect the people attending after-school events at these locations. Selections were determined by the Director of the Department of Safe Schools whose department records and processes these incidents.

Requesting Member: Congressman ADAM H. PUTNAM

Bill Number: H.R. 3293

Account: Department of Education—Higher Education, Fund for the Improvement of Post-secondary Education (FIPSE)

Project Funding Amount: \$300,000

Legal Name of Requesting Entity: Polk State College (The legal name of Polk Community College changed to Polk State College following the approval of their Board of Trustees in March 2009, to reflect the addition of baccalaureate offerings at the college. The change took effect on July 1, 2009, the beginning of the new fiscal year).

Address of Requesting Entity: 999 Avenue H, N.E., Winter Haven, FL 33881

Description of Request: It is my understanding that funding would be used to address a skills gap currently hampering the ability of hospitals and clinics in Polk County, Florida to fill critical positions, expand, and adapt to meet the needs of an aging population. Polk State College (PSC) seeks funding to enhance its Nursing, Cardiovascular Technology (CVT), Diagnostic Medical Sonography (DMS), Radiography, and Emergency Medical Technology programs in order to address the critical need for qualified Allied Health professionals in the region. Funding would be used to develop an Echocardiography track in addition to the Cardiovascular Technology Invasive track Associate of Science (AS) degree program, hire additional faculty and staff, and purchase updated training technology. Funding is also requested to equip two classrooms with computer technology necessary for PSC's Educator Preparation Institute's (EPI) teacher-training courses in Technology.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010. The entity to receive funding is the DuBois Regional Medical Center, 100 Hospital Avenue, P.O. Box 447, DuBois, PA 15801, in the amount of \$100,000. Funding will be used for the purchase of a Digital C-Arm.

EARMARK DECLARATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. EHLERS. Madam Speaker, pursuant to Republican Leadership standards, I am submitting the following information regarding projects I received funding for as part of H.R. 3293—Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 3293

Agency: Department of Health & Human Services

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services.

Legal Name of Requesting Entity: Grand Rapids Public Schools

Address of Requesting Entity: 1331 Franklin Ave. SE., Grand Rapids, MI 49506

Description of Request: The bill provides \$500,000 for the Central Health Science Campus, a new education redevelopment model that is being advanced by the Grand Rapids Public Schools in partnership with several local colleges, universities, health institutions, and community stakeholders. The purpose is to create a mixed-use campus centered on the health science industry that connects K–12, higher education, and job providers all on one site. The education redevelopment of the Central campus is a valuable use of federal taxpayer dollars as those funds will foster new, innovative public-private partnerships and help to leverage additional private and state resources and support for the betterment of student achievement, workforce development, economic development, and the entire neighborhood. Most importantly, the federal funds will benefit a population of students and a surrounding neighborhood that includes a high percentage of disadvantaged children.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 3293

Agency: Department of Health & Human Services

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services.

Legal Name of Requesting Entity: Spectrum Health

Address of Requesting Entity: 100 Michigan Street NW., Grand Rapids, MI 49503

Description of Request: The bill provides \$200,000 for Spectrum Health, a regional leader in orthopedic care. Spectrum Health is developing an Orthopedic Surgical Treatment Effectiveness Registry to track patient health outcomes; this will ultimately help improve the quality of care provided at Spectrum Health and elsewhere. The registry would contain long-term patient procedure and outcome data and use evidence-based clinical standards set by the orthopedics community to measure effectiveness of procedures. Ultimately, a registry like this will enable Spectrum Health to be at the forefront of research and help us ensure orthopedic patients—many of whom are elderly Medicare beneficiaries—receive the most clinically appropriate and cost-effective treatments possible, a valuable use of taxpayer funds.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 3293

Agency: Department of Health & Human Services

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services.

Legal Name of Requesting Entity: Pine Rest Christian Mental Health Services

Address of Requesting Entity: 300 68th Street SE., PO Box 165, Grand Rapids, MI 49501

Description of Request: The bill provides \$200,000 to Pine Rest for an Electronic Medical Record (EMR) system. This is a valuable use of taxpayer funds since Pine Rest is well-positioned to be a national model for other behavioral health care systems. Pine Rest will demonstrate improved quality of care at a lower cost through its continuum of care, including hospital-based services, a large outpatient clinic network, addictions recovery services and residential treatment settings. Pine Rest will have the ability to connect to the Health Information Exchange, improving communication between providers.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 3293

Agency: Department of Labor

Account: Employment and Training Administration (ETA)—Training & Employment Services (TES)

Legal Name of Requesting Entity: City of Grand Rapids

Address of Requesting Entity: 300 Monroe Ave. NW., Suite 480, Grand Rapids, MI 49503

Description of Request: The bill provides \$350,000 for Our Community's Children, a public/private partnership between the City, the Grand Rapids Public Schools, and the community. Our Community's Children will work with the Grand Rapids Public Schools Youth Employment program to increase investment in early workforce development. Youth will be trained in 21st century work skills and be given literacy remediation to ensure they are ready for the workforce, a valuable use of taxpayer funds.

able use of taxpayer funds. Businesses in emerging fields will be sought to provide long-term job training and opportunities for youth. Outcomes include increased employment competency of youth, increased graduation rates, improved math/reading scores, and greater investment in the future of our children by the business community.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. GINGREY of Georgia. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of rule XXI, I am submitting the following information regarding the earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3288

Account: Federal Aviation Administration—Airport Improvement Program

Legal Name of Requesting Entity: Richard Russell Regional Airport

Address of Requesting Entity: 304 Russell Field Road, Rome, GA 30165

Description of Request: This entire \$250,000 will be used to make the Taxiway C configuration consistent with the approved Airport Layout Plan. The realigned Taxiway C will reduce the possibility of runway incursions and back taxiing on the primary runway. In addition, a portion of the closed Runway 14/32 will be converted to usable taxiway pavement, and grading work will also be performed in this midfield area to meet runway safety area standards.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3288

Account: Federal Highway Administration—Interstate Maintenance Discretionary

Legal Name of Requesting Entity: Georgia Department of Transportation

Address of Requesting Entity: #2 Capitol Square, Atlanta, GA

Description of Request: The entire \$750,000 will be used for the preliminary engineering of a fully directional interchange at Third Army Road and Interstate 75. This project is critical to Bartow, Cobb, and Paulding Counties as they work collaboratively to address the serious traffic problems in this part of the region. This project will allow residents of three counties access to the interstate without having to travel through Cobb County. At the present time, drivers in this area must travel through Cobb County, significantly increasing traffic congestion on both main thoroughfares and residential streets. This part of the region has accident and injury rates higher than the state average in Georgia. In addition, commute time is increased and air quality is negatively affected. The project falls within the boundaries of the air quality non-attainment area of metropolitan Atlanta.

This project will run through Paulding, Cobb and Bartow Counties reconstructing Third Army Road north of the existing roadway from the interchange to U.S. 41. The existing Third Army Road would remain to facilitate local access to the residential properties in the area. The interstate ramps would extend along I-75 for approximately 1,500 feet. Feasibility and justification reports conducted have indicated that there would be significant improvements in traffic safety, mobility, and congestion in the region if this interchange was constructed.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3288

Account: Housing & Urban Development—Economic Development Initiative

Legal Name of Requesting Entity: Paulding County Industrial Building Authority

Address of Requesting Entity: 240 Constitution Boulevard, Dallas, GA

Description of Request: The entire \$250,000 will be used to construct the Paulding County Technology Model Building which is a key piece to the development of the Airport Industry and Technology Park, a component of the Paulding Forest Initiative for which the County received the Economic Development Administration's Award for Excellence in Economic Development in 2007. The Airport Industry and Technology Park is in a key location for aerospace and technology development as it is surrounded by the major cities of Atlanta, Birmingham, and Chattanooga and located adjacent to the first new general aviation airport designed to accommodate the Very Light Jet industry. This project is the result of a joint venture between the County, the Cities of Dallas and Hiram, and the Industrial Building Authority.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3288, "Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN

Account: Federal Highway Administration—Surface Transportation Priorities

Project Amount: \$750,000

Legal Name of Requesting Entity: Blount County Highway Department, 441 N. Hall Road, Alcoa, Tennessee 37701

Description of Request: The funding will be used to improve 2.23 miles of Morganton Road in Blount County, Tennessee.

Requesting Member: Congressman JOHN DUNCAN

Account: Federal Transit Administration—Buses & Bus Facilities

Project Amount: \$1,250,000

Legal Name of Requesting Entity: Knoxville Area Transit, 1135 Magnolia Avenue, Knoxville, Tennessee 37917

Description of Request: The funding will be used to replace an aging bus fleet and bus facilities.

Requesting Member: Congressman JOHN DUNCAN

Account: Federal Transit Administration—Buses & Bus Facilities

Project Amount: \$500,000

Legal Name of Requesting Entity: Knoxville-Knox County Community Action Committee, P.O. Box 51650, Knoxville, Tennessee 37950-1650

Description of Request: The funding will be used to purchase vehicles in order to provide reliable transportation to the residents of Knox County.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R.3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010. The entity to receive funding is the Central Pennsylvania Institute of Science and Technology, 540 North Harrison Road, Pleasant Gap, PA 16823, in the amount of \$250,000. Funding will be used for energy related workforce training.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SMITH of New Jersey. Madam Speaker, I submit the following.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Trenton, NJ—

Address of Requesting Entity: Trenton City Hall, 319 E. State Street, Trenton, NJ 08608

Description of Request: The \$200,000 in funding would be used for capitalizing on the economic potential generated by the new Trenton Train Station. It would help with the City of Trenton's plans to enhance the area around the station to promote private development.

CELEBRATING THE ACHIEVEMENTS OF OFFICER W. THOMAS LEE

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. ETHERIDGE. Madam Speaker, I rise today to recognize a true hometown hero. On Tuesday, July 14, 2009, while on patrol, Officer W. Thomas Lee of the Smithfield Police Department in Smithfield, North Carolina, saved a couple and their three children from an early morning house fire.

Officer Lee was on patrol just after 2:00 a.m. when he saw a car burning at 1411 W. Market Street in Smithfield, where Javier Ramirez, Maria Mejia and their children, ages 12 to 18, were sleeping. Lee banged loudly on the front door and on several windows before managing to wake the family. The family was able to exit the structure through a bedroom window to avoid moving about the burning home. Fortunately, no one was injured. The fire had spread to the attic and roof of the house by the time firefighters arrived just before 2:20 a.m., Smithfield Fire Marshal Paul Whitehurst said. The blaze began when the engine of the family's 2003 Ford Mustang caught fire. In a statement the family said, "if it hadn't been for the police officer that saw [the fire], it would have been a very different situation." Madame Speaker, this is an understatement.

It is first-class citizens like Officer Lee who highlight the sense of community and duty shared by all our first responders. These emergency personnel work tirelessly on behalf of our communities and I would like to take this time to recognize their achievements. Officer Lee is truly a hometown hero and I ask my colleagues to join in congratulating his bravery and integrity.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BARRETT of South Carolina. Madam Speaker, Wednesday, July 22, 2009, I mistakenly voted "no" on rollcall vote No. 605 (on motion to table the Flake of Arizona Resolution). As a member of the House Committee on Standards on Official Conduct, I must remain consistent with the many other PMA-related resolutions offered by Rep. FLAKE in the past. I intended to vote "present" and would request that the record reflect my vote on rollcall vote No. 605 as such.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SMITH of New Jersey. Madam Speaker, I submit the following.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3288

Account: Economic Development Initiatives
Legal Name of Requesting Entity: 180 Turning Lives Around Inc.

Address of Requesting Entity: 180 Turning Lives Around Inc., 1 Bethany Road Building 3, Suite 45, Hazlet, NJ 07730

Description of Request: The \$200,000 in funding would be used to initiate construction of the 180 Safe House domestic violence shelter.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY2010 Labor-Health and Human Services, Education, and Related Agencies Act.

I have received \$700,000 in the in the Department of Health and Human Services, Health Resources and Services Administration (HRSA)-Health Facilities and Services Account for the Stewart-Marchman-Act Foundation, Inc. Daytona Beach, FL located at 214 Loomis Ave. Daytona Beach, FL 32114.

Federal funding will allow the construction of the Vince Carter Sanctuary, a 100-bed substance abuse treatment, education, and research center to be located in Bunnell, Florida (Flagler County) on land donated for this purpose by the Flagler County Commission. This request seeks to assist in the total financing of this \$8 million project as 80% of the total funds have been generated from local philanthropic contributions. The Vince Carter Sanctuary will impact the economy of the region and create 75 new jobs to operate the facility. These new positions will have an average salary of \$32,500, thus reflecting over \$2.5 million in direct salary expenditures. The Sanctuary will have a \$56 million impact from the construction funds and an annual \$17 million from operations, for a total of \$73 million for the first year. These funds will have a significant impact upon the local Northeast Florida economy.

Madam Speaker, I also received \$100,000 in the Department of Health and Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services Account for the Florida Hospital Altamonte, Altamonte Springs, FL located at 601 East Altamonte Drive Altamonte Springs, FL 32701.

With infant abductions a growing concern in hospitals (256 infant abductions in the US since 1983), federal funding for the HUGS Infant Security Initiative would provide a defense against this matter. Funding will be used to purchase and implement the HUGS Infant Security Electronic System for Florida Hospital Altamonte OB and MIU departments in order to prevent unauthorized transportation of infants and abduction.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. McKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 3288, the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010."

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 3288, "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010"

Account: Federal Highway Administration (FHWA) Transportation, Community, and System Preservation

Legal Name of Requesting Entity: California Department of Transportation

Address of Requesting Entity: 100 S. Main Street, Los Angeles, CA 90012

Description of Request: I requested and received a Member priority request totaling \$750,000 for the Santa Clarita-Los Angeles Gateway Improvement Project. This funding would provide a portion of the \$7.5 million needed for construction level design drawings needed to extend the high occupancy vehicle (HOV) lanes on the Interstate 5 (I-5) from the State Route 14 (SR14) Interchange to Parker Road and to incorporate truck climbing lanes from the SR-14 Interchange to Pico Canyon Road/Lyons Avenue. The project would provide improved goods movement along this nationally strategic artery to Mexico and Canada from some of our nation's largest ports. Additionally, this project would improve air quality, reduce congestion, and improve safety.

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 3288, "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010"

Account: Federal Transit Administration (FTA) Buses and Facilities

Legal Name of Requesting Entity: City of Santa Clarita, CA

Address of Requesting Entity: 23920 Valencia Blvd., Suite 300, Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority request totaling \$300,000 for the McBean Regional Transit Center's (MRTC) park-and-ride facility project. This effort is a vital expansion of an intermodal, transportation hub that serves hundreds of local bus riders, commuters, carpools, and vanpools every day. This funding would be used to help construct a permanent park-and-ride lot (300 parking spaces), provide passenger loading areas, bus bays, and the infrastructure to service passengers using multimodal travel. These upgrades are necessary to accommodate the additional demand for transit service into the City of Los Angeles (a ridership that has increased 31% over the last six years), increase safety and efficiency, cut emissions, and provide economic development opportunities within the region.

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 3288, "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010"

Account: Federal Transit Administration (FTA) Buses and Facilities

Legal Name of Requesting Entity: City of Palmdale, CA

Address of Requesting Entity: 38300 Sierra Highway, Palmdale, CA 93550

Description of Request: I requested and received a Member priority request totaling \$200,000 to assist the City of Palmdale's efforts to expand the Transportation Center's train platform to accommodate the additional Metrolink train cars. The project provides this extension to conform to current Metrolink standards, which were adopted after construction of the center. This project is vital to ensuring continued public transit access into Los Angeles from the Antelope Valley.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SMITH of New Jersey. Madam Speaker, I submit the following.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 3288

Account: Economic Development Initiative
Legal Name of Requesting Entity: The School for Children with Hidden Intelligence—

Address of Requesting Entity: The School for Children with Hidden Intelligence, 812 E. County Line Road, Lakewood, NJ 08701

Description of Request: The \$250,000 in funding would be used to help in the construction of a new 52,000 square foot facility to accommodate the increased need for special educational services. The facility, located on a 13-acre wooded campus, will provide services for New Jersey's severely disabled and underprivileged children.

EARMARK DECLARATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SHIMKUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the 2010 Labor, Health and Human Services Appropriations Bill.

Requesting Member: JOHN M. SHIMKUS

Bill: 2010 Labor, Health and Human Services Appropriations Bill

The Account: Higher Education (including FIPSE)—Lincoln Land CC

Requesting Entity: Lincoln Land Community College at 5250 Shepherd Rd. Springfield, IL 62794.

The funding will be for the LLCC HIRE Education Program to allow for pre apprenticeship training in energy production fields and construction trades to meet regional demand.

The Account: Higher Education (including FIPSE)—Southern Illinois University Edwardsville

Requesting Entity: Southern Illinois University Edwardsville is located in Edwardsville, IL 62026.

The funding will be for a high tech simulation laboratory for advance practice nursing students to help address a nationwide nursing shortage.

The Account: Administration for Children and Families (ACF)—Social Services—The Hope Institute for Children and Families

Requesting Entity: The Hope Institute 15 E. Hazel Dell Lane Springfield, IL 62712

The funding will be for equipment, for training and a conference center, and dental clinic at the Children's Healthcare Partnership, Noll Medical Pavilion.

The Account: Innovation and Improvement—Reading is Fundamental

Requesting Entity: The point of contact for Reading Is Fundamental is Stephen Leach and the address is 1825 Connecticut Ave. NW Washington, DC 20009.

The funding would be used for purposes authorized in Section 5451 of the Elementary and Secondary Education Act.

The Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services—Hamilton Memorial Hospital

Requesting Entity: Hamilton Memorial Hospital is located at 611 S. Marshall McLeansboro, IL 62859.

Hamilton Memorial serves a very poor, rural area of Illinois and is in need of capital to convert this EMR project to better serve their patients. The funding will be to assist electronic file management and forms, computerized physician order entry, and a new HIS server to support electronic file conversions.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally-directed funding, I am submitting the following information regarding funding included in H.R. 3288, the Transportation, Housing and Urban Development Appropriations Bill of 2010.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3288

Account: Federal Aviation Administration—Facilities & Equipment

Legal Name of Recipient: Hazard-Perry County Airport Board—Wendell H. Ford Regional Airport

Address of Recipient: P.O. Box 420, Hazard, KY 41701

Description of Request: Provides directed funding of \$500,000 for an Instrument Landing System (ILS) at Wendell H. Ford Regional Airport in Hazard, KY. for precision azimuth and elevation guidance signals to aircraft. For the 12-month period ending September 21, 2006, the airport had 10,200 aircraft operations, an average of 27 per day: 85% general aviation,

14% air taxi and 2% military. This project will make a more secure environment for military and civilian operations and provide safer landings at this regional airport.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3288

Account: Department of Housing & Urban Development—Economic Development Initiatives

Legal Name of Recipient: Kentucky Communities Economic Opportunity Council (Gray, KY.)

Address of Recipient: 5448 US 25 East, Gray, KY 40734

Description of Request: Provides directed funding of \$250,000 for the construction of a health and wellness facility in Barbourville, KY., an area with a long history of high unemployment and high poverty. No such facility currently exists in the region, and this project would help combat serious health issues faced by residents as a result of the pervasive problems of obesity and diabetes—thereby greatly increasing the quality of life for local residents. This facility is being constructed through a partnership between the City of Barbourville, KY., Union College and KCEOC Community Action Agency.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3288

Account: Department of Housing & Urban Development—Economic Development Initiatives

Legal Name of Recipient: Kentucky Blood Center

Address of Recipient: 3121 Beaumont Centre Circle, Lexington, KY 40513

Description of Request: Provides directed funding of \$500,000 for the construction of new donor center along US-27 in Somerset, Ky., which would allow for storage of a large volume of blood components. The Kentucky Blood Center (KBC) currently leases a smaller space, which has proved insufficient to accommodate the growth in blood donation and staffing in the area. According to the American Association of Blood Banks International Task Force on Domestic Disasters, the single greatest risk from a disaster is not a lack of blood—but a disruption of the blood delivery system. The new Somerset Center will allow KBC to develop a regional approach in meeting blood donation needs, increasing preparedness for a disaster or blood emergency. The project has already undergone development and design, and can be under construction within 90 days.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3288

Account: Department of Transportation—Buses and Bus Facilities

Legal Name of Recipient: LKLP Community Action Council—Hazard, Ky.

Address of Recipient: 398 Roy Campbell Drive, Hazard, KY 41701

Description of Request: Through the Kentucky Transportation Cabinet's Office of Transportation Delivery, provide funding of \$1,000,000 for Hazard-based LKLP Community Action Council to construct a transit facility in West Liberty, Ky. A parking and transit structure would enhance the basic downtown infrastructure to support commuters and busi-

nesses, and this new transit facility will serve as an economic catalyst and hub for downtown revitalization in Morgan County, Ky. LKLP operates a number of federal Public Transportation programs including Section 5311, Section 5310, Section 5316 and Section 5317.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3288

Account: Department of Transportation—Federal Highway Administration—Surface Transportation Priorities

Legal Name of Recipient: Kentucky Transportation Cabinet

Address of Recipient: 200 Mero Street, Frankfort, KY 40622

Description of Request: Provide directed funding of \$750,000 to expand US-25 to 4 lanes near Corbin in Laurel County, Kentucky, which will greatly decrease congestion and increase safety in the area. Highway spending yields a 32% annual return on investments measured over decades, which far exceeds most other public or private investments. This important project is included in Kentucky's 2008 Highway Plan, as approved by the 2009 Kentucky General Assembly.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3288

Account: Department of Transportation—Federal Highway Administration—Surface Transportation Priorities

Legal Name of Recipient: Kentucky Transportation Cabinet

Address of Recipient: 200 Mero Street, Frankfort, KY 40622

Description of Request: Provide directed funding of \$750,000 to for continued construction of the Somerset Northern Bypass (I-66). Upon its completion, I-66 will provide a vital connection between Southern and Eastern Kentucky and the nationwide road system. This is crucial to providing Appalachian Kentucky residents with better access to health care, opening up communities to tourism, and supporting additional supply lines for new businesses. The highway will also improve safety for people traveling in and around the area. Highway spending yields a 32% annual return on investments measured over decades, which far exceeds most other public or private investments.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288: Making Appropriations for the Departments of Transportation, and Housing and Urban Development, and other Agencies for FY 2010.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3288

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Hamilton Township

Address of Requesting Entity: Hamilton Township, 2090 Greenwood Ave., PO Box 0150, Hamilton, NJ 08650

Description of Request: The \$350,000 in funding would be used to provide sidewalks and bike paths to Hamilton Township schools, allowing over 800 school age children with safe walking and biking paths to get to and from their schools.

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Bill: H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is Atlantic Health System located at 475 South Street, Morristown, New Jersey, 07960.

Description of Request: H.R. 3293 includes \$750,000 in funding which will be used to expand and upgrade Atlantic Health System's Emergency Department (ED) to ensure that the ED continues to provide the very best possible emergency and trauma care while meeting an ever increasing influx of patients.

Bill: H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is Somerset Medical Center located at 110 Rehill Avenue, Somerville, NJ 08876.

Description of Request: H.R. 3293 includes \$600,000 in funding which will be used to help improve patient safety through its information technology initiatives. Somerset Medical Center is a pioneer among hospitals nationwide in the implementation of electronic medical records. Over the past seven years, the medical center has spent more than \$36 million to implement an electronic health record system in order to become more efficient, reduce the cost of patient care, enhance patient safety and improve the overall health of the community it serves.

Bill: H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name and Address of Requesting Entity:—The entity to receive funding for this project is St. Clare's Health System located at 140 Diamond Spring Road, Denville, NJ 07834.

Description of Request: H.R. 3293 includes \$600,000 in funding which will be used for facility renovations and upgrades to the Emergency Department (ED) at the hospital. The renovations and upgrades will address patient access, way-finding, triage and processing, bereavement accommodations, as well as modifications to public areas to support the '30 Minutes Door to Doc' commitment. The end result will enable emergency physicians and staff to better respond to the demands of the ED for their patient community by reducing waiting times, improving overall efficiency, ensuring privacy and public safety, and helping to reduce anxiety and stress for all patients and families who seek their care.

Bill: H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Higher Education (includes FIPSE)

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is Caldwell College located at 120 Bloomfield Avenue, Caldwell, NJ 07006.

Description of Request: H.R. 3293 includes \$550,000 in funding which will be used to develop a curriculum and training programs for an on-campus Autism Clinic that will house a model demonstration classroom for teachers of children with autism, in accordance with Caldwell College's Ph.D. program in Applied Behavior Analysis (ABA). Caldwell College is in the final stages of planning and implementing their Ph.D. program in ABA to train professionals to work with children with autism. In addition to providing training for Ph.D. students, the clinic will operate a range of education and outreach programs for parents and other caregivers of children with autism.

Bill: H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Higher Education (includes FIPSE)

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is Farleigh Dickenson University located at 285 Madison Ave., Madison, NJ 07940.

Description of Request: H.R. 3293 includes \$500,000 in funding which will be used to expand access to the Latino Education Pipeline. Federal funding would be used to further build the curricula for Puerta al Futuro and the Latino Promise Program, train additional educators in order to offer the program to students at more locations in New Jersey, and facilitate the conversion of the curriculum to on-line and distance education delivery.

Bill: H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Museums and Libraries

Legal Name and Address of Requesting Entity: The entity to receive funding for this

project is the Morris Museum located at 6 Normandy Heights Road, Morristown, New Jersey 07960.

Description of Request: H.R. 3293 includes \$300,000 in funding which will be used to upgrade its science education program to increase science learning access for persons with disabilities. The educational resources that are created will eliminate barriers to learning, enabling thousands of students from northern and central New Jersey, including those in underserved communities, to become more engaged in science learning and more productive. This funding will establish a national model, demonstrating that science learning for school-aged children who have disabilities, be they mental or physical, can be improved in an informal learning center through enhancements such as adaptive technology, hands-on inter-actives and universal design components.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SMITH of New Jersey. Madam Speaker, I submit the following:

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity:

Bordentown Township—
Address of Requesting Entity: Bordentown Township, One Municipal Drive, Bordentown, NJ 08505

Description of Request: The \$250,071 in funding would be used to help develop the area around a proposed New Jersey Transit Light Rail Line stop, opening up an area that would provide access to the Delaware River front in Bordentown Township and serve as a gateway to the community off Route 130.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Requesting Member: Congressman JEFF MILLER

Project Name: Peter Prince Airport Runway Hold Bays Construction

Agency/Account: FAA—Airport Improvement Program

Legal Name of Requesting Entity: Santa Rosa County, FL

Address of Requesting Entity: 6495 Caroline Street, Milton, FL 32570

Description of Request: \$500,000—Peter Prince Airport Runway Hold Bays Construction. This project will provide construction of

aircraft hold bays on runways 18 and 36 of the Peter Prince Airport to allow incoming aircraft to safely pass outbound aircraft as they are performing run-ups. Funding for this project would provide a critical safety measure at the airport. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: U.S. Highway 90 Capacity Improvement

Agency/Account: FHA—Surface Transportation Priorities

Legal Name of Requesting Entity: Escambia County, FL

Address of Requesting Entity: 221 Palafox Place, Suite 420, Pensacola, FL 32502

Description of Request: \$500,000—U.S. Highway 90 Capacity Improvement. This project will support improvement of capacity on Nine Mile Road (U.S. Highway 90) from Pine Forest Road to Highway 29 by construction of a four lane highway from a two lane highway. This project is a continuation of an existing four lane U.S. highway system. This project will improve not only capacity and level of service, but provide an alternative freight corridor to the existing interstate system. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: PJ Adams Road Improvement, FL

Agency/Account: FHA—Transportation & Community & System Preservation

Legal Name of Requesting Entity: Okaloosa County, FL

Address of Requesting Entity: 1804 Lewis Turner Blvd., Fort Walton Beach, FL 32547

Description of Request: \$250,000—PJ Adams Road Improvement, FL. This project will provide for the permitting, design, engineering and construction of Phase I of PJ Adams Road in Crestview, Florida. PJ Adams Road serves as a bypass around the heavily congested downtown area. Funding will provide for drastically needed widening, resurfacing and storm water improvements. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. KING of Iowa. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration, Interstate Maintenance Discretionary

Amount: \$500,000

Legal Name of Requesting Entity: Iowa Department of Transportation

Address of Requesting Entity: 800 Lincoln Way, Ames, IA 50010

Description of Request: The requested funds will be used to provide to the City of Sioux City to help it meet required funding obligations to the Iowa Department of Transportation for the relocation of utilities that will be required for IDOT to complete the reconstruction of Interstate 29 through Sioux City.

The Iowa DOT has included the much needed reconstruction of Interstate 29 through Sioux City in the 2009–2012 State Transportation Improvement Plan. The goal of the I–29 improvement project is to enhance the safety and operation of Interstate 29 through Sioux City. A project of this magnitude has many challenges, including the need to relocate utilities existing within the Interstate 29 right-of-way, a very confined area in which to work, as the bluffs border the east side and the river borders the west side, as well as the challenge of staging an interstate project of this size. This project has been a priority for the region for many years. A needs study was jointly completed by the Iowa DOT, SIMPCO, and the City of Sioux City in 1997. The same three entities as well as the City of South Sioux City, NDOR, Dakota Dunes, and the SD DOT have participated in the current planning study started in September of 2004. The project has been identified in Iowa in Motion, Iowa's 5-year program, Siouxland Interstate Metropolitan Planning Council (SIMPCO) MPO TIP, Iowa STIP, SIMPCO ITS Architecture, and the past/present SIMPCO LRTPs.

The City of Sioux City will incur costs in relation to the much needed reconstruction of Interstate 29. These costs include utility relocation, relocation, connections to the local street system, and aesthetic improvements. The total estimated cost for the project is approximately \$250 million. Of this total amount, the City will likely be responsible for approximately \$30 million.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration, Surface Transportation Priorities

Amount: \$750,000

Legal Name of Requesting Entity: Iowa Department of Transportation

Address of Requesting Entity: 800 Lincoln Way, Ames, IA 50010–

Description of Request: The requested funding will be used to continue construction of four-lane US 20 in northwest Iowa. The Iowa Department of Transportation continues to devote significant funding toward completion of the final 90 miles of this expansion project. Activity ranging from grading to environmental study and design is taking place on each of the 90 miles, with nearly half of those miles in the IDOT's Five Year (Construction) Plan. The requested funds will assist in this critical project to increase traveler safety, economic development and stem population loss in one of the state's most productive regions by providing funding for the continued construction of four-lane highway 20 west of highway 71 in western Iowa.

EARMARK DECLARATION

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. HOEKSTRA. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding that will benefit the Second Congressional District of Michigan as part of H.R. 3288.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 3288

Account: Bus and Bus Facility Program (Section 5309)

Requesting Entities and Addresses: Cadillac/Wexford Transit Authority, 1202 N. Mitchell St., Cadillac, Michigan 49601; Benzie Transportation Authority, 12762 Honor Highway, Honor, Michigan 49640

Description of Request: Provide \$300,000 for Cadillac/Wexford Transit Authority for the purchase of replacement transit buses and improved transit facility and provide \$200,000 for Benzie Transportation Authority for the purchase of replacement transit buses. This request is consistent with the authorized purpose of the Bus and Bus Facility Program in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 3288

Account: Community Development Fund/Economic Development Initiative

Legal Name of Requesting Entity: Grand Valley State University

Address of Requesting Entity: 740 West Shoreline Drive, Muskegon, Michigan 49441

Description of Request: Provide \$500,000 in funding for the renovation of the field station to incorporate new lab and office space that will position Annis Water Resource Institute to train future water resource scientists and identify new solutions to critical problems facing the Great Lakes.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 3288
 Account: Federal Highway Administration/
 Surface Transportation
 Legal Name of Requesting Entity: Michigan
 Department of Transportation
 Address of Requesting Entity: 425 West Ot-
 tawa St., Lansing, Michigan 48909
 Description of Request: Provide \$500,000 in
 funding as requested by the Michigan Depart-
 ment of Transportation for the design, right of
 way and construction for M-231. This is in-
 cluded on Michigan Department of Transpor-
 tation's highway plan and is consistent with
 the authorized purpose of the Surface Trans-
 portation Program in the Safe, Accountable,
 Flexible, Efficient, Transportation Equity Act.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 3183

Account: Department of Energy, EERE—B&B

Recipient: University of Kentucky Center for Applied Energy Research, 2450 Research Park Drive, Lexington, KY 40511

Description of Request: Provide \$1,000,000 to the University of Kentucky to work directly with agricultural and energy producers across the commonwealth to improve the research and development of biofuels production.

EARMARK DECLARATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MORAN of Kansas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, Transportation, and Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3288

Agency/Account: Department of Transportation, Office of the Secretary, Transportation Planning, Research, and Development

Legal Name of Requesting Entity: University of Kansas

Address of Requesting Entity: 2385 Irving Hill Rd., Lawrence, KS 66403

Description of Project: I have secured \$350,000 for the University of Kansas Engine Test Cell Upgrade project. One of the education components of the University is the

School of Engineering. The School of Engineering promotes and teaches interdisciplinary research learning. Engineers and computer scientists from different disciplines work together to provide innovative solutions to challenges around the world. Funding will be used to purchase equipment including an AC dynamometer. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3288

Agency/Account: Federal Aviation Administration, Airport Improvement Program

Legal Name of Requesting Entity: Oberlin Municipal Airport

Address of Requesting Entity: 1832 Highway 83, Oberlin, KS 66749

Description of Project: I have secured \$500,000 for the Oberlin Municipal Airport Runway

Realignment and Lengthening Project. Recently the FAA has required a 500 foot displacement on the south end of north/south runway 17-35 at the Oberlin Municipal Airport. Shortening of the runway and lack of expansion to the north further hinders usage of the current alignment. Decatur County is currently not being served by air ambulance. Eagle Med sets runway requirements the pressure altitude of 2705, Oberlin, Kansas on an 85 degree day with a 10 knot head wind of approximately 4,200; this requirement increases about 100 feet for every one degree of temperature. The current north/south runway is less than 3,900 feet.

Funding will be used for construction of this proposed new runway which will solve the aforementioned issues. The new runway, while providing utility for the existing users, will offer growth and expansion for several companies that use aviation, all of which are hindered by the poor runway conditions. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3288

Agency/Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: City of Great Bend

Address of Requesting Entity: 1209 Williams, Great Bend, KS 67530

Description of Project: I have secured \$400,000 for the Broadway and Kansas Avenue Repair Project in Great Bend, KS. The Broadway/Kansas Avenue Repair and Rehabilitation Project is designed to repair two roadways of economic importance to the Great Bend Community. Both roadways serve as major traffic arterials for commercial and residential traffic alike. Because of the sheer amount and the kind of traffic both these routes receive, the condition of both roadways is in rapidly increasing disrepair. The high traffic levels along with age of concrete sections on both routes have caused these sections of roadway to deteriorate faster than the typical roadway. The nature of businesses located on both of these routes makes repair action increasingly important. Funding will be used to help repair these roads. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3288

Agency/Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: City of Junction City

Address of Requesting Entity: 700 North Jefferson, P.O. Box 287, Junction City, KS 66441

Description of Project: I have secured \$500,000 for the Rucker Road at US-77 Project in Junction City, Kansas. The development of housing and business operations on the west side of Junction City has created a need for additional traffic signals at Rucker Road and US-77. Funding will be used for the addition of traffic signals and turn lanes on US-77 and Rucker Road, which will ease the congestion and reduce the potential for accidents at this busy intersection. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. LYNN JENKINS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. JENKINS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY2010 Transportation/HUD, H.R. 3288:

Earmark: Interstate 70 Viaduct Realignment, Topeka, KS

Requesting Member: Congresswoman LYNN JENKINS

Bill Number H.R. 3288

Account: Federal Highway Administration/ Interstate Maintenance Discretionary

Legal Name of Requesting Entity: Kansas Department of Transportation

Address of Requesting Entity: 700 SW Harrison, Topeka, KS 66603

Description of Request: Provide an earmark of \$1,000,000 to assist with the completion of a planning report to address deficiencies, increase safety standards along this stretch of I-70 Highway and determine the best and safest route through the heart of the City of Topeka. To make this stretch of I-70 safer, the road needs to be widened and straightened out—without the sharp curve.

Earmark: U.S. Highway 69 Corridor Study, Bourbon and Crawford Counties, KS

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 3288

Account: Federal Highway Administration/ Surface Transportation Priorities

Legal Name of Requesting Entity: Kansas Department of Transportation

Address of Requesting Entity: 700 SW Harrison, Topeka, KS 66603

Description of Request: Provide an earmark of \$500,000 to continue the work of planning, engineering, design and environmental studies to widen U.S. Highway 69 to a 4-lane divided highway linking the Kansas City area (Johnson County) to Interstate 44 in Oklahoma. Highway 69 is a critical connecting link between Kansas City and I-44. The Crawford

County and Bourbon County section is one of the busiest two-lane highways in the State of Kansas and has a very high rate of accidents and fatalities. Widening of this highway is also essential to the continued economic vitality of Southeast Kansas. Funding is needed for completion of environmental assessments and other preliminary engineering work that must be completed prior to actual construction.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 3183

Account: Department of Energy, EERE—B&B

Recipient: Western Kentucky University Research Foundation, 1906 College Heights Blvd., #11016, Bowling Green, KY 42101

Description of Request: Provide \$500,000 to the WKU Research Foundation to continue research on a one-step biodiesel production technology that produces flexible, renewable, and alternative transportation fuels using 100% green feedstock.

EARMARK DECLARATION

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. POSEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding earmarks for my Congressional District as a part of H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman BILL POSEY

Project Funding Amount: \$600,000

Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Interstate Maintenance Discretionary

Legal Name of Requesting Entity: City of Melbourne, Florida.

Address of Requesting Entity: City of Melbourne, Florida, 900 E. Strawbridge Avenue, Melbourne, Florida 32901.

Description of Request: This funding will be used by the city of Melbourne, FL, for construction associated with the northern 1-95 interchange at the Palm Bay Parkway in Melbourne, FL. The parkway is a major new arterial roadway that will provide congestion relief to other crowded Federal, State, and local roads, including 1-95. The northern section of the Parkway will allow Melbourne International Airport (MIA) to connect directly with 1-95. Lack of direct access to 1-95 limits the use of MIA, a facility in which millions of Federal dollars have been invested. The road will provide interregional connectivity to the rapidly growing Brevard, Indian River, and Osceola County areas. This project is the top priority for the Brevard Metropolitan Planning Organization and the city of Melbourne.

Consistent with Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request (1) is not directed to any entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for entities unless the use of the funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman BILL POSEY

Project Funding Amount: \$600,000

Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Interstate Maintenance Discretionary

Legal Name of Requesting Entity: City of Palm Bay, Florida

Address of Requesting Entity: City of Palm Bay, Florida, 120 Malabar Rd., Palm Bay, Florida 32907.

Description of Request: This funding will be used by the city of Palm Bay for construction associated with the Southern 1-95 interchange at the Palm Bay Parkway in Palm Bay, FL. The parkway is a major new arterial roadway that will provide congestion relief to other crowded Federal, State, and local roads, including 1-95. The road will provide additional hurricane evacuation capacity for more than 100,000 residents of Palm Bay. The road will provide inter-regional connectivity to the rapidly growing Brevard, Indian River, and Osceola County area. This project is the top priority for the Brevard Metropolitan Planning Organization and the city of Palm Bay.

Consistent with Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request (1) is not directed to any entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for entities unless the use of the funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. DEAL of Georgia. Madam Speaker, I submit the follow:

Project Name: Downtown Development Authority Streetscape—Dahlonega, GA

Requesting Member: Congressman NATHAN DEAL

Bill Number: H.R. 3288

Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: The city of Dahlonega, Georgia

Address of Requesting Entity: city of Dahlonega, 465 Riley Road, Dahlonega, GA 30533

Description of Request: Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks one of my municipalities received as part of Bill 3288, the "Department of Transportation, Housing and Urban Development and Related Agencies Appropriations Act for 2010." Any Federal funding received would be used to design and implement a master plan that will increase pedestrian safety and improve access while preserving the historic nature of the Downtown Development Authority District. Funding would appropriate sidewalks, greenery, period lighting, and signage will be utilized to enhance tourism and economic development.

HONORING THE LIFE AND WORK OF CHERYL YVONNE WALLACE BOYD

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in remembrance of Cheryl Yvonne Wallace Boyd whose passing on Monday, July 13, 2009, at the age of 53 is a loss for the community of Dallas, Texas.

Ms. Boyd began her career in public service as counsel on the Senate Commerce Committee, and worked over fifteen years with the Environmental Protection Agency where she served in various positions with the utmost distinction. Ms. Boyd was a public servant in the truest sense, and for those who knew and worked beside her, she was described as nothing short of an extraordinary woman who was devoted, charitable, kind, and a tireless advocate.

Beyond her talents in government, Ms. Boyd was a fixture in the Dallas community. She was an active member in the Junior League of Dallas, an organization of women committed to promoting volunteerism, developing the potential of women and improving the community through the effective action and leadership of trained volunteers. Ms. Boyd was also very involved in one of the Nation's oldest and largest volunteer service organizations, The Links, Incorporated. As a member of the Dallas chapter she was part of an extraordinary group of women committed to enriching, sustaining and ensuring the culture and economic survival of African Americans and other persons of African ancestry.

Ms. Boyd's legacy of service and giving is an example for all those who wish to serve their communities. Although she has passed, her legacy of service and devotion to community will continue to benefit the city of Dallas for years to come.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009—

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170, Financial Services and General Government Appropriations Act of 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 3170

Account: Small Business Administration

Recipient: City of Bardstown, 220 N. 5th Street, Bardstown, KY 40004

Description of Request: Provide \$100,000 to replace a water line to further economic development.

EARMARK DECLARATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MANZULLO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the two earmarks I secured as part of H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

My first request, totaling \$750,000, will come from the Transportation & Community & System Preservation account of the Federal Highway Administration to widen Rakow Road in McHenry County, Illinois. This road project will help relieve traffic congestion by adding capacity to Rakow Road between Ackman Road to Illinois Route 31 within the city of Crystal Lake and the Village of Lake-in-the-Hills by adding two or three through lanes in each direction and adequate turn lanes at the intersections. Rakow Road is designated by the Illinois Department of Transportation as a Strategic Regional Arterial (SRA) and is also part of the National Highway System. McHenry County is still one of the fastest growing counties in Illinois and continues to experience severe traffic congestion. Federal funding is continued to be needed in order to help address the regional transportation congestion in the northwest suburbs of Chicago. The McHenry County government has also passed a bond program that raises \$50 million to be dedicated to local road improvements such as the Rakow Road widening project to match State and Federal investments. Previously, this project received \$570,000 in Fiscal Year 2009. The entity to receive funding for the Rakow Road widening project is the county of McHenry, Illinois located at 2200 Seminary Avenue in Woodstock, Illinois 60098.

My second request, totaling \$500,000, will come from the Economic Development Initiative account at the Department of Housing and Urban Development Date (HUD) for the city of Rockford, Illinois, for various public infrastruc-

ture improvements in the West Side neighborhood. Rockford, Illinois is experiencing one of the highest unemployment rates in the Nation, which reached 14.5 percent in May. To address this problem, the local government of the city of Rockford plans to make improvements to public infrastructure (roads, sewer, storm-water, and water) to the west side of the city to support improvements to an area designated for commercial development. There is a great need for Federal funding assistance to help develop the infrastructure in this area of the city of Rockford in order to attract and support new commercial and industrial employers. The city is also committing funding to this project as well as attracting significant private investment. This project will not only benefit the west side of the city of Rockford but the entire northern Illinois area by attracting more employers to Rockford. The entity to receive funding for the Rockford West Side Economic Development Initiative is the city of Rockford, Illinois, located at 425 East State Street in Rockford, Illinois 61104.

Madam Speaker, I want to take this opportunity to thank the Chairman of the House Appropriations Committee, Representative DAVID OBEY, and the Ranking Minority Member, Representative JERRY LEWIS, and the Chairman of the Transportation & Housing and Urban Development Appropriations Subcommittee, Representative JOHN OLVER, and the Ranking Minority Member, Representative TOM LATHAM, for working with me in a bipartisan manner to include these two critical requests in this spending bill.

EARMARK DECLARATION

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. UPTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman FRED UPTON

1. Allegan County Facility Improvement and Bus Replacement, MI

Department: Federal Transit Administration

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: Allegan County Transportation

Address of Requesting Entity: 3255 122nd Avenue, Suite 200, Allegan, Michigan 49010

Description of Request: This request is for the replacement of eight eligible transit vehicles. The requesting entity, Allegan County Transportation, will be meeting the required level of matching funding.

Amount: \$383,000

Financial Breakdown: Funding will be used to purchase eight public transit vehicles—six buses and two ADA vans. Allegan County will provide their required 20% match.

Justification for the use of taxpayer dollars: This funding is consistent with the mission of the Federal Transit Administration.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 3288

Account: FTA/Bus and Bus Facilities

Recipient: Western Kentucky University, 1906 College Heights Blvd., Bowling Green, KY 42101

Description of Request: Provide \$250,000 for the purchase of a new fuel-efficient, hybrid bus to meet the campus' transportation needs.

PERSONAL EXPLANATION FOR
ROLLCALL VOTE 621**HON. TIMOTHY V. JOHNSON**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. JOHNSON of Illinois. Madam Speaker, on rollcall No. 621, I was present on the House floor and voted immediately before and immediately after this vote. I was in the chamber in front of the wall, sought recognition by the Acting Speaker to vote. Despite my presence and my request, in the clear view of the Acting Speaker, my request was not recognized. While the High Speed Rail project addressed by the amendment could potentially affect the 15th District of Illinois, the \$3 billion cost is also a significant factor in consideration thereof.

Had I been present, I would have voted "present."

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development Appropriations Act, 2010.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3288

Account: Transportation & Community & System Preservation

Legal Name of Requesting Entity: Manatee County and Sarasota County

Address of Requesting Entity: 1112 Avenue West, Bradenton (FL) 34205, 1660 Ringling Blvd., Sarasota (FL) 34236.

Description of Request: I secured \$500,000 for the Intelligent Transportation (ITS), also

known as Advanced Traffic Management System, project in Manatee and Sarasota Counties.

The counties are upgrading their signal system in order to deploy a more advanced traffic management system. This project also complements a programmed State of Florida project to deploy ITS for the purpose of incident management on 1–75. It is expected to reduce vehicular delay by 9.5 million hours per year and reduce fuel consumption by 3.8 million gallons per year.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development Appropriations Act, 2010.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Sarasota

Address of Requesting Entity: 1565 First Street, Sarasota (FL) 34236.

Description of Request: I secured \$150,000 for the revitalization of the Robert L. Taylor Community Center as part of the Newtown Redevelopment Comprehensive Plan. The Robert L. Taylor Community Center is the only government sponsored/owned recreation center in Newtown and is the most heavily used recreation center in the city. Its renovation will provide modern recreation facilities for the youth of Newtown.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development Appropriations Act, 2010.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of North Port

Address of Requesting Entity: 4970 City Hall Blvd., North Port (FL) 34286.

Description of Request: I secured \$100,000 for a new Family Services Center in the City of North Port.

This facility will house the city's Social Services Division as well as 12 other community agencies. This Center will bring a variety of health and human services to the citizens of North Port.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. NEUGEBAUER. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding congressionally directed appropriation projects I sponsored as part of H.R. 3288, FY 2010 Departments of Transportation, and Housing and Urban Development, and related agencies Appropriations Act.

Agency/Account: Federal Transit Administration/Buses and Bus Facilities

Amount: \$200,000

Requesting Entity: City of Abilene, P.O. Box 60, Abilene, TX 79601

The City of Abilene operates a bus system that provides the community with 12 fixed bus routes, ADA paratransit service, and demand-response evening service. The overall system had 583,000 passengers in FY 2008. Given the importance of the bus system to the community, Abilene has developed a comprehensive plan to improve the facilities, including Transfer Facility Rehabilitation, Bus Stop Improvements, Maintenance Facility Improvements, Bus Facility Security, and Bus Stop Signage.

Agency/Account: Federal Transit Administration/Buses and Bus Facilities

Amount: \$750,000

Requesting Entity: City of Lubbock/Citibus, P.O. Box 2000, Lubbock, TX 79457

Citibus currently has six low floor hybrid electric buses on order and expects delivery of the buses in November 2009. Citibus still has a need to replace thirty buses that are twelve years old and in need of replacement to better serve the Lubbock community. Citibus would like to purchase eight buses per year until all of the buses that have exceeded their useful life have been replaced. By purchasing hybrid electric buses, Citibus will be more environmentally friendly, and be less dependent on oil products. The funding will be used for a Section 5309 request to cover bus purchases that would replace the existing bus fleet with hybrid busses.

Agency/Account: Housing and Urban Development/Economic Development Initiatives

Amount: \$300,000

Requesting Entity: City of Abilene, P.O. Box 60, Abilene, TX 79601

This funding will assist the Development Corporation of Abilene, the economic development arm of the City of Abilene, which is building a Life Sciences Accelerator, a biotech facility that will contain laboratories, research equipment, and office space to be "time shared" by biotech company tenants. This Accelerator is part of a much larger biotech initiative designed to diversify the regional economy by attracting high-paying jobs. The building is under construction with completion targeted by December 2009. The Accelerator needs the specialized equipment to make it a world class facility and to bring additional jobs to the region.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 3288

Account: HUD/EDI

Recipient: Western Kentucky University, 1906 College Heights Blvd, Bowling Green, KY 42101

Description of Request: Provide \$250,000 to assist the business accelerator in their mission to help students, local entrepreneurs, and emerging small businesses access technology to begin their businesses.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. YOUNG of Alaska. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Project Name: Alaska Native Heritage Center, Anchorage, AK for educational programming and outreach

Bill Number: H.R. 3293

Legal Name and address of entity receiving earmark: Alaska Native Heritage Center, 8800 Heritage Center Drive, Anchorage, AK 99504

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Educational programs to increase understanding of cultural diversity and multicultural communication. Their programs and message affect individuals nationally and internationally, reaching hundreds of thousands of students and visitors each year.

Appropriated Amount: \$150,000

Detailed Finance Plan: Personnel \$150,000

Project Name: Anchorage Neighborhood Health Center, Anchorage, AK for facilities and equipment

Bill Number: H.R. 3293

Legal Name and address of entity receiving earmark: Anchorage Neighborhood Health Center, P.O. Box 201849, Anchorage, AK 99520

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Implementing digital radiography to better serve underserved patients. This is a federally qualified health center under section 330 of the Public Health Act.

Appropriated Amount: \$100,000

Detailed Finance Plan: Equipment \$100,000

Project Name: Chickaloon Native Village, Chickaloon, AK for facilities and equipment

Bill Number: H.R. 3293

Legal Name and address of entity receiving earmark: Chickaloon Health Center, P.O. Box 1105, Chickaloon, AK 99674

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Improve the health status of medically underserved residents by establishing a community health center. This area has been declared underserved by HHS and there is a demonstrated need for a community health center in this region.

Appropriated Amount: \$250,000

Detailed Finance Plan: Personnel and equipment \$250,000

Project Name: Providence Health and Services, Anchorage, AK for a physician recruitment and retention initiative

Bill Number: H.R. 3293

Legal Name and address of entity receiving earmark: Providence Hospital Residency Program, 3200 Providence Drive, Anchorage, AK 99508

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The funding would be used to address the critical physician recruitment and retention problem in Alaska. The state is facing a shortage of physicians who will accept Medicare patients and this program is one of only a handful in the state that will see new Medicare eligible patients.

Appropriated Amount: \$350,000

Detailed Finance Plan: Personnel and training \$350,000

Project Name: Strengthening Alaska Native and Native Hawaiian Serving Institutions Programs for activities authorized under the Higher Education Act

Bill Number: H.R. 3293

Legal Name and address of entity receiving earmark: U.S. Department of Education, AK Native and Native Hawaiian Institutions, 1990 K Street, NW., 6th Floor Washington, DC 20806

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The funding would be used to strengthen Alaska Native and Native Hawaiian Serving Institutions Programs for activities authorized under the Higher Education Act.

Appropriated Amount: \$12,158,000

Detailed Finance Plan: Programming \$12,158,000

Project Name: Reading is Fundamental authorized under the Elementary and Secondary Education Act

Bill Number: H.R. 3293

Legal Name and address of entity receiving earmark: Reading Is Fundamental, 1825 Connecticut Avenue, NW., Washington, DC 20009

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Funding will be used for purposes authorized in Section 5451 of the Elementary and Secondary Education Act. Reading Is Fundamental enhances child literacy by providing millions of underserved children with free books for personal ownership and reading encouragement from the more than 18,000 locations throughout all fifty states, Washington, D.C., Guam, Puerto Rico, and the U.S. Virgin Islands.

Appropriated Amount: \$24,803,000

Detailed Finance Plan: Programming \$24,803,000

Project Name: Alaska Native Educational Equity for activities authorized under the Elementary and Secondary Education Act

Bill Number: H.R. 3293

Legal Name and address of entity receiving earmark: U.S. Department of Education, AK Native Education Equity Act, 400 Maryland Avenue, SW., Washington, DC 20202

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The funding would be used to meet the unique education needs of AK Natives and

to support supplemental education programs to benefit AK Natives.

Appropriated Amount: \$33,315,000

Detailed Finance Plan: Programming \$33,315,000

Project Name: Close Up Fellowships Program for activities authorized under the Elementary and Secondary Education Act

Bill Number: H.R. 3293

Legal Name and address of entity receiving earmark: Close Up Foundation, 44 Canal Center Plaza, Suite 600, Alexandria, VA 22314

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Fellowships to economically disadvantaged students and their teachers to participate in Close Up Washington civic education programs as authorized under No Child Left Behind Act. Program in Department of Education, Innovation and Improvement account 36460. All grant dollars pay for tuition for economically disadvantaged students and their teachers to participate in Close Up Washington civic education programs. Tuition is all inclusive including transportation, accommodations, food, instruction, administrative, etc.

Appropriated Amount: \$1,942,000

Detailed Finance Plan: Programming \$1,942,000

Project Name: Reach Out and Read authorized under the Elementary and Secondary Education Act

Bill Number: H.R. 3293

Legal Name and address of entity receiving earmark: Reach Out and Read National Center, 56 Roland Street, Boston, MA 02129

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Reach Out and Read (ROR) is a national program that promotes literacy and language development in infants and young children, targeting disadvantaged and poor children and families. ROR has proven to among the most effective strategies to promote early language and literacy development and school readiness: pediatricians and other healthcare providers guide and encourage parents to read aloud to their children from their earliest years of their life, and send them home from each doctor visit with books and a prescription to read together. Currently, nearly 50,000 doctors and nurses have been trained in ROR's proven strategies, and more than 3,500 clinics and hospitals nationwide are implementing the program, reaching more than 25% of America's at-risk-children. Funding provided by Congress through the U.S. Department of Education has been matched by tens of millions of dollars from the private sector and state governments.

Appropriated Amount: \$4,965,000

Detailed Finance Plan: Programming \$4,965,000

Project Name: Center for Civic Education for two programs—We the People and Cooperative Education Exchange—that are authorized in the Elementary and Secondary Education Act as part of the Civic Education program

Bill Number: H.R. 3293

Legal Name and address of entity receiving earmark: The Center for Civic Education, 5145 Douglas Fir Road, Calabasas, CA 91302

Description of how the money will be spent and why the use of federal taxpayer funding is

justified: The Education for Democracy Act programs are among the most cost effective programs supported by the federal government. They effectively promote among students a profound understanding of and commitment to the fundamental values and principles of American constitutional democracy as expressed in such seminal documents as the Declaration of Independence, the Constitution and Bill of Rights, and the Gettysburg Address. They also promote students' capacities to participate competently and responsibility in the political life of their communities and the nation.

Appropriated Amount: \$35,000,000

Detailed Finance Plan: Programming \$35,000,000

EARMARK DECLARATION

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. ROSKAM. Madam Speaker, pursuant to Republican standards on disclosure for Member project requests, I am submitting the following information regarding projects I support for inclusion in H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2010.

Congressman PETER J. ROSKAM: H.R. 3288, Department of Housing and Urban Development, Economic Development Initiative account for the Revitalization of the South Villa Corridor in Villa Park, Illinois. The entity to receive the \$250,000 in funding for this project is the Village of Villa Park, 20 S. Ardmore Avenue, Villa Park, IL 60181. It is my understanding that the funding would be used to provide aesthetic enhancements and redevelopment opportunities to promote and attract increased economic development activity. This funding will help the village move toward economic growth and recovery even in this climate, fulfilling a great need for the village and the region.

Congressman PETER J. ROSKAM: H.R. 3288, Department of Transportation, Federal Transit Administration, Alternatives Analysis Program account for the Pace J-Route Bus Rapid Transit Project. The entity to receive funding for this project is Pace Suburban Bus, 550 W. Algonquin Road, Arlington Heights, IL 60005. It is my understanding that the funding would be used to complete the federally-required alternatives analysis for the Bus Rapid Transit project. The alternatives analysis study will determine the preferred mode (bus/rail), specific alignment, design and capital and operating costs. Once constructed, this project will create a high-speed transit option for commuters between Schaumburg, O'Hare Airport, Oakbrook and Naperville. Bus Rapid Transit (BRT), if selected as the preferred mode, is based on signal priority for buses at traffic signals along arterial routes, roadway improvements like exclusive bus lanes and "queue jump" lanes, real-time travel information signs at significant stops along the route using the Intelligent Bus System already installed on all Pace buses, and dissemination of real-time travel information to passengers, dispatchers,

planners, and customer relations staff using a variety of electronic media. The project will provide a much-needed new transit option for residents, commuters and workers in DuPage and northern Cook Counties. The service would allow faster, more reliable service on congested suburban streets.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the earmark I received as part of H.R. 3288, the Departments of Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2010.

Project Name/Amount: Hampton Roads Transit Bus Acquisition, \$1,450,000

Intended Recipient of Funds: Transportation District Commission of Hampton Roads, 3400 Victoria Boulevard, Hampton, VA 23661

Project description and explanation of the request: This funding would be used for the purchase of four hybrid electric buses which will reduce harmful emissions and increase energy savings, while providing vital public transportation for the Hampton Roads area. These buses are needed to replace vehicles that have exceeded their useful lifespan as defined by the FTA.

Project Name/Amount: Potomac and Rappahannock Transportation Commission Western Maintenance Facility, \$1,000,000

Intended Recipient of Funds: Prince William County, 1 County Complex, Prince William, VA 22192

Project description and explanation of the request: This funding would be used for a PRTC Western Bus Maintenance and Storage Facility on the western side of Prince William County. Buses maintained and stored in this facility will provide commuter bus service in the I-66 corridor to the West Falls Church Metro Station or Downtown DC and local neighborhood service in Western Prince William County.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010:

REQUEST NUMBER 1

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Edu-

cation, and Related Agencies Appropriations Act, 2010

Account: Higher Education (includes FIPSE)
Legal Name of Requesting Entity: St. Vincent College

Address of Requesting Entity: 300 Fraser Purchase Road, Latrobe, PA 15650

Amount: \$150,000

Description of Request: Saint Vincent College is currently engaged in a capital project to expand and renovate facilities for mathematics and science education as part of a \$42.5 million campaign to strengthen the Boyer School. The expansion of academic programs, combined with an increasing student enrollment and active faculty and student research agenda, have created a critical need for new science center facilities, particularly interdisciplinary research laboratories. Federal grant funds, if awarded, would be applied to these costs and may include, for example, specialized instrumentation for a biochemistry laboratory, including the acquisition and installation of a NMR and GC mass spectrometer, equipment for a materials science laboratory, and a planetarium projector.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The state-of-the-art laboratory and teaching facilities for the Herbert W. Boyer School of Natural Sciences, Mathematics, and Computing appropriation is of particular interest to my district and importance to my constituents.

REQUEST NUMBER 2

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Centers for Disease Control and Prevention (CDC)

Legal Name of Requesting Entity: Family Hospice and Palliative Care

Address of Requesting Entity: 50 Moffett St., Pittsburgh, PA 15243

Amount: \$100,000

Description of Request: Funds will be used to staff and purchase materials for on-going educational programs on end-of-life care for patient families, general public, volunteers and healthcare professionals within Family Hospice and Palliative Care's Center for Compassionate Care, in Mt. Lebanon, PA. Through hands-on training in medical equipment used for homecare, confidence-building seminars, workshops with clinical staff and colloquiums to increase certification in hospice and palliative care among healthcare professionals, the goal of Education Outreach is to enhance the quality of life for persons entering their final months.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Center for Compassionate Care Education Outreach appropriation is of particular interest to my district and importance to my constituents.

REQUEST NUMBER 3

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Centers for Disease Control and Prevention (CDC)

Legal Name of Requesting Entity: Mario Lemieux Foundation

Address of Requesting Entity: 50 Abele Road, Suite 100, Bridgeville, PA 15017

Amount: \$100,000

Description of Request: The Mario Lemieux Foundation, in conjunction with UPCI, recognizes the need for additional community awareness and education. With increased funding for patient and community education, outreach and awareness activities, MLF's Hodgkin's Disease Patient and Public Education Outreach Initiative could do the following: Create a Self-Teaching Continuing Medical Education module, expand the "Reason to Hope" lecture series to an additional twenty sites, develop educational materials, provide consumer education in local libraries, community centers, hospitals, churches and other venues, purchase new books on Hodgkin's disease and related issues (fertility, age appropriate information for patients' children and teens, nutrition, coping and inspirational stories), develop educational community events at UPMC Cancer Centers sites on various aspects of Hodgkin's disease including a speaker series to appeal to all age groups, genders and interests.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Hodgkin's Disease Patient and Public Education Outreach Initiative appropriation is of particular interest to my district and importance to my constituents.

REQUEST NUMBER 4

Requesting Member: Congressman TIM MURPHY and Congressman JOHN MURTHA

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Monongahela Valley Hospital

Address of Requesting Entity: 1163 Country Club Road; Monongahela, PA 15063

Amount: \$400,000

Description of Request: In the coming year, Monongahela Valley plans critical new acquisitions to continue its ongoing effort to serve its patients more effectively. Specifically, the hospital must replace three key pieces of diagnostic equipment that are vital to hospital operations but that have all come to the end of their useful lives. Such equipment is absolutely essential to the hospital's continued ability to serve its community. This advanced digital diagnostic technology will allow health care providers to detect diseases earlier and to share those findings more quickly and across greater distances, which is important in an

area like the Monongahela Valley. Earlier detection of diseases improves the quality of life for patients, even saving lives, and saves money because when diseases are discovered in earlier stages, they are easier and less expensive to treat and are treated more successfully.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Diagnostic Radiologic Equipment appropriation is of particular interest to my district and importance to my constituents.

REQUEST NUMBER 5

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Seton Hill University

Address of Requesting Entity: 1 Seton Hill Drive, Greensburg, PA 15601

Amount: \$500,000

Description of Request: Orthodontics improve oral health, function, esthetics and most importantly quality of life. However, significant disparities exist regarding access to orthodontic services for low-income families. Orthodontists have particularly low participation rates in Medicaid programs. Reasons for this include low fee reimbursement, negative perceptions of Medicaid patients and high rates of noncompliance. Access to orthodontics care continues to worsen as the weak economy has left many more families without health and dental insurance. This problem has been exacerbated in Southwestern Pennsylvania as the only area orthodontics clinic (at Westmoreland Hospital) that treated the indigent population closed its doors two years ago. FY10 would be used to develop the Advanced Certificate in Orthodontics at Seton Hill University and help outfit the required clinic facilities, which will also serve indigent families' clinical care.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Orthodontics Program at Seton Hill University appropriation is of particular interest to my district and importance to my constituents.

PERSONAL EXPLANATION

HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. LUJÁN. Madam Speaker, due to scheduling conflicts, I was unable to be present for rollcall vote No. 607. Had I been present, I would have voted "yes."

EARMARK DECLARATION

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Springfield Rail Relocation, IL Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Provisions/Account: Federal Railroad Administration: Rail Line Relocation and Improvement Program

Name and Address of Requesting Entity: The entity to receive funding for this project is the Illinois Department of Transportation, located at 2300 S. Dirksen Pkwy, Springfield, IL 62702.

Description of Request: The funding would be used to design, engineer, and acquire land for rail line relocation in Springfield, Illinois.

COMMEMORATING THE TURKISH
INVASION OF CYPRUS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mrs. LOWEY. Madam Speaker, this week, we commemorate the 35th anniversary of the Turkish invasion of Cyprus. Over a third of a century ago, more than 200,000 Cypriots were driven from their homes and forced to live under foreign occupation. We are at a critical juncture in the pursuit of peace and prosperity for all Cypriots, and I urge all parties to move toward a peaceful resolution and reunification effort that will build a more united and prosperous Cyprus.

There is a strong view that any solution to the Cyprus problem must include a bicommunal, bi-zonal federal State of Cyprus. The international community has stressed that this should include a single sovereignty and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described by the relevant UN Security Council Resolutions.

I welcome the renewed interest in the efforts for a lasting solution. Under initiatives undertaken by President Christofias since his election in 2008, there is a movement which I hope will finally lead to a comprehensive solution to the problems facing Cyprus.

The leaders of the Greek and Turkish-Cypriot communities have demonstrated a strong commitment by holding more than 35 rounds of direct talks starting on September 3, 2008, and continuing on a regular basis. These ongoing reunification talks between the two Cypriot leaders offer real opportunity to advance peace and work toward a just and lasting reunification. If there is commitment to establishing one prosperous Cyprus in which all people benefit from good relations with the international community and membership in the EU, we must resolve to do everything we can to make this goal a reality.

I am confident the Cypriots' desire to reunify their country, to bring peace and prosperity throughout the region, and ultimately to stand up for what they believe in, will prevail. I sincerely hope a solution to reuniting the island of Cyprus will be reached under a government that safeguards basic human rights and democracy and respects the fundamental freedoms of the people as a whole.

EARMARK DECLARATION

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MCCARTHY of California. Madam Speaker, pursuant to the Republican Leadership guidelines on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I requested that were included as part of H.R. 3288, the Departments of Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 3288

Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: Kern County Roads Department

Address of Requesting Entity: 2700 M Street, Suite 400, Bakersfield, California 93301

Description of Request: \$400,000 was included for the Kern County Roads Department to help fund construction of a six-lane overpass along Seventh Standard Road at the Burlington Northern Santa Fe railroad crossing. Seventh Standard Road is located in the northern Bakersfield metropolitan area, and serves as a major goods carrier route and east/west corridor in the community. This grade separation project will produce local jobs and reduce congestion and air pollution from idling vehicles as more than 50 high-speed trains cross Seventh Standard Road at this railroad crossing daily.

EARMARK DECLARATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican Leadership standards on member requests, I am submitting the following information regarding the earmarks I received as part of H.R. 3293, the FY10 Labor, Health and Human Services, and Education Appropriations Act:

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3293, FY10 Labor/HHS/ Education Appropriations Act

Account: Higher Education (includes FIPSE)

Project Name: Sioux City College Center

Amount: \$100,000

Name and Address of Requesting Entity: Wayne State College located at 1111 Main Street, Wayne, Nebraska

Description: To adequately address the higher education and workforce development needs of Dakota and Thurston Counties, Nebraska higher education institutions Wayne State College and Northeast Community College are collaborating with the city of South Sioux City to build and equip the South Sioux City College Center to offer academic programs specifically designed to meet the needs of Nebraska and the tri-state region. The new College Center will serve the area by creating a "one-stop" consolidated service center offering community and economic development resources in addition to providing educational opportunity for area residents at an affordable price. This funding would assist with the purchase of distance learning equipment, nursing/health/science lab technology and equipment; business and industry training technology equipment; and general classroom equipment.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3293, FY10 Labor/HHS/Education Appropriations Act

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Project Name: University of Nebraska Medical Center Rural Health Initiative
Amount: \$150,000

Name and Address of Requesting Entity: University of Nebraska Medical Center located at 986380 Nebraska Medical Center, Omaha, Nebraska 68198

Description: The funding would be used by the University of Nebraska Medical Center (UNMC) to create a biomarkers database of rural diseases to assess environmental influences on the development of diseases by collecting health information from at least 50,000 Midwesterners. Currently most information about the relationship between disease and the environment is generated by major databases located in large urban areas on the east and west coasts which tend to be regionally specific and generally not applicable to rural areas. This database would be the first research cohort in the Midwest to study the relationship between rural populations, the environment, and disease development. This project could reveal environmental factors responsible for birth defects or lymphoma, a cancer with high incidence in Nebraska. The data will provide valuable information on the factors influencing development of deadly diseases like cancer and position UNMC Eppley Cancer Institute to be designated a National Cancer Institute (NCI) Comprehensive Cancer Center. This high distinction will allow for the most advanced patient care and research to be available in Nebraska. UNMC is the ideal institution to spearhead this database with its numerous resources, well-established statewide hospital network to collect data, a state-of-the-art cancer research team and facilities, and comprehensive database capabilities to collect and assess acquired data from this project.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3293, FY10 Labor/HHS/Education Appropriations Act

Account: Transportation, Community, and System Preservation

Project Name: Madonna Rehabilitation Hospital First Hope Initiative

Amount: \$250,000

Name and Address of Requesting Entity: Madonna Rehabilitation Hospital located at 5401 South Street, Lincoln, Nebraska 68506

Description: The First Hope Initiative is a technology and research initiative aimed at increasing the functional independence, quality of life, and outcomes of patients with severe disabilities arising from such conditions as stroke, brain injury and spinal cord injury. The First Hope Initiative creates a model program that can be implemented at other rehabilitation facilities around the country including VA and military hospitals to ensure improved outcomes and independence for individuals recovering from catastrophic medical events.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3293, FY10 Labor/HHS/Education Appropriations Act

Account: Elementary and Secondary Education (Includes FIE)

Project Name: Special Olympics 2010 USA National Games, Lincoln, Nebraska

Amount: \$350,000

Name and Address of Requesting Entity: Special Olympics 2010 USA National Games, 7600 North 70th Street, Lincoln, Nebraska 68517

Description: The 2010 USA National Games for Special Olympics will be taking place July 18–23, 2010, in Lincoln, Nebraska. This will be the largest sporting event, to date, in the state of Nebraska and offers a great opportunity to make an economic, humanitarian, and educational impact upon Nebraskan communities as well as on the national landscape.

Special Olympics offers year-round sports training and competition opportunities for both children and adults with an intellectual disability, giving them the opportunity to develop physical fitness, demonstrate courage, experience joy, and become integrated and valued members of our society. There will be 3,000 athletes, 1,000 coaches, 8,000 volunteers, and an estimated 15,000 family and friends in Lincoln and Omaha during the week of the games. The games are projected to generate \$40 million in local economic impact and an additional \$5 million in tax revenue alone.

For six days there will be vigorous, Olympic-style sporting competitions for the athletes. In addition, there will be a number of non-sporting events, including a leadership program and free health screenings and services.

The estimated budget for these games is \$9 million dollars with the expected revenue coming from several designated areas including Federal and State appropriations, as well as local community support. From the time the athletes arrive in Nebraska, the Games Organizing Committee is responsible for all costs including the athletes and coaches' accommodations, meals, transportation, and security. In addition, funds will go to promoting the games, building out venues for competitions, renting venues, and for communication needs.

EARMARK DECLARATION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BUYER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman STEVE BUYER (IN–04)

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: St. Elizabeth Regional Health

Address of Requesting Entity: 1501 Hartford Street, Lafayette, IN 47904

Description of Request: Provides \$300,000 for St. Elizabeth Regional Health's Adult In-Patient Psychiatric Unit which provides short term, intensive, and specialized care to patients who have an acute mental illness. Project ensures community will continue to have access to mental health services in an appropriate setting. Funding ensures continued improvement of mental health services in our nation.

Requesting Member: Congressman STEVE BUYER (IN–04)

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Hendricks Regional Health

Address of Requesting Entity: 100 East Main Street, Danville, IN 46122

Description of Request: Provides \$550,000 to address the health concerns of our nation by providing for comprehensive prevention and wellness programs which seek to improve the overall health of the community and ultimately to decrease health costs. Hendricks Regional Health will build central Indiana's first fully integrated YMCA and hospital collaboration. The hospital will provide physical and occupational therapies, cardiac rehabilitation, complete lab and x-ray services, new medical practices, sports medicine and other hospital outreach services such as nutrition counseling and diabetes education. Additionally, the project is projected to create 300 new jobs.

Requesting Member: Congressman STEVE BUYER (IN–04)

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Clarian Health and Riley Hospital For Children

Address of Requesting Entity: 702 Barnhill Drive, Indianapolis, IN 46202

Description of Request: Provides \$400,000 for project to renovate outdated burn unit in hospital. Once the project is complete, Riley Hospital will be able to treat children with

moderate and severe burns in a more efficient and effective way. Riley Hospital houses and runs the only pediatric burn unit in Indiana and serves children throughout the entire state. Improving the facility will help children make quicker recoveries and should decrease overall health care costs.

EARMARK DECLARATION

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MCCARTHY of California. Madam Speaker, pursuant to the Republican Leadership guidelines on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I requested that were included as part of H.R. 3288, the Departments of Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 3288

Account: Federal Highway Administration, Transportation & Community & System Preservation

Legal Name of Requesting Entity: Kern County Roads Department

Address of Requesting Entity: 2700 M Street, Suite 400, Bakersfield, California 93301

Description of Request: \$400,000 was included for the Kern County Roads Department fund completion of the environmental designs related to the widening of State Route 119 in Taft, California, between Cherry Avenue and Tupman Road. These environmental designs are a requirement as part of the National Environmental Policy Act, and this funding will enable the Kern County Roads Department and Caltrans to complete these studies. State Route 119 is not only the primary commuter road between the Cities of Taft and Bakersfield, but is one of the major transportation corridors in the Central Valley that provides access to Los Angeles, the coastal cities, and northern California.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 3288

Account: HUD/EDI

Recipient: City of Bradfordsville

Description of Request: Provide \$250,000 to renovate a vacant school for the purposes of

a storm shelter, senior center, and community center.

HONORING THE EMPLOYEES OF THE ANN ARBOR NEWS FOR THEIR 174 YEARS OF FINE JOURNALISM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. DINGELL. Madam Speaker, I rise today to offer a tribute in honor of The Ann Arbor News, which has shut its doors after 174 years of service.

Since 1835, the Ann Arbor News and its employees served Washtenaw County creating a forum for educated discussion, thoughtful articles, and current events. I want to thank the employees and journalists of The Ann Arbor News for their fine work, and I wish them the very best in their future endeavors.

The Ann Arbor News lived to see its town of only 1,000 expand to a city of 110,000 and has watched the University of Michigan become one of the finest universities in the world. It predates the Civil War and covered that historic struggle during the 1860s. In the 1950s it covered the announcement of the groundbreaking polio vaccine in Ann Arbor. The News also spread word of two landmark Presidential programs, Kennedy's Peace Corps and Lyndon Johnson's Great Society, also unveiled in Ann Arbor. Later on, the News was recognized as one of the best small newspapers in the country out of a field of about 1,350 papers with daily circulations of 50,000 or less (about 85 percent of all daily papers in America).

I am pleased that some of the News' fine journalists will be joining a new venture, AnnArbor.com, which will serve many similar functions as the News, and will guide the Ann Arbor community into the age of digital web information. I would like to offer my tribute to the thousands of people who worked at The Ann Arbor News and established its fine journalistic tradition from 1835 until its close.

EARMARK DECLARATION

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MCCARTHY of California. Madam Speaker, pursuant to the Republican Leadership guidelines on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I requested that were included as part of H.R. 3293, the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 3293

Account: Department of Health and Human Services, Health Resources and Services Administration—Health Facilities and Services

Legal Name of Requesting Entity: San Luis Obispo County Community College District

Address of Requesting Entity: P.O. Box 8106, San Luis Obispo, California 93403

Description of Request: \$100,000 was included for the San Luis Obispo County Community College District's (Cuesta College) Department of Nursing & Allied Health SLO & NC to fund upgrades to nursing program training rooms and purchase new medical training equipment to create modern hospital settings for teaching students. Though hospital settings remain the best laboratory for student learning, it is high-risk. This funding will provide Cuesta College nursing students with state-of-the-art, hands-on learning in a low-risk environment, which helps ensure future nurses from Cuesta College have the skills and training to save lives in hospitals and emergency rooms in the region and beyond.

INTRODUCTION OF THE CONSUMER PROTECTION AND REGULATORY ENHANCEMENT ACT

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BACHUS. Madam Speaker, today the Republican leadership of the House and the Financial Services Committee joined me in introducing H.R. 3310, the Consumer Protection and Regulatory Enhancement Act, to comprehensively modernize and streamline the regulatory structure of the financial services industry.

The legislation will ensure that (1) the government stops rewarding failure and picking winners and losers; (2) taxpayers are never again asked to pick up the tab for bad bets on Wall Street while some creditors and counterparties of failed firms are made whole; and (3) market discipline is restored so that financial firms will no longer expect the government to rescue them from the consequences of imprudent business decisions. The Republican plan seeks to return our regulatory system to one in which government policies do not promote moral hazard, and insolvent financial firms do not become wards of the state.

The Obama administration and many Democrats in Congress have insisted that the financial crisis was caused by a lack of regulation and a failed free market philosophy, requiring government intervention on the scale of the New Deal to "re-regulate" finance. H.R. 3310 is premised upon a belief that it was misguided government policies to allocate credit and government intervention to prop up failed financial institutions that helped precipitate, and later exacerbate, the crisis, which suggests that what is needed is smarter—not more—regulation. The bill fundamentally rejects the command-and-control approach that has characterized the Obama administration's and congressional Democrats' stewardship of the economy.

The Administration's regulatory reform proposals would empower the Federal Reserve as a new "systemic risk super-regulator." Rather than massively expanding the Federal Reserve's mission and further enshrining a

failed government policy of rescuing "too big to fail" institutions, H.R. 3310 scales back the Fed's authorities so that it can focus on conducting monetary policy and unwinding the trillions of dollars in obligations it has amassed during the financial crisis. When combined with the administration's reckless "borrow-and-spend" fiscal policy, the vast expansion of the Fed's balance sheet in recent months arguably represents a far more significant source of "systemic risk" to our nation's economy than the failure of any specific financial institution.

The guiding principle of H.R. 3310 can be summed up in one sentence: no more bailouts. By putting an end to ad hoc, improvised and unprincipled bailouts designed to spare big Wall Street firms and their creditors from the consequences of their mistakes, our legislation offers a clear alternative to the limitless and unconstrained "bailout authority" that Democrats want to confer upon those very regulators that failed to anticipate the current crisis that almost wrecked our financial system. The Democrats want to hide the consequences of regulatory and private sector mistakes by giving regulators the authority to bail out large financial institutions, their creditors, and their counterparties, without any accountability whatsoever. Even worse, the Democrats have not yet figured out who is going to pay for this limitless bailout authority, administered by bureaucrats for the benefit of a handful of large financial institutions.

Our legislation also rejects the call for a government-run economy that depends upon the omniscience and omnipotence of government regulators who have shown themselves unable to anticipate crises, let alone do anything to prevent them. Republicans believe that the financial system works best when individual participants are free to keep the gains yielded by their efforts, but are forced to bear the costs of their failure. By adhering to the principle that no firm is "too big to fail," Republicans will ensure that responsibility for monitoring the stability of the financial system is placed exactly where it needs to be: with the individual market participants who have the self-interest and the expertise to monitor their exposure to the financial system, and who are in the best position to take the necessary action to protect themselves, their investors, and their creditors from the risks that are endemic to the financial system.

Rather than asking government to spare participants from the consequences of their mistakes by imposing those costs on others, our legislation calls for the resolution of insolvent non-bank institutions—no matter how large or systemically important—through the bankruptcy system.

The key to making bankruptcy work as an alternative is to make credible and clear the government's commitment to restructuring, reorganizing, or liquidating troubled financial institutions at the expense of their creditors and counterparties. This commitment requires a firm rejection of the current status quo, in which the decision whether to rescue a specific firm and insulate its creditors and counterparties from losses is left to the discretion of regulators accountable to no one but themselves. This commitment also requires the rejection of the possibility of any bailout, no mat-

ter how that bailout is described. Without this firm commitment to ending bailouts, too-big-to-fail financial institutions and those who do business with them have every incentive to pursue short term gains, knowing that the costs will ultimately be borne by others if things go wrong. By making credible the government's policy that losses will be borne by those responsible, the government makes the financial system stronger by encouraging creditors to be more vigilant in assessing the creditworthiness and business practices of the parties to whom they are extending credit. And by making clear that the government will not step in to bail out a failing institution or its creditors, the government can remove the uncertainty and confusion that roiled the markets last September when market participants could not anticipate the government's actions.

The relatively smooth bankruptcies of Drexel Burnham Lambert, Enron, and WorldCom demonstrate that the bankruptcy system is more than capable of resolving and liquidating large, complex institutions. The failure of Lehman Brothers last September is often cited by proponents of a new systemic risk resolution authority as an example of why bankruptcy "won't work." In truth, the shock to the markets from Lehman's collapse was the result of dashed expectations of market participants that the government would ride to Lehman's rescue just as it had in the earlier Bear Stearns and GSE episodes, not of any inadequacies in the bankruptcy process. Nevertheless, Republicans believe that bankruptcy can be made more efficient and better tailored to resolving large non-bank financial institutions. The legislation, therefore, proposes a new chapter to the Bankruptcy Code to deal with the unique characteristics of financial institutions that will make "orderly failure" a practical solution for resolving troubled firms. Among other things, this new chapter will provide for better coordination between the regulators of these institutions and the bankruptcy system, so that regulators can provide technical assistance and specialized expertise about financial institutions. In addition, this new chapter will give bankruptcy judges the power to stay claims by creditors and counterparties to prevent runs on troubled institutions, thereby helping to alleviate the panic that could strike the financial system if a large institution finds itself facing difficulties.

Rather than establishing the Federal Reserve as the "systemic risk regulator," and identifying in advance those firms that are systemically significant (i.e., "too big to fail"), the legislation creates a Market Stability and Capital Adequacy Board, chaired by the Secretary of the Treasury and comprised of outside experts as well as representatives from the financial regulatory agencies responsible for supervising large, complex firms. This panel would be charged with monitoring the interactions of various sectors of the financial system, and identifying risks that could endanger the stability and soundness of the system. The panel's mandate would include reviewing financial industry data collected from the appropriate functional regulators; monitoring government policies and initiatives; reviewing risk management practices within financial regulatory agencies; reviewing capital standards set by the appropriate functional regulators

and making recommendations to ensure capital and leverage ratios match risks regulated entities are taking on; reviewing transparency and regulatory understanding of risk exposures in the over-the-counter derivatives markets and making recommendations regarding the appropriate clearing of trades in those markets through central counterparties; and making recommendations regarding any government or industry policies and practices that are exacerbating systemic risk. In order to address current regulatory gaps, each functional regulator would be required to assess the effects of their regulated entities' activities on macroeconomic stability and review how entities under their regulatory purview interact with entities outside their purview. This panel would not have independent enforcement or supervisory authority over individual firms, but would instead meet on at least a quarterly basis and periodically report its findings to Congress and the relevant functional regulators (the cops on the beat) so that policymakers and regulators could act upon them to contain risks posed by specific firms, industry practices, activities and interactions of entities under different regulatory regimes, or government policies.

To modernize the financial regulatory structure, the legislation streamlines the current framework of overlapping and redundant Federal financial regulatory agencies by centralizing supervision of deposit-taking entities in one agency while preserving charter choice (e.g., credit unions and State charters) as well as the dual banking system (the regulator would have two divisions—one would oversee federally chartered banks and thrifts, and one would serve as the primary federal regulator of state-chartered, state-supervised banks). The legislation immediately combines the OCC and OTS into one agency and shift the supervisory functions of the Federal Reserve and FDIC to that agency, including responsibility for overseeing bank and financial holding companies. It establishes an Office of Consumer Protection within the new agency to streamline in one place responsibility for rule promulgating and enforcing the Federal consumer protection laws applicable to depository institutions, eliminating the confusion created by the existence of five different Federal regulatory agencies which currently share consumer protection responsibilities. Consumer protection rules will be reviewed and updated regularly with rule promulgation consisting of extensive consumer testing. In addition, Republicans will provide the Office of Consumer Protection with the authority to redesign and improve consumer disclosures so that they are transparent to all interested parties and written in plain language to enhance understanding by all consumers and investors.

The legislation simplifies and streamlines the complaint process for consumers and investors who believe they have been wronged by abusive industry practices, by establishing a single, toll-free number and Web site—to be administered by the Office of Consumer Protection—to field consumer inquiries and direct them to the appropriate regulatory or enforcement agency.

The legislation ensures that institutions engaged in similar activities and serving similar functions will be regulated similarly, limiting the potential for competitive distortions and a

"race to the bottom" among firms seeking the most lenient regulatory treatment. It promotes simplicity and consistent enforcement. It guarantees accountability and transparency. And it enables the Federal Reserve and the FDIC to concentrate on their most important responsibilities: formulating monetary policy and protecting the deposit insurance fund, respectively.

The extraordinary market interventions conducted by the Federal Reserve since the onset of the financial crisis have added trillions of dollars to the government's balance sheet and taken it far afield from its core mission of conducting the nation's monetary policy. The Republican legislation re-focuses the Fed on its monetary policy mandate by relieving it of current regulatory and supervisory responsibilities, reassigning them to other agencies. Reallocating these duties will eliminate the Fed's current incentive to prop up the economy through an accommodative monetary policy to prevent firms under its regulatory purview from failing. The legislation makes the Federal Reserve more transparent and accountable to taxpayers by enabling the Government Accountability Office to conduct more extensive audits of the central bank. In addition, to send clear signals to markets, the legislation requires the Fed to have an explicit inflation target, and would narrow the Fed's authority under section 13(3) of the Federal Reserve Act, which currently provides the Fed with nearly unlimited powers during periods the Board of Governors deems "unusual and exigent," as follows: (1) require the Secretary of the Treasury to officially sign off on all actions taken by the Federal Reserve pursuant to section 13(3); (2) allow Congress to block any Federal Reserve action undertaken pursuant to its section 13(3) authority within 90 days of such action by passing a congressional resolution of disapproval, in which case the Fed would have 90 additional days to unwind the relevant facility; (3) place all expenditures to date pursuant to section 13(3), and those taken in the future, on Treasury's balance sheet; and (4) eliminate the Federal Reserve's ability to use its 13(3) authority to intervene on behalf of a specific institution, allowing the powers to only be used to create liquidity facilities that would be broadly available to a market sector.

H.R. 3310 also brings needed reform to the GSEs. Fannie Mae and Freddie Mac's government-subsidized model has cost taxpayers tens of billions of dollars. The legislation phases out taxpayer subsidies of Fannie Mae and Freddie Mac over a number of years and ends the current model of privatized profits and socialized losses. It sunsets the current GSE conservatorship by a date certain, placing Fannie and Freddie in receivership if they are not financially viable at that time. If they are viable, once the housing market has stabilized, the plan would initiate the process of cutting their ties to the government by winding down the federal subsidies granted through their charters and transitioning Fannie and Freddie into non-government backed entities that compete on a level playing field with other private firms. The legislation addresses the need to reduce Fannie and Freddie's portfolios, re-focus Fannie and Freddie on promoting housing affordability, and require SEC registration and the payment of taxes.

To restore market discipline and promote greater investor due diligence, H.R. 3310 discourages blind reliance on ratings supplied by the major credit rating agencies that has had such disastrous consequences for investors and the economy as a whole. For too long, the government has adopted policies that bestowed a "Good Housekeeping" seal of approval on the rating agencies and their products, which perpetuated a rating agency duopoly that contributed significantly to a mispricing of risk and a subsequent collapse in market confidence. Designating certain agencies as Nationally Recognized Statistical Rating Organizations (NRSROs) and hard-wiring references to their ratings into numerous Federal statutes and regulations are the two most egregious examples of this implied government blessing. The legislation addresses these market distortions by changing the NRSRO designation to "nationally registered statistical rating organizations" and removing all references to ratings throughout Federal law and regulation. These changes will promote greater competition among rating agencies and less reliance on their ratings among investors. To further mitigate over-reliance on third-party credit analysis, functional regulators will be required to more thoroughly examine governance, risk management and enterprise management policies and procedures.

To restore investor and consumer confidence and better protect financial markets, H.R. 3310 enhances the ability of the financial regulatory agencies to enforce Federal consumer protection and securities laws. Regulators need more tools in their arsenal to proceed administratively and judicially against alleged violators. The legislation increases civil money penalties in government enforcement actions; maximizes restitution to victims of fraud; improves surveillance of bad actors who exploit gaps in the current regulatory regime to continue preying upon innocent consumers; and reauthorizes the Financial Crimes Enforcement Network (FinCEN), authorizing an additional \$15 million to combat financial fraud.

Madam Speaker, H.R. 3310 will bring smarter, not more, regulation of our financial services industry, and I urge my colleagues to join me as a cosponsor of this legislation.

EARMARK DECLARATION

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MCCARTHY of California. Madam Speaker, pursuant to the Republican Leadership guidelines on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I requested that were included as part of H.R. 3293, the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 3293

Account: Department of Health and Human Services, Health Resources and Services Administration—Health Facilities and Services

Legal Name of Requesting Entity: California State University, Bakersfield

Address of Requesting Entity: 29 Romberg Nursing Education Center, 9001 Stockdale Highway, Bakersfield, California 93311

Description of Request: \$150,000 was included for the California State University, Bakersfield (CSUB) to fund purchases of new classroom equipment, technical resources, and medical equipment for CSUB's nursing program. This funding is to bring CSUB's nursing program to a level of technological and environmental sophistication that is comparable to other nursing departments across California in order to meet the national and regional nursing shortage that is predicted to increase over the next decade, which would negatively affect patient care.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Labor, Health and Education Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 3293

Account: Department of Education, Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Arab City School District, Arab, AL

Address of Requesting Entity: 750 Arabian Drive, Arab, AL 35016

Description of Request: "For an education technology initiative, including purchase of equipment", \$150,000

The funding would be used to improve the quality of technology resources available to the students. This funding will help ensure that students are better prepared to compete in a 21st century global marketplace. These funds would allow students in Arab to learn in a 21st century environment, thus preparing them for future opportunities in the global marketplace. The full amount of these funds will be spent on computers and related technical equipment.

Requesting Member: ADERHOLT

Bill Number: H.R. 3293

Account: Department of Education, Elementary & Secondary Education (includes FIE)
Legal Name of Requesting Entity: Cullman County Schools, Cullman, AL

Address of Requesting Entity: 301 1st Street, NE Suite 100, Cullman, AL 35056

Description of Request: "For a mobile laboratory initiative, including purchase of equipment", \$150,000

The funding would be used for mobile computer labs which can be moved, serving more students. This project will assist all students, at-risk to gifted, by providing technology and skills needed in 21st century workforce. Additionally it will assist with credit/grade recovery, and ACT prep. The full amount of this funding will be used to purchase equipment, including laptop carts, laptops and wireless access points for schools in the county.

Requesting Member: ADERHOLT

Bill Number: H.R. 3293

Account: Department of Education, Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Franklin County Schools, Russellville, AL

Address of Requesting Entity: PO Box 610, Russellville, AL 35653

Description of Request: "For an education technology initiative, including purchase of equipment", \$935,000

The funding would be used to upgrade a network by providing secure and robust access to educational resources both internally and externally via the Internet. Funds will be used to provide schools with modern switches, services, and equipment to replace the obsolete. Project will enable FCS students to utilize contemporary technology that will assist them in not only achieving a high school degree, but also aid them in preparing for specialized workforce skills and postsecondary endeavors. The U.S. Department of Education made STEM (Science, Technology, Engineering, and Mathematics) education a top priority. The funding will all be spent toward the purchase of equipment that includes infrastructure such as switches, and fiber optic uplinks, servers, end-user computers, LCD projectors, and wireless interactive pads.

Requesting Member: ADERHOLT

Bill Number: H.R. 3293

Account: Department of Education, Higher Education (includes FIPSE)

Legal Name of Requesting Entity: Gadsden State Community College, Gadsden, AL

Address of Requesting Entity: P.O. Box 227, Gadsden, AL 35902-0227

Description of Request: "For technology upgrades", \$100,000

The funding would be used to provide and enhance technology in the classroom and technology infrastructure between Cherokee, Etowah, Cleburne and Calhoun Counties. This funding will provide quality education across rural areas of the state and for students to have access to technology for workforce development purposes. The entire amount of the funds would be used for the purchase and installation of equipment for technology enhancements and infrastructure.

Requesting Member: ADERHOLT

Bill Number: H.R. 3293

Account: Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Cullman Regional Medical Center, Cullman, AL

Address of Requesting Entity: 1912 AL Hwy 157, P.O. Box 1108, Cullman, AL 35056

Description of Request: "For facilities and equipment", \$1,000,000

The funding would be used for construction, renovation and equipment for Cullman Regional Medical Center's (CRMC) emergency department. CRMC is the only trauma ER along 1-65 from Huntsville to Birmingham, a vital regional corridor with a significant number of emergencies. Approximately \$750,000 will assist in modifying and expanding the facility's infrastructure and \$250,000 will help provide additional staff necessary to manage the increase in volume.

Requesting Member: ADERHOLT

Bill Number: H.R. 3293

Account: Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: DCH Health System/Fayette Medical Center, Fayette, AL

Address of Requesting Entity: 1653 Temple Avenue N., Fayette, Alabama 35555

Description of Request: "For facilities and equipment", \$200,000

The funding would be used to replace the outdated MRI system, originally purchased in 1997. As the sole community provider for emergency care in Fayette and Lamar, the 60,000 patients served annually (including a large number of elderly, uninsured, and underinsured), will greatly benefit from this upgraded, more efficient MRI system. The projected breakdown for the project is as follows: Purchase of GE 1.5 Tesla MRI, \$1,300,000.00; preparation for installation \$100,000.00; lease for mobile MRI to be used during de-installation of old MRI and installation of new MRI, \$48,000.00.

Requesting Member: ADERHOLT

Bill Number: H.R. 3293

Account: Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Northwest Alabama Mental Health Center, Jasper, AL

Address of Requesting Entity: 1100 7th Avenue, Jasper, Alabama 35501

Description of Request: "For facilities and equipment", \$200,000

The funding would be used to renovate property to house a community-based mental retardation Day Habilitation program, and expand to serve more individuals/families in a multi-county region. The program prepares consumers for increased community participation. This will help provide considerable savings realized by providing adult day care mental health services and programs as opposed to institutional care. Approximately \$80,000 will be spent on labor costs and \$120,000 will be spent on construction materials and specialty items for this mental health facility.

EARMARK DECLARATION

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MCCARTHY of California. Madam Speaker, pursuant to the Republican Leadership guidelines on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I requested that were included as part of H.R. 3293, the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 3293

Account: Department of Education—National Projects, Safe Schools and Citizenship Education

Legal Name of Requesting Entity: The Center for Civic Education

Address of Requesting Entity: 5145 Douglas Fir Road, Calabasas, California 91302

Description of Request: \$35 million was included for the Center for Civic Education to fund the Education for Democracy Act We the People and Cooperative Education Exchanges programs. These national programs are designed to increase local students' understanding and appreciation for the constitutional democracy system of government, and provide them the knowledge base to be actively involved in local, state, and federal government and public policymaking. In addition, this funding, authorized more than 15 years ago, would go to local schools to help students obtain a better understanding of America's Founding Documents, ensure students can effectively participate in state and local government, prevent school violence through positive engagement and group problem solving, and reinforce democratic values in new and emerging democracies around the world through exchange programs.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. YOUNG of Alaska. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development Appropriations bill.

Project Name: Airport Apron Expansion, Wasilla, AK

Bill Number: H.R. 3288

Department of Transportation

Legal name and address of entity receiving earmark: City of Wasilla, 290 E. Herning Ave, Wasilla, AK 99654

Description of how the money will be spent and why the use of federal taxpayer funding is justified:

This project will add apron space for 20 aircraft tie-down spaces and 2 lease lots for hangar space. This project has been designed and is ready to bid. This project follows a series of apron extensions over the last 4 years to improve general aviation service to the area, in accordance with the City's Airport Master Plan that has been approved by the FAA.

Appropriated Amount: \$500,000

Detailed Finance Plan: Construction: \$500,000

Project Name: Anchorage People Mover

Bill Number: H.R. 3288

Department of Transportation

Legal name and address of entity receiving earmark: Municipality of Anchorage 3650A E. Tudor Road Anchorage, AK 99507

Description of how the money will be spent and why the use of federal taxpayer funding is justified:

This project will provide renovation, construction and improvement capital needed to

improve reliability and efficiency of public transit within the Municipality of Anchorage. People Mover provides more than 4,000,000 annual passenger trips, transporting people to work, medical appts, school, and recreation.

Appropriated Amount: \$750,000

Detailed Finance Plan:

Capital Renovation, Construction and Improvements: \$750,000

EARMARK DECLARATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. JONES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding project funding I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010:

Rep. WALTER B. JONES

Project: To extend 10th Street from Dickinson Avenue to Stantonsburg Road in Greenville, NC

Recipient: North Carolina Department of Transportation

Account: Federal Highway Administration—Transportation & Community & System Preservation

Amount: \$500,000

Explanation: The project will extend 10th Street from its current terminus at Dickinson Avenue to Stantonsburg Road at Memorial Drive. This will significantly reduce traffic congestion in the downtown Greenville area. It will also provide a major east-west thoroughfare to meet the demands of cross-city traffic, as well as a direct route from US-264 to downtown Greenville and East Carolina University (ECU). It will also provide a direct connection between ECU and its medical school. Congress recognized the importance of the 10th St. Connector by authorizing it for \$7.1 million in SAFETEA-LU, P.L. 109-59.

EARMARK DECLARATION

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MCCARTHY of California. Madam Speaker, pursuant to the Republican Leadership guidelines on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I requested that were included as part of H.R. 3293, the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 3293

Account: Department of Education, Fund for the Improvement for Post Secondary Education

Legal Name of Requesting Entity: San Luis Obispo County Community College District

Address of Requesting Entity: P.O. Box 8106, San Luis Obispo, California 93403

Description of Request: \$350,000 was included for the San Luis Obispo County Community College District (Cuesta College) to purchase equipment to train students in vocational technical education fields at the Trades/Technology Complex. This initiative focuses on training students so they are prepared for local and regional jobs in the fields of viticulture, small engine mechanics, welding, engineering, construction technology, and solar and other alternative energy training. This program will help ensure San Luis Obispo County has skilled workers to help meet local job demands.

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. CAO. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293—the Labor, HHS, Education Appropriations Act, 2010:

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 3293—the Labor, HHS, Education Appropriations Act, 2010 provides for Dillard University, in conjunction with Tulane University and EXCELth. This is in the Centers for Disease Control and Prevention account in the amount of \$300,000. This funding will go toward developing a new community health center to be located in the Student Union building on the Dillard University campus to enhance community wellness.

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 3293—the Labor, HHS, Education Appropriations Act, 2010 provides for PACE Greater New Orleans. This is in the Centers for Medicare and Medicaid—Research and Demonstration account in the amount of \$500,000. This funding would help expand and develop additional PACE services on the Westbank of Jefferson Parish as well as Monroe and Alexandria to make the non-profit more able to provide the elderly with an alternative to institutionalized care.

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 3293—the Labor, HHS, Education Appropriations Act, 2010 provides for City of New Orleans for facilities and equipment associated with the replacement of Methodist Hospital. This is in the Health Resources and Services Administration (Health Facilities and Services) account in the amount of \$450,000. This funding would help the City of New Orleans and the Orleans Parish Hospital Service to re-establish acute care hospital services in New Orleans East.

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 3293—the Labor, HHS, Education Appropriations Act, 2010 provides for the Mary Queen of Vietnam Community Development Corporation in New Orleans. This is in the Health Resources and Services Administration (Health Facilities and Services) account in the amount of \$400,000. This funding would help build a community owned health care center

to serve the African-American, Latino, Vietnamese and Non-hispanic White community.

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 3293—the Labor, HHS, Education Appropriations Act, 2010 provides for the Xavier University of New Orleans. This is in the Health Resources and Services Administration (Health Facilities and Services) account in the amount of \$350,000. This funding will go toward the Xavier University Pharmacy Renovation that will complement the College of Pharmacy building expansion. With the addition and renovation, Xavier's pharmacy facilities will include new state of the art teaching labs, classrooms, lecture rooms, additional teaching and research laboratories, a mock pharmacy skills lab, a drug information center, and a multi-purpose auditorium equipped with the latest technological equipment.

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 3293—the Labor, HHS, Education Appropriations Act, 2010 provides for the Tulane University of New Orleans. This is in the Employment and Training Administration (Training & Employment Services) in the amount of \$250,000. This funding will go toward the establishment of a Community Health Worker Training Institute as a component of the Tulane/RAND Center for Health and Society in Louisiana. The Institute will serve as a regional resource for training with the mission to improve health and reduce disparities in communities through community health worker education and cost-effective programming and will train 100 CHWs annually to engage in individual- and community-level health efforts including health outreach, patient care management, and health advocacy.

EARMARK DECLARATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BRADY of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Project: Pulmonary Hypertension Awareness Program

Account: Department of Health and Human Services, Centers for Disease Control and Prevention

Requesting Entity: Pulmonary Hypertension Association

Address of Requesting Entity: 801 Roeder Rd., Suite 400, Silver Spring, MD 20910

I have supported strengthening Pulmonary Hypertension (PH) education for over ten years; and for this reason and for the third year in a row, I have requested funding to

strengthen and continue a successful partnership between the non-profit Pulmonary Hypertension Association and the Centers for Disease Control. PH is a serious and often fatal condition where the blood pressure in the lungs rises to dangerously high levels. In PH patients the walls of the arteries that take blood from the right side of the heart to the lungs thicken and constrict. As a result, the right side of the heart has to pump harder to move blood into the lungs, causing it to enlarge and ultimately fail.

This request will allow the partners to continue to develop a pulmonary hypertension awareness program to better educate the medical community and the public about the disease, and lead to earlier diagnosis and longer life spans.

The \$250,000 included in this bill for this project will be allocated to continue two components in the fight against pulmonary hypertension: the PHA Online University, a curriculum-based website for medical professionals, and a significant expansion of PHAware, a grassroots media campaign.

I also appreciate the Committee's support through report language encouraging further collaboration and research efforts on pulmonary hypertension within government agencies. The efforts of these organizations on issues including lung transplantation, the establishment of a PH Clinical Research Network and the increase in pulmonary hypertension diagnoses related to the abuse of methamphetamine will further our understanding of this disease.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 3288

Account: FTA/Bus and Bus Facilities

Recipient: Audubon Area Community Services, 1800 W. Fourth Street, Owensboro, KY 42304

Description of Request: Provide \$1,350,000 for a facility to maintain the bus fleet in order to ensure continued services to the region.

EARMARK DECLARATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. JONES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding project funding I received as

part of H.R. 3183, the Energy and Water Development Appropriations Act, 2010:

Rep. WALTER B. JONES

Project: Beaufort Harbor, NC

Recipient: U.S. Army Corps of Engineers—Wilmington District

Account: Operations and Maintenance
Amount: \$250,000

Explanation: The funding will allow for maintenance dredging of Bulkhead Channel, which is the main waterway entrance to the Town of Beaufort from the Morehead City Harbor Federal Navigation Project and the Atlantic Ocean. The Harbor is used annually by thousands of commercial fishing vessels, sport fishing vessels and recreational boaters, and its continued operation is critical to the regional economy.

Rep. WALTER B. JONES

Project: Bogue Inlet, NC

Recipient: U.S. Army Corps of Engineers—Wilmington District

Account: Operations and Maintenance
Amount: \$325,000

Explanation: The funding will allow for maintenance dredging of Bogue Inlet. The inlet is used by commercial and charter fishing vessels, recreational boaters and the U.S. Coast Guard. Without dredging, the inlet will shoal up and become impassable, with dangerous consequences for the local economy and the safety of watermen.

Rep. WALTER B. JONES

Project: Manteo (Shallowbag Bay), NC

Recipient: U.S. Army Corps of Engineers—Wilmington District

Account: Operations and Maintenance
Amount: \$3,945,000

Explanation: The funding will provide continued maintenance dredging of Oregon Inlet. Without dredging, the inlet channel would quickly become impassable to many of the Coast Guard and commercial and recreational fishing vessels that depend on it for access to the Atlantic Ocean, and the local economy would be hurt severely.

Rep. WALTER B. JONES

Project: Morehead City Harbor, NC

Recipient: U.S. Army Corps of Engineers—Wilmington District

Account: Operations and Maintenance
Amount: \$9,500,000

Explanation: The funding will be used to perform maintenance dredging to the minimum width within the entrance channel, which is critical for maintaining safe navigation for the commercial and recreational vessels that use the channel to access Morehead City Port. Dredged material would be placed along the adjacent shorelines of Ft. Macon St. Park and Atlantic Beach, which would protect communities from future storm events. The funds would also be used to continue the Dredged Material Management Plan, which is necessary in light of new information concerning the harbor maintenance project's impacts to adjacent coastal environments articulated in the Corps' Section 111 report (2001) and a separate report prepared for Carteret County by an independent coastal engineering firm.

Rep. WALTER B. JONES

Project: New River Inlet, NC

Recipient: U.S. Army Corps of Engineers—Wilmington District

Account: Operations and Maintenance

Amount: \$700,000

Explanation: The funding will be used to provide for continued maintenance dredging of New River Inlet, which is the only waterway connecting New River to the Atlantic Ocean. The inlet is in the heart of Camp Lejeune Marine Corps Base, and proper maintenance of the channel is essential to Marine Corps training and operations. It is also important to Eastern North Carolina's commercial fishermen and recreational boaters.

EARMARK DECLARATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican Leadership standards on member requests, I am submitting the following information regarding the earmarks I received as part of H.R. 3288, the FY10 Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act:

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3288, FY10 Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act

Account: Surface Transportation Priorities
Project Name: Antelope Valley Project
Transportation Improvements

Amount: \$750,000

Name and Address of Requesting Entity: City of Lincoln located at 555 S. 10th Street, Lincoln, Nebraska 68508

Description: The City of Lincoln is committing significant resources for road and pedestrian improvements associated with Antelope Valley. Some of the important projects that remain in the \$125 million transportation component of Antelope Valley Project include: construction of 3.35 miles of roadway (including the Antelope Valley Parkway from Vine Street to Capitol Parkway) to improve traffic in the City's central core and Northeast Lincoln; reducing through traffic congestion on the University campus and on downtown streets; eliminating two dangerous mainline at-grade rail crossings, and providing a new overpass (16th Street Overpass) to the State Fair Park, Devaney Sports Center, state military areas, and surrounding neighborhoods.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3288, FY10 Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act

Account: Economic Development Initiative
Project Name: Boys Town Building Construction

Amount: \$1,250,000

Name and Address of Requesting Entity: Boys Town located at 14100 Crawford Street, Boys Town, Nebraska 68010.

Description: Boys Town, Nebraska (a non-profit, non-sectarian organization) would use this funding to increase the number of at-risk girls and boys, and their families, served at

the Boys Town USA home campus in Omaha, Nebraska. The funding would help fund the construction of a new totally comprehensive child and family services facility with increased capacity to serve more than double the population of children and families currently served of approximately 1,000. Boys Town will be providing at least \$7.25 million in matching funds towards the requested federal share of the project. This multidimensional service facility will include the broad range of medical and juvenile justice delinquency services so that at-risk girls and boys (and their families) can have all child related disorders and care provided. Some of the services included, but not limited to, in this facility will include juvenile justice evaluations, services to prevent delinquency and school failure, and parenting skill building services to help parents become more effective at dealing with a variety of child disorders and issues. It is expected that through these services, youth recidivism of criminal behavior will be greatly reduced as will the need for further out-of home-placement, including that of a correctional or prison facility. Youth will be prepared to be productive members of society.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3288, FY10 Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act

Account: Economic Development Initiative
Project Name: CEDARS Children's Crisis Center Building Construction
Amount: \$200,000

Name and Address of Requesting Entity: CEDARS Youth Services, Inc., located at 620 North 48th Street, Lincoln, Nebraska 68504.

Description: The funding will be used for construction of a new Children's Crisis Center for abused, homeless, and runaway youth in Southeast Nebraska. CEDARS Youth Services plans to build a children's crisis center to provide short-term emergency shelter, immediate professional assessment of each child's needs, intense family-centered therapeutic services, and an environment that inspires a rapid return to stable and enduring family living. The 18,000 square foot facility will not only provide immediate safety and protection for vulnerable children and youth across the Midwest, but also a comfortable family-friendly setting for them to begin reunification or to meet prospective foster parents in a safe, professional supervised setting. While primarily helping persons from the Midwest area, the Center has recently served youth from the states of Tennessee, Georgia, California, Michigan, Texas and others. CEDARS is the only emergency shelter provider for children and youth in Southeast Nebraska, and this children's crisis center will expand the current service capacity by as many as 12 children each day. This is a 50% increase.

EARMARK DECLARATION

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MCCARTHY of California. Madam Speaker, pursuant to the Republican Leader-

ship guidelines on earmarks, I am submitting the following information regarding earmarks I requested that were included as part of H.R. 3293, the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 3293

Account: Department of Education, Fund for the Improvement for Post Secondary Education

Legal Name of Requesting Entity: Kern Community College District

Address of Requesting Entity: 2100 Chester Avenue, Bakersfield, California 93301

Description of Request: \$250,000 was included for the Kern Community College District (KCCD) to purchase wind, solar, and other renewable energy equipment for training renewable energy technicians and engineers, and for institutionalization of curriculum for the Renewable Energy Regional Workforce Training program at KCCD affiliated schools (Bakersfield College, Cerro Coso College, and Porterville College), as well as Taft College. Kern County produces over 30% of wind-generated electricity in California and 5% in the nation, as well as ranks 4th in California in potential solar power generating capacity. As more emphasis is placed on renewable and clean energy, estimates indicate there will be a need to fill several thousand new jobs in the region over the next 5 years to meet industry need. This KCCD training program will help ensure the U.S. workforce has the skills to fill today and tomorrow's renewable energy jobs.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY2010

Account: Department of Education, Higher Education

Legal Name of Requesting Entity: St. Thomas University

Address of Requesting Entity: 16401 NW 37th Avenue, Miami Gardens, FL 33054

Description of Request: I am proud to have secured \$300,000 to offer a professional development program to advance the teaching of science and technology in elementary schools in Miami-Dade County. To carry out this program, STU proposes to evaluate existing instructional technology in science and computer education and formulate a special and systematic development for elementary teach-

ers, in conjunction with the Miami-Dade County Public Schools.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY2010

Account: Department of Health and Human Services, Administration for Children and Families-Social Services

Legal Name of Requesting Entity: Barry University

Address of Requesting Entity: 11300 NE 2nd Avenue, Miami Shores, FL 33161

Description of Request: I am proud to have secured \$300,000 to support the Center for Community Services Initiatives (CCSI) to enhance opportunities for external individuals and groups to participate in on-campus programs. The Center will serve as an educational resource to community organizations, including health providers. Barry service-learning opportunities support local community clinics, helping to improve the quality and accessibility of health care, including behavioral health care.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY2010

Account: Department of Health and Human Services, HRSA—Health Facilities and Services

Legal Name of Requesting Entity: Memorial Healthcare System

Address of Requesting Entity: 1901 SW 172nd Avenue, Miramar, FL 33029

Description of Request: I am proud to have secured \$250,000 to construct six additional operating rooms for Memorial Hospital Miramar. Memorial Healthcare System (also known as South Broward Hospital District) is a public, not-for-profit organization, and serves as the largest provider of care in South Broward. Memorial Hospital Miramar is experiencing double digit growth in admissions, outpatient visits, emergency services, deliveries and surgical procedures. Admissions have increased 23% year-to-date. Annual surgical cases continue to rapidly increase up from 5200 cases last year, to a projected 5700 cases or 9% increase this year. Surgical cases are expected to exceed 5,900 in the next five years.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY2010

Account: Department of Health and Human Services, HRSA—Health Facilities and Services

Legal Name of Requesting Entity: Miami Children's Hospital

Address of Requesting Entity: 3100 SW 62nd Avenue, Miami, FL 33155

Description of Request: I am proud to have secured \$450,000 to construct two new hybrid pediatric cardiac suites under the Miami Children's Hospital Congenital Heart Institute. These adjoining hybrid suites will feature: full

cardiac operating room capabilities including cardiopulmonary bypass, dedicated pediatric cardiac anesthesia, state of the art hybrid cardiac surgical/interventional table, low-dose digital flat panel imaging technology and operating room ventilation and temperature control. The goal of CHI is to achieve 100% survivability for children with congenital heart disease, and to improve their health status throughout their lives. This mission is entirely consistent with the goals of HRSA and HHS, and better medical interventions at the early stages of the disease lead to better quality of life for patients, shorter hospital stays, and fewer hospital admissions over the lifetime.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY2010

Account: Department of Health and Human Services, HRSA—Health Facilities and Services

Legal Name of Requesting Entity: Miami Jewish Home and Hospital

Address of Requesting Entity: 5200 NE 2nd Avenue, Miami, FL 33138

Description of Request: I am proud to have secured \$500,000 to develop a PACE Center in Hialeah, Florida. The Program of All-Inclusive Care for the Elderly (PACE) is an innovative long-term care model that allows frail elders to remain at home. The goal of PACE is to deliver high quality, cost-effective care while managing participants' complex medical, functional, and social needs. PACE integrates financing and delivery of acute and long-term care services. PACE enables older individuals who are eligible for nursing home care to continue living in the community with a full spectrum of medical, social and rehabilitative services. The Program of All-Inclusive Care for the Elderly (PACE) meets three important objectives in providing long-term care services: a) it allows long term care in operate in a managed care environment, b) it integrates Medicare and Medicaid into a seamless and transparent funding source, and c) it allows nursing eligible older adults to remain at home.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY2010

Account: Department of Health and Human Services, SAMHSA—Mental Health

Legal Name of Requesting Entity: Spectrum Programs, Inc.

Address of Requesting Entity: 11031 NE 6th Avenue, Miami, FL 33161

Description of Request: I am proud to have secured \$200,000 to demonstrate the effectuality of a mental health and substance abuse treatment continuum that integrates research, best practices and emergent treatment methodologies across the spectrum of mental health, substance abuse, and co-occurring disorders in a continuous improvement model, making the processes and procedures of behavioral health treatment more effective, the timelines to improved behavioral health shorter, and the gains more sustainable, substantially reducing the catastrophic personal, fam-

ily, and societal consequences of historically disaggregated treatment approaches. The funding will establish the Florida Center for Excellence in Emerging Behavioral Health Strategies.

PHYSICIAN-OWNED HOSPITALS AND OTHER JACKSON-LEE PRO- POSALS ON HEALTH CARE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, tonight, I come before you representing Texas' 18th Congressional District in Houston. As some of you know, my hometown of Houston is the 4th largest in the country. Houston is home to some of the nation's largest oil companies: Citgo North America, Conoco Phillips-North America, El Paso Corp., Halliburton, Kinder Morgan Energy, Marathon Oil Company, and Shell U.S. Oil Division. Yet as the economy has declined and the nation has begun to shift towards greener fuels, the petroleum business in my District and throughout Texas has also seen a decline.

Today, my state of Texas is facing an unemployment rate of around 7.5%, the highest it has been since in the past 16 years. Additionally, Texas lost 40,600 jobs last month alone. Thus, the six figure jobs common to Houston that have attracted people to my District from all over the country are being slashed. And as my constituents, many of them well-to-do middle income and upper income Americans, have lost their jobs and their businesses, they have also lost their health care.

Truly, Madam Speaker, this issue of health care is not a poor people's problem it is an American problem. And thus, I rise today with my fellow members of the Congressional Progressive Caucus to urge all of my colleagues to get behind this health care bill and pass it before we leave for the August recess next week. Today, while I stand as a representative of Houston, I believe I represent hard working men and women, young and old who can't wait till after recess for health care. They risk bankruptcy and even the poor house because of the rising costs of health insurance. Some of them have cancer, some of them have diabetes, and some of them have simple tooth decay that requires a root canal. However, root canals are not covered by most basic health insurance plans. As such, some of them are now finding that their teeth have become infected and the infection has entered their blood stream and some of them now face terminal illness—all because they lack the health care that many of us in this body take for granted.

Madam Speaker, my colleagues on the Republicans side have partnered with some insurance companies to misrepresent the facts about health care and are now using scare tactics to prevent the health care bill from being voted out of the Energy and Commerce Committee. These forces have pressured conservatives in the Democratic ranks to stall the process. The other side holds up the process

of change while over 47 million Americans remain uninsured, while Americans with health care pay as much as \$207 billion excess in health related taxes, and while hospitals and clinics around the country continue to shutter their doors.

A brighter future is on the horizon with the health care bill now stalled in committee. Central to this bill is its public insurance option, which as the President said, is designed to keep the large insurance companies honest. And as my friend Michael Moore documented in his acclaimed film "Sicko" we cannot always trust our insurance companies. The Public Option, similar to Medicare, will provide a publicly driven health care system, unique to the U.S. and separate from what is in place in any other country. The program will ensure: (1) Early and periodic screening, diagnosis and treatment; (2) Case management for chronic diseases; (3) Dental and mental health services; (4) and even language access services.

Though this health care plan solves many of our nation's health care woes, there are still more improvements that are needed. And I believe that the Democratic leadership is open to good ideas to improve this legislation, improvements from the Progressive Caucus, from the Blue Dogs, from the New Dems, and even from the Republicans.

One of the ideas that I hope to work with Chairman RANGEL, Health Subcommittee Chair STARK, Chairman WAXMAN and our leaders to address are ways to allow for the spread of good serving physician owned hospitals, many of which are caring for those with little to no insurance who would otherwise go underserved populations. And just what is a physician owned hospital . . . as its name implies, it's a hospital that has been started by, purchased by, or in some cases invested in by physicians. While some fear that such hospitals will allow physicians to skim off high end treatment and ignore routine procedures, I believe these concerns focus on only the few bad apples and not the lot of physicians who believe in their oath not to harm and to place people over profit.

So where do we stand today with physician owned hospitals. Under the current version of the health reform bill, 104 physician owned hospitals under development, 42 of which are scheduled to come on line by the end of 2010, will have to shut down. These 104 hospitals at risk represent more than 20,000 new jobs which will be lost in 21 states, over 40 in my home state of Texas. At least \$5 billion in current investments will be lost. It will also affect hospitals that were built to serve working men and women with little or no insurance. I and other Democrats and Republicans urge the leadership to change the bill by eliminating the retroactive date in the bill and "grandfather" all the existing hospitals with physician ownership, including the 104 hospitals under development.

In addition to threatening physician owned hospitals under development, the current bill also limits growth of existing physician owned hospitals. Of the 223 physician hospitals now in operation in 32 states, only three would qualify to apply to the Secretary of HHS for permission to expand. The remainder of the hospitals would have future growth frozen and

would likely close because they could no longer be responsive to the medical needs of patients, the community and physicians.

My solution is to eliminate the conditions for growth in section 1156 and the HHS application process, and allow "grandfathered" physician owned hospitals, including projects under development that qualify for the grandfather provision, to expand and respond to the expanded needs of the communities they serve.

Finally, the current bill repeals the whole hospital exception in the Stark law, thus prohibiting physicians from investing in new hospitals that were not grandfathered. This provision aims to discourage entrepreneurship and risk taking in health care. However, I believe that there are doctors who can do good and do well at the same time. As such, I urge the leadership to amend the exception to allow physicians to invest in acute general care hospitals, hospitals that serve a significant population of the uninsured, or hospitals on the verge of bankruptcy where physicians are the only interested investors.

Such was the case for St. Josephs Medical Center in my district. St. Joseph Medical Center is the first and only hospital in Downtown Houston—a metropolitan area that has grown to over 4 million. In August 2006, over 80 medical staff members out of the 500 on staff, elected to purchase a stake in the hospital to keep it from closing. Because of this partnership, St. Joseph Medical Center remains today as a viable institution, caring for hundreds of thousands of patients each year through the various services of this general, acute care, inner-city hospital. Nearly 5,000 new Houstonians are born annually at this hospital—the first maternity hospital in Houston.

St. Josephs remains the only hospital in Downtown Houston, and without it hundreds of thousands of individuals each year would not have a convenient place to go for their inpatient and outpatient care. With two medical towers adjacent to the campus, physicians' offices are close by, making this a one-stop shop for many who come downtown for their healthcare. Bus lines, rail lines, and two major freeways run right past the hospital, making it even more convenient for the populations that surround it—many of whom have limited or no transportation options.

This model of physician partnership works and in addition, adds 1,800 full time jobs to the Houston economy, pays millions in taxes and provides 40 million dollars of uncompensated care each year, and continues the traditions of the Sisters of Charity—to provide quality healthcare for all. This model saves hospitals in underserved areas and is part of the solution to the health care system problems, not the cause of them. Only to serve as "buyers of last resort" in communities that have a critical access problem and are otherwise providing good care to patients across the country. Thus, I look forward to working with the leadership to reward, not punish, such physician owned hospitals.

Other good proposals that I'm recommending are:

Grants to high schools and middle schools to increase health care professionals, particularly those in underserved communities;

Providing incentives for the development of Community Health Care Centers that are housed in healthy green buildings;

Tax credits for employers who not only offer good health care benefits but encourage their employees to utilize these benefits;

A pilot program to study and demonstrate the benefits of proven alternative medical techniques and medicines; and

A program to study this ongoing problem of people who seek to address depression or enhance athletic performance by abusing prescription drugs.

Madam Speaker, I believe that these are good proposals and if adopted will improve the outstanding work done by our leaders. Furthermore, while I seek changes in the health reform bill, I'm not at all about to stand in the way of change, my goal is to inspire change. Moreover, I'm not going to succumb to scare tactics aimed to put politics over people, people who deserve health reform now, not next week, next month, or next year.

EARMARK DECLARATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. HELLER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act:

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 3288

Account: Federal Highway Administration—Surface Transportation Priorities

Legal Name of Requesting Entity: Regional Transportation Commission of Washoe County, Nevada

Address of Requesting Entity: 2050 Villanova Dr., Reno, NV 89520

Description of Request: \$500,000. This funding will be used for the Meadowood Interchange project that will mitigate severe current and future traffic congestion occurring on I-580/US 395 and the adjacent surface arterials in the primary commercial retail district for the Reno/Sparks metropolitan area.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 3288

Account: Federal Highway Administration—Federal Lands (Public Lands Highways)

Legal Name of Requesting Entity: Nevada Department of Transportation

Address of Requesting Entity: 1263 South Stewart Street, Carson City, NV 89701

Description of Request: \$1,000,000. This funding will be used for the U.S. 50 State Realignment project. This project involves the Realignment of U.S. Highway 50 in the Stateline, Nevada Corridor. The project will look to provide operational improvement and pedestrian and transit improvements in the heavily congested Stateline corridor

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 3288

Account: Federal Aviation Administration—Facilities and Equipment

Legal Name of Requesting Entity: Reno-Tahoe Airport Authority

Address of Requesting Entity: 2001 E. Plumb Ln., Reno, NV 89502

Description of Request: \$263,000. This funding will be used for the acquisition and installation of an Approach Surveillance Radar (ASR-11) at the Reno-Tahoe International Airport. The Reno-Tahoe International Airport and five other airports in the region are all served by an existing Approach Surveillance Radar (ASR-8) that has been in place for 16 years and is two generations old. The existing radar is located at the absolute lowest point of the valley which reduces its airspace coverage for all six airports in the region. An FAA study identified a site north and at a higher elevation than the existing radar site which would allow air traffic controllers to track aircraft movements longer and at lower altitudes than currently possible

Requesting Member: Congressman Dean Heller

Bill Number: HR 3288

Account: Federal Transit Administration—Buses & Bus Facilities

Legal Name of Requesting Entity: Regional Transportation Commission of Washoe County, Nevada

Address of Requesting Entity: 2050 Villanova Dr., Reno, NV 89520

Description of Request: \$250,000. This funding will be for the Washoe County bus and bus facilities project which includes the replacement and expansion of the Regional Transportation Commission's (RTC) transit fleet including standard coaches and paratransit vehicles and the construction of additional park-and-ride facilities. New buses must be purchased to replace worn-out vehicles in the existing fleet, increase service on existing routes and initiate new service. These replacement vehicles will help the RTC to increase schedule reliability, reduce the cost of vehicles and increase transit ridership and fare box revenue.

EARMARK DECLARATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. GARY G. MILLER of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Energy and Water Appropriations Bill.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3138

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: County of Orange

Address of Requesting Entity: 10 Civic Center Plaza, Santa Ana, California 92701

Funding Secured: \$52,193,000

Description of Request: The Santa Ana River Mainstream Project, including Prado Dam, provide urban flood protection to the growing communities in Los Angeles, Orange,

and San Bernardino Counties, and has been a high priority project for the Army Corps of Engineers since it was first authorized in 1986. The Santa Ana River has been recognized as the worst flood threat west of the Mississippi River. The Army Corps of Engineers estimates if flood mitigation is not completed, a major storm event could flood over 110,000 acres, kill 3,000 people, and destroy up to \$15 billion worth of property in Orange, Riverside, and San Bernardino Counties. Floods from the Santa Ana River would destroy interstate transportation facilities, railroads and highways, and have long-term effects on business activities on a national level. The project, which extends some 75 miles along the Santa Ana River, will increase levels of flood protection to more than 3.35 million people in the area. Federal assistance for the start of construction was approved in the Fiscal Year 1990 federal budget and has been included in the federal budget every year since.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3138

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Orange County Water District

Address of Requesting Entity: P.O. Box 8300, Fountain Valley, California 92728

Funding Secured: \$100,000

Description of Request: The Ground Water Replenishment (GWR) System Mid-Basin Injection Pilot Facilities Project will determine the feasibility, and the benefits and costs of constructing a full-scale project that would inject GWR System product water directly into the principal aquifer in an area of high volume groundwater pumping. The purpose of the GWR System Mid-Basin Injection Pilot Facilities Project is to reduce reliance on imported water by expanding local water supplies. This will be accomplished by increasing recharge of the Orange County groundwater basin through direct injection of purified, recycled water into the groundwater basin. This project will install one pilot test well and two monitoring wells, evaluating hydro-geologic data, and developing a preliminary plan for full-scale construction.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3138

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Orange County Water District

Address of Requesting Entity: P.O. Box 8300, Fountain Valley, California 92728

Funding Secured: \$100,000

Description of Request: The Groundwater Replenishment System (GWR System) is a jointly funded project of the Orange County Water District (OCWD) and the Orange County Sanitation District (OCSD) with OCWD serving as the lead or constructing agency. When complete, the GWR System will be the largest water recycling project of its kind in the world, reusing 140,000 acre feet per year (AFY) of advance treated wastewater (recycled water). The GWR System will supplement existing water supplies by providing a new, reliable, high-quality source of water to recharge the Orange County Groundwater Basin and pro-

tect the Basin from further degradation due to seawater intrusion. By treating excess storm flows along the Santa Ana River, the GWR System project also postpones the need for OCSD to construct a new ocean outfall in Huntington Beach.

RECOGNIZING GENESIS AT THE CROSSROADS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Genesis at the Crossroads, a non-profit organization whose mission is to bridge cultures in conflict through the arts and to create innovative arts-education programs around the world.

Founded in 1999 by Dr. Wendy Sternberg, Genesis at the Crossroads utilizes the arts as a form of diplomacy, using expression to foster understanding. The organization brings together ethnic artists to share their talents and unite their audiences in celebrations of diversity.

Art is the adhesive that keeps world cultures united. Artistic expression and appreciation are fostered by Genesis at the Crossroads through programs such as the HAMSA-Fest, which celebrates Middle Eastern and North African art, and Our World One Piece at a Time, a peace quilt program that fosters philanthropy and understanding among youth.

Genesis at the Crossroads creates the unique and rare opportunity to truly work in unison with those of differing and often conflicting backgrounds. The success of the organization, now in its tenth year, is a testament to the power of the arts.

We congratulate Genesis at the Crossroads on their ten-year anniversary and thank their artists, organizers, and audiences that have participated in their programs. Genesis at the Crossroads has proven understanding is possible regardless of conflict, when we combine passion for the arts and compassion for others.

EARMARK DECLARATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. HELLER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3293

Account: Department of Health & Human Services—Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: St. Mary's Regional Medical Center

Address of Requesting Entity: 235 West Sixth Street, Reno, NV 89503

Description of Request: \$700,000. This funding will be used for the construction of a new Nephrology Center of Excellence. This center will provide residents of Northern Nevada and Northeastern California the option of accessing kidney transplants at St. Mary's Regional Medical Center.

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3293

Account: Department of Health & Human Services—Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Renown Health Systems

Address of Requesting Entity: 1000 Ryland, Suite 402, Reno, NV 89502.

Description of Request: \$800,000. Two-thirds of all births in the Reno/Sparks area occur at Renown Regional Medical Center. Renown Regional Medical Center is the only Children's Miracle Network hospital in the Northern Nevada Region. In order to serve the Washoe County and Northern Nevada region, Renown Health must expand and renovate its current facilities in the Women's and Children's Center to meet these needs. This funding will be used to expand Renown's current room capacity and renovate existing rooms to provide an overall improvement in the delivery experience for the mother and her family.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. CASTLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding for Delaware included as part of the FY 2010 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act:

Name of Project: Delaware Department of Education, Dover, DE for a school leadership initiative

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3293

Account: Department of Education Elementary & Secondary Education

Legal Name of Requesting Entity: Delaware Department of Education

Address of Requesting Entity: 401 Federal Street, Suite 2, Dover, DE 19901

Description of Request: \$250,000 to train, mentor, and coach superintendents, principals, and other leaders within the Vision 2015 Network to sharpen their focus on data and realign their time and resources to maximize student achievement.

Name of Project: Rodel Foundation of Delaware, Wilmington, DE for the Delaware Parent Leadership Institute

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3293

Account: Department of Education Elementary & Secondary Education

Legal Name of Requesting Entity: Rodel Foundation of Delaware

Address of Requesting Entity: 100 W. 10th Street, Suite 704, Wilmington, DE 19801

Description of Request: \$150,000 to expand leadership training for parents of Delaware public school students on how to advocate effectively for their children's education and partner effectively with their children's schools.

Name of Project: Nanticoke Senior Center, Seaford, DE for facilities and equipment

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3293

Account: Department of Health & Human Services, HRSA, Health Facilities and Services

Legal Name of Requesting Entity: Nanticoke Senior Center

Address of Requesting Entity: 301 N. Virginia Avenue, Seaford, DE 19973

Description of Request: \$100,000 for the construction of new, 11,053 square foot Senior Services Center in the heart of Seaford, Delaware. The purpose of this project is to help provide a new approach to serving older adults through the expansion of services.

Name of Project: Nemours/Alfred I. duPont Hospital for Children, Wilmington, DE for facilities and equipment

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3293

Account: Department of Health & Human Services, HRSA, Health Facilities and Services

Legal Name of Requesting Entity: Nemours/Alfred I. duPont Hospital for Children

Address of Requesting Entity: 1600 Rockland Road, P.O. Box 269, Wilmington, DE 19899

Description of Request: \$350,000 for capital improvements by Nemours/Alfred I. duPont Hospital for Children. The purpose of this project is to upgrade and expand the only children's hospital in Delaware, which also serves children from all over the U.S. and world who seek highly specialized services, in order to strengthen its ability to continue providing outstanding patient care.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of the H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Department of Education, Elementary and Secondary Education

Legal Name of Requesting Entity: Literacy Council of West Alabama

Address of Requesting Entity: P.O. Box 20410, Tuscaloosa, AL 35402

Description of Request: Provide \$250,000 for funding that will be used to provide initial, one-time seed funding to establish a basic literacy delivery system for West Alabama, including implementation of a research and best practices clearinghouse for literacy programs and services; training programs for literacy trainers, tutors and other educational components; technical support services for existing literacy service providers that do not have the ability or financial support to implement programs on their own; marketing and communication initiatives to sustain a high level of awareness and information related to literacy; and management and administrative support for delivery of literacy programs and services throughout the 8-county region. The project's total budget is \$325,000. Specifically within the budget, \$20,000 is for program services and events, \$45,000 for research and planning, \$30,000 for marketing and communications, \$25,000 for training and development, \$15,000 best practices and clearinghouse services, \$12,500 for printing and materials, \$7,500 for postage and mailing, \$5,000 for literacy service providers council, and \$165,000 for salaries and administration. This request is consistent with the intended and authorized purpose of the Department of Education, Elementary and Secondary Education account. The Literacy Council of West Alabama will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: City of Springville

Address of Requesting Entity: P.O. Box 919, Springville, AL 35156

Description of Request: Provide \$250,000 in funding for the renovation of an existing facility located at Big Springs Park into a Senior Citizens' Center. Springville is one of the fastest growing in the state. The project's total budget is \$350,000. Specifically within the budget, \$30,000 for site preparation, \$285,000 for construction and \$35,000 will go toward architectural services. This request is consistent with the intended and authorized purpose of the Department of Health & Human Services, Health Resources and Services account. The city of Springville will meet or exceed all statutory requirements for match funding where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: DCH Health System

Address of Requesting Entity: 2700 Hospital Drive, Northport, AL 35476

Description of Request: Provide \$350,000 to expand the Northport Medical Center (NMC) Emergency Department. NMC supports over 40,000 emergency visits each year, making it one of the busiest emergency departments in the State of Alabama. DCH is working to expand the hospital's emergency department to provide the highest standards of urgent care to Tuscaloosa residents. The project's total budget is \$4,648,500. Specifically within the budget, \$70,000 will go toward renovation to tie to existing building, \$3,525,000 for new construction, \$500,000 for civil work, \$409,500 for contingencies, and \$144,000 for furnishings and telecommunications. This request is consistent with the intended and authorized purpose of the Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services account. The DCH Health System will meet or exceed all statutory requirements for match funding where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Department of Labor, Employment and Training Administration (ETA)—Training & Employment Services (TES)

Legal Name of Requesting Entity: Alabama Institute for the Deaf and Blind

Address of Requesting Entity: 205 E. South Street, P.O. Box 698, Talladega, AL 35161

Description of Request: Provide \$200,000 to develop a collaborative program with employers incorporating assistive technology and targeting deaf and blind individuals with developmental disabilities for workforce placement. The funding would be used for employer training in disabilities and assistive technology for the deaf and blind. The project's total budget is \$680,000. Specifically within the budget, \$200,000 for salaries, \$250,000 for assistive technology for the deaf and blind, \$20,000 for travel, \$30,000 for employer training in disabilities, \$30,000 matching administrative personnel cost, and \$150,000 for matching assistive technology cost. This request is consistent with the intended and authorized purpose of the Department of Labor, Employment and Training Administration (ETA)—Training & Employment Services (TES) Account. The Alabama Institute for the Deaf and Blind will meet or exceed all statutory requirements for match funding where applicable.

EARMARK DECLARATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. GERLACH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Devereux Center for Effective Schools, King of Prussia, PA—\$100,000 for school-wide

positive behavior support for at-risk youth in Reading School District.

Harcum College, Bryn Mawr, PA—\$243,000 to provide mentoring and training to science teachers, and expand the health sciences at Harcum.

Neumann College, Aston, PA—\$200,000 requested for Pharmacy Education for Workforce Development in Aston and Phoenixville.

Downingtown Library Company & Downingtown Area Senior Center Building Campaign, Downingtown, PA—\$350,000 to redevelop an existing mill building on the former Sonoco Paper property. This forms an important civic hub for the community as well as the proposed River Station redevelopment project.

Phoenixville Public Library, Phoenixville, PA—\$157,000 to update the library's collection.

EARMARK DECLARATION

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. ROSKAM. Madam Speaker, pursuant to Republican standards on disclosure for Member project requests, I am submitting the following information regarding projects I support for inclusion in H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2010.

Congressman PETER J. ROSKAM: H.R. 3293, Department of Labor, Employment and Training Administration, Training and Employment Services account for the Access Community Health Center Career Laddering Program. The entity to receive the \$400,000 in funding for this project is the Access Community Health Network, 1501 S. California Avenue, Chicago, IL 60608. It is my understanding that the funding would be used to create an innovative career training and advancement framework for healthcare employees. ACCESS employs close to 450 entry level workers, the majority of whom have no college education and many of whom are recruited because their "peer" status is an asset in helping medically underserved patients enter and navigate the health system. ACCESS is proposing an integrated strategy for employee career advancement by deploying two tandem strategies: developing career ladders with internal training programs; and providing scholarships for employees that show educational promise, combined with mentoring to integrate educational attainment into career advancement at ACCESS. The majority of these 450 workers are minorities, many with families, and some who are single parents working two jobs to survive in the current economy. Most have not had the resources to consider pursuing their education, and for those who have had formal training (such as medical assistants), pursuit of a four-year degree has been beyond reach. This funding will bring practical relief and assistance to those served by ACCESS by empowering the employees to grow to be even better health professionals. In the midst of the current challenges in our healthcare system, and the debate over reform, we can all agree that

a more educated and advancing healthcare workforce will better serve Americans.

Congressman PETER J. ROSKAM: H.R. 3293, Department of Education, Fund for the Improvement of Postsecondary Education account for the Elgin Community College Health Careers Center of Excellence. The entity to receive the \$100,000 in funding for this project is the Elgin Community College, 1700 Spartan Drive, Elgin, IL 60123. It is my understanding that the funding would be used for curriculum research and development and the acquisition of instructional equipment. Sixty percent of the nation's new registered nurses and the majority of allied health professionals receive their training through community colleges. ECC is graduating the future employees of hospitals, doctors' offices, nursing homes, schools and dentists all across the Chicago region. As we debate health reform, we must also keep in mind that the nation faces a healthcare workforce shortage. The demand for healthcare job training is so high that ECC turns away more applicants every semester than it is able to enroll. Hospitals and healthcare providers across the country have staffing shortages, and ECC can help. This much-needed funding will help ECC meet the healthcare staffing needs burdening our current system.

Congressman PETER J. ROSKAM: H.R. 3293, Health and Human Services, Health Resources and Services Administration account for the DuPage County Start the Heart Program. The entity to receive the \$100,000 in funding for this project is the Elgin Community College, 1700 Spartan Drive, Elgin, IL 60123. The entity to receive the \$150,000 in funding for this project is the DuPage County Health Department, 111 N. County Farm Road, Wheaton, IL 60187. It is my understanding that the funding would be used to educate the public on how to reduce fatality rates from sudden cardiac arrest and expand access to AEDs throughout area communities. The leading cause of death in DuPage County is heart disease. While many of these deaths are attributed to chronic disease there is an opportunity to reduce deaths related to sudden cardiac arrest. Currently, one person dies every two minutes from sudden cardiac death, and the national survival rate is only 6% to 7%. Some areas of the country have seen positive trends increasing the survival rate, directly linked to public health campaigns that focus on increasing the numbers of individuals trained in CPR and creating greater access to Public Access Defibrillators (AEDs). Survival rates double in locations with access to AEDs. The Start the Heart Campaign is a collaborative, community-based partnership with the Midwest Heart Foundation (a group established by area physicians), local governments, education, and healthcare leaders. The goals are to increase the number of citizens who are trained in CPR and to increase the public access to AEDs. The healthcare costs related to survivors of delayed defibrillation are very high as these individuals require long rehabilitative therapy or long term skilled care. Costs related to families that lose mothers or fathers prematurely can be recognized in many social programs that support unplanned loss of income. This much needed funding will bring enhanced safety and health security to the people of DuPage County.

EARMARK DECLARATION

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. LUCAS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, H.R. 3293.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 3293

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Southwestern Oklahoma State University

Address of Requesting Entity: 100 Campus Drive, Weatherford, Oklahoma 73096, USA

Description of Request: I received \$350,000 for Southwestern Oklahoma State College. The funding for this project will be used to purchase equipment for the Industrial and Engineering Technology Department at Southwestern Oklahoma State College. This equipment will ensure that the program is technologically current and maintains a high quality of education. In addition, it enables the program to continue to strengthen Oklahoma's industrial and engineering technology workforce.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 3293

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Western Oklahoma State College

Address of Requesting Entity: 2801 N Main St., Altus, Oklahoma 73521, USA

Description of Request: I received \$100,000 for Western Oklahoma State College to upgrade its campus security system. The funding for this project will be used for technology and equipment upgrades in order to implement a campus-wide emergency mass notification and campus access plan. Improvements will include campus security cameras, email and text-messaging emergency notification, campus-wide panic buttons, wall-mounted strobe lights for color-coded notification system, and smart-card access to campus entrances.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Oklahoma State University Center for Health Sciences

Address of Requesting Entity: 1111 West 17th Street, Tulsa, Oklahoma 74107, USA

Description of Request: I received \$300,000 for Oklahoma State University Center for Health Sciences. The funding for this project will be used to expand and enhance the OSU Center for Health Science's health information technology system, including its telemedicine and distance learning as well as electronic medical records network. Additionally, it will bring diagnostic and medical services to geographic regions in Oklahoma where even telemedicine is not yet feasible or reasonably located by use of a mobile clinic. The mobile

clinics will be available to provide medical services in response to natural or manmade disasters.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma 74078, USA

Description of Request: I received \$350,000 for Oklahoma State University. Oklahoma State University has formed a public-private partnership for training, education and research in proton therapy for training, education and research in proton therapy for the treatment of cancer. ProCure is currently completing construction of a multi-million dollar proton treatment facility in Oklahoma City, dedicated to the treatment of cancer. The funding for this project will be used for equipment for the facility. This facility will allow access to world-leading technology for patients in the central region of the United States.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. LATHAM. Madam Speaker, pursuant to the new House Republican standards on earmarks, I am submitting the following information.

Bill Number: H.R. 3293, Labor-HHS-Education Appropriations Act, 2010

Project Name: Bio-Security Level 3 Lab

Amount Provided: \$650,000

Account: Health Resources and Services Administration

Recipient: Iowa State University

Recipient's Street Address: 1750 Beardshear Hall, Ames, IA 50011

Description: In order to contribute to the nation's pressing biosecurity needs, and to develop strategies for safeguarding the nation's animal agriculture and human populations from such highly infectious agents as influenza, Brucella, and West Nile virus, the funding will be used to help Iowa State University expand its high security, Bio-Security Level 3 facilities. Iowa State University's College of Veterinary Medicine long has been preeminent in the field of infectious disease research in domestic animals. More recently, in response to public health and national security concerns and in an effort to protect and secure the nation's animal agriculture industry, ISU has focused on research that addresses new and novel strategies to prevent and control foreign animal and zoonotic diseases. Zoonotic diseases are pathogens carried by animals that may be spread to humans, and many modern diseases, including various epidemics, initially were spread this way.

Bill Number: H.R. 3293, Labor-HHS-Education Appropriations Act, 2010

Project Name: Electronic Medical Record System

Amount Provided: \$250,000

Account: Health Resources and Services Administration

Recipient: Madison County Health Care Center

Recipient's Street Address: 300 W. Hutchings, Winterset, IA 50273

Description: The funding will be used to install and implement an electronic medical record program which will improve the quality of health care provided to rural Iowans while reducing the potential for medical errors as well as realizing a reduction in costs through eliminating duplicity and paperwork.

Bill Number: H.R. 3293, Labor-HHS-Education Appropriations Act, 2010

Project Name: Health Occupations Training Simulator

Amount Provided: \$165,000

Account: Employment and Training Administration—Training & Employment Services

Recipient: Iowa Valley Community College

Recipient's Street Address: 3702 South Center Street, Marshalltown, IA 50158

Description: This funding will purchase Health Occupation Training Simulators which will be used during training activities for current and future Registered Nurses (RN), Licensed Practical Nurses (LPN), Certified Nursing Assistants (CNA), Emergency Medical Technicians (EMT), and other health care practitioners.

Bill Number: H.R. 3293, Labor-HHS-Education Appropriations Act, 2010

Project Name: Improving the Health Status of Rural Iowans through Prevention

Amount Provided: \$200,000

Account: Centers for Disease Control and Prevention

Recipient: Des Moines University

Recipient's Street Address: 3200 Grand Avenue, Des Moines, IA 50312

Description: This project would continue research involving a preventative health program focused on individuals 55–64 with moderate to high risk of chronic disease as determined by a Health Risk Assessment (HRA). The project is tracking health status and health risk for selected rural residents over the course of three years. Individuals identified by risk levels are participating in health risk prevention intervention programs.

Bill Number: H.R. 3293, Labor-HHS-Education Appropriations Act, 2010

Project Name: INet Electronic Medical Record System for Intensive Care Unit

Amount Provided: \$350,000

Account: Health Resources and Services Administration

Recipient: Mercy Medical Center—North Iowa

Recipient's Street Address: 1000 4th Street SW, Mason City, IA 50401

Description: This funding would provide software, equipment and personnel training to implement the first fully automated intensive care unit in Iowa. The current system uses paper records, charts, etc. along with a basic EMR. The new system would utilize an enhanced electronic medical record that would improve monitoring of critical care patients, allow remote monitoring of patients in the Mercy ICU by their physicians in the surrounding communities, and reduce long-term costs associated with duplicate tests and paper-based records.

Bill Number: H.R. 3293, Labor-HHS-Education Appropriations Act, 2010

Project Name: Institute for Novel Vaccine and Anti-Microbial Design (INOVA)

Amount Provided: \$1,000,000

Account: Centers for Disease Control and Prevention

Recipient: Iowa State University

Recipient's Street Address: 1750 Beardshear Hall, Ames, IA 50011

Description: The Novel Vaccine and Anti-Microbial Design (INOVA) will bring together a highly inter-disciplinary team of experienced scientific leaders from Iowa State University, the University of Iowa, and the National Animal Disease Center, to translate groundbreaking discoveries into the molecular design of new classes of immunobiotics and vaccines to reduce the current and expanding national threat associated with infectious disease.

Bill Number: H.R. 3293, Labor-HHS-Education Appropriations Act, 2010

Project Name: Medical Equipment

Amount Provided: \$694,000

Account: Health Resources and Services Administration

Recipient: Trinity Regional Medical Center

Recipient's Street Address: 802 Kenyon Road, Fort Dodge, IA 50501

Description: The funding would be used to replace the nine-year old, outdated cardiac catheterization lab equipment and provide the highest quality cardiac care to patients in a nine-county primary service area. Northwest central Iowa needs a facility with a state-of-the-art catheterization lab. Patients should not have to (and in some cases, cannot) travel to Des Moines, Mason City or Ames to have access to a new cath lab and the life saving services offered by new equipment. Residents in Fort Dodge, and surrounding communities such as Humboldt and Pocahontas, for example, are in need of the services offered by state of the art cath lab equipment. The new technology will allow integration to a new image acquisition/storage system and will help continue the commitment to provide a comprehensive cardiac catheterization service to patients in Northwest Central Iowa.

EARMARK DECLARATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Departments of Labor, HHS, Education Appropriations Act for Fiscal Year 2010:

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 3293, the Departments of Labor, HHS, Education Appropriations Act for Fiscal Year 2010

Account: Health Resources and Services Administration—Health Facilities and Services
Legal Name and Address of Entity Receiving Earmark: Methodist Hospital of Southern

California, located at 300 W. Huntington Drive #207, Arcadia, CA 91007

Description of Request: Provide an earmark of \$750,000 for the implementation of a Computerized Provider Order Entry (CPOE) system. CPOE systems provide for the electronic entry and routing of medication, thereby reducing the number of medication mistakes and increasing patient safety. Approximately \$56,000 will go towards user devices, including Tablet PCS and mobile carts, \$630,000 for pharmacy hardware and software to assist with the Medical Order Entry of the project. The final \$64,000 will go towards a network and wireless assessment to ensure that the response time of the software does not impede the clinicians. This request is consistent with the intended and authorized purpose of the Health Resources and Services Administration account.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 3293, the Departments of Labor, HHS, Education Appropriations Act for Fiscal Year 2010

Account: Health Resources and Services Administration—Health Facilities and Services
Legal Name and Address of Entity Receiving Earmark: San Antonio Community Hospital, located at 999 San Bernardino Road, Upland, CA 91786.

Description of Request: Provide an earmark of \$750,000 to purchase cardiac monitoring equipment. San Antonio Community Hospital is expanding its services to meet a growing population. Approximately \$140,430 will go towards an Intravascular Ultrasound, \$72,900 for an AutoTransfusion System, \$51,670 for a Cardiac Surgery BioConsole and \$485,000 for a 16 slice CT Scanner. This request is consistent with the intended and authorized purpose of the Health Resources and Services Administration account.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I secured as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3293

Account: Dept of Education—Higher Education

Legal Name of Requesting Entity: Northern Kentucky University Foundation

Address of Requesting Entity: Administrative Center, 616 Nunn Drive, Highland Heights, KY 41099

Description of Request: Appropriate \$350,000 for the Northern Kentucky University Center for e-Health Innovation. Health informatics—applying information technology to health care—provides the foundation for de-

veloping significant improvements to our health care system. It promotes increased productivity; pay for performance; cost transparency; quality and safety; outcome based practices; access to health care and personal health records; and technological scalability and evolution. In these respects, it holds great promise for literally thousands of affected businesses oriented to support health care, large and small, for profit and not-for-profit. The U.S. Department of Labor projects the health care industry to hold 12 of the 20 fastest growing occupations; five of the remaining eight are in the computer technology industry. NKU seeks to prepare future employees for a burgeoning industry that understands both computer technology and its applications to improve patient care and reduce health care costs. NKU's Center for e-Health Innovation will offer an applied, practical research environment (physical laboratories) for studying interoperability in health care and developing real world solutions for the local health care industry. Federal funding will cover equipment, faculty development and start up operations. Each lab will be comprised of physical space incorporating duplicates of hospital and medical center hardware, software and systems. This is a good use of taxpayer funds because it will train the health care workers of tomorrow in the science of applying information technology to health care to improve efficiency and outcomes.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3293

Account: DOL—Employment and Training Administration—Training & Employment Services

Legal Name of Requesting Entity: Innovative Productivity, Inc.

Address of Requesting Entity: 401 Industry Road, Suite 500, Louisville, KY 40208

Description of Request: Appropriate \$150,000 for the Career Training for Disabled Veterans program. Career Training for Disabled Veterans is a program developed by Innovative Productivity, Inc. (IPI). It is designed to assist and train disabled veterans, including "Wounded Warriors," during and after treatment to reenter the civilian workforce. The program enables veterans to obtain career direction quickly in order to make important life decisions. The program will work in conjunction with the Departments of Defense, Veterans Affairs, and Labor in providing industry driven packaged training to match positions identified by employers. Surviving spouses of military war casualties and spouses of disabled veterans can also take advantage of this program. This is an important use of taxpayer dollars because it will leverage a relatively small contribution from the federal government to develop a robust program for training and placing our veterans in quality skilled jobs.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3293

Account: HHS—Health Resources and Services Administration

Legal Name of Requesting Entity: New Horizons Health Systems, Inc.

Address of Requesting Entity: 330 Roland Avenue, Owenton, KY 40359

Description of Request: Appropriate \$250,000 for the Community Health Improve-

ment Initiative at New Horizons Health Systems, Inc. New Horizons Health Systems, Inc. is a not-for-profit Critical Access Hospital that also serves as a rural health clinic for primary care. The funds will be used to purchase a new MRI. Patients currently have to travel over fifty miles to another health care facility for MRI services or wait for a mobile MRI to come through the area. These problems often result in disruption of continuity of care for the patient and a delay in diagnosis. This is a valuable use of taxpayer funds because it will improve public health service in rural Kentucky.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3293

Account: HHS—Health Resources and Services Administration

Legal Name of Requesting Entity: Harrison Memorial Hospital

Address of Requesting Entity: 1210 KY Highway 36 E, Cynthiana, KY 41031

Description of Request: Appropriate \$100,000 for the Cardiac Catheterization Project at Harrison Memorial Hospital. Harrison Memorial Hospital is a private, not-for-profit, rural hospital serving a region of five counties and approximately 45,000 residents, providing both inpatient and outpatient care. The project would implement a cardiac catheterization program at HMH. All federal funds received will go towards remodeling the existing space in the hospital to provide the cath suite and equipment. This project will make available cardiac cath for timely interventions and diagnosis, a key component of cardiac care. This is a valuable use of taxpayer funds because it will improve public health service in rural Kentucky.

HONORING THE LIFE OF ELOISA CORONADO. A LIFE OF 100 YEARS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. CUELLAR. Madam Speaker, it is my honor to share with you and celebrate the life of Eloisa Coronado from Zapata, Texas. Eloisa will be turning 100 years old this 31st of July, making her the oldest registered voter in Zapata County.

Born in 1909, she lived in a time when you still had to ride in a mule wagon to go into town for groceries. At age 9, her father died of Tetanus, leaving Eloisa to drop out of the third grade to help her mother raise her 4 younger sisters.

On January 1, 1926, she married Benito Martinez and eventually had 9 children. They ran a farm together raising cattle, planting corn and selling milk and eggs.

Living to be 100 naturally comes with hardship. Mrs. Coronado has outlived 4 sons, her 4 sisters, a half brother, 1 grandson and 3 daughters-in-law. As one can imagine, such pain has been difficult. But Eloisa's faith as well as the joy of her family of 27 grandchildren, 44 great-grandchildren and 43 great-great-grandchildren has kept her spirits up.

As a devoted believer, Eloisa has taught her family to have a strong faith, to be honest and

to love one another. About her age and her life, she tells family members, "These hands will reach out for the Lord's hands when He calls me Home."

Madam Speaker, it is my honor to publicly celebrate the 100th birthday of Eloisa Coronado of Zapata Texas.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding projects that are listed in H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY2010:

Bill Number: H.R. 3293, the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY 2010

Account: Department of Health & Human Services, Administration on Aging.

Title: Dementia Leadership Initiative,
Legal Name of Requesting Entity: Westminster Village,

Address of Requesting Entity: 803 N. Wahneta Street, Allentown, PA 18109,

Description of Request: Funding will be used to develop outreach initiatives to educate the public about maintaining brain health and mitigating the impact of dementia, create a public resource center, and provide staff training in the most advanced methods of dementia care. Approximately 15 million Americans will have Alzheimer's by the middle of this century unless a cure or prevention is found. This program will provide enhanced medical diagnosis, treatment and care for those with Alzheimer's; offer individuals and families vital information and support; and enable long-term care facilities to provide for optimal outcomes for affected individuals.

Bill Number: H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY2010,

Account: Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Service,

Title: Emergency Management Service Facility Expansion and Renovation,

Legal Name of Requesting Entity: City of Bethlehem,

Address of Requesting Entity: 10 E. Church Street, Bethlehem, PA 18018,

Description of Request: Funding will be used by the City of Bethlehem to support the community's increasing need for EMS services by renovating a portion of a building owned by St. Luke's Hospital. Specifically, the completion of this project will more than double the current EMS facility. The new facility will provide the ability to improve numerous aspects of EMS—faster responses, centralization of location, maintaining centralization of EMS administration, future growth, safer access and egress.

Bill Number: H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY2010,

Account: Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services,

Title: Drive for Healthy Kids Program,
Legal Name of Requesting Entity: Lehigh Valley Coalition for Kids,

Address of Requesting Entity: 5000 Tilghman Street, #207, Allentown, PA 18104,

Description of Request: Funding will allow the Lehigh Valley Coalition for Kids (LVCK) and St. Luke's Hospital & Health Network to improve a Lehigh Valley-wide collaborative effort to provide medical, dental, and vision care to children and adolescents (under 19) lacking basic health care due to low family income and/or a broad range of socio-economic issues. Through this initiative, fully equipped and supplied health vans will bring regularly scheduled services to area schools and youth agencies throughout much of Northampton and Lehigh Counties. In 2007, this program provided 1,234 medical visits and 2,984 dental visits. About one-third of the children treated on the vans do not have health insurance. The remaining two-thirds qualify for free or reduced care but do not receive regular medical or dental care. Over 50 percent of the children receiving dental services in any given year have never seen a dentist. The immediate urgent need for medical, dental, and vision care far exceeds currently available resources. This funding will be a major step toward meeting the most critical current and anticipated needs.

Bill Number: H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY2010,

Account: Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services,

Title: Operating Room Equipment,
Legal Name of Requesting Entity: Sacred Heart Hospital,

Address of Requesting Entity: 421 Chew Street, Allentown, PA 18102,

Description of Request: This project will support the purchase of operating room equipment essential for treatment and service for Hospital patients. Specifically, funding will be used to replace or upgrade essential equipment in the operating suite to provide Sacred Heart patients with the highest quality of care. The existing equipment does not reflect the highest levels of technology currently available to hospitals. Sacred Heart Hospital is a 226 bed, acute care teaching hospital in the City of Allentown.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. NEUGEBAUER. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information regarding congressionally directed projects in H.R. 3292, The Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act of Fiscal Year 2010.

Agency/Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services
Amount: \$480,000
Requesting Entity: Texas Tech University Health Sciences Center, 3601 4th Street, Lubbock, TX 79409

The people of West Texas and the contiguous regions of Eastern New Mexico and Oklahoma represent an underserved population in terms of local access to cancer therapeutics. This funding would support the Cancer Center for the South Plains Region which seeks to reduce suffering from cancer in the region through education, prevention, and early access to state-of-the art cancer therapeutics. The Cancer Center will serve the region, state, and nation by decreasing the substantial costs associated with the morbidity and mortality from cancer.

Agency/Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services
Amount: \$250,000
REQUESTING ENTITY: TEXAS TECH UNIVERSITY, 2500 BROADWAY, LUBBOCK, TX 79409

The Center for the Study of Addiction and Recovery (CSAR) is a federal and state supported program dedicated to expanding recovery support and relapse prevention available for students and to serve as a demonstration program that can easily be replicated by other institutions of higher education. A number of other colleges and universities around the country have created college recovery communities based on curriculum developed by CSAR.

Agency/Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services
Amount: \$250,000
REQUESTING ENTITY: TEXAS TECH UNIVERSITY, 2500 BROADWAY, LUBBOCK, TX 79409

The Center for the Study of Addiction and Recovery (CSAR) is a federal and state supported program dedicated to expanding recovery support and relapse prevention available for students and to serve as a demonstration program that can easily be replicated by other institutions of higher education. A number of other colleges and universities around the country have created college recovery communities based on curriculum developed by CSAR.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I secured as part of H.R. 3298, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3298
Account: FTA—Buses and Bus Facilities
Legal Name of Requesting Entity: Transit Authority of Northern Kentucky
Address of Requesting Entity: 3375 Madison Pike, Fort Wright, KY 41017

Description of Request: Appropriate \$500,000 for the Bus Replacement Program at the Transit Authority of Northern Kentucky (TANK). Funds will enable TANK to purchase new buses needed for safety and capacity issues. Newer buses will also help to achieve better fuel economy and have cleaner emissions than the buses currently in use and in need of replacement. The current buses that

will be replaced have been in operation for one to two years beyond their FTA-recommended useful life (13 to 14 years of operation). This project is a good use of taxpayer funds because it will improve safety, capacity and energy efficiency.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3298

Account: FHWA—Interstate Maintenance Discretionary

Legal Name of Requesting Entity: Campbell County Fiscal Court

Address of Requesting Entity: 24 West Fourth St, Newport, KY 41071

Description of Request: Appropriate \$500,000 to rehabilitate the section of I-471 between I-275 and the Ohio River in Campbell County, Kentucky. The project is listed in Kentucky's six year highway plan. This project is a good use of taxpayer funds because it will improve safety, allow for continued economic growth in Northern Kentucky, and employ workers to complete the project. Importantly, I-471 will serve as an alternate route when work begins on repair or replacement of the Brent Spence Bridge on I-71/75. Rehabilitation of I-471 is critical to ensuring this redirected traffic moves in a fast and efficient manner without jeopardizing the safety of travelers. Finally, completing this maintenance will prolong the life of the road, avoiding necessity of more costly repairs.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3298

Account: HUD—Economic Development Initiative

Legal Name of Requesting Entity: City of Covington

Address of Requesting Entity: 2300 Madison Avenue, Covington, KY 41014

Description of Request: Appropriate \$250,000 for the renovation of the old Stewart Iron Works Building. The City of Covington is working with three non-profit social service agencies (Fairhaven Rescue Mission, Parish Kitchen, and Welcome House of Northern Kentucky) to create a multiagency one-stop for serving the needs of homeless individuals and families in the Northern Kentucky community. The project involves the rehabilitation of the Stewart Iron Works Building, relocation of several existing social service agencies into a single building. This will increase the ability to provide a full range of services, increase capacity, and provide on-site transitional housing. This project is a good use of taxpayer funds because it will improve the efficiency and quality of services for homeless individuals and families through an economy of scale. Demand for these types of services will only increase as the economy continues to struggle.

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. MARIO DIAZ-BALART of Florida.
Madam Speaker, I submit the following.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 3293

Account: HRSA

Name of Requesting Entity: University of Miami

Address of Requesting Entity: 1252 Memorial Drive, Ashe Administration Building, Coral Gables, FL 33146

Description of Request: I have secured \$952,000 for the Pediatric Integrative Medicine. This funding will be used for the development of a pioneer center of excellence for a Pediatric Integrative Medicine Model, the following benefits will be realized: The University of Miami will become a resource for other institutions in the community as well as nationally who are interested in this model of care. By becoming a center of excellence, our patient population would have the advantage of receiving the most comprehensive care that is available nationwide. The collaboration between CAM practitioners and clinicians can increase the respect between the two health care delivery systems; may also establish trust by eliminating the competition usually occurring between the two fields. The holistic approach of most CAM interventions and therapies can increase awareness of health and wellness in children at an early age. With the impact that lifestyle and behavior have on health, children can reap the benefits of this early awareness well into adulthood. Through our Pediatric Integrative Medicine Model, the University of Miami would be poised to revolutionize pediatric care and advance the use of CAM as part of standard care. Specific targeted substudies may include: Water, one of the most important elements in our bodies yet one whose intake in children is universally limited. Exploring increased hydration therapy in children would be an inexpensive home-based intervention for improving health. Enzyme Deficiency, Implicated as a cause of illness and as an effector of health, enzyme deficiencies can be improved through supplementation with natural products such as wheatgrass, raw juices and living foods. Ambient Lighting and Light Therapy, extended hospitalizations reduce exposure to sunlight, potentially causing Vitamin D deficiency. Would supplementation through Vitamin D-rich foods be effective in preventing this deficiency? Additionally, are there other adverse health effects of certain lighting techniques (e.g. fluorescent or flos-fluorescent light)? Probiotics, could probiotics be useful in maintaining optimal colon health in children? If so, are there dosage considerations to be explored based on the significantly smaller size of the colon? Furthermore, can the use of probiotics reduce recovery time in hospitalized children? Massage Therapy, the negative impacts of stress are present throughout all age groups in the U.S., but the data exploring CAM methods for stress reduction in children is sparse. Recognizing the benefits of massage in adults and even in neonates, could massage be beneficial to children with elevated stress levels (whether that stress is psychological or biological such as that from chronic diseases)? Is massage a significant effector of biological markers of stress (inflammation, cytokines, C-reactive proteins etc.)? Others, exercise, polyunsaturated fatty acids, specific vitamin and other

nutritional therapies, pediatric health behavior—adherence to CAM therapies and changes in mood outcome expectations—the possibilities are extensive.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 3293

Account: HRSA

Name of Requesting Entity: Miami Children's Hospital

Address of Requesting Entity: 3100 S.W. 62nd Ave., Miami, FL 33155

Description of Request: I have secured \$9,500,000 for the Miami Children's Hospital Congenital Heart Institute (CHI): Hybrid Pediatric Cardiac Suites. This funding will be used to improve the outcome for children with congenital heart disease through the construction of two new Hybrid Suites to maximize the potential of the tools and procedures that have been developed in Miami and elsewhere over the last 14 years. These adjoining hybrid suites will feature: full cardiac operating room capabilities including cardiopulmonary bypass, dedicated pediatric cardiac anesthesia, state of the art hybrid cardiac surgical/interventional table, low dose digital flat panel imaging technology and operating room ventilation and temperature control. Additional features will also include: the first pediatric robotic hybrid suite, dynamic CT imaging of cardiac and thoracic structures, real time 3-dimensional image reconstruction allowing for new and unprecedented imaging of complex cardiac structures, state of the art networking and communication systems that facilitates real-time audio and visual communication of all images with colleagues throughout the hospital and our sister campus in Orlando, multiple in-room digital cameras and microphones for satellite broadcast transmissions, and a large viewing area and control rooms for visitors. The goal of CHI is to achieve 100 percent survivability for children with congenital heart disease, and to improve their health status throughout their lives. This mission is entirely consistent with the goals of HRSA and HHS, and better medical interventions at the early stages of the disease lead to better quality of life for patients, shorter hospital stays, and fewer hospital admissions over the lifetime. \$9.5 million is requested for equipment acquisition and facilities build out, including: cardiopulmonary bypass equipment; dedicated pediatric cardiac anesthesia equipment; hybrid cardiac surgical/interventional table; low dose digital flat panel imaging technology; operating room ventilation and temperature control; pediatric robotic hybrid suite; dynamic CT imaging equipment; networking and communication systems; multiple in-room digital cameras and microphones; and large viewing area and control rooms.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 3293

Account: HRSA

Name of Requesting Entity: Collier County, FL

Address of Requesting Entity: 3301 E. Tamiami Trail, Naples, FL 34112

Description of Request: I have secured \$500,000 for the Interstate 75/Everglades Blvd. Interchange. This funding will be used to support and further develop a health care access network for the under/uninsured in Collier

County. Collier County has identified more than 35,000 residents who lack quality health care. Currently, the County is experiencing overuse of its emergency health facilities. The numbers of uninsured/underinsured will continue to grow as job growth in the area has been strongest among low-paying jobs, which typically do not offer health insurance. This project seeks to expand, organize, and develop a full access program with a full continuum of services for approximately 35,000 residents needing health care. The initial phase of this project has been the adoption of a shared information database between the portals of entry for the poor into the system. Future phases of the project include marketing and full penetration of the pollution of the uninsured/underinsured individuals, and the hiring and training of community workers. The Physician Led Access Network (PLAN) is an example of a successful program helping the uninsured through physicians volunteering their time. The project will have a significant economic impact as lack of access to health care leads to diminishing physical and economic distress on individuals and communities.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 3293

Account: HRSA

Name of Requesting Entity: Camillus House, Inc

Address of Requesting Entity: 336 NW Fifth Street, Miami, FL 33128

Description of Request: I have secured \$3,633,000 for the Construction of a New Behavioral Health Facility for the Homeless. This funding will be used for the relocation and expansion to its main center for behavioral health treatment and supportive services programs to a new facility. Camillus will be able to provide more health care and social services to the poor and homeless in Miami-Dade County. Camillus is committed to ending chronic homelessness in Miami within the next 10 years, and this new expanded facility will help them reach that goal. In recognition of the value of the services Camillus provides to the community, Miami-Dade County and the City of Miami have each committed \$10,000,000 to the project. Camillus House has provided humanitarian services to the poor and homeless populations of Miami-Dade County, Florida for more than 48 years. Last year, Camillus House provided 360,000 free meals, emergency housing to 2000 individuals, over 27,000 medical encounters as well as substance abuse and work training programs. Services include basic emergency services such as food and shelter, substance abuse and mental health treatment, primary health care, housing, and career development at 15 sites around Miami-Dade County. One of Camillus' most successful programs is its behavioral health treatment program. Camillus operates one of the country's most effective residential behavioral health treatment programs—with an outstanding success rate of 89 percent.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the earmark I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010.

Project Name/Amount: An Achievable Dream, \$300,000

Intended Recipient: An Achievable Dream, 10858 Warwick Boulevard, Suite A, Newport News, VA 23601

Project Description: The 1,250 students in grades kindergarten through 12th benefit from An Achievable Dream's support of social, academic and moral curricula proven effective over 16 years of operating the public/private partnership with Newport News Public Schools. This multi-faceted approach has continued to provide the tools needed for underprivileged youth to close the achievement gap with their more affluent counterparts. It has been a major focus of the federal government to provide support to public education to raise standards and performance. This objective is embodied through major federal initiatives and legislation such as the No Child Left Behind Act. Funds would be used for personnel expenses and supplies such as uniforms, reading materials, extended day materials, and Saturday school supplies.

Project Name/Amount: Children's Hospital of the King's Daughters Facilities and Equipment, \$250,000

Intended Recipient: Children's Hospital of the King's Daughters, 601 Children's Lane, Norfolk, VA 23507

Project Description: Funding will be used to procure a mobile MRI unit to serve Oyster Point and other satellite medical office buildings in the CHKD health system. This equipment will help clear a backlog of critical MRI services, ensure that children receive the specialized treatment needed in pediatric services and provide access to this diagnostic tool to children in the Hampton Roads area, Virginia and North Carolina.

Project Name/Amount: Germanna Community College Online LPN and Paramedic to RN Program, \$100,000

Intended Recipient: Germanna Community College, 10000 Germanna Point Drive, Fredericksburg, VA 22408

Project Description: Germanna Community College plays a major role in overcoming the region's nurse shortage, and it must ensure an adequate supply of qualified nurses. The need for the Online LPN and Paramedic-to-RN program is evidenced by the absence of programs for working healthcare professionals to readily access associate degree nursing education. The Online program will increase the pool of qualified Registered Nurses for the area workforce. The program will provide the region with a total of over 400 Registered Nurses over the next four years. In addition, the program will allow LPNs and Paramedics to advance their careers while working and

contributing to the workforce. The Online program will deliver the nursing curriculum. Only the clinical instruction component requires the physical presence of students. The program will provide distance learning courses as well as clinics on campuses and in hospitals. Federal funding would be used for full program development, designated nursing faculty, and accreditation.

Project Name/Amount: Massey Cancer Center, Virginia Commonwealth University, \$600,000

Intended Recipient: Virginia Commonwealth University, 910 W. Franklin Street, Richmond, VA 23284

Project Description: These funds would be used to renovate a 7500 sq. ft research space that will be improved to accommodate the current and planned pre-clinical and translational cancer research (the rapid advancement of laboratory findings to clinical trials and patient care) activities in the Goodwin Research Laboratory at Virginia Commonwealth University.

EARMARK DECLARATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. GRAVES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010:

Congressman SAM GRAVES (MO-6)

Department of Health and Human Services, Health Resources and Services Administration—\$500,000 for the Community Hospital Association, Inc., in Fairfax, MO for facilities and equipment (405 E. Main, PO Box 107, Fairfax, MO 64446)

Federal funds obtained will be used for upgrades to the facilities and equipment for Community Hospital in Fairfax, MO. The Community Hospital serves not only Fairfax, but a region that encompasses parts of Atchison, Nodaway, and Holt counties. Currently, the hospital operates out of a 60-year-old building and is one of the largest employers in Atchison County with about 115 health care workers and support personnel. The hospital is a designated critical access point for health care, whether it is 24-hour emergency services, diagnostic lab services or physical, occupational or speech therapies. Federal funds for the new facility will focus on the key expansion of clinic space which will allow the hospital to keep up with the increasing demand for outpatient services as well as operate a more efficient and cost-effective hospital.

EARMARK DECLARATION

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. ROHRABACHER. Madam Speaker, pursuant to the requirements of the Republican

Conference of the House, I am submitting the following information regarding earmarks I received, which were included in the reported version of H.R. 3293, the "Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2010."

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: H.R. 3293

Name of Project: Vanguard University Teacher and Nursing Program Expansion

Account: Department of Education, FIPSE

Legal Name of Requesting Entity: Vanguard University

Address of Requesting Entity: 55 Fair Drive, Costa Mesa, CA 92626

Description of Request: Vanguard intends to use this funding for its program expansion and improvement for Vanguard's teacher training in science/math and nursing education/training with Hoag Hospital, and modernization of equipment and technology infrastructure. Program funding would help jumpstart Vanguard's teacher and nursing training programs, which are critically needed in California to prepare students for teaching careers in science and math and for the increasingly sophisticated and technologically-based workplace. Vanguard has partnered with Hoag Hospital to offer a quality Bachelor of Science Degree in Nursing (BSN) to develop and launch an accelerated RN-to-BSN program and to develop a BSN-to-MSN program within their School for Professional Studies.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: H.R. 3293

Name of Project: Equipment Needs for the New Vanguard University Academic Center for Science, Nursing, and Technology

Account: Department of Education, HRSA

Legal Name of Requesting Entity: Vanguard University

Address of Requesting Entity: 55 Fair Drive, Costa Mesa, CA 92626

Description of Request: Vanguard University is developing an Academic Center for Science, Nursing, and Technology which will help address the significant problems facing California by training teachers in science and math, and by developing a Nursing School with an accelerated RN to Bachelor of Science in Nursing Degree Program to help address the nursing crisis. The center will include the development of smart classrooms, the nursing school, and research laboratories to train existing teachers and nurses, and will deliver the study of science, math and technology that will prepare students for teaching careers in science and math. The nursing school will partner with Hoag Hospital of Newport Beach in providing students and nursing rotations.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: H.R. 3293

Name of Project: Accelerated Baccalaureate of Science in Nursing at CSU, Long Beach

Account: Department of Education, HRSA

Legal Name of Requesting Entity: Cal State Long Beach, Department of Nursing

Address of Requesting Entity: 1250 Bellflower Blvd., Long Beach, CA 90840

Description of Request: The Accelerated Baccalaureate of Science in Nursing at Cali-

fornia State University, Long Beach (ABSN-CSULB) for which funding is being requested is for the programmatic expenses of the Baccalaureate of Science in Nursing (BSN) portion of the Accelerated BSN/ELM (Entry Level Masters) program for second degree students with the goal of stabilizing the program for a minimum of the next five years, preferably, the next 10 years.

If funded, the project will entail the admission of 48 BSN second degree students every fall semester (once a year), and hire the necessary teaching faculty, an administrative assistant who will serve as the admissions coordinator and secretary, modest infrastructure support such as providing one computer and a printer for 50 percent of the faculty (total of 5 computers and printers), and an operating budget for program activities.

EARMARK DECLARATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. GERLACH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Borough of Downingtown, Downingtown PA—\$500,000 to build Boot Road Bridge over the Brandywine Creek, which will provide access to Chester County's lone Keystone Opportunity Zone.

BARTA, Reading PA—\$250,000 for the design, engineering and construction required to rehabilitate, restore and develop the historic Reading Railroad Franklin Street Station located next to the BARTA Park-N-Transit Facility.

Borough of Phoenixville, Phoenixville PA—\$250,000 for new sidewalks, lights, and pavers. The project is part of the Borough's overall redevelopment plan.

Riverplace Development Corporation, Reading PA—\$250,000 for The Penn Corridor Redevelopment Project to make the downtown areas of Reading, West Reading and Wyomissing clean, safe, lively and attractive.

EARMARK DECLARATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. LANCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the FY2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act:

Project: Somerset Hills School District Cultural Tolerance Education Initiative

Agency: Department of Education

Account: Elementary and Secondary Education

Amount: \$312,000

Recipient: Somerset Hills School District, 25 Olcott Avenue, Bernardsville, NJ 07924

The funding would be used to implement a comprehensive Cultural Tolerance Education Initiative to increase students' understanding of various world societies and their traditions, customs and way of life in an effort to broaden their understanding of international politics and religion.

Project: Union County College Curriculum Development

Agency: Department of Education

Account: Higher Education Amount: \$400,000

Recipient: Union County College (UCC), 1033 Springfield Avenue, Cranford, NJ 07106

The funding would be used to (1) create a two-year "Green Workforce Service" for Union County which will support the creation of green jobs, and (2) develop a Green Technology option to the Engineering, Associate in Science degree program.

Project: Jewish Family Service of Central New Jersey, Community Innovations for Aging-in-Place

Agency: Department of Health and Human Services

Account: Administration on Aging

Amount: \$300,000

Recipient: Jewish Family Service of Central New Jersey, 655 Westfield Avenue, Elizabeth, NJ 07208

The funding would be used to support a range of social, physical, spiritual, recreational, health, wellness and housing needs for older adults in targeted communities by increasing access to information, resources, supportive services and civic engagement opportunities.

Project: Jewish Family Service of Somerset, Hunterdon and Warren Counties, Aging-In-Place Services Project

Agency: Department of Health and Human Services

Account: Administration on Aging

Amount: \$225,000

Recipient: Jewish Family Service of Somerset, Hunterdon and Warren Counties, 150 West High Street, Somerville, NJ 08876

The funding would be used for the delivery of health and supportive services cost-effectively; increased service availability; cooperative health promotion, crises prevention, and community improvement; and the development of new human, financial, and neighborhood resources for the benefit of the increasing number of older adults who are aging-in-place.

Project: Zufall Health Center's Hunterdon Family Dental Center

Agency: Department of Health and Human Services

Account: Health Resources and Services Administration—Facilities and Services

Amount: \$225,000

Recipient: Zufall Health Center, 17 South Warren Street, Dover, NJ 07801

The funding would be used for renovation and equipment for a new dental center in Flemington, Hunterdon County, NJ.

EARMARK DECLARATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. HARPER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part H.R. 3293—Labor-HHS-Education Appropriations Act, 2010:

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3293

Account: Elementary and Secondary Education

Project Name: The Mississippi Early Childhood Bridges Project

Recipient and Address: Mississippi State University, Early Childhood Institute, P.O. Box 6013, Mississippi State, MS 39762

Amount: \$630,000

Description: Funding would be used to create and pilot a new early childhood teacher delivery system to improve the quality of instruction and prevent attrition of teachers in early care and education centers.

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3293

Account: Museums and Libraries

Project Name: Outreach Programs, Mississippi Museum of Natural Science

Recipient and Address: Mississippi Museum of Natural Science Foundation, 2148 Riverside Drive, Jackson, MS 39202

Amount: \$220,000

Description: Funding would be used for the acquisition of education outreach vans and equipment so the museum's science literacy programs can reach approximately 120,000 students throughout the state; and for biological database services to assist land managers and economic developers to improve their efficiency and effectiveness by providing tools to streamline planning and permitting processes.

EARMARK DECLARATION

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Ms. FALLIN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

I requested and received on behalf of Oklahoma State University—Center for Health Systems located at 1111 West 17th Street, Tulsa, OK 74107 the amount of \$300,000.

This project seeks to do two things: (1) expand and enhance the OSU Center for Health Science's health information technology system, including its telemedicine and distance learning as well as electronic medical records network, and (2) bring diagnostic and medical services to geographic regions in Oklahoma

where even telemedicine is not yet feasible or reasonably located by use of a mobile clinic. The mobile clinics will be available to provide medical services in response to natural or manmade disasters.

I requested and received on behalf of Oklahoma State University located at Oklahoma State University—Stillwater, Oklahoma 74078 the amount of \$350,000.

Oklahoma State University and ProCure Treatment Centers Inc. have formed a public-private partnership for training, education and research in proton therapy for the treatment of cancer. In many situations cancer treatment by means of precisely directed beams of energetic protons is the most effective therapeutic alternative to more traditional surgical and radiation cancer treatment procedures. ProCure is currently completing construction of a multi-million dollar, proton treatment facility in Oklahoma City, dedicated to the treatment of cancer. It will allow access to world-leading technology for patients in the central region of the United States and is the first of several such centers planned by ProCure throughout the country in the coming years. We propose to place Oklahoma at the forefront of proton cancer treatment by establishing a world-class, research and education center at OSU, in partnership with ProCure, in order to train accredited personnel in this next-generation cancer treatment modality. Scientists at the world-renowned Radiation Physics Laboratory at OSU have been conducting research in the characterization and monitoring of proton beams used in cancer therapy for over fifteen years. The OSU group has recently teamed with ProCure to establish a research and training program at OSU. The requested federal funding will build from the existing private funding to establish a leading national center of excellence. Establishing a proton therapy center in the middle of Oklahoma will be of tremendous benefit to the citizens of this state and surrounding states. There are estimated to be over 250,000 cancer patients nationwide, and over 3,000 each year in a 250 mile radius of Oklahoma City, many of whom can benefit from proton radiation therapy.

I requested and received on behalf of Oklahoma City Community College located at 7777 South May Ave., OKC, OK 73150 the amount of \$200,000.

In anticipation of the need to provide enhanced services for the predicted increase in service members attending OCCC, a full time Coordinator of Veterans Services position was established this year. Additional personnel to support this special population includes licensed professional counselor, career advisors, clerical support, and tutoring services.

Expansion of services for service members enrolled in classes at OCCC should be promoted to these students by the Veterans Services Office functioning as a centralized source of information and referral. Information, services, and referral should include but is not limited to: readjustment counseling; academic assessment and remediation (if needed); academic advising and development of an individualized education plan; review of veteran benefits; career counseling; workshops; networking; and an opportunity to have the same level of camaraderie that is experienced in the military.

To succeed in college, it is critical that veterans have a successful transition from the military into campus life. The aim of this program is to provide intensive transitional and support services for military veterans as many veterans have a difficult time readjusting to civilian life and translating their military service into applicable college and career goals. We would provide enhanced and specialized support services to military veteran students from the time they commit to attending the OCCC through the end of their education with us and beyond.

EARMARK DECLARATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. KING of Iowa. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Account: Department of Education, Higher Education

Amount: \$100,000

Legal Name of Requesting Entity: Briar Cliff University

Address of Requesting Entity: 3303 Rebecca Street, Sioux City, IA 51104

Description of Request: The requested funds will be used to help fund the Nursing and Health Education Improvement Project at Briar Cliff University. Since 1930, Briar Cliff University has provided superior healthcare education to students, which has positively affected the quality of life for the citizens of the Siouxland region. Many healthcare professionals in the region were educated at Briar Cliff University. In keeping with this legacy, Briar Cliff University is inaugurating a new center for gerontology during 2009. In support of this program and the nursing and healthcare programs of the university, this project will provide state-of-the-art nursing simulation equipment, science laboratory equipment, and instructional technology (including distance learning technology) to enhance access and academic quality for students. Providing \$200,075 to assist in this critical project will help ensure the quality of education for the healthcare graduates of the university and prepare well-qualified professionals in fields that serve seniors.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Account: Department of Health and Human Services, Centers for Disease Control and Prevention

Amount: \$350,000

Legal Name of Requesting Entity: Visiting Nurses Association

Address of Requesting Entity: 300 West Broadway, Council Bluffs, IA 51503—

Description of Request: The requested funds will be used to purchase home health monitors and to train nurses on best practices protocols for the management of chronic illnesses in seniors in the Council Bluffs area through the Visiting Nurses Association's Telehealth Program. The program has national and local significance. In Iowa, specifically the Council Bluffs area, many senior citizens suffer from heart failure, diabetes, and other serious chronic illnesses, contributing to millions of Medicare/Medicaid expenditures for costly care. The VNA's telehealth program demonstrates the capacity to save the Medicare/Medicaid program significant money. VNA estimates that the VNA telehealth program saved Medicare and Medicaid \$932,500 with prevented emergency care and hospitalization costs since 2004.

2004—Estimated savings \$198,620

2005—Estimated savings of \$363,220

2006—Estimated savings of \$370,660

2007—Estimated savings of \$526,840

Total cost savings for Medicare and Medicaid are estimated to reach \$1 million over the next 7 years.

The intended benefits are significant: it will save lives; improve the quality of life for chronically ill seniors and their caregivers; reduce hospitalizations; and save federal funding and reduce nursing costs.

The project will have direct economic and safety benefits. VNA telehealth program is a viable solution to the four most pressing concerns in healthcare delivery today including: (1) Skyrocketing healthcare costs; (2) Challenging chronic disease management; (3) The shortage of nurses; and; (4) Consumer & patient demand for more control over health care information and treatment. Research shows that the program save lives, improves the quality of life for seniors and their families, and it save millions of Medicare and Medicaid dollars.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Account: Department of Health and Human Services, Health Resources and Services Administration—Health Facilities and Services

Amount: \$150,000

Legal Name of Requesting Entity: Graceland University

Address of Requesting Entity: 1 University Place, Lamoni, IA 50140—

Description of Request: The requested funds will provide Graceland University with the resources necessary to establish a nursing patient simulation lab to train 80-100 nursing students every year. This lab will allow Graceland University to better prepare its 40 to 50 nursing graduates every year to enter the field and care for a diverse group of patients they may never have had the ability to care for without such technologies as simulation. This training will help to address the acute nursing shortage that the rural midwest

is expected to experience in the coming years. Graceland also plans to make the lab accessible to other health care training programs in the area, including a school of osteopathy, fire departments, hospitals, area vocational health programs. This will allow for an even greater leveraging of the federal funds invested in Graceland's Nursing simulation lab.

In addition, Graceland has requested funding to complement the new educational opportunities offered through the creation of its Nursing Simulation lab with the purchase of two pieces of lab equipment that play a key role in medical education and research: A Nuclear Magnetic Resonance Spectrometer (the forerunner of the MRI) and a Gas Chromatograph / Mass Spectrometer.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Account: Department of Health and Human Services, Health Resources and Services Administration—Health Facilities and Services

Amount: \$250,000

Legal Name of Requesting Entity: Iowa Western Community College

Address of Requesting Entity: 2700 College Road, Council Bluffs, IA 51502—

Description of Request: The requested funds will be used to increase the number of highly skilled nurses in the state of Iowa through continued development of Iowa Western Community College's Nursing Center of Excellence. Iowa Western Community College's graduates have passed the state nursing certification test on the first attempt, which is better than many of the states, as well as the region's, four-year institutions. Because Iowa Western Community College currently graduates many of the state's top dental assistants, dental hygienists, practical nurses, registered nurses, surgical technologists, medical assistants and emergency medical technicians, enrollment could be greatly increased to meet demand if the college had the necessary equipment and expanded facilities. Therefore, Iowa Western Community College proposes a new Iowa Western Nursing Center of Excellence, with multiple laboratories and high-tech equipment on which to train thousands of future nurses within the next decade. The college, community and private donors have recently committed at least \$10,000,000 to the Center's construction. The college now reaches out to the Iowa congressional delegation to respectfully request that the laboratories be equipped with the finest nurse training technology available, which is expected to cost the college \$1,560,901.

The new laboratories and equipment will strongly enhance substantial job creation within Iowa, improve access to health care for Iowans and expand the creation of a scientifically qualified workforce in the medical and health services arena. By greatly enhancing the teaching environment, as well as the physical learning space and equipment, Iowa Western Community College will alleviate the region's nurse shortage and double the number of nurses it trains annually by 2013.

EARMARK DECLARATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010:

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 3293

Account: HRSA

Name and Address: Benefis Health System of 1101 26th Street South, Great Falls, MT 59405

Description: \$500,000 in funding will be used to support a mobile mammography service, which will purchase capital equipment: digital mammography technology and the vehicle to transport the screening service throughout the region.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 3293

Account: HRSA

Name and Address: Easter Seals—Goodwill Northern Rocky Mountain of 4400 Central Avenue, Great Falls, Montana 59405

Description: Easter Seals provides mental health services to those with disabilities as well as helping persons with disabilities and their families realize greater independence, dignity and self-sufficiency. \$500,000 in funding will be used to build a 40,000 square foot facility in Great Falls to house all of these services.—

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 3293

Account: HRSA

Name and Address: St. Vincent Healthcare Foundation of 1106 N 30th Billings, MT 59101

Description: \$400,000 in funding will be used to support mobile mammography services that will improve the diagnosis of breast cancer, expand access to cutting edge mammography technology, expand access to dedicated radiology services for mammography, and save lives of women throughout the region

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 3293

Account: HRSA

Name and Address: Community Medical Center of 2827 Fort Missoula Road, Missoula, MT 59804

Description: \$500,000 in funding will be used to provide critical service upgrades and replacement of an outdated Women and Infant Care Center.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 3293

Account: HRSA

Name and Address: Saint Patrick Hospital Foundation of 500 West Broadway, Missoula, MT 59802

Description: \$300,000 in funding will be used to implement a permanent, shareable, web-based, secure, HIPAA—compliant Electronic Health Record system that will connect all hospital information systems, clinics, and physicians in the region.

Requesting Member: Rep. DENNY REHBERG
 Bill Number: H.R. 3293
 Account: ESE FIE
 Name and Address: Northern Rockies Educational Services (NRES) of 2120 Ernest Ave., Missoula, MT 59801

Description: \$300,000 in funding will be used to fund the modification and creation of university curriculum to align to the Area of Special Permission Competency for Technology Integration.

Requesting Member: Rep. DENNY REHBERG
 Bill Number: H.R. 3293
 Account: HRSA
 Name and Address: Billings Clinic of PO Box 31031, Billings, MT 59107.

Description: \$250,000 in funding will be used to support the Billings Clinic Diabetes Center, which will provide physician assessment plus ophthalmology, dietary consultation and classes, individual and family education and support services.

Requesting Member: Rep. DENNY REHBERG
 Bill Number: H.R. 3293
 Account: HRSA
 Name and Address: Youth Dynamics, Inc. of 2334 Lewis Ave., Billings, MT 59102

Description: \$100,000 in funding will be used to support the overall behavioral healthcare of Montana's children and youth in rural and frontier areas of the state.

Requesting Member: Rep. DENNY REHBERG
 Bill Number: H.R. 3293
 Account: HRSA
 Name and Address: Montana Wyoming Tribal Leaders Council of 222 North 32nd St, Suite 401, Billings, MT 59101

Description: \$100,000 in funding would be used to advance the level of treatment provided by the central substance abuse treatment center by offering treatment for mental health services and improve their ability to maintain electronic treatment records.

Requesting Member: Rep. DENNY REHBERG
 Bill Number: H.R. 3293
 Account: HRSA
 Name and Address: Daniels Memorial Hospital Association of 105 5th Avenue East, PO Box 400, Scobey, MT 59263

Description: \$400,000 in funding would be used to provide more complete, timely and cost effective medical services to the residents of Daniels County with the purchase and installment of a CT scanner.

Requesting Member: Rep. DENNY REHBERG
 Bill Number: H.R. 3293
 Account: HRSA
 Name and Address: Center for Asbestos Related Disease of 214 E. 3rd Street, Libby MT 59923.

Description: \$350,000 in funding would be used to manage the CARD database, which is owned, housed and managed by CARD and will be made available to researchers and research institutions.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3293—Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2010

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Receiving Entity: Best Buddies Florida

Address of Receiving Entity: 124—A East Colonial Drive, Orlando, FL 32801

Description of Request: I have secured \$250,000 in funding in H.R. 3293 in the Elementary & Secondary Education Account for Best Buddies, FL, Orlando, FL for mentoring programs in the 4th Congressional District for elementary and secondary school students with disabilities.

The purpose of this funding is to enhance the lives of those with intellectual disabilities by facilitating interpersonal communication through the pairing of those with and without intellectual disabilities into long-term one-on-one mentoring friendships.

This is a valuable use of taxpayer funding because it would organize and rigorously oversee volunteer-run Best Buddies chapters in middle schools, high schools, and colleges across Florida, including 24 in the 4th district.

There are no matching funds required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3293—Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2010

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Receiving Entity: ChildHelp
 Address of Receiving Entity: 15757 N. 78th Street, Scottsdale, AZ 85260

Description of Request: I have secured \$250,000 in funding in H.R. 3293 in the Elementary & Secondary Education Account for Childhelp, Inc, Scottsdale, AZ to develop a comprehensive update to the Good Touch Bad Touch curriculum.

The purpose of this funding is to give the first comprehensive update of Good Touch Bad Touch curriculum in over 20 years.

This is a valuable use of taxpayer funding because Childhelp, in collaboration with the Monique Burr Foundation, is the only provider of child abuse education in North Florida schools.

There are no matching funds required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3293—Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2010

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Receiving Entity: University of North Florida

Address of Receiving Entity: 1 UNF Drive, Jacksonville, FL 32224

Description of Request: I have secured \$250,000 in funding in H.R. 3293 in the Elementary & Secondary Education Account for the University of North Florida, Jacksonville, FL for the Virtual School Readiness Incubator.

The purpose of this funding is to continue the 3rd year of a 5-year study that field-tests

tools and strategies needed to accelerate the quality, growth, and success rates of early care and learning programs resulting in improved readiness outcomes for the children, particularly for children living in low-income neighborhoods.

This is a valuable use of taxpayer funding because improving high-quality early care and learning experiences has a high return on investment and is the single best investment for improving achievement, especially for children from low-income families.

There are no matching funds required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3293—Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2010

Account: Higher Education (includes FIPSE)

Legal Name of Receiving Entity: Tallahassee Community College, Tallahassee, FL

Address of Receiving Entity: 444 Appleyard Drive, Tallahassee, FL 32304

Description of Request: I have secured \$200,000 in funding in H.R. 3293 in the Higher Education Account for the purchase of equipment at Tallahassee Community College in Tallahassee, FL.

The purpose of this funding is to support STEM education by allowing the purchase of equipment for organic chemistry, the payment of salaries of science faculty members and interns, and the purchase of supplies.

This is a valuable use of taxpayer funding because increasing the number of students obtaining post secondary degrees in STEM fields will provide a workforce that is prepared to ensure a healthy economy, respond to national security needs, and enhance quality of life through technological advancements.

There are no matching funds required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3293—Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2010

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Receiving Entity: Daniel Memorial, Inc

Address of Receiving Entity: 4203 Southpoint Blvd., Jacksonville, FL 32216

Description of Request: I have secured \$500,000 in funding in H.R. 3293 in the Health Resources and Services Administration (HRSA)—Health Facilities and Services Account for facilities and equipment at Daniel Memorial, Inc in Jacksonville, FL.

The purpose of this funding is to build the Mental Health Residential Treatment Center.

This is a valuable use of taxpayer funding because the Daniel Memorial is the oldest not-for-profit child-serving agency in Florida, but has not had any major renovations at its Belfort campus in 40 years. The 7,722 square-foot facility would serve as central facility for psychiatric and medical assessments; psychiatric and mental health counseling; group therapy; and vocational, educational, recreational and other therapeutic activities.

There are no matching funds required for this project.

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3293—Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2010

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Receiving Entity: Florida Community College at Jacksonville, FL

Address of Receiving Entity: 501 W. State Street, Jacksonville, FL 32202

Description of Request: I have secured \$250,000 in funding in H.R. 3293 in the Health Resources and Services Administration (HRSA)—Health Facilities and Services Account for facilities and equipment at Florida Community College in Jacksonville, FL.

The purpose of this funding is to purchase a clinical simulation laboratory to train nurses.

This is a valuable use of taxpayer funding because while there is an 8% position vacancy rate in nurses in the state of Florida, 52% of qualified applicants were turned away because nursing schools do not have the resources to train new nurses.

There are no matching funds required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3293—Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2010

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Receiving Entity: Jacksonville University

Address of Receiving Entity: 2800 University Boulevard North, Jacksonville, FL 32211

Description of Request: I have secured \$250,000 in funding in H.R. 3293 in the Health Resources and Services Administration (HRSA)—Health Facilities and Services Account for facilities and equipment at Jacksonville University in Jacksonville, FL.

The purpose of this funding is to purchase clinical simulators and software to train medical students and hospital staff how to use electronic medical records.

This is a valuable use of taxpayer funding because the widespread adoption of health information technology has the potential to save millions of dollars and improve the quality of health care, but nurses and other hospital staff still lack the training to become competent in health information technologies.

There are no matching funds required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3293—Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2010

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Receiving Entity: Lake City Community College

Address of Receiving Entity: 149 SE College Place, Lake City, FL 32025

Description of Request: I have secured \$250,000 in funding in H.R. 3293 in the Health Resources and Services Administration (HRSA)—Health Facilities and Services Ac-

count for purchase of mobile clinical training laboratories at Lake City Community College in Lake City, FL.

The purpose of this funding is to create 2 mobile labs with patient simulators to provide clinical training to 130 nursing students.

This is a valuable use of taxpayer funding because despite rising unemployment, there are numerous high wage nursing jobs in north central Florida that remain vacant due to insufficient training resources. Associate degree jobs that start at more than \$20/hour provide one of the few reliable high wage occupations in the region. Jobs like these are critical to recovery from the economic crisis for residents of north central Florida.

There are no matching funds required for this project.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 3293

Account: DOE/FIPSE

Recipient: Western Kentucky University, 1906 College Heights Blvd, Bowling Green, KY 42101

Description of Request: Provide \$500,000 for the purchase of classroom and laboratory equipment for the new satellite campus in Owensboro. The building is currently under construction and funds would provide computers and other equipment to ensure the classrooms and laboratories are operational and able to serve students' needs.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. COLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3293

Provision: Title I

Account: Employment and Training Administration (ETA)—Training & Employment Services (TES)

Legal Name of Requesting Entity: Oklahoma City Community College

Address of Requesting Entity: 7777 South May Ave, Oklahoma City, OK 73159

Description of Request: Provide an earmark of \$200,000. 100% of funds allocated will be used to pilot the Operation Servicemen Success Program. The goal of the program is to address the unique needs of military veteran students and equip them to successfully transition from military service to college and then to their civilian careers.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3293

Provision: Title II

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Norman Regional Health System

Address of Requesting Entity: 901 North Porter St., Norman, OK 73071

Description of Request: Provide an earmark of \$1,715,000. Of the funds allocated \$1,153,000.00 will be used for facilities; \$412,000.00 will be used for fixtures and equipment, \$150,000.00 will be used for communications and information technology by Norman Regional Health System (NRHS), a not-for-profit community health system in south central Oklahoma, for the modernization of the North Tower of the Porter Street Campus in Norman, Oklahoma.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3293

Provision: Title II

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Oklahoma City Community College

Address of Requesting Entity: 7777 South May Ave, Oklahoma City, OK 73159

Description of Request: Provide an earmark of \$250,000. 100% of funds allocated will be used to purchase an additional Human Patient Simulator for the Division of Health Professions at OCCC.

Requesting Member: Congressman TOM COLE

BM Number: H.R. 3293

Provision: Title II

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Oklahoma Medical Research Foundation

Address of Requesting Entity: 825 N.E. 13th Street, Oklahoma City, OK 73104

Description of Request: Provide an earmark of \$300,000. 100% of funds allocated will be used to purchase equipment for a new eight-story, state-of-the-art, Leed Gold Certified green research tower.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3293

Provision: Title III

Account: Higher Education (includes FIPSE) Legal Name of Requesting Entity: Mid-America Christian University

Address of Requesting Entity: 3500 W 119th Street, Oklahoma City, OK 73170

Description of Request: Provide an earmark of \$485,000. Of the funds allocated approximately: \$28,954.50 will be used for program coordination; 130,707.50 will be used for Personal; \$85,748.00 will be used for student

support services; \$67,706.00 will be used for technology upgrades and support; \$94,769.00 will be used for community college expenses; \$16,926.50 will be used for faculty recruitment; \$31,961.50 will be used for accelerated curriculum development; \$28,297.00 will be used for alternative certification development.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3293

Provision: Title IV

Account: Museums & Libraries

Legal Name of Requesting Entity: Native American Cultural Center and Museum

Address of Requesting Entity: 900 North Broadway Ave., Oklahoma City, OK 73126

Description of Request: Provide an earmark of \$750,000. 100% of funds allocated will be used for institutional development and program planning as well as the development of Tribal educational and cultural exhibits in the Museum.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I would like to place in the record a listing of the congressionally-directed projects I have requested in my home state of Idaho that are contained in the report of HR 3293, the FY2010 Labor, Health and Human Services and Education and Related Agencies Appropriations:

Project Name: Bear Lake Memorial Hospital Addition and Remodel

Amount Received: \$300,000

Account: Health Resources and Services Administration Health Facilities and Services

Recipient: Bear Lake Memorial Hospital

Recipient's Address: 164 South 5th Street, Montpelier, Idaho 83254

Description: The Bear Lake Memorial Hospital is a key service provider to all individuals and plays a vital role in the community, as well as provides services to the popular Bear Lake recreation area. The current Emergency Department lacks sufficient space for a waiting room for emergency room patrons. It also fails to meet HIPPA compliance because of a lack of privacy for patients due to a high-use public hallway dissecting the two emergency room locations. In addition, the current diagnostic imaging facilities are scattered throughout the hospital, which makes it more difficult to provide timely and efficient care. By consolidating the services into one wing, the hospital will be able to provide improved patient care and increase overall staff efficiency. Funding provided would be used for the design and construction of a new addition as well as a renovation of the existing facilities in the Emergency Department and Diagnostic Imaging Department.

Project Name: College of Southern Idaho's Pro-Tech Training Program

Amount Received: \$200,000

Account: Department of Education Higher Education

Recipient: College of Southern Idaho

Recipient's Address: 315 Falls Avenue, Twin Falls, ID 83303-1238

Description: This program will enable the College to partner with other agencies to identify training needs and to identify potential candidates for employment. Data provided by Region IV of the State of Idaho Economic Development Agency indicate that manufacturing will be a leading employment area in the Magic Valley and the state of Idaho with over 250 new jobs expected over the next two years. Current trends in manufacturing development necessitate the need for in-depth training in the technological aspects of the design, fabrication, and manufacturing phases of production. CSI is participating in a joint educational venture with Twin Falls High School and local industry that creates a pre-engineering academy at the high school and a Computerized Numeric Controls (CNC)/Industrial Networking Program at the college campus. The Pro-Tech program involves students from grade levels 10-14, and allows the students to move from high school into a two-year program at CSI or into an engineering program at one of Idaho's four-year institutions. At the secondary school level, students learn the basics of computer-assisted design, design physics, and fabrication, with each course offering aligned to the program at CSI through either tech prep or dual credit affiliation. At the post-secondary level students will receive industry-standard training in CNC, automated logic, and industrial networking. This program will train students to meet the educational requirements needed to enable them to enter the high demand fields of the hi-tech manufacturing and engineering sectors.

Project Name: Custer County Purchase of Medical Equipment

Amount Received: \$400,000

Account: Health Resources and Services Administration Health Facilities and Services

Recipient: Custer County

Recipient's Address: 801 East Main Avenue, Challis, ID 83226

Description: At almost 5,000 square miles, Custer County is larger than three states yet has just over 4,000 people. Unfortunately, it is burdened with a high proportion of public lands with over 95% of the county's 3.4 million acres administered by federal agencies. The county's tax base, or more specifically the lack thereof, is inadequate to support the services required for such an expansive county. This grossly disproportionate public ownership causes a severe strain on their resources, including their ability to provide access to health services. The influx of tourism and visitors due to the nearby US Forest Service, BLM, recreation and wilderness areas leads to an increased rate of trauma and accidents, placing a large burden on the county. The EMT services and health clinics in the county are in need of renovation and modernization of equipment. This funding would be used to purchase the much needed equipment and technology for the clinics and EMT services in Custer County.

Project Name: Idaho Caring Foundation for Children for dental services for low-income children

Amount Received: \$300,000

Account: Health Resources and Services Administration Health Facilities and Services

Recipient: Idaho Caring Foundation for Children

Recipient's Address: 1211 W. Myrtle, Suite 110, Boise, ID 83702

Description: According to the 2000 U.S. Surgeon General's report, "Oral Health in America", tooth decay is the single most common chronic childhood disease. As a dentist, I understand the importance of proper dental hygiene at a very young age. Poor oral health can affect a child's self-esteem, ability to eat, appearance and ability to communicate. School attendance can also be negatively impacted. Over 35% of Idaho children lack dental insurance, which serves as a major deterrent in accessing and receiving needed dental care. According to Idaho Department of Health and Welfare 2005 Smile Survey, 27% of Idaho children in grades K-6 had untreated decay. Low-income, uninsured children suffer the greatest incidence of dental decay because their families lack the financial resources to receive regular dental care. The Idaho Caring Foundation will provide access to needed dental services for 600 low-income, uninsured Idaho children. These services will be provided by our network of 140 Idaho dentists from across the state. Eligible children will be identified by working in partnership with Idaho schools, Head Start programs, and other children's programs, such as the YMCA and the Boys & Girls Clubs.

Project Name: Idaho Early Literacy Project

Amount Received: \$350,000

Account: Department of Education Elementary and Secondary Education

Recipient: Lee Pesky Learning Center

Recipient's Address: 3324 Elder Street, Boise, ID 83705.

Description: The aim of the Idaho Early Literacy Project is to ensure that all children in Idaho are ready to read when they enter school. Stage III includes utilization of the research-based booklets, "Every Child Ready to Read and Every Child Ready for Math", an integrated approach to reading and mathematical literacy, the training of child care providers statewide, both live and on-line, and a direct intervention with parents and children. The training of child care providers includes a face-to-face approach in larger population centers and an on-line approach for remote rural locations. Stage III builds on early literacy training models implemented in 2008-2010 by unifying reading and mathematical literacy and by strengthening the intervention with parents and children. As such, the project assures that pre-school children will receive direct literacy education from child care providers and in special workshops with their parents, creating the "language rich" upbringing necessary to succeed in school.

Project Name: Idaho SySTEMic Solution

Amount Received: \$400,000

Account: Department of Education Elementary and Secondary Education

Recipient: Boise State University

Recipient's Address: 1910 University Drive, Boise, ID 83725-1135

Description: Idaho SySTEMic Solution is a nationally relevant, hands-on, project-based STEM learning system (science, technology, engineering, & math) designed to spur achievement and confidence among elementary-age learners and their teachers. Proven

methods show that long-term student achievement and interest in STEM can be dramatically improved by introducing systemic, contiguous, and engaging hands-on activities at an elementary level before children develop misconceptions, gender bias, math anxiety, or become distracted by cultural influences prevalent at puberty. In 2010 the project will extend into middle school grades where the need for hands-on activities is even greater. Key project components include a comprehensive, continuing teacher training model that includes a one-week summer institute and ongoing site-based follow-up training to boost the ability and confidence of elementary and middle school teachers; implementation into demographically diverse schools of curriculum-aligned learning lab systems that have been shown to improve student scores in math, science, and technology; and research and evaluation of results in accordance with Idaho and national assessment standards.

Project Name: Madison County Memorial Hospital Renovation

Amount Received: \$350,000

Account: Health Resources and Services Administration Health Facilities and Services

Recipient: Madison County Memorial Hospital

Recipient's Address: 450 East Main, Rexburg, ID 83440

Description: Madison Memorial Hospital will initiate the implementation of the Electronic Medical Record (EMR) System into Physician Clinics that feed into Madison Memorial Hospital. Information from the EMR helps the clinician make informed decisions. As the patient status is entered into this EMR, the information increases staff efficiencies through faster transcription times, nursing notes, lab results, radiology and other electronic sources. This system will make it easier for physicians and clinicians to comply with all regulations by enabling them to keep their records up to date. Patient safety will be increased by developing a paperless electronic medical record environment where clinical information can be readily shared via electronic transactions with all entities within the Madison Memorial Hospital network.

Project Name: Purchase of Biochemistry and Microbiology Laboratory Equipment

Amount Received: \$400,000

Account: Health Resources and Services Administration Health Facilities and Services

Recipient: Idaho State University

Recipient's Address: 921 South 8th Avenue, Stop 8007, Pocatello, ID 83209-8007

Description: Modern instrumentation is essential to improving both the Biochemistry and Microbiology programs at Idaho State University (ISU). This request will enable the purchase of the required instrumentation needed for courses in biochemistry, chemistry laboratories, microbiology and biology. More than 400 students per year would gain access to state of the art instrumentation through this request, improving both the quality of their educational experience and the quality of research in these scientific fields that can be pursued.

Project Name: St. Luke's Regional Medical Center's Children Health Services Expansion

Amount Received: \$350,000

Account: Health Resources and Services Administration Health Facilities and Services

Recipient: St. Luke's Regional Medical Center Ltd

Recipient's Address: 190 E. Bannock Street, Boise, ID 83712

Description: St. Luke's Health System is home to the only Children's Hospital in Idaho, providing unique full-service tertiary pediatric services between Salt Lake City, Utah, and Portland, Oregon, both more than 350 miles from Boise, Idaho. St. Luke's delivers over 25% of the babies born in the State. The Children's Health Services Expansion project provides an essential increase in capacity for Pediatric Medical/Surgical, Pediatric Intensive Care, Neonatal Intensive Care, Pediatric Oncology, and Pediatric Surgical Suites and support area, to meet the needs of the rapidly growing population in the hospital's service area. Prior to the beginning of this multi-year project, each area was frequently full, requiring children to be placed in adult units or diverted to other and often very distant hospitals. The federal funding provided for the expansion project has resulted in expanding all units with state-of-the-art facilities and equipment. Funding received will assist with the purchase of equipment, including electronic medical record hardware and software programs and patient monitor technology for patient support and EMR connectivity to be used in the Medical/Surgical Pediatrics, Pediatric and Neonatal Intensive Care, Oncology, Surgical Suites and support areas. The hospital is spending millions on the expansion and federal funds will represent only a small portion of the project's total costs.

Project Name: Twin Falls Library Modernization Project

Amount Received: \$100,000

Account: Museums and Libraries in the Institute of Museums and Library Services

Recipient: City of Twin Falls

Recipient's Address: 201 Fourth Avenue East, Twin Falls, ID 83301

Description: The Twin Falls Public Library seeks to obtain a fully searchable database for its local historical newspapers. The Library has on 709 reels of microfilm local newspapers from 1904 to the present. It is difficult to use the microfilm because of its deteriorating physical condition and outdated format. There is no index; if an exact date is not known, patrons must browse through the microfilm by hand, which is very inefficient. These funds will be used to digitize and index 709 reels of microfilm of the local newspaper dating from 1904 through 2008. The searchable database will replace the deteriorating microfilm with a searchable format allowing patrons to search articles, pictures, and advertisements by keyword; view information in its historical context; preserve the look and feel of the original format; and print or email articles, photos, or ads of interest. The reference staff will be able to serve the community more effectively, both on-site and remotely, by digitizing and indexing the microfilm. This newspaper database will be an historical asset to library patrons and will provide an accessible and unique service to the community.

I appreciate the opportunity to provide a list of Congressionally-directed projects in the report accompanying the FY2010 Labor, Health and Human Services and Education and Related Agencies Appropriations on behalf of

Idaho and provide an explanation of my support for them.

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks. I would like to submit the following:

Requesting Member: Congressman BILL SHUSTER (PA-9)

Bill Number: H.R. 3293—Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, FY2010

Labor, Health and Human Services, Education, and Related Agencies Appropriations Projects

Project Name: Pennsylvania State University—Altoona, PA for facilities and equipment

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Pennsylvania State University—Altoona

Address of Requesting Entity: 3000 Ivyside Park, Altoona, PA 16601

Description of Request/Justification of Federal Funding: \$320,000 for Pennsylvania State University—Altoona, PA for facilities and equipment

It is my understanding that funding for this project would be used for the expansion and renovations of the Pennsylvania State University—Altoona nursing lab and to purchase equipment to provide simulated clinical experiences.

This project is a valuable use of taxpayer dollars because simulation provides improved training for nurses and the opportunity to expand training programs to meet the critical demand for clinically trained nurses in Blair County, Pennsylvania and surrounding areas.

Project Name: Indiana Regional Medical Center, Indiana, PA for an electronic medical records initiative

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Indiana Regional Medical Center

Address of Requesting Entity: 835 Hospital Road, Indiana, PA 15701

Description of Request/Justification of Federal Funding: \$350,000 for Indiana Regional Medical Center, Indiana, PA for an electronic medical records initiative

It is my understanding that funding for this project would be used by the Indiana Regional Medical Center in Indiana County, Pennsylvania to purchase equipment to increase patient safety, enhance efficiency, and reduce operational costs. Specifically, funding is expected to be used to implement an Electronic Medical Records system. These technology upgrades will greatly benefit residents of the Indiana County, Pennsylvania area.

This project is a valuable use of taxpayer funds because the use of Electronic Medical

Records is a national priority and is necessary to improve service for patients.

Project Name: J.C. Blair Memorial Hospital, Huntingdon, PA for facilities and equipment

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: J.C. Blair Memorial Hospital

Address of Requesting Entity: 1225 Warm Springs Avenue, Huntingdon, PA 16652

Description of Request/Justification of Federal Funding: \$180,000 for J.C. Blair Memorial Hospital, Huntingdon, PA for facilities and equipment

It is my understanding that funding for this project would be used by J.C. Blair Memorial Hospital in Huntingdon County, Pennsylvania to purchase equipment to increase patient safety, enhance efficiency, and reduce operational costs. Specifically, funding is expected to be used to implement an Electronic Medical Records system. These technology upgrades will greatly benefit residents of the Huntingdon County, Pennsylvania area.

This project is a valuable use of taxpayer funds because the use of Electronic Medical Records is a national priority and is necessary to improve service for rural patients.

EARMARK DECLARATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. JOHNSON of Illinois. Madam Speaker, pursuant to the Republican Leadership standards on project funding, I am submitting the following information regarding project funding I requested as part of Fiscal Year 2010 Transportation, Housing, and Urban Development Appropriations bill—H.R. 3288:

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: H.R. 3288—Fiscal Year 2010 Transportation, Housing, and Urban Development Appropriations bill

Account: Federal Highway Administration—Transportation, Community & System Preservation

Legal Name of Requesting Entity: City of Urbana, Illinois

Address of Requesting Entity: 706 South Glover Avenue, Urbana, Illinois 61802

Description of Request: \$750,000 for the City of Urbana to construct pedestrian and bicycle related improvements along Goodwin Avenue from Gregory Drive to Springfield Avenue on the campus of the University of Illinois at Urbana—Champaign. The entire \$750,000 will be spent on construction costs related to the street improvements.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on ear-

marks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 3293

Account: DOL/ETA—TES

Recipient: Campbellsville-Taylor County Industrial Development Authority, 107 W. Broadway, Campbellsville, KY 42718

Description of Request: Provide \$500,000 to assist the organization with its job training goals. The funds will enable CTCIDA to work with the local Technology Training Center at Campbellsville University to provide technical skill development to the workforce.

IN HONOR AND REMEMBRANCE OF
SERGEANT 1ST CLASS JASON J.
FABRIZI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Sergeant 1st Class Jason J. Fabrizi who sacrificed his life while serving his country.

Sergeant Fabrizi was born in Cleveland, Ohio to Mary Miller and Timothy Hess, both of whom were United States Marines. Jason moved to Florida at the age of 10, and enlisted in the U.S. Army in 1998 after graduating high school. He served with the 3rd Squadron, 61st Cavalry Regiment, 4th Brigade Combat Team on the 4th Infantry Division stationed at Fort Carson, Colorado for the past 11 years.

Sergeant Fabrizi had completed three tours in Iraq before his deployment into Afghanistan. Jason was a highly decorated soldier; earning a Purple Heart, two Bronze Stars, two Army Commendation Medals, as well as several more honors throughout his service in the U.S. Army. Sergeant Fabrizi lost his life on July 14th, 2009 when his convoy was attacked in the Konar Province of Afghanistan.

Madam Speaker and colleagues, please join me in honor and remembrance of Sergeant 1st Class Jason J. Fabrizi, who will be remembered as a dedicated father and national hero by not only his family, but by the entire country. I offer my deepest condolences to his mother, Mary Miller; father, Timothy Hess; wife, Kristi Kool; three sons, Jason Allen, Tyler Jacob and Layne Timothy; and daughter, Reagan, who is due in two months.

EARMARK DECLARATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. TERRY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of

the Labor, Health and Human Services Appropriations Bill for Fiscal Year 2010, H.R. 3293.

My Congressional District received \$500,000 to purchase core research equipment at Creighton University. Creighton University is located at 2500 California Plaza, Omaha, NE 68178. This funding will support several core research facilities for shared use among research faculty, including basic scientists and clinical researchers. These facilities provide university biomedical researchers opportunities for inter-disciplinary collaboration and interaction. The development of team research projects utilizing state-of-the-art technology and equipment offered in these core facilities has enabled Creighton to continue to increase their NIH research funding despite the downturn in the NIH budget.

Creighton's research community has designed the facilities to allow the free flow of information and collaborative work environments, thus expanding the possibilities of research and wisely using limited resources. Grouping resources through core facilities has the distinct advantage of using the economy of scale by consolidating expensive equipment and technologies, providing access to state-of-the-art research tools and expanding the base of sponsored program opportunities through enhanced research infrastructure. Core facility resources are not duplicated and are made available to the entire university research community.

Research grants, funded by the Health Future Foundation, the Nebraska Tobacco Settlement Biomedical Research Development Grant (LB692), and the National Science Foundation's (NSF) Experimental Program to Stimulate Competitive Research (EPSCoR), have supplied Creighton University with the resources for the creation and expansion of Core Facilities in confocal microscopy, flow cytometry, genomics, morphology, and proteomics. Further, Creighton is developing a core facility for clinical genomics that will support a wide range of Creighton researchers. All Core Facilities are housed in the C.C. and Mabel Criss Health Sciences Complex on the university's main campus.

My Congressional District also received \$1 million for the purchase of equipment and construction of facilities at Creighton University. Creighton University is located at 2500 California Plaza, Omaha, NE 68178. This funding will support the three major health science programs housed in the dental sciences building, dentistry, occupational therapy and physical therapy. These programs provide educational opportunities for Nebraskans and manpower to meet the state's needs in those disciplines. Each of the programs also provides Nebraskans with a vital link to health care.

Following an in-depth analysis, Creighton University is undertaking a major capital campaign to provide the School of Dentistry with a new facility. The Dental Sciences Building will provide the School of Dentistry with a facility that helps them increase their capacity to serve as a national resource in dental education and a Nebraska resource for dental care.

The new facility will meet the needs of the student body, the needs of the Omaha community as well as the surrounding rural communities and states that Creighton graduates

serve. In fact, through contractual agreements Creighton University is THE state dental school for Idaho, Utah and Wyoming. This will allow Creighton to remain competitive among peer institutions and recruit and retain the best students and faculty while providing services to under-served communities who rely on university dental clinics for basic dental health services.

I am confident this funding serves an appropriate federal purpose and works to better the lives of the people of Nebraska and the nation.

EARMARK DECLARATION

HON. LYNN JENKINS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Ms. JENKINS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY2010 Labor-HHS Appropriations Bill, FIR 3293:

Earmark: University of Kansas, Lawrence, KS for facilities and equipment

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HIRSA)—Health Facilities and Services

Legal Name of Requesting Entity: University of Kansas

Address of Requesting Entity: 230 Strong Hall, Lawrence, KS 66047

Description of Request: Provide an earmark of \$1,500,000 to fulfill the University's mission of being a leader in healthcare and drug development. The University of Kansas Cancer Center is transforming cancer research and care by linking our innovative approach to drug discovery, delivery and development to their nationally-accredited patient care. To ensure that their cancer advancements reach patients as close to home as possible, the University of Kansas Cancer Center collaborates with regional cancer research and care professionals through the Midwest Cancer Alliance. The University of Kansas Cancer Center plans to attract 19 new basic, translational, and clinical cancer researchers by 2011. These scholar recruits will only come to the University of Kansas Cancer Center if state-of-the-art research facilities and equipment are available on the Medical Center campus in Kansas City and the Drug Discovery campus in Lawrence. Currently, the Cancer Center plans to renovate 170,000 square feet and construct 98,200 square feet of laboratory space for cancer researchers with funding provided by other sources. Funds appropriated by Congress will be used for anticipated equipment costs.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows:

July 23, 2009.—Rollcall vote No. 622, on agreeing to the Frelinghuysen of New Jersey amendment—H.R. 3288, Making appropriations for the Departments of Transportation, HUD, and related agencies for FY 2010—I would have voted "nay."

EARMARK DECLARATION

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Proctor Center Park Redevelopment, Peoria, Illinois.

Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Provisions/Account: Department of Housing and Urban Development, Economic Development Initiatives

Name and Address of Requesting Entity: The entity to receive funding for this project is the Peoria Park District, located at 2218 N. Prospect, Peoria, 61603.

Description of Request: Proctor Park is one of the Peoria Park District's oldest neighborhood park sites. This project supports access to safe, interesting, and stimulating play equipment and recreational activities. Underserved residents will benefit from replacement of the playground and enhancement of the basketball courts and overall park appearance.

EARMARK DECLARATION

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. PAULSEN. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information regarding congressionally directed appropriations projects I sponsored as part of the Labor, Health and Human Services and Education Appropriations bill, H.R. 3293.

Name of Project: Family Caregiver Access Network Demonstration Project

Amount: \$250,000

Account: AOA

Requesting entity: Jewish Family and Children's Services of Minneapolis

Address: 13100 Wayzata Blvd, Minnetonka, MN 55305

Description of Project Request: Funding will support development of a family caregiver

case management model, consisting of a burden assessment tool, supporting services, and a curriculum to train caregiver case managers that can be replicated

Name of Project: Anoka-Ramsey County Biomedical Manufacturing Program

Amount: \$800,000

Account: Higher Education

Requesting entity: Anoka Ramsey Community College

Address: 11200 Mississippi Blvd, Coon Rapids, MN 55433

Description of Project Request: provide a higher education option for traditional degree-seeking students looking to work in the industry, degree holders with work experience in software design, computer applications, engineering and health care as well as unemployed and dislocated workers.

Name of Project: Children's Hospital Pediatric Cardiovascular Center

Amount: \$450,000

Account: HRSA—Health Facilities and Services

Requesting entity: Children's Hospitals and Clinics of Minnesota

Address: 2525 Chicago Avenue South, Minneapolis, MN 55404

Description of Project Request: for expansion of a pediatric cardiovascular center to support pioneering research, conduct pediatric cardiac surgeries, and significantly improve outcomes of pediatric cardiovascular care. It will also increase emergency capabilities and continue research.

I certify that none of these projects has a direct and foreseeable effect on the pecuniary interests of me or my spouse.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. H.R. 3293, The Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Act contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP

Account: Department of Education—Fund for the Improvement of Postsecondary Education (FIPSE)

Legal Name Requesting Entity: University of Tennessee at Chattanooga

Address: 615 McCallie Avenue, Chattanooga, Tennessee, 37403

Description of Request: The University of Tennessee at Chattanooga requested funding to create a Center for Leadership in Science, Technology, Engineering and Mathematics (STEM) Education. Federal funding is needed to help establish the Center and assist in teacher recruitment, training and support. As the competition for technical innovations increases, improved education in these fields is critical to maintaining economic competitiveness in the region. The University of Tennessee at Chattanooga received \$770,000 to establish its STEM Center.

Distribution of funding: Center Implementation & Capacity Building—25%; Teacher Recruitment and Preparation—25%; Educator STEM Training & Support—25%; STEM Career Training for Adult Learners—25%.

IN HONOR AND RECOGNITION OF
THE 70TH BIRTHDAY OF KARL E.
PEACE

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. WHITMAN. Madam Speaker, I rise today to honor and recognize Dr. Karl E. Peace on the occasion of his 70th birthday.

Dr. Peace is a distinguished scholar and academic in the field of biostatistics and mathematics. Born in southwest Georgia, Dr. Peace attended Virginia Polytechnic Institute and State University and Virginia Commonwealth University, receiving his doctorate from Virginia Commonwealth University in 1976.

Dr. Peace has authored eight books, received numerous awards and contributed to a variety of publications and peer reviews in the field of biostatistics, mathematics and public health policy. He has held professorships at several colleges including Randolph-Macon College and Virginia Commonwealth University. Dr. Peace is currently the Georgia Cancer Coalition Distinguished Cancer Scholar, Director of the Center for Biostatistics and professor of biostatistics in the College of Health and Human Sciences at Georgia Southern University.

Dr. Peace has been a member of several professional and honorary societies including the Committee on Applied and Theoretical Statistics, the National Research Council and the National Academy of Science. In 1994, Dr. Peace founded the Biopharmaceutical Applied Statistics Symposium to provide a forum for pharmaceutical and medical researchers and regulators to share timely and pertinent information concerning the application of biostatistics in the pharmaceutical field. Dr. Peace is the founding editor of the Journal of Biopharmaceutical Statistics and reviewer and editor of several additional journals including the American Statistical Association, Communications in Statistics, the Journal of the American Medical Association and the American Journal of Gastroenterology.

Dr. Peace has a dedicated record of philanthropy to education. He has created twenty-one endowments at five institutions including three at his alma mater, the Medical College of Virginia and one at Randolph-Macon College. Dr. Peace has generously donated time and resources to organizations such as the American Cancer Society, the Georgia Cancer Coalition and the Southeast Georgia Cancer Alliance that are dedicated to cancer research, treatments and cures.

Madam Speaker, I am honored today to recognize Dr. Peace in celebration of his 70th birthday. I hope the year to come will bring him health, happiness and special times with family and friends.

IN RECOGNITION OF AMBASSADOR
FERENC SOMOGYI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. KUCINICH. Madam Speaker, I rise today in Recognition of the Ambassador of Hungary, Ferenc Somogyi, and his family as they celebrate their departure from the United States after nearly two years of exemplary service.

Ambassador Somogyi was born on September 1st, 1945 in Hartkirchen, Austria. In 1952 the Ambassador began his education in Budapest. He earned a University Degree in 1968 from the University of Economics, Budapest in the field of International Relations and in 1977 was awarded a Doctoral Degree in World Economics from the same institution. Moreover, Ambassador Somogyi gained an additional University Degree in the area of International Relations from the College for Political Science in Budapest.

After obtaining his degree, Ambassador Somogyi began his career at the Ministry for Foreign Affairs, Hungary. He worked his way from a junior desk officer in 1968 to Professional State Secretary in 1990, during which he served as the Chief Negotiator for talks on the withdrawal of Soviet troops from Hungary. By 1996 Ambassador Somogyi became the State Secretary for Euro-Atlantic Integration. While State Secretary, Ambassador Somogyi acted as the Chief Negotiator for the Hungary-Slovakia Framework Treaty, Hungary-Romania Framework Treaty, Hungary's NATO accession talks and Hungary's EU accession talks. Ambassador Somogyi took positions as the Director for Euro-Atlantic Integration for MATAV Hungarian Telecommunications and CEO of Stonebridge Communications AD between 1998 and 2006. Later in 2006, the Ambassador became the Director for International Affairs for Magyar Telekom before being named the Ambassador of Hungary in 2007.

In addition to Ambassador Somogyi's impressive professional career, he has also played a vital role in several Hungarian national and international organizations. For nearly a decade Ambassador Somogyi was a member of the Hungarian Olympic Committee. Between 1998 and 2003 the Ambassador served as President of the Hungarian Atlantic Council. He was also a member of the Board of the American Chamber of Commerce in Hungary from 1999 through 2001. Between 2001 and 2003, Ambassador Somogyi served as Vice President of the Atlantic Treaty Associations. Finally, the Ambassador continues to be a member of the Board of Trustees for McDaniel College in Westminster, Maryland and the International Advisory Board for the Institute for the Study of Europe at Columbia University.

While serving as the Ambassador of Hungary, Ferenc Somogyi has focused on strengthening transatlantic relations between Hungary and the United States. He also continued to work with the United States on achieving stability in the Balkans as well as with the business community to explore new ways in economic and technological cooperation.

Madam Speaker and colleagues, please join me in recognizing Ambassador Ferenc Somogyi for his dedication to improving relations between Hungary and the United States. Furthermore, I wish Ambassador Somogyi and his family a joyous celebration before returning to Hungary.

EARMARK DECLARATION

HON. ROBERT E. LATTI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. LATTI. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman ROBERT E. LATTI

Bill Number: H.R. 3293, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2010

Account: Department of Health & Human Services; Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Van Wert County Hospital

Address of Requesting Entity: 1250 South Washington Street, Van Wert, OH 45891

Description of Request: \$840,000 for the Emergency Services Department Expansion project. Funds would be used to expand the emergency services department, and construction of a second floor shell for additional capacity. This project would assist in local job creation during both the construction and post-construction phases of the expansion. Van Wert County Hospital provides essential medical services to residents of Van Wert and surrounding counties, and this emergency department expansion would allow for increased patient capacity. On numerous occasions, people in need of emergency services had to be diverted due to limited space. This capacity constraint will loom larger as the number of patients receiving care in the emergency department is projected to increase sharply from 15,000 at present to 20,000 by 2010. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. MANZULLO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the three earmarks I secured as part of H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

My first request, totaling \$250,000, will come from the Fund for the Improvement of Secondary Education (FIPSE) within the Higher Education account at the Department of Education for Rockford College in Rockford, Illinois, to modernize classrooms, library resources, and science laboratories with technology to significantly enhance student learning. The 2000 Census shows the Rockford area lagging significantly behind the rest of the State of Illinois in the numbers of residents with a four-year higher education degree. The city of Rockford also has one of the highest unemployment rates in the Nation, reaching 15.2 percent in June—a level not seen since 1983. Rockford College is one of the oldest and most prestigious private liberal arts colleges in the United States. The college is working to be more competitive in the marketplace by improving teaching and learning while also equipping students with the skills needed for tomorrow's workplace. Continued Federal funding is needed to prevent the loss of this treasure by helping to upgrade antiquated classrooms and labs at Rockford College and convert them to modern smart classrooms as part of their long-term modernization program. The college will continue to seek matches from other sources including State and local governments as well as private donors. The funds would be used to add fiber infrastructure; modernize library resources with technology and collaborative teaching environments; equip science laboratories and a computer classroom to significantly enhance student learning; and a classroom-use optimization tool in the registrar's office to automate the management of limited classroom resources. Rockford College has received funding in the past for similar initiatives (\$195,000 in Fiscal Year '08 and \$238,000 in Fiscal Year '09). The entity to receive funding for the classroom, library, and laboratory upgrades is Rockford College located at 5050 East State Street in Rockford, Illinois 61108.

My second request, totaling \$100,000, will come from the Higher Education account at the Department of Education for the Special Education District of McHenry County, Illinois, to help fund the Pathways Program to meet the needs of students with intellectual disabilities. The Pathways Program in McHenry County helps students with intellectual disabilities including individuals on the autism spectrum to achieve career and technical education training at McHenry County College. This Federal funding will assist all McHenry County schools as well as help McHenry County College meet the needs of an underserved student population. The program will address crucial education goals to close the gap for preparing young adults with intellectual disabilities, including those on the autism spectrum, with the necessary vocational skills for living independently. This investment will save Federal, State and local government tax dollars by enabling this population to live independently and develop the work skills necessary to support themselves. The entity to receive funding is the Special Education District of McHenry County, located at 1200 Claussen Drive, Woodstock, Illinois 60098.

My final request, totaling \$250,000, will come from the Construction and Modernization of Health Facilities and Services account

under the Health Resources and Services Administration (HRSA) at the Department of Health and Human Services (HHS) to help complete building the National Center for Rural Health Professions at the University of Illinois, College of Medicine, in Rockford, Illinois. To achieve the goals of training more physicians for rural service, a statewide program was created in 1993 by the College of Medicine in Rockford involving approximately 30 rural hospitals and communities. The Rural Medical Education Program (RMED) has since been nationally recognized as one of the most innovative rural health medicine programs. The National Center for Rural Health Professions at the University of Illinois, College of Medicine, in Rockford, will build on this success by serving as a national rural health education resource for medical colleges and rural communities across the Nation. The Center will conduct research, develop curricula, implement and evaluate rural medical and health care education models, provide consultation to other medical colleges, and study trends in rural health related to health professional training needs. Medical colleges throughout the U.S. can use the research findings and curriculum models to implement training for rural health professionals to practice in medically underserved rural areas in their respective States. The College of Medicine has raised \$4 million in private funds toward this \$32 million expansion project. Another \$14 million has been committed by the University of Illinois, and the university will also receive State funding to help complete the project. This project has received Federal funding in the past (\$238,000 in Fiscal Year '09) because of the potential national reach of this program. The entity to receive funding is the University of Illinois College of Medicine, Rockford Campus, located at 1601 Parkview Avenue in Rockford, Illinois 61107.

Madam Speaker, I want to take this opportunity to thank the Chairman of the House Appropriations Committee, Representative DAVID OBEY, and the Ranking Minority Member, Representative JERRY LEWIS, and the Ranking Minority Member of the Departments of Labor, Health and Human Services, and Education Appropriations Subcommittee, Representative TODD TIAHRT, for working with me in a bipartisan manner to include these three critical requests in this spending bill.

TRIBUTE TO COLONEL ANIELLO L. TORTORA

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. BISHOP of New York. Madam Speaker, it is with great appreciation for his service to the people of my congressional district that I bid farewell to Colonel Aniello L. Tortora, commander of the New York District of the U.S. Army Corps of Engineers. I have known Colonel Tortora since he assumed command of the New York District in August, 2006, and have been proud to work with him on Long Island to improve navigation, protect our shores and energize the local economy.

Covering not only Long Island, the New York District is responsible for the Corps' water resource development, navigation, and regulatory activities in northeastern New Jersey, eastern and south-central New York State, and parts of Vermont, Massachusetts, and Connecticut. The district is also responsible for design and construction at Army and Air Force installations in New Jersey, New York, and overseas in Greenland. Colonel Tortora also holds the title of supervisor of New York Harbor.

Colonel Tortora, a native of southern Florida, was commissioned an engineer officer from the United States Military Academy at West Point in 1985. He holds a Bachelor of Science degree from the U.S. Military Academy, a Master of Science in Engineering from the University of Texas, and a Master of Science in National Security Strategy from the National Defense University.

Throughout his career, Colonel Tortora has served in a variety of operational, command and staff assignments in the United States and overseas. He has commanded at every level from platoon to battalion. His most recent assignment was Senior Joint Engineer, Defense Continuity and Crisis Management, Assistant Secretary of Defense (Homeland Defense) in Washington, DC.

Colonel Tortora's previous assignments include: platoon leader and company executive officer, 43rd Engineer Battalion (Combat) (Heavy), Fort Benning, Georgia, and Honduras; B Company commander, 16th Engineer Battalion (Combat), 1st Armored Division in Nuremberg, Germany, and for Operations Desert Shield and Desert Storm; project engineer, Omaha District, U.S. Army Corps of Engineers; battalion S-3, 588th Engineer Battalion (Combat) and brigade S-3, Engineer Brigade, 4th Infantry Division, Fort Hood, Texas; and staff officer, Futures Directorate, U.S. Army Training and Doctrine Command, Fort Monroe, Virginia. He also commanded the 2nd Engineer Battalion (Combat), 2nd Infantry Division, at Camp Castle, Korea.

Colonel Tortora is a graduate of the Engineer Officer Basic and Advanced courses, the U.S. Army Command and General Staff College, and the National War College. He is a member of the Association of the United States Army, the Society of American Military Engineers, the Army Engineer Association, and the National Engineering Honor Society, Tau Beta Pi.

His awards and decorations include the Legion of Merit, Bronze Star Medal, Defense Meritorious Service Medal, three awards of the Army Meritorious Service Medal, three awards of the Army Commendation Medal, Army Achievement Medal, Kuwait Liberation Medal, and Saudi Arabia Liberation Medal.

Madam Speaker, it is evident from his long list of accomplishments and accolades that Colonel Tortora's has dedicated his life to service to his country. I am honored to have worked with him to improve and protect the lives of Long Island residents. I wish him the best of luck in his future endeavors and thank him again on behalf of the First Congressional District of New York.

EARMARK DECLARATION

HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010:

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3293

Account: HHS—Health Resources and Services Administration

Legal Name of Requesting Entity: Akron Children's Hospital

Address of Requesting Entity: 1 Perkins Square, Akron, Ohio 44308

Description of Request: Provide an earmark in the amount of \$250,000 for the renovation of the Akron Children's Emergency Medical/Trauma Center. The hospital serves a 25-county region in NE Ohio and was one of the 10 busiest pediatric emergency departments in the country in 2008. The current Level II trauma center and emergency center are regularly overcrowded, and expansion would allow for more rapid diagnoses, treatment and release from the facility, thus reducing hospital costs. The hospital also serves a high number of underserved or uninsured patients, and a more efficient center would translate to lower health care costs. The full amount of the funding would be put toward the design and construction costs of the \$18.5 million facility.

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3293

Account: HHS—Health Resources and Services Administration

Legal Name of Requesting Entity: Ashtabula Council on Aging, Inc. (a.k.a. Ashtabula Senior Center)

Address of Requesting Entity: 4632 Main Ave., Ashtabula, Ohio 44004

Description of Request: Provide an earmark in the amount of \$250,000 for construction of a new facility to better accommodate and address the needs of the county's senior population. It is the only fulltime, stand-alone senior center in the economically distressed county, and supporting the construction of the facility would help to meet the national goal of providing support to our elderly population through a host of programs the center offers. The full amount of the funding would be put toward the construction costs of the new facility.

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3293

Account: Education—Elementary and Secondary Education

Legal Name of Requesting Entity: Auburn Joint Vocational School District

Address of Requesting Entity: 8140 Auburn Road, Concord Township, Ohio 44077

Description of Request: Provide an earmark in the amount of \$250,000 for curriculum development and technology for the Auburn Ca-

reer Center for the creation of an alternative fuels education program. Auburn is a nationally recognized career and technical education facility that prepares students to effectively transition into high-skill jobs. The job market for these jobs is competitive, and training will create an educated and sought after workforce. The full amount of the funding would be used to develop the curriculum for this new program including the purchase of materials and equipment in order to teach the students in a hands on environment.

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3293

Account: Substance Abuse and Mental Health Services Administration—Mental Health
Legal Name of Requesting Entity: Bellefaire JCB

Address of Requesting Entity: 22001 Fairmount Boulevard, Shaker Heights, Ohio 44118

Description of Request: Provide an earmark in the amount of \$200,000 for the Social Advocates for Youth (SAY) program for prevention and early intervention services to high school students in eight school districts in northeast Ohio. The purpose of the program is to reduce risk factors and enhance protective factors in the prevention of substance abuse and violence and to promote healthy behaviors in youth. The full amount of the funding will be used to carry out intervention, screening, counseling and programming services.

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3293

Account: HHS—Health Resources and Services Administration

Legal Name of Requesting Entity: Bio-Innovation Institute

Address of Requesting Entity: 453 South High Street, Akron, OH 44311

Description of Request: Provide an earmark in the amount of \$600,000 for equipment for the newly established BioInnovation Institute of Akron, an effort supported by multiple organizations throughout NE Ohio to enhance research and treatment capabilities for patients struggling with orthopedic medical issues. One focus of the research will be more effective and cost-effective procedures for joint replacement.

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3293

Account: HHS—Health Resources and Services Administration

Legal Name of Requesting Entity: University Hospitals—Geauga Medical Center

Address of Requesting Entity: 13207 Ravenna Road, Chardon, Ohio 44024

Description of Request: Provide an earmark in the amount of \$250,000 for health information technology equipment for the Geauga Medical Center's cutting-edge Heart & Vascular Care Project. University Hospital's Geauga Medical Center is the only hospital in the county and serves residents in four additional counties, providing service to more than 100,000 patients per year. Its Heart and Vascular Institute provides critical in-patient and outpatient vascular services which will substantially improve the health outcomes of the patients it serves. This IT program will improve patient care and reduce medical errors

through a federal initiative championed by the Department of Health and Human Services.

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3293

Account: HHS—Health Resources and Services Administration

Legal Name of Requesting Entity: Lake Hospital System

Address of Requesting Entity: 10 East Washington Street, Painesville, Ohio 44077

Description of Request: Provide an earmark in the amount of \$500,000 for health information technology (IT) equipment for the Lake Hospital System, a private, not-for-profit hospital system serving a four-county region in NE Ohio, including creation of an all digital hospital system. The hospital system boasts two inpatient, acute care facilities, a same day surgery campus, five urgent care facilities and construction is almost completed on a new, state-of-the-art hospital with total connectivity in electronic records between the hospital and its more than 200 physicians. This IT program will improve patient care and reduce medical errors through a federal initiative championed by the Department of Health and Human Services.

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3293

Account: HHS—Health Resources and Services Administration

Legal Name of Requesting Entity: Lakeland Community College

Address of Requesting Entity: 7700 Clocktower Drive, Kirtland, Ohio 44094

Description of Request: Provide an earmark in the amount of \$250,000 to develop the College's Regional Healthcare Workforce Development Project with the purchase of lab equipment and technology for its Health Technology Building. The full amount of the funding will be used to purchase computer and laboratory equipment. There is a demonstrated need for health care training, and it is one of the few fields in northeast Ohio with continued growth and demand.

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3293

Account: HHS—Health Resources and Services Administration

Legal Name of Requesting Entity: Visiting Nurse Association Healthcare Partners of Ohio

Address of Requesting Entity: 2500 East 22nd Street, Cleveland, Ohio 44115

Description of Request: Provide an earmark in the amount of \$100,000 for a workforce training program sponsored by the Visiting Nurse Association Healthcare Partners of Ohio (VNAHPO) home health aides. In providing more than one-half million units of nursing, rehabilitation and supportive services to more than 12,000 Ohio families, the VNAHPO is one of the largest home and community healthcare organizations in Ohio. In carrying out its patient service mission, the VNAHPO struggles with shortage and retention challenges for home healthcare aides and seeks to address this need and reduce unemployment through establishment of this workforce training program. By supporting the development of a well-trained home healthcare aide workforce, the organization anticipates providing value to the taxpayer by reducing the

rate of hospitalizations and directly reducing costs to the Medicare and Medicaid programs. The full amount of the funding will be used to purchase equipment and develop the curriculum for this training program.

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3293

Account: Education—Rehabilitation Services and Disability Research

Legal Name of Requesting Entity: Vocational Guidance Services (VGS)—Painesville Center

Address of Requesting Entity: One Victoria Square, #135, Painesville, Ohio 44077

Description of Request: Provide an earmark in the amount of \$100,000 for the Training Enhancements Promoting Jobs for Ohioans with Disabilities project, which implements a training program to provide job skills to people with disabilities and other barriers to the job market. With the nation's unemployment rate approaching 10 percent, there continues to be a need for training to meet the many challenges to employers competing in the global economy, and this project will provide significant value to the taxpayer and those seeking employment who can become taxpayers. The funding will be used to purchase computer equipment and technology, as well as other equipment to carry out the center's curriculum.

EARMARK DECLARATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. BURGESS. Madam Speaker, pursuant to the U.S. House of Representatives Republican Leadership standards on earmarks, I am submitting the following information regarding four earmarks I received as part H.R. 3293—Labor—HHS—Education Appropriations Act, 2010:

Doctorate in Nurse Anesthesia Practice Initiative, Texas Wesleyan University, Fort Worth, Texas—Department of Health & Human Services Health Resources and Services Administration (HRSA)—Health Facilities and Services—\$650,000

This project will support TWU's new doctorate program of nurse anesthesia practice—the second doctoral program of its kind in the United States, and the only program to be offered 100 percent online—originating from the main campus of Texas Wesleyan University. The objective is to develop a distance learning program that will provide extended education to full-time employed Certified Registered Nurse Anesthetists who are located in rural or metropolitan areas of the United States. This project provides education via new technologies, including distance learning methodologies, and addresses the Health People 2010 goal set by HHS to eliminate health disparities.

Texas Wesleyan University is located at 1201 Wesleyan Street, Fort Worth, TX 76105.

AB Christian Learning Center, Stop Six Community Go Center, Fort Worth ISD and Fort Worth Metropolitan Black Chamber of Commerce—Department of Education Higher Education (FIPSE)—\$175,000

The Stop Six Community Go Center provides a safe environment in which students can explore higher education and career options, financial aid resources, apply for scholarships and receive counseling services to assist in facilitating a seamless transition from high school to college. This funding will help the Go Center hire another academic advisor and a security guard.

AB Christian Learning Center is located at 5009 Brentwood Stair Road #101, Fort Worth, TX 76112.

City of Fort Worth, Early Childhood Development Program—Department of Health & Human Services Administration for Children and Families (ACF)—Social Services, Early Childhood Matters Initiative—\$425,000

The city of Fort Worth, Texas seeks funds to support key projects that will significantly advance the Early Childhood Matters Initiative. Early Childhood Matters, a community initiative led by the city that impacts the entire region, will help coordinate resources and programs to benefit children up to 5 years of age. Training and materials from early childhood resource centers will be used by parents and child care providers. The funds will be used to continue two existing early childhood resource centers and start up two new locations in facilities in high need neighborhoods. Each neighborhood resource center provides training, support, educational materials and leadership development for parents, children, and child care staff. Together, the 4 resource centers will reach 500 parents, 280 child care staff, and 1,200 children under five years old. Each \$1 expended for early childhood training will result in savings of \$7 per child due to children not being retained a year at school, taking special education classes, or dropping out of school.

City of Fort Worth is located at 1000 Throckmorton Street, Fort Worth, Texas 76102.

Parkland Health and Hospital System (PHHS), Parkland Center for Clinical Innovation, Parkland Hospital, Dallas, Texas—Department of Health & Human Services Health Resources and Services Administration (HRSA)—Health Facilities and Services—\$100,000

PHHS proposes to use electronically derived variables to create a model that measures clinical, social, and economic factors that predict patients at-risk for hospitalization, readmission or death in real-time, which would create "e-coordinated" clinical and care management interventions for the highest risk patients and serves lives while improving patient services, increasing productivity, and reducing costs. PHHS request will cover the cost of one Data Analyst, one Technical EPIC programmer, and server technology.

Parkland Hospital is located at 5201 Harry Hines Blvd., Dallas, TX 75235.

EARMARK DECLARATION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. PLATTS. Madam Speaker, pursuant to the Republican Leadership standards on ear-

marks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Requesting Member: Congressman TODD RUSSELL PLATTS (PA-19)

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act

(1) York College of Pennsylvania—Facilities and Equipment—\$300,000

Account: Higher Education, FIPSE

Legal Name of Requesting Entity: York College of Pennsylvania

Address of Requesting Entity: 441 Country Club Road, York, PA 17403

Description of Request/Justification of Federal Funding: York College of Pennsylvania is a private, four-year institution of higher education serving over 5,600 students. This is a good use of taxpayer funds because York College would use this funding to expand their existing Nursing Department. Specifically, funds would be used to refurbish laboratories and purchase equipment related to the project. This is also a good use of taxpayer funds because York College operates one of the largest bachelorette nursing programs in the region. York College's ability to continue providing a pool of highly educated and trained nursing graduates helps fill the critical demand for nurses, both locally and nationally.

(2) Hanover Hospital—Electronic Medical Records Initiative—\$450,000

Account: HRSA, Health Facilities and Services

Legal Name of Requesting Entity: Hanover Hospital

Address of Requesting Entity: 300 Highland Avenue, Hanover, PA 17331

Description of Request/Justification of Federal Funding: Hanover Hospital would use this funding to convert all paper records at the hospital to an electronic medical record system. This is a good use of taxpayer dollars because the use of such records is proven to improve clinical outcomes and enables health systems to better define, measure, monitor, and reward quality care. Electronic medical records create efficiencies for patients, physicians, and the hospital.

(3) WellSpan Health of York, PA—Purchase of Equipment—\$100,000

Account: HRSA, Health Facilities and Services

Legal Name of Requesting Entity: WellSpan Health

Address of Requesting Entity: 912 South George Street, York, PA 17403

Description of Request/Justification of Funding: WellSpan Health would use this funding to purchase a remote monitoring system for the York Hospital Emergency Transitional Care Unit, allowing physicians to monitor patients in a distant location without physically leaving the main Emergency Department. This is a good use of taxpayer funds because the remote monitoring system would create remote access using video/audio conferencing technology so that a physician could monitor multiple patients at one time. In addition, while

caring for a patient in the main emergency department, the physician could answer questions and communicate with patients and families who are waiting in the Emergency Transitional Care Unit, eliminating the constant disruption of walking back and forth.

2009 MISS TENNESSEE STEFANIE WITTLER

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. WAMP. Madam Speaker, I rise today a proud Tennessean with the distinct privilege of honoring Third Congressional District resident Stefanie Wittler who has been crowned Miss Tennessee. This is a prestigious award that requires great responsibility and Ms. Wittler is a young lady who is truly up to the task.

Over the next year, this 22-year-old Soddy-Daisy, Tenn., resident will serve as an ambassador and public relations representative for the Miss America Organization. While maintaining the hectic schedule required to meet the responsibilities of the title she now holds, Stefanie will be preparing for the 2010 Miss America Pageant to be held in January in Las Vegas.

Ms. Wittler is a very determined young lady who fought hard for this award in the face of adversity and defeat. She participated in the Miss Tennessee pageant on two previous occasions but remained determined to reach her goal of being crowned Miss Tennessee. Humility is too often mistaken for weakness. Stefanie is a perfect example that, in reality, humility is one of the strongest character traits we can possess. For that reason, Madam Speaker, I stand here today to honor Ms. Stefanie Wittler, the 2009 Miss Tennessee.

PERSONAL EXPLANATION

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. MURPHY of Connecticut. Madam Speaker, on July 23, 2009, I was not present for rollcall vote No. 637. If I had been present I would have voted "aye."

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Department of Education, FIPSE—\$100,000

Legal Name of Requesting Entity: Alexander City Chamber of Commerce Foundation, Alexander City, AL

Address of Requesting Entity: 120 Tallapoosa Street, Alexander City, Alabama

Description of Request: For the Gateway to Education Scholarship program, including scholarships Taxpayer justification—It is my understanding that the funding would be used for an ongoing education and workforce development initiative to provide free tuition to Russell High School graduates to attend Central Alabama Community College in Alexander City, Alabama.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Department of Education, FIPSE—\$100,000

Legal Name of Requesting Entity: Gadsden State Community College, Gadsden, AL

Address of Requesting Entity: 405 Korner Street, Gadsden, Alabama 35903

Description of Request: "for technology upgrades" Taxpayer justification—It is my understanding the funding would enhance technology in the classroom and technology infrastructure between Cherokee, Etowah, Cleburne, and Calhoun Counties.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Department of Education, FIPSE—\$250,000

Legal Name of Requesting Entity: Jacksonville State University

Address of Requesting Entity: 700 Pelham Road North, Jacksonville, Alabama 36265

Description of Request: "For purchase of equipment" Taxpayer justification—It is my understanding that the funding would be used to purchase a Nuclear Magnetic Resonance Spectrum to provide hands-on student learning and understanding of modern chemistry, instrumental methods, and the determination of molecular structures across the discipline and in physics and biology. This piece of equipment also fosters interdisciplinary research and collaborative work.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Department of Education, FIPSE—\$100,000

Legal Name of Requesting Entity: Southern Union Community College

Address of Requesting Entity: P.O. Box 1000, Wadley, Alabama 36276

Description of Request: "For purchase of equipment" Taxpayer justification—This fund-

ing would be used to purchase equipment for the new Technology Center on the Opelika Campus of Southern Union State Community College so that the College may re-train and educate individuals for jobs in high-tech, high-pay careers required by industry moving into the College's Service area.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Department of Health and Human Services HRSA—\$200,000

Legal Name of Requesting Entity: Childersburg Medical Clinic Board

Address of Requesting Entity: 34011 Hwy 280 East Childersburg, Alabama 35044

Description of Request: "for facilities and equipment at the Regional Diabetic Care and Advanced Wound Care Center" Taxpayer justification—It is my understanding that the funding would be used for construction and equipping the Regional Diabetic Care and Advanced Wound Care Center for Childersburg Alabama and surrounding areas.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Account: Department of Labor, Employment and Training Administration (ETA)—Training & Employment Services (TES)—\$200,000

Legal Name of Requesting Entity: Alabama Institute for the Deaf and Blind

Address of Requesting Entity: 205 E. South Street, P.O. Box 698, Talladega, AL 35161

Description of Request: Provide \$200,000 to develop a collaborative program with employers incorporating assistive technology and targeting deaf and blind individuals with developmental disabilities for workforce placement. The funding would be used for employer training in disabilities and assistive technology for the deaf and blind. The project's total budget is \$680,000. Specifically within the budget, \$200,000 for salaries, \$250,000 for assistive technology for the deaf and blind, \$20,000 for travel, \$30,000 for employer training in disabilities, \$30,000 matching administrative personnel cost, and \$150,000 for matching assistive technology cost. This request is consistent with the intended and authorized purpose of the Department of Labor, Employment and Training Administration (ETA)—Training & Employment Services (TES) Account. The Alabama Institute for the Deaf and Blind will meet or exceed all statutory requirements for match funding where applicable.

IN HONOR OF CANADA CELEBRATING "CANADA DAY"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. CONYERS. Madam Speaker, today I rise in honor of the people of Canada as they celebrate their "Canada Day." The United

States and Canada share a unique history of friendship and brotherhood that has intrinsically tied our two people together. Celebration of the founding of Canada is joyous time to celebrate our very special friendship with our neighbors to the north.

Our two nations share a common cultural, historical, and economic past and future. For centuries Michigan has been the focal point of relations between our two nations. A mere eight miles separate downtown Detroit and the great nation of Canada. Detroit and Canada share a unique story that was started by the French explorers as they mapped our shared waterways and continues today.

Canada and the United States share more than a common border. As both our nations have flourished we have developed strong cultural bonds that have greatly contributed to the cultural fabric of both our nations. Significantly, Detroit and Canada share a devout love for hockey. Spectators and players from both our nations often cross the border to attend games and take part in friendly rivalries. Our shared cultural affinities have brought our two peoples together in a relationship unlike any other.

Our two people also share fundamental ideals rooted in similar traditions and histories. We look to each other to grow intellectually as we face the complex issues of our day. Specifically, we look to Canada as a nation that has provided a national health care system to every Canadian citizen. As our country now addresses health care reform, we will do so through a uniquely American solution. Though our systems will be different at the end of the day, it is my desire that every American has access to health care. Our two nations hold a deep-seated belief that health care ought not to be object of profit, but a guaranteed right of all human beings.

In an era of heightened security and economic uncertainty the bond that ties the United States and Canada together has only grown stronger. For these reasons I am proud to lend my voice to the chorus of American voices congratulating Canada on its celebration of Canada Day.

EARMARK DECLARATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. HALL of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, Labor-HHS-Education Appropriations Act FY 2010:

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3293, Labor-HHS-Education Appropriations Act FY2010

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Communities In Schools—Northeast Texas c/o Northeast Texas Community College

Address of Requesting Entity: PO Box 1307, Mt. Pleasant, TX 75456-1307

Description of Request: I have secured \$200,000 for the Communities In School of Northeast Texas with the Communities In Schools—Northeast Texas c/o Northeast Communities In Schools of Northeast Texas (CIS-NETX), is part of a national stay-in school network. It delivers case management and non-case management services to public school students at risk of dropping out of school. CIS-NETX provides direct and indirect services to over 14,500 students and their families in over 33 elementary, middle and high school campuses in 11 school districts in six northeast Texas counties. CIS-NETX provides students and families with the following six components: supportive guidance and counseling; health and human services coordination, parent and family involvement; pre-employment/employment training and services, enrichment activities and experiences; and education enhancement. Funds for this project will be used to continue the recognized prevention program and would be used for program maintenance, expansion of current programs and replication in areas where no CIS is located. The benefits to those students and their families are numerous; better jobs, a more secure future and better opportunities. But the entire 4th District benefits by these services, as businesses have a more qualified pool of well-trained high school graduates as potential employees and the quality of life improves for the general populace when young people are educated. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3293, Labor-HHS-Education Appropriations Act FY2010

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Community Health Services Agency

Address of Requesting Entity: 4500 Wesley Street, Greenville, Texas 75401

Description of Request: I have secured \$300,000 for the Greenville Community Health Center Expansion with the Community Health Service Agency. Funds for this project will expand women's health services, prenatal care, deliveries, cancer screenings, women's health exams, and offer gynecological to thousands of women of the 4th District for the first time. CHSA operates a network of community health centers in north central Texas with five (5) medical sites and one (1) dental site located in the 4th District. CHSA serves more than 16,000 residents of the 4th District each year. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3293, Labor-HHS-Education Appropriations Act FY2010

Account: Museums and Libraries

Legal Name of Requesting Entity: The University of Texas at Austin

Address of Requesting Entity: 1 University Station G2700, PO Box 7397, Austin TX 78713

Description of Request: I have secured \$250,000 for the Sam Rayburn Library and Museum with the Center for American History. The Sam Rayburn Library and Museum, located in Bonham, Texas, is one of five divi-

sions of the University's Center for American History. Funds for this project will expand educational and program services to more people, area educational organizations and traditionally underserved populations to meet the public education mission of the University of Texas at Austin and the Center for American History. The National Historic Landmark is the creation of the man who served as Speaker of the United States House of Representatives longer than any other person: Sam Taliaferro Rayburn (1882-1961). Known affectionately as "Mr. Sam" by his friends and colleagues, Rayburn established the library and museum in 1957 as a tribute to the people of his district and for future generations. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3293, Labor-HHS-Education Appropriations Act FY 2010

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Texas A&M University—Commerce

Address of Requesting Entity: PO Box 3011, Commerce, TX 75429

Description of Request: I have secured \$100,000 for Improving STEM Skills for Rural Youth in Northeast Texas with Texas A&M University—Commerce. This project focuses on enabling teachers and students to enhance their science, technology, education, engineering, and mathematics skills. The project includes three summer camps known as the X-Teems Academy and the Infinity Institute. Groups of students from rural districts who are typically underrepresented in STEM fields are identified to participate in this project. Funds for this project will allow students and teachers from the 4th District to participate in the education program designed to cultivate and/or develop affinity for math and science in rural middle and high school students and at the same time, equip teachers throughout the state with broader math and science teaching experiences in order to enhance their teaching in these critical areas. I certify that I do not have any financial interest in this project.

EARMARK DECLARATION

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. ROYCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Departments of Labor, Health and Human Services and Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 3293

Account: Higher Education FIPSE

Legal Name of Requesting Entity: Cal State University, Fullerton

Address of Requesting Entity: 800 North State College Blvd, Fullerton, CA 92834

Description of Request: Provide \$350,000 in FY 2010 to build upon existing intermediate

level language courses to develop a full Bachelor's Degree program, a Minor, and an International Business Sequence in Vietnamese Language and Culture designed to prepare a new generation of Vietnamese Americans and others to take advantage of the rapidly growing business and professional opportunities resulting from trade between the United States and Vietnam. Funding would be used for faculty program development; graduate assistants; salaries; materials, resources and language lab/library; internships; and facilities and administration.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 3293

Account: Higher Education FIPSE

Legal Name of Requesting Entity: Cal State University, Fullerton

Address of Requesting Entity: 800 North State College Blvd, Fullerton, CA 92834

Description of Request: Provide \$300,000 in FY 2010 to establish the Center for the Advancement of Teaching and Learning in Mathematics and Science (CATLMS). The proposed center addresses a national problem. One of the core drivers of innovation in the U.S. is its strength in STEM disciplines. Yet, in an increasingly interconnected world, the U.S. has not been keeping pace with its economic competitors. Funds are requested for to support a Director and one supporting staff member in their work to carry out research studies, pursue external funding, and develop collaborations with private sector parties, educational institutions, and governmental agencies. Faculty would be released from their teaching duties to accomplish the objectives for which funding is being requested.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 3293

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Orange County Department of Education

Address of Requesting Entity: 200 Kalmus Dr, Costa Mesa, CA 92626

Description of Request: Provide \$400,000 in FY 2010 to implement Internet safety programs for all Orange County. Federal law requires all schools receiving E-Rate funding to implement Internet safety programs, yet includes no funding to achieve this requirement. State and local agencies place responsibility for teaching youth Internet safety in the hands of educators who have not received adequate professional development in this area. Interactive teacher training will serve as an effective tool to educate children to safely, securely, and ethically use the Internet and a variety of other technologies. Funding will be used for programmatic expenses, including software and training, substitute teachers, and meeting materials and expenses.

EARMARK DECLARATION

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mrs. BONO MACK. Madam Speaker, pursuant to the Republican Leadership standards

on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, Transportation, Housing, and Urban Development and Related Agencies Appropriations Act:

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3288

Account: Department of Transportation—Federal Highway Administration—Interstate Maintenance Discretionary

Entity Requesting: Agua Caliente Band of Cahuilla Indians, 5401 Dinah Shore Drive, Palm Springs, CA 92264

Description of Earmark: \$500,000 to be used for improvements to the Interstate 10 and Bob Hope Drive. This project is critical to alleviating traffic congestion in the Coachella Valley and funding for the project was sought in cooperation with the Coachella Valley Association of Governments (CVAG). The existing road facility at this location was constructed approximately 47 years ago. This interchange provides primary cross freeway access between the north and the south sides of the Valley as well as area connectivity with the Interstate Highway System. In addition to relieving traffic congestion on Ramon Road this project will also improve safety by replacing the dated on- and off-ramps at Ramon Road with a new modern interchange design at Bob Hope Drive.

Spending Plan: The requesting entity plans to obligate the funds towards construction costs. CVAG has allocated \$15,200,000 for this project and the State of California has budgeted \$40,400,000 as well. Right of way purchases were completed in April of 2009 the construction should begin in September 2009.

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3288

Account: Department of Transportation—Federal Highway Administration—Surface Transportation Priorities

Entity Requesting: Riverside County Transportation Commission (RCTC) 4080 Lemon Street, 3rd Floor, Riverside, California 92502

Description of Earmark: \$750,000 for the Alameda Corridor East Grade Separation in Riverside County, California. The Alameda Corridor Grade separation is a high priority of the Riverside County Transportation Commission, and state. More than 68 million tons of freight pass through Riverside County to the rest of the country, but very little of this freight originates or ends in the County. Traffic and trains are halted at a number of crossings throughout the Coachella Valley. This grade separation will allow the flow of traffic, reduce congestion and delays, cut down on the air pollution, and increase efficiency of freight transportation.

Spending Plan: The requesting entity plans to obligate the funds towards construction costs. RCTC's Grade Separation Funding Strategy calls for a 55 percent federal share of the entire program cost. Sources of the funding include voter-approved Measure A, developer fees, and city general funds.

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3288

Account: Department of Transportation—Federal Transit Administration—Buses & Bus Facilities

Entity Requesting: SunLine Transit Agency, 32-505 Harry Oliver Trail, Thousand Palms, CA 92276

Description of Earmark: \$750,000 to be used for paratransit buses and commuter coaches to expand service in the Coachella Valley to meet transportation and mobility needs of seniors and persons with disabilities. As the regional transit provider in the Coachella Valley, SunLine provides fixed route and paratransit services in an area of 1,120 square miles, with an annual ridership of 3.5 million. As traffic continues to increase, more residents are interested in commuting rather than driving. To implement the commuter service, SunLine will need to purchase coaches to operate the commuter service to the Pass Area, as well as Riverside.

Spending Plan: SunLine Transit anticipates purchasing the paratransit buses by December 2009 and commuter coaches by December 2010.

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3288

Account: Department of Transportation—Federal Transit Administration Capitol Improvements Grants

Requesting: Riverside County Transportation Commission (RCTC) 4080 Lemon Street, 3rd Floor, Riverside, California 92502

Description of Earmark: \$5,000,000 is provided for the Perris Valley Line to extend existing Metrolink service 22.7 miles further into Riverside County creating better access to popular commuter rail transportation for residents. Most of the Perris Valley Line parallels the I-215 which is expected to carry as many as 400,000 vehicles per day by 2020. The Perris Valley Line provides commuters a mass transit alternative to the I-215, one of the fastest growing corridors in the county.

Spending Plan: The requesting entity plans to obligate the funds towards construction costs to continue to ongoing development of the project. The total cost of the project is expected to be \$193,000,000 with small starts funding of \$75,000,000. The remainder are expected to be paid by FTA 5307 funds, CMAQ funding and at least \$29,000,000 of Measure A local funding approved by Riverside County voters and funding from the State Transportation Improvement Program (STIP).

EARMARK DECLARATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. GARY G. MILLER of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Labor, Health and Human Services, and Education Appropriations Bill.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3293

Account: Elementary and Secondary Education

Legal Name of Requesting Entity: City of La Habra

Address of Requesting Entity: 1101 W. Las Lomas Dr., La Habra, California 90631

Funding Secured: \$148,000

Description of Request: The City of La Habra's "Young At Art" program addresses the need to provide arts education to underprivileged children in a community that currently receives no formal arts program for its kindergarten through second grade (K-2) students. "Young At Art" provides direct services to over 1,400 K-2 students and 50 teachers, and will positively impact 2,500 parents and 5,000 community members in La Habra, California. In 2001, The Children's Museum implemented "Young At Art" to preschool populations. After several years of success with this program and in response to increasing community requests, The Children's Museum at La Habra is now expanding "Young At Art" to serve 100% of the Kindergarten, 1st, and 2nd grade elementary students La Habra. "Young At Art" has two overall goals: to increase teachers' ability to lead K-2 elementary students in integrated arts and core curriculum learning experiences, and to use arts learning to increase the language arts skills, math readiness skills, and cognitive process capabilities of K-2 elementary students who are now at-risk for academic failure. Federal funding would be used to expand the La Habra Children's Museum program "Young at Art" to serve 100 percent of K-2 elementary school students in the City of La Habra.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3293

Account: Elementary and Secondary Education

Legal Name of Requesting Entity: Hope Through Housing Foundation

Address of Requesting Entity: 9065 Haven Avenue, Suite 100, Rancho Cucamonga, California 91730

Funding Secured: \$350,000

Description of Request: The Hope Through Housing Foundation's Academic Tutoring and Enrichment Program combines intensive age-appropriate academic tutoring with enrichment activity for children in grades K-8. In addition, a family literacy component and community building technical assistance program will strengthen the support services available to children and youth. The program includes tutoring where each day a student attends, they receive 60 minutes of small group academic tutoring in both math and English/language arts. Homework assistance to support the small group tutoring sessions, trained staff provide a minimum of 45 minutes daily of assistance. During this time, students have access to a fully furnished computer laboratory with high speed Internet access. Each learning center is a literacy-rich environment stocked with age appropriate books, as well as creative writing and reading materials. Students are encouraged to check out books, create journals, and engage in any type of activity

that encourages them to read and write for pleasure. Students will work together on projects that support in-school learning. Additionally, through both group activities and one on one time spent with staff, attention is paid toward helping students gain confidence in themselves and learn to communicate effectively. These programs go above and beyond by being administered onsite at affordable housing communities to serve our nation's most at-risk youths. Federal funding would be used for the After School and Beyond—Academic Tutoring and Enrichment Program to serve at-risk youth and their families living in high-risk neighborhoods in San Bernardino County, Orange County, Riverside County, San Diego County and Los Angeles County.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3293

Account: Museums and Libraries

Legal Name of Requesting Entity: City of Chino Hills

Address of Requesting Entity: 2001 Grand Avenue, Chino Hills, California 91709

Funding Secured: \$250,000

Description of Request: The City of Chino Hills, within San Bernardino County, is a rapidly growing community. Its current James S. Thalman Branch Library, which is housed in an inadequate 9,000 square foot building, is the most utilized library within the County's system. The facility is grossly inadequate for the City's burgeoning population and is reaching the end of its useful life. The City has acquired 11.7 acres of land to construct a government center that will include a City Hall, a Police and Sheriff Facility, the Fire District Administrative Headquarters, and the new James S. Thalman Branch Library. The City is funding the \$11 million cost of construction for the facility; however, federal assistance is needed for interior improvements to the library that will serve the needs of all Chino Hills residents.

EARMARK DECLARATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. REICHERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, Education Appropriations Act.

(1) \$375,000 for the City of Bellevue, WA Wrap-Around Services Program

Requesting Entity: City of Bellevue, P.O. Box 90012, Bellevue, WA 98009

Agency: Department of Health and Human Services

Account: Administration for Children and Families (ACF)—Social Services

Funding Requested by: Rep. DAVE REICHERT

The Wrap-Around Services Program is an innovative partnership between the City of Bellevue, the Bellevue School District and United Way of King County. Working collaboratively, the program coordinates and provides services on-site at Lake Hills Elementary School to meet the educational and developmental needs of the diverse children and youth population served by the school and community. The program encourages local resident and family participation in school life and maximizes the public's investment in local school facilities by making them available for educational and recreational activities.

Lake Hills Elementary School serves approximately 500 students in preschool through fifth grade. It is an ethnically diverse school with 59% of students speaking a first language other than English and 60% of students participate in the free or reduced price lunch program. The Wrap-Around Services Program addresses health and wellness in areas including academic growth, school engagement, adult education, mental health counseling, medical and dental care, family support and community building. Services are provided through a broad range of community partnerships with social service agencies, mental health providers, non-profit community groups, faith-based organizations, local businesses and other partners.

Wrap-Around Services began as a 3-year pilot project and transitioned into a program in the fall of 2008. In November of 2007, the Wrap-Around Services Evaluation Report was completed by Business Government Community Connections, an independent evaluator. The Evaluation Report showed the project produced student academic improvement, gains in school readiness for entering students and strengthening of parent and family involvement in the school and community. In particular, kindergarten students are coming to school better prepared since the Wrap-Around Project started. Family participation has risen, with 70-80% of families visiting the school more than once during the school year. Non-profit organizations, like Jubilee REACH Center, have purchased and established a community center to be within walking distance of Lake Hills School.

Federal funding will augment partner funding and allow the expansion of the program to three more schools (two elementary and one middle) with similar diverse demographics to Lake Hills Elementary.

Finance Plan:

SECTION A BUDGET SUMMARY—EXPANSION OF WRAP-AROUND SERVICES TO TWO SCHOOL SITES

	Yr. 1	Yr. 2	Yr. 3	Expansion program costs
Personnel	\$75,000	\$75,000	\$75,000	
Contractual—After School Programs	50,000	50,000	50,000	
Total Costs	125,000	125,000	125,000	Proposed Federal Funding Contribution

SECTION A BUDGET SUMMARY—NON-FEDERAL FUNDS—EXPANSION OF WRAP-AROUND TO TWO SCHOOL SITES

	Yr. 1	Yr. 2	Yr. 3
Personnel	\$75,000	\$75,000	\$75,000

SECTION A BUDGET SUMMARY—NON-FEDERAL FUNDS—EXPANSION OF WRAP-AROUND TO TWO SCHOOL SITES—Continued

	Yr. 1	Yr. 2	Yr. 3	
Staff	70,000	70,000	70,000	Counselor
Fam. Liaison	34,848	34,848	34,848	
BSD Staff	87,126	87,126	87,126	Principal & Office Manager
Pro. Services	30,000	30,000	30,000	Evaluation Services
Equipment	5,800	5,800	5,800	
Supplies	11,000	11,000	11,000	
Total Costs	313,774	313,774	313,774	Non-Federal Funding

(2) \$500,000 for LOOKBOTHWAYS, Skills for Life Online (K–12 Internet Safety Curriculum)

Requesting Entity: LOOKBOTHWAYS, 280 Quincy Street, Suite A, Port Townsend, WA 98368

Agency: Department of Education
Account: Elementary & Secondary Education (includes FIE)

Funding Requested by: Reps. DAVE REICHERT, DEBBIE WASSERMAN SCHULTZ

In 2008, Congress enacted the Protecting Children in 21st Century Act, defining the nation's commitment to Internet safety and strengthening education in schools. Enhanced use of technology in the classroom must include a safety element if we are to keep our children safe.

The skills that students need to act safely and appropriately online are largely lacking. To properly address the needs of students, LOOKBOTHWAYS is creating a curriculum that educates and teaches actionable skills, while empowering and motivating children toward safe and appropriate online interactions. Using Internet technologies for delivery, LOOKBOTHWAYS will offer this curriculum to schools, organizations, families, and the public free of any charges. This important training will keep our children safer, build better cybercitizens, and allow those who will drive the future of our country to take advantage of all the opportunities that technology offers without fear.

These funds, which will be used to complete the development of grade 5 through 9 curricula for Internet Safety, will benefit every citizen in the State of Washington as well as throughout the United States—every school district, not-for-profit organization, parent, child or senior citizen—by providing free online skills for life in the 21st Century on the Internet.

With initial private funding, LOOKBOTHWAYS developed a full curriculum outline for grades K–12, a prototype lesson and supporting materials, a program brochure and fundraising collateral materials. LOOKBOTHWAYS has also identified partners for marketing the program to educators, and developed a detailed business plan that outlines their funding, marketing, development, and distribution goals and strategies. With the next infusion of funding they are ready to ramp up quickly to write the curriculum and create the accompanying media and begin teacher training and get it into schools within 6 months.

Finance Plan:

Lesson Content Development (36 lessons)	\$450,000
Video Production & Media (24 videos) ..	480,000
Web Site and Interactive Tools Development Costs	180,000
Fund Raising	100,000
Marketing and Distribution	365,000

Implementation	140,000
Administrative Costs and Staffing	100,000
Estimated Efforts for First Year Support	185,000

Amount necessary for completion of K–12 Curriculum	2,000,000
Estimated cost of Spanish translation/accessibility	+500,000

Final total: \$2,500,000

3) \$500,000 for Seattle University's Fostering Scholars Program

Requesting Entity: Seattle University 901 12th Ave., P.O. Box 222000, Seattle, WA 98122–1090

Agency: Department of Education
Account: Higher Education (includes FIPSE)

Funding Requested by: Reps DAVE REICHERT, JIM MCDERMOTT

In Washington State, only 3 in 10 foster youth graduate from high school and only 25% enroll in a post-secondary education program. The Fostering Scholars Program provides full-tuition scholarships, year-round room and board, health insurance, personal support, a program of cohort and leadership development, work-study jobs, and opportunity to study abroad, access to tutoring, therapy and counseling as needed, and the benefit of emergency funds to foster children who have aged out of the foster care system.

Education is key to economic independence. Seattle University is taking the initiative and devoting resources to help foster care alumni who more often live below the poverty line and lack a post-secondary education compared to the national average. It is a benefit to taxpayers to make a small investment in the education of foster children so they will no longer be dependent as adults on government funded social services.

Studies have shown that anywhere from 25%–49% of foster care alumni will experience homelessness at some point in their lives. The economic impact of this funding is that these foster youth that might never achieve a post-secondary education and be living at the poverty line would be entering the Washington State workforce with a college degree and the skills needed to secure a high wage job contributing to the economy of the state.

Finance Plan:

Category	Federal Request	Seattle University & Private Foundations	Total
Student Scholarship Fund	\$250,000	\$785,000	\$1,035,000
Post-Graduate Transition to Independence Fund	75,000	75,000
Fostering Scholars Program Personnel	175,000	481,500	656,500
Program Infrastructure and Development	307,000	307,000
Total	500,000	1,573,500	2,073,500

Private donations make up \$1,200,000 of the matching funding. Seattle University and

private donation matching fund make up 76% of matching funds.

This office conducted site visits to meet with representatives from all three of the projects listed above.

EARMARK DECLARATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. JOHNSON of Illinois. Madam Speaker, pursuant to the Republican Leadership standards on project funding, I am submitting the following information regarding project funding I requested as part of Fiscal Year 2010 Labor, HHS, and Education Appropriations bill—H.R. 3293:

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: H.R. 3293—Fiscal Year 2010 Labor, HHS, and Education Appropriations bill

Account: Department of Health and Human Services—Health Resources and Services Administration—Health Facilities and Services
Legal Name of Requesting Entity: Illinois State University

Address of Requesting Entity: 310 Hovey Hall, Campus Box 4040, Normal, Illinois 61790

Description of Request: \$500,000 for Illinois State University for curriculum development for an interdisciplinary Ph.D program in neurosciences to advance basic research and serve emerging health care needs in East Central Illinois. Of this amount, \$250,000 is for personnel, \$200,000 will purchase equipment, and \$50,000 is for supplies, commodities, and office communications.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. GINGREY of Georgia. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3293
Account: Department of Health and Human Services; Health Resources and Services Administration

Legal Name of Requesting Entity: Cobb County (GA) Government

Address of Requesting Entity: 100 Cherokee St, Marietta, GA 30090

Description of Request: The Cobb County (GA) Government will assist in building a 22,000 sq. ft multipurpose senior center with limited healthcare services. The center is accessible to both private and public transportation, will offer a variety of programs and services, and will be the first multipurpose senior center within the city limits of Marietta.

The Center will accommodate services, programs and activities for seniors and the issues that affect them. Health and wellness programs including nutrition, fitness, lifestyle, and diabetes care, education and issue-related seminars such as Medicare, identity theft, fraud, grandparents raising grandchildren, and Alzheimer's, volunteer opportunities, advocacy, and socialization opportunities will be offered.

As individuals experience longer life-expectancy, health and wellness play an even bigger part in our lives. The proposed Multi-Purpose Senior Health Center will offer limited health services as well as opportunities for improved physical, mental, and social health.

The \$500,000 included in H.R. 3293 will be used for renovation and development of an existing building and for necessary equipment. Specifically, the Fiscal Year 2010 federal funds will consist of the following budget items: Construction—Architect Fees: \$136,000; Facade, Parking, and Landscaping: \$212,500. Equipment—\$151,500.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3293

Account: Department of Health and Human Services; Health Resources and Services Administration

Legal Name of Requesting Entity: Floyd Medical Center

Address of Requesting Entity: 304 Turner McCall Boulevard, Rome, GA 30165

Description of Request: The counties in Northwest Georgia in Floyd Medical Center's service area (Floyd, Chattooga, and Polk) have a high rate of breast cancer-related mortality. While the State of Georgia is on par with national averages—with roughly 20% of breast cancer cases being terminal—two of these counties have terminal breast cancer rates of 26% in Polk County and 25% in Chattooga County. Unfortunately, there is currently not a single dedicated Breast MRI machine for the hospital's service area.

Floyd Medical Center will procure, operate, and maintain a state-of-the-art dedicated a Breast MRI machine to provide 2,800 screenings for patients who would otherwise have to travel two hours to the nearest facility with a Breast MRI machine. This machine will be incorporated into Floyd Medical Center's new Breast Cancer Center, which serves as a single point-of-care by providing a full spectrum of cancer diagnosis, prevention, and treatment services.

The \$250,000 included in H.R. 3293 will be used in its entirety for the procurement and installation of the dedicated Breast MRI machine. This specifically includes purchasing the MRI equipment, software used in the digital imaging of screenings and biopsies, shipping and installation of the unit, and initial training for technicians and physicians.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3293

Account: Department of Health and Human Services; Health Resources and Services Administration

Legal Name of Requesting Entity: Gordon Hospital

Address of Requesting Entity: 1035 Red Bud Road, Calhoun, GA 30701

Description of Request: Gordon Hospital in Calhoun, Georgia is committed to meeting the needs of patients and increasing access to medical records. It is the common goal of hospitals, healthcare industry, and the private and public sector to increase the use of electronic medical records. In fact, health IT policy was passed as a part of the larger stimulus package, earlier this year although the bulk of the funding was provided for incentives for those who have already adopted, instead of funding for implementation.

Connecting medical providers to provide a more comprehensive medical history of a patient not only lowers healthcare costs but also leads to quicker diagnosis and treatment of patients. Therefore, Gordon Hospital is seeking federal aid to purchase a Community Electric Medical Record System. This system will allow for easier interface with doctors consulting patients in a variety of specialties and also allow easier access to medical records for our patients.

The \$150,000 included in H.R. 3293 will be used in its entirety for the purchase of Community EMR Software.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3293

Account: Department of Health and Human Services; Health Resources and Services Administration

Legal Name of Requesting Entity: Kennesaw State University

Address of Requesting Entity: 1000 Chastain Road, MD 0101, Kennesaw, GA 30144-5591

Description of Request: Kennesaw State University is preparing to begin construction of a new Health Sciences Building. This facility will help expand the nursing program and will address the growing nursing shortage—locally and nationally.

The number of Registered Nurses in the United States continues to remain below its target and Georgia consistently ranks below the national average. The Georgia Hospital Association's 2006, "Changing Demographics—Bridging Generations," shows an RN vacancy rate in member hospitals of 10.7% in 2006. There is 1 nurse for every 753 Georgians, putting the state in the bottom fourth of the country, it says.

The nationwide shortage of nursing faculty poses another threat to the future of healthcare in America. Kennesaw State University's School of Nursing recently received Board of Regents approval to launch a Doctorate of Nurse Science that will help create a stronger pipeline of nursing faculty to teach future generations of nurses and easier interface with doctors consulting patients in a variety of specialties and also allow easier access to medical records for our patients.

The \$100,000 included in H.R. 3293 will be used to assist in the efforts of this project. Specifically, the Fiscal Year 2010 federal

funds will consist of following budget items: Construction costs for engineering data, surveys, and laboratory testing that will equal \$100,000.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally-directed funding, I am submitting the following information regarding funding included in H.R. 3293—Labor-HHS-Education Appropriations Act, 2010

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3293

Account: Health and Human Services, SAMHSA

Legal Name of Recipient: Operation UNITE

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of \$1,000,000 for a substance abuse treatment and voucher program through Operation UNITE. Operation UNITE is a comprehensive program to combat the scourge of drug abuse in southern and eastern Kentucky by coordinating federal, state and local efforts in law enforcement, treatment and education. Operation UNITE has arrested 3,028 drug dealers and removed over \$8.64 million worth of drugs off the street, including 86,068 prescription pills, 450 pounds of marijuana, 11.7 pounds of meth and 23 pounds of cocaine. Over 2,050 nonviolent offenders have participated in UNITE-funded drug courts, and more than 1,430 individuals grappling with addiction have received vouchers for treatment. This funding will be utilized to provide a one-time payment for residential substance abuse treatment for eligible individuals who cannot afford treatment.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3293

Account: Health and Human Services, SAMHSA

Legal Name of Recipient: Operation UNITE

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of \$1,000,000 for a multi-school substance abuse counseling and curriculum development program through Operation UNITE. Operation UNITE is a comprehensive program to combat the scourge of drug abuse in southern and eastern Kentucky by coordinating federal, state and local efforts in law enforcement, treatment and education. From the 2004–2008 school years, 35 counselors served 44 school districts in the region. In addition, nearly 65,000 individual and group counseling sessions were provided, and 3,949 referrals to treatment were made. This funding will provide prevention, intervention, and treatment through drug counselors in the local school system.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3293

Account: Department of Health and Human Services, HRSA

Legal Name of Recipient: Morehead State University

Address of Recipient: 150 University Boulevard, Morehead, KY 40351

Description of Request: Provide directed funding of \$250,000 to conduct a health outreach demonstration program in eastern Kentucky. The region has some of the highest rates of diabetes, obesity, and heart disease in the country. This is a targeted and comprehensive project to improve rural health and rural communities. The funds will be used for program development, supplies, health information resources, physician and professional support, and promotional/awareness efforts.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3293

Account: Department of Education, FIE

Legal Name of Recipient: Eastern Kentucky PRIDE

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of \$250,000 for environmental education and awareness to students through the Eastern Kentucky PRIDE program. PRIDE is the first initiative specifically created to solve severe environmental degradation problems in the region. PRIDE, a non-profit organization, unites citizens with the resources of federal, state and local governments in order to improve water quality in the region, clean up illegal trash dumps and other solid waste, and promote environmental awareness and education to break the cycle of pollution. This funding supports initiatives in local elementary, middle, and high schools to engage students in environmental stewardship.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3293

Account: Department of Education, FIE

Legal Name of Recipient: The Center for Rural Development

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of \$500,000 for the continuation of Forward in the Fifth, a civic literacy program in southern and eastern Kentucky. Begun in 1986, the organization serves 44 Appalachian counties by placing a high priority on literacy education. In addition, Forward in the Fifth has developed and implemented a variety of programs to improve school attendance, enhance science and math instruction, reduce dropout rates, train parents in computer-based education platforms, and increase the number of residents attending college. The program works with local schools, teachers, parents, and the community.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3293

Account: Department of Education, FIE

Legal Name of Recipient: City of Prestonsburg

Address of Recipient: 200 North Lake Drive, Prestonsburg, KY 41653

Description of Request: Provide directed funding of \$200,000 for arts education at the

Mountain Arts Center, which is a non-profit cultural arts complex based in Prestonsburg, Kentucky. This funding will enable the complex to expand its curriculum and learning opportunities further in eastern Kentucky. It hosts a wide variety of arts education classes for all ages in music, art, and theater.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3293

Account: Department of Health and Human Services, HRSA

Legal Name of Recipient: Union College

Address of Recipient: 310 College Street, Barbourville, KY 40906

Description of Request: Provide directed funding of \$500,000 for renovations and reconstruction on an existing building for a new nursing and allied health program facility. Union College intends to renovate the former Knox County Hospital building into a center for academic programs in nursing and science. This new facility and programs will improve the educational opportunities available to students in an underserved region.

EARMARK DECLARATION

HON. FRANK A. LOBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. LOBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 3293

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Shore Memorial Hospital

Address of Requesting Entity: 1 East New York Avenue, Somers Point, NJ 08244

Description of Request: Provide an earmark of \$500,000 for construction of and equipment for a new surgical pavilion.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Bacharach Institute for Rehabilitation

Address of Requesting Entity: 61 West Jimmie Leeds Road, Pomona, NJ 08240

Description of Request: Provide an earmark of \$250,000 for relocation, expansion and upgrade of Bacharach's Sleep Disorder Center.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: City of Vineland, NJ

Address of Requesting Entity: 640 E. Wood Street, Vineland, NJ 08360

Description of Request: Provide an earmark of \$300,000 for the development of a commu-

nity health and wellness center on the campus of what will become a regional health care and health training facility.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: AtlantiCare

Address of Requesting Entity: 2500 English Creek Avenue, Building 500, Suite 501, Egg Harbor Township, NJ 08401

Description of Request: Provide an earmark of \$200,000 to implement a geographic and program expansion of the AtlantiCare Special Care Center, a nationally recognized program to improve outcomes for the chronically ill.

RECOGNIZING SWEET MISS GIVING'S

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Sweet Miss Giving's. This bakery with a social conscience has helped the homeless and HIV-positive of Chicago by creating jobs, teaching skills, and giving back to the community.

Sweet Miss Giving's arose to give the homeless and disabled of Chicago an opportunity to obtain practical skills through real world working experience. The bakery gives participants a place to work after completing job training so they may gain the confidence and talent enabling them to find work in the future. Their decadent baked goods are currently being sold at dozens of local businesses and restaurants around Chicago and over fifty percent of proceeds are donated to Chicago House, the first provider of AIDS housing in the Midwest.

Sweet Miss Giving's offers hope of achieving self-sufficiency for those who had previously considered themselves unemployable. I am proud to recognize the hard work, ingenuity, and charity of this bakery that improves people's lives and their prospects for the future.

EARMARK DECLARATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. BARTON of Texas. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill

Account: HRSA—Health Facilities and Services

Legal Name of Receiving Entity: SafeHaven of Tarrant County

Address of Receiving Entity: 815 Manhattan Boulevard, Suite 105, Fort Worth, TX 76120

Description of Request: I have secured \$200,000 in funding to be used to support the direct cost of personnel implementing the Safety First program which includes the 24/7/365 toll-free hotline and SafeResponse initiative.

HONORING THE CITIES OF
COLUMBUS AND NORFOLK

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to congratulate two cities in my district for being named to the list of 100 best small towns to live in in America by Money Magazine.

Columbus was recognized for its low jobless rate with its industry and manufacturing infrastructure providing employment for more than 5,700. Columbus is home to major agricultural equipment companies and the Nebraska Public Power District. Glur's Tavern, the oldest bar west of the Missouri River reminds residents of the days when Buffalo Bill Cody frequented the area.

Money Magazine took note of Norfolk's public school system. The 13 schools in the K12 district are relatively diverse, teacher-student ratios are often under 1:20, and the "Challenge" program offers differentiated instruction for academically talented children. It was also pointed out that Norfolk is a major retail trade center for northeast Nebraska, and the manufacturing industry in the city employs more than 4,000 people.

These designation weren't accidents. Columbus and Norfolk are strong communities of people who care for each other, who help out during hard times, and who live up to the benchmarks set by our forefathers.

So, congratulations to Columbus and Norfolk for representing Nebraska and making us proud.

OLAJU "O.J." GREEN

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. AUSTRIA. Madam Speaker, I rise today on behalf of the constituents of Ohio's 7th Congressional District to express our deepest sympathies to the family and friends of Olaju "O.J." Green and to recognize the numerous achievements of this outstanding young man.

O.J. was a not only an excellent student in the classroom, but was also a leader and standout athlete for Canal Winchester High School's Football Team. He was both dedicated and hardworking, leading his football team to qualify for the state playoffs.

In addition to his successes in the classroom and on the football field, he was also a

great artist. I met O.J. through his participation in the 7th Congressional District Art Show. His pencil drawing submitted for the art show was thought provoking and clearly showed his talent. It was an honor for me to meet this bright, well-rounded and articulate young man.

My thoughts and prayers are with the family and friends during this time of terrible loss.

REMARKS ON THE MANAGER'S
AMENDMENT TO H.R. 3170

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Ms. DELAURO. Madam Speaker, I rise in strong support of the Manager's amendment and particularly the increase in funding for the CPSC.

In short, we cannot afford to cut corners when it comes to consumer product safety. The stakes are much too high.

In recent years, we have seen hundreds of recalls affecting millions of toys—many of which were for extremely dangerous lead-contamination.

Today, 86 percent of the toys Americans purchase are imported from China. Almost one-fifth of all consumer products for sale in America today are Chinese-made. These trends demand a real vigilance on our part. Parents cannot distinguish a dangerous toy coated with lead paint from one that is safe simply by looking at it. They must be able to count on the agencies charged with protecting them.

That is why we must fund the CSPC to its fullest extent. Just last July, we passed the Consumer Safety Improvement Act by a margin of 424 to 1. Now is not the time, less than a year after we finally began taking the Commission's responsibilities seriously, to start cutting the CSPC back down to the bone. The health and safety of our children, and of all American consumers, are far too important for that.

This is an important amendment that strengthens this bill and I urge its adoption.

HONORING MR. RICHARD D.
"DICK" MACRAVEY

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. SALAZAR. Madam Speaker, I rise today to honor my mentor and close friend, Mr. Richard D. "Dick" MacRavey. After twenty-six years of service as the Secretary and Executive Director of the Colorado Water Congress, Dick is announcing his retirement. Throughout his tenure, Dick helped enact a multitude of important legislation to protect water resources throughout Colorado. As Executive Director, Dick saw 350 of the 419 Colorado Water Congress supported bills enacted into law. In addition, only one of the 123 bills opposed by the Colorado Water Congress became law. This impressive record demonstrates Dick's effec-

tive leadership and dedication to protecting Colorado's water.

During my time in the Colorado State Legislature, Dick took me under his wing and taught me a great deal about water legislation. As a farmer and life-long resident of the San Luis Valley, I understand the importance of water. This precious resource is our lifeblood and essential to maintaining our way of life. Dick understood the needs of everyone. From farmers, like me, in rural Colorado, to those in towns like Aspen, Carbondale and Telluride and cities like Denver, Aurora and Colorado Springs. With his guidance, I helped craft a piece of legislation, "The Basin of Origin Protection," which I am very proud of. Although this bill was never enacted into law, the lessons Dick taught me during this experience were invaluable. I will always consider Dick a great mentor and friend.

Dick's dedication to protecting water and to serving Colorado started long before his involvement with the Colorado Water Congress. He served three years as Executive Director to the Larimer-Weld Council of Governments and seven years as Executive Director of the Colorado Municipal League. While at Larimer-Weld COG, Dick developed and guided the early stages of the Larimer-Weld "208" Water Quality Management Planning effort. In 1970, Dick served as Chairman of the Colorado Good Government Committee for the promotion of the State Constitutional Amendments One (Governor's Cabinet), Two (State Civil Service Reorganization) and Three (Local Government Modernization). All three amendments were approved overwhelmingly by the people of Colorado. In addition, Dick was involved in six other statewide initiative campaigns and was successful in all six campaigns.

In 1988, Dick was appointed to COLORADO VISION 2000 and, in 1989, he was appointed to become part of the 16-member Legislative Council Subcommittee on Long-Range Planning for the State Government. From 1969–71, Dick served on the National League of Cities Board of Directors. He also served as a member of the Boards for the Colorado Water PAC and the Colorado Water Education Foundation. Dick is a member of the American Society of Association Executives, Colorado Society of Association Executives, American Water Works Association and International City Management Association. Dick is one of Colorado's great leaders. He has been involved in many aspects of Colorado life and has worked tirelessly to protect our current and future generations.

However, it is his tireless fight for water that has been most inspiring to me. In 1999, Dick was named the nineteenth recipient of the "Wayne N. Aspinall Water Leader of the Year Award." This is a prestigious award in Colorado named after a former Congressman of the District I currently represent. Mr. Aspinall was a water champion for Colorado and was instrumental in helping to ensure that Colorado residents have access to a safe water supply.

After I was elected to the U.S. House in 2004, Dick gave me a biography, entitled "Wayne Aspinall: Mr. Chairman." In the inside cover, he wrote me an inspirational and encouraging message. It read:

To: John Salazar,

This book is about one of Colorado's great members of Congress. You will some day also rank as one of the great members from Colorado. I have no doubts about your future achievement.

Your friend, Dick MacRavey. January 27, 2005.

This note touched my heart and I keep this book with me in my Congressional office. While serving in Congress, I will continue to fight for Colorado's water and I hope that my efforts will make Dick MacRavey proud.

I wish Dick well in his retirement and I want him to know that he will always have a special place in my heart.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Ms. WOOLSEY. Madam Speaker, on July 23, 2009, I was unavoidably detained and was not able to record my vote for rollcall No. 625.

Had I been present I would have voted:

Rollcall No. 625—"no"—Neugebauer of Texas Part A Amendment No. 11

HONORING THE LIFE AND MEMORY OF GERALDINE MARTIN AND EXPRESSING SYMPATHY ON HER PASSING

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. COLE. Madam Speaker, I rise today to honor a woman that could teach us all a thing or two about love and compassion. Geraldine Martin is currently looking down on us from Heaven where last month she was reunited with the love of her life, Jesse, her husband of 63 years. A mother of four, grandmother of nine and great-grandmother of six, family was her first thought in the morning and last thought at night.

When complications from birth left her son Cecil with special needs, she became a crusader for children with challenges. From coaching Special Olympics for two decades to establishing the Power Shop, helping children meet and exceed their potential was a calling Geraldine gladly answered. A dedicated volunteer at the Bethel Assembly of God and a professional banker for nearly four decades, she retired as vice president of the First Bank and Trust of Velma, Oklahoma in 2003 to enjoy her family, her volunteer work, sewing, gardening and, of course, drinking coffee on her back porch.

Geraldine considered her legacy to be her family and today, on behalf of myself and the gentleman from Texas, Mr. BRADY, we honor her and offer them our sincerest condolences. She leaves behind two daughters, Sharon Frame and her husband Larry of Oklahoma City, and Gail Clark and her husband Joe of Krum, Texas; two sons: Jesse Martin and his wife, Vicki, of Edmond, Oklahoma, and Cecil

Ray Martin. She is also survived by three sisters: Betty Stanley and Margaret Tiemann, both of Goldthwaite, Texas, and Kay Nixon and her husband, Bill, of Anaheim, California, and one brother, Jackie Sherrill and his wife, Peggy, of Memphis, Tennessee. She will be especially missed by her nine wonderful grandchildren and six great-grandchildren and her many friends and admirers.

Madam Speaker, I want to thank Geraldine Martin for showing us all how to live a great life and extend our greatest sympathy to her family.

EARMARK DECLARATION

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3228, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Project Name: Interstate 75/Collier Boulevard/SR 84 Interchange Improvements

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 3228, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Account: Federal Highway Administration
Legal Name of Requesting Entity: Florida Department of Transportation

Address of Requesting Entity: 605 Suwannee Street, Tallahassee, Florida 32399

Description of Request/Justification of Federal Funding: The current interchange serves the east Naples area, Golden Gate City and Marco Island, and is the closest interchange from the east to the City of Naples. The \$800,000 in funding will be utilized for capacity improvements at the Interstate 75/Collier Boulevard/SR 84 Interchange and will improve traffic flow in the region.

EARMARK DECLARATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. BURGESS. Madam Speaker, pursuant to the U.S. House of Representatives Republican Leadership standards on earmarks, I am submitting the following information regarding four earmarks I received as part H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of FY 2010:

Project Name: Alliance Airport, Runway Extension Project—Federal Aviation Administration, Airport Improvement Program, Alliance Airport Runway Extension Program, TX—\$750,000

The Runway Extension Project at Alliance Airport in Denton County will lengthen the runways to 11,000 feet and will allow for greater

utilization of the airfield and provide greater capacity as a reliever for DFW International Airport. It will also allow for the cargo carriers to safely maximize their loads and not have to compromise fuel, cargo or both. The increased growth of the airfield will provide many jobs and economic activity. The runway extension project has local, regional and national significance and impacts the infrastructure around the airport. In addition to the runway extension the project will open up the west side of the airport for more airside development and improve access to the Alliance Intermodal facility, which has already proven economic growth benefits to the entire North Texas area. With the advantages of a longer runway at Alliance the nation benefits from this premier intermodal industrial facility that can serve the world.

Alliance Air Services is located at 2221 Alliance Boulevard, Suite 100, Fort Worth, TX 761774300.

Project Name: Grade Separated Railroad Crossing, Town of Northlake, TX—Federal Railroad Administration, Rail line Relocation and Improvement Program—\$500,000

The Town of Northlake, TX is requesting these funds to provide grade separation for an east-west crossing of the BNSF railroad for public safety, emergency response and regional mobility. Currently the only grade separated crossings are at SH 114 and US 380, a distance of fifteen miles. The proposed crossing would be approximately halfway between these crossings. The communities of Fort Worth, Justin, DSH and Northlake need an east-west thoroughfare that is not prone to flood and not impeded by the steady flow of freight trains. Trains on this line can block at-grade crossing for up to an hour; crucial minutes when emergency services are needed. Town of Northlake, TX is located at 1301 FM 407 Northlake, TX 76247.

Project Name: The Fort Worth Transportation Authority, Southwest-to-Northeast Rail Corridor—Federal Transit Administration, Program, Capital Improvement Grants—\$4,000,000

The Fort Worth Transportation Authority (The T) is seeking \$4,000,000 in federal funding to develop plans for a rail line in the Southwest-to-Northeast Rail Corridor across Tarrant County. Federal funding of this project will continue the advancement of affordable mobility for transit users while continuing to reduce traffic congestion and improve air quality. Federal support is crucial to public transit and allows transit authorities across the nation to continue to provide quality public transportation services to meet changing needs of transit passengers.

The Fort Worth Transportation Authority is located at 1600 E. Lancaster Avenue, Fort Worth, TX 76102.

Project Name: Texas Wesleyan University, Rosedale Avenue Redevelopment Initiative Building Renovations—Department of Housing and Urban Development, Economic Development Initiatives—\$250,000

The purpose of this initiative is to fully renovate and revitalize a three-block area in an extremely economically devastated area that surrounds Texas Wesleyan University. Texas

Wesleyan University has developed a comprehensive revitalization plan that includes replacing the current buildings on Rosedale Avenue in Fort Worth with attractive commercial buildings and open spaces that will enhance the appearance and improve the safety of this three-block and the Texas Wesleyan community. The City of Fort Worth has designated this area of the city as a Neighborhood Empowerment Zone (NEZ) that signifies the city's desire to encourage rehabilitation and economic growth. This request is the second phase of the Rosedale Plan which calls for renovation and reconstruction of the historic Dillow House, long a part of Texas Wesleyan life through its history as classrooms, housing, offices, and an alumni center. The University will use this facility as the permanent house for its Business Incubation Center sponsored and supported by its School of Business, and also as a meeting place for alumni and community. Additional funding will be used for student housing to be built along Rosedale, which will provide much needed housing for students and their families. Funding will also be used to create green spaces that will provide parks for the community and the University.

Texas Wesleyan University (TWU) is located at 1201 Wesleyan Street, Fort Worth, TX 76105.

EARMARK DECLARATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. SULLIVAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for three project funding requests that I made and were included within the text of H.R. 3298—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

PROJECT 1

Project: Tulsa Academic Center

Project Amount: \$350,000

Account: Elementary & Secondary Education

Legal Name of Requesting Entity: Tulsa Public Schools

Address of Requesting Entity: 3027 South New Haven Ave., Tulsa, OK 74114.

Description of Request: Tulsa Public Schools are twelfth in the nation in the highest percentage of students dropping out of high school. The Tulsa Public Schools Academic Center, an alternative education school for secondary students, serves students' academic needs in an environment stressing self discipline and respect. The Tulsa Learning Academy serves as a drop-out recovery program for students who need a minimum number of credits to obtain their diploma and who may need to work while they attend school.

PROJECT 2

Project: University of Oklahoma—College of Medicine, Tulsa, OK, for Facilities and Equipment

Project Amount: \$300,000

Account: Health Resources and Services Administration—Health Facilities and Services
Legal Name of Requesting Entity: University of Oklahoma College of Medicine

Address of Requesting Entity: 4502 E 41st Street, Tulsa, OK 74135

Description of Request: Funding this project will help deliver healthcare services to a woefully underserved area. The lack of access to healthcare has resulted in significantly higher rates of chronic illness and disease and drastically lower life expectancy ranges. Investing in this clinic will help improve the lives and livelihoods of the residents and in turn promote a healthier workforce and economy in the region.

PROJECT 3

Project: Oklahoma State University—Center for Health Systems, Tulsa, OK, for purchase of equipment, including a mobile clinic

Project Amount: \$300,000

Account: Health Resources and Services Administration—Health Facilities and Services
Legal Name of Requesting Entity: Oklahoma State University Center for Health Sciences

Address of Requesting Entity: 1111 West 17th Street, Tulsa, OK 74107.

Description of Request: This project will achieve two goals: (1) expand and enhance the OSU Center for Health Science's health information technology system, including its telemedicine and distance learning as well as electronic medical records network, and (2) bring diagnostic and medical services to geographic regions in Oklahoma where even telemedicine is not yet feasible or reasonably located by use of a mobile clinic. The mobile clinics will be available to provide medical services in response to natural or manmade disasters.

HONORING ISABEL P. RUIZ AND HER LIFE OF SERVICE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mrs. CAPPS. Madam Speaker, I rise today to honor a true humanitarian. Isabel P. Ruiz passed away on July 2, 2009 after a life devoted to her family and community. She will be sorely missed by her husband Napoleon, her two children David and Diana, and all who knew her.

Isabel came to the United States from Peru, where she was born and completed her residency as an OB/GYN. In addition to her role as a mother and wife, Isabel served as director of EOC Health Services, clinic manager of Community Health Centers, social worker for the San Luis Obispo County Health Department and board member of French Hospital Medical Center, the American Cancer Society, the Latino Outreach Council and the Oceano Community Center.

Throughout her exemplary career, she developed a local medical clinic, established sex education and senior health screening programs, started free mammogram programs for uninsured women and organized community health fairs in San Luis Obispo County.

Her name lives on in the Isabel P. Ruiz Humanitarian Award, designed to recognize

“... demonstrated selfless desire to help others, community leadership in the county, steady ongoing advocacy to create change and an ability to influence others to create change.”

Serving tireless community advocates like Isabel in Congress is a great honor. My thoughts and prayers go out to her family and friends during this difficult time.

JULY 25, 1995 MASSACRE IN ZEPA, BOSNIA

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. CARSON of Illinois. Madam Speaker, tomorrow, the international community will remember a tragic day in the genocide that ravaged Bosnia and Herzegovina between 1992 and 1995. For over three years, the town of Zepa, Bosnia remained under siege by the Republika Srpska, despite being named a safe haven for Bosnians by the United Nations Security Council.

Over this period, innocent Zepa residents lived under constant threat, both of the near constant artillery fire and from the rampant starvation and disease that arose from squalid living conditions. Thousands lost their lives and countless others were injured during the three year siege until finally, on July 25, 1995, the town fell to paramilitary forces and the remaining residents were killed or forcefully expelled from their homes.

On this heartbreaking anniversary, it is clear that atrocities and genocide should never be permitted to continue unfettered. In remembering the innocent victims of Zepa, I believe that the United States, together with the United Nations and our allies around the world, must reaffirm its commitment to ceaselessly pursue the perpetrators of these terrible war crimes. The international community must come together to not only remember the innocent victims of this massacre, but to also redouble its pursuit of lasting peace and security in some of the world's most volatile regions.

PERSONAL EXPLANATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. REICHERT. On Thursday, July 23, 2009, I intended to vote “nay” on rollcall vote No. 616 to enable the resolution to be considered on the House floor.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of

H.R. 3293, the Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Children's Hospital of The King's Daughters Health System

Address of Requesting Entity: 500 Discovery Drive, Chesapeake, Virginia 23320 USA

Description of Request: Provides \$200,000 to assist in the building of a centralized multi-specialty children's health center in the Norfolk, Virginia area. Children's Hospital of The King's Daughters Health System (CHKD) is the only freestanding children's hospital in the Commonwealth and the region's sole source of exclusively pediatric inpatient and outpatient care. As such, it furthers HRSA's mission of promoting access to vital health services. The current, scattered CHKD locations create access concerns due to the fragmentation of the services. CHKD will build a permanent home in Chesapeake to house outpatient services, and the center will serve the growing pediatric population and expansive geography that are the hallmarks of the region.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: City of Hopewell, Virginia

Address of Requesting Entity: 300 N. Main Street, Hopewell, Virginia 23860 USA

Description of Request: Provides \$257,000 to consolidate multiple city social services agencies into one building to reduce costs.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3293

Account: Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment

Legal Name of Requesting Entity: Chesterfield County, Virginia

Address of Requesting Entity: 9901 Lori Road, Chesterfield, Virginia 23832 USA

Description of Request: Provides \$143,000 to support the Dual Treatment Track (DTT), which is a pretrial diversion program for non-violent defendants that suffer from both a mental illness and substance abuse addiction (federally defined as a vulnerable population). The program uses "best practice" models to divert individuals from the local jail who are of minimal threat to the community, yet in serious need of both substance abuse and mental health services. The DTT program provides benefits for everyone involved in the criminal justice and mental health systems. It reduces the burden of specialized care that the jail is forced to provide. It gives the court a new tool in dealing with a population that is traditionally difficult to effectively sentence.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3293

Account: Employment and Training Administration (ETA)—Training & Employment Services (TES)

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322 USA

Description of Request: Provides \$250,000 to create a community service model for increasing citizen accessibility to workforce training and education resources. This initiative would form a partnership with Chesapeake Library, Economic Development, and Social Services, Tidewater Community College, Opportunity, Inc., and Chesapeake Adult Continuing Education to provide training and education resources to citizens in an effort to help them secure employment.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mrs. MCCARTHY of New York. Madam Speaker, yesterday, I missed 22 votes. Had I been present, I would have voted as follows.

Rollcall No. 616, on the Motion to Table Appeal of the Ruling of the Chair, I would have voted "yea."

Rollcall No. 617, on Agreeing to the Resolution H. Res. 669, I would have voted "yea."

Rollcall No. 618, on the Motion to Suspend the Rules and Agree to H. Res. 566, I would have voted "yea."

Rollcall No. 619, on the Motion to Suspend the Rules and Agree to H. Res. 350, I would have voted "yea."

Rollcall No. 620, on Agreeing to the Hensarling Amendment to H.R. 3288, I would have voted "No."

Rollcall No. 621, on Agreeing to the Latham Amendment to H.R. 3288, I would have voted "No."

Rollcall No. 622, on Agreeing to the Frelinghuysen Amendment to H.R. 3288, I would have voted "No."

Rollcall No. 623, on Agreeing to the Blackburn Amendment to H.R. 3288, I would have voted "No."

Rollcall No. 624, on Agreeing to the Jordan Amendment to H.R. 3288, I would have voted "No."

Rollcall No. 625, on Agreeing to the Neugebauer Amendment to H.R. 3288, I would have voted "No."

Rollcall No. 626, on Agreeing to the Stearns Amendment to H.R. 3288, I would have voted "No."

Rollcall No. 627, on Agreeing to the Flake Amendment #1 to H.R. 3288, I would have voted "No."

Rollcall No. 628, on Agreeing to the Flake Amendment #4 to H.R. 3288, I would have voted "No."

Rollcall No. 629, on Agreeing to the Flake Amendment #7 to H.R. 3288, I would have voted "No."

Rollcall No. 630, on Agreeing to the Flake Amendment #8 to H.R. 3288, I would have voted "No."

Rollcall No. 631, on Agreeing to the Flake Amendment #9 to H.R. 3288, I would have voted "No."

Rollcall No. 632, on Agreeing to the Flake Amendment #10 to H.R. 3288, I would have voted "No."

Rollcall No. 633, on Agreeing to the Flake Amendment #11 to H.R. 3288, I would have voted "No."

Rollcall No. 634, on Agreeing to the Hensarling Amendment #3 to H.R. 3288, I would have voted "No."

Rollcall No. 635, on Agreeing to the Hensarling Amendment #4 to H.R. 3288, I would have voted "No."

Rollcall No. 636, on the Motion to Recommit with Instructions to H.R. 3288, I would have voted "No."

Rollcall No. 637, on Passage of H.R. 3288, I would have voted "yea."

IN RECOGNITION OF MS. LINDSEY NIES AND THE AMERICAN RED CROSS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. MURTHA. Madam Speaker, I rise today in honor of Ms. Lindsey Nies of Leechburg, Pennsylvania and of the American Red Cross for their work in teaching emergency preparedness and life-saving skills.

On January 14, 2009, Ms. Nies helped save the life of her choking classmate. While eating lunch in their school cafeteria, Ms. Nies noticed that her classmate began to cough and could not breathe. When Ms. Nies asked if she was okay, she could only respond by grabbing at her throat while tears were streaming down her face. While other students went to seek help, Ms. Nies remained calm and administered back blows which dislodged the food that was preventing her classmate from breathing. The skills that Ms. Nies learned from her American Red Cross Health and Safety Services course helped to save her classmate's life.

For her efforts in saving another's life, Ms. Nies has been awarded the highest award given by the American Red Cross, the Certificate of Merit.

In addition to teaching Ms. Nies, the American Red Cross has taught countless numbers of individuals valuable skills so that more lives can be saved. Since 1911, the American Red Cross has presented the Certificate of Merit over 12,000 times, to those who have saved or sustained a life.

Madam Speaker, I conclude my remarks by commending Ms. Lindsey Nies for her efforts in saving another's life and the American Red Cross for teaching Ms. Nies, and many others, invaluable life-saving skills.

EARMARK DECLARATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. GARRETT of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting

the following information regarding earmarks I received as part of H.R. 3293, FY 2010 Labor-HHS Appropriations Act, 2010:

Project Name: Health Education and Professional Development Center, NJ

Requesting Member: SCOTT GARRETT

Bill Number: H.R. 3293, FY 2010 Labor-HHS Appropriations Act, 2010

Account: Health Resources and Services Administration, Health Care-Related Facilities and Activities

Requesting Entity: Warren County Community College Foundation, 475 Route 57 West, Washington, NJ 07882

Description of the Project: Funds will be used to provide jobs and classroom facilities for associate degree programs in health sciences and to support nurse graduates

Description of the Spending Plan: (\$350,000) \$350,000 is for the construction of a new Health Education Center and to expand a parking lot to accommodate student parking

Project Name: Aging-in-Place in Northern New Jersey

Requesting Member: SCOTT GARRETT

Bill Number: H.R. 3293, FY 2010 Labor-HHS Appropriations Act, 2010

Account: Administration on Aging, Title IV

Requesting Entity: UJA Federation of Northern New Jersey, 50 Eisenhower Drive, Paramus, NJ 07652

Description of the Project: Funds will be used to enable older adults to safely and securely age in place and remain independent

Description of the Spending Plan: (\$200,000) \$200,000 is for Congregational Nursing & Social Worker programs and In Home Services

Project Name: Newton Memorial Hospital Tower Planning and Design, NJ

Requesting Member: SCOTT GARRETT

Bill Number: H.R. 3293, FY 2010 Labor-HHS Appropriations Act, 2010

Account: Health Resources and Services Administration (HRSA), Health Facilities Construction and Equipment

Requesting Entity: Newton Memorial Hospital, 175 High Street, Newton, NJ 07860

Description of the Project: Funds will be used to construct a five-story Tower on the Hospital's main campus to enable the hospital to better accommodate the community, which has grown beyond what the current hospital's facilities can provide

Description of the Spending Plan: (\$300,000) \$300,000 is for planning (environmental incl.) and design

EARMARK DECLARATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. MORAN of Kansas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 3293, Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3293

Agency/Account: Department of Education, Higher Education (FIPSE)

Legal Name of Requesting Entity: Fort Hays State University

Address of Requesting Entity: 600 Park Street, Hays, KS 67601

Description of Project: I have secured \$250,000 for Fort Hays State University Equipment Project. The funding has four components. The first is for biotechnology equipment that will significantly enhance the training of undergraduate nursing students and other healthcare providers in rural Kansas. The second part is for computerized simulators which have become a significant learning tool in nursing programs as they have expanded to meet the needs of the current shortage. Physiology equipment will be purchased to enhance the training in physiology and clinical cardiopulmonary evaluation. Finally, the last part of the request is for equipment to mount a special video classroom for long-distance learning. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3293

Agency/Account: Department of Education, Higher Education (FIPSE)

Legal Name of Requesting Entity: Hutchinson Community College

Address of Requesting Entity: 1300 N. Plum St., Hutchinson, KS 67501

Description of Project: I have secured \$250,000 for Hutchinson Community College Equipment and Technology Project. In March of 2008 Hutchinson Community College broke ground on an expansion and renovation of its 40-year old science building into a Physical and Biotechnology Science Center. Donations from private donors and state and local public sources will pay for the necessary remodeling and facility expansion which is scheduled to be completed around March 2010. Funding will be used to equip the building with required safety, communication, and technical equipment and furnishings appropriate to learning environments. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3293

Agency/Account: Department of Health and Human Services, Administration on Aging (AOA)

Legal Name of Requesting Entity: Mosaic-Garden City

Address of Requesting Entity: 2708 N. 11th St., Garden City, KS 67846

Description of Project: I have secured \$350,000 for the Legacy Senior Services Program. Mosaic's "Legacy Senior Services" is a new model of service that will be provided in Garden City, Kansas, which will support approximately 40 seniors per day (age 55+), five days a week, who either have intellectual and developmental disabilities (I/DD) or who have Alzheimer's disease. Seniors in these two groups have similar needs and can greatly benefit from similar services.

Funding for Mosaic's "Legacy Senior Services" will be used to help staff and provide a

structured environment where seniors with I/DD and those with Alzheimer's have opportunities to engage in socialization and other meaningful activities that are appropriate for each person's plan for support. These services will allow family members to receive respite from their day-to-day caregiving activities, thus reducing the likelihood of "burnout" that many caregivers experience while also decreasing the need for more expensive nursing home placement. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3293

Agency/Account: Department of Health and Human Services, HRSA

Legal Name of Requesting Entity: University of Kansas

Address of Requesting Entity: 2385 Irving Hill Rd., Lawrence, KS 66405

Description of Project: I have secured \$1,500,000 for the University of Kansas Cancer Research Facilities and Equipment. Funding will be used for facilities and equipment needs for cancer research in Wahl/Hixon Research Complex at the KU Medical Center. To achieve the goal of National Cancer Institute designation, the University of Kansas Cancer Center must attract 19 new basic, translational, and clinical cancer researchers by 2011. These scholar recruits will only come to the University of Kansas Cancer Center if state-of-the-art research facilities and equipment are available on the Medical Center campus in Kansas City and the Drug Discovery campus in Lawrence. Currently, the Cancer Center plans to renovate 170,000 square feet and construct 98,200 square feet of laboratory space for cancer researchers. I certify that neither I nor my spouse has any financial interest in this project.

THE DEDICATION OF THE HICKS ELEMENTARY SCHOOL IN CORPUS CHRISTI, TEXAS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize the dedication of Hicks Elementary School named after Gloria Hicks, a longtime community activist who is known to read to children, collect clothing for students in need and raise money for educational-related purposes.

Recently, the Corpus Christi Independent School District named one of their newest elementary schools after Ms. Hicks, who has been a pillar in the field of education in and around the Coastal Bend area for many years.

Ms. Hicks has raised more than \$60,000 for the Corpus Christi Independent School District. These funds have gone for the purchase of new computers, a golf cart, T-shirts, landscaping work, and math software for student with disabilities at Miller High School—to name a few of the many deeds she has accomplished.

Ms. Hicks was also a key person in volunteering and organizing the \$192 million November school bond, which passed in great part due to her help.

Today, I ask that my colleagues join me in commemorating the dedication of Hicks Elementary School, which promises to teach generations of children the value of an education through Ms. Hick's vision, compassion and dedication to learning.

THE 60TH ANNIVERSARY OF THE CITY OF LAUDERDALE, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Ms. McCOLLUM. Madam Speaker, today I rise to honor Lauderdale, Minnesota and its more than 2,300 residents on the occasion of the 60th anniversary of the city. Residents of Lauderdale are proud to call Lauderdale home, because of its livability and strong neighborhood connections.

The history of Lauderdale began when the Walsh family first settled the area in 1855. Shortly after Minnesota became a state in 1858, the area now known as Lauderdale was included in the newly organized Rose Township. This farmland became home to one of the first businesses founded by Swedish immigrant Nels Olson, Rose Hill Nursery, which grew to be one of the largest in the state. Toward the end of the century, Lauderdale saw an increase of settlers, who were drawn to Lauderdale because it provided easy access to both downtown St. Paul and Minneapolis via the Como Interurban street car line.

On January 21, 1949, with a population of approximately 1,500, area residents voted to incorporate 270 acres as the Village of Lauderdale, named after landowner William H. Lauderdale. Over the next decade, Lauderdale continued to grow and develop. On February 15, 1954, Lauderdale annexed land between Roselawn and Ryan Avenue. In addition plans for Trunk Highway 280 were approved in 1954, which provides a vital transportation link for Ramsey County. In 1973, the village became the City of Lauderdale and continued the use of a Council-Mayor form of government which continues today.

In 1997, Lauderdale was recognized by WCCO as the most livable community in the state of Minnesota. Since its incorporation 60 years ago, the City has grown from a tiny, industrial area to a lively suburban community with strong neighborhoods, prosperous businesses and with the perks of small-town living in a thriving metropolitan area.

Madam Speaker, I am pleased to submit this statement for the CONGRESSIONAL RECORD recognizing the 60th Anniversary of Lauderdale, Minnesota in honor of the vibrant history, dynamic present and bright future of this city. I wish residents all the best during the events celebrating this special occasion.

TRIBUTE TO EDDIE BALL

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to Eddie Ball, who retired as the director of the Emergency Management Agency of Coweta County, GA, in September 2008 after nearly 20 years of service.

Mr. Ball shepherded the county's emergency response agency through an important time of growth and progress. He oversaw implementation of the county's 911 operating system, and he managed the day-to-day emergency response network. During his tenure, 911 calls in the county increased from less than 33,000 per year to more than 100,000 per year.

As leader of the agency, Mr. Ball served on the front lines of saving lives and treasure. His agency provided the most basic and most important government service: keeping people safe.

On occasion, the call to service would border on the bizarre. According to a 2006 article in the Newnan Times-Herald, Mr. Ball sometimes had to respond to Bigfoot sightings. He's even credited with coining the name "Belt Road Booger" after residents deluged county officials with reports of a large, hairy, two-legged critter roaming the Belt Road area on the west side of Newnan. (Mr. Ball theorized the "Booger" was actually a local, eccentric, now-deceased man who roamed the roadside.)

For his dedication to solving problems that ranged from the normal to the paranormal, Mr. Ball was recognized this year by the Georgia General Assembly, which noted his "significant organizational and leadership talents, his remarkable patience and diplomacy, his keen sense of vision, and his sensitivity to the needs of the citizens."

I ask my colleagues in the House to join me in saluting Eddie Ball, the longest serving Emergency Management Agency director in the history of Coweta County. On behalf of the people of Georgia's Third Congressional District, I thank him for his service and I wish him health and happiness in his retirement.

EARMARK DECLARATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. BARTON of Texas. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill

Account: HRSA—Health Facilities and Services

Legal Name of Receiving Entity: The University of Texas at Arlington

Address of Receiving Entity: 701 South Nedderman Drive, 346 Davis Hall, Arlington, TX 76019

Description of Request: I have secured \$650,000 in funding to be used for acquisition of equipment to support new multidisciplinary collaborative research and development activities in support of improving preventative in-home healthcare for the aging (Smart Care). It would also be used for construction and the purchase of capital equipment for the biointerface engineering project.

RECOGNIZING ART THERAPY CONNECTION

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Art Therapy Connection, a not-for-profit that has empowered hundreds of struggling students in the Chicago public school system.

Art Therapy Connection teaches students to deal with negative emotions and hardship through the use of creative outlets, which have consistently rendered them better behaved, more focused and more successful in school. Art therapy helps raise children's self-esteem by encouraging self-expression and providing them the opportunity to work through their behavioral and social problems in a fun, motivating way. In addition, Art Therapy Connection brings art to schools that have cut it from the curriculum through the Visiting Artist Program that connects students to artists in the community.

Art Therapy Connection has grown each year, reaching out weekly to over 150 students at five different grade schools and high schools in the 2008–2009 school year and is still expanding. I would like to honor Art Therapy Connection for working tirelessly to make art therapy available to as many students as possible. The program has proven to be an invaluable resource for children in the Chicago public school system.

EARMARK DECLARATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. GARY G. MILLER of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Transportation and Housing and Urban Development Appropriations Bill.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3288

Account: FTA, Buses and Bus Facilities

Legal Name of Requesting Entity: City of Anaheim

Address of Requesting Entity: 200 South Anaheim Boulevard, Anaheim, California 92805

Funding Secured: \$725,000

Description of Request: The Anaheim Regional Transportation Intermodal Center (ARTIC) will be the premier regional multimodal transportation hub in Orange County, located on a 16-acre site in the City of Anaheim, strategically situated along the Los Angeles to San Diego (LOSSAN) rail line, bounded by State Route 57, and in close proximity to the Interstate 5 freeway. The ARTIC will establish both physical and functional linkage to provide seamless access between all transit modes. The ARTIC is needed to accommodate the travel needs of 45 million visitors and will strategically facilitate bus rapid transit service, proposed California High Speed Rail alignment, as well as the Anaheim to Ontario International Airport segment of the California-Nevada Interstate super speed rail project. The project will also expand existing transportation infrastructure for Amtrak intercity rail, Metrolink commuter rail, fixed-route and express bus services, taxi and Anaheim Resort shuttles, as well as private transportation providers such as Greyhound. The City of Anaheim is completing this project in conjunction with the Orange County Transportation Authority and once complete, will act as an integral hub serving millions of travelers in and out of the Southern California region.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3288

Account: FTA, Capital Investment Grants

Legal Name of Requesting Entity: Omnitrans

Address of Requesting Entity: 1700 West 5th Street, San Bernardino, California 92411

Funding Secured: \$32,370,000

Description of Request: The introduction of premium transit modes and services in the San Bernardino Valley corridors in the future will allow Omnitrans to achieve better market penetration, while being able to positively influence the livability of communities in its service area. The faster, more direct transit service of Bus Rapid System (BRT) has proven beneficial to many communities around the country. Therefore the study has selected the following seven major transit corridors within the Omnitrans service area: (1) E Street; (1a) E Street Extension; (2) Foothill Boulevard East; (3) Foothill Boulevard West; (4) Mountain/Euclid Avenues; (5) San Bernardino Avenue; (6) Holt Avenue/4th Street; and (7) Grand/Edison Avenues. These seven corridors, two north/south and five east/west, cover much of the developed land within the service area and form a grid which will allow direct transfers between lines if an entire system of fast premium services is implemented by Omnitrans. Omnitrans is currently moving forward with the E Street Corridor, and a plan is needed for the remaining corridors.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3288

Account: Economic Development Initiative

Legal Name of Requesting Entity: National Community Renaissance

Address of Requesting Entity: 9065 Haven Avenue, Suite 100, Rancho Cucamonga, California 91730

Funding Secured: \$1,000,000

Description of Request: National Community Renaissance is one of the largest nonprofit af-

fordable housing development corporations in the United States. It manages the development and preservation of high quality affordable housing throughout the country, including development of new affordable housing, preservation of existing affordable housing at risk of going to market rate, and full service construction management with expertise in multifamily and mixed use development. This community opportunity program has been absolutely invaluable in helping to provide affordable housing for more American families and in promoting increased homeownership in the United States. For every dollar of public funding, National Community Renaissance leverages nine dollars of private funds to support its goals of affordable housing. Over the past several years, Congress has continually supported National Community Renaissance's program of acquisition, rehabilitation, and preservation of at-risk affordable housing by appropriating funds from the Self-Help and Assisted Homeownership Opportunity Program account. Federal funding would be used for the acquisition, rehabilitation, and preservation of at-risk affordable housing.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3288

Account: Economic Development Initiative

Legal Name of Requesting Entity: Hillview Acres Children's Home

Address of Requesting Entity: 3683 Chino Avenue, Chino, California 91710

Funding Secured: \$250,000

Description of Request: Established in 1929, Hillview Acres Children's Home cares for severely abused and neglected children throughout the greater Los Angeles area. Using four cottages that house no more than nine children each, Hillview provides 24-hour residential and mental health treatment services for abused boys and girls ages six through eighteen. The Home's main activities include complete assessment services and psychiatric care, a state-certified nonpublic school, a Family Reunification Program, and a home for pregnant teens and teenage mothers. One of the biggest challenges Hillview faces today, however, is its aging physical plant. Built with volunteer labor over forty years ago, the physical appearance of the campus no longer mirrors the services provided. The renewal of the campus is vital to showing the children they are worthy of a safe and caring home. Hillview Acres has benefited from congressional support in previous fiscal years and continued federal funding of this public-private partnership is necessary, however, to allow Hillview to uphold its mission in receiving, treating, and caring for thousands of severely abused and neglected children.

DEMOCRACY RESTORATION ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. CONYERS. Madam Speaker, I am pleased to introduce the Democracy Restoration Act of 2009. This legislation will serve to

clarify and expand voting rights, as well as assist former felons with their reintegration into our democracy.

The Sentencing Project reports that, since 1997, 19 states have amended felony disenfranchisement policies in an effort to reduce their restrictiveness and expand voter eligibility. These reforms have resulted in more than 760,000 citizens regaining their voting rights. Yet, despite these reforms, an estimated 5 million people continue to be ineligible to vote in Federal elections, including nearly 4 million who reside in the 35 states that still prohibit some combination of persons on probation, parole, and/or people who have completed their sentence from voting.

I believe that there are three grave discrepancies in State laws regarding felony convictions that lead to unfairness in Federal elections. First, there is no uniform standard for voting in Federal elections, which leads to an egregious disparity and unequal participation in Federal elections based solely on where a person lives. Second, laws governing the restoration of voting rights after a felony conviction are unequal throughout the country and persons in some States can easily regain their voting rights while in other States persons effectively lose their right to vote permanently. Third, State disenfranchisement laws disproportionately impact ethnic minorities, thus adversely infringing upon citizens of these communities constitutional right to vote.

These concerns about ex-offender disenfranchisement are not rhetorical. In the past two election cycles, flawed voter purges have deprived thousands of legitimate voters of their rights. For example, an erroneous interpretation of state law by the Ohio Secretary of State deprived thousands of ex-felons in that state of even the right to register. Only Federal law can conclusively resolve the ambiguities in this area plaguing our voting system.

Like the States, Congress has recognized the need to address the barriers to full citizenship faced by ex-offenders. Last Congress, President Bush signed the Second Chance Act into law, signaling a greater awareness of the need to implement policies to aid the reintegration of our ex-felon community. This voting legislation is the next step in restoring the ex-felon community to full citizenship. Denying voting rights to ex-offenders robs them of the opportunity to fully participate and contribute to their society. Disenfranchisement laws isolate and alienate ex-offenders, and have been shown to serve as one more obstacle in their attempt to successfully reintegrate into society. Moreover, these obstacles adversely impact the voting participation of their families, further undermining the effectiveness of our voting system.

This legislation is a narrowly crafted effort to expand voting rights for ex-felons, while protecting State prerogatives to generally establish voting qualifications. This legislation would only apply to persons who have been released from prison, and it would only apply to Federal elections. Consequently, the bill is fully consistent with Constitutional requirements established by the Supreme Court in a series of decisions upholding Federal voting rights laws.

In past Congresses, voting restoration legislation has been supported by a broad coalition of groups interested in voting and civil rights,

including the NAACP, ACLU, the National Council of Churches (National and Washington Office), the National Urban League, the Human Rights Watch and the Lawyers Committee for Civil Rights, among many others.

The practice of many states denying voting rights to former felons represents a vestige from a time when suffrage was denied to whole classes of our population based on race, gender, religion, national origin, and property. Ex-felons who have been lawfully released from prisons have paid their debts to society. To continue denying them the ability to reclaim rights as citizens resurrects historic unenlightened practices of our society. Ultimately, I believe that we fail not only ex-offenders by denying them the right to vote, but the rest of a society that has struggled throughout its history to be legitimate and inclusive. Just like poll taxes and literacy tests,

it is long past time that these restrictions be relegated to unenlightened history.

EARMARK DECLARATION

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Oak Ridge Cemetery Infrastructure Improvements, Springfield, Illinois.

Bill Number: H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Provisions/Account: Department of Housing and Urban Development, Economic Development Initiatives

Name and Address of Requesting Entity: The entity to receive funding for this project is the City of Springfield and Oak Ridge Cemetery, located at 1440 Monument Avenue, Springfield, IL, 62702.

Description of Request: Oak Ridge Cemetery is the largest cemetery in Illinois, the resting place of President Abraham Lincoln and is the nation's second most visited cemetery with up to 40,000 visitors a day using private vehicles and mass transit buses. The roads used were paved and guttered over 100 years ago and now are in dire need of resurfacing. Oak Ridge Cemetery is self supporting and typically requires no tax dollars from the federal, state, or local level. In a typical year, Oak Ridge receives over 3 million visitors; however, with the Lincoln Bicentennial this year, visitation is expected to have a large increase.

SENATE—Monday, July 27, 2009

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and merciful God, in the midst of our labors, we are grateful for this time to talk to You and to be refreshed by Your presence. At a time when vast issues are at stake, remind our lawmakers of the great traditions in which we stand. Empower them to rise to the greatness of vision and soul that energized the Founders of this land. May they embrace and support the great causes that will mold the future into the pattern of Your desire and design.

Lord, use our Senators to heal and rebuild our world. In the darkness of our time, may their lives be Your candles to illuminate our Nation and world.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 27, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to 1 hour. At 3 p.m., the Senate will proceed to the consideration of the Energy and Water appropriations bill, which will be managed by Senator DORGAN. There will be no rollcall votes today during the session. There should be votes tomorrow morning prior to the caucus luncheons.

FINISHING THIS WORK PERIOD

Mr. REID. Mr. President, there are many who suffer from our broken health care system, and many who will benefit when we fix it. Counted among those are the increasing numbers of Americans who go to work every day in small businesses. The vast majority of jobs in America today are not with the huge companies but with small businesses. Owners and employees alike of small businesses are getting a raw deal. They are paying more for their health insurance, if they have it at all.

Small businesses in big cities and small towns across the country play an immeasurable role in sculpting how the future will look. These are the entrepreneurs who innovate, invent, and fuel our economy. They are the visionaries who help create jobs and cultivate ideas.

We, in turn, must help nurture these businesses. We should be making it easier for them to grow and to succeed. But if we keep the status quo—if we do not act—we will be making it harder. The White House's Council of Economic Advisers has found that when a small business buys the same health insurance plan as a big business, the small business pays significantly more per worker. The consequence of this inequity is very clear: A small business owner who has to pay more to keep his or her employees covered has to cut corners somewhere else. Maybe they pay their employees lower wages or salaries. Maybe they have to use more of their profits to pay for health care and have less to spend on the research and development that will help their ideas become realities. Maybe they need to buy new equipment or invest in new technologies but cannot because of the crushing costs of health care. Maybe they lay off more hard-working Americans than they ordinarily would.

What if the expense they choose to sacrifice is health care itself? And that happens so often. Almost 100 percent of large businesses—those with more than 200 employees—offer health benefits. But fewer than half of businesses with

nine or fewer employees can afford to do the same, and that number is shrinking.

When we reform health care, we will level the playing field for small businesses. We will give employees more choices and better plans from which to choose. We will give owners tax credits so they can afford to cover their workers. We will make it easier for existing small businesses to succeed. We will make it easier for more entrepreneurs to start their own new companies. And we will make it easier for more Americans to afford to work there and stay healthy at the same time—all in this small business atmosphere.

Reforming health care—and doing it the right way—is not just a health issue, it is also an economic issue. That is why we will continue in the coming weeks and months to reform health care in a way that protects what works and fixes what does not. It is why we are committed to getting this right, not just getting it done by an arbitrary deadline.

While we work on health care, we will also tackle other priorities on our plate. Over the next 2 weeks, we are going to complete at least two appropriations bills that invest in our Nation and support programs that will help our economy grow.

This week we will pass the Energy and Water appropriations bill and start the very important Agriculture appropriations bill. Both of these bills are important. The Energy and Water appropriations bill will help develop safe, homegrown energy sources that reduce our dangerous reliance on oil. The Agriculture appropriations bill, which invests significantly in nutrition programs, school lunch programs, food and drug safety, and international food aid, is important.

We also need to keep existing and successful programs alive so they can continue to succeed. These include the highway trust fund, the unemployment trust fund, the Federal Housing Authority, Ginnie Mae, and benefits for retirees of the Postal Service. All these extensions we have to take care of before we leave. So let me be clear: We are not looking to expand a single one of the programs I have just talked about. We merely must keep them running.

We will also revisit the Travel Promotion Act—a solid, important bipartisan bill that will create tens of thousands of new jobs, cut our deficit by almost a half a billion dollars, and help our economy recover in every single State in the Union.

We will confirm President Barack Obama's outstanding nominee for the

Supreme Court, Judge Sonia Sotomayor.

With the cooperation of both Republicans and Democrats, and with a commitment to crafting productive policy rather than playing political games, we can finish this work and this work period strongly. I am confident we will.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Thank you, Mr. President.

HEALTH CARE

Mr. KYL. Mr. President, what I wish to talk about today is the subject that probably more than any other is on the minds of the American people and certainly probably the No. 1 item on the agenda of most of us in the House and the Senate; namely, what we do about the escalating cost of health care in America and the need for all Americans to have access to coverage.

Those two questions are animating a debate which has captured the time of the people in the House and the Senate, who represent to the American people, and, as we have found more and more—and I found out this weekend when I was back in my home State—the attention of our constituents.

Let me begin by saying, I think that is good.

There was a question about whether the Congress would pass legislation on the House floor or the Senate floor before the beginning of the August recess. Most of us on this side of the aisle felt it would be beneficial if we could go back home and take the month of August, when we are supposed to be home visiting with our constituents, to

have some townhall meetings and other fora, and engage them in a conversation about what they think the best ideas are. Because, at the end of the day, legislation this important, that is going to affect every single American, needs to be well understood by them. And we need, as their representatives, to get their input on what they think is a good idea.

The reality is that very few, if any, Members of either the House or the Senate have read the major bills yet, let alone be able to post them on the Internet so the American people can see them or get them in some kind of hard copy for other people to understand, evaluate them, and discuss them with the American people.

Anything this important cannot be done quickly. It has to be done right. And the first principle is: People need to understand what it is. I have found—and I confess, first of all, I have not read the three House bills nor have I read the HELP Committee bill, the Health, Education, Labor, and Pensions Committee bill. I have read a great deal of what has come out of the Finance Committee. But there is no bill put together in the Finance Committee yet.

The thing that strikes me is the complexity and the degree of government takeover involved. I can't begin, in the brief period of time I have, to describe all the different ways in which the government would take over the key decisions about health insurance and health care in America if these bills were to pass. They are replete with references to the most minute things about people's health that the government will then be taking over.

There are major decisions being made here. We don't know the ramifications of them all. Among other things, the cost. One thing we are learning is ideas Members have about reducing costs don't translate into actual cost reduction because the Congressional Budget Office, which is the entity we have charged with the obligation of telling us how much these things cost, has come back with estimates that are very low in terms of savings and very high in terms of cost. For example, in the main bill in the House of Representatives, the deficit is increased by \$240 billion, and in the bill that has come through the HELP Committee in the Senate, the deficit is increased by \$600 billion.

Nor has the CBO been able to find much savings. I think it was last Friday that they examined the latest idea to come to the White House; namely, to put a group in charge—it used to be called MedPAC, but it would have a different name now—and they would be in charge of identifying what coverage for federal programs there was and how much would be reimbursed to the providers. Unless both Houses of Congress affirmatively voted to reject those rec-

ommendations, they would automatically go into effect.

Well, apart from the obvious concerns about that, CBO came back and said it will only save perhaps \$2 billion over 10 years, which is a drop in the bucket when given the over \$1 trillion cost of the legislation in the House, when it is fully implemented, \$2 trillion cost to the Senate bill.

I mention this simply to point out the order-of-magnitude issue we have facing us: a hugely complex subject; huge amounts of money to be spent, big increases in the deficit, lots of new taxes proposed to help pay for it, and ramifications that will affect all of us in terms of the health care we are entitled to receive. Because of the amount of government involvement in both what insurance can and cannot cover as well as what the government programs such as Medicare can and cannot cover, every American will be affected in terms of the health care our physician says our family or we need but which the government says not necessarily can we receive from our physician; in other words, putting the government between the patient and the physician. That will result in delay and denial of care and outright rationing of health care. This is something that is also of concern to the American people.

When we take \$500 billion in proposed cuts from Medicare at the same time we are adding a brandnew group of baby boom generation retirees, there can be only one result: a cut in health care for seniors. So seniors also have a right to be concerned. Young people have a right to be concerned when we say that in order to reduce the cost of insurance for the sickest people, we are going to put everybody in the same pool, basically, and they will all get the same basic insurance premium or at least within a dictated range. The sticker shock for younger people in America is going to be incredible. They are going to see their premiums increase. So for many people, the cost of health care is not going to go down, it is going to go up.

Very few people believe we can actually reduce the cost of something by putting the government in charge of it.

The final issue people are concerned about after the cost of it, the increase in deficits, the increased taxes to pay for it, the fact that it will result in delay and denial of care, is the fact that it will not enable people to keep what they have. This is one of the reasons the President has said so many times that if you like your insurance, you get to keep it. The President is wrong when he says that. He hasn't read the bills. On this I will take just a little bit of time because he is wrong on two counts.

First of all, the statement comes with significant conditions; second, it comes with an expiration date. There are two primary reasons why it is not

true that if you like your insurance, you get to keep it. Let's back up a little bit. According to a Fox News survey, 91 percent of Americans say they have health insurance. Eighty-four percent of them rate their insurance as either good or excellent. This is why the President makes the comment "If you like it, you get to keep it," because most Americans have it and they like it, they want to keep it, and they don't want to sacrifice their coverage in order to solve some of the other problems that are inherent in our system. But the promise, as I said, is not true.

First of all, what the President and our Democratic colleagues want is what they call a public option—a government-run insurance company—to compete with other insurance companies. To the extent that a lot of Americans don't particularly like insurance companies—and I must confess there are some things insurance companies do that I don't like—it is easy to put them out there as a target and say, as the President has said, we need somebody to keep them honest.

Well, let's examine that for a moment. Do we need to have a government-run business in every business in America in order to keep the privately run businesses honest? In the first place, the health insurance industry is the most regulated—or one of the most regulated—industries in America. Every State regulates the health insurance that is issued in their State. They don't need to be kept honest by a competitor from the government. In the second place, having the regulator—the government—also be a competitor has its obvious limitations. It won't be long before the other competitors are put out of business. I think most people who look at this say that is exactly what would happen.

But it also represents a point of view that I find very troubling. I know the government has now taken over our biggest automobile manufacturers. It has gotten into the business of other insurance. It has gotten into the business of banking. It has gotten into the business of student loans; in fact, it now has a monopoly in that. But I can't believe the American people want there to be a government business to compete with private businesses in other elements of our economy. That is socialism. I don't think the administration wants to do that. Certainly, the American people don't want to. So why would you have a government competitor in the private market? For one reason only, and most people who are honest about this acknowledge that it is in order to have the government take over health care. It is called single payer. There is a group in America that wants single payer very badly.

Members of Congress have said: Well, we can't get there in one giant step; the American people won't stand for that. It is going to take two steps.

First, we will create a very powerful government-run insurance company to compete with private business and eventually put them out of business and then we will have one insurance company for all of America. It will be a government company, and there won't be any more private companies, at least to speak of. So it is a two-step process. That is the hidden agenda of those who want a government-run insurance company. There is no other reason to have one.

We have 1,300 insurance companies in America. We don't need yet one more competitor. They sell thousands of different kinds of insurance policies. We don't need yet one more competitor. Honesty is not the issue. We have a highly regulated industry by the States and by the Federal Government. The only reason to have it is to put the private insurers out of business.

Is that what would happen? How does this relate to people who like their insurance and won't get to keep it? Well, the Lewin Group, which is a highly respected, nonpartisan health care think tank, says that within a couple years, we will have 119 million people on the government-run insurance plan, 88 million of whom were previously insured by private business. In other words, 88 million people will lose their coverage because it is much cheaper to have the government-run plan take care of them than for their employer to continue to do so. As much as their employer likes the employees, if it is substantially cheaper to provide health care to them by paying the fine that the bills have—\$750 per employee, 8 percent of the payroll tax; there are different fines in here—it is still cheaper for the business to pay the fine than it is to pay the health care they are currently providing. So 88 million people: Sorry; even if you like your health care, you don't get to keep it, according to the Lewin Group. I think their estimate is, if anything, conservative.

There is a second reason why if you like your insurance you won't be able to keep it. Those who are not insured by larger businesses—the ones whom I have just been talking about—but by smaller businesses or who are self-insured, there is an expiration date on this promise. After 5 years, you don't get to keep it and probably sooner than that. Because if there is a change in your policy or if the insurance company enrolls anybody else in it, then automatically it loses its protected or grandfathered status and is now under the regulatory regime that is established by these bills. That regulatory regime will totally change what that insurance coverage is. They dictate what is covered, what isn't covered, what the premiums are, what the companies can make, and a whole host of other things. So even though you may like your insurance, you are not going to get to keep it because no plan is

static; that is to say, it never enrolls any more people and it never changes any of its terms. If either of those two things happen under the House bill, you lose your insurance. So it is not true that if you like your insurance, you get to keep it.

That is the final reason people are concerned. They are concerned about the huge cost: \$1 trillion, \$2 trillion; they are concerned about the deficit, the increase in the deficit, even with more tax increases. These numbers are not mine; these are from the Congressional Budget Office—nonpartisan, which is in business to tell us how much these things cost. So these are facts, not opinions.

It is my opinion that based upon the language of these bills, we will lose the ability to determine with our doctor what health care we get. Secondly, even if you like your health insurance, you are not going to be able to keep it for the reasons I mentioned.

Mr. President, may I inquire how much time is remaining?

The ACTING PRESIDENT pro tempore. There is 5 minutes 40 seconds.

Mr. KYL. Five minutes. Thank you very much.

The American people are becoming concerned about this as well. The more they hear about it, the more they don't like what they are hearing. I resent those who say we have to do this quickly or it might not happen at all. It is a lot like the stimulus. We were told we had to do it quickly. Nobody read that bill. It was over 1,000 pages. It had a lot of stinkers in it. It had porkbarrel spending. It made a lot of promises it couldn't keep: We are going to cap unemployment at 8 percent. Well, it is on its way to 10 percent. It hasn't created 4 million jobs. It is not going to. And it is going to cost us over \$1 trillion.

So I think fooled once, maybe that is your fault; fooled twice is my fault. The American people are saying we are not going to be fooled twice. We want time to look at this one. It is over 1,000 pages. We want to read it. We want you, the Senators and Representatives, to read it, and when you do, you will find a lot of things you are going to be surprised about and you do not like.

The American people, as I said, are beginning to answer polling questions, and I wish to share some of the data. A majority—this is from the Fox Poll I cited earlier—say slow it down. We would rather have it slowed down and done right than moved quickly. They are afraid it will raise taxes and costs. By 2 to 1 they believe it will reduce the care they currently receive. By the way, they are right.

I mentioned the fact that 91 percent have insurance and 84 percent rate it as good or excellent. Fifty-three percent, according to a Rasmussen Poll—and this was just at the end of last week—53 percent disapprove of the Obama

health care plan. It is no longer true that the majority of Americans want this plan. Now that they know about it, they don't like it. They want us to deal with the deficit first. That is another one of the things the polls say. By the way, on this idea of a public plan, they oppose it by 50 to 35.

All this has resulted in some reduced polling numbers for the President. His job performance now has actually gone under 50 percent. People disapprove rather than approve 51 to 49. I don't wish him ill, but if he keeps pushing proposals such as this, that approval rating will probably continue to decline.

What have some people said about these bills? Representatives of the Mayo Clinic basically said this won't create affordable care for patients. In fact, it will do the opposite. In other words, it will increase costs. The Congressional Budget Office, in looking at the House bill, said it won't reduce the trajectory of Federal health care spending. In fact, it will increase the budget deficit by \$239 billion. Incidentally, that assumes taxes will be raised by the amount of \$583 billion.

Incidentally, if anybody wants to check what I said about if you like your insurance, you get to keep it, check the University of Pennsylvania Annenberg School of Public Policy Web site.

They have a site called factcheck.org. This is a totally non-partisan organization. They contradict on factcheck.org the notion that if you like your insurance, you get to keep it.

The last thing I want to say about this today is that: it is not enough for us to say what is wrong with the bills that are before us. There are a lot of great ideas Republicans and Democrats have put forth that aren't in these bills. Unfortunately, a lot of amendments were offered in the HELP Committee—for example, to try to inject some of these Republican ideas into the bill—and they were defeated, every one of them. In fact, when he was a Senator, President Obama voted against several of these ideas.

Let me give you a flavor of some of these things to illustrate that there are a ton of good ideas on how to address access and costs in health care. They don't require us to scrap the entire system we have and superimpose a brandnew system of huge government regulation or a government takeover of health care, which results in these huge expenses, deficits, and dictating what care we can get and what care we cannot. There are solutions that go right to the specific problems.

For example, you never hear the President talking about medical malpractice reform, lawsuit liability reform, or, as some have called it, "jackpot justice." There are a lot of estimates out there that, because of the defensive medicine physicians have to

practice, we can save over \$100 billion every year if we have some modest reforms in the lawsuit liability area.

Two very prominent Arizona physicians were in my office this morning, and both of them talked at length about the specific situations that require the practice of defensive medicine because of the fact that maybe 1 out of 10,000 people who come before them may have something go wrong, a lawsuit is filed, and they have to, therefore, go to excessive lengths to protect themselves by ordering all kinds of tests, calling in specialists, and doing things that cost a lot of money, not because they are necessarily needed or provide better care but simply to protect against a lawsuit. Annual premiums of \$200,000 are not uncommon. That is more than most of us make. Before you can start practicing medicine on January 1, you have to pay your liability carrier. The President doesn't even mention liability reform. Let's start with that.

Next is the interstate sale of insurance. This is a great idea. Why do they always vote it down? Because if you actually let insurance in the health field be sold like home insurance, liability insurance, and car insurance—you can buy a State Farm car insurance policy in virtually every State, and it doesn't matter where you move to; you are still covered. Why can't you do that with health care? They don't want that because they want the government to control it instead of allowing private companies to sell it all around the country. If they were able to do that, they could reduce premiums and provide greater access. That is one of the bills the President voted against.

Why not let small business compete like big business with small business plans or association health plans? Basically, you could allow all the small businesses in your town—the Rotary and Kiwanis Clubs—to associate together and create a bigger risk pool, which brings down premiums, just as big businesses do. If you are a small business owner with 30 employees and one of them gets really sick, your premiums skyrocket the next year. By making a 3,000-person risk pool rather than 30, your premiums will come down. We have tried to get that into the bill. The Democrats say no.

There could be greater affordability by giving individuals the same tax deduction businesses get. The President voted against that when he was in the Senate. We could expand health savings accounts so you can use the money saved there to buy health insurance—pay the premiums. Again, the President voted against that when he was in the Senate.

These are Republican ideas, good ideas, and they have been voted down in these bills.

Here is another one: require insurance companies to share the claims

data. One big business told me they couldn't compete and get a lower cost because their current health care insurer wouldn't give them their claims data. That information ought to belong to the company. So we can make that requirement.

Another thing is—the last thing I will mention—we need to encourage less first-dollar coverage. Our automobile insurance would be very expensive if we insisted that it cover every tire we have to buy or every battery we replace or any other thing we do. Yet with health insurance we complain about a \$15 or \$20 copayment or a deductible of \$50. It is common to have a \$500 deductible or even a \$1,000 deductible on your car insurance. Certainly, health care ought to be more important to us than owning a vehicle.

These are just some of the comments I have about the reaction my constituents are having to the bills being proposed out there and the fact that they want to slow it down and look at it carefully because they are concerned about the cost of it, the increase in the Federal deficits, the increased taxes that will result, the government takeover, and that the net result will be our health care will be rationed, we will have delay and denial of care, and we won't be able to keep the insurance most of us have and like.

Those are legitimate concerns, and they should not be answered by simply saying we have to hurry up and get this done. No, we don't. We need to let the American people evaluate it and have them tell us what they want to be done. I think they have already spoken in some of the polling, and I think it is important for us, therefore, if we approach our duties the way we are supposed to here, by carefully considering what our constituents want, asking whether we can solve some of the specific problems with, for example, some of the ideas I laid out—good Republican ideas—rather than having to throw out the baby with the bathwater, tossing overboard what we know works for most people most of the time just because it doesn't work for everybody all of the time, in exchange for a new government takeover—it is a bad bargain.

I urge my colleagues, in the last week or two before the August recess, we have to start planning for opportunities to visit with constituents over the recess, get the information together so we can present it to them and they can tell us what they think about these ideas. I suspect that, at the end of the day, they will say they don't want a government takeover, just fix what needs to be fixed and leave the rest of it, which works, alone.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first, let me say I agree with the points of my

friend from Arizona. They are significant. He saved the best until last, because we hear people say the Republican Party doesn't have any answers, when we do have answers. There are real reforms we have tried, and they have worked. The health savings accounts—we tried that on a pilot project basis, and it was tremendously successful.

Health coverage and health services are the only things in this country on which individual decisions can be made that would encourage us to save what we are spending. There is no other product or service out there that doesn't have some kind of a competition.

I think it is only natural, if you have an insurance policy that covers all these things and you find out you have a problem, rather than worry about what it is going to cost or what treatment to get, you go out and get it all because it doesn't cost you anything. That is one of the problems you have. Health savings accounts have been successful. In fact, we have none of this stuff.

In the discussion they have had on socializing medicine, they have not talked about medical liability or malpractice. The Senator from Arizona did a very good job talking about this issue. Just imagine, a doctor has to pay \$200,000 upfront before he can do anything for an entire year. Who pays that? It is not the doctor; it is everybody else whom he is treating. That is where you get into the real need for reform.

We have a system that has worked very well.

By the way, I inquire of the Chair, are we in morning business?

The ACTING PRESIDENT pro tempore. Yes.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized for such time as I shall consume.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

SUBJECTS TO CONSIDER

Mr. INHOFE. Mr. President, I have three subjects I think we need to talk about during the August recess. I want to touch on each one.

The Senator from Arizona has already touched on the health care issue that is out there. I don't think Arizona and Virginia are all that different from my State of Oklahoma. That is all people talk about when I go back. They want to know: Am I really going to have a government bureaucrat standing between me and my health provider? So those are huge issues. I never thought we would be dealing with that in this country, but we are.

What I want to pursue is, I get very upset when I hear people on the other side of the aisle say we have to do

something to stop our dependency on the Middle East for our ability to run this machine called America. Here are a couple. Many people don't want to drill, don't want oil, gas, nuclear, or coal—they don't want all these things. If you don't want them, how do you keep the machine going? The answer is that you cannot. The day will come when maybe wind energy or solar energy or renewables will take care of our needs, but that is down the road. That will be 30, 40, 50 years from now. In the meantime, we have to produce the energy to run this machine called America.

One of the things is a little bit technical, but I think that since it is looming out there, it needs to be talked about. Of course, I am sensitive to this issue, being from Oklahoma, which is an oil State; we produce oil. I have looked at one of our systems that is used to get the most oil and gas out of oil.

At this point, I will yield to the Republican leader, and then I will continue my remarks.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I thank my friend from Oklahoma. I will be brief. I appreciate the opportunity to work in my comments. Thank you so much.

HEALTH CARE WEEK VIII, DAY I

Mr. MCCONNELL. Mr. President, the American people want health care reform—and they want us to take the time we need to get it right. As I have said repeatedly, and as an increasing number of Senators and Congressmen from both sides of the aisle are also now saying, the last thing Americans want is for Congress to rush through a flawed bill that would make our health care system even worse just so politicians in Washington can have something to brag about at a parade or a press conference.

The President and some Democrat leaders in Congress now acknowledge that getting health care reform right is more important than rushing through some slipshod plan no one has even looked at and calling it reform. Last week, the President said he wants to get health care reform right and that the most important thing is that Members of Congress continue to work together on the difficult issues in this debate. And one senior Democrat said last week that “it's better to get a product that's based on quality and thoughtfulness than on trying to just get something through.”

Republicans agree, and so we are encouraged to hear our friends on the other side acknowledge that health care reform is too big, too important, and too personal an issue to rush.

In the coming weeks, Congress should work to achieve real reforms

that actually address the problems in our health care system without tampering with the things that Americans—and many other people from around the world—like about our health care system and can no longer find in other countries.

The American people want health care that is more affordable and easier to obtain. What they don't want is a government takeover of health care that costs trillions of dollars, adds to our unsustainable national debt, forces them off the health insurance they have, leaves them paying more for worse care than they now receive, and leads to the same kind of denial, delay, and rationing of care we see in other countries.

One thing Democrats and Republicans should be able to work together on are practical ideas the American people support, such as reforming malpractice laws and getting rid of junk lawsuits; promoting wellness and prevention programs that encourage people to make healthy choices like quitting smoking and fighting obesity; encouraging more robust competition in the private insurance market; addressing the needs of small businesses through new ideas that won't kill jobs in the middle of a recession; and leveling the playing field when it comes to taxes. Right now, for example, if your employer offers health insurance, they get a tax benefit for providing it. If they don't, and you have to buy it yourself, you don't get the same benefit they do. In my view, this isn't fair, and we should change it to make it fair.

These are commonsense ideas that would enable Republicans and the increasingly vocal block of skeptical Democrats to meet in the middle on a reform that all of us want—and that all Americans could embrace.

The President has already acknowledged that both Democratic bills working their way through Congress are not where they need to be. In fact, by the President's own standard that any health care reform must not increase the national debt and must reduce long-term health care costs, he would not even be able to sign either of these bills we have seen so far.

According to the Director of the Congressional Budget Office, both bills would lead to an increase in overall health care costs. Just this weekend, the CBO said there is a high probability one of the administration's central proposals for reducing long-term costs would not lead to any savings in the near future and would generate only modest savings in the future.

Moreover, even if this proposal did generate any savings, they would likely be dwarfed by the new spending and deficits in the Democratic bills we have seen. It is like charging a new Cadillac to the family credit card and getting excited about saving a few dollars on the cup holder.

On top of that, the CBO says both bills would add hundreds of billions of dollars to the debt. Simply put, these bills are moving in the wrong direction and would make the problems in our health care system even worse than they are today.

So it is clear we need to hit the restart button and begin working on real reform that would address the problems in our health care system. Americans want the two parties to work together on something as important and as personal as health care reform. Embracing the ideas I have mentioned and finding responsible ways to pay for reform are a good place to start.

Mr. President, I yield the floor and thank again my colleague from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, I thank the minority leader for his comments. I said before he came in that there is no issue more meaningful to our people in Oklahoma than health care. I think there is an awareness. If you look at the polling data that was given by the Senator from Arizona, people are now aware this is not the way we should go.

We do have good ideas on this side of the aisle in terms of the health savings account, medical malpractice, and small businesses getting together to resolve this problem.

OIL AND GAS EXPLORATION

Mr. INHOFE. Mr. President, a surprise to a lot of people as to what we can do in the oil and gas business when we are concerned right now about the problem we have—our dependence on foreign countries for the ability to run this machine called America—is that we actually could resolve that problem. We could produce enough oil and gas and all the other resources I mentioned earlier so we would not have to be dependent on the Middle East for anything.

Increasing attention has been given to hydraulic fracturing, a key production method which aided in U.S. production of oil and gas from more than 1 million wells and continues to aid in the production from over 35,000 wells a year.

Hydraulic fracturing is a system that forces water into the ground to release oil and gas coming up. In fact, there are two things that open our potential. One is horizontal drilling and the other is hydraulic fracturing. It is a 60-year old technique. It has been responsible for 7 billion barrels of oil and 600 trillion cubic feet of natural gas. The National Petroleum Council reports that 60 to 80 percent of all wells in the next 10 years—most of these are gas wells—will require hydraulic fracturing to remain productive and profitable.

The first use of hydraulic fracturing was near Duncan, OK, in my State, way

back in 1949. Since that time, companies such as Oklahoma's Devon and Chesapeake have perfected the practice. Very simply, it is the temporary injection of mostly water with sand, nitrogen, carbon dioxide, and other additives to fracture and prop open a ground formation to improve the flow of oil and gas through the rock pores and increase oil and gas production. Mr. President, 95 percent of the fluid is water; 99 percent is water and sand. We are talking about putting in the water and sand that would already be there. Hydraulic fracturing is used for both oil and gas production, but I would like to focus mostly on natural gas.

I have kind of good news and bad news. First, let me tell you the good news.

The Potential Gas Committee at the Colorado School of Mines reported in June that the United States has—it is kind of hard to talk about figures such as this—1,836 trillion cubic feet, or 1.8 quadrillion cubic feet, of technically recoverable natural gas. This is the highest reserve total ever reported by this organization in the last 44 years.

When the U.S. Department of Energy proven reserves are added to the total, the future natural gas supply of the United States is over 2,000 trillion cubic feet. At today's rate of use, that is enough natural gas to meet demand for the next 100 years. Only 1 trillion cubic feet of natural gas can heat 15 million homes for a year or fuel 12 million natural-gas-powered vehicles for a year.

T. Boone Pickens is often quoted in this Chamber. He characterizes the reserves this way: 2 quadrillion cubic feet of gas is equivalent to Saudi Arabia's total petroleum reserves.

I guess what we are saying is people are complaining we are importing from the Middle East oil and gas, and then they find we have it all right here. We don't have to do it. If the argument is, we don't want to use oil and gas which we think pollutes—which it does not—if that is their argument, then why are we willing to import it from Saudi Arabia and the Middle East? We can produce it right here in the United States.

Much of the increase noted in the news report comes from estimates of shale gas found in formations throughout the United States. In fact, shale gas accounts for one-third of America's total gas reserves. Again, we are talking about natural gas, which is very low in fossil fuels, burns very cleanly, very inexpensively, and certainly, as we can see by this chart, is very abundant.

The U.S. Department of Energy reports that by 2011, most new reserves growth will come from nonconventional shale gas reservoirs. The American Petroleum Institute forecasts that unconventional gas production, such as that from coalbed methane, or CBM,

and shale will increase from 42 percent of total U.S. gas production to 64 percent in 2020. However, shale resources are largely only economically and technologically available due to hydraulic fracturing, that technique of forcing the gas out of the ground.

The good news does not only involve oil and gas reserves, it also means good news for jobs. For example, the 10,000 wells producing in 14 counties in north Texas, Barnett shale—Barnett shale is the type of shale that is characteristic in the northern part of Texas—in 14 counties, they are responsible for 110,000 jobs and \$4.5 billion in royalty payments. That is the people who own the land. That is a property rights issue. They account for 8 percent of the personal income, 9 percent of employment, and over \$10 billion in increased economic activity in north Texas.

The Haynesville shale in Louisiana has created 33,000 jobs, \$2.4 billion in business sales, \$3.9 billion in salaries, and \$3.2 billion in royalty payments. This is the economy we are talking about. We are talking about two separate issues: one is making us independent, the other is doing something for the economy.

People look at these things and say: Why in the world will the Democrats in this Chamber not allow us to drill offshore, won't allow us to get into shale production in the Western United States, and yet they complain about the fact we are importing our oil and gas from the Middle East?

The IPAA reports that the Marcellus shale in Pennsylvania and New York contains 516 trillion cubic feet of natural gas, which is enough to satisfy the U.S. demand for more than 35 years—in two States, Pennsylvania and New York, enough to satisfy our needs for the next 35 years.

A 2008 report on the Marcellus shale attributes production in the Marcellus to two key methods. One is hydraulic fracturing, again, the system used to make sure we are able to retrieve, to produce this shale. Oil and gas development employs more than 26,000 and continued development in the Marcellus shale is forecasted to create over 100,000 jobs. These jobs pay more than \$20,000 above the average annual salary in Pennsylvania. We have New York and Pennsylvania, two States—they do have economic problems. This is a way to produce 100,000 jobs, and those jobs average \$20,000 a year more than the average job in Pennsylvania and New York.

The Walton School of Business at the University of Arkansas recently completed an economic forecast of the Fayetteville shale. It estimates a business and capital investment in the area of \$22 billion, the creation of 11,000 jobs, and new State revenues of more \$2 billion by 2012.

We are talking about just in the State of Arkansas. In my State of

Oklahoma, we have the Woodford shale, which is pictured here and extends through southwest Oklahoma.

In Oklahoma, exploration of natural gas accounts for 80 percent of the State's energy production and over 50,000 people are directly employed by the oil and gas industry. One in seven jobs in Oklahoma is directly or indirectly supported by the crude oil and natural gas industry because we rank fourth in the Nation for natural gas production and fifth in crude oil.

Oklahoma received \$1.3 billion in taxes directly from oil and gas production in 2009. In fact, oil and gas account for 25 percent of all taxes paid in my State of Oklahoma.

These reserves mean domestic energy production and jobs, but now I have bad news. Another reason hydraulic fracturing has received increasing attention is because some Members of Congress want to subject it to new Federal regulation, specifically the Safe Drinking Water Act, by claiming the practice endangers drinking water sources. This Congress, House Members from Colorado and New York and Senate Members from Pennsylvania and New York have introduced legislation imposing new Federal regulation. Some of these Members claim that allowing the practice is a loophole in the Federal law and that it is free of regulation.

Last Congress, at a House hearing, the current chairman of the House Energy and Commerce Committee complained about hydraulic fracturing:

Oil and gas companies can pump hundreds of thousands of gallons of fluid—containing any number of toxic chemicals—into sources of drinking water with little or no accountability.

This is completely false. Nothing could be further from the truth. As former chairman and the current ranking member of the Senate Environment and Public Works Committee, I have a history of working on environmental and energy issues. I can tell you new Federal regulation of hydraulic fracturing would be a disaster.

The Safe Drinking Water Act was enacted in 1974. It was enacted to establish drinking water standards and to control permanent disposal of waste by underground injection. By 1974, hydraulic fracturing had been in commercial operation for 25 years. This law was not designed nor intended to regulate the practice, and the legislative history demonstrates that. The 1974 conference report states that none of the act's underground injection provisions are to "needlessly interfere with oil and gas production." That was in the law in 1974.

The 1980 amendments were probably the most significant until 2005 for clarifying the act's application to oil and gas operations. The 1980 amendments created a new section 1425 to allow States to regulate underground

injection from two types of oil and gas operations known as injection wells and disposal wells. However, given the chance to additionally address hydraulic fracturing, Congress declined. In the 2005 Energy bill, Congress specifically clarified the act is not intended to apply to hydraulic fracturing.

Everything all the way up from 1950, all the way up to the present time was saying the act was not intended to apply to hydraulic fracturing. There are a myriad of Federal statutes, such as the Federal workplace rules, the Emergency Planning and Community Right to Know Act, the Toxic Substances Control Act, among others, which regulate the storage and disposal, transporting, handling, and reporting of chemical use. Federal law requires disclosure of any release to the environment. Those statutes overlay State laws which also include extensive rules permitting oil and gas drilling and production. No state has been required to regulate hydraulic fracturing under the Safe Drinking Water Act with the exception of Alabama.

The Eleventh Circuit Court in Alabama issued an opinion in 1997 ignoring legislative history, oil and gas industry practices, and the clear text of the law, finding that Alabama should subject hydraulic fracturing in coalbed methane production to the Safe Drinking Water Act. However, hydraulic fracturing has not been subject to the Safe Drinking Water Act and is not correctly governed by the act.

I am not alone in this opinion. President Obama's energy czar agrees with me. In 1995, as EPA Administrator—during the Clinton administration—Carol Browner wrote in response to litigation that Federal regulation is not necessary for hydraulic fracturing. She correctly made the point that the practice was closely regulated by the States and "EPA is not legally required to regulate hydraulic fracturing." Most importantly, she further wrote that there was no evidence that hydraulic fracturing at issue resulted in any contamination or endangerment of underground sources of drinking water. Now, this is Carol Browner. That is the current energy czar serving in the White House.

Following the 1997 litigation in Alabama, I introduced legislation in 1999 with Senator SESSIONS and again in 2005 clarifying that hydraulic fracturing is not correctly regulated by this act. In March of 2002, the Senate spoke on this issue voting 78 to 21 on Senator BINGAMAN's amendment, which I cosponsored, to study "the known and potential effects on underground drinking sources of hydraulic fracturing." That amendment ultimately did not become law, but in June of 2004, the U.S. Environmental Protection Agency gave us the answer. It issued its lengthy report, which EPA began in

late 2000 to determine if underground drinking water sources have been or are endangered from the use of hydraulic fracturing from coalbed methane production. The EPA study of coalbed methane wells is particularly important because the CBM wells are shallower, meaning they would be closer to the underground drinking water sources than other conventional or unconventional oil and gas well production.

In other words, the other production is down much deeper than that which uses the technique of hydraulic fracturing. These are deep wells. In fact, most "fracked" wells—that is what they are called—are hundreds of thousands of feet deep and well below drinking water sources. In this 2004 report, EPA conducted a review of all 11 major coal basins across the country and of 200 peer-reviewed publications. It reviewed 105 comments in the Federal Register. It requested information from 500 local and county agencies in States where CBM production occurs. It interviewed 50 local and State government agencies, industry representatives, and 40 citizens groups which alleged drinking water contamination from hydraulic fracturing. After completing its 4-year study—a 4-year study—the EPA concluded:

The injection of hydraulic fracturing fluids into CBM wells poses little or no threat to underground sources of drinking water and does not justify additional study at this time.

EPA had planned to study contamination in a two-phase study. Following these findings, the EPA did not even initiate the second phase of the study. In fact, it was so strong that they didn't even do the next study.

This is a very strong statement. In fact, in hydraulic fracturing's 60-year history there has not been a single documented case of any kind of contamination. Mr. President, that is 60 years. As early as 1998, the Ground Water Protection Council conducted the first survey of the 25 States in which hydraulic fracturing for oil and natural gas production occurs for any complaints of underground contamination. The survey reported no instance of contamination from the practice. In 2002, the IOGCC, representing 37 States, conducted its own survey making the same findings. On June 12, the Oklahoma Corporation Commission addressed the issue of hydraulic fracturing again in correspondence with these 37 States. The Corporation Commission wrote that it has been regulating oil and gas drilling and production for 90 years, which has included tens of thousands of hydraulic fracturing operations over the past 60 years. The commission wrote:

You asked whether there has been a verified instance of harm to groundwater in our state from the practice of hydraulic fracturing. The answer is no.

States have been regulating oil and gas exploration and production for years. The Department of Energy and Ground Water Protection Council released a report in May titled "State Oil and Natural Gas Regulations Designed to Protect Water Resources," where it described State regulations which require multiple barriers, casings, and cement reinforcement to protect against groundwater contamination. Fracturing involves removing thousands of gallons of waters from the well which includes the fracturing fluids. Once these fluids are returned to the surface, regulations require they are treated, stored, and isolated from groundwater zones. All these processes together work to significantly reduce the risk to groundwater.

This DOE and Ground Water Protection Council report ultimately concluded that Federal regulations on fracturing would be "costly, duplicative of State regulations, and ultimately ineffective because such regulations would be far removed from field operations." Equally interesting, the report also concluded—and keep in mind this is the report of the Department of Energy and the Ground Water Protection Council—the "only alternative to fracturing in reservoirs with low permeability such as shale would be to simply have to drill more wells." In other words, if we are not able to get these wells to produce a lot of shale, we would have to drill a lot of wells in their place.

These findings mirror the EPA's 2004 report of hydraulic fracturing in CBM production. EPA noted that fracturing involves the removal of thousands of gallons of ground water. This removal includes the fracturing fluids and the possibility that fracturing chemicals affect ground water. EPA also concluded that the low permeability of rock where hydraulic fracturing is used acts as a barrier to any remnant of fracturing chemicals moving out of the rock formations, as has been proven.

None of these findings are new. In the 1980 amendments to the Safe Drinking Water Act, Congress acknowledged that "32 States that regulate underground injection related to production of oil and gas believe they have programs already in place to meet the requirements of this Act. States should be able to continue these programs unencumbered with additional Federal requirements."

We need to recognize that in considering additional Federal regulation we are experimenting with disaster. In January, the DOE released a report by Advanced Resources International, which evaluated the economic and energy supply effects on oil and gas exploration and production under a series of new regulatory scenarios. One scenario evaluated the effects from new Federal regulation of hydraulic fracturing. According to the report, the

largest cost for new unconventional gas wells would be from any new Federal regulations on hydraulic fracturing. The report concluded these costs would amount to an additional \$100,000 for each well in the first year alone.

Among other factors, this report concludes that increasing Federal regulations on hydraulic fracturing would reduce unconventional gas production by 50 percent over the next 25 years. Even more recently, the American Petroleum Institute released a report in June which only evaluated the effect of increased Federal regulations and the effect of eliminating the practice of hydraulic fracturing altogether. The report determined that through duplicative Federal regulations, the number of new oil and natural gas wells drilled would drop by 20 percent in the next 5 years.

Should hydraulic fracturing be eliminated, new oil and gas wells would drop by 79 percent resulting in 45 percent less domestic natural gas production and 17 percent less domestic oil production.

It would be a disaster to impose new Federal regulations. They are talking about doing that now. They talked about it a few years ago. Every report has discouraged that from happening. Again, I am not alone in this opinion. Colorado Governor Bill Ritter recognizes the value of the practice. In the Denver Business Journal, the Governor characterized the bills pending in Congress imposing new Federal regulations on hydraulic fracturing as "a new and potentially intrusive regulatory program." That was Governor Bill Ritter. A Colorado newspaper recently reported a number of Colorado counties have adopted resolutions against the pending Federal bills. States are passing their own resolutions opposing new Federal regulation of hydraulic fracturing.

For example, in March the North Dakota Legislature passed a concurrent resolution—I say to the Senator from North Dakota—to not subject hydraulic fracturing to needless and new Federal regulation. North Dakota is home to the Bakken shale, where oil wells are reported to be producing thousands of barrels a day.

America has tremendous natural gas reserves. The exploration and production of these reserves using hydraulic fracturing has been regulated by the States and conducted safely for 60 years. The oil and gas industry contributes billions in State and Federal revenues each year and billions in salaries and royalty payments. The oil and gas industry employs 6 million people in the United States. When the United States is approaching 10 percent unemployment, and when we want energy security and independence from foreign energy, why would we want to go out of our way to restrict an environmentally

and economically sound means to extract our own resources—a means that has demonstrated effectiveness and safety for 60 years?

The oil potential in ANWR would produce 10 billion barrels or 15 years' worth of imports from Saudi Arabia. The RAND Corporation has reported that the new potential production in just Utah, Colorado, and Wyoming would be around 1 trillion barrels of oil. That is three times Saudi Arabia's oil reserves and more oil than we are currently importing from the entire Middle East. But the Democrats will not let us produce. We are currently the only country in the world that doesn't develop its own resources. In fact, the President's budget imposes \$31 billion in new taxes on oil and gas development. We must not impose any new—

The ACTING PRESIDENT pro tempore. The morning business period is closed.

Mr. INHOFE. I will finish this last sentence, if it is all right.

We must not impose new burdens. This is a procedure that is necessary for us to put ourselves in a situation where we can become energy independent, and I encourage all my colleagues to look very carefully at the one thing that is going to give us that independence, and that is this procedure called hydraulic fracturing.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is concluded.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 3183, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

AMENDMENT NO. 1813

(Purpose: In the nature of a substitute)

Mr. DORGAN. Mr. President, I call up the substitute amendment to H.R. 3183, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1813.

Mr. DORGAN. Mr. President, I ask unanimous consent to dispense with

the reading of the substitute amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DORGAN. Mr. President, this is the Energy and Water Development Appropriations Subcommittee bill that I bring to the floor this week with my colleague, Senator BENNETT, from Utah. I am chairman of the subcommittee, Senator BENNETT is the ranking member, and we have worked on the bill for some long while.

On July 9, 2009, by a vote of 30 to 0, the committee recommended the bill, as amended, be reported to the Senate. That is, the full Appropriations Committee has recommended this bill, on a bipartisan basis, without objection, 30 to 0.

I want to thank both Chairman INOUE and Vice Chairman COCHRAN for their support of this bill, and I want to especially thank Senator BENNETT for his work with me in developing the legislation.

Let me, perhaps as I begin rather than end, thank the staff of the subcommittee: Scott O'Malia, on the minority side; Doug Clapp, Roger Cockrell, Barry Gaffney, Franz Wuermannsdobler, and Molly Barackman.

There are many staff on both sides who have worked very hard. Putting legislation of this type together is not easy. We are working with limited resources, at a time when we have relatively difficult circumstances, to try to deal with Federal budget deficits and other issues, but we have put a bill together that has garnered bipartisan support.

The allocation for this bill is just under \$34.3 billion. With score keeping adjustments, it comes down to about \$33.75 billion. The total funding for our bill is 1.8 percent less than the President's budget request and just 1.4 percent over the regular energy and water bill of 2009. That means there is a very modest increase for the programs in this legislation.

Let me say generally this legislation deals with the energy and the water programs across the country. Energy and water are very important to this country's long-term future. What we are working to support is jobs and the economic health of our country as well as an adequate energy supply dealing. These energy challenges we face from being overly dependent on foreign oil doing something about climate change require action. We are dealing with energy accounts in this bill that are very important for the country.

We have tried to make funding determinations about them that we think move this country in the right direction and help make us less dependent on foreign sources of oil. That means

that we have, in related authorizing legislation, actually expanded drilling and the determination to try to find additional supply in this country. Fossil energy from coal, oil and natural gas is going to continue to be used in the future. But we need to use them differently.

This legislation includes opportunities to do a range of activities that I believe will be in the country's best interests. Working with Senator BENNETT, we know the legislation dealing with energy and water require substantially greater resources. We have far more water projects underway in this country than we can possibly fund in the short term. I believe we have something close to \$60 billion of unfunded water projects. The Corps of Engineers, and particularly the Bureau of Reclamation, especially for western America, are charged with funding these projects.

Then, on the energy side, the accounts dealing with efficiency and reliability and a wide range of energy accounts—all of those accounts understand and recognize that we do not have unlimited amounts of money. Our country has very substantial and growing budget deficits because we are in a deep recession.

My colleague from Oklahoma was speaking as I came to the Chamber. I agree with most of what he described with respect to hydraulic fracturing. He is describing something that affects our ability to continue to produce a domestic supply of oil and natural gas. My colleague should know we have had now from both the previous Presidents that we zero out the research and development in oil and gas development. The current President's budget seeks to cut the oil program. My colleague and I have restored the funding for that. One of the reasons we have done it is our country leads the world, for example, in unconventional and ultra deep water drilling. We need to retain program funding to keep that advantage.

We need to produce more here at home, and we have added the funding back. As I indicated, both the previous administration and this administration decided not to support the research and development funding for oil research and development.

The description of the shale formations that Senator INHOFE talked about earlier reminds me that 5 to 10 years ago we could not drill in these formations. They are now delivering substantially new resources. That energy was not accessible to this country because we didn't have the technology and the capability. My colleague described the Bakken shale in North Dakota, which I want to describe in a moment. I think it is so important for us to have the research and development funding which current technology benefitted from in the past. With sustained investments,

we might have future technology options available as well.

To go to the previous point, the Bakken shale is a formation 100 feet thick, and it is 10,000 feet underground. To drill through that 100-foot-thick seam, they have divided it into thirds—top third, middle third, and bottom third. They go down two miles with one drilling rig, 10,000 feet down, searching for the middle third of a seam of shale that is 100 feet thick. They do a big curve when they get down two miles, then they go out two miles. The same drilling rig, goes down two miles then makes a large curve and goes out two miles, following the middle third of a seam a hundred feet thick called the Bakken shale.

A few years ago I asked the U.S. Geological Survey to do an assessment of what is recoverable in the Bakken shale. They came back with their estimate after a 2-year study, saying there are 4.3 billion barrels of recoverable oil using today's technology. It is the largest assessment of recoverable oil in the lower 48 States ever made in the history of our country.

None of that was available to us a decade ago. It was there, but it was not available to us. How do we get that oil? When they drill down with a drilling rig, it takes about 35 days to drill that hole, then fracture it under high pressure—hydraulic fracture, they call it. After that, they tear down that rig and move it away a ways and drill another hole—every 35 days. The hydraulic fracture allows that rock formation to be fractured so that the oil drips and then is extracted from the well. They are pulling up oil out of those wells, in some cases 2,000 barrels a day. The key to that is, No. 1, have they carried out the research and development so that we lead the world in the ability to do that kind of very sophisticated exploration. We continue to put that funding in this bill and have always had it in this legislation. That is what has opened up this unbelievable opportunity.

The second half of it, as my colleague described, is not something we are doing in this bill, but the ability to continue hydraulic fracturing, decade after decade, I think for nearly 50 years, I am not aware of any evidence that there is any contamination of groundwater with hydraulic fracturing when companies have followed the appropriate guidelines and regulations.

I have been describing one small part of what Senator BENNETT and I have done with respect to increasing our domestic energy needs in this bill.

We also want to encourage the development of renewable energy. We have done a lot of things in this legislation to do that. We want to encourage the ability to use our most abundant resources, such as coal, but we must use them differently. That means, if you are going to have a lower carbon future

you have to decarbonize the use of coal. So we need to make substantial investments to be able to decarbonize the use of coal.

I think we can do that. Some say let's give up on it. I say let's find a way to use our most abundant resource by decarbonizing it so that we can move to a low carbon future to protect our planet.

We are doing a lot of things in this legislation that I think move this country in the right direction for a better and a more secure energy future. When I talk about energy and say that nearly 70 percent of our oil now comes from outside of our country, I think most people would look at that and say that makes us vulnerable. That is an energy security issue. It is also a national security issue. If, God forbid, somehow, some way, someday, someone shuts off the supply of foreign oil to our country, this economy of ours would be flat on its back. So I think everyone—the previous administration, this administration—believes we must be less dependent on foreign energy.

The other thing that is important to understand is, although about 70 percent of our oil comes from outside our country, nearly 70 percent of the oil is used in our transportation fleet. We are doing things in this appropriations bill that moves us toward a different kind of transportation fleet, an electric-drive fleet, for example. If we are using 70 percent of our oil for transportation in this country, how do we make us less dependent on foreign oil? Convert; move to something else.

We have funding in this legislation and we had funding in the Economic Recovery Program for battery technology and for a whole series of things that help accelerate the movement toward an electronic transportation system.

All of these things are things we can do. It is only a matter of establishing public policy that encourages it, public policy that is supportive of the direction we want to go.

I am going to be describing in some detail some of the accounts. I have talked about the energy piece of this a bit. We have programs in here for electricity, fossil energy, energy efficiency and renewable energy—small little things that people don't think much about.

Energy efficiency: Almost everything we use these days—a refrigerator, a dishwasher, an air conditioner—all of the appliances are much more efficient than they have ever been. I recall some years ago when I was supporting and pushing something called a SEER 13 standard for air conditioners—a SEER 13 standard. You would have thought we were trying to bankrupt the country by insisting on a much higher standard of energy efficiency for air conditioners. We have gotten to SEER 13 and are looking beyond that now,

but we have pushed standards so that when you put a new refrigerator in your kitchen these days it uses so much less electricity because it is so much more efficient.

I recognize—someone told me this a while back—yes, we are putting these unbelievably efficient refrigerators in kitchens, and then they take the old refrigerator and put it in the garage to store beer and soda. I recognize we need to get rid of those old refrigerators, perhaps, but it is people's right to move them into the garage.

My point is, these smaller issues we are funding, energy efficiency standards for appliances are very important. When we get up in the morning we flick a switch and a light goes on. We turn on an electric razor and never think much about what makes it go. We plug it into a wall. We go down and put something in the toaster and the bread toasts because there is electricity. We put a key in the automobile, and we drive off to work.

As Dr. CHU says, 2,000 years ago, normally when you would go look for food someplace, 2,000 years ago you would get on one horse and go look for something to eat. Now, of course, we get in modern conveniences and we take 240 horses to go to the 7-Eleven or grocery store. That is the way our engines work and use energy.

But we are required now to be smarter and use energy in a different way. For a wide range of accounts, my colleague Senator BENNETT and I will begin describing some of these accounts in more detail in between other presentations. With the funding in this legislation, we are trying to change the way we use energy: Develop a more abundant supply of energy, including changing the way our vehicle fleet is powered. One issue with respect to the transportation fleet is moving toward a hydrogen and fuel cell future, I think a future beyond electric drive. Still, hydrogen is everywhere; it is ubiquitous. I believe a hydrogen fuel cell future is something our children and grandchildren will likely see realized and will be very important to this country.

The administration, in its budget request for this fiscal year to the Congress decided it would zero out 189 existing contracts in hydrogen and fuel cell program. We included the money again because we don't think that is wise to cut ongoing work.

I agree in the short term we are going to move toward an electric drive transportation system, but, in the longer term, we need to continue the research toward hydrogen and fuel cells, and we included that money in this bill.

Let me turn for a moment—I am going to come back to some energy issues a little later, after Senator BENNETT talks about this bill as well. I want to talk about water, because this bill, after all, is also about water. As

all of us who have studied history know, water is the subject of great controversy. Water is very important. So many things related to development and jobs in this country relates to accessible water.

We have issues in this bill dealing with the Corps of Engineers and the Interior Department's Bureau of Reclamation with respect to water. These address storing water, moving water, dredging water in ports and channels so that commerce can occur, and much more. In some cases, we must address not having enough water or too much water. We have a lot of issues.

As I indicated earlier, we have far more water projects than we can possibly fund. Senator BENNETT and I decided we simply could not fund what are called new starts in construction and investigations this year. We hope to do that next year, but we could not do it this year. We didn't have the money. We think it is far better to continue funding for existing projects and try to complete some of the projects underway and then proceed with new starts next year. We had 92 requests for new projects starts. We have a \$60 billion backlog and 92 requests, some of which came from the President. We believed we could not do it. I wish we could, but we could not do it.

I also want to make a point that there are, in this legislation especially, legislatively-directed proposals, that is the Congress itself directs certain funding. The President sent us proposals, particularly on water projects—energy projects as well, but especially water projects. He requested earmarked funding. In other words, the President says, all right, here is what I want you to have for water. These are my Presidential earmarks and how I believe you should spend the water money.

Some of them made a lot of sense. Some of them did not. Senator BENNETT and I also included, in this legislation perhaps more than other legislation, legislative-directed funding on the amount of funding we believed should go to projects.

Because, frankly, I think perhaps Members of Congress have a much better idea of what are the water needs more than the Corps of Engineers, the Bureau of Reclamation, Office of Management and Budget, or the White House. They know which projects will benefit their State's commerce.

So this subcommittee, going back many decades, has had a tradition of legislatively-directed funding toward the highest priorities, particularly in water projects. That makes a lot of sense to me. I assume we may well have some folks come and decide that some of them do not have merit.

It is important to discuss the individual programs for individual legislatively-directed amounts, and we will do that when necessary. But I did wish to say once again that we received a lot of

recommendations from the President for earmarking the funding for various projects, and we have included many of these. We have also included projects that were recommended by the Members of Congress that were well underway.

I have other things to discuss, but let me yield the floor because I know my colleague, Senator BENNETT, will want to describe some of this bill as well.

Let me close as I opened by saying it is a pleasure to work with Senator BENNETT on these issues. These do represent investments in our country. Some things are spent and you never get it back, it is just spending. But when you build water projects or invest in the energy further such as through this bill, then it represents investments in the country's future that will provide very substantial dividends for the country for a long time to come.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, I appreciate the remarks of my chairman, Senator DORGAN. Even more, I appreciate the hard work he has put in. The level of cooperation between the two of us and between our two staffs is as he has described it. This is a truly bipartisan effort, aimed at trying to solve the problems we face. One demonstration of the fact is that we have, in a bipartisan fashion, come in with a number significantly below that which the President requested. If it had been a single partisan effort, I am assuming it would have been responsive entirely to the President's request.

As Senator DORGAN has indicated, we have a number of Member-directed items of spending. When people say: Well, where do you get the money for that? The answer is, we have canceled the President's directed orders of spending.

I agree with Senator DORGAN that Members in these areas are closer to the people, closer to the problems, and understand them a little better than the folks downtown.

I recommend passage of the bill to my colleagues. I am delighted with the prospect that it is highly likely this will be done prior to October 1, the start of the fiscal year. That is a goal that has not been achieved in decades and a further tribute to the leadership of Senator DORGAN that we are on that path.

As I have said, the bill provides \$643 million below the President's request. This is the number Senator DORGAN cited, the \$34.271 billion, but it is \$476 million above current year levels. One of the things we did that helps us come in below the President's request was focus on the fact that the stimulus package that passed earlier this year put a great deal of money into these accounts. We did not want to ignore the fact that they had that money

from the stimulus bill in coming up with our own figures.

The committee, as Senator DORGAN said, has said no new starts for the Corps of Engineers. I repeat that and reemphasize that because many of the complaints that I think we are going to get on the floor about Member-directed spending are for projects in the Corps of Engineers.

They will say: Well, you are calling for earmarks. You use the dread word for this project and that project. Because we have no new starts, every project we are calling for is an ongoing project. So that if we were to cancel it, it would undoubtedly end up costing more money rather than would be saved if the earmark were to be struck down.

For the Bureau of Reclamation, we are \$55 million below fiscal 2009 levels. Pardon me. The request is \$55 million below the fiscal 2009 level. The committee provides an additional \$110 million to the Bureau. As Senator DORGAN has said, this is the tremendous backlog of underfunded projects. Let us take a sober lesson from what happens when we do not proceed with the proper maintenance in this area.

In my own State of Utah, a privately owned irrigation canal broke and flooded the community of Logan, UT, and tragically, in the process, took the lives of two young children and their mother who were overwhelmed as a result. This is a reminder to us that we have a responsibility to keep this fund going because the human cost can be significant.

These types of accidents are only avoidable if we are vigilant in maintaining the infrastructure and making the appropriate investments. With respect to the Department of Energy, the committee recommends \$27.4 billion which is \$1 billion below the President's request.

Again, this is a demonstration of the fact that we are attempting to be good stewards, that we are paying attention to the fact that the Department of Energy was already the beneficiary of over \$45 billion in supplemental and stimulus funding in fiscal 2009.

Not all of that will be spent in this fiscal year, so that is a little bit of an overstatement of how much they will have to offset. But looking at the amount they had from the stimulus package, we felt we were appropriate in coming in \$1 billion below the President's request.

We do recommend an additional \$100 million for Nuclear Power 2010 in order to complete this project. The bill restores \$50 million funding for the Integrated University Program and Research and Reactor Facilities account to support nuclear engineering and research and training.

That was eliminated in the budget request. I do that partly because I believe in it. I am joined with Senator

DORGAN in doing it and also because, in my new assignment, I am taking the place of Senator Domenici, and he will come back and haunt us both if we are not appropriately supportive of nuclear power. His great work in that area is something I think we should carry on.

There are other issues the Senator from North Dakota has already mentioned that I will not touch on as we go along because I do not want to be redundant. We do provide an increase in funding for the Office of Science, \$127 million over the current year levels. I think that is essential to a sustained investment in important scientific facilities that we have throughout the country.

Let's talk about cleanup. There are many Members of the Senate in States that support a strong environmental cleanup program, and the request reduced cleanup funding by over \$200 million from current year levels. Well, we believe the faster we can move on cleanup, the cheaper it will be over the long term because contractors are out of work now. They are anxious to get back to work and they will make low bids and take advantage of that situation.

We recommend \$350 million in additional funding for both defense and nondefense cleanups. Again, there is such an activity going on in my State, and I know that moving ahead and having the funding available now will save us significant amounts long term. So funding has been added for cleanup activities at DOE facilities located in South Carolina, Idaho, Washington, New York, Illinois, Kentucky, New Mexico, and California.

The committee has also restored critical funding in our national security sites, which was reduced in the President's budget request. An additional \$83 million was added to the weapons account to invest in critical infrastructure and science facilities.

We are attempting to highlight what I consider to be the failure of this administration to address fully spent nuclear fuel and defense waste inventory in this country. Consistent with the President's request, a minimum level of funding has been provided to sustain the NRC license review process of the Yucca Mountain Project.

The Secretary of Energy has determined he will convene a blue ribbon panel of advisers to recommend other disposal options. But while the administration is considering these options, ratepayers across the country are required to pay \$800 million annually to the nuclear waste fund to address spent fuel solutions.

CBO estimates that by the end of the year the unspent balance in this trust fund will be \$23.8 billion. The committee has included language directing the Secretary to conduct an evaluation

of the sufficiency of the fund and suspend the annual collection from ratepayers until he has a strategy to address the issue of spent fuel inventory.

Another problem that has arisen that we have dealt with has to do with the funding of pensions. We have provided the Secretary the authority to transfer funding within the Department to mitigate the impact to specific programs. The environmental cleanup mission has been hardest hit by pension shortfalls. The committee has not included any of the proposed budget gimmicks included in the request, and we have rejected a new tax on uranium fuel to pay for the cleanup.

With that, I think I have covered the highlights. I am sure there is more the chairman will talk about. I will listen to what he has to say. If there is any pet project I think needs to be highlighted, I will rise to my feet again. But I wish to summarize that the committee has not included funding for new starts for either Members of this body or for the President. The funding is dedicated to the completion of ongoing projects. We have reduced the amount of Member-directed spending by 8 percent from previous years as we hear the complaint some people have with respect to that process.

We have worked hard to rebalance the administration's request to ensure that investment in the water infrastructure is sufficient. We recognize that we could not accommodate all the needs across the country, so we focused our effort on ongoing projects and forgoing new starts.

I believe this budget strikes an appropriate balance and I recommend its adoption.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, today the Senate begins consideration of its third appropriations bill for fiscal year 2010. The bill before the Senate provides funding for the Department of Energy, the Army Corps of Engineers and for related agencies. The funding in the bill totals \$33.75 billion. This is nearly \$650 million lower than the administration requested.

As we begin our debate on this bill, I urge my colleagues not to delay action on this measure. The Senate will only be in session for 2 more weeks prior to the August recess. The Appropriations Committee has reported seven bills which have already passed the House and are awaiting Senate action. We need to get this bill passed so that we can move on to the other appropriations bills that are ready for consideration. Passing appropriations bills and providing the funding essential to run our Federal Government is one of the most important duties of this Senate. We need to act responsibly and move this legislation.

All Senators should have an interest in seeing this bill passed. It provides

critical funding for our Nation's waterways, for safeguarding our nuclear power industry, and for programs to improve energy usage, conservation and discovery. I know of very little controversy associated with this measure. I would ask any Member who is interested in amending this bill to come to the floor today to offer any amendment.

I am very grateful to Chairman DORGAN and Ranking Member BENNETT for their hard work on this measure. The committee strongly endorsed the recommendations in this bill and passed the measure unanimously. I believe this bill deserves the support of all my colleagues. I urge all Members of the Senate to work with the managers and help us attain quick passage.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from North Dakota.

Mr. DORGAN. Madam President, a couple of additional points:

No. 1, the administration's budget to the Congress for this year did recommend an increase in Corps of Engineers funding for water issues. They should be complimented for that. That is a step forward. We have seen relatively flat and underfunded budgets for the Corps of Engineers in recent years. It is encouraging. We added to it, of course, but the investment needed in major water projects to be completed is very important. I appreciate the administration's decision to increase, at long last, the recommendations there.

No. 2, my colleague, Senator BENNETT, mentioned Yucca Mountain. I expect that will be mentioned more than once during this discussion in the next day or so. We are going to see the building of some additional nuclear power plants in this country. The reason is pretty obvious: Once built, nuclear power plants do not emit CO₂ and therefore do not contribute to the warming of the planet. We are beginning to see additional activity. Companies are preparing license applications now.

Senator BENNETT described the issue of Yucca Mountain. I do want to make a point about that because it is important. I didn't come to the Congress with a strong feeling about building additional nuclear power plants. I have, with my colleague, increased some funding for loan guarantees for nuclear power plants in a previous appropriations bill because I come down on the side of doing everything, and doing it as best we can, to address this country's energy challenges. They are significant and require building some additional nuclear power capacity.

This President campaigned last year against opening Yucca Mountain. It was not a surprise to the American people that he would at this juncture take the position that Yucca is not the place for a permanent repository for

high level waste materials. The Secretary of Energy and the Administration have recognized that, not proceeding with opening Yucca Mountain, does not mean we don't need an intellectual framework for nuclear waste. They have indicated and committed themselves to that, the development of an alternative framework for how we address the issue of waste. We have to do that because, in order to build plants, we have to establish waste confidence. I am convinced the administration is doing the right thing in the sense that they have said we don't want to open Yucca, but they are saying there has to be an alternative. We are committed to trying to find a solution and explore the alternatives with a blue ribbon commission.

I wish to mention the national laboratories. This bill funds our national science, energy, and weapons laboratories. These laboratories are the crown jewels of our country's research capability. We used to have the Bell Labs, and we had laboratories that were world renowned, world class, that didn't have anything comparable in the world. The Bell Labs largely don't exist at this point. Much of our capability in science for research and technology exists in these science labs we fund in this bill. I am determined to find ways to make certain those best and brightest scientists and engineers working on the future of tomorrow and the new technologies for tomorrow at the national science laboratories have some feeling of security about their future. The last thing we should want is to see the roller-coaster approach to jobs at our national laboratories and our science labs.

We had a hearing some while ago in our subcommittee on the issue of how to continue to use coal in the future. That leads to the question of carbon capture and sequestration. I held a hearing in our subcommittee on carbon capture and beneficial use. One of the witnesses from one of our laboratories, Margie Tatro from Sandia National Laboratory, talked about what they are working on. It was breathtaking. We have this giant problem related to using coal, but it is not an insurmountable problem. She talked about the work they are doing with respect to concentrated solar power to be used in a heat engine to take CO₂ in on one side of the engine and water in on the other side. They fracture the molecules and, through thermal chemical dynamics, they create methane gas from the air. I don't know exactly where all this goes.

Deep in our laboratories are some of the brightest people working on these issues. We will solve some very vexing and challenging energy issues through research and development programs. I look at what we are doing in those areas for energy efficiency and renewable energy such as for hydrogen, biomass and biorefineries, solar energy,

wind energy, geothermal energy, vehicle technologies, building technologies, industrial technology, weatherization, State energy programs, advanced battery manufacturing, and more.

All of these issues are investments in the country's future and will, no doubt in my mind, unlock the mysteries of science to give us the capability to do things we did not dream possible. That opens up the opportunity to find new sources of energy, to move us way from this unbelievable dependence on foreign oil, to move toward different constructs in building efficiency, appliances, and new vehicles. That solves a number of things, allowing us to produce more energy, more renewable energy, more fossil energy, but it also allows us to conserve much more because we are prodigious wasters of energy.

I didn't mention one other area of electricity—and it goes with conservation—incorporating smart grid technologies. We will in the future see substantial amounts of smart metering in homes that allows people to change very substantially the way they use electricity in their homes. They have not had, up until this point, that capability, but the capability, because of the research going on and the demonstration programs, some of which we are funding, can increase all across the country in the future. That, too, will invest in making us less dependent on foreign oil.

All of these things play a role in what we are trying to do.

In the electric delivery and energy reliability portion of our bill, we have programs for clean energy transmission and reliability, smart grid, cyber-security for energy delivery systems. They are examples of a wide range of investments in all of these areas that will make this a better country and advance our energy and water interests.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORIAM: WILLIAM PROCTOR JONES

Mr. DORGAN. Madam President, I rise to make a statement in honor and in memory of William Proctor Jones. He died three weeks ago on July 7, the day before we actually wrote and marked up this bill in subcommittee.

Proctor Jones was a longtime staff director of this subcommittee. His death is a great sorrow for our members and staff who worked with him. His life was a great blessing for this country.

He first came to work in the Senate in April of 1961. He went to work for his

home State senator, Richard Russell of Georgia. Proctor moved to the Appropriations Committee in 1970 and worked there 27 years until 1997. Since 1973 and beyond and for the majority of his time on the committee, Proctor served as staff director of the Energy and Water Subcommittee.

For decades, as this bill was brought to the floor of the Senate, Proctor Jones was sitting on the floor knowing that he played a very significant role in putting together the investments this country was making in the critical areas of energy and water. Proctor became a very close adviser and close personal friend of Senator Bennett Johnston, the Energy and Water Subcommittee's longtime chairman.

For those of us who knew Proctor and relied upon him, he defined the very best of the term "public servant." He was tireless in his work. He was a master of the budget and the appropriations process and an expert in many policy fields this subcommittee has dealt with over the years. His service made this country a much better place.

This country moves forward because a lot of people do a lot of good things in common cause to make judgments about what will strengthen America. It is often the case that those of us who are elected and serve have our names on a piece of legislation or our names on a report of a subcommittee such as this, but it is also often the case that some very key people who have devoted their lives to good public service played a major role in making good legislation happen. William Proctor Jones is one of those.

Today, as we take up the piece of legislation from a subcommittee he spent decades working on, I honor his memory and thank him and his family in this time of sorrow and thank Proctor Jones for all of the work he did for his country.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I associate myself and those of all minority Members with the comments of the chairman about Proctor Jones. I didn't have the opportunity to work with him as closely as others have, but the legacy the chairman has described is genuine and real. All of us in the Senate, regardless of party, wish to acknowledge that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, the Senator from Utah and I would ask of Senators who have amendments to this

legislation that if they wish to come now, we would very much like to have amendments offered. Certainly the majority leader has wanted to bring appropriations bills to the floor of the Senate. The chairman of the Appropriations Committee described appropriately, a few minutes ago, the importance of trying to get these appropriations bills completed. So working through the full committee we are winding our way through.

Now Senator REID is bringing them to the floor, and I deeply appreciate his determination to do that. It is a marked departure from what we were able to do previously. We would like to get individual appropriations bills done, get them to conference, have a conference with the House, and get them to the President for his signature. That is the way the Congress is supposed to work. It is the way appropriations bills are supposed to be done.

We will have amendments, I am sure. We were told someone has prepared nearly 20 amendments. But, look, they ought to have that opportunity. In the past couple years they did not have that opportunity. That is what Senator REID is doing now, to say: Bring these to the floor. Give people an opportunity to take a look at what the Appropriations Committee has done. If they disagree, come to the floor with amendments, have a discussion, and vote on the amendments. It is exactly what we should do.

It is a problem, however, that we do not have unlimited time. My hope is—and I think Senator BENNETT's hope is—we could have people come over, offer amendments, and we could finish this bill in the next couple of days. It would be great to finish it late tomorrow night or perhaps Wednesday at the latest. But in order to do that, we would need some cooperation. We would very much ask people to tell us what their amendments are, come over and file amendments, and come and debate the amendments. The point is, we are here and ready, and we very much want to get this piece of legislation completed.

I have described in some respects the urgency of our energy policies in this country. Well, the fact is, passing this legislation, and doing so now, will give us the opportunity early in the fiscal year to have the Department of Energy and the Administration develop energy strategy based on these investments. For the first time in a long time, we will know where we are headed.

I have always felt we ought to be saying: Look, here is where America is headed on energy. Here is what we are going to do on renewable energy. Here is what we are going to do on carbon capture and storage. Here is where we are headed. You can invest in it. You can count on it, believe in it, because this is America's policy. Part of that policy is developed through the authorization committees, and no small part

is developed in what we fund in the Department of Energy. Exactly the same is true with respect to water policy.

Let me make this point as well. This country had an economy that fell off a cliff in the first part of October of last year, and we still are in a deep recession. In the middle of a very deep recession, a piece of legislation that is going to provide the funding, hopefully by October 1, to proceed ahead building and creating water projects and other things puts people to work. It invests in the country's economy in a way that puts people to work and provides jobs. That is very important.

For a lot of reasons, again, I commend the majority leader for bringing this to the floor. We will hope for some cooperation. We want amendments, if they want to bring amendments to the floor. We want them today or beginning in the morning. Senator BENNETT and I wish to work with our colleagues to try to review amendments. We wish to work with them. Perhaps they have some ideas we did not think of. We could add to this bill by consent, or others perhaps we can debate and have a vote on.

We want to make that known to our colleagues. We are looking forward to completing this bill in the early part or at least no later than midweek.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 370

Mr. INHOFE. Madam President, I want to spend a little time on a bill that has to do with one of the three major interests we are going to have during the recess. One of the issues is one I feel very strongly about; that is, what is happening right now at Guantanamo Bay. Some refer to it as Gitmo. I have some very strong feelings about that.

I do not know why our President has this obsession that he is going to turn loose or bring these detainees, these terrorist detainees, back to the United States. If you do that, either to try them or to bring them back here, they become magnets for terrorist activity.

We have detained about 800 al-Qaida and Taliban combatants at Gitmo. We have to understand that a terrorist combatant is someone different than you would normally—we are not talking about criminals here. We are not talking about even people who represent countries. We are talking about terrorist combatants. To date, over 540 have been transferred or released, leaving approximately 230 at Gitmo.

Here is the problem we have. If I were making this talk, as I was, about a

month ago, I would say we had about 280 detainees at Gitmo. The problem is, you cannot get rid of them by asking some country to take them because the countries will not do it. You do not want to bring them back to the United States because, as I said, that becomes a magnet.

So our President has been, one by one, trying to bring these back, putting them in our system for trial here in the United States. It is important to understand the rules of evidence are different. If you are in a military tribunal, you can dispose of these people. But you cannot do it—for example, hearsay evidence is not admissible in the courts in the United States. So it would not fit in our Federal system.

President Obama has ordered the Guantanamo facility be closed. He has recently given an extension to that.

In 2007, the Senate voted 94 to 3 on a nonbinding resolution to block detainees from being transferred to the United States. It said: Detainees housed at Guantanamo Bay should not be released into the American society nor should they be transferred state-side into facilities in American communities and neighborhoods.

Well, that is very specific. In fact, I had the amendment to do that on the Defense authorization bill only last week. Quite frankly, it was blocked by the Democratic majority.

On May 20, 2009, the Senate voted 90 to 6—that was my and Senator INOUE's language; it was a bipartisan amendment—to prohibit funding for the transfer of Gitmo detainees to the United States. We are hitting them two different ways. One is, we are saying you cannot bring them over here. Second, you cannot try them over here. And now, thirdly, we are not going to pay for any relocation of these people.

Unfortunately, the supplemental appropriations conference deleted that provision. That was a provision that passed 90 to 6, authored by me, INHOFE, and Senator INOUE, the senior Senator from Hawaii. But they took it out. So that means it is not there right now for trials. But the law does block funding for permanently transferred detainees from Gitmo to the United States for the 2009 budget year, which ends on September 30.

The House Appropriations Committee will vote this week on language contained in a manager's amendment proposed by Representative JERRY LEWIS of California prohibiting the administration from spending any money to move prisoners to U.S. soil. Last Thursday, the Senate Democrats again blocked an attempt to consider an amendment that would have permanently prevented the detainees from being transferred from Gitmo. That was my amendment. It was part of the Defense authorization bill. When President Barack Obama took office, there was one free bed at the supermax pris-

on in Colorado, with a typically long waiting list to move high-security prisoners into supermax.

To understand what this is, the supermax prison is one with the very highest level of security, a place where they might argue that you could put a terrorist there and that terrorist, regardless of how serious he was, is one who would be secure. The problem they are overlooking is, if they are located in the United States, they become a magnet for terrorism.

I know President Obama, at one time, was proposing some 17 sites in America where we could put these Gitmo detainees. One of those happened to be in Fort Sill, in my State of Oklahoma. I went down to Fort Sill to look at our prison facility down there. There is a master sergeant—no, I am sorry, Sergeant Major Carter was her name. She was in charge of the prison. That prison was set up as a normal military prison but certainly not suitable for detainees, not suitable for terrorists. It happens that Sergeant Major Carter—you can call her and ask her about this. She had two tours at Gitmo, and she said: Why in the world are you guys in Washington and this President trying to close Gitmo? It is an asset we need. It is a place where they can be secure. It is a place where they have treated them humanely over the years. Well, anyway, so when you look at what we have here, there are no places that are appropriate.

Assistant Attorney General David Kris testified at the same hearing of the House Armed Services Committee that both civilian and federal jails and military prisons are being considered for potential future incarceration for prisoners facing criminal prosecution, military tribunals or long-term detention without trial, more than 50 have been cleared for release, and an administration task force is sorting through the remaining 229 prisoners to determine their fate. What we are saying is we have already picked the low-hanging fruit. We have already taken care of the problem of those individuals who either a country won't take back or you can find someplace to put them. But the remainder are the real tough guys, the bad guys whom we don't want in our society. Government lawyers in both the Obama and the Bush administrations have said that an unspecified number of detainees should continue to be held without trial, stating that some of the evidence against them will be classified or thin, and the government fears these most dangerous detainees could be released should they be given their day in court; that is, their day in court in the United States.

If you look at the facility they have down there, it is made for this type of detainee. It is one that will allow the security of evidence so it doesn't threaten other people, and it is something that cannot take place in this country.

Johnson also said the Obama administration has not yet determined where it will hold newly captured al-Qaida and Taliban prisoners for extended detention after the Guantanamo Bay prison closes, if it should close. Of course, my effort is to keep it open. So far the only Guantanamo Bay detainee brought to face trial in a U.S. criminal court is Ahmed Ghailani. He is the Tanzanian whom we sent to New York and faces charges in conjunction with the two bombings. We remember the two bombings in Tanzania and Kenya. Federal prosecutors said last Friday they no longer plan to hold Mohammed Jawad, who threw a grenade at a U.S. convoy in 2002, as a wartime prisoner, a signal that the Obama administration intends to bring him to the United States before a criminal court.

Last week, Democratic Members in the House and the Senate said Michigan prisons set to close because of the State budget crunch could take the high-profile prisoners from Gitmo, creating jobs lost in the auto industry.

Let's stop and think that one through. These are elected representatives from the State of Michigan, the two Senators and Representative STUPAK, who are suggesting that we could put those prisoners, these high-level, high-security terrorist detainees in prisons in Michigan and that would cause them to have to go through there and provide jobs to update the prisons. Let's stop and think that one through. Why not just go ahead and do something with the individuals who are there, leaving them where they are right now, and get into a public works program where at least they could be spending that money on roads and highways.

Let me do this. I have almost given up—in fact, I did give up—trying to put the language in the Senate Armed Services Committee's Defense authorization bill to preclude the President from putting these individuals into the United States. There is only one vehicle left. That is my Senate bill 370, S. 370. It is a one-page bill. I have 22 cosponsors. It merely says we cannot pay to transfer any of these detainees to the United States, and we are not going to be able to try them here. So it is the final answer to this matter.

Madam President, at this time, I ask unanimous consent that S. 370 be brought up for immediate consideration.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. DORGAN. Madam President, reserving the right to object, and I will object, the Senator from Oklahoma knows that such a unanimous consent cannot be entertained at this point. He has not consulted with the majority leader who is in charge of scheduling legislative matters to come to the floor of the Senate. So on behalf of the majority leader, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, I would only respond to my very good friend from North Dakota—in fact, we were recently talking about how in agreement we were on some of these things, the potential we have to explore in the United States. I have talked to the leadership to try to bring this up and have not been able to do it. I guess you get to the point where you are frustrated and you know that two-thirds of the American people want to set something in place to keep these terrorists from coming into the United States. All I ask is to get my bill up. I will be trying to do that in the future.

I wish to ask the manager of the current bill on the floor, the minority manager, if he desires to have the floor for the purpose of the consideration of the bill.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, the Senator from Oklahoma had asked to speak in morning business. Senator BENNETT and I have no objection to that. We are waiting for amendments to be offered. If someone were to come and offer an amendment, we would hope the Senator would relinquish the floor.

Mr. INHOFE. I thank the Senator from North Dakota and I assure him that if someone comes down with an amendment, I will cease and yield to them.

CAP AND TRADE

In the meantime, there is another subject I wish to speak about. I have been doing this now for 10 years every week.

It is safe to say that at 3:09 a.m., on June 26, most of America was asleep. While they slept, Democratic leaders in the House were creating a nightmare. In the early morning hours, Speaker PELOSI and her deputies were pushing the largest tax increase in American history.

In the dead of night, with no one watching, they engaged in full-scale arm twisting, back-room dealing, and outright pork-barreling to garner support for a massive bill few, if any, had actually read or understood. You have to keep in mind there are about 400 pages of this bill that weren't printed until 3 o'clock in the morning of the morning the bill was voted on.

When America awoke, they found Democrats talking about green jobs and the new clean green energy economy. They spoke of free markets and innovation and energy independence. All of it sounded so appealing. Yet none of it was true. That is because Waxman-Markey is full of regulations, mandates, bureaucracy, and big government programs. Waxman-Markey is, to quote JOHN DINGELL, "a tax, and a great big one" on small businesses, families, and consumers.

I don't blame the Democrats for selling cap and trade as something it is not. This is a political imperative for them because the American people now know what cap and trade is and they don't like it.

According to independent political analyst Charlie Cook:

Many Democrats getting back to Washington from Independence Day recess reported getting an earful from their constituents over the 'energy tax hike' . . .

Further, Cook noted—and I am quoting Charlie Cook right now:

The perception is that this is a huge tax increase at a time when people can ill afford one. Hence, Democrats, whether they supported the bill or not, are getting battered, increasing their blood pressure.

Let me say this. This is an issue we are going to be talking about. I have been on the Environment and Public Works Committee since I came to the Senate in 1994. I was the chairman of that committee back when the Kyoto treaty was considered. At that time, as everyone else, I assumed manmade gases, anthropogenic gases, CO₂, methane, were causing global warming. Now people are careful to say climate change and not global warming since we are in about the ninth year of a cooling period. But at that time I assumed it was true. That is all everybody talked about. Until the Wharton School did a study and the question was posed: If the United States were to pass and ratify the Kyoto treaty and live by its emissions requirements, how much would it cost? The range was between \$300 billion and \$330 billion a year. It was at that point that I decided it would be a good time to look at the science behind that and see if, in fact, the science was there.

We are talking about 10 years ago. After looking at it and studying it, we found scientist after scientist who was coming out of the closet and saying this thing was started by the United Nations, the Intergovernmental Panel on Climate Change, and the reports they give are not reports from scientists; they are reports that are from policymakers. Consequently, on my Web site, the Web site inchofe.senate.gov, I have listed over 700 scientists who were on the other side of this issue and now are on the side saying: Wait a minute. This is something that is not real, and it certainly is not worth the largest tax increase in history.

I remember when Vice President Al Gore was in office, the Clinton-Gore administration, and at that time they decided they wanted to come out with a report, in order to sell the idea of ratifying the Kyoto treaty, that they would come up with a report to say how much good could be done, how much the temperature could be lowered over a 50-year period of time if all developed countries, all developed nations ratified and lived by the emissions requirements, how much would it

reduce the temperature. The results—and the man's name was Tom Quigley. Tom Quigley was the foremost scientist at that time. He said it would reduce the temperature over a 50-year period by .07 of 1 degree Celsius in 50 years. That is not even measurable.

I wish to inquire if the Senator from Florida wishes to speak as in morning business or on this bill?

Mr. NELSON of Florida. Madam President, morning business.

Mr. INHOFE. Morning business. Well, I am going to be awhile.

Anyway, what I would suggest doing is going back and looking at what has happened since the Kyoto treaty was considered. In 2005, we had the McCain-Lieberman bill. The McCain-Lieberman bill was very similar to the Kyoto treaty. It was cap and trade. It was very similar to the Warner-Lieberman bill and very similar to what we are looking at today, the cap-and-trade bill, which is the Waxman-Markey bill. They are essentially the same thing; that is, cap and trade, a very sophisticated way to try to regulate greenhouse gases or primarily CO₂.

I would suggest that many of the people who were talking about doing this in the very beginning were people who were saying: Well, why don't you pass a tax on CO₂? I would say: If you want to get rid of CO₂ and be honest and straightforward, go ahead and pass a tax and get rid of it. As it turned out, they didn't want to do that because that way people would know how much they are being taxed. If you have a cap and trade, that is government picking winners and losers, and you might be able to make people think they are actually not getting a tax increase.

I wish to quote a few of the people who have weighed in on this issue. If you don't believe what I am saying about cap and trade, listen to some of the past quotes from members of the Obama administration and other proponents of cap and trade. They speak for themselves.

This is what President Obama said prior to the time he was President. He said:

Under my plan of a cap and trade system, electricity prices would necessarily skyrocket . . . Because I'm capping greenhouse gases, coal, power plants, natural gas—you name it—whatever the plants were, whatever the industry was, they would have to retrofit their operations. That will cost money. They will pass that money on to consumers.

JOHN DINGELL:

Nobody in this country realizes that cap and trade is a tax, and it's a great big one.

CHARLIE RANGEL said this not too long ago, speaking on cap and trade:

Whether you call it a tax, everyone agrees that it's going to increase the cost to the consumer.

Then Peter Orszag, former CBO Director and current White House OMB Director, said:

Under a cap and trade program, firms would not ultimately bear most of the costs

of the allowances, but instead would pass them along to their customers in the form of higher prices.

That is the appointed OMB Director, Peter Orszag, saying that.

Continuing his quote:

Such price increases stem from the restriction on emissions and would occur regardless of whether the government sold emission allowances or gave them away. Indeed, the price increases would be essential to the success of a cap and trade program, because they would be the most important mechanism through which businesses and households would be encouraged to make investments and behavioral changes that reduced CO₂ emissions.

He said further:

The government could either raise \$100 by selling allowances and then give that amount in cash to particular businesses and individuals, or it could simply give \$100 worth of allowances to those businesses and individuals, who could immediately and easily transform the allowances into cash through the secondary market.

He said further:

If you didn't auction the [CO₂] permits, it would represent the largest corporate welfare program that has ever been enacted in the history of the United States. All of the evidence is that what would occur is that corporate profits would increase by approximately the value of the permits.

Further, although the direct economic effects of a cap-and-trade program described in the previous section would fall disproportionately on some industries, on some regions of the country, and on low-income households, we had several people testify before the Senate Environment and Public Works Committee—and you saw the most notorious one speak 2 weeks ago, representing the U.S. Black Chamber of Commerce. He was testifying how regressive this cap-and-trade tax would be. If you stop and think about it, sure, it is true, if you raise necessarily, as they have to do, under the House-passed Waxman-Markey cap-and-trade bill—if you raise the cost, it is going to be the cost of energy. So you have poor families on fixed incomes who still have to heat their homes in the winter, so the percentage of their expendable income they use in heating their homes would be far greater. So it is regressive. That is why he got so emotional when he was here talking about what the cost would be to the poor people of America.

Douglas Elmendorf, Director of the CBO, said that some of the effects of a CO₂ cap would be similar to those of raising such taxes. The higher prices caused by the cap would reduce real wages and real returns on capital, which would be like raising marginal tax rates on those sources of income.

All of these people are experts. They work in the government, and they work—most of them—in the Obama administration. They are saying this would be the largest tax increase in history on the American people.

I think that during the recess—if we ever get to it—which is supposed to

take place a week from Friday, we will be in a position to talk about three major issues. We have already talked about efforts to pass some kind of a government-operated health system. I talked about Gitmo, the closing of that, which I think there is no justification for whatsoever. The other thing is that it is the largest tax increase in the history of this country.

In an interview with Michael Jackson, AutoNation CEO, he said:

We need more expensive gasoline to change consumer behavior.

Otherwise, Americans will continue to favor big vehicles no matter what kinds of fuel economy standards the government imposes on automakers. He added that \$4 a gallon "is a good start."

These are people who do want to increase the cost of fuel for an agenda, which will not help the environment.

Alan Mulally, CEO of Ford Motor Company, said:

Until the consumer is involved, we are not going to make progress in reducing the amount of oil the United States consumes.

On and on, we have people—I plan to spend time on the floor talking about the problems with this because I fear that if you don't do anything, we are going to end up passing the largest tax increase in the history of America.

Even the Secretary of Energy, Steven Chu, said:

Coal is my worst nightmare.

He also said:

Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.

That is the Secretary of Energy for the Obama administration who said that.

He also said:

What the American family does not want is to pay an increasing fraction of their budget, their precious dollars, for energy costs.

He said further:

A cap and trade bill will likely increase the costs of electricity. . . .

This is the Secretary of Energy under President Obama. He said:

These costs will be passed on to the consumers. But the issue is, how does it actually—how do we interact in terms with the rest of the world? If other countries don't impose a cost on carbon, then we would be at a disadvantage. . . . We should look at considering duties that would offset that cost.

Then, of course, the chairman of our committee, Senator BOXER, said:

The biggest priority is softening the blow on our trade-sensitive industries and our consumers. I just want you to know that that's the goal.

I am glad she is saying that is a goal.

Senator McCASKILL weighed in—and I agree with her—saying:

We need to be a leader in the world, but we don't want to be a sucker.

That is a good statement.

And if we go too far with this, all we're going to do is chase more jobs to China and

India, where they've been putting up coal-fired plants every 10 minutes.

That was Senator McCASKILL from Missouri. She is a Democrat. Yet she has very strong feelings that this would chase off our jobs to foreign countries. She mentioned China and India. They are cranking out two new coal-fired plants every week in China.

Let me do this. Three weeks ago, in our Committee on Environment and Public Works—I want to commend the Director of the Environmental Protection Agency, Lisa Jackson—I asked her this on the record, on TV: If we pass the Waxman-Markey bill as it is written right now, as it came over from the House, and it were signed into law by the President, what would be the result of that in terms of reducing the amount of CO₂ in the atmosphere?

She thought for a minute, and then she said something that surprised me: It wouldn't reduce emissions at all.

In other words, even if we pass this largest tax increase in American history on the people, we are still not going to reduce the amount of CO₂ that goes into the atmosphere. In fact, you could argue—and it has been argued—that it would increase it because it would chase the manufacturing jobs to other countries. They are estimating 9.5 percent of the manufacturing jobs would be sent to China and other countries, where they have no emission restrictions, and that would have a net increase of CO₂.

With that, I see several colleagues coming to the floor. In deference to them, I will yield, but before I yield the floor, let me make one last request. I want to do this. I have been concerned—and I don't know that the Senator from Florida was here when we were talking about Gitmo. I was frustrated when we were unable to get my amendment on the Defense authorization bill that would have the effect of keeping Gitmo open. The only thing left for me is S. 370.

At this time, I ask unanimous consent that the Senate proceed to the consideration of S. 370.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. Madam President, on behalf of the majority leader, Senator REID, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that I might speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOURISM IN FLORIDA

Mr. NELSON of Florida. Madam President, most people know that tourism is certainly a vital part of my State's economy. I know that many of our Florida cities, just like so many

cities elsewhere around the country, offer some of the finest and most competitive prices on hotels and conference facilities. So you can imagine that I was absolutely floored when I found out that some Federal agencies are blacklisting Florida cities and other cities in the country for travel and conferences because they are looked at as a vacation or resort destination.

The hotel industry in Florida is already reeling, it is facing a significant decline because of the recession. Orlando hotels are filling only about 64 percent of their rooms. That is a drop of 8 percent from last year. So you can imagine that I was stunned when I found out that in a Wall Street Journal article last week they had listed Orlando and Las Vegas as cities mentioned in e-mails from the Department of Agriculture and the Department of Justice as no-go-to destinations.

Well, what they ought to be looking at is what is most cost-effective for the government if it is going to an out-of-town location from wherever that particular agency is to have a conference. When you compare, for example—I could be talking about any city in Florida and many other cities in this country, but let me take Orlando, for example. When you compare the cost of a hotel room in Orlando during the season with the cost of a hotel room, let's say, in Washington, DC, during the season, you will find that the Orlando hotels on average are \$100 less per night than the other city in that comparison. Likewise, if you look at the cost of airfare as a destination, you will find that the round-trip airfare to a place such as Orlando is considerably less. But some agencies in the Federal Government, because Orlando is looked upon as a resort or vacation destination, have gotten so sensitized to the fact that we saw the Wall Street bigwigs going haywire, with all their perks and all of their extra emoluments, that they want to avoid the perception of going to a resort destination.

I wish it hadn't come to this, but I have had to draft legislation to make it illegal for the Federal Government agencies to design travel policies that blacklist certain U.S. cities simply because they are looked at as destination cities for a lot of tourism. Talk about a double whammy in tough economic times when we have seen tourism and business travel dropping like a rock.

It is one thing to avoid nonessential trips for the government to save taxpayers money, but it is taking it a little far when it is another thing that if it is legitimate travel and you then avoid certain cities just because they are where they are.

My Senate colleague, Senator MARTINEZ, is helping me with this issue, and working together we ought to be able to put an end to any such practice.

I certainly hope it is not going to take me having to push through this

legislation. I am asking the head of the Department of Justice, the Attorney General, and the head of the Department of Agriculture, the Secretary of Agriculture, if they will dig down into the bowels of their organizations and root out this kind of narrow thinking that is going on and expressed in those e-mails as reported by the Wall Street Journal last Wednesday.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

SOTOMAYOR NOMINATION

Mr. SESSIONS. Madam President, tomorrow the Senate Judiciary Committee will vote on the nomination of Judge Sonia Sotomayor to serve as Associate Justice of the U.S. Supreme Court.

I thank the nominee and the members of the committee, including our Democratic colleagues, and Chairman LEAHY, for their efforts throughout the process. I appreciate Judge Sotomayor's kind words to us about how well the hearings went and her expression of gratitude for the kindness and respect she was shown. She is a good person with experience, the kind of experience one desires in a nominee, and her personal story is certainly inspiring.

However, based on her record as a judge and her judicial philosophy, I have concluded that she should not be confirmed to our Nation's highest Court. While differences in style and background are to be welcomed on the Court, no one should sit on the Supreme Court, or any court, who is not committed to setting aside their personal opinions and biases when they render opinions and who is not committed faithfully to following the law, whether they like the law or not. Impartiality is the ideal of American law. Judges take an oath to pursue it, and the American people rightly expect it.

Judge Sotomayor's speeches and extrajudicial writings represent dramatic expressions of an activist view of judging that is contrary to that ideal. Judge Sotomayor made speech after speech, year after year, setting forth a fully formed judicial philosophy that conflicts with the great American tradition of blind justice and fidelity to the law as written.

These speeches also contradict the oath that judges take to "do equal right to the poor and the rich" and to do so "impartially" "without respect to persons." Under the law, under the Constitution and laws of the United States, judges are subordinate to our Constitution and laws. This ideal is a high one indeed, and it requires a firm personal commitment to objective truth and a belief in the meaning of words.

It has been suggested repeatedly that Judge Sotomayor's words and speeches are being taken out of context. I have read her speeches in their entirety. Her

words are not taken out of context. In fact, when one reads the entire speeches, the context makes them worse, not better.

My criticism also should not be considered as a personal attack on her as a person because there are a number of intellectuals, judges, and legal writers who believe in just such a new way of judging. It is quite fashionable among some—those who think they are more realistic than naive American citizens, judges, and lawyers who, they believe, delude themselves when they think a judge will or can find true facts and apply them fairly to the law as written.

Most Americans and most Senators have heard about Judge Sotomayor's speeches, which are clearly outside the mainstream. She has repeatedly said, among other things, that judges must judge when "opinions, sympathies and prejudices are appropriate."

She accepts that who she is will "affect the facts I choose to see as a judge."

It is her belief that "a Wise Latina woman, with the richness of her experiences, would more often than not reach a better conclusion than a white male."

That there is "no neutrality" in judging, just a "series of perspectives." She has also said the appellate courts are where policy is made.

These matters have been discussed in some detail by my colleagues and at the hearing. Her testimony at the hearing was that these speeches do not reflect her philosophy of judging. It is hard for me to accept that her words, expressed over a decade in these speeches, do not reflect what she actually believes. Indeed, it is an odd position in which to find oneself to be at a hearing and say you don't believe what you have been saying over the years.

But Judge Sotomayor has asked, and her supporters have asked, that we look at her judicial record which proves, she and her supporters say, she is unbiased, and shows that she does not allow personal politics and views to influence her decisions. They cite over 3,000 cases she has decided, most without controversy.

They have gone to some length to discuss and defend the process by which she decides cases. Indeed, in her opening statement, Judge Sotomayor explained: "[t]he process of judging is enhanced when the arguments and concerns of the parties to the litigation are understood and acknowledged."

She did follow this style in many of the cases that came before her, going into detail and even being criticized by some in a Washington Post article for "uncommon detail" that risked "overstepping" the bounds of an appellate judge.

But there is more to the story. Most cases before the courts of appeals are fact based and routine and do not raise

the kind of serious constitutional issues that the Supreme Court hears and decides on a regular basis.

I have reviewed carefully three cases—two decided in the last year, and one 3 years ago—that are the kinds of cases the Supreme Court deals with regularly. Unfortunately, Judge Sotomayor's handling of these cases was not good. They show, first of all, an apparent lack of recognition of the importance of the issues raised in these three cases.

In each case, the decisions were extremely short and lacking any real legal analysis. These three cases also reached erroneous conclusions. They ignore the plain words of the Constitution, and they provide a direct look at how the nominee will decide many important cases that will come before the Court, if she is confirmed, in the decades to come.

The case of Ricci v. DeStefano came to her three-judge panel of the U.S. Court of Appeals for the Second Circuit as an appeal by 18 firefighters. They had passed a promotion exam, but the exam had been thrown out by the city of New Haven because the city thought not enough of one group passed. The test was thrown out not because it was an unfair test. Indeed, the Supreme Court, when the case got there, found that "there is no genuine dispute that the examinations were job-related and consistent with business necessity." Instead, the city threw out the test because the city did not like the racial results. Thus, the city discriminated against the firefighters who passed the exam because of their race.

This case is a sensitive case, it is an important case, and we need to analyze it carefully. It is noteworthy because the court failed to adhere to the simple but plain words of the Constitution.

In Ricci, Judge Sotomayor's opinion violated the plain constitutional command that no one shall be denied "the equal protection of the laws" because of their race.

Additionally, the case is subject to criticism because of the manner in which it was handled. I want to talk about that a minute. Judge Sotomayor did not deal with this important constitutional issue—a very important constitutional issue—in a thorough, open, and honest way. Without justification and in violation of the rules of the Second Circuit, Judge Sotomayor and the panel initially dismissed the case by summary order; that is, without any published opinion, without even adopting the trial court's opinion. No opinion, no explanation.

The effect of this summary order was to deal with the case in a way that would not require the opinion to be published or even circulated among the other judges on the circuit. This was not justifiable. The circuit court rule states that summary orders are only appropriate where a "decision is unani-

mous and each judge of the panel believes that no jurisprudential purpose would be served by an opinion. . . ."

This is a huge constitutional question in this matter. If it were not, the Supreme Court would never have taken it up, and it almost slipped by. But by chance, other judges on the Second Circuit apparently found out about it through news accounts, apparently, and began to ask about this case that seemed to be of significant import. This resulted in a request by one of the judges—quite unusual when you are dealing with a simple summary order—to rehear the case before all of the circuit judges. It created a notable dustup. The result was a split court with half of the judges asking for a rehearing of the case, half against rehearing it, with the deciding vote not to hear the case, not to reconsider any of the precedent that may have existed, being cast by Judge Sotomayor herself.

In effect, this was a vote to avoid the full and complete analysis this case cried out for from the beginning. It was only during this challenge that Judge Sotomayor's panel agreed to decide the case then by a per curiam opinion, an unsigned opinion, which at least then adopted for the first time the lower court's opinion which, frankly, I don't think was a very fine opinion for this kind of important case. But that became the opinion she adopted.

Still, the firefighters didn't give up hope. They then sought a review by the Supreme Court. Against long odds, the Supreme Court agreed to hear their plea. The Court found the ruling erroneous. They reversed the Sotomayor court's opinion and rendered a judgment in favor of the firefighters. They held that what the city of New Haven did, which Judge Sotomayor had approved, was simply wrong.

At the Judiciary Committee hearing, firefighters Frank Ricci and Ben Vargas beautifully described what it meant for them to go from a summary dismissal in the Sotomayor court, to a summary judgment victory in the Supreme Court. Five years of personal cost, stress, and strain suffered by the firefighters were vindicated by an important victory for equal justice in the Supreme Court.

But nothing can erase either the flawed result of Judge Sotomayor's panel decision or her panel's apparent attempt to sweep the case under the rug.

Secondly, Judge Sotomayor's treatment of critically important second amendment issues that have come before her is equally troubling, for the same reasons. She simply got the text of the Constitution wrong and did so in such a cursory way that her actions seemed designed to hide the significance of the case and the significance of her ruling.

Last year, in a case of great importance, the Supreme Court held in the

Heller case that the second amendment, which protects the right of “the people to keep and bear Arms,” provides an individual right—which I think it clearly does—and that, therefore, the Federal city of Washington, DC could not ban its residents from having a handgun in their homes for protection. In a footnote, the Supreme Court left open the question, not raised in the case, of whether the second amendment would bind the States. The question is simple and of fundamental importance to the second amendment: Does the Constitution bar States and cities from denying their residents the right of gun ownership? Pretty big question. Huge question.

On January 28 of this year, in *Maloney v. Cuomo*, Judge Sotomayor issued an opinion on this very issue. And in this opinion, Judge Sotomayor again failed to follow the text of the Constitution. The Constitution is plain and simple on this issue: “. . . the right of the people to keep and bear Arms, shall not be infringed.” And when you are talking about the people, you are talking about the right not just as it is applied to the Federal Government, I would submit, but also to the States and cities. So the Sotomayor panel looked at this text and decided that a State or local government may infringe, even deny your right.

Some argue that Judge Sotomayor was bound by precedent in her decision and there was old case law that her decision followed. But we have looked at this closely and tried to think it through. I would note that the situation the court found itself in shortly after the well-known, tremendously important Heller case had changed, and the Ninth Circuit panel, facing the very same issue, disagreed with Judge Sotomayor. It found that the second amendment does apply to the States. The Seventh Circuit, in a very thorough and carefully written opinion, and at its final conclusion, agreed with Judge Sotomayor’s panel’s decision, but it did so in such a way that it demonstrated its recognition of the importance of this right and the new situation created by the Supreme Court in Heller. This recognition was utterly lacking in Judge Sotomayor’s very brief opinion.

While it is argued that Judge Sotomayor relied on precedent, the precedent she cited was from the 1800s and does not use the modern test for incorporation that the Supreme Court employs in deciding whether rights apply to States, something that has been going on for nearly 100 years. Not only that, but even after the watershed decision by the Supreme Court in Heller, she held that it was “settled law” that the second amendment did not apply to the States and that the right to keep and bear arms is not a “fundamental right.”

When these points were brought to the Judge’s attention during the con-

firmation hearings, she declined to explain herself, claiming that she had not recently read the cases on which she so recently relied. This is not the level of analysis that the Judiciary Committee has the right to expect from a nominee to the U.S. Supreme Court.

Make no mistake, the effect of this ruling, if not reversed, if it stands, will be to eviscerate the second amendment by allowing States and cities to ban all guns, as the District of Columbia had basically done before the Supreme Court reversed that in Heller. In simple terms, in a case of great constitutional importance, Judge Sotomayor, once again in an unjustifiably brief opinion, measured in mere paragraphs of analysis, gave short shrift to the plain words of the Constitution.

I will say also that after the Supreme Court rendered its ruling in Heller, it had a footnote that said since this is a Federal cities case, we don’t decide the application of the second amendment to the States. But in that footnote, the Court made it quite clear that the prior old cases were decided before it had adopted a different approach to incorporating constitutional rights against the States. It is pretty clear from that they have left this matter open. The judge on the Ninth Circuit found that the question was an open question after Heller.

To say it is “settled law” that the second amendment does not apply to the States is not good, in my view. It is not settled law. I would certainly hope, and millions of Americans will be hoping, that the Supreme Court will not rewrite the Constitution; rather, they hope they will declare that the second amendment does apply to the States.

Further, she said it was not a fundamental right. That was not a phrase used by the other two courts which considered this question, and it is gratuitous, in my opinion. The combination of saying it is not a fundamental right, which is important to the ultimate analysis, and her statement that it is “settled law” that the second amendment does not apply to the States indicates a lack of appreciation for the importance of the second amendment right and a hostility toward the second amendment.

And similarly troubling were the judge’s equivocations as to whether she would appropriately recuse herself from considering this issue that will surely come before her on the Supreme Court. She declined to commit to recusing herself if the Seventh or Ninth Circuit cases came to the Court, even though those cases raise exactly the same issue as the one she decided against gun rights. I would note also that even the Heller case—breath-taking to me—decided by a narrow vote of 5-4 that a right to keep and bear arms provided in the Constitution explicitly applies to bar the city of Washington, DC, from banning all firearms, basically.

In addition to the firefighters case and the second amendment case, both of which involve important issues of constitutional law, Judge Sotomayor handled, in a similarly cursory manner, a very important private property rights case which some have called the most egregious property rights decision in this area since the Supreme Court’s infamous decision in the *Kelo* case a few years ago.

Just 3 years ago, after *Kelo* was decided, which caused quite a storm of controversy and a great deal of academic writing, Judge Sotomayor’s court issued an opinion in which a private property owner found his property, on which he planned to build a CVS pharmacy, taken by condemnation by the city so that another private developer could build a Walgreen’s on the same property. The way this condemnation came about should send chills down the spines of ordinary Americans, because the Walgreen developer, who was pursuing a redevelopment plan supported by the city, told the landowner that he could keep his land and build a CVS and they wouldn’t condemn it. All he had to do was fork over \$800,000 or half ownership in his business. I look at that and I can understand why the landowner thought he was being blackmailed. Judge Sotomayor looked at that and called it business as usual—a simple negotiation. But it is no negotiation when one party possesses the power through the city to take your property, whether you agree or not.

In another curiously short 2-page opinion, Judge Sotomayor’s court rejected the landowner’s claims, holding that the courtroom doors were closed to the landowner because he had brought his claim too late. The logic was that the landowner had to bring his claim to court months before the extortion occurred. The effect was to violate the Constitution. The Constitution plainly states that property “shall not be taken for public use without just compensation.” The Supreme Court has been quite clear that means you can’t take private property except for public use.

At Judge Sotomayor’s hearing, Professor Ilya Somin, who has written extensively on property matters, said this case was the most anti-property rights case since the infamous *Kelo* decision decided by a split Court a few years ago. Again, plain constitutional protections were ignored to the detriment of an individual American citizen who was standing up for his constitutional rights.

So in three cases, contrary to the plain text of the Constitution, Judge Sotomayor has ruled against the individual and in favor of the State in the face of seemingly clear provisions of the Constitution, furthering what can be fairly said to be, in each case, a more liberal agenda in America. A liberal or a conservative political belief, a

Republican or Democratic political belief does not disqualify someone from serving on the Supreme Court. What does disqualify is when a judge allows such beliefs or ideology or opinions to impact decisions that they make in cases.

Anyone with more than a casual acquaintance with the law would instantly know that each of these three cases presented issues of great legal importance, and each deserved to be treated with great thoughtfulness. Judge Sotomayor surely understood that fact. Yet in each instance her decisions were unacceptably short. It seemed to me the only consistency in them was that the result favored a more liberal approach to government.

So I have come to announce, regretfully, that I cannot support Judge Sotomayor's elevation to our highest Court. She also now sits in a lifetime appointment on the Nation's second highest court, the Court of Appeals. Her experience, however well rounded, and background, however inspirational, are not enough. What matters is her record on the bench and her stated judicial philosophy.

I hope I am wrong, but my best judgment, my decision is that a Sotomayor vote on the Court—the Supreme Court—will be another vote for the new kind of ideological judging, not the kind of objectivity and restraint that have served our legal system in our Nation so well. Thus, I am unable to give my consent to this nomination.

Madam President, I thank the Chair, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa is recognized.

MORNING BUSINESS

Mr. HARKIN. Madam President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

THE PRESIDING OFFICER. Without objection, it is so ordered.

AMERICANS WITH DISABILITIES ACT

Mr. HARKIN. Madam President, yesterday, July 26, marked the 19th anniversary of the signing of the Americans with Disabilities Act by President George Herbert Walker Bush, on July 26, 1990. Passage of that law was a great national achievement. I remember being there. I was the chief sponsor of the bill. I was at the White House when it was signed. It was a beautiful sunny day. More people were on the White House lawn for the signing of that bill than for the signing of any bill in the history of this country. It was huge. It was a wonderful day. It was one of the landmark civil rights bills of our generation—of the 20th century.

Passage of the original Americans with Disabilities Act was a bipartisan

evident. As the chief sponsor of that bill, I worked very closely with Senator Dole. Of others on the other side of the aisle, two come to mind: Senator Orrin Hatch, who worked very closely with us to get it through, and also Senator Lowell Weicker, of Connecticut. Senator Weicker was the first proponent of the Americans with Disabilities Act, but by the time we were able to get it passed, he was no longer in the Senate. But Senator Weicker did yeoman's work in getting it going and pulling everything together before he left the Senate.

We received invaluable support from President Bush and key members of his administration. I mention, in particular, White House Counsel Boyden Gray, Attorney General Richard Thornburgh, and Transportation Secretary Samuel Skinner.

We look back, after 19 years, and what do we see? We see amazing progress. Thanks to the Americans with Disabilities Act, or the ADA as we call it, streets, buildings, and transportation are more accessible for people with physical impairments. Information is offered in alternative formats so it is usable by individuals with visual or hearing impairments. Need I mention the closed captioning through which one can be watching the words of my speech on television right now? Closed captioning is now going all over the country, not just for speeches on the Senate or House floor but for television programming and important events and weather announcements. Again, it all started after the passage of the Americans with Disabilities Act.

These changes are all around us—curb cuts, widened doorways, accessible buses, accessible trains. You never could get on an airplane before with a seeing-eye dog. Now when you get on an airplane you see people come on with a seeing-eye dog. They are allowed to do that.

These changes are now so integrated into our daily lives it is sometimes hard to remember what life was like before the ADA. After ADA, employers are required to provide reasonable accommodations so people with disabilities have an equal opportunity in the workplace. There were four goals of the ADA, four stated goals in the law: equality of opportunity, full participation, independent living, and economic self-sufficiency.

Last year, again with broad bipartisan support, we were able to pass the ADA Amendments Act, overturning a series of Supreme Court cases that greatly narrowed the scope of who is protected by the ADA. Beginning in 1999 and going to 2000 and 2001, there were a series of cases, the three most important are what we call the Sutton, the Murphy, and the Kirkingburg cases that came before the Supreme Court. In each of those cases, the Supreme Court did not look at the report lan-

guage and the findings we had made in the Congress on who is covered by the ADA—the fact that mitigating circumstances were not to be taken into account and that there was not a demanding standard to be met. The Supreme Court turned that on its head. They narrowed who was covered by the ADA. They said that mitigating circumstances had to be taken into account and that there had to be a demanding standard for who was covered.

Again, we worked on a bipartisan, bicameral basis to straighten out these hearings, to overturn the Supreme Court's findings as a matter of fact, and we did. We did it on a bipartisan basis, both the House and the Senate, and President George Herbert Walker Bush's son, then-President George Bush, was able to sign those into law, and I was able to be down at the White House on that. Again, it was a very poignant moment with both President George W. Bush and his father, President George Herbert Walker Bush, being there for the signing of the ADA amendments. Thanks to that legislation of last year, people who were denied coverage under the ADA will now be covered.

As we celebrate the 19th anniversary of this great civil rights law, it is remarkable to think that many young people with disabilities have grown up taking advantage of these changes, and they have no memory of the way things used to be before the law was passed. I remember recently as I—as we are wont to do as Senators—had my picture taken out here at the front of the Capitol with a group of young people, one of whom was using a wheelchair, I was talking about the upcoming anniversary of the Americans with Disabilities Act. I pointed to the curb cuts so someone could come up and use a wheelchair. I said: You know, those were not there before 1992.

This young person in the wheelchair was astonished to find this out. He assumed they had always been able to move around freely.

As we look around after 19 years, we see a lot of changes—a lot of changes for the good. We see more young people taking advantage of educational opportunities, travel opportunities, families going out to restaurants, traveling with family members who have a disability, schools. We see a lot of wonderful changes that have taken place because of the ADA. But, frankly, there is more work to do. We have not yet reached the promised land of those four goals of the ADA.

At the top of the list is the need to pass the Community Choice Act. This bill has been around a long time. It was first introduced in the 1990s. It was then called MCASSA; that stood for the Medicaid Community Attendance Support Services Act. No one could ever remember what it stood for so we changed the name to the Community Choice Act.

What is this all about? Right now, all over America there are people with disabilities who qualify for Medicaid coverage. They are low income and they have severe disabilities, so they qualify for Medicaid. If they want to get their full coverage for support services, they have to go to a nursing home. If they go to a nursing home, under the law, Medicaid must pay for their support services. If they go to a nursing home, it must pay.

But let's say a person with a disability doesn't want to go to a nursing home, they kind of like to live in their own home, they would like to live with their friends, their family, in the community where they know people. Do they get any support services? None. Medicaid does not have to pay one single dime. If they go to a nursing home, they will pay for it; if you want to stay in your own home and get those support services, Medicaid doesn't have to pay for it. They do not have an equal right to choose where they want to live.

Again, I will say this, some States have applied for waivers, and they have extended these support services to people with disabilities in the community. But it varies from State to State. Some States don't have the waivers, some States do. Even in some States that have waivers—my State of Iowa has one—the waiting lists are long. It will take you 3 or 4 years to ever get up in the queue to be eligible. So it has been a patchwork of different things around the country.

On top of that, in 1999, 9 years after the passage of the Americans with Disabilities Act, a case came to the Supreme Court. We call it the Olmstead case, *Olmstead v. L.C.* It came out of Georgia. The Supreme Court made an important decision. It said that individuals with disabilities have the right to choose to receive their long-term services and support in the community rather than in an institutional setting. The Supreme Court said they have a right to that.

So this year marks the 19th anniversary of the ADA, it marks the 10th anniversary of that decision of *Olmstead* by the Supreme Court. Yet people with disabilities still have to go to a nursing home to get their long-term services and supports.

Listen to what the Supreme Court said in 1999:

Institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life.

Changing these assumptions is what the ADA is all about. Again, as I said, some States have done it. But it is kind of a patchwork quilt around the country. The Community Choice Act is focused on increasing the availability of attendant services and supports.

We know from studies done—the most important being done by Dr.

Mitch LaPlante at the University of California at San Francisco—we know from studies that for a person with a disability to go into a nursing home to receive those long-term services and support costs three times more than what it does in the community. In other words, it would cost three times as much. So for every one person in a nursing home, you can support three people living in their own homes in the community.

You would say: Why aren't we doing that? Because there are about 600,000 people in this country. These are individuals who are on the bottom rung. Let's be frank about it; they are on the bottom rung of the economic ladder. They are poor because they are Medicaid eligible; they have varying degrees of disabilities that, if they do not have their support services, they cannot get out, they cannot go to work. They may be capable of working. After all, we have curb cuts, we have buses that are accessible, we have subways that are accessible, we mandated that employers must make reasonable accommodations—wonderful. But if you can't even get out of your house in the morning, what good does all that do you? So 600,000 people. CBO did a cost analysis and said this would cost about \$50 billion over 10 years—\$50 billion over 10 years.

That is a lot of money. But, keep in mind, the health care bill we are talking about passing, recent estimates by CBO put it at \$1 trillion over 10 years—\$1 trillion over 10 years. So \$50 billion, that is about 5 percent. Is that too much to ask to help people on the lowest rung of the economic ladder in our country, to help them take advantage of what is their civil right, what the Supreme Court said they have a right to: a right to live independently, a right to live in their own home, to get those services?

As we all know, civil rights such as this are not self-executing. They require some support from the Congress. Frankly, I must tell you I disagree with the estimate of the CBO because here is what they do not take into account. They don't take into account that many of these people with disabilities who could live in the community if they had these services and support can now get out the door in the morning, get to work, make a living, and pay taxes.

I think of my nephew Kelly. My nephew Kelly was injured in the military. He was serving on an aircraft carrier and got sucked down a jet engine. He lived, but he is a severe paraplegic for the rest of his life.

My nephew Kelly came back out of the military. He had that terrible accident. He was 19 years old, a big strapping kid. He went to school, went to college. Then he lived by himself—he still does. He lives in his own home. He has a van he drives with a lift on it.

He gets up in the morning, goes to work, comes back. How is he able to do this? He has support services. He has someone who comes in his house in the morning, gets him ready; someone who comes in the house at night, gets him ready for bed. He does his own shopping and cooking, but he has to have a nurse there, someone to help him get going. If he did not have that, he would not be able to go to work. But he has that. He is able to go to work, and he is a tax-paying citizen of this country.

There are hundreds of thousands of Kellys around this country who, if they had that support mechanism, could go to work. So when they say it costs \$50 billion, I say, well, you are not taking that into account. They are not taking that into account. So as we enter the critical stage in hammering out comprehensive health care reform, we must not miss this opportunity to extend the availability of attendant support and services which so many have been fighting for for so many years.

Every individual with a significant disability deserves the choice about where to live and with whom to live and where to receive his or her essential services. That has a lot to do with employment, and as I look back over 19 years of the ADA, there is one thing that is still lacking: that is employment of people with disabilities.

Recent surveys show 63 percent of people with disabilities are unemployed. They want to work. They have abilities, but they are unemployed. A lot of this is because there are no support services. Much of this has to do with the fact that some employers are not providing reasonable accommodations. Some of it has to do with the fact that there is not an affirmative action program to hire people with disabilities. Some 21 million people with disabilities are not working, are not employed. So we need to do a better job with providing these people with disabilities the opportunity for economic self-sufficiency as we promised in the ADA.

On a closing note, on Friday of last week, President Obama announced the President of the United States will sign the U.N. Convention on the Rights of Persons with Disabilities, an international treaty that identifies the rights of persons living with disabilities and obligates countries to maintain those rights. The convention, after it will be signed, I understand, this week by our Ambassador to the U.N., will go through a process and then it will be referred to the Senate for ratification.

Well, we should take pride in the fact the United States has always been a leader in ensuring the rights of individuals with disabilities. We have made great progress toward the goal of equal opportunity, full participation, independent living, and economic self-sufficiency.

By becoming a party to the convention, the United States will continue its leadership role. So on this 19th anniversary of the ADA, I thank our President, President Barack Obama. I thank him for the statement he made last Friday that he was going to sign this week and for maintaining the leadership role of the United States in ensuring the rights of people with disabilities.

I only hope the convention will get through the process rapidly so we can get it to the Senate, and I hope the Senate can ratify it as soon as possible.

Lastly, on a more poignant note, I want to pause on this anniversary to remember people who played such a vital role in passing the ADA. Some are no longer with us, such as Justin Dart, who was the person who pulled it through. Justin Dart. We are fortunate that his wife Yoshiko continues to carry on this legacy day after day and week after week and year after year.

We remember Ed Roberts, the father of the independent living movement, whose work and vision continues to inspire powerfully. He is also gone.

Others who are still with us: Pat Wright, my staff director; Bobby Silverstein, who worked so hard and pulled this through. Of course, the one person, when the going got tough, when we did not know if we could get everything pulled together, who worked his magic to bring people on both sides of the aisle together—and herein I speak of Senator TED KENNEDY, the chairman of the committee, the HELP Committee, at that time, and I was chairman of the Disability Policy Subcommittee. But that was under the tutelage of Senator KENNEDY. He was the chairman of the HELP Committee at that time. It was because of his great work we were able to pull people together to get the great compromise to pass the ADA.

I would mention one other person I think might be somewhat responsible who is no longer with us. That is my late brother Frank. I have spoken of him many times as my inspiration for working on disability issues.

Frank became deaf at a young age. He was taken from our home and sent across the State to the Iowa School for the Deaf. At the time, many people called it the State School for the Deaf and Dumb. That is how they referred to people who could not hear, as deaf and dumb.

I remember my brother said to me: I may be deaf, but I am not dumb.

He also said to me one time: The only thing that deaf people cannot do is hear. He fought, not only in school, but after school to be independent and to make his own way in life, and he was able to do that.

I saw how many times he was discriminated against, whether it was getting a driver's license, so many things he was told he couldn't do because he

was deaf. They were always trying to hold him back. But he was always pushing, and he was able to carve out a life of independence and dignity for himself. Why did he have to fight so hard for all of this? Why did he have to struggle so much just to get people to accept him for what he was and who he was and not just to look at the fact that he was a deaf man, but that he was a person of great capabilities.

Great ethics. Great work. Very hard. But why did he have to struggle? Then I started looking around and saw all of those people with disabilities in America who just had to overcome almost insurmountable obstacles just to be a contributing member of our society, not to get welfare. My brother was never on welfare in his entire life. He always worked hard. They just want to work and contribute and to be a part of our society. Why did it require extraordinary efforts to do things we just take for granted in our country?

So he was sort of my inspiration and continues to be today. So, yes, we have had our share of frustrations. We have not reached the promised land. We have a 60-percent or more rate of unemployment, and people with disabilities have to go to a nursing home to get support rather than living in the community.

So we do have a ways to go. We have come a long ways, but we do have a ways to go. So we can celebrate this great law, this great civil rights bill, the Americans with Disabilities Act. But now we also have to say we have to take these next steps.

On July 26, 1990, when he signed the ADA into law, President George Bush spoke with great eloquence. I will never forget his final words before taking up his pen. He said: "Let the shameful wall of exclusion finally come tumbling down."

Well, today that wall is indeed falling. We have to continue the progress. We have to go forward and not backward. We must enact the Community Choice Act so that people with disabilities can finally have not only independence but they can have full participation and they can have economic self-sufficiency.

Their goal, their home, not the nursing home, has been their cry for many years. We ought to hear that, heed it, and make sure we do not pass a health reform bill unless we have something in it to address this one fundamental flaw in our society that wreaks havoc against people with disabilities in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, before Senator HARKIN leaves the floor, I want to express that there is no one in this Chamber, there is no one down the aisle in the House of Representatives, there is no one in this city who has

worked harder on issues advocating for those with disabilities than TOM HARKIN.

I heard him make that moving and beautiful tribute to his brother. There is a building on the Galludet campus named after Senator HARKIN's brother.

Galludet is the university for the deaf in Washington, DC. I am fortunate to sit on the board of that university, recommended by Senator HARKIN, for whom I will always be grateful, that institution that has lifted up so many people, and his brother was a big part of that. Senator HARKIN is a big part of the success of that institution and advocating for the rights of the disabled.

UNITED STATES-CHINA STRATEGIC AND ECONOMIC DIALOGUE, SED

I rise now to speak about the United States-China Strategic and Economic Dialogue, the so-called SED, which began early today in Washington. Dozens of Chinese officials descended on our city over the weekend. They are now negotiating, discussing, and engaging in strategic and economic dialogue with comparable officials in our Federal Government.

Secretary of State Clinton and Treasury Secretary Geithner are leading these talks for the Obama administration. The challenges they face are daunting. The issues that frame our relationship with China, which range from global security and fundamental human rights to trade and investment to energy and global warming policy, are critical to the future of our Nation and to the world.

I think we all agree a strong middle class makes a strong economy. We also agree the middle class, to put it mildly, is not faring well in this financial crisis. The official unemployment rate of the United States is 9.5 percent. My State is 11.1 percent. It has climbed 2 percentage points in the past 5 months.

China is one enormous export platform, and the United States, its biggest customer, has stopped buying. Morgan Stanley economists report that exports account for 47 percent of the economics of China and other East Asian nations, while in the United States consumption accounts for 70 percent of our GDP. As revenues flow out of the United States and into China, more than \$200 billion every single year, China becomes our biggest lender. This unbalanced economic relationship breeds risk. It is rooted in our Nation's passive trade relations with China.

My State of Ohio is one of the great manufacturing States in this country, as it has been for about a century. We make solar panels and wind turbines, we make paper and steel and aluminum and glass and cars and tires and polymers and more. Look around today. I am sure you will find something you use that is made in Ohio. But let's look at a typical Ohio manufacturer and compare that to a Chinese manufacturer.

The Ohio manufacturer abides by a minimum wage to ensure workers are paid for and not robbed of talents. An Ohio manufacturer abides by clean air and workplace and product safety standards, helping to keep his or her workers healthy and productive and to keep customers safe. The Chinese manufacturer has no minimum wage to maintain. The Chinese manufacturer is allowed to pollute the environment, is allowed to force workers to use dangerous and faulty machinery.

Food and product safety are not a must for the Chinese manufacturers; lax enforcement makes it look more like an option. The Ohio manufacturer pays taxes, pays health benefits, pays Social Security.

The Ohio manufacturer typically allows family leave and gives WARN notices when there is going to be a plant closing. The Chinese manufacturer allows child labor. The Ohio manufacturer receives no government subsidy. The Chinese manufacturer receives subsidies often for the development of new technologies or for export subsidies.

The Chinese manufacturer benefits from China's manipulation of its currency, which gives, many economists think, a 40-percent cost advantage—a 40-percent cost advantage.

In addition to all of the other cost advantages of product safety, worker safety, minimum wage, paying into Social Security, Medicare, all of that, the Ohio manufacturer is investing in clean energy. The Ohio manufacturer is investing in new technologies and efficiencies to create more sustainable production practices. The Ohio manufacturers are part of the movement to make our country more energy efficient.

They will do their part to reduce carbon emissions but not at the expense of jobs if China and other countries do not take comparable action. Yet when the Ohio manufacturer petitions for relief and says it can compete with anyone, but only when it is a level playing field, or that it can emit less carbon but the Chinese competitors should bear similar costs on similar timelines, what does the Chinese Government say?

They call it protectionism.

Amazingly, that Chinese Government, when it labels behavior protectionism, has allies in the United States, all kinds of allies right here in Washington, DC. It had allies certainly in the Bush White House. It has allies among newspaper publishers certainly in this city. It has allies among Ivy League economists and among too many Members of the House of Representatives and the Senate. So when China labels anything we do to protect our workers, our environment, our families, our security, the chorus of protectionism from our own Nation's media and from many Ivy League

economists and many political leaders sounds almost as loud as Chinese accusations of protectionism.

Earlier this year, Energy Secretary Chu noted that unless other countries also bear comparable costs for carbon emissions, the United States will be at a disadvantage. In other words, if we deal with our carbon emissions by stronger environmental laws on American manufacturing, and China doesn't, Secretary Chu understands that will encourage more industry to move from the United States, where everything produced contains an environmental cost, to China where many things produced contain little environmental cost. The response to Secretary Chu from the Chinese official? He called it an excuse to impose trade restrictions and practice protectionism. Chinese officials are quick to call the United States protectionist, despite all the protections it affords its manufacturers. These labels, launched when Congress considers import safety legislation—remember the toys at Halloween and Christmas and Easter that came from China that had lead-based paint on them at levels far in excess of what we consider safe, remember the drug ingredients put into prescription drugs that killed many people in Toledo with the drug Heparin and all over the country, those ingredients came from China—or the “Buy American” provisions are used by trading partners to influence our debates about public policy. Of course, Chinese officials are all too often joined, whenever we in this body insist on food safety, pharmaceutical safety, worker safety, environmental protections, by American CEOs, Ivy League economists, newspaper publishers, and too many people who sit in this Chamber.

Meanwhile, the United States has the world's most open economy. That is why I believe today's strategic economic dialog, the SED, is so important. China's industrial policy is based on unfair trade practices. It involves direct subsidies, indirect subsidies such as currency manipulation, and copy-right piracy and hidden subsidies such as lax standards and sweatshop labor. In total, it results in the loss of millions of American jobs.

The Economic Policy Institute estimates that 2.3 million jobs were lost between 2001 and 2007 due to the trade deficit with China. Those were during our good economic times. During that economic time, the first 7 years of the Bush administration, not only did we lose 2.3 million jobs—many of them because of Chinese trade policy—in addition to that, 40,000 manufacturing concerns in our country shut down. China's policies are depressing wages and income levels worldwide, while its exploitation of environmental, health, and safety standards is killing Chinese workers and citizens and adding to our climate change challenges. The health

of our economy, the strength of our middle class, depend on how Congress and the Obama administration engage with China on these issues.

I am hopeful the Strategic and Economic Dialogue begins a new chapter between two great nations, China and the United States. But Congress cannot sit idly by as we debate climate change or trade or manufacturing or any other policies that affect the middle class.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

TAX INCREASES ON HIGHER INCOME AMERICANS

Mr. HATCH. Mr. President, I rise today to express my alarm about the possibility that this Congress will raise tax rates on higher income Americans in order to partially finance the cost of health care reform. Even though some of our colleagues on the other side of the aisle may not currently see the serious damage to our economy and our society that such a proposal could create, I want to spend a few minutes explaining why such a course of action would be a grave mistake.

We began hearing talk of raising taxes on the so-called wealthy last year during the presidential campaign. Then-candidate Obama made a number of promises regarding taxes. Perhaps most prominent among these were the following three pledges: He would cut taxes for small businesses and companies that create jobs in America; he would cut taxes for middle-class families, and no family making less than \$250,000 per year will see their taxes increase; and families making more than \$250,000 will pay either the same or lower tax rates than they paid in the 1990s.

I have been around this town for a long time, and I have seen a lot of presidential candidates make lots of promises. It is easy to greet such pledges with a degree of skepticism. However, I have seldom, if ever, seen promises regarding tax cuts and tax increases made more prominently, more clearly, or more often than those made by the President when he was on the campaign trail last year.

And yet, it was only a matter of a few weeks before the promise to keep tax rates below the 1990s level for higher income families was broken. In his budget outline for fiscal year 2010, which was released on February 26, 2009, the President included a proposal to partially pay for health care reform. This proposal would lower the value of itemized deductions for families with incomes over \$250,000.

When this proposal is combined with the President's promise to allow the 2001 tax cuts to expire for families making over \$250,000, we are looking at effective tax rates well above those paid by higher income families in the

1990s. Thus, the President broke his pledge within weeks of Inauguration Day.

While it is true that none of the health care reform proposals introduced so far in Congress includes the limitation on itemized deductions, this presidentially preferred offset proposal has been discussed in the Senate as a possible way to finance health care reform.

More importantly, the health care reform package that has been reported by two House committees and is working its way through a third includes an offset that is even more blatantly in violation of the President's pledge. This is a surtax on the adjusted gross income of single taxpayers earning more than \$280,000 and of families earning more than \$350,000.

This surtax starts at a rate of 1 percent at the lowest thresholds, but it is set at 5.4 percent for income in excess of \$1 million. This new surtax has been projected by the Joint Committee on Taxation to raise \$544 billion over 10 years. I know we are getting far too accustomed to seeing scores in the hundreds of billions of dollars, but let me say that number again: \$544 billion. That is over half a trillion, with a T. For those who might be watching or listening at home, that is 544 followed by nine zeroes.

Whether at the 1 percent level, at the 5.4 percent level, or somewhere in between, this surtax also starkly violates the President's pledge to not increase tax rates above their 1990s levels. In fact, when combined with the phase-out of itemized deductions, which the President has also proposed bringing back from the grave, this surtax could increase the top marginal income tax rate to more than 46 percent. When State taxes are added, the top rate in many States would likely exceed 50 percent.

Some may say that this surtax is not the President's idea, and that it therefore should not be blamed on him. Well, it may have not been his idea, but I have not seen the White House repudiate it in any way. All indications from 1600 Pennsylvania Avenue are that the President supports this huge new tax increase.

Do I bring this matter to the attention of my colleagues today merely because I am irritated to see the President violating one of his campaign promises? No. As I mentioned earlier, I have seen a lot of campaign promises made and a lot of campaign promises broken.

Perhaps it is because I am worried about the estimated 12,900 Utah tax filers or the just over 2 million Americans who would be affected by this surtax. After all, some are saying, this is just over 1 percent of taxpayers, and after all, they are rich, and they can afford it, right?

Well, yes, I am concerned about them. A tax on adjusted gross income

is unfair, and it is discriminatory. If we wish to raise tax rates we should do it in a straightforward and transparent way. A tax based on gross income provides for few or no deductions, and it jolts our long-established differential between ordinary income and income from capital. It is a raw revenue grab justified on the socialistic idea that these people earn more than the rest of us so they should be forced to share it with those less fortunate than they are.

But this also is not my primary reason for bringing up this matter today.

I bring this to the attention of the Senate for two reasons. First, high tax rates on upper-income earners, particularly when combined with the ever-increasing progressiveness of our tax system, are destructive to the economy and to our society.

Second, a good share of these higher income taxes will be paid by small businesses which will harm job creation. Today I want to talk about the problems of too much tax progressivity. In a subsequent floor speech, I will address the issue of how this tax will hurt small businesses and job creation.

We often hear from those on the left that our tax system is not progressive enough. Essentially, proponents of a more progressive tax system believe that the Internal Revenue Code taxes lower income taxpayers too much and higher income taxpayers too lightly. In essence, they believe the so-called wealthy among us are not paying their fair share of taxes.

However, the facts simply do not support this viewpoint. According to data released by the IRS for 2006, which is the latest year available, the highest-earning one percent of income earners received 22 percent of all the income in America. This sounds like a great deal of income concentrated into the hands of a few, and it is.

One would think and hope that an equitable tax system would require this top one percent of income earners, who are earning 22 percent of all income, to pay at least 22 percent of all the income taxes. If they paid exactly this amount, ours would be considered a proportional tax system. If they paid less, we would call it a regressive tax system. If the top earners paid more than the proportion that they earned, the tax system would be considered progressive.

I do not know anyone who truly believes that a completely regressive tax system is fair. No one should be asked to bear a higher portion of the tax burden than what he or she receives in income. However, I know that certain taxes are regressive, even if our overall system is not.

In contrast, many Americans think the only fair tax system is a progressive one. The more you make, the more you ought to pay. I can understand this

and I do not necessarily disagree with it, within reason.

On the other hand, I believe that a strong case can be made that a proportional tax system is the fairest tax system. Many of my fellow Utahns agree with this idea. I have received thousands of letters over the years asking why we should not have a flat tax that requires citizens to pay a fixed proportion of their income in taxes. Conceptually, I think they are correct.

Even though many Americans like a progressive tax system, I think they might be shocked to see just how progressive ours has become. I mentioned before that the top one percent of income earners received 22 percent of all income in 2006. However, this group paid 40 percent of all income taxes paid in America. Almost twice the proportion paid as earned. This is not just progressivity. This is progressivity on steroids. And it is harmful and unfair.

And, we are not just looking at the top one percent to see this problem. The top 10 percent of income earners received 47 percent of all income, but they paid 71 percent of all tax. Again, this is way beyond what I believe fair-minded people would call a reasonable amount of progressivity.

However, this is not the worst of it. In fact, this is only half of what I will call the equitable taxation equation. This is because so far, we have only talked about the half of the equation that raises money from taxpayers. What about the other half of the equation, where the money is spent?

In a 2007 study, economists at the Tax Foundation looked at both the tax side of the equation and the spending side. Their findings are very interesting. Using total Federal taxes rather than just income taxes, the study found that the top 20 percent of income earning households paid on average \$57,512 in Federal taxes.

However, the average Federal Government spending received by these households was just \$18,573.

The lowest 20 percent of income-earning households, on the other hand, paid an average of just \$1,684 in Federal taxes, but received an amazing \$24,860 average per household in Federal Government spending.

Another way of saying this is that the top earning 20 percent of households received 32 cents in Federal Government spending for every dollar in Federal taxes paid, while the lowest earning 20 percent of households received \$14.76 in Federal Government spending for every dollar they paid in Federal taxes.

Plain and simple, this means the top-earning fifth of Americans get back only a third of what they pay in taxes while the bottom-earning fifth are receiving a bounty of nearly 15 times what they pay. This is redistributionism gone wild.

And this study takes into account all Federal taxes, not just income taxes. If

the study included only the Federal income tax, the amounts would be skewed even farther because the income tax is much more progressive than are other Federal taxes.

Moreover, this study used tax-and-spending numbers from 2004. Our tax system has become more progressive since then. It is very apparent to me that our tax system is very progressive already. And when it is viewed in this larger context, along with the Federal spending, it is nothing short of ultra progressive.

So the question I have for my friends and colleagues on the other side of the aisle is this: just how progressive is progressive enough? I realize that some will not be satisfied until we reach a total redistribution where there is no more rich or poor among us. And while that idea might sound really fine, it would create total havoc to our government and our society, and I think we all know it.

How far can we take this idea of progressivity before the system collapses of its own weight? Our tax system, and indeed our entire system of government, depends on the voluntary cooperation of its citizens. An underlying if unstated foundation of the American government is the idea that the great majority of us will work hard, take care of our families, willingly if grudgingly pay our taxes, cooperate with the law, and do our best to make it all work.

What happens to our society if those who are in the top 25 percent, who are now paying 86 percent of the general cost of government, see that their burden is about to grow ever bigger, and that they soon may be part of only 10 or 15 percent who are carrying all the rest of us?

Where does incentive go as we approach this situation? Is there a tipping point where hard-working and successful Americans will say: Enough is enough. I am no longer willing to be a chump and carry the load for everyone else. Why don't I also stop pulling and get in the wagon and get the free ride?

We have already seen a strong movement toward removing more and more lower-earning Americans from the income tax rolls. The Making Work Pay credit and other refundable tax credits give cash back where no taxes have been paid. They serve as a negative income tax.

According to the Tax Policy Center, for calendar year 2009, the number of Americans who are not subject to the Federal income tax exceeds 43 percent. This number will likely grow significantly as a result of the enactment of the Making Work Pay credit earlier this year. If the President and his followers in the Congress have their way, there will be millions more who will be allowed to stop pulling and get on the wagon to be carried by the few who work.

This means that the number of American households that contribute nothing to our general cost of government, to our defense, and to the thousands of programs that are funded by the income tax is approaching 50 percent. Asking fewer and fewer to carry more and more of the load is dangerous in a free society. We are approaching that point where the majority can simply vote for higher taxes to fund higher spending with no personal cost to them. When that happens, our representative Republic is in grave danger.

There are lots of good economic reasons why we have to be careful about raising taxes too high on those who are bearing the burden of the cost of government. I will talk about those at another time. The one I am talking about today is a simple one, but it is the scariest to me.

The simple fact is that there is a limit on how much we can ask successful people to contribute to the cost of general government, just as there is a limit to how few people will be willing to pull a wagon that gets heavier each time we let someone leave the ropes and climb on board for the free ride.

Ideally, we should all have to carry our own weight. While this may not be possible or practical, we surely cannot expect a willing but diminishing minority to continue to pull a heavier and heavier wagon up a steeper and steeper hill without a breakdown. I urge my colleagues to think carefully before going along with an idea that loads more of a tax burden on the few who seem to be able to afford it. If we go too far down this path, we are all going to end up in a ditch.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. WHITEHOUSE. Madam President, over the last several months I had the exceptional honor of serving as a temporary member of our HELP Committee—Health, Education, Labor, and Pensions—where I joined a truly remarkable group of Senators as we wrote and fought through and refined and ultimately passed our part of legislation that will begin to fundamentally transform our broken health care sys-

tem. During that period, Senator KENNEDY could not be with us, but we certainly felt his spirit and his presence and the tradition of service to this issue that he has embodied through that time. I think he would be proud of the Affordable Health Choices Act we brought out. I certainly am.

This bill, in combination with the work now being done in the Finance Committee, will guarantee quality, affordable health coverage for all Americans. It will protect Americans against back-breaking medical costs. It will expand access to vital preventive services. It will fight fraud and abuse in public and private health insurance plans. It will help retirees with the high cost of coverage. It will improve the quality of care through fundamental delivery system reforms. It will build a 21st century health care workforce. It will provide a new voluntary insurance plan, a different choice for long-term care. Most importantly, it will bend—maybe even break—the cost curve. In short, we stand at the dawn of the most significant improvement of our health care system that our country has ever seen. My only regret is how remarkably, staggeringly, embarrassingly late we are to this task. We often talk about the health care reform efforts of 1993 and 1994 and how startling it is that it has taken us 15 years to return to such a paramount issue for our people. But as we all know, the debate over reforming health care goes back decades and decades.

Let's take a quick trip back in time. From a 1992 New York Times article: "Health Care Costs Dampen Hiring." This at a time when our national health care costs were \$850 billion a year. Now they are \$2.3 trillion a year; then, \$850 billion a year.

This could be the first recovery crippled by medical costs. Employee benefits—health insurance in particular—have become so explosive that manufacturers are increasingly coping with weak demand by cutting payrolls, not overtime. . . . Health care costs, increasing at more than twice the rate of wages, have made benefits so expensive it would be surprising if companies were not responding. As they find other ways to avoid paying benefits—the growing use of contract workers, for example—they often say instead that they are merely giving employees some flexibility.

That was 1992. We could have that same discussion today, only we would have to multiply the number by three.

Here we are back in 1988 when the New York Times reported: "Soaring Health Care Costs." At this time, instead of \$2.3 trillion a year in health care costs, we were spending \$500 billion.

The article says:

Health care amounts to 11.1 percent of gross national product in the United States.—

Now, of course, we are over 18 percent.

—a bigger share than in any other advanced country.

That didn't change.

In 1987, Americans spent \$500 billion on health care, 9.8 percent more than the year before.

Those trends have continued.

This year, spending on health care is expected to rise by 8.2 percent, more than double the inflation rate. And despite many efforts to slow health care spending, it is expected to grow by another 9.1 percent in 1989. . . . The average jump in premiums could hit 30 percent in 1989. But at the same time, we're getting less for it.

Further back to 1979, 30 years ago when our annual expenditure was less than one-tenth of today. Today, \$2.3 trillion; then, \$200 billion. The article says:

HEW Secretary Patricia Roberts Harris said the quality of American health care does not justify its price tag of more than \$200 billion a year. Harris said health costs represent nearly 10 percent of the gross national product, the total value of goods and services produced in this country each year. The federal share of health costs will exceed \$50 billion next year, including \$30 billion for Medicare and \$12 billion for Medicaid, and will claim 12 percent of the Federal budget.

But for the passage of 30 years and for all of those numbers getting bigger, you could say the same today.

Finally, last, but not least, from a 1955 New York Times article. This article predates me. I was born in October of that year. Here is what it says:

As it does each year without fail, the government declared again this week that it is time to do something about the rising cost of medical care.

Let me repeat that:

As it does each year without fail, the government declared again this week that it is time to do something about the rising cost of medical care. Last year, the Nation's medical bill ran over \$10 billion.

It is now 25 times as much, and you could say the same thing.

It was an increase of \$3 billion since 1948. Of this sum, only about 25 percent was covered by some form of prepaid health insurance. In human terms, this meant that the American had to scrap his budget, dig into savings or go into debt, to pay some \$7.5 billion for doctors, hospitals, dentists, nurses, and the myriad physical accessories of medical care.

These words, from February of 1955, when one-fifth of the Members of this body were not yet born, could not be truer today.

In human terms, the American had to scrap his budget, dig into savings or go into debt to pay for doctors, hospitals, dentists, nurses, and the myriad physical accessories of medical care.

How little we have changed.

Fifty-four years later, astoundingly, despite all of this time and all of this trouble and all of this tragedy, this is still a game to some people, a political game. Fifty-four years later, health reform still faces opponents who will do whatever they can to delay or derail the reform process, turning what is our most desperate domestic political crisis into political theater.

Last Friday, one of our colleagues on the Republican side told a group of conservative activists:

If we're able to stop Obama on this, it will be his Waterloo. It will break him.

Think about that for a minute. One hundred thousand Americans die every year because of avoidable medical errors, and the response from the other side is "let's find a way to break the President of the United States." More families now go into bankruptcy because of health care costs than for any other reason; families across this country who lose everything. And the response: "Let's find a way to break the President of the United States." We watched Detroit crumbling under the weight of its health care costs, and General Motors, one of our fabled companies, fail. And what is the response? "Let's not fix it. Let's find a way to break the President of the United States over this."

We have a health care costs tsunami bearing down on us, one that truly could break the fiscal back of this country, but do they want to deal with it? No. They want to play politics to break the President of the United States. We have an insurance industry that turns on you when you have the nerve to get sick, denying you care and denying you coverage. They call it medical loss when they have to pay for you. Across this country people suffer. When they are sick, when they are down, when they are hurt, when they are at their weakest, their own insurers turn on them and try to interfere with their health care and try to deny them payment and coverage. What is the response from the other side? "Let's try to find a way to break President Obama."

This is not President Obama's Waterloo. This is not one man's battle. This is a war in which millions and millions of Americans are casualties every day: the child whose insurance policy carves out from her coverage the asthma care she desperately needs; the doctor whose office spends more time fighting the insurer over claims and authorizations than delivering health care; the small business owner whose employees are like family for her and who can no longer afford to cover their health care; the elderly retiree who falls into the Medicare prescription drug doughnut hole; the diabetic who cannot obtain a policy at all from anyone because he or she has a preexisting condition.

This should not be a political battle of right versus left. It is truly a battle of right versus wrong. I have come to the floor countless times now to share Rhode Islanders' personal and family tragedies, their sorrows, and their frustrations with our present health care system. My constituents share their stories with me at community dinners across Rhode Island, in our senior centers, at coffees, and as I walk the main streets of towns across our State.

Earlier this year, I launched a health care storyboard on my Web site where Rhode Islanders can share their experiences and ideas for health care reform. In just a few short months, literally hundreds of Rhode Islanders have written to me to share their ideas and experiences. Those stories are fraught with anguish, pain, frustration and, too often, tragedy. They break your heart. They break your heart to read. Rhode Island is a small State. If we have it happening hundreds and hundreds of times, in the Presiding Officer's State of New Hampshire and across this country, it has to be happening thousands of times, tens of thousands of times, hundreds of thousands of times every day.

With all that suffering going on, with all the risks to our country of the perils of the costs coming at us from our health care system, if the other side can't care about the merits and substance of health care reform—if you cannot care about the merits and substance of health care reform, if, for you, it is just political theater, if all it is, is a way to "break" the President of the United States of America, in a time of domestic and international crisis, if your goal is to break the President rather than do something about health care, if that is how little you care about health care, then you can't care about the merits or substance of anything else because there is nothing domestically that is as important to our country as health care reform. If you cannot care about that and deal with us on the merits on that, then you can't care about anything.

What is really frustrating about this is for these Rhode Islanders, tormented by our health care system, and for their millions of fellow Americans across the country, who have those same experiences, there is a better way. We are working toward it. We can find it, and we can make it happen.

We have to do better, we can do better, and we will do better with this legislation than 47 million uninsured and millions more teetering on the brink, one paycheck away from losing their insurance, one illness away from losing their insurance. We can and we have to and we will do better under this legislation than 100,000 Americans dying every year because of avoidable medical errors and because, among other reasons, we have the worst health care infrastructure, information infrastructure, in health care than in any other American industry except the mining industry. We can make this better. We can do better and we have to do better and we will do better than health care outcomes for Americans that are at the bottom of all of our industrialized competitors—at the bottom; with all of our capabilities as Americans, our ingenuity and our entrepreneurship, we are at the bottom of developed nations in health care outcomes for our people,

and we pay twice as much as they do to get there.

America can do better than this. Beginning with the work of the HELP Committee, we are on our way. Let's not squander the opportunity and the responsibility this day presents. Let's not be distracted by calls for delay or appeals to the pettiest political instincts this Chamber could express.

As I see it, we are about 55 years late already. We don't need further delay; we need to get this done. Year after year, Americans have had the same complaints about their health care system. We have it within our power, under the leadership of this President, to make it happen, and we will.

I thank the Chair and yield the floor.

ARTS IN CRISIS PROGRAM

MR. REID. Madam President, today I stand to recognize the outstanding efforts of the Kennedy Center in addressing the crisis facing our art organizations across this country. Under the leadership of their talented president, Michael Kaiser, the Kennedy Center has established a unique outreach program that will help cultural organizations throughout Nevada and our Nation weather the economic downturn.

Every Member of this body knows of the economic hardship facing American families and businesses. The art community is not immune. In Nevada, the Las Vegas Art Museum recently closed its doors due to financial troubles when donations dried up. The museum had been operating since 1974 and was a staple for art enthusiasts in the region. Unless help is provided to our cultural organizations, I am afraid this scene will continue to be rehashed throughout the country.

Considered the "turnaround specialist" in his industry, Mr. Kaiser knows a thing or two about struggling arts organizations. When the Louisiana Philharmonic Orchestra was struggling after Hurricane Katrina, Mr. Kaiser helped keep their organization performing. When the Dance Theater of Harlem was struggling, Mr. Kaiser helped reopen its school. When the New York City Opera needed restructuring, Mr. Kaiser's recommendations helped the Opera thrive. These are just a few examples of high-profile success in Mr. Kaiser's career as an arts administrator.

Now, Mr. Kaiser wants to use his talents to help struggling arts organizations across the country. The "Arts in Crisis" program offers free consultation from the Kennedy Center's experts about budgeting, fundraising, marketing, and other aspects vital to a struggling organization. Whether by phone, email, or in-person visits, the Kennedy Center's talented staff freely gives of their time and talents to help preserve America's cultural establishments. I am confident that this unique

program will enable struggling arts organizations to emerge from the economic downturn stronger than ever.

I urge every arts institution that is struggling during this difficult time to take advantage of Mr. Kaiser and this exceptional team of experts. I know that the arts in Nevada will benefit from the Kennedy Center's sound advice and I look forward to Mr. Kaiser's visit to my State.

HEALTH CARE POLLS

MR. KYL. Madam. President, a spate of new polls reveal that, while Americans want health care reform, just as all of us in Congress do, most of them oppose the plan put forward by President Obama, disapprove of his handling of health care, and have serious concerns about the cost of his plan and how it would affect the quality of their own health care.

For example, a Rasmussen poll released July 22 shows a full 53 percent of voters oppose the health care legislation "working its way through Congress."

A July 17 Zogby poll backs up these findings, revealing that a full 50 percent of Americans disapprove of the health care bill introduced in the House of Representatives and endorsed by President Obama.

A July 20, USA Today/Gallup poll shows that 50 percent of Americans disapprove of the President's overall handling of this issue.

These findings dovetail with polling that indicates Americans are very wary of the projected costs of the President's health care plan.

Zogby's July 17 poll shows that 59 percent of Americans say the President's proposals, including health care, call for too much government spending.

And a whopping 78 percent of U.S. voters believe it is at least somewhat likely that taxes will be raised on the middle class to cover the cost of health care reform, a July 16 Rasmussen poll tells us.

Nearly half of respondents—44 percent believe "government-managed coverage" will increase—not decrease—the price of health care, according to a July 21 Public Strategies Inc/Politico poll. Only 27 percent think a government-managed health care system would lower costs, while 29 percent said prices would remain the same.

Americans' concerns about how the President's plan would affect health care access and quality are reflected in this same Public Strategies/Politico survey.

Asked by pollsters "what effect a government-managed health care coverage option would have on access to health services, 40 percent said it would make the situation worse, 38 percent said it would make it better, and 22 percent said it would remain the same."

Asked what effect the President's plan would have on the quality of health care, "42 percent said it would make health care worse, 33 percent said it would make it better, and 25 percent said it would not have an effect."

We, in Congress, have heard Americans' concerns about the President's proposed health care reform for weeks now—and these concerns were not allayed at all when the Director of the nonpartisan Congressional Budget Office told us that these reforms would actually increase, rather than decrease, costs, and drive our Nation more deeply into debt.

That statement, along with congressional Democrats' plan to raise taxes on small businesses—creators of two-thirds of new jobs in America—as well as individuals, should put to rest any claims that we need this Washington-run health care system to help the economy. Moreover, except for tax increases, many of the proposals in the President's bill wouldn't take effect for at least another 4 years, by which time the recession will hopefully be over.

In a recent radio address, President Obama criticized those "who make the same old arguments" in opposition to his health care plan and painted those who object to it as obstructionists.

I would like to know why the President equates having legitimate, honest objections to a government-run regulatory health care system with being an obstructionist?

No one in Washington wants to block health care reform. But many of us want to take the time to achieve the right kind of reform—the kind Americans are looking for.

Republicans want an approach that will bring costs down, make sure health care is accessible to all, and fix parts that aren't currently working. We have put forward many sensible ideas on how we can get there, without jeopardizing the care many happily insured Americans have.

To reiterate some of those ideas: We want to root out Medicare and Medicaid fraud, reform medical liability laws to discourage "jackpot justice," allow small businesses to band together and purchase health insurance as large corporations can, allow insurance companies to sell their policies across State lines—just as car-insurance companies can—and strengthen wellness and prevention programs that encourage healthy living. We believe we should apply specially tailored solutions to specific problems, rather than scrap the whole current system and impose a one-size-fits-all Washington-run health care system.

If the President's plan is implemented, Americans could be left with a health care system that few people would recognize, or even want. And they would be stuck with it, permanently.

I urge President Obama and congressional Democrats to take a harder look

at Republican ideas, which the Republican leader, many of my colleagues, and I have spoken of repeatedly.

These reforms would put patients first, lower costs, make health care more accessible to the uninsured, and most wouldn't cost taxpayers a dime. I believe that is an approach Americans would be sure to support.

Madam President, I ask unanimous consent that the Wall Street Journal article "Health Reform's Hidden Victims" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 24, 2009]

HEALTH REFORM'S HIDDEN VICTIMS

(By John Fund)

President Barack Obama's health-care sales pitch depends on his ability to obfuscate who is likely to get hurt by reform. At Wednesday's news conference, for example, he was asked "specifically what kind of pain and sacrifice" he would ask of patients in order to achieve the cost savings he promises.

He insisted he "won't reduce Medicare benefits" but instead would "make delivery more efficient." The most Mr. Obama would concede is that some people will have to "give up paying for things that don't make you healthier." That is simply not credible.

While Democrats on Capitol Hill dispute claims that individuals will lose their existing coverage under their reform plans, on other issues many Democrats privately acknowledge some people will indeed get whacked to pay for the new world of government-dominated health care.

Democrats have been brilliant in keeping knowledge about the pain and sacrifice of health reform from the very people who would bear the brunt of them. They've done so by convincing health-care industry groups not to run the kind of "Harry and Louise"-style ads that helped sink HillaryCare in 1993.

Sen. Tom Coburn (R., Okla.) says the pressure not to run ads has been "intense, bordering on extortion." "Groups were told if they did they'd give up their seat at the table," says former House Speaker Newt Gingrich. "What they weren't told is that they'd be at the table as lunch."

Here are some of the groups on the menu if anything like the existing Senate or House health plans become law:

Young people. If the government mandates that everyone must have health insurance, healthy young people will have to buy policies that don't reflect the low risk they have of getting sick. The House and Senate bills do let insurers set premiums based on age, but only up to a 2-to-1 ratio, versus a real-world ratio of 5 to 1. This means lower prices for older (and wealthier) folks, but high prices for the young. "They'll have sticker shock," says Rep. Paul Ryan, ranking Republican on the Budget Committee.

Small Businesses. Employers who don't provide coverage will have to pay a tax up to 8% of their payroll. Yet those who do provide coverage also have to pay the tax—if the law says their coverage is not "adequate." Amazingly, even if a small business provides adequate insurance but its employees choose coverage in another plan offered through the government, the employer still must pay.

Health Savings Account (HSA) holders. Eight million Americans, according to the

Treasury Department, are covered by plans with low-cost premiums and high deductibles that are designed for large, unexpected medical costs. Money is also set aside in a savings account to cover the deductibles, and whatever isn't spent in one year can build up tax-free. Nearly a third of new HSA users, according to Treasury figures, previously had no insurance or bought coverage on their own.

These policies will be severely limited. The Senate plan says a policy deemed "acceptable" must have insurance (rather than the individual) pay out at least 76% of the benefits. The House plan is pegged at 70%. That's not the way these plans are set up to work. Roy Ramthun, who implemented the HSA regulations at the Treasury Department in 2003, says the regulations are crippling. "Companies tell me they could be forced to take products off the market," he said in an interview.

Medicare Advantage users. Mr. Obama and Congressional Democrats want to cut back this program—care provided by private companies and subsidized by the government. Medicare Advantage grew by 15% last year; 10.5 million seniors, or 22% of all Medicare patients, are now enrolled.

The program is especially popular with those in badly served urban areas and with those who can't afford the premiums for Medicare supplemental (MediGap) policies. A total of 54% of Hispanics on Medicare have chosen Medicare Advantage, as have 40% of African-Americans, according to the Centers for Medicare and Medicaid Services at the Department of Health and Human Services.

These plans tend to provide better coordinated and preventive care, and richer prescription drug coverage. But Democrats dislike Medicare Advantage's private-sector nature, and they have some legitimate beefs with its unevenly generous reimbursement rates. This week Mr. Obama told the Washington Post that the program was "a prime example" of his efforts to cut Medicare spending, because he claims people "aren't getting good value" from it.

That's not what others say. In January, Oregon's Democratic Gov. Ted Kulongoski wrote the Obama administration expressing his concern about its efforts "to scale back Medicare Advantage" because the plans "play an important role in providing affordable health coverage." He noted that 39% of Oregon's Medicare patients had chosen Medicare Advantage, and that in "some of our Medicare Advantage plans . . . with proper chronic disease management for such conditions as heart disease, asthma and diabetes, hospitalization admission rates have declined."

The \$156 billion in Medicare Advantage cuts over the next decade proposed by Mr. Obama will force many seniors to go back to traditional Medicare at greater expense. A new study for the Florida Association of Health Plans found that because Medicare Advantage plans have richer benefits and lower deductibles and copayments than traditional Medicare, seniors in that state would face dramatically higher payments if forced to give up their Medicare Advantage plans. Cost increases would range from \$2,214 a year in Jacksonville to \$3,714 a year in Miami.

There are reasons that Blue Dog Democrats in Congress are leery of their party's health-care reform plans. Many are in districts or states carried by John McCain, and they worry about the political fallout when these groups realize they will be paying for health-care reform.

They also know that every government entitlement winds up becoming a money pit. In 1965, Sen. Allen Ellender (D., La.) dismissed promises that Medicare would be a modest program to save seniors from bankruptcy. "Let us not be so naive as to believe that the Medicare program will not be increased from year to year to the point that the government will have to impose more taxes on the little man or else take the necessary money out of the Treasury," he told colleagues.

Ellender was right, and his warning is even more relevant in our era of skyrocketing deficits and Medicare costs. The only way the House and Senate health plans can pass is if the costs they impose on vulnerable parts of the population continue to be hidden.

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

Mr. INOUE. Madam President, pursuant to Senate rules, I submit a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies S. 1436 and that the required information has been available on a publicly accessible congressional Web site at least 48 hours before a vote on the pending bill.

COMMENDING THE CREW OF STS-125

Mr. UDALL of Colorado. Madam President, today I wish to congratulate and honor the crew of STS-125, who conducted NASA's fifth and final mission to the Hubble Space Telescope earlier this year. The crew—Commander Scott D. Altman, Pilot Gregory C. Johnson and mission specialists John M. Grunsfeld, Michael J. Massimino, Andrew J. Feustel, Michael T. Good and Megan McArthur—brilliantly executed a mission that included an unprecedented five spacewalks in 5 consecutive days to install two new instruments, repair two others and add necessary upgrades to extend the life of the Hubble. Most importantly, they returned safely to Earth.

I would like to specifically acknowledge Dr. Grunsfeld, whom I have had the pleasure of knowing for many years. Prior to the mission, the New York Times referred to Dr. Grunsfeld as the "keeper of the Hubble" because of his long commitment to the program, including three servicing missions. I cannot imagine a better caretaker. Without him, the Hubble would not be the unparalleled success it is today. I am also thrilled that Dr. Grunsfeld will be joining the faculty of

the University of Colorado at Boulder after an extraordinary career at NASA.

I had the pleasure of meeting with the crew last week. We talked about the marathon spacewalks needed to install upgrades to Hubble that often required on-the-spot improvisation by the astronauts. It is a testament to the crew's professionalism, teamwork and resourcefulness that the spacewalks were so successful given such challenging conditions. We also discussed what each astronaut will be doing next—most will be returning to the astronaut corps awaiting their next mission—and how the microgravity of space adds an inch or more to your height. I appreciate the time they gave me and am always honored to visit with these extraordinary Americans.

It isn't widely known, but the State of Colorado and NASA have deep connections. The University of Colorado receives more research funding from NASA than any other university. Colorado enjoys the second largest aerospace economy in the country, behind only California, including significant endeavors in both civilian and military aerospace. After this final servicing mission, which added the cosmic origins spectrograph and widefield camera 3 to the Hubble, every scientific instrument on the Hubble Space Telescope has been made by Boulder, Colorado-based Ball Aerospace. Ball also built the corrective optics to fix the telescope's flawed vision upon installation in 1993. Ball Aerospace played an essential part in the Hubble story, and I am extremely proud of the contributions it has made to Hubble's success.

We should not forget that there was a time when it appeared this mission would never occur. Following the Space Shuttle *Columbia* tragedy, NASA initially decided to cancel all further missions to Hubble, arguing that it was too risky. At the time, I was a member of the House of Representatives Science Committee's Space and Aeronautics Subcommittee, and I strongly urged NASA to reconsider its decision. I believed that we should not abandon the world's greatest scientific instrument when servicing missions were no riskier than missions to the International Space Station, which NASA was planning to continue. I was pleased that, after some deliberation, NASA changed course and decided to go forward with the final servicing mission.

Hindsight being what it is, it is easy to say that continuing the Hubble servicing mission was the right choice to make. But for me, it was always the best option. As Dr. Grunsfeld said during the mission, the Hubble is about humanity's quest for knowledge. Over the past 19 years, the Hubble Space Telescope has opened fantastic windows into the universe. With it we have seen the pillars of creation and the death throes of distant stars. We have seen signs of supermassive black holes

at the centers of galaxies and evidence that our universe is expanding at an ever increasing rate. And we have found planets similar to our own orbiting stars much like the Sun, reigniting old debates that force us to ask if we are alone in this universe. That is a quest we should not easily give up.

I find it fitting that the crew of STS-125 visited Capitol Hill on the same week as the 40th anniversary of the *Apollo 11* Moon landing. For an agency that has had its fair share of tragedies and triumphs, surely the *Apollo 11* mission and the Hubble Space Telescope stand out as shining examples of the heights NASA can reach. They are arguably the agency's greatest successes in manned and unmanned space exploration.

As high water marks of the past, they also offer useful perspective on the future of NASA. NASA is at a crossroads, where we must answer questions about the future balance of manned versus unmanned space exploration, about whether we should set our sights next on the Moon, Mars or some other goal, about how to cope with completion of the International Space Station and retirement of the Space Shuttle in coming years. And we must answer all of these questions during the most difficult economic conditions of a generation. I look forward to those debates in the Senate, but they are debates for another day.

Today is about honoring the crew of STS-125. Our thanks go out to Scott Altman, Gregory Johnson, John Grunsfeld, Michael Massimino, Andrew Feustel, Michael Good and Megan McArthur, and all of the other Hubble caretakers over the years. They have steadied Hubble's gaze, sharpened its vision and extended its reach. Thanks to them we can keep our eyes focused on the heavens, touch the face of God and learn a little more about the universe and ourselves.

COMMENDING DETROIT SHOCK

Mr. LEVIN. Madam President, this afternoon, I had the pleasure of joining President Obama on the South Portico of the White House for a ceremony to honor the Detroit Shock on winning the 2008 WNBA championship. This is the third WNBA Championship in 6 years for the Shock, an outstanding accomplishment for the WNBA's first expansion franchise and one in which many across the State of Michigan take great pride. As one of only two teams to win three or more championships in the league history, the Detroit Shock is clearly a part of an elite group in the WNBA.

The Shock completed a hard fought title run with a three game sweep of the San Antonio Silver Stars, capped by a 76-60 victory in the final game before an elated home crowd. Those in attendance, as well as those in Detroit

and across Michigan, were pleased with the poised performance of this veteran team. Through persistence, perseverance and hard work, this team defeated two quality opponents, the Indiana Fever and the New York Liberty, en route to earning a spot in the WNBA finals.

Led by the determined play of Katie Smith, the Shock maintained their focus throughout a grueling regular season and their ensuing march toward the 2008 WNBA title. Katie Smith averaged 21.7 points per game in the finals and won the 2008 WNBA Finals Most Valuable Player award.

This championship win was yet another milestone in the storied career of head coach Bill Laimbeer, who was at the helm of each of the Shock's championship runs. He has amassed a total of five professional basketball titles, which includes two as a player for the Detroit Pistons. This was also the sixth championship for Detroit Shock owner Bill Davidson's Detroit sports teams. Fortunately, he was able to enjoy this championship before his recent death in March.

Each member of the Detroit Shock organization made valuable contributions through the season and during this memorable championship run, including Kara Braxton, Cheryl Ford, Alexis Hornbuckle, Taj McWilliams-Franklin, Deanna Nolan, Plenette Persson, Elaine Powell, Sheri Sam, Olayinka Sanni, Kelly Schumacher, Ashley Shields, and Katie Smith, as well as head coach, Bill Laimbeer, and assistant coaches Rick Mahorn, Cheryl Reeve, and Laura Ramus. I know my colleagues join me in congratulating the Detroit Shock on their third championship in franchise history. The people of Michigan look forward to witnessing the Shock continue to build on this success in the years ahead.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

DEFENSE AUTHORIZATION

• Ms. MIKULSKI. Madam President, our military is under an unprecedented stress. Over 140,000 American servicemembers are deployed fighting in Iraq and Afghanistan. Many have made multiple deployments. Their families are also fighting on the home front to live normal lives despite repeated absences of a spouse or parent. Our nation owes our servicemembers and their families an enormous debt of gratitude. Congress has a sacred trust to provide for their needs.

The fiscal year 2010 Defense authorization bill passed by the Senate ensures that our servicemembers on the battlefield have what they need to complete their missions come home safely to their families and communities. It provides for advanced armored vehicles to keep them safe from

roadside IEDs. It also authorizes an increase of 30,000 additional soldiers for the Army to help reduce the strain of repeated Iraq and Afghanistan deployments.

I commend Chairman LEVIN and Ranking Member MCCAIN for their leadership in crafting this bill. They have carefully balanced many competing priorities. They recommended a bill that looks out for the needs of our men and women while also looking out for their families. They have made hard choices to cut programs that are not working or are no longer needed. This is not an easy task. We should all be grateful for their dedication to our military and to our Nation's security.

This bill really looks out for our military personnel and their families. It includes a 3.4-across-the-board pay raise, half a percentage point more than requested. It increases the supplemental subsistence allowance from \$500 to \$1100 per month to ensure that servicemembers and their families do not have to rely on food stamps. It also authorizes \$30 million in IMPACT aid to help communities educate military kids, including \$10 million for communities hard hit by BRAC, and \$5 million to help educate military kids with severe disabilities. It has been said time and again, that while we recruit the soldier into the military, we must retain the family. This is especially true in this time of great stress on our military. This bill recognizes and responds to this reality.

I am also very glad that once again, the Senate is passing a DOD authorization that looks out for wounded warriors. This bill requires that DOD increase the number of behavioral health specialists to ensure the military has enough doctors trained to identify and prevent suicide and post-traumatic stress disorder. It also directs DOD to devise strategies for electronic medical record exchanges between the military medical and Veterans Administration systems. This is critical to ensuring a smooth transition of care from one medical system to the other, and a timely processing of disability and benefits claims. When a soldier is injured, we incur a 50 year commitment for their care. I am glad that this bill helps ensure that those promises made will be promises kept.

The Senate considered many amendments during our two weeks of debate on this important bill. There are two that I want to discuss in particular.

I am pleased that the Senate supported President Obama, Secretary of Defense Gates, Chairman of Joint Chiefs of Staff ADM Mike Mullen and Air Force leaders in their decision to end the F-22 program. The F-22 will ensure the U.S. Air Force is dominant in future air-to-air conflicts. It is a credit to engineers and technicians who designed and built this great plane. Everyone involved in this program should

be proud. However, I agree with the President that the time has come to bring F-22 production to an end so we can channel limited dollars to fielding the Joint Strike Fighter as soon as possible. I support ending the F-22 at 187 planes, and would have voted in support of the McCain-Levin amendment on the Senate floor to accomplish this.

I am also pleased that the Senate voted to reject the amendment proposed by Senator THUNE to allow gun owners to carry concealed weapons across State lines without first getting a permit to do so from the State they are entering. The second amendment guarantees Americans the right to bear arms. However, each state must be able to make reasonable rules to protect residents and public safety officers, and this amendment would have made that impossible. It also would have undermined Congress's long-standing respect for State's rights to enact and enforce their own gun laws. It is no surprise that large city mayors and police chiefs all over the country opposed this amendment. I would have opposed it also, and I believe the Senate did the right thing in defeating the Thune amendment.

In closing, I reiterate my strong support for this bill. It puts our servicemembers and their families first, provides our troops with what they need to accomplish their missions, and it makes wise investments in our Nation's security.●

ADDITIONAL STATEMENTS

WOMEN AIRFORCE SERVICE PILOTS

● Mrs. LINCOLN. Madam President, with Arkansas pride and heartfelt gratitude, I would like to thank and honor the brave Arkansans who served as Women Airforce Service Pilots—or WASPS, as they were more commonly called—during World War II.

During the war, women were recruited to fly noncombat missions under the Army Air Corps, so that male pilots could be deployed in combat. They served as test and instructor pilots, towed targets for air-to-air gunnery practice and ground-to-air anti-aircraft practice, ferried and transported personnel and cargo, including parts for the atomic bomb, and simulated combat maneuvers. In short, they flew every type of military aircraft on every type of mission, except direct combat missions.

Between 1942 and 1944, 25,000 young American women volunteered for flight training and service. Of these, 1830 were accepted and 1074 would eventually successfully complete their training. Four of those who received their wings were from Arkansas.

Dorothy Rae Barnes, from Hot Springs, AR, graduated from Hot

Springs High School in 1935. She became a WASP, she said, because she had friends who were early WASP recruits and they encouraged her to join. She graduated from flight school in July 1943 and, as a WASP, flew the AT-6, a single-engine advanced trainer aircraft used to train fighter pilots, and the BT-13, a basic trainer flown by most American pilots during World War II. After her wartime experiences, she returned to Hot Springs, where she still lives today.

Geraldine Tribble Vickers Crockett, from Stevens, AR, became interested in flying because of an older brother, who was a flight instructor. He enrolled her in a civilian pilot training program that he was teaching in Little Rock and it was there that she earned her private pilot license. She went into the WASPs in 1944 and, like Dorothy Barnes, flew AT-6 and BT-13 aircraft. After deactivation, she went on to get her instructor and commercial licenses and taught flying to veterans on the G.I. bill. She now lives in Palm Springs, CA.

Betty Fulbright White, from Clarksville, AR, was in the last WASP class to graduate in December 1944. During her shortened service, she pulled targets for gunnery practice and transported cargo. After the war, she returned to Clarksville, where she passed away in 1985.

Thirty-eight women died during their service. They were denied military honors and their families bore all the costs of transporting their bodies home and arranging for their burials. One of those was Lea Ola McDonald. Lea McDonald was born in Hollywood, AR, on October 12, 1921. She entered WASP training in Houston, TX, in January 1943 and graduated in April 1944. She was killed less than 4 months later while flying an A-24 attack bomber on a practice flight at the age of 22.

During their time in service, these women faced overwhelming cultural and gender bias. They received unequal pay, did not have full military status, and were barred from becoming military officers. At the end of the war, the women were ordered to leave military service and paid for their own transportation home. It was not until 1977 that the WASPs who served during the war were provided veterans' benefits.

WASPs were America's first women to fly military aircraft and are a source of inspiration for current and future generations of Americans. I am so proud of these women from Arkansas, and from all over the United States, who served our country under dangerous and difficult circumstances. While we could never fully express the extent of our appreciation for their service, President Obama signed Public Law 111-40 on July 1, 2009, authorizing Congress to bestow a gold medal in honor of these patriotic Americans. I

was honored to be an original cosponsor of the bill and I am happy that Congress has bestowed this long-overdue honor.●

100TH ANNIVERSARY OF THE TILLAMOOK COUNTY CREAMERY ASSOCIATION

● Mr. MERKLEY. Madam President, today I wish to recognize the Tillamook County Creamery Association, a farmer-owned dairy cooperative that was founded 100 years ago. In 1909, 10 small independent cheese plants formed an association in Tillamook County, OR, to produce, distribute, and market quality cheese products that are now sold across the country. Today, Tillamook Cheese is cooperatively owned by 115 dairy farming families. As a national leader in the dairy industry, the Tillamook County Creamery Association produces some of the highest quality milk for cheese-making.

Tillamook County Creamery Association has been honored, not only for their quality dairy products, but for their commitment to community and environmental stewardship. The farmer-owners have been recognized nationally for their dedication to maintaining healthy herds and farmland. They have worked to improve water quality, protect local salmon habitat, and rebuild stream habitats in Tillamook County. In addition to being responsible stewards for Oregon's environment, they've also been advocates in addressing hunger in Oregon communities. In partnership with the Oregon Food Bank, the Tillamook County Creamery Association has contributed countless meals to families in need and worked with school districts to help provide cheese for school lunch programs.

In addition to cheese production, the Tillamook County Creamery Association contributes to the local economy by attracting nearly 1 million tourists every year, making it one of the top tourist attractions in the State. The Tillamook County Creamery Association is a shining example of dedication to the State of Oregon and to the health of the coastal economy. The cooperative's mission is "the controlled and profitable growth of consistent, high quality, great tasting Tillamook branded products to meet the demand of the marketplace while optimizing returns to members." The Tillamook County Creamery Association has achieved that vision and much more in Oregon for a century and will undoubtedly carry on that tradition for years to come.

I encourage my fellow Oregonians, my colleagues in the Senate and the entire nation to recognize this anniversary and to congratulate the Tillamook County Creamery Association on 100 years of excellence.●

COMMENDING MAYOR PAT RUSSELL

● Mrs. SHAHEEN. Madam President, I wish to convey my sincere thanks and appreciation in recognizing Pat Russell, from Keene, NH, for her four decades of distinguished service to the State of New Hampshire. On August 1, Pat is retiring from her role as commissioner of the New Hampshire State Liquor Commission, and I am pleased to submit this statement to the RECORD.

Pat Russell has spent her life serving her community, her State, and her country. She was elected to six terms in the New Hampshire House of Representatives and two terms as mayor of Keene. She served with distinction on President Clinton's Council for Developmental Disabilities and for the past ten years she has served on the New Hampshire State Liquor Commission.

To each of these roles, Pat brought a willingness to roll up her sleeves and get to work for those she served. Her record of accomplishment and her wide circle of admirers speak to the qualities that defined her work: intelligence, persistence and devotion to the State of New Hampshire and her beloved city of Keene.

As Governor of New Hampshire, I was looking for someone with these qualities to fill a coming vacancy on the State Liquor Commission. I offered the position to mayor Pat Russell of Keene, who graciously accepted. Since that day in 1999, Commissioner Russell has overseen what she refers to as "a perfectly oiled machine with absolutely fantastic employees." Indeed, under Pat's leadership, the commission has thrived, contributing over \$100 million each year to New Hampshire's general fund.

New Hampshire is proud and grateful for Pat's service and I know her absence will be felt by all who have relied on her leadership and strength. On a personal note, Pat has been a dear friend and mentor to me for over 30 years. I have admired not only her multifaceted professional abilities, but also her commitment to make a difference for the people of New Hampshire. I wish her well in a much-deserved retirement, but I also believe that Pat still has more she wants to do. I know that whatever she does, it will be in the service of others.

I ask my colleagues to join me in recognizing our commissioner, the Honorable Pat Russell.●

COMMENDING THE HARVEY S. FIRESTONE CLASS OF 1969

● Mr. VOINOVICH. Madam President, today I would like to congratulate the members of the 1969 Class of Harvey S. Firestone High School in Akron, OH, on the 40th anniversary of their graduation. Graduates of Firestone's Class of '69 have gone on to become distin-

guished and accomplished educators, scientists, doctors, artists, entertainers, athletes, public officials, entrepreneurs, and moms and dads. This is a tribute not only to those students, but also to their teachers who gave lavishly of their time, attention and knowledge to ensure a sound foundation for almost 400 young men and women.

The State of Ohio has been long recognized for its excellence in education, and the 1969 graduates of Firestone High continue to leave a legacy that is a testimony to that excellence. This weekend these graduates will travel from all parts of the country and beyond to reminisce, and rekindle friendships. I ask Members of the Senate to join me today in congratulating the Harvey S. Firestone Class of 1969.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3288. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3293. An act making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

ENROLLED BILL SIGNED

At 2:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3114. An act to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. WARNER).

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 4:44 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 2632. An act to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

H.R. 2245. An act to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

H.J. Res. 56. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the Acting President pro tempore (Mr. WARNER).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3288. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations.

H.R. 3293. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1016. An act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.

H.R. 2182. An act to amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted pursuant to such Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2439. A communication from the Acting Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's intent to enter into a contract with BOS Security, for screening services at the Roswell International Air Center; to the Committee on Commerce, Science, and Transportation.

EC-2440. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; St. Paul, Minnesota" ((DA 09-1495) (MB Docket No. 09-71)) received in the Office of the President of the Senate on July 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2441. A communication from the Deputy Chief Counsel of Regulations and Security Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Revision of Enforcement Procedures" (RIN1652-AA62) received in the Office of the President of the Senate on July 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2442. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transactions Act" (RIN313-AC93) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2443. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 30B Supplement" (RIN0648-AX73) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2444. A communication from the Secretary of the Department of Transportation, transmitting, pursuant to law, a report entitled "Report to Congress on the Fiscal Year 2008 Competitive Sourcing Efforts"; to the Committee on Commerce, Science, and Transportation.

EC-2445. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2010 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2010" (RIN2127-AK47) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2446. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Anthropomorphic Test Devices; SID-II's Side Impact Crash Test Dummy; 5th Percentile Adult Female; Final Rule" (RIN2127-AK26) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2447. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal and Modification of VOR Federal Airways; Alaska" ((RIN2120-AA66) (7-2/7-6/0940/AAL-25)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2448. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment, Revision, and Removal of Area Navigation Routes; Alaska" ((RIN2120-AA66) (7-2/7-6/0926/AAL-24)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2449. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Requirements for Amateur Rocket Activities; CORRECTION" ((RIN2120-AI88) (FAA-2007-27390/7-2/7-6)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2450. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reduction of Fuel Tank Flammability in Transport Category Airplanes; CORRECTION" ((RIN2120-AI23) (FAA-2005-22997/7-2-09/7-2-09)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2451. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Cockpit Voice Recorder and Digital Flight Data Recorder Regulations; CORRECTION" ((RIN2120-AH88) (7-9/7-9)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2452. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Digital Flight Data Recorder Regulations for B-737 Airplanes and for Part 125 Operators; CORRECTION" ((RIN2120-AG87) (7-9/7-9)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2453. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drug and Alcohol Testing Program; Technical Amendment" ((RIN2120-AJ37) (7-9/7-9)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2454. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment 3329" ((RIN2120-AA65) (7-13/7-14/30675/3329)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2455. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment 3328" ((RIN2120-AA65) (7-13/7-14/30674/3328)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2456. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0100 Airplanes" ((RIN2120-AA64) (7-2/6-29/0198/NM-129)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2457. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes" ((RIN2120-AA64) (7-2/6-29/0160/NM-176)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2458. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Arrius 2F Turboshift Engines" ((RIN2120-AA64) (7-2/6-29/22039/NE-33)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2459. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-80C2B5F Turbofan Engines" ((RIN2120-AA64) (7-2/7-1/0121/NE-36)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2460. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-400 and -400F Series Airplanes Powered by Rolls-Royce RB211 Series Engines" ((RIN2120-AA64) (7-2/6-30/0556/NM-112)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2461. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, D, 1D1, 1E2, 1K1, 1S, and 1S1 Turboshift Engines" ((RIN2120-AA64) (7-2/6-30/0544/NE-17)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2462. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120-AA64) (7-2/6-29/1071/NM-093)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2463. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model BD-700-1A10 and BD-700-1A11 Airplanes" ((RIN2120-AA64) (7-13/7-15/0138/NM-216)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2464. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120-AA64) (7-13/7-15/0832/NM-067)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2465. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes" ((RIN2120-AA64) (7-13/7-15/0638/CE-038)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2466. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate previously held by Raytheon Aircraft Company) Model G36 Airplanes" ((RIN2120-AA64) (7-13/7-15/00633/CE-037)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2467. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Arrius 2F Turboshift Engines" ((RIN2120-AA64) (7-13/7-15/0330/NE-43)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2468. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PILATUS AIRCRAFT LTD. Models PC-12, PC-12/45, PC12/47, and PC-12/47E Airplanes" ((RIN2120-AA64) (7-13/7-15/0437/CE-018)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2469. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters" ((RIN2120-AA64) (7-13/6-16/0518/SW-22)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2470. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney Canada Corp. Models PW305A and PW305B Turbofan Engines" ((RIN2120-AA64) (7-9/7-9/0046/NE-05)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2471. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777 Airplanes" ((RIN2120-AA64) (7-9/7-8/0933/NM-261)) received in the Office of the President of the Senate on July 22, 2009; to

the Committee on Commerce, Science, and Transportation.

EC-2472. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Mystere-Falcon 20-C5, 20-D5, 20-E5, and 20-F5 Airplanes" ((RIN2120-AA64) (7-9/7-8/0263/NM-137)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2473. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Falcon 2000EX Airplanes" ((RIN2120-AA64) (7-9/7-8/0380/NM-153)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2474. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64) (7-9/7-8/1116/NM-231)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2475. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (C-601), CL-600-2B16 (CL-601-3S, CL-6013R, and CL-604) Airplanes" ((RIN2120-AA64) (7-9/7-8/0044/NM-132)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2476. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS-PZL "Warszawa-Okecie" S.A. Model PZL-104 WILGA 80 Airplanes" ((RIN2120-AA64) (7-9/7-8/0446/CE-024)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2477. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney Models PW2037, PW2037(M), and PW2040 Turbofan Engines" ((RIN2120-AA64) (7-9/7-8/0417/NE-13)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR:

S. 1518. A bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune; to the Committee on Veterans' Affairs.

By Mr. CARDIN (for himself, Mr. VITTER, Ms. LANDRIEU, Ms. MIKULSKI, and Mr. MERKLEY):

S. 1519. A bill to provide for the eradication and control of nutria in Maryland, Louisiana, and other coastal States; to the Committee on Environment and Public Works.

By Mr. JOHNSON:

S. 1520. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself and Mr. CRAPO):

S. Con. Res. 36. A concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day"; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 244

At the request of Mr. BOND, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 244, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 307

At the request of Mr. WYDEN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S.

461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 660

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 660, a bill to amend the Public Health Service Act with respect to pain care.

S. 671

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 730

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 796

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 796, a bill to modify the requirements applicable to locatable minerals on public domain land, and for other purposes.

S. 806

At the request of Mr. VOINOVICH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 806, a bill to provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 819

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 850

At the request of Mr. KERRY, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 908

At the request of Mr. BAYH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 910

At the request of Mr. WARNER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 910, a bill to amend the Emergency Economic Stabilization Act of 2008, to provide for additional monitoring and accountability of the Troubled Asset Relief Program.

S. 931

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 931, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 975

At the request of Mr. MARTINEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 975, a bill to amend title XVIII of the Social Security Act to reduce fraud under the Medicare program.

S. 1065

At the request of Mr. BROWNBACK, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maine (Ms. SNOWE), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1085

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1085, a bill to amend the Immigration and Nationality Act to promote family unity, and for other purposes.

S. 1131

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1131, a bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals.

S. 1146

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1146, a bill to direct the Attorney General to provide grants and access to information and resources for the implementation of the Sex Offender Registration Tips and Crime Victims Center Programs.

S. 1244

At the request of Mr. MERKLEY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1244, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1344

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1344, a bill to temporarily protect the solvency of the Highway Trust Fund.

S. 1410

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. 1410, a bill to establish expanded learning time initiatives, and for other purposes.

S. 1411

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. 1411, a bill to amend title V of the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed integrated services and comprehensive supports to children, and to ensure that schools are centers of commu-

nities, for the ultimate goal of assisting students to stay in school, become successful learners, and improve academic achievement.

S. 1457

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1457, a bill to amend title 31, United States Code, to authorize reviews by the Comptroller General of the United States of any credit facility established by the Board of Governors of the Federal Reserve System or any Federal reserve bank, and for other purposes.

S. 1490

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1490, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 1492

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1492, *supra*.

S. 1501

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1501, a bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes.

S. 1507

At the request of Mr. CARPER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1507, a bill to amend chapter 89 of title 5, United States Code, to reform Postal Service retiree health benefits funding, and for other purposes.

S. RES. 200

At the request of Mr. UDALL of Colorado, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 200, a resolution designating September 12, 2009, as "National Childhood Cancer Awareness Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR:

S. 1518. A bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Caro-

lina, while the water was contaminated at Camp Lejeune; to the Committee on Veterans' Affairs.

Mr. BURR. Mr. President, I rise today to introduce legislation that will ensure the Department of Veterans Affairs provides health care to veterans and their families who were stationed at Camp Lejeune, North Carolina during the years when the base's well water was contaminated by numerous known and probable human carcinogens.

Thousands of Navy and Marine veterans and their families who lived on Camp Lejeune have fallen ill with a variety of cancers and diseases believed to be attributable to their service at the base in the years before the EPA designated the base as a Superfund site in 1988.

A recent National Research Council report on the contaminated water at Camp Lejeune assessed that there are numerous adverse health effects associated with human exposure to the chemicals known to have been in water at Lejeune that was used for drinking and bathing.

Many years have passed while Lejeune veterans and their families have waited for some hope of progress on this issue. Some have died waiting. Today, there is much that we now know that was not known in the past, especially a growing body of scientific information about the adverse effects these chemicals have on the human body.

The Lejeune veterans and their families deserve clarity on the cause of their conditions and closure on this tragic situation. It is vitally important we give those who are sick the benefit of the doubt. If a veteran or military family member was stationed at Camp Lejeune during the time the water was contaminated, they should be able to come in to a VA medical center for needed health care. This bill is a step toward providing the veterans of Lejeune and their loved ones with the respect they deserve. Quite frankly, it is the morally right thing to do.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 36—SUPPORTING THE GOALS AND IDEALS OF "NATIONAL PURPLE HEART RECOGNITION DAY"

Mrs. LINCOLN (for herself and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 36

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President to a member of the Armed Forces who is wounded in a conflict with an enemy force or is wounded

while held by an enemy force as a prisoner of war, and is awarded posthumously to the next of kin of a member of the Armed Forces who is killed in a conflict with an enemy force or who dies of wounds received in a conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of the birth of George Washington, out of respect for his memory and military achievements; and

Whereas observing National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of "National Purple Heart Recognition Day";

(2) encourages all people in the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) calls upon the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for members of the Armed Forces who have been awarded the Purple Heart.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1813. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

SA 1814. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1815. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1816. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1817. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1818. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1819. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1820. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1821. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill

H.R. 3183, supra; which was ordered to lie on the table.

SA 1822. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1823. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1824. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1825. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1826. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1827. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1828. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1829. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1830. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1831. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1832. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1833. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1834. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1835. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1836. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1837. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1838. Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico) submitted an

amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1839. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1840. Mr. REED submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1841. Mr. VOINOVICH (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1813. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

GENERAL INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$170,000,000, to remain available until expended.

CONSTRUCTION, GENERAL

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute

a commitment of the Government to construction; \$1,924,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Chickamauga Lock, Tennessee; Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Markland Locks and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund: *Provided*, That the Chief of Engineers is directed to use \$18,000,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Chief of Engineers is directed to use \$21,750,000 of funds available for the Marlinton, West Virginia Local Protection Project to continue engineering and design efforts, execute a project partnership agreement, and construct the project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008: *Provided further*, That the Federal and non-Federal shares shall be determined in accordance with the ability-to-pay provisions prescribed in section 103(m) of the Water Resources Development Act of 1986, as amended: *Provided further*, That the Chief of Engineers is directed to use \$2,750,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Chief of Engineers is directed to use \$4,000,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$340,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use \$10,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related

projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,450,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)), shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104-303), shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate; and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$190,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers, and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$186,000,000, to remain available until expended, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division

offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), \$5,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$100,000, the reprogramming limit is \$25,000: *Provided further*, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over \$2,000,000, reprogramming of 15 percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: *Provided further*, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base

level over \$1,000,000, reprogramming of 15 percent of the base amount a limit of \$5,000,000 per project, study or activity is allowed: *Provided further*, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: *Provided further*, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(c) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided*, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A-76 or High Performing Organizations for the U.S. Army Corps of Engineers.

SEC. 103. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY

SEC. 104. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 105. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development shall be used to award any continuing contract that commits additional funding from the Inland Waterway Trust Fund unless or until such time that a permanent solution long-term mechanism to enhance revenues in the fund is enacted.

SEC. 106. Section 592(g) of Public Law 106-53 (113 Stat. 380), as amended by section 120

of Public Law 108-137 (117 Stat. 1837) and section 5097 of Public Law 110-114 (121 Stat. 1233), is further amended by striking “\$110,000,000” and inserting “\$200,000,000” in lieu thereof.

SEC. 107. The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3666), is modified to authorize the Secretary to construct the project at an estimated total cost of \$53,500,000, with an estimated Federal cost of \$37,700,000 and an estimated non-Federal cost of \$15,800,000.

SEC. 108. Section 595(h) of Public Law 106-53 (113 Stat. 384), as amended by section 5067 of Public Law 110-114 (121 Stat. 1219), is further amended by—

(1) striking the phrase “\$25,000,000 for each of Montana and New Mexico” and inserting the following language in lieu thereof: “\$75,000,000 for Montana, \$25,000,000 for New Mexico”; and

(2) striking “\$50,000,000” and inserting “\$100,000,000” in lieu thereof.

SEC. 109. The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines Iowa, authorized by section 1001(21) of the Water Resources Development Act of 2007 (121 Stat. 1053), is modified to authorize the Secretary to construct the project at a total cost of \$16,500,000 with an estimated Federal cost of \$10,725,000 and an estimated non-Federal cost of \$5,775,000.

SEC. 110. The project for flood damage reduction, Breckenridge, Minnesota, authorized by section 320 of the Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2605), is modified to authorize the Secretary to construct the project at a total cost of \$39,360,000 with an estimated Federal cost of \$25,000,000 and an estimated non-Federal cost of \$14,360,000.

SEC. 111. Section 122 of title I of division D of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7; 117 Stat. 141) is amended by striking “\$10,000,000” and inserting “\$27,000,000” in lieu thereof.

SEC. 112. The Secretary of the Army is authorized to carry out structural and non-structural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in Alaska, including relocation of affected communities and construction of replacement facilities: *Provided*, That the non-Federal share of any project carried out pursuant to this section shall be no more than 35 percent of the total cost of the project and shall be subject to the ability of the non-Federal interest to pay, as determined in accordance with 33 U.S.C. 2213(m).

SEC. 113. Section 3111(1) of the Water Resources Development Act, 2007 (Public Law 110-114; 121 Stat. 1041) is amended by inserting after the word “before”, the following: “, on and after”.

SEC. 114. The flood control project for West Sacramento, California, authorized by section 101(4), Water Resources Development Act, 1992, Public Law 102-580; Energy and Water Development Appropriations Act, 1999, Public Law 105-245, is modified to authorize the Secretary of Army, acting through the Chief of Engineers, to construct the project at a total cost of \$53,040,000 with an estimated first Federal cost of \$38,355,000 and an estimated non-Federal first cost of \$14,685,000.

(RESCISSION)

SEC. 115. The amount of \$2,100,000 made available in division C, of Public Law 111-8, under the heading “Mississippi River and Tributaries” for site restoration of the St.

Johns Bayou-New Madrid Floodway, Missouri, project less any funds needed for contract termination, are hereby rescinded and \$2,100,000 is appropriated under the heading “Mississippi River and Tributaries” for the Mississippi Channel Improvement, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee construction project.

(RESCISSION)

SEC. 116. The amount of \$1,800,000 made available in division C, of Public Law 111-8, under the heading “Construction, General” for site restoration of the St. Johns Bayou-New Madrid Floodway, Missouri, project less any funds needed for contract termination, and are hereby rescinded and \$1,800,000 is appropriated under the heading “Construction, General” for section 206 (Public Law 104-303), Aquatic Ecosystem Restoration, as amended.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$40,300,000, to remain available until expended, of which \$1,500,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,704,000, to remain available until expended. For fiscal year 2010, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$993,125,000, to remain available until expended, of which \$53,240,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$17,936,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated

under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$35,358,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION (INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$41,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$61,200,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed seven passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$300,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term “transfer” means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program-Alternative Repayment Plan” and the “SJVDP-Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared

by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation.

SEC. 205. Section 9 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106-382; 114 Stat. 1457) is amended by striking “over a period of 10 fiscal years” each place it appears in subsections (a)(1) and (b) and inserting “through fiscal year 2015”.

SEC. 206. Section 208(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “not more than”;

(ii) by inserting “or the National Fish and Wildlife Foundation” after “University of Nevada”; and

(iii) by inserting “The Secretary may provide funds to the National Fish and Wildlife Foundation in advance without regard to when expenses are incurred. The funds shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act, excluding subsection (a) of section 10 of the Act (16 U.S.C. 3709(a)).” at the end;

(B) in subparagraph (A), by striking “, Nevada; and” and inserting “; and”;

(C) in subparagraph (B), by striking the period at the end and inserting “; and”;

(D) by adding at the end the following:

“(C) to design and implement conservation and stewardship measures to address impacts from activities carried out—

“(i) under subparagraph (A); and

“(ii) in conjunction with willing landowners.”; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking “the University” and all that follows through “beneficial to—” and inserting “the University of Nevada or the National Fish and Wildlife Foundation shall make acquisitions that the University or the Foundation determines to be the most beneficial to—”.

SEC. 207. Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources in the Walker River Basin.”.

SEC. 208. Of the amounts made available under section 2507 of the Farm Security and

Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) (as amended by section 2807 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1818)), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) provide, in accordance with section 208(a)(1) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268), as amended—

(A) \$66,200,000 to establish the Walker Lake Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in Nevada, consistent with protection of the ecological health of the Walker River and its riparian and watershed resources.

(B) Funds made available under section (1)(A) shall be used to support efforts to preserve Walker Lake while protecting agricultural, environmental and habitat interests in the basin, and be allocated as follows:

(i) \$25,000,000 for—

(I) the implementation of a three-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows;

(II) use in obtaining information regarding the establishment, budget, and scope of a longer-term leasing program;

(ii) \$25,000,000 to further the acquisition of water and related interests from willing sellers authorized by section 208(a)(1)(A) of Public Law 109-103 (119 Stat. 2268), as amended;

(iii) \$1,000,000 for activities related to the exercise of acquired option agreements and implementation of the water leasing demonstration program, including but not limited to, the pursuit of change applications, approvals, and agreements pertaining to the exercise of water rights and leases acquired thereunder;

(iv) \$10,000,000 for associated Walker Lake Basin conservation and stewardship activities, including but not limited to, water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, nonprofit entity to hold and exercise water rights acquired by and to achieve the purposes of the Walker Lake Basin Restoration Program; and

(v) \$5,000,000 to the University of Nevada, Reno and the Desert Research Institute

(I) for additional research to supplement the water rights research conducted under section 208(a)(1)(B) of that Act (Public Law 109-103; 119 Stat. 2268) and

(II) to conduct an annual evaluation of the results of the activities carried out under subsections (i) and (ii) for the purposes of maximizing water conveyances to Walker Lake support and inform the above and related acquisition and stewardship initiatives in the Walker Lake Basin; and

(vi) \$200,000 to support alternative crops and alternative agricultural cooperatives programs in Lyon County, Nevada, that promote significant water conservation in the Walker River Basin.

(C) Funds allocated under section (1)(A) shall be provided to the National Fish and Wildlife Foundation in advance without regard to when expenses are incurred and be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act, excluding subsection (a) of section 10 of the Act (16 U.S.C. 3709(a)).

(2) allocate—

(A) \$2,000,000, acting through a nonprofit conservation organization, acting in consultation with the Truckee Meadows Water Authority, for—

(i)(I) the acquisition of land surrounding Independence Lake; and

(II) protection of the native fishery and water quality of Independence Lake, as determined by the nonprofit conservation organization; and

(ii) with respect to any amounts in excess of the amounts required to carry out clause (i)(I), stewardship purposes, to remain available until expended;

(B) \$5,000,000 to provide grants, to be divided equally, to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal Watermaster of the Truckee River to implement the Truckee River Settlement Act, Public Law 101-618; and

(C) \$1,500,000, to be divided equally by the City of Fernley, Nevada and the Pyramid Lake Paiute Tribe, for joint planning and development activities for water, wastewater, and sewer facilities.

SEC. 209. Notwithstanding the provisions of section 11(c) of Public Law 89-108, as amended by section 9 of Public Law 99-294, the Commissioner is directed to modify the April 9, 2002, Grant Agreement Between Bureau of Reclamation and North Dakota Natural Resources Trust to provide funding for the Trust to continue its investment program/Agreement No. 02FG601633 to authorize the North Dakota Natural Resources Trust Board of Directors to expend all or any portion of the funding allocation received pursuant to section 11(a)(2)(B) of the Dakota Water Resources Act of 2000 for the purpose of operations of the Natural Resource Trust whether such amounts are principal or received as investment income: *Provided*, That operational expenses that may be funded from the principal allocation shall not exceed 105 percent of the previous fiscal year's operating costs: *Provided further*, That the Commissioner of Reclamation is authorized to include in such modified agreement with the Trust authorized under this section appropriate provisions regarding the repayment of any funds that constitute principal from the Trust Funds.

SEC. 210. Title I of Public Law 108-361 is amended by striking "2010" wherever it appears and inserting "2015" in lieu thereof.

TITLE III

DEPARTMENT OF ENERGY ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$2,233,967,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$148,075,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Energy Efficiency and Renewable Energy Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity de-

livery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$179,483,000, to remain available until expended: *Provided*, That, within the funding available funding the Secretary shall establish an independent national energy sector cyber security organization to institute research, development and deployment priorities, including policies and protocol to ensure the effective deployment of tested and validated technology and software controls to protect the bulk power electric grid and integration of smart grid technology to enhance the security of the electricity grid: *Provided further*, That within 60 days of enactment, the Secretary shall invite applications from qualified entities for the purpose of forming and governing a national energy sector cyber organization that have the knowledge and capacity to focus cyber security research and development and to identify and disseminate best practices; organize the collection, analysis and dissemination of infrastructure vulnerabilities and threats; work cooperatively with the Department of Energy and other Federal agencies to identify areas where Federal agencies with jurisdiction may best support efforts to enhance security of the bulk power electric grid: *Provided further*, That, of the amount appropriated in this paragraph, \$6,475,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Electricity Delivery and Energy Reliability Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

NUCLEAR ENERGY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 36 passenger motor vehicles, including one ambulance, all for replacement only, \$761,274,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$2,000,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Nuclear Energy Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$699,200,000, to remain available until expended: *Provided*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the

Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: *Provided further*, That, of the amount appropriated in this paragraph, \$27,300,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Fossil Energy Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, \$23,627,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$259,073,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$11,300,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$110,595,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$259,829,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$588,322,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 50 passenger motor vehicles for replacement only, including one law enforcement vehicle, two ambulances, and three buses, \$4,898,832,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$41,150,000 shall

be used for projects specified in the table that appears under the heading "Congressionally Directed Science Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended (the "NWPA"), \$98,400,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 2.54 percent shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the NWPA: *Provided further*, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPA, 0.51 percent shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of the NWPA: *Provided further*, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 4.57 percent shall be provided to affected units of local government, as defined in the NWPA, to conduct appropriate activities and participate in licensing activities under Section 116(c) of the NWPA: *Provided further*, That of the amounts provided to affected units of local government, 7.5 percent of the funds provided for the affected units of local government shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada affected units of local government: *Provided further*, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 0.25 percent shall be provided to the affected Federally-recognized Indian tribes, as defined in the NWPA, solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWPA: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: *Provided further*, That 4.57 percent of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities shall be provided to Nye County, Nevada, as payment equal to taxes under section 116(c)(3) of the NWPA: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada, each affected Federally-recognized Indian tribe, and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPA and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activi-

ties: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPA, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses to carry out this Loan Guarantee program, \$43,000,000 is appropriated, to remain available until expended: *Provided further*, That \$43,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2010 appropriations from the general fund estimated at not more than \$0.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$20,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION (INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for Departmental Administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$293,684,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$119,740,000 in fiscal year 2010 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2010, and any related appropriated receipt account balances remaining from prior years'

miscellaneous revenues, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$173,944,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$51,927,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES NATIONAL NUCLEAR SECURITY ADMINISTRATION WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance; \$6,468,267,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, \$2,136,709,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$973,133,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$420,754,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP (INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed four ambulances and three passenger motor vehicles for replacement only, \$5,763,856,000, to remain available until expended, of which \$463,000,000 shall be transferred to the "Uranium Enrichment Decontamination and Decommissioning Fund":

Provided, That, of the amount appropriated in this paragraph, \$4,000,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Defense Environmental Cleanup Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 12 passenger motor vehicles for replacement only, \$854,468,000, to remain available until expended: *Provided*, That of the amount appropriated in this paragraph, \$2,000,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Other Defense Activities Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$98,400,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the Leaburg Fish Sorter, the Okanogan Basin Locally Adapted Steelhead Supplementation Program, and the Crystal Springs Hatchery Facilities, and, in addition, for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2010, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$7,638,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$7,638,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$70,806,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections,

to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That notwithstanding the provisions of 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southeastern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$44,944,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$31,868,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$13,076,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$38,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southwestern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500,000; \$256,711,000 to remain available

until expended, of which \$245,216,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$147,530,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$109,181,000, of which \$97,686,000 is derived from the Reclamation Fund: *Provided further*, That of the amount herein appropriated, \$7,584,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$349,807,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That of the amount herein appropriated, up to \$18,612,000 is provided on a nonreimbursable basis for environmental remediation at the Basic Substation site in Henderson, Nevada: *Provided further*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), funds collected by the Western Area Power Administration from the sale of power and related services that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,568,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$2,348,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal

year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$220,000: *Provided further*, That notwithstanding the provisions of section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended, and 31 U.S.C. 3302, all funds collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams that are applicable to the repayment of the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000,298,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$298,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2010 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 302. None of the funds appropriated by this Act may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees; or

(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under such section; or

(3) develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally de-

fined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 305. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 306. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 307. Of the funds made available by the Department of Energy for activities at Government-owned, contractor-operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory directed research and development: *Provided*, That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development.

SEC. 308. Not to exceed 5 per centum, or \$100,000,000, of any appropriation, whichever is less, made available for Department of Energy activities funded in this Act or subsequent Energy and Water Development Appropriations Acts may hereafter be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and request of such transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

SEC. 309. (a) Subject to subsection (b), no funds appropriated or otherwise made available by this Act or any other Act may be used to record transactions relating to the increase in borrowing authority or bonds outstanding at any time under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.) referred to in section 401 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 140) under a funding account, sub-account, or fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol.

(b) Funds appropriated or otherwise made available by this Act or any other Act may

be used to ensure, for purposes of meeting any applicable reporting provisions of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115), that the Bonneville Power Administration uses a fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol solely to report accrued expenditures of projects attributed by the Administrator of the Bonneville Power Administration to the increased borrowing authority.

(c) This section is effective for fiscal year 2010 and subsequent fiscal years.

SEC. 310. None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, Other Transaction Agreement, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: *Provided*, That if the Secretary of the Department of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued.

SEC. 311. (a) In any fiscal year in which the Secretary of Energy determines that additional funds are needed to reimburse the costs of defined benefit pension plans for contractor employees, the Secretary may transfer not more than 1 percent from each appropriation made available in this and subsequent Energy and Water Development Appropriation Acts to any other appropriation available to the Secretary in the same Act for such reimbursements.

(b) Where the Secretary recovers the costs of defined benefit pension plans for contractor employees through charges for the indirect costs of research and activities at facilities of the Department of Energy, if the indirect costs attributable to defined benefit pension plan costs in a fiscal year are more than charges in fiscal year 2008, the Secretary shall carry out a transfer of funds under this section.

(c) In carrying out a transfer under this section, the Secretary shall use each appropriation made available to the Department in that fiscal year as a source for the transfer, and shall reduce each appropriation by an equal percentage, except that appropriations for which the Secretary determines there exists a need for additional funds for pension plan costs in that fiscal year, as well as appropriations made available for the Power Marketing Administrations, the title XVII loan guarantee program, and the Federal Energy Regulatory Commission, shall not be subject to this requirement.

(d) Each January, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on the state of defined benefit pension plan liabilities in the Department for the preceding year.

(e) This transfer authority does not apply to supplemental appropriations, and is in addition to any other transfer authority provided in this or any other Act. The authority provided under this section shall expire on September 30, 2015.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$76,000,000, to remain available until expended: *Provided*, That any congressionally directed spending shall be taken from within that State's allocation in the fiscal year in which it is provided.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$26,086,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$13,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$11,965,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$25,000), \$1,061,000,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$29,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$902,402,000 in fiscal year 2010 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than \$158,598,000: *Provided further*, That of the amounts appropriated, \$10,000,000 is provided to support university research and development in areas relevant to their respective organization's mission, and \$5,000,000 is to support a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provi-

sions of the Inspector General Act of 1978, as amended, \$10,860,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,774,000 in fiscal year 2010 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than \$1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,891,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$4,466,000 until expended: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110-140 in fiscal year 2010 in excess of \$4,683,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISION

SEC. 401. Section 382B of the Delta Regional Authority Act of 2000 is amended by deleting (c)(1) and inserting in lieu thereof the following: “(1) IN GENERAL—VOTING.—A decision by the Authority shall require the affirmative vote of the Federal cochairperson and a majority of the State members (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.”.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2010”.

SA 1814. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. (a) None of the funds appropriated under this Act may be used to carry out—

(1) any project or site-specific location identified in the committee report accompanying this Act unless the project is specifically authorized; or

(2) an unauthorized appropriation.

(b)(1) In this section, the term “unauthorized appropriation” means a “congressionally directed spending item” (as defined in rule XLIV of the Standing Rules of the Senate)—

(A) that is not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

(B) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

(2) For purposes of paragraph (1), an appropriation is not specifically authorized if the appropriation is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that the appropriation applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for the person, program, project, entity, or jurisdiction.

SA 1815. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. Dorgan to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, lines 12 through 18, strike “*Provided further,*” and all that follows through “accompany this Act”.

SA 1816. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. Dorgan to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, lines 6 through 11, strike “*Provided,*” and all that follows through “accompany this Act”.

SA 1817. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. Dorgan to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the

fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, lines 3 through 8, strike “*Provided further,*” and all that follows through “accompany this Act”.

SA 1818. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. Dorgan to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, lines 14 through 20, strike “*Provided,*” and all that follows through “accompany this Act”.

SA 1819. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. Dorgan to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, lines 12 through 18, strike “*Provided,*” and all that follows through “accompany this Act”.

SA 1820. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. Dorgan to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for the Fort Peck Dry Prairie Rural Water System identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1821. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. Dorgan to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for algae to ethanol research and evaluation in the State of New Jersey identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1822. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. Dorgan to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for the Vermont Energy Investment Corporation in the State of Vermont identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1823. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. Dorgan to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for the New School Green Building in the State of New York identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1824. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. Dorgan to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for the Alternative Energy School of the Future in the State of Nevada identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1825. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. Dorgan to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for the Hydrogen Fuel Dispensing Station in the State of West Virginia identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1826. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. Dorgan to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any

project for the Lewis and Clark Rural Water System identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1827. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for the Hawaii Energy Sustainability Program in the State of Hawaii identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1828. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project relating to the long-term environmental and economic impacts of the development of a coal liquefaction sector in China in the State of West Virginia identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1829. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for the Pick-Sloan Missouri Basin-Garrison Diversion identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1830. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for the Hawaii Renewable Energy Development Venture in the State of Hawaii

identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1831. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for the Alaska Climate Center in the State of Alaska identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1832. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for the Rocky Boys/North Central Montana Rural Water System identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1833. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for the Montana Bio-Energy Center of Excellence in the State of Montana identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1834. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for computing capability in the State of North Dakota identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1835. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for algae biofuels research in the State of Washington identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1836. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for the Sustainable Energy Research Center in the State of Missouri identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1837. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any project for the Performance Assessment Institute in the State of Nevada identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

SA 1838. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, lines 11 and 12, strike “\$1,924,000,000, to remain available until expended” and insert “\$1,926,000,000, to remain available until expended; of which \$2,500,000 shall be made available for the Acequias Irrigation System, New Mexico”.

On page 6, lines 9 and 10, strike “\$2,450,000,000, to remain available until expended,” and insert “\$2,448,000,000, to remain available until expended, of which \$2,188,000 shall be made available for the Upper Rio Grande Water Operations Model Study, New Mexico;”.

SA 1839. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1. PERMANENT PROTECTION SYSTEM IN NEW ORLEANS, LOUISIANA.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term “project” means the project for permanent pumps and canal modifications that is—

(A) authorized by the matter under the heading “GENERAL PROJECTS” in section 204 of the Flood Control Act of 1965 (Public Law 89-298; 79 Stat. 1077); and

(B) modified by—

(i) the matter under the heading “FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)” under the heading “CORPS OF ENGINEERS—CIVIL” under the heading “DEPARTMENT OF THE ARMY” under the heading “DEPARTMENT OF DEFENSE—CIVIL” of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 454);

(ii) section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1279); and

(iii) the matter under the heading “FLOOD CONTROL AND COASTAL EMERGENCIES” under the heading “CORPS OF ENGINEERS—CIVIL” under the heading “DEPARTMENT OF THE ARMY” under the heading “DEPARTMENT OF DEFENSE—CIVIL” of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2349).

(2) REPORT.—The term “report” means the report—

(A) entitled “Report to Congress for Public Law 110-252, 17th Street, Orleans Avenue and London Avenue Canals Permanent Protection System, Hurricane Protection System, New Orleans, Louisiana”;;

(B) prepared by the Secretary;

(C) dated September 26, 2008; and

(D) revised in December 2008.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(4) STATE.—The term “State” means the State of Louisiana.

(b) PROJECT MODIFICATION.—The project is further modified to direct the Secretary—

(1) to construct a pump station and optimized diversion from the 2,500-acre area known as “Hoey’s Basin” to the Mississippi River to help reduce storm water flow into the 17th Street canal;

(2) to construct an optimized diversion through the Florida Avenue canal for discharging water into the Inner Harbor Navigation Canal;

(3) to construct new, permanent pump stations at or near the lakefront on the 17th Street, Orleans Avenue, and London Avenue canals to provide for future flow capacity;

(4) to deepen, widen within each right-of-way in existence as of the date of enactment of this Act, and line the bottom and side slopes of the 17th Street, Orleans Avenue, and London Avenue canals to allow for a gravity flow of storm water to the pump stations at the lakefront;

(5) to modify or replace bridges that are located in close proximity or adjacent to the 17th Street, Orleans Avenue, and London Avenue canals;

(6) to the extent the Secretary determines the action to be consistent with the safe operation of the project, to remove the levees and floodwalls in existence as of the date of enactment of this Act that line each side of the canals described in paragraph (5) down to the surrounding ground grade;

(7) to decommission or bypass the interior pump stations of the Sewerage and Water Board of New Orleans that are located at each canal described in paragraph (5) to maintain the water surface differential across the existing pumping stations until all systems and features are in place to allow for a fully functional system at a lowered canal water surface elevation; and

(8) to decommission and remove the interim control structures that are located at each canal described in paragraph (5).

(c) IMPLEMENTATION REQUIREMENTS.—

(1) DUTIES OF SECRETARY.—In carrying out subsection (b), the Secretary shall—

(A) provide for any investigation, design, and construction sequencing in a manner consistent with the options identified as “Option 2” and “Option 2a”, as described in the report; and

(B) notwithstanding any other provision of law, use continuing contracts and other agreements to the extent that the contracts or other agreements would enable the Secretary to carry out subsection (b) in a shorter period of time than without the use of the contracts or other agreements.

(2) FUNDING.—In carrying out subsection (b), the Secretary shall use amounts made available to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront in the first proviso in—

(A) the matter under the heading “FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)” under the heading “CORPS OF ENGINEERS—CIVIL” under the heading “DEPARTMENT OF THE ARMY” under the heading “DEPARTMENT OF DEFENSE—CIVIL” of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 454); and

(B) the second undesignated paragraph under the heading “FLOOD CONTROL AND COASTAL EMERGENCIES” under the heading “CORPS OF ENGINEERS—CIVIL” under the heading “DEPARTMENT OF THE ARMY” under the heading “DEPARTMENT OF DEFENSE—CIVIL” of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2349).

(3) NON-FEDERAL SHARE; LIABILITY OF STATE.—As a condition for the Secretary to initiate the conduct of the project, the State shall enter into an agreement with the Secretary under which the State shall agree—

(A) to pay 100 percent of the costs arising from the operation, maintenance, repair, replacement, and rehabilitation of each completed component of the project; and

(B) to hold the United States harmless from any claim or damage that may arise from carrying out the project except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

SA 1840. Mr. REED submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making

appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1. CHARLESTOWN, RHODE ISLAND.

The Secretary of the Army is directed to use such sums as are necessary from amounts appropriated in this Act or any prior Act for prosecuting projects pursuant to the authority provided by section 107 of the River and Harbor Act of 1960 as amended (33 U.S.C. 577) to initiate and complete construction of a project to remove boulders from the breachway at Charleston Breachway and Inlet, Charlestown, Rhode Island, notwithstanding the cost-benefit ratio of the project.

SA 1841. Mr. VOINOVICH (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, after line 23, add the following:

SEC. 3. AUTHORITY OF NUCLEAR REGULATORY COMMISSION.

The Nuclear Regulatory Commission may use funds made available for the necessary expenses of the Nuclear Regulatory Commission for the acquisition and lease of additional office space provided by the General Services Administration in accordance with the fourth and fifth provisos in the matter under the heading “SALARIES AND EXPENSES” under the heading “NUCLEAR REGULATORY COMMISSION” under the heading “INDEPENDENT AGENCIES” of title IV of division C of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 629).

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Barry Gaffney, a detailee to the Energy and Water Subcommittee, be granted the privilege of the floor during the consideration of this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent that Alec Schierenbeck and Matthew Steffen, of my staff, be granted the privilege of the floor for the duration of today’s session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JULY 28, 2009

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 o’clock tomorrow morning, Tuesday, July 28; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour

be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate resume consideration of Calendar No. 116, H.R. 3183, the Energy and Water Appropriations Act; finally, that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Madam President, I am informed that rollcall votes are possible throughout the day tomorrow as we work through any amend-

ments to the Energy and Water appropriations bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Tuesday, July 28, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FARM CREDIT ADMINISTRATION

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR THE REMAINDER OF THE TERM EXPIRING MAY 21, 2010, VICE DALLAS TONSAGER.

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2016. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

ALEXANDER G. GARZA, OF MISSOURI, TO BE ASSISTANT SECRETARY OF HOMELAND SECURITY AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY, VICE JEFFREY WILLIAM RUNGE.

RICHARD SERINO, OF MASSACHUSETTS, TO BE DEPUTY ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE HARVEY E. JOHNSON, JR., RESIGNED.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on July 27, 2009 withdrawing from further Senate consideration the following nominations:

ALEXANDER G. GARZA, OF MISSOURI, TO BE ASSISTANT SECRETARY FOR HEALTH AFFAIRS AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY, VICE JEFFREY WILLIAM RUNGE, WHICH WAS SENT TO THE SENATE ON JULY 7, 2009.

RICHARD SERINO, OF MASSACHUSETTS, TO BE DEPUTY ADMINISTRATOR AND CHIEF OPERATING OFFICER, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE HARVEY E. JOHNSON, JR., RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 15, 2009.

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2014, VICE NANCY C. PELLETT, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JULY 16, 2009.

HOUSE OF REPRESENTATIVES—Monday, July 27, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 27, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

HEALTH CARE REFORM THAT PUTS PATIENTS FIRST

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, President Obama recently held a televised press conference to discuss health care reform. As Republican JOHN BOEHNER noted last week, several of President Obama's points may not accurately reflect the health care legislation before the House.

The President said that the government will stay out of health care decisions. But that isn't how the legislation is shaping up. A simple amendment to the legislation that would have guaranteed that no bureaucrat will make any decisions or interfere with any decision between a doctor and a patient was rejected by the Democrats in control of the Energy and Commerce Committee. That doesn't bode well for government staying out of health care decisions.

President Obama also said that the plan will not add to the government's deficit. Of course we all know that the Congressional Budget Office has been throwing water on that idea for weeks.

They've already estimated that the current plan will add \$239 billion to our deficit over the next 10 years.

And that deficit number is based on a provision in the plan that starts collecting taxes before the health care component kicks in, essentially offsetting a significant deficit with taxes collected before the bills start arriving. That means that after 10 years we will have a new structural deficit as the costs of this plan far outstrip the punitive taxes on small businesses.

But what really concerns me about this plan is Washington's history of underestimating costs of expensive plans like this.

If you look at this chart, based on research from Congress' Joint Economic Committee, you will notice that over the years congressional estimates of the cost of health care programs were extremely unreliable.

For instance, when Congress was considering Medicare part A, the hospital insurance component, Congress estimated it would cost \$9 billion by 1990. Actual cost in 1990? \$67 billion, seven times more than Congress estimated.

And the 1967 estimate for the entire Medicare program in 1990 was \$12 billion. Actual cost? \$111 billion, almost 10 times the original estimate.

Later, in 1987, Congress estimated that Medicaid's disproportionate share of hospital payments to States would cost less than \$1 billion in 1992. Five years later the results were in: \$17 billion, which is an incomprehensible 17-fold increase over the estimate just 5 years earlier.

You get the idea. Government programs have a tendency to take on a life of their own and cost taxpayers way more than was originally estimated or envisioned. While I'm willing to allow for some margin of error in estimated costs—they are estimates after all—what concerns me is that we are starting out with estimates for huge deficits with this health care plan. At the same time, we are paying for it out of the pockets of America's job creators, the small businesses. If the current proposal becomes law, are we going to be coming back to these small business with another tax increase in 5 or 10 years?

We need health care reform that puts patients first and that won't destroy the small businesses that are a pillar of our economy. Republicans have a better solution that won't put the government in charge of people's health care, that will make sure that we bring down the cost of health care for all Ameri-

cans and ensure affordable access for all Americans.

We should be considering the Republican plan and not this job-destroying Democrat plan.

ADVANCE CARE PLANNING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, we in Congress and the new administration have been given a gift of serving in a time of opportunity to solve some of the long-festered problems with the American health care system. One opportunity to achieve true reform is to provide greater value to patients when they are most vulnerable, when loved ones are facing the last few weeks of life.

Today, these patients have a wide variety of treatment options available. We can test them, hook them up to machines, poke them with needles, perform all sorts of heroic measures, and where appropriate, we can accomplish amazing results with virtually no cost to older citizens. Yet, when it comes time to help people understand what their choices are, to have their questions answered, to be able to shape treatment for what their values and interests might be, we fail them utterly.

H.R. 3200, health care reform, does have a simple solution to empower people and their families. Yet, this carefully crafted provision has been attacked by some opponents of reform, for example, Betsy McCaughey in *The Wall Street Journal* claiming wildly that somehow this would be mandatory, that it would be done by a government assigned physician, with the threat of coercing senior citizens.

A simple reading of the provision shows that that's simply not the case. Like all other Medicare provisions, it would be voluntary. It would be by the physician of one's choice. There's nothing mandatory about it.

It has led the American Association of Retired People to issue a statement about this opinion piece in *The Wall Street Journal*. "Ms. McCaughey's criticism misinterprets legislation that would actually help empower individuals and doctors to make their own choices on end-of-life care."

"This measure would not only help people make the best decisions for themselves, but also ensure that their wishes are followed. To suggest otherwise is a gross, even cruel, distortion,

especially for any family that has been forced to make the difficult decisions on care for loved ones approaching the end of their lives."

The AARP makes clear, "We will fight any measure that would prevent individuals and their doctors from making their own health care decisions. We will also fight the campaign of misinformation that vested interests are using to try to scare older Americans in order to protect the status quo. Profits should never be allowed to come before people in this debate."

And sadly, it's not just right-wing pundits who are involved with an effort of distortion. I would hope that my friends in the Republican leadership would reconsider their ill-advised attempt to equate this bipartisan effort to empower families with a slippery slope on pressuring seniors or even euthanasia. This is simply categorically false and destructive.

The provision in question was carefully considered. It was the result of real bipartisan cooperation to help families. Indeed, some of the most moving comments in our committee deliberations came from Republican colleagues who talked about the concerns that they faced with their families in this difficult end-of-life situation and how we needed to do better.

Madam Speaker, there are lots of areas where we can disagree as we're dealing with health care reform. By all means, let's debate and argue over areas of genuine disagreement, but let's not attack this long-overdue assistance to families facing the difficult situation at the end of life. Let's not attack it. Let's embrace it. American families deserve no less.

THE NEW YORK FED: A HOPELESSLY CONFLICTED REGULATOR

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, I rise today to address the increasingly troublesome issue of conflicts of interest within our financial regulatory system and the potential long-term harm this could render on American taxpayers.

To be specific, conflicts of interest abound at the Federal Reserve Bank of New York, the entity that has been at the forefront of our Federal Government's efforts to respond to the worst financial crisis our country has faced in decades. The New York Fed is, of course, intimately intertwined with the Federal Reserve and the Treasury Department, too, but Americans may be surprised to hear how close this entity is to major Wall Street financial firms as well. In fact, MIT economist Simon Johnson was recently quoted as saying, "The New York Fed sticks out as being not just very, very close to

Wall Street, but to the most powerful people on Wall Street."

In particular, the Federal Reserve Bank of New York is notably close to investment bank turned bank holding and receiver of billions of dollars in TARP funds, Goldman Sachs. The last two heads of the New York Fed, including Stephen Friedman, were former key employees of Goldman Sachs, and the current president of the New York Fed, William Dudley, was at Goldman Sachs for 20 years, including 10 years as chief economist. And of course, the New York Fed is now tasked with overseeing Goldman Sachs.

Furthermore, former Treasury Secretary Henry Paulson, who engineered the \$750 billion bailout of Wall Street and created the TARP program, was also the former CEO and chairman of Goldman Sachs. And in another non-coincidence, during his time as Treasury Secretary, Mr. Paulson managed to bail out insurance company AIG while letting Goldman Sachs' main competitor, Lehman Brothers, fail, thus ensuring AIG would be able to turn around and pay Goldman Sachs \$12.9 billion in losses, making Goldman Sachs the largest recipient of public funds from AIG.

Additionally, until December 2008, the chairman of the New York Federal Reserve, Stephen Friedman, was a former director of Goldman Sachs. Friedman actually resigned from his position as chairman earlier this year after a controversy erupted over his purchase of Goldman Sachs stock during his time in his position as the New York Fed chairman.

And, in yet another conflict-of-interest scenario, let us not forget that Timothy Geithner, who was then president of the New York Fed, he decided to give \$30 billion of taxpayers' funds to J.P. Morgan's acquisition of Bear Stearns, but Jamie Dimon of J.P. Morgan Chase was on the board of the New York Fed.

Alarming, Madam Speaker, the Obama administration is now proposing we give more power to the Federal Reserve and, in turn, this same New York Federal Reserve. Let us first consider that the New York Fed is dominated by the banks it is supposedly regulating, and let us not forget these regulated banks hold the majority of seats on the New York Fed board.

Former president of the Federal Reserve Bank of St. Louis, William Poole, he recently stated that employees at the New York Fed "play a very valuable role, day in, day out, with detailed contacts with the big financial firms."

With such close proximity to large financial firms, how do we really know whose interest the New York Fed is putting first? Are the interests of Wall Street insiders taken into consideration before the interests of the American people? Are Wall Street's interests

automatically equated with the interests of the American people?

The New York Fed is part of a system Congress created in 1913 to avoid the concentration of too much power in New York or Washington alone. Yet, it seems today that all of the power at the New York Fed is concentrated within a few major Wall Street financial firms whose key employees now enjoy prominent positions within our Federal Government.

The intimacy between the Fed and the firms they regulate should cause all of us to pause. It was, after all, the New York Fed that allowed companies like Goldman Sachs and J.P. Morgan to convert themselves to bank holding companies so that they could receive access to taxpayer-funded, Henry Paulson-created TARP funds and then turn around just a few months later and post billions in record profits and dole out some of the highest bonuses in history.

Madam Speaker, what is the sense in giving more powers to the regulator of the largest financial firms on Wall Street, the New York Fed, when their failed regulation of mortgage lending is what led to the accumulation of toxic assets in our financial system in the first place? Why on earth give more power to such a hopelessly conflicted regulator?

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 45 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DRIEHAUS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You are blessed from the rising to the setting of the sun each day all around the world.

Today, as the United States Capitol recognizes Korean War Armistice Day and honors over 6 million Americans who served in the Korean War, 56 years later, we once more decry the price and pain of war, applaud the bravery of those who served in the military, and pray for peace in Asia and around the world.

We commend to Your compassionate and faithful love all Korean War veterans, their families and the comrades made during the years of conflict. We pray also for the people of North and

South Korea, for separated families and for those once lost and now forgotten by all except You, Almighty God.

Show Your eternal mercy upon all Your people both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas (Mr. BOOZMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. BOOZMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

GOVERNMENT HEALTH CARE MATH

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, some are urging Congress to back a \$1 trillion government health care bill because they claim 50 million Americans are uninsured. But when you hear the rest of the story, the numbers fall apart. While the Census reports that 45.7 million people lacked insurance during some portion of the year, we find that 9.5 million are non-citizens or illegal aliens, 12 million are eligible for public programs but have not bothered to enroll, 9 million lacked insurance for less than a year, and 7.3 million make over \$84,000 a year but have chosen not to buy insurance.

When you do that math, you find that there are 7.8 million lower-income, long-term, uninsured American citizens. But this smaller number is not big enough to justify \$1 trillion and raising your taxes to rates higher than France, which is why congressional leaders hope you do not look under the hood of their bill or the numbers they use to justify it.

WE NEED TO START OVER TOGETHER

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, there is bipartisan concern in Congress and across America that the House Democrat leadership's health

bill will drive up short-term deficits and long-term debt, ration care with waiting lists, and destroy jobs. Some estimates range from 1.6 million by the NFIB to 4.7 million jobs lost due to this legislation.

There is a better, more positive way to approach health care reform, and it starts by sitting down in a bipartisan way to build a consensus. We all believe the status quo is unacceptable, that we must work to make health care more affordable, accessible and of the highest quality.

Republicans have offered a set of proposals we feel can expand accessibility for individuals and small businesses while preserving the doctor-patient relationship. We should promote health care reform, but we should not sacrifice quality and choice just for an arbitrary timeline.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HEALTH CARE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, last week the Democrats released a thousand-page-plus health care bill that will cost in the order of \$1.5 trillion and will allow for the Federal Government to nationalize health care in America. I hope the American people will learn more about this bill before it is voted on the House floor here.

The Federal Government will eventually control almost 20 percent of our GDP and will control every single doctor and patient health decision that's made in this country.

It's clear we must reform the country's health care delivery system, but in the process of expanding affordable access, we must not create a weaker, more expensive system that future generations will have to pay for. Eighty-three percent of Americans enjoy the health insurance they currently have. We must strengthen and expand our current health care system and not destroy it in favor of a \$1.5 trillion experiment.

CONGRATULATING MERLIN WALTERS ON HIS SERVICE TO THE UNITED STATES

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to commend the service of Merlin Walters, who has distinguished himself as an exemplary citizen with 58 years of service to our country, five in the military and an astounding 53 years with the U.S. Postal Service.

Mr. Walters served as a master mechanic in the Arkansas National Guard

at Camp Robinson in Little Rock, Arkansas, and has committed himself as a public servant ever since. In 1956, President Eisenhower appointed him as a full-time carrier for the Hartman Post Office in Hartman, Arkansas. After 11 years of dedicated service, he was appointed to the office of Postmaster of Hartman by President Johnson. He has been a familiar face at the Hartman Post Office for 53 years, and at 89 years old, you can still find him there every day hard at work.

Mr. Walters said he always finds enjoyment in working at the post office in Hartman. He believes in working until the job is done and done right. His hard work and dedication have not gone unnoticed. I thank him for his service to the residents of Arkansas.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

VETERANS' INSURANCE AND HEALTH CARE IMPROVEMENTS ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3219) to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Insurance and Health Care Improvements Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MATTERS RELATING TO INSURANCE

Sec. 101. Permanent extension of duration of Servicemembers' Group Life Insurance coverage for totally disabled veterans.

Sec. 102. Increased amount of Veterans' Group Life Insurance.

Sec. 103. Elimination of reduction in amount of accelerated death benefit for terminally-ill persons insured under Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.

TITLE II—MATTERS RELATING TO HEALTH CARE

Sec. 201. Higher priority status for certain veterans who are medal of honor recipients.

Sec. 202. Provision of hospital care, medical services, and nursing home care for certain Vietnam-era veterans exposed to herbicide and veterans of the Persian Gulf War.

Sec. 203. Prohibition on collection of copayments from catastrophically disabled veterans.

Sec. 204. Establishment of Director of Physician Assistant Services at Veterans Health Administration of Department of Veterans Affairs.

Sec. 205. Committee on Care of Veterans with Traumatic Brain Injury.

Sec. 206. Revision of certain requirements for the pilot program of enhanced contract care authority for health care needs of veterans in highly rural areas.

TITLE III—MATTERS RELATING TO BENEFITS

Sec. 301. Benefits for qualified World War II veterans.

Sec. 302. Waiver of housing loan fee for certain veterans with service-connected disabilities called to active service.

TITLE I—MATTERS RELATING TO INSURANCE

SEC. 101. PERMANENT EXTENSION OF DURATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR TOTALLY DISABLED VETERANS.

(a) **EXTENSION.**—Section 1968(a) of title 38, United States Code, is amended—

(1) in paragraph (1)(A), by striking clause (ii) and inserting the following new clause (ii):

“(ii) The date that is two years after the date of separation or release from such active duty or active duty for training.”; and

(2) in paragraph (4), by striking subparagraph (B) and inserting the following new subparagraph (B):

“(B) The date that is two years after the date of separation or release from such assignment.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to a person who is separated or released on or after June 15, 2005.

SEC. 102. INCREASED AMOUNT OF VETERANS' GROUP LIFE INSURANCE.

(a) **INCREASED AMOUNT.**—Section 1977(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting “Except as provided in paragraph (3),” before “Veterans' Group Life Insurance shall be”; and

(2) by adding after paragraph (2) the following new paragraph:

“(3) Not more than once in each five-year period beginning on the one-year anniversary of the date a person becomes insured under Veterans' Group Life Insurance, such person may elect in writing to increase the amount for which the person is insured if—

“(A) the person is under the age of 60;

“(B) the increased amount is \$25,000; and

“(C) the amount for which the person is insured does not exceed the amount provided for under section 1967(a)(3)(A)(i) of this title.”.

(b) **EFFECTIVE DATE.**—Paragraph (3) of section 1977(a) of title 38, United States Code, shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 103. ELIMINATION OF REDUCTION IN AMOUNT OF ACCELERATED DEATH BENEFIT FOR TERMINALLY-ILL PERSONS INSURED UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) **ELIMINATION OF REDUCTION.**—Section 1980(b)(1) of title 38, United States Code, is amended by striking “reduced by” and all that follows through “the Secretary”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to a payment of an accelerated death benefit under section 1980 of title 38, United States Code, made on or after the date of the enactment of this Act.

TITLE II—MATTERS RELATING TO HEALTH CARE

SEC. 201. HIGHER PRIORITY STATUS FOR CERTAIN VETERANS WHO ARE MEDAL OF HONOR RECIPIENTS.

Section 1705(a)(3) of title 38, United States Code, is amended by inserting “veterans who were awarded the medal of honor under section 3741, 6241, or 8741 of title 10 or section 491 of title 14,” after “Veterans who are former prisoners of war or who were awarded the Purple Heart.”.

SEC. 202. PROVISION OF HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE FOR CERTAIN VIETNAM-ERA VETERANS EXPOSED TO HERBICIDE AND VETERANS OF THE PERSIAN GULF WAR.

Section 1710(e) of title 38, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking “subsection (a)(2)(F)—” and all that follows through “(C) in the case” and inserting “subsection (a)(2)(F) in the case”; and

(B) by redesignating clauses (i) and (ii) of the former subparagraph (C) as subparagraphs (A) and (B) of such paragraph (3) and by moving such new subparagraphs two ems to the left; and

(2) in paragraph (1)(C)—

(A) by striking “paragraphs (2) and (3)” and inserting “paragraph (2)”; and

(B) by inserting after “on active duty” the following: “between August 2, 1990, and November 11, 1998.”.

SEC. 203. PROHIBITION ON COLLECTION OF COPAYMENTS FROM CATASTROPHICALLY DISABLED VETERANS.

(a) **IN GENERAL.**—Subchapter III of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 1730A. Prohibition on collection of copayments from catastrophically disabled veterans

“Notwithstanding subsections (f) and (g) of section 1710 of this title, subsection (a) of section 1722A of this title, and any other provision of law, the Secretary may not require a veteran who is catastrophically disabled to make any copayment for the receipt of hospital care or medical services under the laws administered by the Secretary.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1730 the following new item:

“1730A. Prohibition on collection of copayments from catastrophically disabled veterans.”.

SEC. 204. ESTABLISHMENT OF DIRECTOR OF PHYSICIAN ASSISTANT SERVICES AT VETERANS HEALTH ADMINISTRATION OF DEPARTMENT OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Section 7306(a) of title 38, United States Code, is amended by striking paragraph (9) and inserting the following new paragraph (9):

“(9) The Director of Physician Assistant Services, who shall serve in a full-time capacity at the Central Office of the Department and who shall be a qualified physician assistant, who shall be responsible to and report directly to the Under Secretary for Health on all matters relating to the education and training, employment, appropriate utilization, and optimal participation of physician assistants within the programs and initiatives of the Administration.”.

(b) **DEADLINE FOR IMPLEMENTATION.**—The Secretary of Veterans Affairs shall ensure that an individual is serving as the Director of Physician Assistant Services under section 7306(a)(9) of title 38, United States Code, as added by subsection (a), by not later than 120 days after the date of the enactment of this Act.

SEC. 205. COMMITTEE ON CARE OF VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) **ESTABLISHMENT OF COMMITTEE.**—Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7321 the following new section:

“§ 7321A. Committee on Care of Veterans with Traumatic Brain Injury

“(a) **ESTABLISHMENT.**—The Secretary shall establish in the Veterans Health Administration a committee to be known as the ‘Committee on Care of Veterans with Traumatic Brain Injury’. The Under Secretary for Health shall appoint employees of the Department with expertise in the care of veterans with traumatic brain injury to serve on the committee.

“(b) **RESPONSIBILITIES OF COMMITTEE.**—The committee shall assess, and carry out a continuing assessment of, the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of veterans with traumatic brain injury. In carrying out that responsibility, the committee shall—

“(1) evaluate the care provided to such veterans through the Veterans Health Administration;

“(2) identify systemwide problems in caring for such veterans in facilities of the Veterans Health Administration;

“(3) identify specific facilities within the Veterans Health Administration at which program enrichment is needed to improve treatment and rehabilitation of such veterans; and

“(4) identify model programs which the committee considers to have been successful in the treatment and rehabilitation of such veterans and which should be implemented more widely in or through facilities of the Veterans Health Administration.

“(c) **ADVICE AND RECOMMENDATIONS.**—The committee shall—

“(1) advise the Under Secretary regarding the development of policies for the care and rehabilitation of veterans with traumatic brain injury; and

“(2) make recommendations to the Under Secretary—

“(A) for improving programs of care of such veterans at specific facilities and throughout the Veterans Health Administration;

“(B) for establishing special programs of education and training relevant to the care of such veterans for employees of the Veterans Health Administration;

“(C) regarding research needs and priorities relevant to the care of such veterans; and

“(D) regarding the appropriate allocation of resources for all such activities.

“(d) ANNUAL REPORT.—Not later than June 1 of 2010, and each subsequent year, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the implementation of this section. Each such report shall include the following for the calendar year preceding the year in which the report is submitted:

“(1) A list of the members of the committee.

“(2) The assessment of the Under Secretary for Health, after review of the initial findings of the committee, regarding the capability of the Veterans Health Administration, on a systemwide and facility-by-facility basis, to meet effectively the treatment and rehabilitation needs of veterans with traumatic brain injury.

“(3) The plans of the committee for further assessments.

“(4) The findings and recommendations made by the committee to the Under Secretary for Health and the views of the Under Secretary on such findings and recommendations.

“(5) A description of the steps taken, plans made (and a timetable for the execution of such plans), and resources to be applied toward improving the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of veterans with traumatic brain injury.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7321 the following new item:

“7321A. Committee on Care of Veterans with Traumatic Brain Injury.”

SEC. 206. REVISION OF CERTAIN REQUIREMENTS FOR THE PILOT PROGRAM OF ENHANCED CONTRACT CARE AUTHORITY FOR HEALTH CARE NEEDS OF VETERANS IN HIGHLY RURAL AREAS.

Subsection (b) of section 403 of the Veterans’ Mental Health and Other Care Improvements Act of 2008 (Public Law 110-387; 38 U.S.C. 1703 note) is amended to read as follows:

“(b) COVERED VETERANS.—For purposes of the pilot program under this section, a covered veteran is any veteran who—

“(1) is—

“(A) enrolled in the system of patient enrollment established under section 1705(a) of title 38, United States Code, as of the date of the commencement of the pilot program under subsection (a)(2); or

“(B) eligible for health care under section 1710(e)(3)(C) of title 38, United States Code; and

“(2) resides in a location that is—

“(A) more than 60 minutes’ driving distance, as determined by the Secretary, from the nearest Department health care facility providing primary care services, in the case of a veteran seeking such services;

“(B) more than 120 minutes’ driving distance, as determined by the Secretary, from the nearest Department health care facility providing acute hospital care, in the case of a veteran seeking such care; or

“(C) more than 240 minutes’ driving distance, as determined by the Secretary, from

the nearest Department health care facility providing tertiary care, in the case of a veteran seeking such care.”

TITLE III—MATTERS RELATING TO BENEFITS

SEC. 301. BENEFITS FOR QUALIFIED WORLD WAR II VETERANS.

(a) ESTABLISHMENT OF COMPENSATION FUND.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 533. Qualified World War II Veterans Equity Compensation Fund

“(a) COMPENSATION FUND.—(1) There is in the general fund of the Treasury a fund to be known as the ‘Qualified World War II Veterans Equity Compensation Fund’ (in this section referred to as the ‘compensation fund’).

“(2) Subject to the availability of appropriations for such purpose, amounts in the compensation fund shall be available to the Secretary without fiscal year limitation to make payments to eligible individuals in accordance with this section.

“(b) ELIGIBLE INDIVIDUALS.—(1) An eligible individual is an individual who—

“(A) during the 1-year period beginning on the date of the enactment of this section, submits to the Secretary an application containing such information and assurances as the Secretary may require;

“(B) has not received benefits under the Servicemen’s Readjustment Act of 1944 (Public Law 78-346); and

“(C) has engaged in qualified service.

“(2) For purposes of paragraph (1), a person has engaged in qualified service if the service of the person has been determined to have been active duty service pursuant to section 1401 of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

“(c) AMOUNT OF PAYMENTS.—The Secretary shall make a monthly payment out of the compensation fund in the amount of \$1,000 to an eligible individual. The Secretary shall make such payments to eligible individuals in the order in which the Secretary receives the applications of the eligible individuals.

“(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the compensation fund amounts as follows:

“(A) For fiscal year 2010, \$222,000,000.

“(B) For fiscal year 2011, \$193,000,000.

“(C) For fiscal year 2012, \$170,000,000.

“(D) For fiscal year 2013, \$146,000,000.

“(E) For fiscal year 2014, \$124,000,000.

“(2) Funds appropriated to carry out this section shall remain available until expended.

“(e) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President’s budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible individuals receiving benefits, the amounts paid out of the compensation fund, the administration of the compensation fund, and an estimate of the amounts necessary to fully fund the compensation fund for that fiscal year and each of the three subsequent fiscal years.

“(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.”

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the regulations required under section 532(f) of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 532 the following new item:

“533. Qualified World War II Veterans Equity Compensation Fund.”

SEC. 302. WAIVER OF HOUSING LOAN FEE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES CALLED TO ACTIVE SERVICE.

Section 3729(c)(1) of title 38, United States Code, is amended by inserting after “retirement pay” the following: “or active service pay”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. I thank the Speaker, and I yield myself such time as I may consume.

I rise in strong support of passage of this bill, the Veterans’ Insurance Health Care Improvement Act of 2009, H.R. 3219. This important legislation was assembled with the help of many members of the House Committee on Veterans Affairs, without whose efforts this bill would not have been possible. I’m surprised to see my friend, Mr. STEARNS, managing the bill, having just railed against nationalization of health care, which is not what the Obama plan has, but then he’s a great supporter of the veterans’ health system, which I think may come under his definition. So I’m pleased that he supports so strongly the Veterans Administration health care system, which is nationalized care, but I wish he would support Mr. Obama’s health care plan, which has nothing to do with nationalization.

But I want to recognize and applaud the outstanding effort of especially two dynamic members on the committee who sponsored major insurance provisions of the bill under consideration. Mrs. HALVORSON of Illinois sponsored the Families of Veterans Financial Security Act, H.R. 2774, which has become section 101 of this bill. And Mrs. KIRKPATRICK of Arizona sponsored the Veterans and Service Members Accelerated Benefit Option Equity Act of 2009, H.R. 2988, which is now section 103 of this bill.

These measures represent common-sense yet critical insurance provisions intended to ensure that our veterans, servicemembers and their families who have insurance-related needs receive the full measure of the benefit offered and that the survivors have ample replacement income to meet their needs. All of the provisions would give veterans and servicemembers greater flexibility in their insurance choices, and, consequently, greater peace of mind.

Additionally, the Congressional Budget Office reports that none of the bills would increase Federal direct

spending for veterans' insurance programs. And I want to applaud, also, the chairman of our Disability Assistance and Memorial Affairs Subcommittee on these measures, Mr. HALL of New York, for his leadership on these measures.

The legislation further provides for a wide variety of health care improvements in recognition of veterans who have sacrificed so much for the safety and freedom of the Nation. It enhances the lives of the Nation's veterans, from World War II to the current conflicts.

Other members also contributed to the health care provisions of this, and I want to thank them for their efforts. For example, Mr. MITCHELL of Arizona, who wrote H.R. 1197, the Medal of Honor Health Care Equity Act of 2009, which assigns a higher priority status for VA hospital care and medical services for veterans who are recipients of the Medal of Honor.

Another provision by Mr. HARE of Illinois, H.R. 1302, would establish a position of director of physician assistant services within the Office of the Under Secretary of Veterans Affairs for Health. And Mrs. HALVORSON from Illinois also sponsored H.R. 1335, which would prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled from non-service-connected causes and have income above the means tested level.

Mr. MCNERNEY from California sponsored H.R. 1546, the Caring for Veterans with Traumatic Brain Injury Act, and that has been incorporated to establish a committee on the care of veterans with traumatic brain injury to assess the VA's ability to treat and rehabilitate veterans with TBI—that is traumatic brain injury—and to provide recommendations on how to more effectively treat these veterans.

Mr. NYE of Virginia introduced H.R. 2926, which was incorporated into the bill to provide hospital care, medical services, and nursing home care for certain Vietnam-era veterans exposed to herbicides and also veterans of the Persian Gulf War.

Mr. BUYER's bill, H.R. 2270, would establish a compensation fund for all civilian groups who are given veteran status under the G.I. Bill Improvement Act of 1977, and that is also in the bill.

And finally, we have a bill introduced by Mr. TEAGUE of New Mexico to waive the housing loan fee for certain veterans with service-connected disabilities called to active service.

So I want to thank all of the members of our committee who've worked so hard to put together the important legislation we are considering today, and I hope my colleagues will support H.R. 3219 as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3219, as amended, to amend

title 38 of the United States Code, which would make improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care and for other purposes.

□ 1415

H.R. 3219, as amended, combines veterans' life insurance and health care provisions from bills by several Members that improve the lives of veterans, and I will highlight for my colleagues just a few of these this afternoon.

The bill includes provisions of H.R. 2349, the Veterans' Group Life Insurance Improvement Act of 2009, that was introduced by the ranking member, Mr. BUYER, to allow veterans under the age of 60 to purchase up to \$400,000 of veterans' group life insurance coverage in \$25,000 increments every 5 years. This bill gives our veterans greater flexibility in their life insurance choices and is supported by the VA and veterans service organizations. That's good.

Another provision that has been included in H.R. 3219, as amended, is from H.R. 2270, also introduced by Ranking Member BUYER, which provides equity for all of the 28 World War II civilian groups that were later given veteran status under the process set up by the GI Bill Improvement Act of 1977.

The bill provides equity by making all these groups eligible for the same \$1,000 a month payment that merchant mariners of World War II would receive under H.R. 23, as amended, which the House passed earlier this year.

One group of veterans that would benefit from this provision are the members of the American Volunteer Group, also known as the Flying Tigers. This was a distinct group of American ground crew and pilots who worked as part of the Chinese Air Force with U.S. Government approval in defense of allied strongholds before and after America's entrance into the war. The Flying Tigers, P-40 aircraft, with their distinctive shark's teeth painted on the nose of the fuselage, became famous for their many, many successful raids on Japanese targets in China, including one just 12 days after Pearl Harbor.

Mr. Speaker, the Flying Tigers are credited with destroying 297 aircraft, of which 229 were air-to-air victories. This statistic is even more impressive when you consider that they were largely outnumbered in almost every engagement they were involved with, and all of their supplies had to be flown over the Hump from India over the Himalayan Mountains.

Also, Mr. Speaker, there is another well-known group. It is called the Women Air Force Service Pilots, WASPs. These were female pilots who flew noncombat missions for the United States Army Air Corps during the war. Over 1,000 of these brave pilots

flew missions all across this country in support of the war effort. Although they had been promised to be made part of the Air Corps following the war, they were disbanded on December 20, 1944, with little fanfare and with little recognition.

Earlier this year, the President signed S. 614 to award the Congressional Gold Medal to an estimated 300 WASPs that are still alive today. The passage of S. 614, coupled with the benefit provided to the WASPs under the bill, will finally give these brave women veterans the recognition they deserve.

I want to thank the chairman, Mr. FILNER, for accepting the amendment to include these groups in the bill so that we can provide simple equity for all of these veterans that were not eligible for the World War II GI Bill.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield as much time as she may consume to one of our dynamic new members of our committee, Mrs. HALVORSON of Illinois.

Mrs. HALVORSON. Thank you, Mr. FILNER, for yielding and for your leadership on the Veterans' Affairs Committee.

I rise in support of H.R. 3219. Included in H.R. 3219 is the language from legislation that I introduced which would eliminate copayments from catastrophically disabled veterans who receive medical care from the Department of Veterans Affairs. Right now, some catastrophically disabled veterans are thrown into financial hardship because of copayments they pay to the VA.

Catastrophically disabled veterans have conditions that compromise their ability to carry out the activities of daily living, including such basic self-care tasks as eating, bathing, and dressing. Veterans in these situations have enough challenges to face on a daily basis; having enough resources to make their copayment should not be another challenge that they have to deal with.

This legislation would allow our veterans to receive the health care that they deserve without adding another burden that makes it more difficult to afford.

Also included in this language from my bill, the Families of Veterans Financial Security Act, which would make permanent the extension that totally disabled veterans currently receive from the Servicemembers' Group Life Insurance program, also known as the SGLI. The SGLI is operated by the VA and provides low-cost group life insurance to members of the uniformed services. This program was developed to make insurance benefits available for veterans and servicemembers who were not able to secure insurance from

private companies due to the extra risks involved in military service or because of a service-connected disability.

Currently, a temporary SGLI disability extension exists to allow servicemembers who are totally disabled to retain their SGLI coverage at no cost for up to 2 years. This extension guarantees that veterans most in need—the ones that are seriously disabled as a result of their service—won't lose their life insurance coverage. This legislation would make the extension permanent and provide financial security to the families of disabled veterans.

I urge my colleagues to support H.R. 3219.

Mr. STEARNS. Mr. Speaker, I would like to take a moment to thank JOHN HALL of New York and DOUG LAMBORN of Colorado, the chairman and ranking member on the Subcommittee on Disability Assistance and Memorial Affairs, and MIKE MICHAUD of Maine and HENRY BROWN of South Carolina for all of their hard work on the legislation which was included in this bill. I would also like to thank Chairman FILNER and Ranking Member BUYER for their cooperation in moving the legislation forward.

Mr. Speaker, I urge my colleagues to support H.R. 3219, as amended, and I yield back the balance of my time.

Mr. FILNER. I yield as much time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of H.R. 3219, legislation to amend title 38, U.S. Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs related to insurance and health care, and for other purposes.

Mr. Speaker, I do want to commend the gentleman from California, my colleague, the chairman of the Committee on Veterans' Affairs, and my good friend from Florida who is managing on the other side of the aisle this important legislation.

Mr. Speaker, H.R. 3219, among other things, would make permanent the 2-year extension of the free Servicemembers' Group Life Insurance coverage period for totally disabled veterans following separation from active or reserve duty, enable veterans insured under the Veterans' Group Life Insurance program to increase the amount of their coverage, and eliminate the reduction in the amount of accelerated death benefits for terminally ill persons insured under both the SGLI and the VGLI programs.

Mr. Speaker, such improvements to the SGLI and VGLI programs would maximize the opportunity for totally disabled veterans, especially those who have no commercial insurance, the chance to obtain insurance coverage to pay for their medical expenses. Espe-

cially in this time of economic hardship, this bill would provide tremendous financial help and security for our veterans and their families.

Moreover, this bill would expand existing health care programs to include veterans that were not otherwise qualified. For example, this bill would provide for the enhanced treatment authority for veterans of the Vietnam era, like myself, and veterans of the Gulf War who may have been exposed to Agent Orange, herbicides known to contain dioxin, which has been linked to cancer and other disorders. While the full impact of these herbicides remain unknown, veterans affected have shown symptoms including persistent memory and concentration problems, chronic headaches, widespread pain, gastrointestinal problems, and other chronic abnormalities not explained by well-established diagnoses.

Mr. Speaker, as a Vietnam veteran myself, and a proud member of the 100th Battalion 442nd Infantry Reserve Unit out of Hawaii, I certainly appreciate the service and sacrifice of my fellow servicemen in the United States Armed Forces.

Again, I urge my colleagues to support this bill.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3219, as amended, and urge my colleagues to unanimously support the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 3219, as amended, the Veterans' Insurance and Health Care Improvements Act of 2009, which would amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care.

H.R. 3219, as amended combines several pieces of legislation including H.R. 2349, the Veterans' Group Life Insurance Improvement Act of 2009, and H.R. 2270, the Benefits for Qualified World War II Veterans Act of 2009, both of which I introduced earlier this year.

H.R. 2349 gives eligible veterans the option of purchasing additional life insurance coverage under the Veterans Group Life Insurance Program. They would be able to purchase this coverage every five years in \$25,000 increments up until age 60. This provision gives these veterans that choice to increase their life insurance as they get older and may see the need to purchase more as their family grows. The costs of such increases in coverage would be offset by premiums veterans pay, so there is no direct cost to the government.

Another provision included in H.R. 3219, as amended, is the substance of H.R. 2270, which provides a \$1,000 monthly payment to all World War II civilian groups that were later

given veteran status under the process set up by the G.I. Bill Improvement Act of 1977.

Earlier this year, the House created an inequitable situation when we singled out one of these civilian groups, merchant mariners, to receive this payment while excluding the other 28 groups who also served bravely in defense of our country. I am pleased that the bill before us corrects this situation.

One of these groups that are now eligible under this provision is American Volunteer Group also known as the Flying Tigers. These were civilian pilots and ground crew who fought against the Japanese before and after Pearl Harbor and had one of the most impressive combat records in the Pacific Theater.

During the subcommittee legislative hearing on H.R. 2270, members had the opportunity to meet and hear testimony of 90-year-old former Flying Tiger, Ed Stiles, Sr.

I had the opportunity to meet with Mr. Stiles and his family, and it was an absolute pleasure to hear his stories about the brave pilots and ground crews of the Flying Tigers who saved countless American lives by tying up Japanese air forces in China before and after Pearl Harbor.

I want to thank my colleagues for including these two provisions in H.R. 3219, as amended. I urge my colleagues to support this legislation.

Mr. HARE. Mr. Speaker, I rise in strong support of H.R. 3219, the Veterans' Insurance and Health Care Improvements Act of 2009.

Earlier in this session, I introduced H.R. 1302, a bill to create a full-time Director of Physician Assistant (PA) Services in the Department of Veterans Affairs (VA) Central Office. I would like to thank my colleague, Representative JERRY MORAN, for his leadership with me on this bill, as well as Chairmen FILNER and MICHAUD, Ranking Members BUYER and BROWN and many other VA Committee colleagues for joining us as cosponsors.

Today, I am very pleased to speak in support of H.R. 3219, which incorporates the provisions of my bill and eight other bills that were favorably considered by the House Committee on Veterans' Affairs.

PAs have long been a key component in the Veterans Health Administration (VHA). Almost two thousand PAs are currently employed by the VA, roughly 30 percent of whom are veterans. While the PA Advisor position, established by Congress in 2000, has been valuable, many problems exist.

For example, as the American Academy of Physician Assistants (AAPA) explained in written testimony on October 18, 2007, "In one case, a local facility decided that a PA could not write outpatient prescriptions despite licensure in the state allowing prescriptive authority. In other facilities, PAs were told that the VA facility can not use PAs and will not hire PAs." These inconsistencies and restrictions not only hinder PAs currently employed by the VA, but also discourage PAs from even entering the VA system, ultimately impacting the medical care of our nation's veterans.

PAs are the fourth fastest growing profession in the country, yet the VA is simply not competitive with the private sector for new PA graduates. The lack of a Director of PA Services at the VA prevents necessary recruitment and retention of the PA workforce in the VA at

a time when we need more health care professionals to provide necessary care to our Veterans.

Considering the fact that nearly 40 percent of all VA PAs are projected to retire in the next five years, the VA is in danger of losing its PA workforce unless serious focus is directed toward recruitment and retention of this critical group.

One of the biggest challenges facing current and future PAs in the VA system is their exclusion from recruitment and retention benefits. The VA designates physicians and Nurse Practitioners (NPs) as critical occupations. As such, these individuals receive priority in scholarships and loan repayment programs. Unfortunately, the VA has not designated the PA profession as a critical occupation despite the fact that the VA has determined PAs and NPs functionally interchangeable.

Additionally, VA medical facilities, at times, post vacant positions for NPs only, excluding PAs. There is also a hiring trend in the VA of NPs outpacing PAs nearly three to one, again despite the interchangeability between the two specialties.

Finally, PAs are not included in any of the VA special locality pay bands, so PA salaries are not regularly tracked and reported by the VA. There is evidence that this has resulted in lower pay for PAs employed by the VA compared to other health care professionals. This only serves as yet another deterrent for PAs to enter the VA system.

A permanent Director at the VA Central Office (VACO) would serve as an advocate on behalf of PAs and work to ensure their fair treatment. It is time for the VA to devote serious attention to PA recruitment and retention. Enactment of H.R. 1302 is a start.

As a Congressman who represents a district with rural communities, I know that PAs play a key role in providing medical care in rural and other medically underserved areas. I want to ensure that they are equally well utilized by the VA. I know that medical institutions like the Cleveland Clinic, the Mayo Clinic, the MD Anderson Cancer Clinic at the University of Texas, and others have a Director of PA Services to make sure that the PAs they employ are integrated into their health systems. Additionally, each branch of the Armed Services has a Chief PA to help the military best utilize its PA workforce. It is time for the VA to do the same.

I strongly urge my colleagues to show their support of strengthening Veterans' healthcare by voting "yes" on H.R. 3219.

Mr. TEAGUE. Mr. Speaker, I believe that this bill represents something that we can always use more of in government, a little common sense. In this case, that common sense is a simple fix that will ensure that disabled veterans will be able to receive the housing assistance that they have earned. I am the sponsor of legislation that will make that fix.

My bill, H.R. 2180, will waive VA home loan fees for certain veterans with service-connected disabilities that have been recalled to active service. I am proud to say that this provision has been included in H.R. 3219.

Currently, the Department of Veterans Affairs underwrites home loans that are made by private lenders to eligible veterans. The benefits of having a VA home loan are many. For

example, the buyer is informed of reasonable value, the interest rate is negotiable, and there are no mortgage insurance premiums. Veterans also have the right to prepay without penalty, and the VA provides assistance to veteran borrowers in default due to financial difficulty.

Additionally, many disabled veterans and some injured soldiers qualify for a waiver of home loan fees. Unfortunately, however, a different part of the law prevents an eligible servicemember or veteran from receiving a home loan funding fee waiver if the veteran is called up back to active duty service. This bill gets rid of this oversight in the law and allows all eligible servicemembers to receive the fee waiver, whether or not they have been called back to service.

Mr. Speaker, I simply think that it is wrong that someone who has served their country and been injured as a result of that service be penalized because they are returning to service.

This provision represents a common-sense solution to a problem that I do not think anyone anticipated. I believe that when the Congress established the VA Home loan program they had the best of intentions. This program has created an opportunity for thousands of veterans that simply want to be part of the American dream. With this bill we can correct an oversight that will help even more veterans along the way.

I would like to take this time to thank the staff members of the Economic Opportunity Subcommittee who lent their expertise during the drafting of this bill. I truly believe that this one measure can open up many doors of opportunity to our veterans and hope that my colleagues will support its passage.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3219, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DISABLED VETERANS HOME IMPROVEMENT AND STRUCTURAL ALTERATION GRANT INCREASE ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1293) to amend title 38, United States Code, to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disabled Veterans Home Improvement and Structural Alteration Grant Increase Act of 2009".

SEC. 2. INCREASE IN AMOUNT AVAILABLE TO DISABLED VETERANS FOR IMPROVEMENTS AND STRUCTURAL ALTERATIONS FURNISHED AS PART OF HOME HEALTH SERVICES.

(a) INCREASE.—Section 1717(a)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking "\$4,100" and inserting "\$6,800"; and

(2) in subparagraph (B), by striking "\$1,200" and inserting "\$2,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a veteran who first applies for benefits under section 1717(a)(2) of title 38, United States Code, on or after the date of the enactment of this Act.

(c) APPLICABILITY.—A veteran who exhausts such veteran's eligibility for benefits under section 1717(a)(2) of title 38, United States Code, before the date of the enactment of this Act, is not entitled to additional benefits under such section by reason of the amendments made by subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I want to thank the ranking member of our committee, Mr. BUYER of Indiana, for introducing this bill.

In the past, many of our veterans have returned from combat with life-changing injuries and illnesses. Congress saw fit to provide special adaptive grants to help them improve their quality of life. Today, another generation of servicemembers is returning from the wars in Iraq and Afghanistan with even more egregious life-changing injuries and illnesses due to the development of better equipment and body armor that keeps them alive, albeit seriously injured.

The bill provides for a long overdue increase in the amount payable to veterans for improvements and structural alterations to their homes. This amount, Mr. Speaker, has not been increased for 17 years. The bill would increase the grant amounts from \$4,100 to \$6,800 for veterans with a service-connected disability and from \$1,200 to \$2,000 for veterans with nonservice-connected disability. Importantly, Home Improvement and Structural Alteration grants, called HISA, are the only grants available to nonservice-connected veterans and those conditions.

HISA grants can be used in conjunction with other adaptive housing grants offered through the Veterans Benefits Administration to help cover some of the additional costs a veteran may be facing when building or adapting a home to meet his or her unique needs. We owe it to our veterans to keep pace with the many different needs and challenges that they face on a daily basis. Seventeen years is a long time to wait.

I urge my colleagues to support H.R. 1293.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1293, the Disabled Veterans Home Improvement and Structural Alteration Grant Increase Act of 2009.

H.R. 1293 is a bill that our ranking member, Mr. BUYER, introduced to increase the authorized amount of a Home Improvement and Structural Alteration, or, as commonly referred to as HISA, grant that VA provides as part of home health services. Mr. Speaker, it is an important benefit that is available to veterans with service-connected and nonservice-connected disabilities who simply require home adaptations to continue treatment for their disability in their home, and I am proud to be an original co-sponsor of this bill.

The HISA grant is used for such things as widening doors—something simple that will have a great impact for these veterans—lowering kitchen and bathroom counters and sinks, making simple handrails and wall switches and window controls easy and accessible to these folks so they can operate, and installing elevators and stair lifts, which will help many of the veterans who are in wheelchairs.

This grant is distinct from the specifically adapted housing grants that are also available to service-connected disabled veterans. The HISA grant can also be used in addition to these grants.

Unfortunately, the HISA grant ceiling has not been raised in 17 years; yet the cost of home modification, as we all know, has increased over the years.

In addition, there is a new generation of veterans from Operation Enduring Freedom and Operation Iraqi Freedom returning home with serious combat injuries.

VA reports that the number of service-connected veterans using the HISA grants grew by almost 20 percent from fiscal year 2000 to 2008, and VA expects that the trend will continue to increase at the average of 1½ percent per year.

□ 1430

Under current law the maximum HISA grant is \$4,100 for service-connected veterans and \$1,200 for non-service-connected veterans. H.R. 1293 would simply raise the amounts to \$6,800 for service-connected veterans and \$2,000 for nonservice-connected veterans. The proposed increase would account for inflation and simply provide a reasonable amount for the type of home modifications Congress intended the program to provide for these service-connected veterans.

H.R. 1293 is a bipartisan bill that is supported by the VA and the Veterans Service Organizations, and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA), a great supporter of veterans in our Nation.

Mr. FALEOMAVAEGA. I certainly want to thank the chairman of our House Veterans' Affairs Committee, the gentleman from California, Chairman FILNER, and my good friend from Florida on the other side for aisle for their management. And I also commend the ranking member of the Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUYER), for his sponsorship of this important bill.

Mr. Speaker, H.R. 1293 would increase the amount authorized by the Department of Veterans Affairs under the Health Improvement and Structural Alterations, HISA, from \$4,100 to \$6,800 for improvements and structural alterations for homes of veterans with service-related disabilities of 50 percent or more, and from \$1,200 to \$2,000 for veterans with service-connected disabilities less than 50 percent.

Mr. Speaker, HISA continues to provide for our veterans necessary funding for structural and home improvements such as widening doors; putting in handrails or special lighting; making kitchens, bathrooms, windows, electrical outlets and switches more accessible; and building ramps or improving entrance paths and driveways. These structural and home improvements are needed to meet the needs of our disabled veterans.

HISA was created in 1973 out of concern for disabled veterans returning to their homes without proper accommodations. In 1976 there was a ceiling placed, and veterans with service-connected disabilities were receiving \$2,500 and veterans with nonservice-related disabilities received only \$600. In 1992, public law increased the lifetime benefit limit from \$2,500 to \$4,100 for service-connected veterans and from \$600 to \$1,200 to nonservice-connected veterans.

Today the ceiling has been in the process for 17 years even though the costs for home modifications have increased tremendously. No one deserves to prolong their suffering. I believe that this must be addressed to show our continued appreciation for their service and all the accommodations to serve their disabilities should be made.

Mr. Speaker, with the new generation of soldiers returning from Operation Enduring Freedom and Operation Iraqi Freedom, this increase is significantly necessary. Our servicemembers have served our country at its time of greatest need and have protected our Nation's best interests, and I believe we should take care of their needs and interests when they return home.

This legislation is necessary, and I urge my colleagues to support this bill.

Mr. STEARNS. Mr. Speaker, in closing, I would like to take the opportunity to thank the chairman and ranking member of the Subcommittee on Health, MIKE MICHAUD of Maine and HENRY BROWN of South Carolina, for their quick consideration of this legislation. I would also like to express my gratitude to the chairman, Mr. FILNER, and Ranking Member BUYER for moving this bill to the floor so quickly.

I urge my colleagues to support H.R. 1293.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1293.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 1293, the Disabled Veterans Home Improvement and Structural Alteration Grant Increase Act of 2009.

H.R. 1293 is a bill I introduced to increase the amount payable to a disabled veteran under the Department of Veterans Affairs, VA, Home Improvement and Structural Alteration Program.

Known as the HISA grant, this is a significant benefit that provides seriously disabled veterans the ability to make home alterations to receive in-home medical care.

Congress first authorized VA to establish the HISA program as part of outpatient care for home health services in 1973. The benefit is paid from the medical care appropriation and is available to both veterans with service-connected and non-service connected disabilities. A service-connected veteran can receive a HISA grant in addition to other home adaptations grants available through the Veterans Benefits Administration.

We have been engaged in the Global War on Terror for nearly eight years and are seeing an increasing number of servicemembers returning from Iraq and Afghanistan utilizing VA health care.

Last year, a joint Department of Defense, DOD, and VA Inspectors General review of the care transition process for injured OEF/OIF service members found that continuity of care was hindered by the inability of an injured active duty service member to obtain a HISA grant prior to discharge. Responding to this need, we enacted Public Law 110-289 to allow VA to provide such grants to eligible service members prior to their discharge from military service.

However, we did not raise the amount of the grant which is currently \$4,100 for service-connected veterans and \$1,200 for non-service connected veterans. In fact, the ceiling has not been raised since 1992.

H.R. 1293 would raise the maximum amount of a HISA grant to \$6,800 for service-connected veterans and \$2,000 for non-service connected veterans. The proposed increase reflects an additional 3 percent for each year since 1992 to account for inflation

and the increased cost of making home improvements—a long overdue 66 percent increase.

It is important that we make sure that VA benefits, such as the HISA grant stay relevant and adequately meet the needs of today's veterans.

I urge my colleagues to support H.R. 1293. It is a good bill that shares bipartisan support.

Mr. FILNER. I urge my colleagues to unanimously support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1293.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

VETERANS NONPROFIT RESEARCH AND EDUCATION CORPORATIONS ENHANCEMENT ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2770) to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Nonprofit Research and Education Corporations Enhancement Act of 2009".

SEC. 2. GENERAL AUTHORITIES ON ESTABLISHMENT OF CORPORATIONS.

(a) AUTHORIZATION OF MULTI-MEDICAL CENTER RESEARCH CORPORATIONS.—

(1) IN GENERAL.—Section 7361 of title 38, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (e); and

(B) by inserting after subsection (a) the following new subsection (b):

“(b)(1) Subject to paragraph (2), a corporation established under this subchapter may facilitate the conduct of research, education, or both at more than one medical center. Such a corporation shall be known as a ‘multi-medical center research corporation’.

“(2) The board of directors of a multi-medical center research corporation under this subsection shall include the official at each Department medical center concerned who is, or who carries out the responsibilities of, the medical center director of such center as specified in section 7363(a)(1)(A)(i) of this title.

“(3) In facilitating the conduct of research, education, or both at more than one Department medical center under this subchapter, a multi-medical center research corporation may admin-

ister receipts and expenditures relating to such research, education, or both, as applicable, performed at the Department medical centers concerned.”.

(2) EXPANSION OF EXISTING CORPORATIONS TO MULTI-MEDICAL CENTER RESEARCH CORPORATIONS.—Such section is further amended by adding at the end the following new subsection:

“(f) A corporation established under this subchapter may act as a multi-medical center research corporation under this subchapter in accordance with subsection (b) if—

“(1) the board of directors of the corporation approves a resolution permitting facilitation by the corporation of the conduct of research, education, or both at the other Department medical center or medical centers concerned; and

“(2) the Secretary approves the resolution of the corporation under paragraph (1).”.

(b) RESTATEMENT AND MODIFICATION OF AUTHORITIES ON APPLICABILITY OF STATE LAW.—

(1) IN GENERAL.—Section 7361 of such title, as amended by subsection (a) of this section, is further amended by inserting after subsection (b) the following new subsection (c):

“(c) Any corporation established under this subchapter shall be established in accordance with the nonprofit corporation laws of the State in which the applicable Department medical center is located and shall, to the extent not inconsistent with any Federal law, be subject to the laws of such State. In the case of any multi-medical center research corporation that facilitates the conduct of research, education, or both at Department medical centers located in different States, the corporation shall be established in accordance with the nonprofit corporation laws of the State in which one of such Department medical centers is located.”.

(2) CONFORMING AMENDMENT.—Section 7365 of such title is repealed.

(c) CLARIFICATION OF STATUS OF CORPORATIONS.—Section 7361 of such title, as amended by this section, is further amended—

(1) in subsection (a), by striking the second sentence; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d)(1) Except as otherwise provided in this subchapter or under regulations prescribed by the Secretary, any corporation established under this subchapter, and its officers, directors, and employees, shall be required to comply only with those Federal laws, regulations, and executive orders and directives that apply generally to private nonprofit corporations.

“(2) A corporation under this subchapter is not—

“(A) owned or controlled by the United States; or

“(B) an agency or instrumentality of the United States.”.

(d) REINSTATEMENT OF REQUIREMENT FOR 501(c)(3) STATUS OF CORPORATIONS.—Subsection (e) of section 7361 of such title, as redesignated by subsection (a)(1) of this section, is further amended by inserting “section 501(c)(3) of” after “exempt from taxation under”.

SEC. 3. CLARIFICATION OF PURPOSES OF CORPORATIONS.

(a) CLARIFICATION OF PURPOSES.—Subsection (a) of section 7362 of title 38, United States Code, is amended in the first sentence—

(1) by striking “Any corporation” and all that follows through “facilitate” and inserting “A corporation established under this subchapter shall be established to provide a flexible funding mechanism for the conduct of approved research and education at one or more Department medical centers and to facilitate functions related to the conduct of”; and

(2) by inserting before the period at the end the following: “or centers”.

(b) MODIFICATION OF DEFINED TERM RELATING TO EDUCATION AND TRAINING.—Subsection

(b) of such section is amended in the matter preceding paragraph (1) by striking “the term ‘education and training’” and inserting “the term ‘education’ includes education and training and”.

(c) REPEAL OF ROLE OF CORPORATIONS WITH RESPECT TO FELLOWSHIPS.—Paragraph (1) of subsection (b) of such section is amended by striking the flush matter following subparagraph (C).

(d) AVAILABILITY OF EDUCATION FOR FAMILIES OF VETERAN PATIENTS.—Paragraph (2) of subsection (b) of such section is amended by striking “to patients and to the families” and inserting “and includes education and training for patients and families”.

SEC. 4. MODIFICATION OF REQUIREMENTS FOR BOARDS OF DIRECTORS OF CORPORATIONS.

(a) REQUIREMENTS FOR DEPARTMENT BOARD MEMBERS.—Paragraph (1) of section 7363(a) of title 38, United States Code, is amended to read as follows:

“(1) with respect to the Department medical center—

“(A)(i) the director (or directors of each Department medical center, in the case of a multi-medical center research corporation);

“(ii) the chief of staff; and

“(iii) as appropriate for the activities of such corporation, the associate chief of staff for research and the associate chief of staff for education; or

“(B) in the case of a Department medical center at which one or more of the positions referred to in subparagraph (A) do not exist, the official or officials who are responsible for carrying out the responsibilities of such position or positions at the Department medical center; and”.

(b) REQUIREMENTS FOR NON-DEPARTMENT BOARD MEMBERS.—Paragraph (2) of such section is amended—

(1) by inserting “not less than two” before “members”; and

(2) by striking “and who” and all that follows through the period at the end and inserting “and who have backgrounds, or business, legal, financial, medical, or scientific expertise, of benefit to the operations of the corporation.”.

(c) CLARIFICATION THAT DEPARTMENT EMPLOYEES MAY SERVE AS EXECUTIVE DIRECTORS.—Subsection (b) of section 7363 of such title is amended in the first sentence, by inserting after “executive director who” the following: “may be an employee of the Department and who”.

(d) CONFLICTS OF INTEREST.—Subsection (c) of section 7363 of such title is amended by striking “, employed by, or have any other financial relationship with” and inserting “or employed by”.

SEC. 5. CLARIFICATION OF POWERS OF CORPORATIONS.

(a) IN GENERAL.—Section 7364 of title 38, United States Code, is amended to read as follows:

“§ 7364. General powers

“(a) IN GENERAL.—(1) A corporation established under this subchapter may, solely to carry out the purposes of this subchapter—

“(A) accept, administer, retain, and spend funds derived from gifts, contributions, grants, fees, reimbursements, and bequests from individuals and public and private entities;

“(B) enter into contracts and agreements with individuals and public and private entities;

“(C) subject to paragraph (2), set fees for education and training facilitated under section 7362 of this title, and receive, retain, administer, and spend funds in furtherance of such education and training;

“(D) reimburse amounts to the applicable appropriation account of the Department for the

Office of General Counsel for any expenses of that Office in providing legal services attributable to research and education agreements under this subchapter; and

“(E) employ such employees as the corporation considers necessary for such purposes and fix the compensation of such employees.

“(2) Fees charged pursuant to paragraph (1)(C) for education and training described in that paragraph to individuals who are officers or employees of the Department may not be paid for by any funds appropriated to the Department.

“(3) Amounts reimbursed to the Office of General Counsel under paragraph (1)(D) shall be available for use by the Office of the General Counsel only for staff and training, and related travel, for the provision of legal services described in that paragraph and shall remain available for such use without fiscal year limitation.

“(b) TRANSFER AND ADMINISTRATION OF FUNDS.—(1) Except as provided in paragraph (2), any funds received by the Secretary for the conduct of research or education at a Department medical center or centers, other than funds appropriated to the Department, may be transferred to and administered by a corporation established under this subchapter for such purposes.

“(2) A Department medical center may reimburse the corporation for all or a portion of the pay, benefits, or both of an employee of the corporation who is assigned to the Department medical center if the assignment is carried out pursuant to subchapter VI of chapter 33 of title 5.

“(3) A Department medical center may retain and use funds provided to it by a corporation established under this subchapter. Such funds shall be credited to the applicable appropriation account of the Department and shall be available, without fiscal year limitation, for the purposes of that account.

“(c) RESEARCH PROJECTS.—Except for reasonable and usual preliminary costs for project planning before its approval, a corporation established under this subchapter may not spend funds for a research project unless the project is approved in accordance with procedures prescribed by the Under Secretary for Health for research carried out with Department funds. Such procedures shall include a scientific review process.

“(d) EDUCATION ACTIVITIES.—Except for reasonable and usual preliminary costs for activity planning before its approval, a corporation established under this subchapter may not spend funds for an education activity unless the activity is approved in accordance with procedures prescribed by the Under Secretary for Health.

“(e) POLICIES AND PROCEDURES.—The Under Secretary for Health may prescribe policies and procedures to guide the spending of funds by corporations established under this subchapter that are consistent with the purpose of such corporations as flexible funding mechanisms and with Federal and State laws and regulations, and executive orders, circulars, and directives that apply generally to the receipt and expenditure of funds by nonprofit organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.”

(b) CONFORMING AMENDMENT.—Section 7362(a) of such title, as amended by section 3(a)(1) of this Act, is further amended by striking the last sentence.

SEC. 6. REDESIGNATION OF SECTION 7364A OF TITLE 38, UNITED STATES CODE.

(a) REDESIGNATION.—Section 7364A of title 38, United States Code, is redesignated as section 7365 of such title.

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 73 of such title is amended—

(1) by striking the item relating to section 7364A; and

(2) by striking the item relating to section 7365 and inserting the following new item:

“7365. Coverage of employees under certain Federal tort claims laws.”

SEC. 7. IMPROVED ACCOUNTABILITY AND OVERSIGHT OF CORPORATIONS.

(a) ADDITIONAL INFORMATION IN ANNUAL REPORTS.—Subsection (b) of section 7366 of title 38, United States Code, is amended to read as follows:

“(b)(1) Each corporation shall submit to the Secretary each year a report providing a detailed statement of the operations, activities, and accomplishments of the corporation during that year.

“(2)(A) A corporation with revenues in excess of \$500,000 for any year shall obtain an audit of the corporation for that year.

“(B) A corporation with annual revenues between \$100,000 and \$500,000 shall obtain an audit of the corporation at least once every three years.

“(C) Any audit under this paragraph shall be performed by an independent auditor.

“(3) The corporation shall include in each report to the Secretary under paragraph (1) the following:

“(A) The most recent audit of the corporation under paragraph (2).

“(B) The most recent Internal Revenue Service Form 990 ‘Return of Organization Exempt from Income Tax’ or equivalent and the applicable schedules under such form.”

(b) CONFLICT OF INTEREST POLICIES.—Subsection (c) of such section is amended to read as follows:

“(c) Each director, officer, and employee of a corporation established under this subchapter shall be subject to a conflict of interest policy adopted by that corporation.”

(c) ESTABLISHMENT OF APPROPRIATE PAYEE REPORTING THRESHOLD.—Subsection (d)(3)(C) of such section is amended by striking “\$35,000” and inserting “\$50,000”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2770. VA research is a very vital mission of the Department of Veterans Affairs. Focusing on research for the special health care of our veterans, VA's program has been recognized for excellence over many, many years. Boasting such developments as the cardiac pacemaker and the CAT scan, VA also lays claim to three Nobel Laureates and six Lasker Award winners.

In 1988 Congress allowed the Secretary of the Department of Veterans Affairs to authorize the establishment of nonprofit research corporations. Currently, 82 of these NPCs provide their affiliated VA health care systems and medical centers with a highly valued means of administering non-VA Federal research grants and private sector funds in support of VA research and education.

The fundamental purpose of these nonprofits is to serve veterans by supporting VA research and medical edu-

cation to improve the quality of care that veterans receive. It has been 20 years now since the creation of the NPCs, and in that time the statute has never been updated. The purpose of this bill is to modernize and clarify that statute relating to nonprofit research education corporations so they can better support the research that is undertaken in the VA.

Specifically, the bill expands the general authorities on establishing nonprofit research corporations by authorizing the creation of multi-medical center research corporations where two or more VA medical centers share one corporation. It also clarifies the purposes of the corporations by allowing them to support functions related to research and education, such as travel to scientific conferences, improvements in laboratories with new equipment purchase, and support for the institutional review board.

Additionally, the bill modifies the requirements for the board of directors of the corporations so that they can acquire board members with legal and financial expertise for sound governance and financial management of the corporations. The legislation also provides clarification on reimbursements and other fee charges.

Finally, H.R. 2770 improves accountability and oversight of the corporations by detailing the audit requirements so that they are consistent with OMB Circular A-133, which provides guidance on audits, as well as clarifying that employees of the corporations are to be subject to a conflict of interest policy adopted by the corporation, instead of applying the Federal conflict of interest regulations to non-Federal employees.

I urge my colleagues to support H.R. 2770, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2770, as amended, the Veterans Nonprofit Research and Education Corporations Enhancement Act of 2009. This bill would amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes.

VA nonprofit research corporations, or NPCs as they are called, are independent entities that serve to provide a flexible funding mechanism for the use of non-VA funds to conduct VA-approved research. Last year, with \$250 million in revenue, these organizations supported more than 4,000 research and education programs to benefit our veterans.

It has been 20 years, however, since we passed the law that established this public-private partnership, and it is important for us to ensure that the

statute stays relevant for today's complex research and compliance requirements and provides VA with the necessary oversight authority to simply safeguard the management of these funds. This bill, H.R. 2770, as amended, would update and modernize the law to improve the operation and strengthen the oversight of these not-for-profit entities.

A key provision of the bill would allow an NPC to be shared among a number of VA medical centers to simply reduce administrative costs and to allow smaller NPCs to better achieve the potential to support VA research. So this bill would provide a number of new guidance and policy requirements to improve management of the NPCs and simply boost VA's oversight capability.

I want to thank the chairman, Mr. FILNER, and the ranking member, Mr. BUYER, for working in concert to jointly sponsor this bill and move it forward, as they have done. This bill is supported by the VA, the Friends of VA Medical Care and Health Research, and the National Association of VA Research and Education Foundations.

I would like to again offer my congratulations to the chairman and ranking member of the subcommittee, MIKE MICHAUD and HENRY BROWN, for their hard work on the bill, and obviously I appreciate Mr. FILNER and Mr. BUYER, the ranking member, for working together. I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2770, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 2770, as amended, the Veterans Non-profit Research and Education Corporations Enhancement Act of 2009.

I am pleased to join with Chairman FILNER in introducing and supporting this legislation that would revise and improve the laws governing VA Nonprofit Research Corporations (NPCs).

These state chartered, private organizations are dedicated entirely to supporting approved research and education at affiliated VA medical centers. They rely solely on non appropriated funds to conduct their activities, but are subject to VA oversight and regulation. There are 86 NPCs located in forty-one states, Puerto Rico, and the District of Columbia.

However, the law that authorized and governs the operation of these organizations has not been updated since 1988. Last year, the VA Office of Inspector General (IG) conducted an audit and found that there is a need to strengthen VA oversight and control over NPC funds and administration.

H.R. 2770, as amended would address concerns raised by the IG and update other provisions of the law to improve the operation of the non-profits to better meet the needs of the VA.

The primary enhancements would include allowing VA to establish Multi-Medical Center Research Corporations, which is a voluntary sharing of one NPC among two or more VA Medical Centers, to increase research capabilities at smaller facilities.

The bill would change requirements for Board membership to include at least two non-federal employee members that have business, legal, financial, medical, or scientific expertise that would benefit the NPC.

It would clarify the circumstances in which an NPC could accept, administer, retain, and spend funds received; enter into contracts and agreements; charge and retain fees for educational programs; and provide certain reimbursements to VA for legal services.

The bill would also raise the threshold for requirements to conduct independent audits and require that all NPCs establish a comprehensive conflict of interest policy.

It is timely that we enact this legislation to strengthen VA's authority to guide expenditures and increase accountability and oversight of NPCs. It is important to enhancing VA's ability to capitalize on private research funds to improve the quality of care for our nation's veterans. I urge my colleagues to support H.R. 2770, as amended.

Mr. FILNER. Mr. Speaker, I urge my colleagues to unanimously support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 2770, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CAREGIVER ASSISTANCE AND RESOURCE ENHANCEMENT ACT

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3155) to amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Caregiver Assistance and Resource Enhancement Act".

SEC. 2. SUPPORT SERVICES FOR CAREGIVERS.

(a) DEFINITIONS.—Section 1701 of title 38, United States Code, is amended by adding at the end the following new paragraphs:

"(10) The term 'caregiver services' means non-institutional extended care (as used in paragraph (6)).

"(11) The term 'caregiver' means an individual who—

"(A) with respect to a disabled veteran who is enrolled in the health care system established under section 1705(a) of this title, provides caregiver services to such veteran for such disability; and

"(B) is not a member of the family (including parents, spouses, children, siblings, step-family members, and extended family members) of such veteran.

"(12) The term 'family caregiver' means an individual who—

"(A) with respect to a disabled veteran who is enrolled in the health care system established under section 1705(a) of this title, provides caregiver services to such veteran for such disability;

"(B) is a member of the family (including parents, spouses, children, siblings, step-family members, and extended family members) of such veteran; and

"(C) may or may not reside with such veteran."

(b) SUPPORT SERVICES.—

(1) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1720G. Support services for caregivers and family caregivers

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall develop and carry out a program for caregivers and family caregivers that includes the following:

"(1) The educational sessions, stipends, and access to support services provided under this section.

"(2) Counseling and other services provided under section 1782 of this title.

"(3) Respite care provided under section 1720B of this title.

"(4) With respect to family caregivers, medical care provided under section 1781(e) of this title.

"(5) Travel expenses provided under section 111(e) of this title.

"(b) EDUCATIONAL SESSIONS.—(1) The Secretary shall make available educational sessions for caregivers, family caregivers, and individuals described in paragraph (2). Such educational sessions shall—

"(A) be made available both in person and on an Internet website;

"(B) incorporate available technology, including telehealth technology to the extent practicable; and

"(C) teach techniques, strategies, and skills for caring for a disabled veteran, including, at a minimum, a veteran who—

"(i) was deployed in support of Operation Enduring Freedom or Operation Iraqi Freedom; and

"(ii) has post-traumatic stress disorder, a traumatic brain injury, or other severe injury or illness.

"(2) Individuals described in this paragraph are individuals who provide caregivers and family caregivers with support under this chapter or through an aging network (as defined in section 102(5) of the Older Americans Act of 1965 (42 U.S.C. 3002(5)), including—

"(A) respite care providers;

"(B) nursing care providers; and

"(C) counselors.

"(c) STIPENDS.—(1) The Secretary shall provide monthly stipends to eligible family caregivers described in paragraph (2).

"(2) An eligible family caregiver described in this paragraph is a family caregiver who—

"(A) provides caregiver services to a veteran who—

"(i) was deployed in support of Operation Enduring Freedom or Operation Iraqi Freedom; and

"(ii) for purposes of this subsection, is determined by the Secretary—

“(I) to have a service-connected disability or illness that is severe;

“(II) to be in need of caregiver services, such that without such services, the veteran would require hospitalization, nursing home care, or other residential institutional care; and

“(III) based on an examination by a physician employed by the Department (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), to be unable to carry out the activities (including instrumental activities) of daily living;

“(B) with respect to such veteran, meets the definition of the term ‘family caregiver’ under section 1701(12) of this title;

“(C) is designated by such veteran as the primary family caregiver for such veteran; and

“(D) is not—

“(i) employed by a home health care agency to provide such caregiver services; or

“(ii) otherwise receiving payment for such services.

“(3) The authority of the Secretary to provide a stipend to an eligible family caregiver under this subsection shall expire on October 1, 2012.

“(d) ACCESS TO SUPPORT SERVICES.—The Secretary shall provide caregivers and family caregivers with information concerning public, private, and non-profit agencies that offer support to caregivers. In providing such information, the Secretary shall—

“(1) collaborate with the Assistant Secretary for Aging of the Department of Health and Human Services in order to provide caregivers and family caregivers access to aging and disability resource centers under the Administration on Aging of the Department of Health and Human Services; and

“(2) include on an Internet website that is dedicated to caregivers and family caregivers—

“(A) a directory of services available for caregivers and family caregivers at the county level; and

“(B) tools that provide caregivers and family caregivers with the ability to interact with each other for the purpose of fostering peer support and creating support networks.

“(e) INFORMATION AND OUTREACH.—(1) The Secretary shall conduct outreach to inform disabled veterans and the families of such veterans of the following:

“(A) Medical care, educational sessions, stipends, and other services available for caregivers and family caregivers under this chapter.

“(B) The ability of a family caregiver to be trained and certified by a home health care agency in order to be paid by such agency for providing caregiver services.

“(2) Outreach under this subsection shall include, at a minimum, the following:

“(A) Public service announcements.

“(B) Brochures and pamphlets.

“(C) Full use of Internet-based outreach methods, including such methods designed specifically for veterans and the families of such veterans who reside in rural areas.

“(3) With respect to a Department employee providing case management services (as defined in section 1720C(b)(2) of this title) to a disabled veteran, the Secretary shall ensure that such employee provides a caregiver or family caregiver of such veteran with information on the services described in subparagraphs (A) and (B) of paragraph (1).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting after the item related to section 1720F the following new item:

“1720G. Support services for caregivers and family caregivers.”.

(c) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary

shall submit to the Committee on Veterans' Affairs of the House of Representatives and the Committee on Veterans' Affairs of the Senate a plan for carrying out section 1720G of title 38, United States Code, as added by subsection (b) of this section.

(d) REPORTS.—Not later than 180 days after the date on which the plan is submitted under subsection (c), and annually thereafter for the following five years, the Secretary shall submit to the Committee on Veterans' Affairs of the House of Representatives and the Committee on Veterans' Affairs of the Senate a report describing the implementation of the plan.

SEC. 3. COUNSELING AND MENTAL HEALTH SERVICES FOR CAREGIVERS AND FAMILY CAREGIVERS.

(a) IN GENERAL.—Section 1782 of title 38, United States Code, is amended—

(1) in the section heading, by adding at the end the following: “, caregivers, and family caregivers”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “; or” and inserting a semicolon;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

“(2) a caregiver or family caregiver of a veteran; or”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by striking the item relating to section 1782 and inserting the following new item:

“1782. Counseling, training, and mental health services for immediate family members, caregivers, and family caregivers.”.

SEC. 4. RESPITE CARE TO ASSIST FAMILY CAREGIVERS.

Section 1720B of title 38, United States Code, is amended—

(1) in subsection (a), by striking “title.” and inserting “title or who receives care from a family caregiver.”; and

(2) by adding at the end the following new subsection:

“(d) In furnishing respite care services under this section, the Secretary shall ensure that such services—

“(1) fulfill the needs of the veteran receiving care (including 24-hour in-home respite care); and

“(2) are appropriate for the veteran with respect to the age of the veteran.”.

SEC. 5. MEDICAL CARE FOR FAMILY CAREGIVERS.

Section 1781 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by inserting “and” at the end; and

(C) by inserting after paragraph (3) the following new paragraph:

“(4) in accordance with subsection (e), a family caregiver.”;

(2) in the third sentence of subsection (b), by striking “dependent or survivor” and inserting “dependent, survivor, or family caregiver”; and

(3) by adding at the end the following new subsection:

“(e)(1) The Secretary shall provide medical care to a family caregiver under this section if the Secretary determines that the family caregiver is not entitled to care or services under a health-plan contract as defined under section 1725(f)(2) of this title (determined, in the case of a health-plan contract as defined in subsection (f)(2)(B) or (f)(2)(C) of such section, without regard to any requirement or limitation relating to eligibility for care or services from any department or agency of the United States).

“(2) In this subsection, a family caregiver is an individual who—

“(A) provides caregiver services to a veteran who—

“(i) was deployed in support of Operation Enduring Freedom or Operation Iraqi Freedom; and

“(ii) for purposes of this subsection, is determined by the Secretary—

“(I) to have a service-connected disability or illness that is severe;

“(II) to be in need of caregiver services, such that without such services, the veteran would require hospitalization, nursing home care, or other residential institutional care; and

“(III) based on an examination by a physician employed by the Department (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), to be unable to carry out the activities (including instrumental activities) of daily living;

“(B) with respect to such veteran, meets the definition of the term ‘family caregiver’ under section 1701(12) of this title; and

“(C) is designated by such veteran as the primary family caregiver for such veteran.

“(3) The authority of the Secretary to provide medical care to a family caregiver under this section shall expire on October 1, 2012.”.

SEC. 6. LODGING AND SUBSISTENCE FOR FAMILY CAREGIVERS.

Section 111(e) of title 38, United States Code, is amended—

(1) by striking “When” and inserting the following: “(1) Except as provided in paragraph (2), when”; and

(2) by adding at the end the following new paragraphs:

“(2) Without regard to whether a covered veteran entitled to mileage under this section requires an attendant in order to perform such travel, an attendant of such covered veteran may be allowed expenses of travel (including lodging and subsistence) upon the same basis as such veteran during—

“(A) the period of time in which such veteran is traveling to and from a treatment facility; and

“(B) the duration of the treatment episode for such veteran.

“(3) The Secretary may prescribe regulations to carry out this subsection. Such regulations may include provisions—

“(A) to limit the number of attendants that may receive expenses of travel under paragraph (2) for a single treatment episode of a covered veteran; and

“(B) to require such attendants to use certain travel services.

“(4) In this subsection, the term ‘covered veteran’ means a veteran who—

“(A) was deployed in support of Operation Enduring Freedom or Operation Iraqi Freedom; and

“(B) for purposes of this subsection, is determined by the Secretary—

“(i) to have a service-connected disability or illness that is severe;

“(ii) to be in need of caregiver services, such that without such services, the veteran would require hospitalization, nursing home care, or other residential institutional care; and

“(iii) based on an examination by a physician employed by the Department (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), to be unable to carry out the activities (including instrumental activities) of daily living.”.

SEC. 7. SURVEY ON CAREGIVERS AND FAMILY CAREGIVERS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, and

not less than once in each three-year period thereafter, the Secretary of Veterans Affairs shall design and conduct a survey of caregivers and family caregivers. In carrying out the survey, the Secretary shall collect the following information:

(1) The number of caregivers.
 (2) The number of family caregivers.
 (3) The number of veterans receiving caregiver services from caregivers and family caregivers, including the era in which each veteran served in the Armed Forces.

(4) The range of caregiver services provided by caregivers and family caregivers, including—
 (A) the average schedule of such services; and
 (B) the average amount of time a caregiver and family caregiver has spent providing such services.

(5) The average age of a caregiver and family caregiver.

(6) The health care coverage of caregivers and family caregivers, including the sources of such coverage.

(7) The employment status of caregivers and family caregivers.

(8) Incidents of significant life changes related to being a caregiver or family caregiver, including unemployment and disenrollment from a course of education.

(9) The number of family caregivers trained and certified through a home health care agency.

(10) Other information the Secretary considers appropriate.

(b) **SURVEY SAMPLE.**—In carrying out the survey required by subsection (a), the Secretary shall ensure that—

(1) a statistically representative sample of caregivers and family caregivers is included in the survey; and

(2) such sample covers veterans in each Veterans Integrated Service Network.

(c) **FINDINGS.**—The Secretary shall consider the findings of the survey when carrying out programs related to caregivers and family caregivers.

(d) **REPORTS.**—Not later than 180 days after the date on which each survey is completed, the Secretary shall submit to the Committee on Veterans' Affairs of the House of Representatives and the Committee on Veterans' Affairs of the Senate a report on caregivers and family caregivers. Each such report shall include—

(1) the findings of the survey required by subsection (a);

(2) a summary of the services made available to caregivers and family caregivers by the Secretary;

(3) the number of caregivers and family caregivers who receive such services;

(4) the cost to the Department of Veterans Affairs of providing each such service; and

(5) other information the Secretary considers appropriate.

(e) **DEFINITIONS.**—In this section:

(1) The term "caregiver" has the meaning given such term in section 1701(11) of title 38, United States Code, as added by section 2(a) of this Act.

(2) The term "family caregiver" has the meaning given such term in section 1701(12) of title 38, United States Code, as added by section 2(a) of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the chairman of the Health Subcommittee, Mr. MICHAUD of Maine, for introducing this bill.

I yield to him such time as he may consume to explain the bill since he spent so much time in doing this, and we really thank him so much for his work.

Mr. MICHAUD. I thank the chairman for yielding time to me. I also want to thank Ranking Member BUYER and the chairman for bringing this bill so quickly so we can take care of our caregivers. But I want also want to thank the staff on both the majority and minority sides. A lot of work went into this legislation to move it forward at the rapid pace that it was moved forward.

When our wounded heroes return home, there are many family members who step up to the role of a caregiver. In this effort these family caregivers often make great sacrifices, including giving up their job, delaying their education, or making other significant life-changing sacrifices in order to be by their loved one's side.

On June 4 of this year, the Health Subcommittee, with Ranking Member HENRY BROWN, we had a hearing to explore the needs of family caregivers of veterans. And based upon the findings of this hearing, I introduced H.R. 3155, the Caregiver Assistance and Resource Enhancement Act, otherwise known as the CARE Act.

The CARE Act requires the VA to train existing case managers of veterans so that they can inform caregivers of the benefits and assistance available to them.

Next, the CARE Act provides support services to family and nonfamily caregivers of veterans of all eras who are enrolled in the VA health care system.

□ 1445

Such services include educational sessions on how to better give caregivers the education and resources they need; a one-stop shop to support services through a dedicated caregivers Web site; and information and outreach. In addition, this bill provides caregivers with the counseling and mental health services to help cope with the stress of caregivers. The CARE Act also provides veterans with the respite care that meets their specific needs.

The CARE Act also provides a number of important benefits for caregivers of severely injured Iraq and Afghanistan veterans. Medical care and monthly financial stipends will be available to primary family caregivers. Lodging and sustenance payments will also be provided for those caregivers as well.

Finally, the CARE Act requires the VA to conduct a survey of caregivers so that we can better understand this population for future improvements in the program. It is one thing to pass legislation. It is the next thing to make sure that the legislation is implemented properly and that we revise that legislation to make it work smoothly.

I also would like to take a moment to recognize the leadership of Mrs. HALVORSON, Mr. TEAGUE and Mr. PERRIELLO. They are true advocates of caregivers, and their efforts are reflected in this bill. I want to thank my ranking member, Mr. BROWN, for all the hard work that Mr. BROWN and his staff did to make this bill a better bill and move it forward so we can vote on this here today.

I would urge my colleagues to join me in supporting H.R. 3155, so that we can begin to address the needs of the caregivers who are everyday heroes of our veterans.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

I think Mr. MICHAUD was correct in applauding the staff. I think on all these four bills that we should be applauding the staff for their timely efforts and their hard work to get this accomplished.

I rise in support of H.R. 3155, as amended, the Caregivers Assistance and Resource Enhancement Act of 2009. A family member or friend who serves as a caregiver in many cases drives the successful treatment and recovery of a severely wounded veteran or soldier. Yet those who care for their loved ones make sacrifices and can face difficulties in simply caring for their personal physical and mental health needs and financial well-being. So it is important that we reach out and make education, counseling and other support services available so the family caregiver can meet their own daily needs as well as the needs of the wounded warrior for whom they care.

H.R. 3155, as amended, would establish new programs, enhance services and coordinate services system-wide. Key components of the legislation would require the VA to provide more and better education using new technologies, expand mental health and respite care services and travel benefits for family caregivers.

Mr. Speaker, it also provides certain primary caregivers of very severely injured returning veterans from Iraq and Afghanistan with health insurance if they lost or don't have it, and a monthly personal allowance to mitigate financial problems that may occur.

The bill would also require the VA to conduct a national survey of veterans' family caregivers. This survey would be vital to helping us gain a better understanding of the needs and develop additional good policies to support family caregivers.

I want to commend the subcommittee chairman, MIKE MICHAUD, and subcommittee ranking member, HENRY BROWN, for their leadership and hard work in developing this bipartisan piece of legislation. This bill, as amended, would provide veterans' family caregivers with a strong, system-wide array of support to depend upon.

I urge my colleagues to support the bill, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. HALVORSON), one of the movers of this legislation.

Mrs. HALVORSON. Thank you, Mr. FILNER, for yielding. I also want to thank the chairman of the subcommittee, Mr. MICHAUD, for his leadership on this issue.

As an original cosponsor, I rise in strong support of this CARE Act, which, among other things, will provide the caregivers of our injured heroes access to a wide range of services. H.R. 3155 includes language from my bill, H.R. 2898, the Wounded Warrior Caregiver Assistance Act, which authorizes the VA to make supportive services available to our caregivers.

Specifically, the CARE Act provides counseling, better training and respite care for family caregivers. It makes sure that the VA conducts community outreach through PSAs and brochures and informational pamphlets. Finally, it helps caregivers locate resources for additional support from public, private and nonprofit agencies.

Having a stepson that was severely injured in Afghanistan, I have firsthand understanding of how important these support services are. H.R. 3155 will give family caregivers the tools and resources they need to provide the highest quality care to an injured son, daughter or spouse.

I would also like to take a moment to say thank you to caregivers across this Nation. Mothers, fathers, spouses and other family members are sacrificing their time, their energy and, in many cases, their futures to provide 24/7 health care for those who have fought to defend our Nation. For far too long, we have not provided them with the resources that they need to properly protect and care for our wounded warriors.

This bill will allow the VA to care for our caregivers, something that is long overdue. For these reasons, I strongly urge my colleagues to support the CARE Act.

Mr. STEARNS. Mr. Speaker, in closing, I would like to thank the chairman, as I have done earlier, Mr. FILNER, and STEVE BUYER, the ranking member, for their hard work in bringing this bill to the floor. I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly want to commend my colleague, the chief sponsor of this legislation, the gentleman from Maine, Mr. MICHAUD, for his leadership and sponsorship of this bill. I also want to thank the chairman of our Veterans

Affairs Committee, the gentleman from California, Chairman FILNER, Ranking Member BUYER, and also my friend from Florida, Mr. STEARNS, who is managing the other side of the aisle.

Mr. Speaker, this bill addresses the important question of who will provide continuing care for injured servicemen and servicewomen once they transition to veteran status.

Today, more servicemembers are surviving the wounds of war than those injured in previous conflicts. For example, the ratio of wounded to killed averaged approximately 1.7 wounded for every fatality for the first world wars. In Korea and Vietnam, the ratio improved to three wounded per fatality, largely due to air medical evacuation. In Operation Enduring Freedom and Operation Iraqi Freedom, improved body armor and superior battlefield medicine techniques have resulted in seven wounded per fatality.

The fact of the matter is, Mr. Speaker, there is a growing need to provide continuing care to those injured and wounded from recent conflicts once they reach veteran status. As a result, providing support and resources to those giving care to these wounded and injured veterans is of real concern.

Unfortunately, the Veterans Administration currently does not collect data that would enable us to assess the number of veterans currently under continuing care. More significantly, there is no data available to assess the number of caregivers, whether they be family members or other individuals. I believe this legislation provides for that right approach, and again thank the gentleman from Maine for his initiative in doing this bill.

This bill would require the VA to conduct a caregivers survey at least once every 3 years of individuals caring for veterans enrolled in the VA health care system and report back to Congress no later than 180 days after the date of which the survey has been completed.

Mr. Speaker, in essence this bill would improve the quality of treatment and care of our veterans. Specifically, this bill would create a new caregiver program in order to provide coordinated support services to those that are giving care to our veterans. Training would be made available to caregivers through the Veterans Administration. Pertinent information would be disseminated to make sure that the caregivers are aware and well informed of services and resources available to them. As a result, the bottom line, Mr. Speaker: Our veterans are provided the necessary care for their needs.

Again, I support the legislation. I urge my colleagues to support this bill.

Mr. FILNER. Mr. Speaker, again I thank the gentleman, Mr. FALEOMAVAEGA, for his support of these bills.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3155, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RODRIGUEZ. Mr. Speaker, I speak today on behalf of H.R. 3155, the Caregiver Assistance and Resource Enhancement Act—the CARE Act.

The nature of warfare is changing as is the economic requirements of American families. Thanks to advances in medical technology and our outstanding service men and women, more and more of our wounded warriors are surviving their injuries than ever before. At the same time more and more of our families must rely on dual incomes just to get by.

Some of our wounded, though they survived, must now receive full time care due to the extent of their injuries. That second income earner ends up having to quit their job or limit their hours in order to provide care for their loved one. The potential loss in earnings for these families, even with military medical retirement pensions and VA disability pensions, is often catastrophic. And on top of that, the families must navigate the system largely on their own, putting pieces together and connecting the dots by figuring out the right questions to ask.

This bill is a vital piece of legislation that will provide resources in a comprehensive program to engage those wounded warriors who require caregiver assistance and the family and friends who often serve as the caregiver.

This bill provides for mental health and counseling services for those caregivers and ensures health care coverage for those caregivers who may have lost their health care coverage when they gave up their job to care for their loved one.

This bill ensures that respite care is provided that is appropriate to the specific veteran's needs, including, if necessary, 24-hour in home respite care.

And this bill provides the authorization for the VA to provide a stipend to the caregivers to help compensate for their loss of income.

We owe it to our wounded warriors to ensure their care, and to ensure the care of those that sacrifice to care for them. We must pass this bill.

Mr. TEAGUE. Mr. Speaker, during the upcoming August recess, many of my colleagues and I will travel home to visit with constituents and speak with them about their problems and find ways in which we can help them. As is often the case, my constituents continue to inspire me with their willingness to take on hard challenges themselves and help their neighbors in need. Many veterans throughout my district often volunteer their time to drive fellow veterans to medical appointments even though the drive can last over 3 or 4 hours. It is a hardship that too many face and should be made easier.

That was why I introduced H.R. 2738, a bill that would direct the Secretary of the VA to reimburse family caregivers of disabled veterans

for travel expenses, including lodging and food, in connection with authorized VA treatment. Rural veteran face too many obstacles when seeking medical treatment, and I believe this legislation will make their lives a little easier while they seek the care that they were promised. I am very happy to note that the language contained in H.R. 2738 was included in H.R. 3155. H.R. 3155 includes many provisions that are necessary to assist not only veterans, but those that are caring for our wounded warriors. We made a lot of promises to our veterans, and it's about time we began to honor them. I hope that my colleagues will support this very important piece of legislation, and I urge its passage.

Mr. FILNER. Mr. Speaker, I would urge my colleagues' total support of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3155, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL PARK AND RECREATION MONTH

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 288) recognizing the importance of park and recreation facilities and expressing support for the designation of the month of July as "National Park and Recreation Month".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 288

Whereas public parks and recreation systems are dedicated to enhancing the quality of life for residents in communities around the country through recreation programming, leisure activities, and conservation efforts;

Whereas parks, recreation activities, and leisure experiences provide opportunities for young people to live, grow, and develop into contributing members of society; create lifelines and continuous life experience for older members of the community; generate opportunities for people to come together and experience a sense of community; and pay dividends to communities by attracting businesses, jobs, and increasing housing value;

Whereas parks and recreation services play a vital role in creating active and healthy communities, and the majority of older adults who visit parks report moderate or high levels of physical activity during their visit and 50 percent of older adults who participated in light to moderate aerobic park activity report being in a better mood after visiting parks;

Whereas parks and recreation facilities foster a variety of activities that contribute to a healthier United States, such as introducing injured military veterans and those

with physical disabilities to physical activity, mobilizing urban communities to use chronic disease prevention practices, working with local school systems to develop science-based curricula to educate children on nutrition and activity, connecting children with nature, and combating obesity in youth;

Whereas the creation of places for physical activity, combined with information outreach, produced a 48.4 percent increase in the frequency of physical activity;

Whereas more than 75 percent of United States citizens use park and recreation facilities to maintain fitness and to remain socially interactive, which are critical to maintaining community cohesion and pride;

Whereas community recreation programs at park and recreation facilities provide children with a safe refuge and a place to play, which helps to reduce at-risk behavior such as drug use and gang involvement;

Whereas 69 percent of the United States population believes in local park and recreation services, which supports the idea that such parks and services should be funded by taxes and user fees;

Whereas public parks and recreation facilities create enormous economic value through increased partnership, which improves the job base and the economic viability of the local economy, including business relocation and expansion in the community and increased tourism; and

Whereas parks and recreation facilities reduce fuel costs and commute times by providing a place close to home to relax, exercise, and reduce stress: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the great societal value of parks and recreation facilities and their importance in local communities across the United States;

(2) recognizes and honors the vital contributions of employees and volunteers in park and recreation facilities; and

(3) supports the designation of a "National Park and Recreation Month".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 288 was introduced by our colleague from Georgia, Representative JOHN BARROW, and would recognize July as National Park and Recreation Month. Federal, State, territorial, and local parks and recreation facilities across our Nation play a vital role in creating healthy communities. They improve our quality of life, they keep our children active and safe and connected with na-

ture, and they create economic opportunities by attracting businesses and jobs and increasing home values.

House Resolution 288 recognizes the importance of our valued parks and recreation facilities by encouraging the designation of a National Park and Recreation Month. I commend my colleague, Representative BARROW, for his diligent work on this resolution, and I ask my colleagues to support the passage of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution has been adequately explained by the gentlewoman from Guam. I would like to add that it is my hope that this resolution reminds the American people that public lands are theirs to fully enjoy.

Mr. BARROW. Mr. Speaker, I rise in support of H. Res. 288 designating the month of July as "National Park and Recreation Month".

State and local parks and recreation facilities play a vital role in stimulating our nation's economy, improving community health and wellness, enhancing quality of life, and safeguarding our nation's natural resources. The value of state and local parks and recreation facilities and their employees is undeniable, and I have no doubt that we're all enriched by the wonderful experiences they offer.

Park and recreation facilities aid in combating obesity and chronic disease epidemics; connect children with nature; provide opportunities for increased physical activities; and enhance the quality of life for injured military servicemembers and those with physical disabilities through therapeutic recreation.

As American families enjoy our summer season, I offer H. Res. 288 as a tribute to our state and local parks and their employees and I urge my colleagues to support it.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 288.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1500

WACO MAMMOTH NATIONAL
MONUMENT ESTABLISHMENT
ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1376) to authorize the Secretary

of the Interior to establish the Waco Mammoth National Monument in the State of Texas, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Waco Mammoth National Monument Establishment Act of 2009".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) The Waco Mammoth Site area is located near the confluence of the Brazos and the Bosque rivers in Central Texas, near the City of Waco.

(2) Baylor University has been investigating the site since 1978 after the discovery of bones emerging from eroding creek banks leading to the uncovering of portions of five mammoths.

(3) Several additional mammoth remains have been uncovered making this the largest known concentration of mammoths dying from the same event.

(4) The discoveries have received international attention.

(5) The University and the City of Waco have been working together to protect the site and to develop further research and educational opportunities.

SEC. 3. DEFINITIONS.

In this Act the following definitions apply:

(1) NATIONAL MONUMENT.—The term "national monument" means the Waco Mammoth National Monument, established in section 4.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) MAP.—The term "map" means the map titled "Proposed Boundary Waco-Mammoth National Monument", numbered T21/80,000, and dated April, 2009.

SEC. 4. WACO MAMMOTH NATIONAL MONUMENT, TEXAS.

(a) ESTABLISHMENT.—There is established the Waco Mammoth National Monument in the State of Texas, as a unit of the National Park System, as generally depicted on the map.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ADMINISTRATION OF NATIONAL MONUMENT.

(a) IN GENERAL.—The Secretary shall administer the national monument in accordance with this Act, the cooperative agreements described in this section, and laws and regulations generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1).

(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements for the management of the national monument with Baylor University and City of Waco, pursuant to the National Park Service General Authorities Act (16 U.S.C. 1a–2(1)).

SEC. 6. ACQUISITION OF PROPERTY AND BOUNDARY MANAGEMENT.

(a) ACQUISITION OF PROPERTY.—The Secretary is authorized to acquire from willing sellers lands, or interests in lands, within the proposed boundary of the national monument necessary for effective management.

(b) CONDITIONS.—Lands identified in subsection (a) may be acquired—

(1) by donation, purchase with donated or appropriated funds, transfer from another Federal agency, or by exchange; and

(2) in the case of lands owned by the State of Texas, or a political subdivision thereof, or Baylor University only by donation or exchange.

SEC. 7. CONSTRUCTION OF FACILITIES ON NON-FEDERAL LANDS.

(a) IN GENERAL.—The Secretary is authorized, subject to the appropriation of necessary funds, to construct essential administrative or visitor use facilities on non-Federal lands within the national monument.

(b) OTHER FUNDING.—In addition to the use of Federal funds authorized in subsection (a), the Secretary may use donated funds, property, and services to carry out this section.

SEC. 8. GENERAL MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than three years after the date on which funds are made available to carry out this Act, the Secretary, in consultation with Baylor University and City of Waco, shall prepare a management plan for the national monument.

(b) INCLUSIONS.—The management plan shall include, at a minimum—

(1) measures for the preservation of the resources of the national monument;

(2) requirements for the type and extent of development and use of the national monument;

(3) identification of visitor carrying capacities for national monument; and

(4) opportunities for involvement by Baylor University, the City of Waco, the State of Texas, and other local and national entities in the formulation of educational programs for the national monument and for developing and supporting the national monument.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 1376, introduced by our colleague CHET EDWARDS, will establish a new national monument to protect the burial site near Waco, Texas, of several herds of mammoths that appear to have died in one or more floods some 68,000 years ago. The 107th Congress authorized a study of the site, and H.R. 1376 implements the results of that study. Specifically, the bill provides that the 109-acre site be managed under a cooperative agreement among the National Park Service, Baylor University and the City of Waco. Representative EDWARDS has been a tireless advocate on behalf of the preservation and interpretation of this invaluable historic site. He is to be commended for his tireless efforts. I ask my colleagues to support the passage of this measure.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 1376 would designate a national monument in the middle of the city of Waco in Texas. I

do not necessarily oppose the designation, but I do oppose the legislation as it is written because it lacks language protecting the property rights on lands adjacent to the monument. The National Park Service has a history of interfering with the use of lands it does not own. During the committee markup, Congressman ROB BISHOP of Utah offered a commonsense amendment that limited the Park Service's control to the boundaries of the proposed monument and prohibited the Park Service from designating buffer zones on private lands. The chairman of the subcommittee opposed the amendment, stating that the concept of buffer zones did not exist and was nowhere to be found in law. However, a quick search of the Park Service's own Web site finds 78 references to buffer zones, including references in Federal law. The amendment that was offered by Mr. BISHOP was narrowly defeated by a 22–20 vote, largely along party lines. So without language protecting private landowners adjacent to the monument, which includes homeowners, farmers and, for that matter, even Baylor University, passing this legislation would be, in my view, irresponsible. This is not just a vague hypothetical concern. In the Park Service's own study, recommending the designation of the Waco monument, the issue of controlling neighboring lands through local zoning is specifically mentioned; and the door is left open for the Park Service to push for restrictions on adjacent private property. That's the part that concerns me with this legislation.

Mr. Speaker, I urge a "no" vote on H.R. 1376 until language is added protecting property rights in the buffer zone.

With that, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the sponsor of the bill, the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. I thank the gentlewoman from Guam.

Mr. Speaker, for over 60,000 years Mother Nature preserved a unique site in the world known as the Waco Mammoth Site. Now it is our responsibility to be good stewards of this historic site. Located in my hometown of Waco, Texas, the site represents the only recorded instance of a nursery herd of Pleistocene-era mammoths in the United States. It is the largest known concentration in North America and possibly the world of Pleistocene-era Columbian mammoths, dying from possibly the same event some 68,000 years ago.

According to the Department of the Interior, the Waco Mammoth Site is a national treasure. That is why, after an extensive study, it recommended that the site be designated a national monument and made a part of the National Park System. My bill, H.R. 1376, would

put into effect the Department of Interior recommendations. Specifically, the Waco Mammoth National Monument Establishment Act of 2009 will establish in Texas the Waco Mammoth National Monument as a unit within the National Park System. It would authorize the construction of administration and visitor use facilities on the site and instruct the Secretary of the Interior to prepare a management plan for the monument in consultation with Baylor University and the City of Waco. The National Park Service recommended that the most effective and efficient approach for ensuring the long-term protection of the site and maximizing opportunities for public enjoyment and education would be for the National Park Service to lead a partnership with the City of Waco and Baylor University. Under this arrangement, the National Park Service would take the lead responsibility for the protection, scientific study, and visitor enjoyment of the site while enlisting partners in this effort. The partners would take the responsibility for initiating additional recreational and educational opportunities at the site.

First discovered in 1978, the Waco Mammoth Site is a unique find of national and international importance. To date, 24 Columbian mammoths, including articulated skeletons, a giant tortoise and a camel, have been discovered; and the potential for future mammoth discoveries is high with research activities ongoing at the 109-acre site. It has become an area of significant study within the archaeological community and, as living history, has the capacity to serve as an educational resource for people of all ages for generations to come.

For nearly a decade, I have been proud to join with and support the efforts of the City of Waco, Baylor University and the Waco Mammoth Foundation to fulfill our dream of having the Waco Mammoth Site become a national monument, enjoying the ranks of American national monuments such as the Statue of Liberty. As with all positive accomplishments in life, this project has been a team effort. I especially want to salute the citizens of Waco for their vision, their dedication and generosity in supporting this project.

I can still remember, Mr. Speaker, my friend Sam Jack McGlasson standing in my driveway in the 1990s, telling me about this site for the very first time. While he and Liz are no longer with us, their vision and donation of land started us down this path over a decade ago, a path envisioned by them and former Baylor professor Calvin Smith. I remember Buddy Bostick, an early contributor to this project, telling me that we had a moral obligation to preserve for future generations what Mother Nature had protected for thousands of years. That led to my passing

legislation in 2002 to have a resource study done by the Department of Interior and to later passing \$400,000 in seed money for the project. When this project was bogged down a few years ago, I remember Pastor John Wood, my father-in-law, holding a meeting at his home which resulted in a renewed focus to get things moving forward. With the incredible leadership of Gloria Young, Waco's citizens raised over \$3 million of their own money to start building a permanent protective structure so that rains and floods would not ruin this site forever. Citizens such as Gloria and F.M. Young, Paul and Jane Meyer, Gayle Lacy, Tommye Lou Davis, Karla Leeper, Don Moes and others have given generously of their own time and their resources to protect this unique, historic site for the citizens of our country and the world. That is the kind of spirit of giving that makes me proud to call Waco my home.

This bill would not be on the House floor today were it not for the tremendous bipartisan efforts of so many. With apologies to anyone whose name I do not mention, I must especially thank and congratulate Waco Mayor Virginia DuPuy, City Manager Larry Groth and his staff, and Ellie Caston at Baylor University and everyone at Baylor who worked with her. Their efforts have been tireless over many years and instrumental to the project's success. Hardworking Federal employees, who often do not get thanked, deserve our gratitude for the role they have played in doing the Federal resource study. So thanks go to those at the National Park Service and the Department of the Interior for whom protecting special national resources is not a job but a labor of love. Last, but certainly not least, I want to express my appreciation to Natural Resources Committee Chairman NICK RAHALL and his ranking member, DOC HASTINGS, notwithstanding the legitimate principled question that he raised a minute ago, which I will address in just a moment. I also want to thank RAÚL GRIJALVA and ROB BISHOP, the chairman and ranking member of the National Parks, Forests and Public Lands Subcommittee. Without their support, this bill's passage would not be possible; and I thank them for protecting America's natural resources.

Mr. Speaker, what excites me the most is knowing that generations of school children will learn firsthand at the Waco Mammoth Site about science and natural history. It will be an outdoor classroom where children can discover the richness of God's world in which we all live. At this unique site in the world, they can find that learning can be fun and a life-long adventure. When children and parents of all ages visit Waco and see the bull mammoth desperately trying to push its calf above the raging storm waters 68,000 years ago, we will all be touched by

knowing that the power of parental instinct is a common bond of mankind and Mother Nature. For the benefit of future generations, I ask that my colleagues join with me in supporting H.R. 1376.

Mr. Speaker, since I was not fully aware of Mr. HASTINGS' principled questions about this, I would just add a comment or two about that. I have been a long-standing supporter of private property rights. That's why I think that the question he has raised is a very principled one. What I can say to the gentleman is that this has been supported by Democrats and Republicans; and to my knowledge, over a period of 10 years, along with the support of Baylor University and the City of Waco and our community leaders, there has not been a controversy about private property being encroached upon by this project. I would just say to the gentleman, if there is any way he could bring himself to support this bill, I would, in good faith before we move forward in the Senate, sit down with him and discuss how we could address this issue.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. EDWARDS of Texas. I would be glad to yield to the gentleman.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding. As I mentioned in my opening remarks, I have no problem with the designation. I thought you described it very, very well. You've heard those of us from the West talk about private property rights, like these things only happen in the western part of the United States. But examples like these where these buffer zones have infringed on priority property rights, as a matter of fact, have happened all over the United States, in Michigan, obviously in the West, and even in the Smoky Mountains here in the eastern part of the United States. I know the gentleman is sensitive to that. I was disappointed that the amendment failed by a very close margin. But the reason that was offered for why it didn't pass was because there is no precedence in law. In fact, there is precedence in law.

I suspect your legislation is going to pass on its merits, notwithstanding my opposition to it. But I would certainly advise the gentleman as this process moves forward to look at this very closely because this is not an isolated example. And I know that that would be an unintended consequence of what you intended with this, especially as I understand this legislation sitting in Waco.

Mr. EDWARDS of Texas. To respond, if I could say to the gentleman, again, I have worked consistently. I may not be from the West. I am from the Southwest, though, and private property rights are a fundamental value in my district. Again, I can assure the gentleman, I have worked for 10 years on

this project, again, with leading community leaders, elected officials at the city and county level, Judge Lewis and County Commissioners' Court even contributed \$100,000 of public money to this project along with the \$3 million in private money we raised. It's been on the front wages of the Waco newspaper for years. This is the first time I have heard about any potential controversy regarding a buffer zone.

I do respect and understand the gentleman's concern about national policy. Can I ask, have you heard from individuals from Waco in terms of specific concerns about this bill?

Mr. HASTINGS of Washington. If the gentleman would yield.

Mr. EDWARDS of Texas. I would be glad to.

Mr. HASTINGS of Washington. No. I have to say, I have not. Now having said that, there may be somebody on the staff that has. I can tell the gentleman that I have not heard specifically on this. But I just want to point out, there are examples of this in other parts of the country. Again, something that was not anticipated but, in fact, there was an infringement on those private property rights.

Mr. EDWARDS of Texas. I will just say, Mr. Speaker, I respect the gentleman's questions. I certainly respect his concerns about protecting private property rights. I would just urge my colleagues—with respect to the questions he has raised—I would urge them because of the decade-long support and in my community—and this site is in my district—the broad bipartisan support for this bill, the many reasons I have mentioned in my floor statement why this bill needs to become law, and the sooner the better. Mother Nature has protected this for over 60,000 years. There is risk of rains and—well, we're in the middle of a drought right now. Sometimes we have counties with drought and flood relief requests in at the same time. A massive flood in this area could put the entire project and all of its treasures at risk. I would plead with the gentleman, to either himself or his colleagues, to find a way to support this bill and let's find a way to work together, which I would be glad to do as this bill goes to the Senate.

□ 1515

Mr. HASTINGS of Washington. I just want to make the point that this bill was marked up in July and, as I mentioned in my opening statement, there was an amendment that was offered, so the issue has been known. But like I say, this Member has not heard directly from people in Waco, but maybe others have. But again, I was talking in a larger sense, because we've seen examples of this in other parts of the country.

So I thank the gentleman for yielding.

Mr. EDWARDS of Texas. I thank the gentleman again for his principled questions raised. I look forward to working with him. I would just ask my colleagues, both Republican and Democratic alike, since this bill is on the suspension calendar today and requires a super majority to pass, I'd ask my colleagues to respect the wishes of the citizens of my hometown of Waco who've worked on a completely bipartisan and nonpartisan basis for over a decade and been looking forward to this bill passing today.

And my commitment to the gentleman will be to work in good faith as this bill goes to the Senate to try to address, if there are local concerns in our areas about buffer zones and protecting private property rights, I'd welcome partnering with the gentleman for that purpose.

Mr. HASTINGS of Washington. Mr. Speaker, again, I yield myself as much time as I may consume.

I've talked about this and it is a legitimate concern.

And so I would inquire of the gentleman from Guam if she has anymore speakers.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time, and I would inquire of the minority whether they have any additional speakers.

Mr. HASTINGS of Washington. If there are no more requests for time, Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1376, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

BLUE RIDGE PARKWAY AND TOWN OF BLOWING ROCK LAND EXCHANGE ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1121) to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 1121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TOWN.—The term "Town" means the Town of Blowing Rock in the State of North Carolina.

(3) MAP.—The term "map" means the National Park Service map titled "Blue Ridge Parkway, Proposed Land Exchange with Town of Blowing Rock", numbered "601/90,000A", and dated "April, 2008".

(4) EXCHANGE.—The term "exchange" means the exchange of land authorized by section 3(a).

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—Subject to subsection (d), the Secretary may exchange approximately 20 acres of land within the boundary of the Blue Ridge Parkway that are generally depicted on the map as "Blowing Rock Reservoir", for approximately 192 acres of land owned by the Town that are generally depicted on the map as "Town of Blowing Rock Exchange Lands".

(b) MAP AVAILABILITY.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) TIMING.—The Secretary shall seek to complete the land exchange not later than three years after the date of the enactment of this Act.

(d) APPLICABLE LAWS; TERMS AND CONDITIONS.—The exchange shall be subject to—

(1) laws, regulations, and policies applicable to exchanges of land administered by the National Park Service, including those concerning land appraisals, equalization of values, and environmental compliance; and

(2) such terms and conditions as the Secretary considers appropriate.

(e) EQUALIZATION OF VALUES.—If the lands proposed for exchange are found to be not equal in value, the equalization of values may be achieved by adjusting the acreage amounts identified in subsection (a).

(f) BOUNDARY ADJUSTMENT.—Upon completion of the exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to reflect the exchanged lands.

(g) ADMINISTRATION.—Lands acquired by the Secretary through the exchange shall be administered as part of the Blue Ridge Parkway in accordance with all applicable laws and regulations.

(h) FUTURE DISPOSITION OF PROPERTY.—If the Town desires to dispose of the reservoir property that is the subject of the exchange, the Secretary shall have the right of first refusal to acquire the property for the Blue Ridge Parkway.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 1121 is sponsored by our colleague Representative VIRGINIA FOXX of North Carolina. The bill authorizes the exchange of approximately 192 acres of land owned by the Town of Blowing Rock, North Carolina, for roughly 20 acres of land within the Blue Ridge Parkway, a unit of the National Park System. Both the town and the National Park Service support this exchange. All applicable laws and policy regarding environmental compliance and equalization of values will be followed.

This is a good bill, Mr. Speaker, that resolves a longstanding management issue for both parties, so I ask my colleagues to support the passage of this measure.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the reservoir that supplies the water to Blowing Rock, North Carolina, is on land that was donated to the Blue Ridge Parkway over 50 years ago. After the Park Service acquired the land, the reservoir continued to operate under an informal agreement until recently when the National Park Service decided to require an annual special use permit for the site and imposed water rights fees. The Park Service pronouncement means that the town faced the prospect of renting its longstanding sole source of water 1 year at a time and being charged for the water.

So I want to compliment Dr. FOXX for this legislative solution to the problem. Her bill will allow Blowing Rock to own and manage its 20-acre municipal water supply, rather than accessing it through the Park Service permitting process.

I must say, though, that I am dismayed because of the price extracted by the National Park Service because it forced the town to come up with 192 acres in exchange for 20. I think that is a bad ratio. Nevertheless, I support this legislation. I think it's a good piece of legislation.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield as much time as she may consume to the author of this legislation, the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I want to thank my colleague from Washington and my colleague from Guam for bringing my bill forward, and I especially want to thank the committee for bringing H.R. 1121, the Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act forward for consideration.

This is noncontroversial, bipartisan legislation, which is recognized by the North Carolina delegation as essential to the Blue Ridge Parkway's vital tourism industry and the town of Blowing Rock's access to public drinking water. My two colleagues have done a phenomenal job of explaining the need for this legislation and the fact that it is noncontroversial and very, very positive legislation.

In recent years, the North Carolina mountain region has experienced remarkable population growth and increased tourism, increasing the need for a reliable water supply in the towns like Blowing Rock. A testament to its importance in the region, this legislation is cosponsored by the entire North Carolina delegation.

I urge my colleagues to support this important legislation and again thank the committee for bringing it to the floor for consideration.

This land exchange will ensure an adequate public drinking water supply for the Town's citizens, guests and Parkway travelers. The Town's economy is heavily based on tourism generated primarily by the Blue Ridge Parkway. With thousands of annual visitors, the transfer will benefit the town's residents and the many North Carolinians who visit Blowing Rock each year.

The Blue Ridge Parkway and the Town of Blowing Rock have had a long, successful relationship and history of working together in order to serve their constituencies. This land exchange will continue to provide demonstrable benefits to both parties and the region.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. HASTINGS of Washington. Mr. Speaker, I have no more requests for time, and so I'll yield back my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1121, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SOUTHERN SEA OTTER RECOVERY AND RESEARCH ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 556) to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Sea Otter Recovery and Research Act".

SEC. 2. SOUTHERN SEA OTTER RECOVERY AND RESEARCH PROGRAM.

(a) *IN GENERAL.*—The Secretary of the Interior, acting through the United States Fish and Wildlife Service and the United States Geological Survey, shall carry out a recovery and research program for southern sea otter populations along the coast of California, informed by the prioritized research recommendations of the Final Revised Recovery Plan for the southern sea otter (*Enhydra lutris nereis*) published by the United States Fish and Wildlife Service and dated February 24, 2003, the Research Plan for California Sea Otter Recovery issued by the United States Fish and Wildlife Service Southern Sea Otter Recovery Implementation Team and dated March 2, 2007, and any other recovery, research, or conservation plan adopted by the United States Fish and Wildlife Service after the date of enactment of this Act in accordance with otherwise applicable law. The Recovery and Research Program shall include the following:

(1) *Monitoring, analysis, and assessment of southern sea otter population demographics, health, causes of mortality, and life history parameters, including range-wide population surveys.*

(2) *Development and implementation of measures to reduce or eliminate potential factors limiting southern sea otter populations that are related to marine ecosystem health or human activities.*

(b) *REAPPOINTMENT OF RECOVERY IMPLEMENTATION TEAM.*—Not later than one year after the date of enactment of this Act, the Secretary shall appoint persons to a southern sea otter recovery implementation team as authorized under section 4(f)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)(2)).

(c) *SOUTHERN SEA OTTER RESEARCH AND RECOVERY GRANTS.*—

(1) *GRANT AUTHORITY.*—The Secretary shall establish a peer-reviewed, merit-based process to award competitive grants for research regarding southern sea otters and for projects assisting the recovery of southern sea otter populations.

(2) *PEER REVIEW PANEL.*—The Secretary shall establish as necessary a peer review panel to provide scientific advice and guidance to prioritize proposals for grants under this subsection.

(3) *RESEARCH GRANT SUBJECTS.*—Research funded with grants under this subsection shall be in accordance with the research recommendations of any plan referred to in subsection (a), and may include the following topics:

(A) *Causes of sea otter mortality.*

(B) *Southern sea otter demographics and natural history.*

(C) *Effects and sources of pollutants, nutrients, and toxicants on southern sea otters and sequestration of contaminants.*

(D) *Effects and sources of infectious diseases and parasites affecting southern sea otters.*

(E) Limitations on the availability of food resources for southern sea otters and the impacts of food limitation on southern sea otter carrying capacity.

(F) Interactions between southern sea otters and coastal fisheries and other human activities in the marine environment.

(G) Assessment of the keystone ecological role of sea otters in southern and central California's coastal marine ecosystems, including both the direct and indirect effects of sea otter predation, especially as these effects influence human welfare, resource utilization, and ecosystem services.

(H) Assessment of the adequacy of emergency response and contingency plans.

(4) **RECOVERY PROJECT SUBJECTS.**—Recovery projects funded with grants under this subsection shall be conducted in accordance with recovery recommendations of any plan referred to in subsection (a), and may include projects to—

(A) protect and recover southern sea otters;

(B) reduce, mitigate, or eliminate potential factors limiting southern sea otter populations that are related to human activities, including projects to—

(i) reduce, mitigate, or eliminate factors contributing to mortality, adversely affecting health, or restricting distribution and abundance; and

(ii) reduce, mitigate, or eliminate factors that harm or reduce the quality of southern sea otter habitat or the health of coastal marine ecosystems; and

(C) implement emergency response and contingency plans.

(d) **REPORT.**—The Secretary shall—

(1) within 12 months after the date of enactment of this Act, report to Congress on—

(A) the status of southern sea otter populations;

(B) implementation of the Recovery and Research Program and the grant program; and

(C) any relevant formal consultations conducted under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) with respect to the southern sea otter; and

(2) within 24 months after the date of enactment of this Act and every 5 years thereafter, and in consultation with a southern sea otter recovery implementation team (if any) that is otherwise being utilized by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)), report to Congress and the public on—

(A) an evaluation of southern sea otter health, causes of southern sea otter mortality, and the interactions of southern sea otters with California's coastal marine ecosystems;

(B) an evaluation of actions taken to improve southern sea otter health, reduce southern sea otter mortality, and improve southern sea otter habitat;

(C) recommendation for actions, pursuant to current law, to improve southern sea otter health, reduce the occurrence of human-related mortality, and improve the health of such coastal marine ecosystems; and

(D) recommendations for funding to carry out this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) **RECOVERY AND RESEARCH PROGRAM.**—The term “Recovery and Research Program” means the recovery and research program under section 2(a).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the United States Fish and Wildlife Service and the United States Geological Survey.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Secretary to carry out this

Act \$5,000,000 for each of fiscal years 2010 through 2015 of which—

(1) no less than 30 percent shall be for research grants under section 2(c)(3); and

(2) no less than 30 percent shall be for recovery projects under section 2(c)(4).

(b) **ADMINISTRATIVE EXPENSES.**—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 7 percent to pay the administrative expenses necessary to carry out this Act.

SEC. 5. TERMINATION.

This Act shall have no force or effect on and after the date the Secretary (as that term is used in section 4(c)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(2))) publishes a determination that the southern sea otter should be removed from the lists published under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, growth of the southern sea otter population has been slow over the last decade because of high mortality rates. Otters die from many causes, including disease and parasites, malnutrition and entanglement in fishing gear. Additional action is needed to ensure the recovery of these animals is a success.

H.R. 556, introduced by our colleague Congressman SAM FARR of California, would direct the U.S. Fish and Wildlife Service to implement a program that would address the decline of the southern sea otter by looking at health, mortality, and life history parameters, develop measures to reduce factors impacting marine ecosystems, health and human activities that limit sea otter populations, and to do so in accordance with consensus recommendations made by the Service's published Southern Sea Otter Recovery Plan.

H.R. 556 has been substantially revised since it was introduced, largely to address concerns of coastal fishing interests. The bill also benefited from further changes to streamline the recovery and research grant program and clarify its scope as it advanced through the committee process.

H.R. 556 is necessary to provide a stable and reliable source of funding for critically needed research, monitoring, and implementation of recovery actions. Its provisions would apply directly to southern sea otters, but because these otters are a keystone and a sentinel species, H.R. 556 would also

benefit the California coastal ecosystem as a whole.

So I urge Members, Mr. Speaker, to support the bill and reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 556, a bill which will take a threatened species and place its management needs above others, even if those species are in danger of becoming extinct.

The U.S. Fish and Wildlife Service is the agency with management over the southern sea otter and most other animals listed as endangered or threatened under the Endangered Species Act. The Service should be afforded the opportunity to make its own determination on how best to use Endangered Species Act recovery funds.

Mr. Speaker, I don't believe Congress should get into the habit of promoting one species' needs over other more endangered species. We should let the management agency do its job, guided by the Endangered Species Act.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, the southern sea otters are a keystone species, as the chairwoman pointed out. That means that if they break the chain, the whole ecological system falls apart. And essentially, what you find in the oceans are the sea urchins are kind of like the snails of the ocean. They eat the seaweed. And if the sea urchins go unchecked, you'll clearcut the oceans and have no habitat for all the fish and other things that live in the kelp beds.

So the sea otters, by eating urchins—and frankly, we have a big urchin industry in California as well—have been compatible for years and years. The problem we have with the southern sea otters is that it's a remarkable recovery, and it's a tribute to Federal law that listed them, because they were less than 100 animals, and now they're up to about 2,000.

But guess what? They're not growing and there are less than there were a few years ago. So there is something happening to this species that nobody can understand. And that's why you need specific legislation to try to get—as the bill points out, it's a research bill.

And I want to point out to the ranking member, Mr. HASTINGS, that where he pointed out that we shouldn't have these management sort of by single caveat, although we have done, in law, the African Elephant, the Bald and the Golden Eagle—and I know those are important to you in your district—the Tule Elk Preservation Act, the Fur Seal Act, the Crown of Thorns Starfish Act, the North Pacific Halibut Act, the Salmon Conservation Act, and the Atlantic Striped Bass Conservation; those

are just 8 which I could quickly find, and I'm sure there's a lot more.

I think that the crisis here of the sea otter, and, frankly, it's a big economic issue, too, because those of us who live along the central coast of California, it is a big draw for tourism, and that's why the Monterey Bay Aquarium, their single-most looked at and visited exhibit is the sea otters.

So this bill came about with a lot of work from a lot of organizations. There's 13 organizations that have gone in support of this bill and brought these issues to us, including the Defenders of Wildlife, Friends of the Sea Otter, The Humane Society of the United States, the Marine Conservation Biology Institute, the Natural Resources Defense Counsel, Oceana, and many others, and they represent about 14 million members.

So I'm pleased that we were able to work out this bill with the committee and bring it to the floor and hopefully get it adopted so that we can figure out why this canary species, if the sea otters are dying, then something else is happening that is very keen to the coastal and near-shore environment that affects the well-being of mankind.

□ 1530

So I would appreciate your support on this bill. It is important to good science and to the preservation of our marine ecosystem.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

Mrs. CAPPS. Mr. Speaker, I rise today to express my support for H.R. 556, the Southern Sea Otter Recovery and Research Act.

I want to thank my neighbor, SAM FARR, for introducing this legislation, which I have co-sponsored. We both represent districts that are home to the southern sea otter, and so this topic is of great concern to me and my constituents.

Sea otters on the California coast are dying. A recent study by the U.S. Geological Survey found that otter populations are down 3.8 percent from last year, the fastest decline since the 1990s.

We need to act, and we need to act now.

Scientists believe that these elevated mortality rates are linked to water pollution, but continued research is needed to clearly understand the pathways of diseases and to learn how to protect the sea otter. And we need to take concrete action to recover the population.

H.R. 556 requires the Fish and Wildlife Service, in conjunction with the U.S. Geological Survey, to carry out just such a research and recovery program.

This program requires monitoring, analysis, and assessment of population health and mortality, and directs the agencies to find ways to reduce or eliminate those factors that might be causing the decline in sea otter populations.

The health of Central California's marine ecosystem and economy depends in large part on the health of the sea otter.

Sea otters are keystone species and economic drivers. By foraging on sea urchins they

help to maintain a lively kelp forest environment. Kelp forests, in turn, influence oceanographic patterns, ensure a healthy habitat for many commercially important fish species, and provide countless recreational opportunities. As a symbol of California, sea otters also bring in droves of tourists who want to nature watch and purchase merchandise.

This bill is not just about preserving one species, but about preserving an ecosystem, an economy, and a way of life. In these uncertain times, we must fight to preserve all that we can. The science is clear; the sea otters need our help. And, quite frankly, we need theirs.

I urge all of my colleagues to vote in support of H.R. 556.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 556, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MARINE TURTLE CONSERVATION REAUTHORIZATION ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 509) to reauthorize the Marine Turtle Conservation Act of 2004, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Turtle Conservation Reauthorization Act of 2009".

SEC. 2. AMENDMENTS TO PROVISIONS PRE- VENTING FUNDING OF PROJECTS IN THE UNITED STATES.

(a) IN GENERAL.—The Marine Turtle Conservation Act of 2004 is amended—

(1) in section 2(b) (16 U.S.C. 6601(b)), by striking "in foreign countries";

(2) in section 3(2) (16 U.S.C. 6602(2))—

(A) in the matter preceding subparagraph (A), by striking "in foreign countries"; and

(B) in subparagraph (D), by striking "of foreign countries"; and

(3) in section 4 (16 U.S.C. 6603)—

(A) in subsection (b)(1)(A), by inserting "State or" before "foreign country"; and

(B) in subsection (d), by striking "in foreign countries".

(b) STATE DEFINED.—Section 3 of such Act (16 U.S.C. 6602) is amended by adding at the end the following new paragraph:

"(7) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe."

SEC. 3. LIMITATIONS ON EXPENDITURES.

Section 5(b) of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6604(b)) is amended—

(1) in paragraph (2), by striking "\$80,000" and inserting "\$150,000"; and

(2) by adding at the end the following new paragraph:

"(3) LIMITATION ON PROJECTS IN THE UNITED STATES.—Not more than 20 percent of the amounts made available from the Fund for any fiscal year may be used for projects relating to the conservation of marine turtles in the United States."

SEC. 4. REAUTHORIZATION OF THE MARINE TURTLE CONSERVATION ACT OF 2004.

Section 7 of the Marine Turtle Conservation Act of 2004 (16 U. S. C. 6606) is amended by striking "each of fiscal years 2005 through 2009" and inserting "each of fiscal years 2009 through 2014".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, marine sea turtles are threatened by intentional and accidental capture in fisheries, by the destruction of essential nesting habitat through coastal development, by the poaching of eggs, meat and shells, by the entanglement in marine debris, by ship strikes, and by ocean pollution.

The Marine Turtle Conservation Reauthorization Act of 2009, introduced by my friend and ranking member, Mr. BROWN of South Carolina, provides a simple extension of an existing program which helps enhance our conservation of marine turtle species. While progress has been made, the status of these turtle species remains tenuous, justifying the need to reauthorize this act.

So I ask my colleagues, Members on both sides of the aisle, to support its passage.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Speaker, H.R. 509, which was introduced by the gentleman from South

Carolina (Mr. BROWN), a member of the resources committee, will extend the authority of the Secretary of the Interior to issue conservation grants to assist highly endangered marine sea turtles.

Under this measure, the authorization of appropriations is extended an additional 5 years at existing funding levels. Since 2004, 78 conservation projects have been approved to assist the imperiled green, hawksbill, leatherback, loggerhead, and Olive Ridley marine sea turtles. These projects are making a real difference in the ongoing struggle to save these species.

I urge an "aye" vote on H.R. 509. Again, I want to compliment my friend and colleague from South Carolina, Mr. BROWN.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, in closing, I support this bill to restore and to protect marine sea turtles, and I urge Members to support both the turtles and the otters.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 509, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONGRATULATING LOUISIANA STATE UNIVERSITY BASEBALL TEAM

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 616) congratulating the Louisiana State University baseball team for winning the 2009 National Collegiate Athletic Association Division I College World Series.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 616

Whereas, on June 24, 2009, the Louisiana State University Tigers baseball team completed a remarkable season, winning the 2009 National Collegiate Athletic Association Division I College World Series Championship at the Rosenblatt Stadium in Omaha, Nebraska, by defeating the top ranked University of Texas Longhorns, 11-4;

Whereas the success of the team was a direct result of the talent and resolve of every

player on the Louisiana State University Tigers baseball team, including Buzzy Haydel, Jared Mitchell, Chad Jones, Derek Helenihi, Leon Landry, Grant Dozar, Mikie Mahtook, Wet Delatte, Ryan Byrd, Tyler Hanover, Austin Ross, Sean Ochinko, Ryan Schimpf, DJ LeMahieu, Nicholas Pontiff, Shane Riedie, Johnny Dishon, Matty Ott, Anthony Ranaudo, Daniel Bradshaw, Randy Zeigler, Beau Didier, Louis Coleman, Chris Matulis, Chris McGhee, Micah Gibbs, Blake Dean, Austin Nola, Jordan Nicholson, Nolan Cain, Paul Bertuccini, Ben Alsup, Kevin Farnsworth, and Spencer Mathews;

Whereas the Louisiana State University Tigers baseball team's title run included winning 15 of the final 16 games and hitting 13 home runs in 6 College World Series games while averaging more than 8 runs throughout the postseason;

Whereas the Louisiana State University baseball team completed the year with a 56-17 record, including a 5-1 record in the Southeastern Conference tournament, a 3-0 record in the Regional tournament, a 2-0 record in the Super Regional contest, and a 5-1 record in the College World Series;

Whereas the 2009 College World Series Championship represents the sixth National Championship for the Louisiana State University Tigers baseball team;

Whereas the Louisiana State University Tigers baseball team is 6-0 in winner-take-all national championship games;

Whereas this victory marks the second time the Louisiana State University Tigers baseball team has won the Southeastern Conference regular season title, the SEC tournament title, and the national title in the same year;

Whereas coach Paul Mainieri successfully led the Louisiana State University Tigers baseball team back to national prominence in only his third year as head coach;

Whereas Jared Mitchell was named Most Outstanding Player of the College World Series, after hitting .347 with 2 home runs, 7 RBI, two doubles, and a triple;

Whereas Chad Jones and Jared Mitchell became the first 2 players to win a BCS football championship and a College World Series; and

Whereas Louisiana State University's national championship spotlights one of the Nation's premier State universities, which is committed to academic and athletic excellence: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Louisiana State University Tigers baseball team for winning the 2009 College World Series;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Louisiana State University baseball team during the 2009 baseball season;

(3) congratulates the citizens of Louisiana, the Louisiana State University community, and fans of Tiger baseball; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Louisiana State University for appropriate display and distribution to the coaches and members of the 2009 Louisiana State University baseball team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Louisiana (Mr. CASSIDY) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to revise and extend their remarks and to insert extraneous material on H. Res. 616 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. I yield myself such time as I may consume.

Mr. Speaker, I rise today to congratulate the Louisiana State University baseball team for their victory in the 2009 NCAA Division I tournament.

On June 24, the LSU Tigers captured the university's sixth national baseball championship with an impressive 11-4 victory over the talented University of Texas Longhorns. This decisive victory over the Texas Longhorns in the third game of a three-game series marked the first baseball championship for the Tigers since 2000.

We want to congratulate the coaches, the fans and the supporters of the LSU Tigers in this dramatic victory. They were rated number one going into the season, third when the tournament began; and they pulled a dramatic victory.

I must emphasize that LSU is not only an athletic powerhouse, but this university is also a premiere academic institution. They offer bachelor's, master's, doctoral, and professional degrees. The school enrolls over 26,000 students, including more than 1,400 international students and over 4,000 graduate students. LSU graduates elite athletes, renowned scholars, and famous elected officials who are changing the world as we know it.

Mr. Speaker, once again, I congratulate Louisiana State University. I want to thank Representative CASSIDY for bringing the resolution forward. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. CASSIDY. I thank my colleague from Arizona.

Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 616, congratulating the Louisiana State University baseball team for winning the 2009 National Collegiate Athletic Association Division I College World Series.

Louisiana State University, LSU, was founded in 1853. Its first academic session began in 1860. As of the spring of 2009, LSU's enrollment is more than 26,000 students, including more than 1,400 international students and over 4,000 graduate students. LSU includes 10 senior colleges and schools; and since its first commencement in 1869, the university has awarded nearly 200,000 degrees. LSU has more than 300 student organizations on campus and is widely known for its successful athletic program.

The Louisiana State University Tigers have won 45 national sports championships, including five in baseball, three in football, and 25 in women's track and field. Since 1986, LSU's baseball has been considered an elite program in college baseball, making 15 College World Series appearances and winning six national championships. The team was founded in 1895, and it played a total of four games that first season. The Tigers won their first national championship in 1991; and most recently, they were crowned national champions for the sixth time.

The 2009 LSU Tigers baseball team was led to national victory by Coach Paul Mainieri. The team traveled to Omaha, Nebraska, for the NCAA College World Series after sweeping Southern University, Baylor University, and the University of Minnesota in the regional championship and Rice University in the Super Regional Championship.

In the NCAA Division I College World Series, the LSU Tigers faced the Texas Longhorns in the finals after winning victories over the Virginia Cavaliers and the Arkansas Razorbacks. The LSU Tigers took the national title after a grueling three-game series against the Texas Longhorns. LSU finished their season 56-17. The team's athletic ability, determination, and Coach Paul Mainieri's leadership led the LSU Tigers baseball team to their first national championship victory since the year 2000.

As a graduate of both LSU and of the LSU Medical School, I am honored to stand before the House today to congratulate and to recognize the significant achievements of the players, coaches and students, whose dedication and hard work have led to the success of the LSU baseball program as the 2009 NCAA Division I College World Series national champions.

I ask my colleagues to support the resolution.

Geaux (go) Tigers.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I would inquire of my colleague, Mr. CASSIDY, if he has any additional speakers.

Mr. CASSIDY. I do.

Mr. GRIJALVA. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CASSIDY. I yield to the gentleman from Louisiana, my colleague, Dr. Boustany.

Mr. BOUSTANY. Mr. Speaker, I rise today in support of House Resolution 616, congratulating the Louisiana State University baseball team for winning the 2009 National Collegiate Athletic Association Division I baseball national championship.

I want to thank my friend, Congressman BILL CASSIDY, for sponsoring this resolution and for yielding time to me as well. I also want to thank the Education and Labor Committee for bringing it to the floor.

On June 24, the LSU Tigers defeated the top-seeded University of Texas Longhorns 11-4 in the third and final game of the College World Series to achieve their sixth national championship in baseball.

In only his third year as head coach, Paul Mainieri led the Tigers back into the national spotlight. The series was sealed by an amazing performance from Jared Mitchell, who was named Most Outstanding Player of the series and who was a first-round pick in the 2009 Major League Baseball draft. Mitchell and fan favorite, pitcher Chad Jones, became the first two athletes to win both a College World Series and a BCS football national championship.

Mr. Speaker, I am especially proud of two players from my district. First of all, there is my cousin Mikie Mahtook. Mikie lost his dad when he was about 6 years old. His dad was also a very well-known college athlete at LSU, and Mikie has turned out to be a great young man. He was SEC All-Freshman outfielder. He is from Lafayette, my hometown.

I also want to congratulate Spencer Matthews from Lake Charles, also in my district.

This season, Mikie Mahtook gave an excellent performance in the outfield in addition to batting .450 with 13 home runs, 45 RBIs, 25 stolen bases, and multiple clutch hits, most notably in game 1 of the championship series.

Spencer recently represented the Thomasville Hi-Toms in the Coastal Plain League All-Star game, a wooden bat summer league for college players in Wilmington, North Carolina. He pitched a scoreless fifth inning in the game, allowing no hits and striking out two batters. Both student athletes are tremendous assets to the team and to southwest Louisiana.

Mr. Speaker, we must not forget that, foremost, these student athletes perform just as hard in the classroom as they do on the baseball field. I am proud to announce that 11 members of this national championship team were placed on the 2009 Southeastern Conference Spring Academic Honor Roll. Each student athlete must have at least a 3.0 grade point average to be recognized.

This championship is very special to the Louisiana State University system and to my great State of Louisiana. It is my honor to recognize Coach Paul Mainieri and the 2009 LSU Tigers baseball team for all of its accomplishments this season and for bringing home the College World Series title.

I also want to commend the families of these players, coaches and support staff and the very loyal, very vocal LSU baseball fans who have come to recognize Omaha as a home away from home.

I now ask my colleagues to support this resolution.

Geaux (go) Tigers.

Mr. CASSIDY. I reserve the balance of my time.

Mr. GRIJALVA. We have, I believe, no further speakers. I reserve the balance of my time.

Mr. CASSIDY. I yield 2 minutes to my colleague, the gentleman from Louisiana, Congressman SCALISE.

□ 1545

Mr. SCALISE. I thank my colleague from Baton Rouge for yielding me 2 minutes, and it's also good to follow up my colleague from Lafayette rising in support of this resolution commending the 2009 LSU Tigers for their national championship winning the College World Series.

As a proud alumnus of LSU, I was very excited to see them regain the prominence that they had under Skip Burtman, who won five national championship College World Series during his tenure as the head coach, probably one of the greatest baseball coaches in the history of college baseball. And now to have turned the program over to Paul Maneri, who just in his third year won the national title, winning this College World Series in Omaha, a place that many people from Baton Rouge and fans of LSU all throughout the country enjoy going to, and enjoy celebrating national championships like now. They did with the sixth national championship, making them number two behind all college teams in the history of college baseball.

So there were a number of notable achievements. Of course, you've got to congratulate the coaches and the players, and the entire LSU community for what they've done, but there were some distinctions. Chad Jones and Jared Mitchell became the first two teammates who actually won a BCS national championship being on the 2007 football national championship team and also being on the team that won the College World Series. So some notable achievements there. And the entire LSU faculty, of course. The LSU program generates hundreds of thousands of dollars that go back to the academic programs and the great academics at LSU as well.

So, again, I thank my colleague. I'm proud to cosponsor this resolution, and I urge all of my colleagues to support it.

Geaux (go) Tigers.

Mr. CASSIDY. I yield back the balance of my time.

Mr. GRIJALVA. I yield back the balance of our time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 616.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CASSIDY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY AMENDMENTS ACT OF 2009

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1035) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009".

SEC. 2. SHORT TITLE.

Section 1 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 note; Public Law 102-259) is amended to read as follows:

"SEC. 1. SHORT TITLE.

"This Act may be cited as the 'Morris K. Udall and Stewart L. Udall Foundation Act'."

SEC. 3. FINDINGS.

Section 3 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) the Foundation—

"(A) since 1995, has operated exceptional scholarship, internship, and fellowship programs for areas of study related to the environment and Native American tribal policy and health care;

"(B) since 1999, has provided valuable environmental conflict resolution services and leadership through the United States Institute for Environmental Conflict Resolution; and

"(C) is committed to continue making a substantial contribution toward public policy in the future by—

"(i) playing a significant role in developing the next generation of environmental and Native American leaders; and

"(ii) working with current leaders to improve decisionmaking on—

"(I) challenging environmental, energy, and related economic problems; and

"(II) tribal governance and economic issues;

"(6) Stewart L. Udall, as a member of Congress, Secretary of the Interior, environmental lawyer, and author, has provided distinguished national leadership in environmental and Native American policy for more than 50 years;

"(7) as Secretary of the Interior from 1961 to 1969, Stewart L. Udall oversaw the creation of 4 national parks, 6 national monuments, 8 national seashores and lakeshores, 9 recreation areas, 20 historic sites, and 56 wildlife refuges; and

"(8) it is fitting that the leadership and vision of Stewart L. Udall in the areas of environmental and Native American policy be jointly honored with that of Morris K. Udall through the foundation bearing the Udall name."

SEC. 4. DEFINITIONS.

Section 4 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5602) is amended—

(1) in paragraph (1), by striking "Morris K. Udall Scholarship and Excellence in National Environmental Policy";

(2) in paragraph (5), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall"; and

(3) in paragraph (9), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall".

SEC. 5. ESTABLISHMENT OF FOUNDATION.

Section 5 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5603) is amended—

(1) in the section heading, by striking "SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY" and inserting "AND STEWART L. UDALL";

(2) in subsection (a), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall"; and

(3) in subsection (f)(2), by striking "the rate specified for employees in level IV of the Executive Schedule under section 5315 of title 5, United States Code" and inserting "a rate determined by the Board in accordance with section 5383 of title 5, United States Code".

SEC. 6. AUTHORITY OF FOUNDATION.

Section 7 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5605) is amended—

(1) in subsection (a)(5)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following:

"(E) to conduct training, research, and other activities under section 6(7)."; and

(2) by striking subsection (b) and inserting the following:

"(b) UDALL SCHOLARS.—Recipients of scholarships, fellowships, and internships under this Act shall be known as 'Udall Scholars', 'Udall Fellows', and 'Udall Interns', respectively."

SEC. 7. ESTABLISHMENT OF TRUST FUND.

Section 8 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5606) is amended—

(1) in the section heading, by striking "SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY" and inserting "AND STEWART L. UDALL"; and

(2) in subsection (a), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall".

SEC. 8. EXPENDITURES AND AUDIT OF TRUST FUND.

Section 9(a) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607(a)) is amended by inserting before the period at the end the following: "including a reasonable amount for official reception and representation expenses, as determined by the Board, not to exceed \$5,000 for a fiscal year".

SEC. 9. USE OF INSTITUTE BY FEDERAL AGENCY OR OTHER ENTITY.

Section 11 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607b) is amended by adding at the end the following:

"(f) AGENCY MANAGEMENT OR CONTROL.—Use of the Foundation or Institute to provide independent and impartial assessment, mediation, or other dispute or conflict resolution under this section shall not be considered to be the establishment or use of an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.)."

SEC. 10. ADMINISTRATIVE PROVISIONS.

Section 12(a) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5608(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) appoint such personnel as may be necessary to carry out the provisions of this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

"(B) fix the compensation of the personnel appointed under subparagraph (A) at a rate not to exceed the maximum rate for employees in grade GS-15 of the General Schedule under section 5332 of title 5, United States Code, except that up to 4 employees (in addition to the Executive Director under section 5(f)(2)) may be paid at a rate determined by the Board in accordance with section 5383 of that title.";

(2) in paragraph (6), by striking "and" at the end;

(3) by redesignating paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) the following:

"(7) to rent office space in the District of Columbia or its environs; and".

(5) by inserting after paragraph (8) the following:

"(9) to rent office space in the District of Columbia or its environs; and".

(6) by inserting after paragraph (9) the following:

"(10) to rent office space in the District of Columbia or its environs; and".

(7) to rent office space in the District of Columbia or its environs; and".

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5609) is amended—

(1) in subsection (a), by striking "is authorized to be appropriated to the Trust Fund \$40,000,000" and inserting "are authorized to be appropriated to the Trust Fund such sums as are necessary"; and

(2) by striking subsection (b) and inserting the following:

"(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 10(a) such sums as are necessary for the operating costs of the Institute."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Louisiana (Mr. CASSIDY) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 1035 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. I rise in support of H.R. 1035, a bill that enhances the Morris K. Udall Foundation and honors the life of Stewart Udall.

The Morris K. Udall Foundation is an independent Federal agency based in Tucson, Arizona, which operates exceptional educational programs focused on developing leadership on environmental and Native American issues. It also includes the U.S. Institute for Environmental Conflict Resolution, the only program within the Federal Government focused entirely on preventing, managing, and resolving Federal environmental conflicts.

The legislation today will enhance the foundation's programs and operations and at the same time honor one of the greatest public servants and conservationists in history, Stewart L. Udall, by adding his name to the foundation with that of his late brother, Morris K. Udall.

The Udall Foundation was established by Congress in 1992. Initially the foundation's mission was to provide educational opportunities for studies related to the environment and Native American tribal policy and health care. In 1998, Congress amended the Udall Foundation in enabling legislation to add a new mission: resolving conflicts related to environment, natural resources and public lands through services including mediation, facilitation and training.

The work of the Udall Foundation has become even more important today as the Nation seeks long-term responses to climate change, sustainable energy supplies, and a sustainable economy for all Americans.

Through the education programs, the Udall Foundation identifies and educates tomorrow's leaders that are critical to the energy, climate change, and economic issues facing this country.

The programs include a premier scholarship and doctoral fellowship program for studies related to the environment; a scholarship for Native Americans studying tribal policy and health care; the Native American Congressional Internship program, which brings gifted undergraduate and graduate students to Congress to work in our office and with agencies throughout the Federal Government; the Native American Nation's Institute for Leadership and Management, which trains and educates tribal leaders on the changing role and how to apply research and how indigenous people can meet the practical challenges of nation building; and the Park and Focus Program, which connects underserved youth to nature through the art of photography, instilling a new and lasting long-term understanding and appreciation of our public lands.

It's appropriate for Congress to provide solid support for the Udall Foundation's important programs through this legislation, while simultaneously recognizing the unsurpassed contributions of Stewart L. Udall by adding his name to the foundation's title.

Stewart Udall served in this House of Congress with distinction from 1955, representing an area that included what is now my district, until he was appointed Secretary of the Interior in 1961 by President John F. Kennedy. As Secretary of Interior, Stewart Udall had an unmatched record of environmental leadership overseeing the creation of four national parks, six national monuments, eight national seashores and lakeshores, nine recreation areas, 20 historic sites, and 56 wildlife refuges. He continued to make substantial contributions to environmental and Native American policy as a lawyer and author following his tenure.

I urge passage of H.R. 1035.

I reserve the balance of my time.

Mr. CASSIDY. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of H.R. 1035, a bill that amends the Morris K. Udall Scholarship and Excellence in National and Environmental Policy Act.

The Morris K. Udall Foundation was created by Congress in 1992 to honor Mr. Udall's 30 years in public service. The Foundation was created to help educate new generations to protect the environment. The Foundation works to increase the awareness of our Nation's natural resources, foster a greater recognition and understanding of the role of the environment in the development of our Nation, and through the U.S. Institute for Environmental Conflict Resolution provide mediation and other services to resolve environmental disputes involving Federal agencies.

The Foundation operates several educational programs. The Morris K. Udall scholarship program awards approximately 80 merit-based scholarships at about \$5,000 each year. It also supports about 12 Native Americans or Alaskan Natives every summer for a 10-week, bipartisan congressional internship program. Finally, the Foundation supports two fellows every year in a doctoral program whose research focuses on environmental policy.

The bill before us today continues the work of the Foundation by making some administrative changes, and more importantly, adding another member of the Udall family to the name of the Foundation by changing the name of the Foundation to the Morris K. Udall and Stewart L. Udall Foundation.

Like his brother Morris, Stewart also spent his life serving the Nation. He was elected to Congress in 1954 and served from 1955 to 1961, when he left to serve as President John F. Kennedy's Secretary of the Interior. He continued in that post until 1969, when he re-

turned to the private sector, always working to protect the environment and our Nation's heritage.

Mr. Stewart Udall is almost 90 years old, and adding his name to the Foundation is a fitting tribute to him and his family's services to the Nation. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I am pleased to recognize the chairman of the Education and Labor Committee, the gentleman from California (Mr. GEORGE MILLER) for as much time as he may consume.

Mr. GEORGE MILLER of California. I thank the gentleman from Arizona for yielding this time, and I rise in very strong support of H.R. 1035, which honors the life of Stewart L. Udall, a selfless public servant, by making improvements to the Morris K. Udall Foundation's programs and operations, and also adds his name to that of the name of his brother, Morris Udall, on the Foundation.

Stewart Udall was born and raised in St. John's, Arizona, along with his brother Morris, and as a young man, Stewart left his studies at the University of Arizona to pursue 2 years of work as a Mormon missionary in both New York and Pennsylvania. He also served his country in World War II as a gunner in Europe, and he traveled back to Tucson to acquire a law degree and open a successful law firm with his brother.

As was recounted already by my colleagues, he was elected to Congress in 1954 and served both on the Interior Committee and on the Committee on Education and Labor. During the 85th Congress, Stewart also served on the Joint Committee on the Navajo-Hopi Indian Administration, a conflict that lasted much longer than his term in the Congress of the United States.

I don't want to recount all of the things that my colleagues have said, but clearly during his time in Congress he was very active on these committees, and President Kennedy recognized his leadership on the issues of the environment and stewardship of our public lands and nominated him to be Secretary of the Interior, as Mr. GRIJALVA pointed out. He was one of our most successful Secretaries of the Interior, not just in leadership, but also in what he was able to accomplish in working with the Congress in the establishment of seashores and national monuments and lakeshores and recreational areas across our country that are so valuable to our local communities and to our local economies.

And after leaving Congress, he continued and continues today to be actively involved in public policy around environmental issues and working very hard, as does the Foundation, on environmental conflict resolution.

This is an effort by the Congress, and I think a wonderful effort by the Congress, to recognize the contributions of

Stewart Udall and his brother, Morris Udall—who I served with in the Congress, was my chairman on the Resources Committee. And really, the recognition of a family that has contributed so much to public service.

And I would hope that my colleagues would give this resolution resounding support on behalf of Mo Udall, Stewart Udall, and the Udall family—and what public service means to all of us in this country.

I thank the gentleman (Mr. GRIJALVA) for yielding me this time.

Mr. CASSIDY. I continue to reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I am pleased to recognize the gentleman from American Samoa (Mr. FALEOMAVAEGA) for 3 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly want to thank the gentleman from Arizona, the chairman of our National Parks Subcommittee, for his leadership and sponsorship of this bill. And I certainly want to associate myself with the comments made earlier by our colleague and former chairman of our House Resources Committee, and currently chairman of the Education and Labor Committee, Congressman MILLER, for his comments and commending this legislation to the extent that when you mentioned the name “Udall,” it resonates very well in the State of Arizona, which I’m sure my good chairman will always realize that.

I say this with a sense of a tremendous feeling about the Udall family as an early Mormon pioneer family who settled what is now Arizona and the tremendous contributions that these brothers have made to our Nation’s environmental issues. How ironic it is from a Western State that you have two dynamic leaders that have shown real leadership in protecting our Nation’s environment and all of this, and you think that it comes only from those who want to develop our resources, rather than also looking at the environmental issues as just as important.

Ironically, too, the fact that Stewart Udall’s son currently serves as U.S. Senator from the State of Colorado—and I think I’m getting myself mixed up here. There are so many Udalls going around here that even I get confused. Stewart Udall’s son, who is TOM, is currently the U.S. Senator from New Mexico, and Mo Udall’s son, MARK, is currently the U.S. Senator from Colorado.

□ 1600

But again, Mr. Speaker, I do want to commend my good friend, the gentleman from Arizona, for his sponsorship of this bill, and I urge my colleagues to pass this legislation, especially the tremendous help that it gives to students of the Native American community in our country.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I am pleased to recognize my good friend, the gentleman from Arizona (Mr. MITCHELL), for 3 minutes.

Mr. MITCHELL. Mr. Speaker, I rise in support of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act, H.R. 1035.

Congress established the Morris K. Udall Foundation in 1992 to focus on critical environmental issues, provide resources to train Native American professionals in health care and public policy, and resolve environmental disputes involving Federal agencies to the U.S. Institute of Environmental Conflict Resolution.

Under this measure, the Morris K. Udall Scholarship will also honor Stewart Udall. We can all certainly learn a lot from both Mo and Stu Udall. The Udall brothers were not only prominent U.S. politicians from the great State of Arizona, they were also dedicated public servants.

As a teacher for 29 years, I used to tell my students, when you name something after someone significant, whether it’s a park, a school, or a scholarship, this not only honors that person, but it also is meant to set an example. Stu Udall has served the local communities in Arizona, as well as the entire Nation.

From serving in the United States Army Air Corps, to representing the local education community as the school board president of Amphitheater Public Schools, to representing his constituents as a United States Congressman, to serving as Secretary of the Interior under Presidents Kennedy and Johnson, Stu Udall has truly set an example for all of what public service means.

It is my hope that recipients of this scholarship will honor Stu Udall and his legacy by also engaging in a life of public service.

I urge my colleagues to support this measure.

Mr. GRIJALVA. Mr. Speaker, I have no further speakers, and I continue to reserve.

Mr. CASSIDY. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, in closing, let me urge my colleagues to support H.R. 1035. It is a solid acknowledgement of two great Americans that contributed much to this country, and their public policy legacy is obvious and known to all. But I think one thing that they contributed—and I think it is important in our times to remember that as political figures and as public figures they contributed civility to the discourse and they contributed humor to the discourse.

They brought integrity into their decisionmaking, and they were about bridging political differences and not

exploiting them. I think that is the kind of legacy that bodes well for all of us that are in public service, and something that not all of us, including myself, mirror all the time.

I come from a region in which the Udall family is part and parcel of the history, the accomplishments, and the legacy of that region. And so with great pride and with sincere hopes that the House will support this, I urge passage of H.R. 1035.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1035.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CASSIDY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING NONCOMMISSIONED OFFICERS OF THE U.S. ARMY

Mr. MARSHALL. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 44) recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 44

Whereas the Noncommissioned Officer ranks, namely corporals and sergeants, date back more than 230 years in United States Army history, beginning with the birth of the Continental Army in 1775 and highlighted in the westward expansion of the United States, the Civil War, World War I, World War II, the Korean Conflict, the Vietnam Conflict, the liberation of Kuwait, and the current Global War on Terror;

Whereas Noncommissioned Officers are accomplished military professionals who have combined civilian and military education opportunities to become the Army’s preeminent body of leadership;

Whereas Noncommissioned Officers are the “backbone of the American Army” and are the standard keepers for the Army in the training, leading, coaching, and mentoring of soldiers;

Whereas Noncommissioned Officers have provided invaluable service and have made great sacrifices in the line of duty, a virtue held most high, and they have continually proven their dedication and a willingness to make great sacrifices on behalf of the United States;

Whereas Noncommissioned Officers recognize their role in training young soldiers to become future leaders, and they also recognize that an important part of their job is caring and looking out for the welfare of junior enlisted members and their families;

Whereas Noncommissioned Officers are the “eyes and ears” of the commander, and have a well-earned reputation for having operational and strategic awareness to interpret and issue orders as necessary within their duties and in the absence of commissioned officers; and

Whereas the United States Army is an institution rich in cultural, ethnic, and gender diversity, and Noncommissioned Officers are outstanding role models for all Americans and are exemplary representatives of the moral character and strength of the United States; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) recognizes the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army;

(2) expresses its deepest appreciation to the Noncommissioned Officers of the Army who serve or have served in defense of the United States; and

(3) encourages the people of the United States to recognize, commemorate, and honor the role and contribution of Noncommissioned Officers, past and present, in defense of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. MARSHALL) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. MARSHALL. Mr. Speaker, let me first ask that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MARSHALL. Mr. Speaker, earlier this year, the Chief and the Secretary of the Army declared this year to be the “Year of the NCO” within the United States Army. Chairman SKELTON would be here today to handle this motion but for the fact that he is at Walter Reed Hospital visiting a constituent who has been injured in service to the country in Iraq or Afghanistan.

Mr. Speaker, the NCO, the noncommissioned officer, is often described as the backbone of the Army. The NCO is also described as the eyes and ears of the commander. I was an NCO in Vietnam myself, a little bit young compared to the NCOs we have today, too wet behind the ears to really be a good NCO because a really good NCO is not just backbone and eyes and ears, a really good NCO is a teacher, a leader, almost a father or a mother to the young soldiers that work in the unit that that NCO is in charge of.

NCOs not only train those soldiers, guide those soldiers, try and instill in

those soldiers a real spirit of what it is like to be a soldier, what it is like to be a good human being, instilling values, courage, teaching, training, techniques, you name it, but in addition to that, good NCOs do the same thing for young officers, instilling in young officers the kind of experience and wisdom that young officers need to gain as they mature.

NCOs are essentially foremen. They are superintendents. Without NCOs—and we have had them for over 230 years—this Army would not be what it is today. There is no question about that. They serve with honor. In today’s Army, they sacrifice a great deal, both themselves and their families.

There are many examples of courage under fire by NCOs. Over 100 Medal of Honor winners are NCOs in the United States from the United States Army. And I can’t think of a more fitting tribute, in light of the fact that the Secretary and Chief have declared this to be the Year of the NCO, than that all of us vote in favor of this motion which honors our NCOs in the United States Army.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I rise in strong support of House Joint Resolution 44, honoring the noncommissioned officers in the United States Army. I thank Congressman IKE SKELTON, the chairman of the House Armed Services Committee, for introducing this legislation.

No one has better expressed the reason for this resolution than the current Sergeant Major of the Army, Kenneth Preston. In his view, “Today’s NCO Corps is a standard bearer of one of the Army’s greatest success stories, the All-Volunteer Force, and serves as a role model for armies of the world to emulate.”

I fully agree with the Sergeant Major’s statement. Along with my colleague, Mr. MARSHALL of Georgia, I, too, am an Army veteran, and in my own 31-year experience in the Army National Guard and Reserve, noncommissioned officers were indispensable to the accomplishment of the missions we undertook. This is true of NCOs across all branches of the military.

One of my four sons serving today in the military, a Navy doctor, has been so impressed by the leadership and professionalism exhibited by the NCOs with whom he serves that he recommended that I invite one of their children to work as an intern in our office, who is present with us today. Todd O’Brien is the son of Master Chief Petty Officer Tadeo O’Brien. Master Chief O’Brien supports the U.S. Navy SEALs as an independent duty corpsman in the Naval Special Warfare Logistical Support Medical Group 2 at

Naval Amphibious Base Little Creek, Virginia.

While he serves in a different military branch, he shares the values of service, honor, integrity, and courage common to all professional noncommissioned officers.

The Army is adaptable and successful on the battlefield because the corporals and sergeants have the training, education, professionalism, and operational and strategic awareness to interpret and issue orders as necessary within their duties and in the absence of commissioned officers.

The all-volunteer Army has been able to sustain itself through 8 years of war in two fronts because of corporals and sergeants who have made great personal sacrifices in the global war against terrorism.

Moreover, the noncommissioned officers of the Army have not only trained future leaders, both officer and enlisted, but they have also gone to extraordinary lengths to ensure the welfare of junior enlisted personnel and their families.

In recognition of the current and historical contributions, sacrifices, leadership, and professionalism of its noncommissioned officers, the Army has designated 2009 as the “Year of the NCO.” This resolution is part of that effort to honor the corporals and sergeants who are the backbone of the Army.

I would urge all Members to vote “yes” on this resolution as one way of expressing their deepest appreciation for the NCOs who are serving and have served.

I would also urge that each one of us, as we go home to our districts and meet with our constituents, take the time to explain what a magnificent Army this Nation has, especially because of the men and women who call themselves NCOs.

Madam Speaker, I reserve the balance of my time.

Mr. MARSHALL. Madam Speaker, I appreciate the words of my friend from South Carolina (Mr. WILSON). As he noted, he was an officer, a commissioned officer, and who better than a commissioned officer to testify to the importance of noncommissioned officers to the proper functioning of the Army. Frankly, the Army could not function with commissioned officers alone. Noncommissioned officers are more than just the backbone of the Army.

Madam Speaker, I would like to yield such time as he may consume to a fellow NCO from Vietnam, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Madam Speaker, as a fellow NCO, my colleague, the gentleman from Georgia, and also my good friend, Mr. WILSON from South Carolina, I rise today to draw my colleagues’ attention to

House Joint Resolution 44, an act that would recognize the valiant efforts and heroism of the noncommissioned officers of the United States Army.

I would like to commend Chairman SKELTON for his introduction and leadership and sponsorship of this bill, a token of appreciation for those who serve to protect our Nation and our ideals of freedom.

The noncommissioned officer rank has a long and rich history in the United States Army, originating with the Continental Army in 1775. The most visible leaders of the service, the noncommissioned officers have been the backbone of the Army for more than 230 years.

Often referred to as the “eyes and ears” of a commander, noncommissioned officers are not only sought after for their advice and guidance, but they are the standard keepers of the service, dedicated to the upholding of the Army’s and our country’s values. Responsible for the training of the Army’s future leaders, the noncommissioned officer is integral in executing any given mission of the service.

Madam Speaker, from my own little district of American Samoa, and as a fellow American Samoan, I am very proud to share this little bit of news with my colleagues here in the House today.

Just a few weeks ago, a fellow Samoan, Command Sergeant Major Iuniasolua Savusa, a ranger in the 101st Airborne, was recently selected by Admiral Timothy Keating as the Senior Enlisted Leader of the U.S. Army Pacific Command, or PACOM. In other words, the Command Sergeant Major of all the U.S.; not just Army, but the entire unified military command under the Pacific Command currently in Hawaii led by Admiral Keating.

This command was established in 1947 by President Truman and is considered the largest of the United States’ unified commands and consists of approximately 250,000 military personnel. Command Sergeant Major Savusa has a long and substantial career in the U.S. Army. He has served overseas all throughout Europe and was instrumental in the initial incursion of Baghdad in Operation Iraqi Freedom, former Command Sergeant Major U.S. Army Europe, and also Former Command Sergeant Major U.S. Army Central Command.

Command Sergeant Major Savusa is an example of the *Toa o Samoa*, or many of the Samoan soldiers who are enlisted and have served in the many branches of the Armed Forces.

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I would like to take this opportunity to recognize Command Sergeant Major Ace Vimoto; Command Sergeant Major Charles Tobin; Chief Warrant Officer 5 Kokolua Yandall; Command Sergeant

Major Falaniko, retired; and Chief Warrant Officer 5 Save Liuato Tuitele for their contributions to our military.

I must pay a special tribute to Command Sergeant Majors Vimoto and Falaniko for they both had sons who enlisted in the Army and have given the ultimate sacrifice to our country. The son of Command Sergeant Major Falaniko, Private First Class Jonathan Falaniko, was killed in Iraq; while the son of Command Sergeant Major Vimoto, Private First Class Timothy Ray Vimoto, was killed in Afghanistan. We must honor these fathers and sons for their selfless sacrifice and the sacrifice they have made in the protection of our freedoms.

I cannot express the immense pride I have in those who persevere daily to protect the freedom and integrity of the United States. Noncommissioned officers of the United States Army are perhaps the most visible embodiment of the moral character and strength of the U.S. Army.

I would like to remind my colleagues that this recognition by Congress is the least that can be done to express a deserved gratitude of those who have served and those who continue to serve in our Army today.

With that, Madam Speaker, I again commend my good friends for their management of this legislation, and I urge my colleagues to support this bill.

Mr. WILSON of South Carolina. Madam Speaker, I reserve the balance of my time.

Mr. MARSHALL. Madam Speaker, as I think about the significance of this resolution, I am reminded of Sergeant First Class Victor Anderson. Sergeant First Class Victor Anderson from Andersonville, Georgia, was a Sumter County Sheriff’s deputy when called to duty as part of the 48th Brigade of the Georgia Army National Guard in Iraq. He was disqualified because of diabetes; nonetheless, he fought his disqualification because he knew he needed to be with his soldiers. He knew that if he was with his soldiers, they were more likely to be successful. They were more likely to be safe.

About 1 week before he was killed by an IED, some of his men were killed by an IED right in front of him, and he sent an email back to his family; and in that email he essentially said this: I do not fight for some ideology. I fight for that man to my left and that man to my right. They are men of their word. When called, they did not run. They came and did their duty. I had to also. Don’t worry about me.

Victor Anderson represents the kind of quality that we have in our Armed Forces in sergeants, and I just bless every one of them and thank them for their service.

Madam Speaker, at this point I have no further requests for time, and I continue to reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Speaker, it is an honor for me to be on the floor today with Congressman MARSHALL, with Delegate FALEOMAVAEGA, two veterans themselves who could tell firsthand heartfelt indication of their appreciation of NCOs.

I come from the State of South Carolina. The State flag of South Carolina is a recognition of the significance of the NCOs to our independence and freedom. This flag of South Carolina has a palmetto tree on the flag. It recognizes the Battle of Fort Moultrie on Sullivan’s Island. The British fleet attacked the fort. The soft palmetto logs, the cannonballs hit the logs and bounced off or absorbed. At the same time, they did knock down the American flag. And at that time Sergeant William Jasper had the courage to raise the flag back up, indicating to the British that they were not going to be successful. The British fleet withdrew.

The flag of South Carolina has a palmetto tree. It also has a crescent. The crescent indicated the rank of a sergeant during the American Revolution on the helmet. So we, the State of South Carolina, are forever grateful for what NCOs have meant, and forever in perpetuity we appreciate what H.J. Res. 44 means.

Mr. SKELTON. Madam Speaker, I rise to support of House Joint Resolution 44, which I introduced on April 29, 2009. This resolution honors the service and sacrifice of our Army’s Noncommissioned Officers.

As the chairman of the House Armed Services Committee, I am privileged to be joined here today by a number of my colleagues in the House to recognize the service, sacrifice, professionalism and commitment of all those who serve and have served our Nation as Noncommissioned Officers in the United States Army.

Our Nation’s Noncommissioned Officers are unlike any other in the world. While many consider them the backbone of the force, I believe they are really the soul of the force. Not only do they provide the leadership, training and mentoring of junior enlisted personnel, but they also are responsible for the development and guidance of our junior officers as well. The responsibilities that an Army Noncommissioned Officer carries are vast, but they often carry out their responsibilities with little fanfare and official recognition. This resolution seeks to acknowledge their contributions, particularly over the last eight years of conflict.

The history of the Army Noncommissioned Officer began with the birth of the Continental Army in 1775. The first Sergeant Major of the Army was Sergeant Major Willion O. Wooldridge. Since then, there have been 13 Sergeant Majors of the Army, and the currently serving Sergeant Major is Kenneth O. Preston. He is the highest ranking Noncommissioned Officer in the United States Army.

Army Noncommissioned Officers live by the NCO Creed, which was written in 1974, and adopted officially by the Army in 1985. The Creed reads:

No one is more professional than I. I am a Noncommissioned Officer, a leader of soldiers. As a Noncommissioned Officer, I realize that I am a member of a time honored corps, which is known as "The Backbone of the Army." I am proud of the Corps of Noncommissioned Officers and will at all times conduct myself so as to bring credit upon the Corps, the Military Service and my country regardless of the situation in which I find myself. I will not use my grade or position to attain pleasure, profit or personal safety.

Competence is my watchword. My two basic responsibilities will always be uppermost in my mind—accomplishment of my mission and the welfare of my soldiers. I will strive to remain technically and tactically proficient. I am aware of my role as a Noncommissioned Officer. I will fulfill my responsibilities inherent in that role. All soldiers are entitled to outstanding leadership; I will provide that leadership. I know my soldiers and I will always place their needs above my own. I will communicate consistently with my soldiers and never leave them uninformed. I will be fair and impartial when recommending both rewards and punishments.

Officers of my unit will have maximum time to accomplish their duties; they will not have to accomplish mine. I will earn their respect and confidence as well as that of my soldiers. I will be loyal to those with whom I serve; seniors, peers and subordinates alike. I will exercise initiatives by taking appropriate action in absence of orders. I will not compromise my integrity, nor my moral courage. I will not forget, nor will I allow my comrades to forget that we are professionals, Noncommissioned Officers, leaders!

The creed of the Noncommissioned Officer of the United States Army captures the essence of how these individuals live their daily lives. I am honored to have introduced this resolution and I urge my colleagues to join me in support of House Joint Resolution 44 to commend the service of the Army's Noncommissioned Officers.

Mr. WILSON of South Carolina. Madam Speaker, I yield back the balance of my time.

Mr. MARSHALL. Madam Speaker, I yield back the balance of my time, urging all of my colleagues to vote in favor of this resolution.

The SPEAKER pro tempore (Ms. MARKEY of Colorado). The question is on the motion offered by the gentleman from Georgia (Mr. MARSHALL) that the House suspend the rules and pass the joint resolution, H.J. Res. 44.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WILSON of South Carolina. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING 50TH ANNIVERSARY OF HAWAII STATEHOOD

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 593) recognizing and celebrating the 50th Anniversary of the entry of Hawaii into the Union as the 50th State, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 593

Whereas August 21, 2009, marks the 50th Anniversary of President Dwight D. Eisenhower's signing of Proclamation 3309, which admitted Hawaii into the Union in compliance with the Hawaii Admission Act, enacted by the United States Congress on March 18, 1959;

Whereas Hawaii is "a place like no other, with a people like no other" and bridges the mainland United States to the Asia-Pacific region;

Whereas the 44th President of the United States, Barack Obama, was born in Hawaii on August 4, 1961;

Whereas Hawaii has contributed to the diversity of Congress in electing—

(1) the first Native Hawaiian to serve in Congress, Prince Jonah Kuhio Kalaniana'ole;

(2) the first Asian-American to serve in the Senate, Hiram Fong;

(3) the first woman of color to serve in Congress, Patsy T. Mink;

(4) the first Native Hawaiian to serve in the Senate, Daniel Kahikina Akaka; and

(5) the first Japanese-American to serve in the Senate, Daniel Ken Inouye;

Whereas Hawaii is an example to the rest of the world of unity and positive race relations;

Whereas Pearl Harbor is a strategic military base for the U.S. in the Pacific and also a historical site for the Nation, being the location of the December 7, 1941, surprise Japanese aerial attack that thrust the Nation into World War II;

Whereas Hawaii is home to ¼ of the endangered species in the United States;

Whereas Hawaii has 8 national parks, which preserve volcanoes, complex ecosystems, a Hansen's disease colony, and other sites of historical and cultural significance;

Whereas Kilauea ranks among the most active volcanoes on Earth;

Whereas President Bush nominated the Papahānaumokuākea Marine National Monument to the United Nations Educational, Scientific and Cultural Organization World Heritage Centre for consideration to the World Heritage List;

Whereas Hawaii has produced musical legends ranging from traditional favorites such as Alfred Apaka, Don Ho, and Genoa Keawe, to Hawaii renaissance performers such as Eddie Kamae, Raymond Kane, Gabby Pahinui, Israel Kamakawiwo'ole, the Brothers Cazimero, and the Beamer Brothers, and continuing on to contemporary stars such as Keali'i Reichel, Ledward Kaapana, Jake Shimabukuro, and Raiatea Helm;

Whereas Hawaii is culturally rich, as the Hawaiian culture has been protected through Hawaiian language immersion schools, hula competitions such as the Merrie Monarch Festival, canoeing voyages undertaken by vessels like the Hokule'a, and the continuing historic preservation of Hawaiian traditions;

Whereas the Hawaii Statehood Commission has held a Joint Session of the Hawaii State

Legislature in honor of statehood and will be celebrating this milestone with a public discussion and with the arrival of the USS Hawaii; and

Whereas for all of these reasons Hawaii is a truly unique State: Now, therefore, be it

Resolved, That the House of Representatives recognizes and celebrates the 50th Anniversary of the entry of Hawaii into the Union as the 50th State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Minnesota (Mrs. BACHMANN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 593, a resolution recognizing and celebrating the 50th anniversary of the entry of Hawaii into the Union as our 50th State.

The gentleman from Hawaii, Mr. NEAL ABERCROMBIE, introduced this measure on June 26, 2009; and having met all of the Committee on Oversight and Government Reform requirements and criteria, the bill is now being considered today on the House floor. I should add that the measure comes to the floor with bipartisan support from over 56 cosponsors, demonstrating this body's eagerness to celebrate the admittance of our 50th State, the Aloha State.

Hawaii is one of our country's great treasures. Its cultural heritage is rooted in centuries of precolonial history, and the State continues to protect it with efforts such as Hawaiian language immersion schools and cultural centers. It is home to Pearl Harbor, the headquarters of the U.S. Navy's Pacific Fleet and the site of the surprise attack that led the U.S. to enter the Second World War. Its eight national parks preserve rich natural beauty and intricate ecosystems that support one-fourth of the endangered species in the United States.

Hawaii also contributes to the racial and ethnic diversity of our Nation and of this Congress. It elected this body's first woman of color, Patsy T. Mink; as well as its first Asian American, Hiram Fong. It has also elected Native Hawaiians to Congress, including Senator DANIEL AKAKA. The State also enjoys being the childhood home State of our current Commander in Chief, President Barack Obama.

Madam Speaker, I urge my colleagues to join me in celebrating the 50th anniversary of the State of Hawaii by supporting this measure.

Madam Speaker, I reserve the balance of my time.

Mrs. BACHMANN. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 593.

This summer, on August 21, our Nation will celebrate the 50th anniversary of the entry of the beautiful island of Hawaii into the United States. It was in 1959, Madam Speaker, that then-President Dwight David Eisenhower signed Proclamation 3309 proclaiming the beautiful State of Hawaii as our 50th State.

Hawaii is one of four United States that were independent prior to statehood. The Kingdom of Hawaii existed from 1810 through 1893, and it was an independent republic between 1894 and 1898, when it became a United States territory. It was in 1900 that Hawaii was granted self-governance; and though many attempts were made to achieve statehood, Hawaii remained a territory for nearly 60 years.

The road to statehood for Hawaii was not without its challenges. One of the most devastating times in the history of not only Hawaii but of the Nation as well was the attack on Pearl Harbor and the outbreak of World War II, which interrupted the drive for statehood. But, finally, on August 21 victory was achieved in 1959 when Hawaii was admitted to the Union.

During the last 50 years, Hawaii has contributed immeasurably to the richness of our way of life here in the United States. The contributions of Asian Pacific Americans have enhanced and benefited our rich cultural heritage in so many ways, not the least of which include the arts, sciences, mathematics, sports, commerce, and many other aspects of American culture, not the least of which is great American tourism.

Hawaii has also contributed to the diversity of our Congress by electing, as my colleague said, the Native Hawaiian Members of Congress: Prince Jonah Kalaniana'ole; the first Asian American Member as well, as my colleague mentioned, Mr. Hiram Fong; the first woman of color, and we are so pleased, Patsy Mink; and the first Native Hawaiian to serve in the Senate, DANIEL AKAKA.

It is well known that Hawaii is home to some of the country's most beautiful landmarks and landscapes and some of the most diverse weather as well in the United States, including eight national parks, which preserve volcanoes, our Nation's fragile ecosystem, and the sites of historical national significance.

Hawaiians are also known to be a people with a great sense of pride in their history, their tradition, which can be found in their traditional music, dance, and sporting events.

Our Nation is so grateful to the contributions of Native Hawaiians. But

most of all it is the stunning beauty of these tropical islands that leave many residents and visitors with a desire to share in the experiences of our 50th State and return again and again and again for Hawaii's wonderful, not-to-be-repeated hospitality.

Hawaii truly is a place like no other with a people like no other. And this August we all gather to recognize and celebrate the 50th anniversary of the entry of Hawaii into the Union as the 50th State.

Madam Speaker, I reserve the balance of my time.

Mr. CLAY. Madam Speaker, at this time I would like to yield 5 minutes to my good friend and proud native of Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Madam Speaker, mahalo nui. Thank you very much.

I thank Representative CLAY very much for his gracious introduction to this resolution.

Madam Speaker, I am filled with great emotion today. There are a lot of dates being celebrated. Representative CLAY's birthday is today, and, of course, we want to wish him a very happy birthday.

I introduced this resolution on my birthday, June 26. It was about that time 50 years ago that I understood that I would be able to go to Hawaii. Just before that I had been informed that I had received a teaching assistantship at the University of Hawaii and that I would be soon on my way at the end of the summer to begin what became 50 years in Hawaii. So I have that same anniversary.

The statehood, of course, came August 21, and the first week in September, NEIL ABERCROMBIE arrived in Honolulu and knew almost immediately that I would never leave if given the opportunity to stay.

□ 1630

It is also going to be the birthday, of course, in a week or so, of President Obama, born in Kapiolani Hospital, just down the road from where I lived.

As I said, it is great emotion for me, a great time of nostalgia. I arrived in Hawaii at the same time as President Obama's father. We met those first days in our matriculation at the University of Hawaii. Of course, I could not possibly conceive at that time that the young man who was to be born out of the union of Ann Dunham and Barak, Sr., would become President of the United States. So there is a great confluence of history taking place over the next month or so with the entry of the 50th State, the last State of the Union.

As Mr. CLAY indicated, there are also some very, very interesting firsts, if you will. We were maybe the last State to come into the Union, but we had some very, very interesting firsts, and I want to congratulate Representative BACHMANN on her superb pronunciation

of Prince Kuhio's last name, Kalaniana'ole. You said it perfectly. Thank you very much indeed.

I know you must have struggled with that, because I remember my first day in the classroom, the first Saturday, 8 o'clock in the morning, teaching the lab course in sociology, determined to say the Hawaiian names right, and I remember the first one was Samson Poomahealani, a center on the football team. He became my good friend, and we celebrated the 50th anniversary of our friendship just the past month when we got together. Samson went on to do great things with the labor movement in this country.

It is that kind of occasion. You can see it on my face, you can hear it in my voice. This is a time of great joy for us.

Yes, the first Asian American Senator, Republican Senator Hiram Fong, lived almost a century. He was the first Asian American, Chinese American, Senator. And, of course, Patsy Mink, our beloved Patsy Mink, whom we miss every day. And DANNY AKAKA, perhaps the best-loved person in the Congress, of whom never a bad word has been said. Don't we all wish the same could be said of us? And, of course, the Congressional Medal of Honor winner, the third longest-serving Senator in the United States, DANIEL K. INOUE, serves now as the chairman of the Appropriations Committee, the first Japanese American to serve in the Senate.

There are some other dates I think of interest to all of us; 1778, James Cook comes to Waimea Bay near Kauai. Then in 1795, Kamehameha I, whose statue is very prominent in the Visitors Center right now, establishing the Hawaiian monarchy.

On February 24, 1954, Mr. Speaker, a 250-pound petition containing 120,000 signatures in favor of statehood was delivered to the Congress, and then in March of 1959, this House of Representatives passed the Hawaii statehood bill, 323-89. I am sure the 89 all had a chance to visit and regretted their votes against it. Of course, then President Eisenhower signed the proclamation, making us the 50th State on August 24.

So, Mr. Speaker, I can say from the bottom of my heart that Hawaii has given everything to me. I never conceived, as I indicated earlier, that I would ever have a chance to represent Hawaii in Congress. It is more than an honor and a privilege to do so.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. CLAY. I yield an additional 1 minute to the gentleman.

Mr. ABERCROMBIE. So I now ask all then to join with us in this joyous occasion where we have the opportunity to celebrate friendships and relationships of decades' standing to celebrate the transition of Hawaii from the time of a pre-feudal kingdom, a kingdom, a shotgun republic, a territory, and now

a State of the Union, the last State of the Union to this time.

We are filled with a great sense of gratitude for that which has been given to us over these past 50 years, and, of course, pledge at this time that even though we were last to join the Union, we are first among those who appreciate, understand and take great pride in being a State of the United States of America.

Mrs. BACHMANN. Mr. Speaker, I, too, would like to extend my congratulations to my colleague, the distinguished gentleman Mr. CLAY, on his birthday today. It is also my brother's birthday today, and we are so thrilled for this anniversary.

I come from a State which has recently celebrated its sesquicentennial, 150 years, and we know Hawaii will be even more beautiful when Hawaii celebrates its sesquicentennial.

We send a lot of Minnesota dollars to Hawaii with all the tourists that we send. Our climate, you may not have noticed, is a little different from that of Hawaii. Minnesotans love to visit, and we extend the invitation to come back and enjoy our hospitality.

We have a lot of shoreline, too. We have about 15,000 lakes, and our fish are about this big, our muskies. So please come and fish in Minnesota, and we will return the favor and often come to visit the beautiful State of Hawaii.

Mr. Speaker, with that, I yield back.

Mr. CLAY of Missouri. Mr. Speaker, I thank the gentlewoman, first for the happy birthday wish, and I fish a lot, too, so I will try to make it to Minnesota also to catch some of those big, whopping fish.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. Mr. Speaker, I join my colleagues in wishing Mr. CLAY a happy birthday.

I rise in strong support of H. Res. 593, recognizing the 50th anniversary of Hawaii's admission as the 50th State of the Union on August 21, 1959.

As my colleagues have mentioned, Hawaii brings a lot to this Nation. Our strategic location in the Pacific, our example of tolerance with our multicultural population and mix of cultures, our special relationship with and understanding of the Asia-Pacific region, and the physical beauty and ecological diversity of our islands are just a few of the assets we bring to this Nation.

I have very personal memories about the day Hawaii became a State. I was in elementary school at Koko Head Elementary in Honolulu and was given the honor of pinning the 50th star on our school flag at a special school assembly before sending the flag up the flagpole.

All Hawaii celebrated that day. To many, statehood represented recognition of a State whose multiethnic,

multicultural base was different from that of any other State, but whose sons and daughters were just as American as the people of the other 49 States.

1959 was also the year I became a naturalized U.S. citizen, and apparently was also the year that my colleague, NEIL ABERCROMBIE, came to Hawaii. And things haven't been the same there since. Hawaii is a great State, and it has given me opportunities that I never would have had had my mother not brought me to this wonderful, beautiful State.

But we must always remember that the 50th State is also the native land of Hawaii's indigenous population, the Native Hawaiians. I am hopeful that this year we will be able to move forward to a reconciliation with the Native Hawaiian people, who lost their country and queen, by passing the Native Hawaii Government Reorganization Act. This act will provide the Native Hawaiians with the same rights of self-determination enjoyed by American Indians and Alaskan Natives.

Hawaii's population is made up of persons of Native Hawaiian, Japanese, Chinese, Irish, German, Portuguese, Puerto Rican, Filipino, French, Scottish, Korean, Samoan, Dutch, Tongan, Vietnamese, and African descent and more, plus combinations of these various ethnicities. It is not unusual, for example, for someone to identify themselves as Hawaiian, German, Chinese and Filipino. Although we have not eliminated prejudice, the people of Hawaii have learned to live together and to enjoy the richness that the mix of cultures has brought to our home.

Today we also celebrate the achievements of people from Hawaii whose notable efforts have paved the way for other Americans, such as Olympic champion and cultural ambassador Duke Kahanamoku, astronaut Ellison Sizuka, as mentioned previously Congresswoman Patsy Mink and President Barack Obama, to name a few.

I urge my colleagues to vote for H. Res. 593.

Mr. CLAY. Mr. Speaker, I yield 5 minutes to my friend, the delegate from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I thank my good friend, the gentleman from Missouri, for his management of this important bill, and also the gentlelady from Minnesota for her support. I didn't realize there were fish in Minnesota that big. Maybe if she would catch a 1,000-pound marlin, she would see how big a 1,000-pound marlin would be. But, at any rate, I thank her for her support.

Mr. Speaker, I rise in support of H. Res. 593, recognizing and celebrating the 50th anniversary of the entry of Hawaii into the Union as the 50th State. I commend my colleagues, Congressman ABERCROMBIE and MAZIE HIRONO, for their introduction of this resolution.

My strong interest in this legislation, Mr. Speaker, is that half of my life was spent in Hawaii during my youth that I spent there. The eight main islands of Hawaii, Maui, Lanai, Kahoolawe, Oahu, Molokai, Kauai and Niihau span over 1,500 miles in the Pacific Ocean, and Hawaii is the only State comprised of islands. It is home to one-fourth of the endangered species list, as well as eight national parks, which serve to protect volcanoes, rain forest, coral reefs and other complex ecosystems.

In addition to being visually astounding, Hawaii was one of the first States to significantly contribute to the diversity of Congress. The first Native Hawaiian, the first Asian American, the first woman of color, the first Native Hawaiian to serve in the Senate, all hailed from the great State of Hawaii.

A favorite of Elvis Presley, whom I had the privilege of meeting when I was working as a youth performer at the Polynesian Cultural Center, Hawaii is also legendary for some of the most famous singers in Don Ho, Melveen Leed, the late Alfred Apaka and Genoa Keawe.

The State also has made great efforts to preserve its culture with Hawaiian language immersion schools, hula competitions and traditional canoe voyages. And what a great thing to remember that it was Duke Kahanamoku, the father of surfing, which now has become an international sport. And a byproduct of surfing, by the way, happens to be the skateboard, which originated from the great State of Hawaii.

I also want to note, Mr. Speaker, Hawaii is proud to give to our Nation her first native son, who is currently the 44th president of the United States, President Barack Obama. At the height of the presidential campaign last year, Mr. Speaker, I remember there was a national blogger going around saying that I was working as a special agent of Barack Obama, and the reason for my travel to Indonesia and to also visit the school in Jakarta, where Barack Obama had attended, was to destroy any records that would indicate that President Obama was born in Indonesia, which would obviously have him disqualified to run as a candidate for President.

Well, Mr. Speaker, this blog continues today, giving such gross misinformation to the American people. I just want to say it is absolute nonsense, and those responsible for this blog should stop it, as I am sure there are better things that they can do than to discredit our President. President Obama was born in Kapiolani Hospital, Honolulu, Hawaii, period.

Mr. Speaker, the State of Hawaii is also remembered for Pearl Harbor. Yes, it has its consequences, reminiscent also of the tremendous disservice and

the problem that we did in mistreatment of over 100,000 Japanese Americans. They are Americans who happened to be of Japanese ancestry.

□ 1645

It has also produced the 100th Battalion 442nd Infantry, the most decorated unit ever in the history of the United States Army, with 18,000 individual decorations for heroism and bravery in the field of battle, over 9,000 Purple Hearts, 52 Distinguished Service Crosses, and, ironically, only one Medal of Honor, but we corrected that mistake. We now have 19 Japanese Americans who were awarded the Medal of Honor, which, as my colleague from Hawaii (Mr. ABERCROMBIE) said, Senator INOUE was one of those recipients to receive the Medal of Honor. For 50 years, members of the unit in Hawaii have brought unique and diverse elements to the culture of the United States. I think it was Michelle Obama who said, "If you want to understand more about the President, go to Hawaii, and you will understand his sense of philosophy, his sense of caring, his sense of wanting to share and to make sure that we have proper treatment and how we should be treating our fellow human beings."

To strive to support the endeavors of the islands of the Pacific and to not hesitate to offer any resounding support, I urge my colleagues to support this resolution. I think it is worthwhile, and we ought to give due recognition to the great State of Hawaii. Again, I thank my good friend from Missouri.

Mr. CLAY. Mr. Speaker, I want to thank my good friend from American Samoa for that interesting history and perspective on Hawaii. I want to urge my colleagues to join me in celebrating the 50th anniversary of Hawaii's entrance into the Union as our 50th State by supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CUMMINGS). The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 593, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. BACHMANN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING NATIONAL HYDROCEPHALUS AWARENESS MONTH

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 373) expressing support for designation of the month of September as "National Hydrocephalus Awareness Month".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 373

Whereas Hydrocephalus is a serious neurological condition, characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain;

Whereas Hydrocephalus may cause head enlargement, blurred vision or blindness, seizures, impaired physical development, learning disabilities, progressive irreversible damage to the nerve cells in the brain, and even death;

Whereas this serious neurological condition may occur at any age, and affects an estimated 1,000,000 people in the United States;

Whereas 1 out of every 500 children in the United States are born with hydrocephalus, and the condition is the leading cause of brain surgery in children;

Whereas more than 375,000 older adults in the United States suffer from hydrocephalus, the condition often goes undetected for years in older adults, causing such problems as difficulty walking and urinary incontinence, and may be misdiagnosed as dementia, Alzheimer's disease, or Parkinson's disease;

Whereas the standard treatment for hydrocephalus, insertion of a shunt to drain excess cerebral fluid, is a 50-year-old technology that carries multiple risks, including shunt failure, infection, and overdrainage;

Whereas each year cerebral spinal fluid shunting procedures account for approximately \$1,000,000,000 in health care spending in the United States alone, with half that amount spent on shunt revisions;

Whereas more than 40,000 operations for hydrocephalus occur annually in the United States, yet there are fewer than 10 centers in the Nation specializing in the treatment of adults with hydrocephalus;

Whereas although there is no single known cause of hydrocephalus or ways to prevent and cure the condition, with the appropriate diagnosis and proper treatment, individuals with hydrocephalus are able to lead full and productive lives;

Whereas proper prenatal nutrition during the first weeks of conception can also help reduce the risk of children developing hydrocephalus;

Whereas a September 2005 conference sponsored by the National Institutes of Health, entitled "Hydrocephalus: Myths, New Facts, Clear Directions", resulted in efforts to initiate new, collaborative research and treatment efforts;

Whereas further research into the epidemiology, pathophysiology, disease burden, and improved treatment of hydrocephalus should be conducted and supported, including the collection and analysis of statistics and data concerning the seriousness of hydrocephalus and its impact on families in the United States;

Whereas public awareness, professional education, and scientific research regarding hydrocephalus should increase through partnerships between the Federal Government, health care professionals, and patient advocacy groups, such as the Pediatric Hydrocephalus Foundation;

Whereas these public-private partnerships would ensure that individuals suffering with hydrocephalus and their families are empowered with educational materials, informed about the latest research, have access to quality health care, and are able to advocate for increased research and funding in order to advance the public's understanding of the condition, improve the diagnosis and treatment of hydrocephalus, and one day, find a cure; and

Whereas September would be an appropriate month to designate as "National Hydrocephalus Awareness Month": Now, therefore, be it

Resolved, That the House of Representatives supports the designation of "National Hydrocephalus Awareness Month".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Minnesota (Mrs. BACHMANN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I now yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 373 which expresses the support of Congress for the designation of the month of September as National Hydrocephalus Awareness Month. It is important for us to recognize the severity of this neurological condition that is estimated to affect 1 million Americans. The resolution was introduced on April 28 by my colleague from Minnesota (Mrs. BACHMANN) and has secured more than 80 cosponsors while meeting all requisite criteria for approval by the Committee on Oversight and Government Reform.

Hydrocephalus is defined as "excessive accumulation of cerebrospinal fluid in the brain." The National Institute of Neurological Disorders and Stroke estimates that 1 in every 500 children are afflicted with this condition. Additionally, hydrocephalus is the leading cause of brain surgery in children. Since 2005, the National Institutes of Health has increased its focus on improving hydrocephalus care, but more needs to be accomplished. The NIH currently provides less than \$1 million in annual funding for hydrocephalus research, but hopefully National Hydrocephalus Awareness Month can spur renewed efforts in this area of study.

Mr. Speaker, during our efforts to overhaul the health care system, it is critical that we remember to support important public health initiatives like National Hydrocephalus Awareness Month. I urge my colleagues to support House Resolution 373.

I reserve the balance of my time.

Mrs. BACHMANN. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of House Resolution 373, which I authored in order to raise awareness of hydrocephalus, a devastating neurological disorder which often leaves individuals and their families in constant fear of sudden, irreversible damage or even death. Hydrocephalus, or water on the brain, as most people refer to it, is a medical condition that results in abnormal accumulation of cerebrospinal fluid, otherwise called CSF, in the ventricles or cavities of the brain. Sadly, the prognosis for individuals afflicted with hydrocephalus is difficult to predict and is often fatal. Moreover, while this condition affects approximately 1 in every 500 births, as my colleague Mr. CLAY said, very few people are even aware of this devastating condition.

The National Institute of Neurological Disorders and Stroke is currently conducting research related to hydrocephalus prevention and treatment. However, more must be done at the community level to educate individual Americans about this surprisingly prevalent disorder. Recognizing the month of September as National Hydrocephalus Awareness Month will bring this disease to the public's attention and, I believe, will encourage the discussions necessary to more effectively address the devastating effects of this disease and provide support to families who live with it every day.

For example, currently the most common form of treatment for hydrocephalus involves the insertion of a shunt in order to maintain the flow of fluid from the brain. This outdated practice has been around now for almost 50 years and often results in complications that can jeopardize the life of the often very young child who is the patient. As one parent summarized for me, "My son and all the other children who suffer from hydrocephalus are literally 12 to 15 hours away from irreversible damage, if not death, if a shunt failure was to go undetected or left untreated. This sometimes paralyzes parents, and there has got to be a better treatment out there, if not an outright cure, we just have to find it." Mr. Speaker, I know you would agree we just have to find it.

That being said, I would like to share the thoughts of a mother whose daughter Ally developed hydrocephalus at 1 year of age. She sent this letter to my office in hopes that sharing it with our great Nation will develop greater awareness of the disease among the general public. And with greater research, she's confident that it could be diagnosed more accurately and treated more efficiently. We certainly hope so. This is her letter, Mr. Speaker:

"My name is Michelle Janson. We have a 9-year-old daughter Ally who developed hydrocephalus at 1 year of

age. The cause of her congenital hydrocephalus allowed her to be eligible for a fairly new procedure called a third ventriculostomy. Although there was a lot of information at the time about shunts, very little was known about the third ventriculostomy. After we researched our options and interviewed several neurosurgeons, Ally underwent a third ventriculostomy on July 9, 2001.

"This year Ally has reached 8 years as one of the lucky few who have not encountered infections, revisions or malfunctions, as frequently seen with shunts. Although she does have other rare medical conditions to complicate things, she is leading a fairly normal childhood. She was the only one in her third grade class to be chosen to participate in the Young Authors Club and maintained straight A's throughout the school year, something many thought would be impossible.

"Several years ago we searched for a support group close to home that would provide our family with support and education about the condition. That's when we became involved with the Pediatric Hydrocephalus Foundation. The visions of those involved have encouraged us to actively participate in educating, providing support and to raise funds for local communities and families in need. The founders, Michael and Kim Illions, have also been active with government officials such as you to initiate a resolution known as H.R. 373 to declare September National Hydrocephalus Awareness Month."

Mr. Speaker, before I close, I want to echo the comments that Michelle Janson makes about the vision that Michael and Kim Illions have for children and families living with hydrocephalus. I have had the privilege of getting to know this lovely couple and their beautiful baby boy named Cole through my work on this resolution. They have such optimism and faith, it just permeates everything they do and say. It's hard not to feel more hopeful when you are with great people like the Illions, and that's the kind of support that they provide other families who live with hydrocephalus and the kind of support that we all hope will be spread by this resolution today. I want to urge all of our colleagues, Mr. Speaker, to start spreading this hope today by taking a moment to learn more about hydrocephalus by visiting the Web site hydrocephaluskids.org. It's the Web site for the Pediatric Hydrocephalus Foundation. Through increased awareness and education, we will take the steps that are needed to modernize the treatment of hydrocephalus and move toward a cure. I urge my colleagues to join myself and the 89 bipartisan cosponsors of House Resolution 373 in supporting the recognition of September as National Hydrocephalus Awareness Month.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no other speakers, and I will continue to reserve.

Mrs. BACHMANN. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of New Jersey, Mr. LEONARD LANCE.

Mr. LANCE. Mr. Speaker, I rise in support of House Resolution 373 in an effort to raise awareness of the disease hydrocephalus. For too long, little attention has been paid to hydrocephalus. Together with Congressman CLAY and Congresswoman BACHMANN, I have put forth this resolution, recognizing September as National Hydrocephalus Awareness Month. I want to thank my distinguished colleagues in this regard.

I also want to thank Michael Illions, his wife Kim and their brave son Cole for their steadfast advocacy on this issue. The Illions are constituents of mine in the Seventh Congressional District of New Jersey. Most of the best ideas in Washington come from our constituents back home. Michael, Kim and Cole Illions are together a shining example of this.

Today's action by the House of Representatives will bring much-needed attention to hydrocephalus. It will encourage more research into its diagnosis and treatment. I am certain that with Federal support for additional research, we can develop a better treatment, if not a cure, for those suffering from hydrocephalus and help them lead healthier, fuller lives. I urge all of our colleagues to support House Resolution 373. I want to thank Congresswoman BACHMANN and Congressman CLAY.

Mr. CLAY. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. BACHMANN. Mr. Speaker, I urge all Members to support the passage of House Resolution 373.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, again, I urge support for House Resolution 373.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 373.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. BACHMANN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COACH JODIE BAILEY POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3072) to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the "Coach Jodie Bailey Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COACH JODIE BAILEY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, shall be known and designated as the "Coach Jodie Bailey Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Coach Jodie Bailey Post Office Building".

□ 1700

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from Minnesota (Mrs. BACHMANN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present for consideration H.R. 3072, a bill to name the post office located at 9810 Halls Ferry Road in St. Louis, Missouri, after a true Missouri legend, Coach Jodie Bailey.

H.R. 3072, which I introduced on June 26, 2009, was reported from the Committee on Oversight and Government Reform on July 10, 2009.

The St. Louis community lost one of its true giants with the passing of Coach Bailey at the age of 94. He was an icon in the public high school league for five decades. During his career, he coached at Vashon, O'Fallon Tech, and Northwest High Schools in St. Louis.

Coach Bailey accumulated an outstanding total of 828 victories and only 198 losses in a great career that spanned 42 years. He coached many great sports stars, including the late Elston Howard of the New York Yankees and the great Boston Celtic player Jo Jo White.

His accomplishments led him to be inducted into the Missouri Sports Hall of Fame in 1989. Coach Bailey put an

emphasis on teaching fundamentals in the game of basketball. Coach Bailey was also treasured for making personal investments in each of his students' lives, which they remember until this day.

Mr. Speaker, on a personal note, Jodie Bailey happened to be my YMCA camp counselor and taught me how to swim. The camp was called Camp Rivercliff, located in Bourbon, Missouri, and, at a very young age, required me to swim across the Meramec River. And you can bet I learned how to swim at a young age in order to survive that river. And I will always remember Coach Bailey for that and what he gave to that community.

Mr. Speaker, I urge my colleagues to join me in recognizing Coach Jodie Bailey by agreeing to pass H.R. 3072.

I reserve the balance of my time.

Mrs. BACHMANN. Mr. Speaker, I yield myself as much time as I may consume.

I happily rise today in support of H.R. 3072, to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the Coach Jodie Bailey Post Office Building. This honor is much deserved, Mr. Speaker, as Jodie Bailey was a coaching legend in St. Louis.

He began his basketball career as a talented player, and later Jodie Bailey found his true passion in coaching basketball. It was in the 1940s when Jodie Bailey began coaching the Vashon Wolverines within the all-black Illinois-Missouri League and helped them win league titles in 1943, 1945, 1947, and 1948. He also guided them to the Missouri Negro Interscholastic Athletic Association State Championship not one, not two, not three, but four times.

And during this tenure, segregation still existed within the school system and many people were not aware of his greatness during the beginning of his career. That is true no longer. However, after school integration, the Vashon Wolverines were able to go on to participate in a regional championship and the State quarterfinals in 1963.

Coach Bailey's success with coaching did not end with the Wolverines. He coached O'Fallon Tech, guiding the Hornets to their only State championship in 1968, where they became the first all black Public High League basketball team to win a Missouri State championship.

Soon thereafter, O'Fallon dropped its sports program, which caused Coach Bailey to find a new job coaching Northwest High School, where he immediately helped them win a regional title in 1969. Wherever Coach Bailey went, success followed. Overall, Coach Bailey coached three different Public High League basketball teams and led those teams to a total of 824 wins and 198 losses, a phenomenal record.

Coach Bailey's formula for his coaching success was simple. Coach Bailey said this: "To be a successful basketball coach, you need three things. You have to have a well-conditioned team; you have to be fundamentally sound in every phase of the game; and you also have to be team oriented, because there's no 'I' in the word team."

Though recognized for his exceptional coaching abilities, Coach Bailey was also respected as a mentor. On and off the field, Coach Bailey was a man of his own. He urged his players to concentrate on the fundamentals of basketball. He emphasized the need to use their natural abilities to become even better. By employing his talent for support and inspiration, Coach Bailey positively impacted the lives of so many young men that he coached during his 42-season career.

Sadly, the St. Louis basketball community lost Jodie Bailey in March when he died at the age of 88. For his dedication to the St. Louis basketball community, I happily join with my fellow Members, and especially my colleague Congressman CLAY, to join us in supporting H.R. 3072.

I reserve the balance of my time, Mr. Speaker.

Mr. CLAY. Mr. Speaker, I want to thank my colleague from Minnesota for her support of this and wanted to also add that Coach Jodie Bailey was a true scholar, a graduate of Coe College in Iowa who studied at Springfield College in Massachusetts, which was also the school of Dr. Naismith, who created basketball. And there's one thing he always stressed to his players, that academics will take you much further than basketball, so he always pushed them to excel in the classroom as well as on the basketball court.

I reserve my time.

Mrs. BACHMANN. Mr. Speaker, I again join with my colleague Mr. CLAY and urge all of our colleagues to support the passage of H.R. 3072.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, again, I urge my colleagues to join me in celebrating the life and legacy of Coach Jodie Bailey by supporting H.R. 3072.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3072.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. BACHMANN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING VETERANS OF FOREIGN WARS DAY

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 483) supporting the goals and ideals of Veterans of Foreign Wars Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 483

Whereas veterans of the Spanish-American War and Philippine Insurrection, the Nation's first major foreign conflicts, faced hardships to include a complete lack of medical care and pensions upon discharge from the service;

Whereas, on September 29, 1899, the American Veterans of Foreign Service and in December 1899, the National Society of the Army of the Philippines, were established to advocate for the rights and benefits then denied to veterans of the Spanish-American War and Philippine Insurrection;

Whereas, in subsequent years, membership in these and other veterans organizations continued to grow;

Whereas these veterans organizations, recognizing their common goals and the importance of unity, merged to form the present-day Veterans of Foreign Wars of the United States in 1914;

Whereas membership in the Veterans of Foreign Wars continued to grow and reached nearly 200,000 in 1936 when the organization received its Congressional Charter;

Whereas the 2.3 million members of the Veterans of Foreign Wars and Ladies Auxiliaries remain committed to the organization's mission of "ensuring rights, remembering sacrifices, promoting patriotism, performing community services, and advocating for a strong national defense";

Whereas the organization continues this honorable mission by effectively advocating for our Nation's veterans, to include helping establish the present-day Department of Veterans Affairs, creating the Montgomery G.I. Bill, developing the national cemetery system, and assisting combat wounded veterans receive compensation for their injuries; and

Whereas the members of the Veterans of Foreign Wars celebrate the organization's establishment and achievements on September 29th while carrying on the vital mission of their predecessors: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of Veterans of Foreign Wars Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlelady from Minnesota (Mrs. BACHMANN) each will control 20 minutes. The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, it is an honor to rise today in support of House Resolution 483, a bill supporting the goals and ideals of Veterans of Foreign Wars Day. Every day more and more brave Americans join the ranks of the Veterans of Foreign Wars, and they deserve every ounce of praise we can possibly provide.

I would like to thank my colleague, the Honorable JOHN KLINE from Minnesota, for introducing this important resolution. I would also like to thank Chairman TOWNS and my colleagues on the Committee on Oversight and Government Reform for bringing this bill to the floor.

Just before the turn of the 20th century, the United States was called upon to defend the hemisphere in the Spanish-American War. American troops fought valiantly and emerged victorious in this, our first modern foreign conflict. On September 20, 1899, the American Veterans of Foreign Service was established to guarantee that troops receive the benefits to which they were entitled.

The following decades demanded millions of young Americans, men and women, heed their Nation's call for service. War against fascism and tyranny in Europe, first in 1917, and again in 1941, proved that American soldiers are the greatest protectors of freedom in the world. When they returned home, the troops were greeted by the Veterans of Foreign Wars.

The organization was and continues to be a vital advocate for veterans' well-being. It helped establish, among other things, the GI Bill, which provided college education for all veterans and fueled the greatest economic boom our Nation had ever seen.

In 2008, the VFW was instrumental in passing a 21st century GI Bill to continue to provide educational assistance to servicemen and -women returning from Iraq and Afghanistan.

Today, the Veterans of Foreign Wars and its auxiliaries represent 2.2 million veterans. With 8,100 locations worldwide, help is never far away from those who deserve it most.

The Veterans of Foreign Wars' mission is to "Honor the dead by helping the living." For 110 years they have done just that. For this, I send my personal gratitude.

I ask my colleagues to join me in recognizing the invaluable work of the VFW and support House Resolution 483.

I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. KLINE), who will control the time.

Mr. KLINE of Minnesota. Mr. Speaker, I rise today in strong support of H. Res. 483, and I want to thank my friend, the gentleman from Missouri, for his very kind remarks.

I'm a life member of the Veterans of Foreign Wars and a proud one at that,

and a member of Post 210 in my hometown of Lakeville. The VFW is not just a gang of old guys sitting around. These are real patriots, real Americans who have sacrificed for our country.

The VFW traces its roots all the way back to 1899 when veterans of the Spanish-American War and the Philippine Insurrection founded local organizations to secure rights and benefits for their service. Before that time, as has been mentioned, many of our veterans would return home wounded or sick and there was no medical care or veterans pension for them. They were left to care for themselves.

The founders of the VFW sought to remedy that and provide support and encouragement to all of our veterans who had served in foreign wars. Their mission statement, "To honor the dead by helping the living." Over time, their mission expanded to "ensuring rights, remembering sacrifices, promoting patriotism, performing community services, and advocating for a strong national defense."

Mr. Speaker, some of these veterans go down to the cemetery, the national cemetery, Snelling, in Minnesota every day to perform services to honor those who have passed, to fire the salute, to fold the flag, and they do it sometimes when the temperature is way below zero. And some of these veterans now are in their late seventies and eighties, but there's a dedication here that I think we should all be aware of.

The VFW has a rich history of advocacy, playing an instrumental role in establishing the Veterans Administration, creating the GI Bill, developing the National Cemetery System, and fighting to ensure combat-wounded veterans from all wars receive proper compensation.

In addition, the VFW has been a powerful force behind the creation of the Vietnam, the Korean War, World War II, and Women in Military Service Memorials; and aren't they fantastic. There's nothing that lifts your spirits like taking a group of veterans down to the World War II Memorial and seeing the joy in their faces as they get that fantastic experience.

□ 1715

Today, the VFW has grown to more than 2.3 million members worldwide, and it continues to advocate for all of our veterans of foreign wars.

I applaud the members of the VFW for their continued commitment to one another and to this great Nation. I am humbled by their work on behalf of our veterans, and I am honored to speak on behalf of this resolution.

I ask all of my colleagues to join me in supporting H. Res. 483.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I do not have any other speakers, and I will continue to reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I also have no more speakers. So, again, I want to thank my colleague from Missouri and urge my colleagues to support this legislation.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, in closing, I want to thank my friend from Minnesota (Mr. KLINE) for offering this resolution for such a worthy organization. Again, I urge support for House Resolution 483.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today as a proud cosponsor of H. Res. 483, a resolution supporting the goals and ideals of Veterans of Foreign Wars Day.

The Veterans of Foreign Wars (VFW) traces its origin back to 1899 when veterans of the Spanish-American War and the Philippine Insurrection founded local organizations to secure benefits for their service. Fifteen years later an umbrella organization was created named the VFW of the United States, and by 1936 it had a membership of 200,000 veterans and was chartered by Congress.

Mr. Speaker, the VFW's motto is "honor the dead by helping the living." These brave veterans, who have served their nation in wars on foreign soil, are now constantly improving America at home by their service to the community and all living veterans. The VFW has been instrumental in establishing the Veterans Administration, the enactment of two GI bills, and building support for expanded educational benefits for active-duty service members, as well as our Guard and Reserve forces. They have done a remarkable job improving medical centers for all of our returning service men and women. Further, the VFW participates in more than 13 million service hours throughout different communities across the nation and donates \$2.5 million in college scholarships to high school students every year.

Mr. Speaker, the brave men and women who sacrificed in the past for our present freedoms deserve our fullest support. Those who have served our nation represent the best our country has to offer, and we must honor them.

Accordingly, I would also like to say a special thank you to the veterans in my district, the 11th of Georgia, Post 4911 of Rome, Post 5376 of Calhoun, Post 6688 of Summerville, Post 5408 of Acworth, Post 7402 of Buchanan, Post 5262 of Kennesaw, Post 2681 of Marietta, and Post 7404 of Carrollton have all admirably served our community and our nation, and they deserve our utmost appreciation for their lifetime of dedication to the Armed Services and our veterans.

It is appropriate that we recognize the dedication and honor of the Veterans of Foreign Wars today in this chamber, and I urge all of my colleagues to support this resolution.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Res. 483 Supporting the Goals and Ideals of Veterans of Foreign Wars Day.

Nearly 110 years ago, what was then known as the American Veterans of Foreign Service was established to advocate for the rights and benefits for veterans of the Spanish-American War and Philippine Insurrection. That organization later became the Veterans of Foreign Wars, which was chartered by Congress in 1936.

Since then, the VFW's voice has been instrumental in establishing the Veterans Administration, creating a GI bill, developing the national cemetery system and the fight for compensation for Vietnam vets exposed to Agent Orange and for veterans diagnosed with Gulf War Syndrome.

Today, the VFW is a strong advocate for today's servicemen and women returning from the battlefields of Iraq and Afghanistan—assisting combat wounded veterans receive compensation for their injuries and helping to create a 21st Century GI Bill.

VFW's Operation Uplink hosts free call days every month of the year, so troops can call home—at no charge—from Internet cafes throughout Iraq, Afghanistan and Kuwait.

The VFW provides grants to meet the needs of servicemen and women faced with hardship as a result of military service—they award more than \$3.4 million in scholarships and incentives to worthy students and VFW Posts often sponsor Farewell and Welcome Home Activities.

The reason that we are free today is because brave men and women have answered our nation's call in our time of need. They have sweated, bled and sacrificed for our freedom.

And as it is written on the Korean War Memorial in Washington, D.C., freedom isn't free—the cost is readily apparent in the rows of crosses in Arlington, where many generations of American warriors have been laid to rest.

We owe our veterans a debt that can never be fully repaid, but I personally want to thank them for your service and sacrifice. I will continue to work to ensure that our veterans get the care, help, and benefits they so richly deserve.

Let us remember our obligations to our nation's veterans, as Abraham Lincoln said in his Second Inaugural Address, "to care for him who shall have borne the battle, and for his widow and his orphan." The VFW has been there for our nation's veterans for over 110 years, and I'm proud to support this resolution.

Mr. CLAY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 483.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KLINE of Minnesota. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 16 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MASSA) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 593, de novo;

H.R. 1376, de novo;

H.R. 1121, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

RECOGNIZING 50TH ANNIVERSARY OF HAWAII STATEHOOD

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 593, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 593, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ABERCROMBIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 378, nays 0, not voting 55, as follows:

[Roll No. 647]

YEAS—378

Abercrombie	Berry	Brown, Corrine
Ackerman	Biggert	Brown-Waite,
Aderholt	Bilbray	Ginny
Adler (NJ)	Bilirakis	Buchanan
Alexander	Bishop (GA)	Burgess
Altmire	Bishop (UT)	Burton (IN)
Andrews	Blackburn	Butterfield
Arcuri	Blumenauer	Buyer
Austria	Blunt	Calvert
Baca	Bocchieri	Cantor
Bachmann	Boehner	Cao
Bachus	Bonner	Capito
Baird	Bono Mack	Capps
Baldwin	Boozman	Capuano
Barrow	Boren	Cardoza
Bartlett	Boswell	Carnahan
Barton (TX)	Boustany	Carney
Bean	Boyd	Carson (IN)
Becerra	Brady (PA)	Cassidy
Berkley	Bright	Castle
Berman	Broun (GA)	Castor (FL)

Chaffetz	Hoyer	Moran (VA)	Thompson (CA)	Van Hollen	Wexler	Blunt	Himes	Neugebauer
Chandler	Hunter	Murphy (NY)	Thompson (MS)	Velázquez	Whitfield	Bocchieri	Hinchey	Nye
Childers	Inglis	Murphy, Patrick	Thompson (PA)	Visclosky	Wilson (OH)	Bonner	Hinojosa	Oberstar
Chu	Inslee	Murphy, Tim	Thornberry	Walden	Wilson (SC)	Bono Mack	Hirono	Obey
Clarke	Israel	Myrick	Tiahrt	Walz	Wittman	Boren	Holden	Olver
Clay	Issa	Nadler (NY)	Tierney	Wasserman	Wolf	Boswell	Holt	Pallone
Cleaver	Jackson (IL)	Napolitano	Titus	Schultz	Woolsey	Boyd	Honda	Pascarell
Clyburn	Jackson-Lee	Neal (MA)	Tonko	Watson	Wu	Brady (PA)	Hoyer	Pastor (AZ)
Coble	(TX)	Neugebauer	Towns	Watt	Yarmuth	Bright	Inslee	Paulsen
Coffman (CO)	Jenkins	Nunes	Turner	Welch	Young (AK)	Brown, Corrine	Israel	Payne
Cohen	Johnson (GA)	Nye	Upton	Westmoreland	Young (FL)	Buchanan	Issa	Perlmutter
Cole	Johnson, E. B.	Oberstar				Burgess	Jackson (IL)	Perriello
Conaway	Johnson, Sam	Obey				Butterfield	Jackson-Lee	Peters
Connolly (VA)	Jones	Olver				Cao	(TX)	Peterson
Conyers	Jordan (OH)	Pallone	Akin	Green, Al	Platts	Capito	Jenkins	Pingree (ME)
Cooper	Kagen	Pascarell	Barrett (SC)	Grijalva	Quigley	Capps	Johnson (GA)	Pitts
Costa	Kanjorski	Pastor (AZ)	Bishop (NY)	Gutierrez	Radanovich	Capuano	Johnson, E. B.	Poe (TX)
Crowley	Kaptur	Paulsen	Boucher	Higgins	Rodriguez	Cardoza	Johnson, Sam	Polis (CO)
Culberson	Kennedy	Payne	Brady (TX)	Hodes	Rohrabacher	Carnahan	Jones	Pomeroy
Cummings	Kildee	Pence	Braley (IA)	Hoekstra	Rush	Carney	Kagen	Posey
Dahlkemper	Kilpatrick (MI)	Perlmutter	Brown (SC)	Johnson (IL)	Schakowsky	Carson (IN)	Kanjorski	Price (NC)
Davis (CA)	Kind	Perriello	Camp	Kilroy	Sestak	Cassidy	Kaptur	Putnam
Davis (KY)	King (IA)	Peters	Campbell	Lynch	Sires	Castle	Kennedy	Rahall
Davis (TN)	King (NY)	Peterson	Costello	Maloney	Smith (WA)	Castor (FL)	Kildee	Rangel
DeFazio	Kingston	Petri	Courtney	Marchant	Stupak	Chandler	Kilpatrick (MI)	Rehberg
DeGette	Kirk	Pingree (ME)	Crenshaw	McCarthy (NY)	Tiberi	Childers	Kind	Reichert
Delahunt	Kirkpatrick (AZ)	Pitts	Cuellar	Miller (NC)	Tsongas	Chu	King (NY)	Reyes
DeLauro	Kissell	Poe (TX)	Davis (AL)	Murphy (CT)	Wamp	Clarke	Kirk	Richardson
Dent	Klein (FL)	Polis (CO)	Davis (IL)	Murtha	Waters	Clay	Kirkpatrick (AZ)	Roe (TN)
Diaz-Balart, L.	Kline (MN)	Pomeroy	Deal (GA)	Olson	Waxman	Cleaver	Kissell	Rogers (KY)
Diaz-Balart, M.	Kosmas	Posey	Engel	Ortiz	Weiner	Clyburn	Klein (FL)	Rogers (MI)
Dicks	Kratovil	Price (GA)	Graves	Paul		Cohen	Kline (MN)	Ros-Lehtinen
Dingell	Kucinich	Price (NC)				Cole	Kosmas	Ross
Doggett	Lamborn	Putnam				Conaway	Kratovil	Rothman (NJ)
Donnelly (IN)	Lance	Rahall				Connolly (VA)	Kucinich	Royal-Ballard
Doyle	Langevin	Rangel				Conyers	Lance	Ruppersberger
Dreier	Larson (CT)	Rehberg				Cooper	Langevin	Ryan (OH)
Driehaus	Latham	Reichert				Costa	Larson (CT)	Salazar
Duncan	LaTourette	Reyes				Crowley	Latham	Sánchez, Linda T.
Edwards (MD)	Latta	Richardson				Culberson	LaTourette	Sanchez, Loretta
Edwards (TX)	Lee (CA)	Roe (TN)				Cummings	Lee (CA)	Sarbanes
Ehlers	Lee (NY)	Rogers (AL)				Dahlkemper	Lee (NY)	Schakowsky
Ellison	Levin	Rogers (KY)				Davis (CA)	Levin	Schauer
Ellsworth	Lewis (CA)	Rogers (MI)				Davis (TN)	Lewis (GA)	Schiff
Emerson	Lewis (GA)	Rooney				DeFazio	Linder	Schrader
Eshoo	Linder	Ros-Lehtinen				DeGette	Lipinski	Schwartz
Etheridge	Lipinski	Roskam				Delahunt	LoBiondo	Scott (GA)
Fallin	LoBiondo	Ross				DeLauro	Loeb sack	Scott (VA)
Farr	Loeb sack	Rothman (NJ)				Dent	Lofgren, Zoe	Serrano
Fattah	Lofgren, Zoe	Royal-Ballard				Diaz-Balart, L.	Lowey	Shea-Porter
Filner	Lowey	Royce				Dicks	Lucas	Sherman
Flake	Lucas	Ruppersberger				Dingell	Luján	Shimkus
Fleming	Luetkemeyer	Ryan (OH)				Doggett	Lummis	Shuler
Forbes	Luján	Ryan (WI)				Donnelly (IN)	Lungren, Daniel E.	Skeltton
Fortenberry	Lummis	Salazar				Doyle	Mack	Slaughter
Foster	Lungren, Daniel E.	Sánchez, Linda T.				Driehaus	Maffei	Smith (NJ)
Fox						Duncan	Markey (CO)	Smith (TX)
Frank (MA)	Mack	Sanchez, Loretta				Edwards (MD)	Markey (MA)	Snyder
Franks (AZ)	Maffei	Sarbanes				Edwards (TX)	Marshall	Souder
Frelinghuysen	Manzullo	Scalise				Ehlers	Massa	Space
Fudge	Markey (CO)	Schauer				Ellison	Matheson	Spratt
Galleghy	Markey (MA)	Schiff				Ellsworth	Matsui	Stark
Garrett (NJ)	Marshall	Schmidt				Eshoo	McCaul	Stearns
Gerlach	Massa	Schock				Etheridge	McCollum	Sutton
Giffords	Matheson	Schrader				Fallin	McCotter	Tanner
Gingrey (GA)	Matsui	Schwartz				Farr	McDermott	Taylor
Gohmert	McCarthy (CA)	Scott (GA)				Fattah	McGovern	Teague
Gonzalez	McCaul	Scott (VA)				Filner	McHugh	Thompson (CA)
Goodlatte	McClintock	Sensenbrenner				Fleming	McIntyre	Thompson (MS)
Gordon (TN)	McCollum	Serrano				Fortenberry	McMahon	Thornberry
Granger	McCotter	Sessions				Foster	McMorris	Tiahrt
Grayson	McDermott	Shadegg				Frank (MA)	Rodgers	Tierney
Green, Gene	McGovern	Shea-Porter				Frelinghuysen	McNerney	Titus
Griffith	McHenry	Sherman				Fudge	Meek (FL)	Tonko
Guthrie	McHugh	Shimkus				Gerlach	Meeks (NY)	Towns
Hall (NY)	McIntyre	Shuler				Giffords	Melancon	Turner
Hall (TX)	McKeon	Shuster				Gingrey (GA)	Mica	Upton
Halvorson	McMahon	Simpson				Gohmert	Michaud	Van Hollen
Hare	McMorris	Skelton				Gonzalez	Miller (MI)	Velázquez
Harman	Rodgers	Slaughter				Gordon (TN)	Miller, George	Visclosky
Harper	McNerney	Smith (NE)				Granger	Minnick	Walz
Hastings (FL)	Meek (FL)	Smith (NJ)				Grayson	Mitchell	Wasserman
Hastings (WA)	Meeks (NY)	Smith (TX)				Green, Gene	Mollohan	Watson
Heinrich	Melancon	Snyder				Griffith	Moore (KS)	Watt
Heller	Mica	Souder				Guthrie	Moore (WI)	Waxman
Hensarling	Michaud	Space				Hall (NY)	Moran (VA)	Welch
Henger	Miller (FL)	Speier				Hall (TX)	Murphy (CT)	Wexler
Herseth Sandlin	Miller (MI)	Spratt				Halvorson	Murphy (NY)	Whitfield
Hill	Miller, Gary	Stark				Hare	Murphy, Patrick	Wilson (OH)
Himes	Miller, George	Stearns				Harman	Murphy, Tim	
Hinchey	Minnick	Sullivan				Hastings (FL)	Myrick	
Hinojosa	Mitchell	Sutton				Heinrich	Nadler (NY)	
Hirono	Mollohan	Tanner				Herseth Sandlin	Napolitano	
Holden	Moore (KS)	Taylor				Hill	Neal (MA)	
Holt	Moore (WI)	Teague						
Honda	Moran (KS)	Terry						

NOT VOTING—55

□ 1856
Mr. LATHAM changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WACO MAMMOTH NATIONAL MONUMENT ESTABLISHMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1376, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1376, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CHAFFETZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 308, noes 74, not voting 51, as follows:

[Roll No. 648]

AYES—308

Abercrombie	Bachmann	Berkley
Ackerman	Bachus	Berman
Adler (NJ)	Baird	Berry
Altmire	Baldwin	Biggart
Andrews	Barrow	Bilbray
Arcuri	Barton (TX)	Bishop (GA)
Austria	Bean	Blackburn
Baca	Becerra	Blumenauer

Bocchieri	Bocchieri	Bocchieri
Bonner	Bonner	Bonner
Bono Mack	Bono Mack	Bono Mack
Boren	Boren	Boren
Boswell	Boswell	Boswell
Boyd	Boyd	Boyd
Brady (PA)	Brady (PA)	Brady (PA)
Bright	Bright	Bright
Brown, Corrine	Brown, Corrine	Brown, Corrine
Buchanan	Buchanan	Buchanan
Burgess	Burgess	Burgess
Butterfield	Butterfield	Butterfield
Cao	Cao	Cao
Capito	Capito	Capito
Capps	Capps	Capps
Capuano	Capuano	Capuano
Cardoza	Cardoza	Cardoza
Carnahan	Carnahan	Carnahan
Carney	Carney	Carney
Carson (IN)	Carson (IN)	Carson (IN)
Cassidy	Cassidy	Cassidy
Castle	Castle	Castle
Castor (FL)	Castor (FL)	Castor (FL)
Chandler	Chandler	Chandler
Childers	Childers	Childers
Chu	Chu	Chu
Clarke	Clarke	Clarke
Clay	Clay	Clay
Cleaver	Cleaver	Cleaver
Clyburn	Clyburn	Clyburn
Cohen	Cohen	Cohen
Cole	Cole	Cole
Conaway	Conaway	Conaway
Connolly (VA)	Connolly (VA)	Connolly (VA)
Conyers	Conyers	Conyers
Cooper	Cooper	Cooper
Costa	Costa	Costa
Crowley	Crowley	Crowley
Culberson	Culberson	Culberson
Cummings	Cummings	Cummings
Dahlkemper	Dahlkemper	Dahlkemper
Davis (CA)	Davis (CA)	Davis (CA)
Davis (TN)	Davis (TN)	Davis (TN)
DeFazio	DeFazio	DeFazio
DeGette	DeGette	DeGette
Delahunt	Delahunt	Delahunt
DeLauro	DeLauro	DeLauro
Dent	Dent	Dent
Diaz-Balart, L.	Diaz-Balart, L.	Diaz-Balart, L.
Diaz-Balart, M.	Diaz-Balart, M.	Diaz-Balart, M.
Dicks	Dicks	Dicks
Dingell	Dingell	Dingell
Doggett	Doggett	Doggett
Donnelly (IN)	Donnelly (IN)	Donnelly (IN)
Doyle	Doyle	Doyle
Driehaus	Driehaus	Driehaus
Duncan	Duncan	Duncan
Edwards (MD)	Edwards (MD)	Edwards (MD)
Edwards (TX)	Edwards (TX)	Edwards (TX)
Ehlers	Ehlers	Ehlers
Ellison	Ellison	Ellison
Ellsworth	Ellsworth	Ellsworth
Eshoo	Eshoo	Eshoo
Etheridge	Etheridge	Etheridge
Fallin	Fallin	Fallin
Farr	Farr	Farr
Fattah	Fattah	Fattah
Filner	Filner	Filner
Fleming	Fleming	Fleming
Fortenberry	Fortenberry	Fortenberry
Foster	Foster	Foster
Frank (MA)	Frank (MA)	Frank (MA)
Frelinghuysen	Frelinghuysen	Frelinghuysen
Fudge	Fudge	Fudge
Gerlach	Gerlach	Gerlach
Giffords	Giffords	Giffords
Gingrey (GA)	Gingrey (GA)	Gingrey (GA)
Gohmert	Gohmert	Gohmert
Gonzalez	Gonzalez	Gonzalez
Gordon (TN)	Gordon (TN)	Gordon (TN)
Granger	Granger	Granger
Grayson	Grayson	Grayson
Green, Gene	Green, Gene	Green, Gene
Griffith	Griffith	Griffith
Guthrie	Guthrie	Guthrie
Hall (NY)	Hall (NY)	Hall (NY)
Hall (TX)	Hall (TX)	Hall (TX)
Halvorson	Halvorson	Halvorson
Hare	Hare	Hare
Harman	Harman	Harman
Hastings (FL)	Hastings (FL)	Hastings (FL)
Hastings (WA)	Hastings (WA)	Hastings (WA)
Heinrich	Heinrich	Heinrich
Heller	Heller	Heller
Hensarling	Hensarling	Hensarling
Henger	Henger	Henger
Herseth Sandlin	Herseth Sandlin	Herseth Sandlin
Hill	Hill	Hill
Himes	Himes	Himes
Hinchey	Hinchey	Hinchey
Hinojosa	Hinojosa	Hinojosa
Hirono	Hirono	Hirono
Holden	Holden	Holden
Holt	Holt	Holt
Honda	Honda	Honda

Wolf Wu
Woolsey Yarmuth

NOES—74

Aderholt	Franks (AZ)	Moran (KS)
Alexander	Gallegly	Nunes
Bartlett	Garrett (NJ)	Pence
Billirakis	Goodlatte	Petri
Bishop (UT)	Harper	Price (GA)
Boehner	Hastings (WA)	Rogers (AL)
Boozman	Heller	Rooney
Boustany	Hensarling	Roskam
Broun (GA)	Herger	Royce
Brown-Waite,	Hunter	Ryan (WI)
Ginny	Inglis	Scalise
Burton (IN)	Jordan (OH)	Schmidt
Buyer	King (IA)	Schock
Calvert	Kingston	Sensenbrenner
Campbell	Lamborn	Sessions
Cantor	Latta	Shadegg
Chaffetz	Lewis (CA)	Simpson
Coble	Luetkemeyer	Smith (NE)
Coffman (CO)	Manzullo	Sullivan
Davis (KY)	McCarthy (CA)	Terry
Dreier	McClintock	Thompson (PA)
Emerson	McHenry	Walden
Flake	McKeon	Westmoreland
Forbes	Miller (FL)	Wilson (SC)
Fox	Miller, Gary	Wittman

NOT VOTING—51

Akin	Graves	Ortiz
Barrett (SC)	Green, Al	Paul
Bishop (NY)	Grijalva	Platts
Boucher	Gutierrez	Quigley
Brady (TX)	Higgins	Radanovich
Braley (IA)	Hodes	Rodriguez
Brown (SC)	Hoekstra	Rohrabacher
Camp	Johnson (IL)	Rush
Carter	Kilroy	Sestak
Costello	Larsen (WA)	Sires
Courtney	Lynch	Smith (WA)
Crenshaw	Maloney	Stupak
Cuellar	Marchant	Tiberi
Davis (AL)	McCarthy (NY)	Tsongas
Davis (IL)	Miller (NC)	Wamp
Deal (GA)	Murtha	Waters
Engel	Olson	Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1903

Messrs. NUNES and MANZULLO changed their vote from “aye” to “no.” So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to establish the Waco Mammoth National Monument in the State of Texas, and for other purposes.”.

A motion to reconsider was laid on the table.

BLUE RIDGE PARKWAY AND TOWN OF BLOWING ROCK LAND EXCHANGE ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1121, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1121, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 377, noes 0, not voting 56, as follows:

[Roll No. 649]

AYES—377

Abercrombie	Costa	Holt
Aderholt	Crowley	Honda
Adler (NJ)	Culberson	Hoyer
Alexander	Cummings	Hunter
Altmire	Dahlkemper	Inglis
Andrews	Davis (CA)	Inslee
Arcuri	Davis (KY)	Israel
Austria	Davis (TN)	Issa
Baca	DeFazio	Jackson (IL)
Bachmann	DeGette	Jackson-Lee
Bachus	Delahunt	(TX)
Baird	DeLauro	Jenkins
Baldwin	Dent	Johnson (GA)
Barrow	Diaz-Balart, L.	Johnson, E. B.
Bartlett	Diaz-Balart, M.	Johnson, Sam
Barton (TX)	Dicks	Jones
Bean	Dingell	Jordan (OH)
Becerra	Doggett	Kagen
Berkley	Donnelly (IN)	Kanjorski
Berman	Doyle	Kaptur
Berry	Dreier	Kennedy
Bigert	Driehaus	Kildee
Bilbray	Duncan	Kilpatrick (MI)
Bilirakis	Edwards (MD)	Kind
Bishop (GA)	Edwards (TX)	King (IA)
Bishop (UT)	Ehlers	King (NY)
Blackburn	Ellison	Kingston
Blumenauer	Ellsworth	Kirk
Blunt	Emerson	Kirkpatrick (AZ)
Boccieri	Eshoo	Kissell
Boehner	Etheridge	Klein (FL)
Bonner	Fallin	Kline (MN)
Bono Mack	Farr	Kosmas
Boozman	Fattah	Kratovil
Boren	Filner	Kucinich
Boswell	Flake	Lamborn
Boustany	Fleming	Lance
Brady (PA)	Forbes	Langevin
Bright	Fortenberry	Larson (CT)
Broun (GA)	Foster	Latham
Brown, Corrine	Fox	LaTourette
Brown-Waite,	Frank (MA)	Latta
Ginny	Franks (AZ)	Lee (CA)
Buchanan	Frelinghuysen	Lee (NY)
Burgess	Fudge	Levin
Burton (IN)	Gallegly	Lewins (CA)
Butterfield	Garrett (NJ)	Lewis (GA)
Buyer	Gerlach	Linder
Calvert	Giffords	Lipinski
Campbell	Gingrey (GA)	LoBiondo
Cantor	Gohmert	Loebach
Cao	Gonzalez	Lofgren, Zoe
Capito	Goodlatte	Lowey
Capps	Gordon (TN)	Lucas
Capuano	Grayson	Luetkemeyer
Cardoza	Green, Gene	Lujan
Carnahan	Griffith	Lummis
Carney	Guthrie	Lungren, Daniel
Carson (IN)	Hall (NY)	E.
Cassidy	Hall (TX)	Mack
Castle	Halvorson	Maffei
Castor (FL)	Hare	Manzullo
Chaffetz	Harman	Markey (CO)
Chandler	Harper	Markey (MA)
Childers	Hastings (FL)	Marshall
Chu	Hastings (WA)	Massa
Clarke	Heinrich	Matheson
Clay	Heller	Matsui
Cleaver	Hensarling	McCarthy (CA)
Clyburn	Herger	McCaul
Coble	Herseth Sandlin	McClintock
Coffman (CO)	Hill	McCollum
Cohen	Himes	McCotter
Cole	Hinchey	McDermott
Conaway	Hinojosa	McGovern
Connolly (VA)	Hirono	McHenry
Cooper	Holden	McHugh

McIntyre	Pomeroy	Smith (NE)
McKeon	Posey	Smith (NJ)
McMahon	Price (GA)	Smith (TX)
McMorris	Price (NC)	Snyder
Rodgers	Putnam	Souder
McNerney	Rahall	Space
Meek (FL)	Rangel	Speier
Meeks (NY)	Rehberg	Spratt
Melancon	Reichert	Stark
Mica	Reyes	Stearns
Michaud	Richardson	Sullivan
Miller (FL)	Roe (TN)	Sutton
Miller (MI)	Rogers (AL)	Tanner
Miller, Gary	Rogers (KY)	Taylor
Miller, George	Rogers (MI)	Teague
Minnick	Rooney	Terry
Mitchell	Ros-Lehtinen	Thompson (CA)
Mollohan	Roskam	Thompson (MS)
Moore (KS)	Ross	Thompson (PA)
Moore (WI)	Rothman (NJ)	Thornberry
Moran (KS)	Roybal-Allard	Tiahrt
Moran (VA)	Royce	Tierney
Murphy (CT)	Ruppersberger	Titus
Murphy (NY)	Ryan (OH)	Tonko
Murphy, Patrick	Ryan (WI)	Towns
Murphy, Tim	Salazar	Turner
Myrick	Sánchez, Linda	Upton
T.		Van Hollen
Nadler (NY)	Sanchez, Loretta	Velázquez
Napolitano	Sarbanes	Visclosky
Neal (MA)	Scalise	Walden
Neugebauer	Schakowsky	Walz
Nunes	Schauer	Wasserman
Nye	Schiff	Schultz
Oberstar	Schmitt	Watson
Obey	Schock	Watt
Olver	Schrader	Waxman
Pallone	Schwartz	Welch
Pascarella	Scott (GA)	Westmoreland
Pastor (AZ)	Scott (VA)	Wexler
Paulsen	Sensenbrenner	Whitfield
Payne	Serrano	Wilson (OH)
Pence	Sessions	Wilson (SC)
Perlmutter	Shadegg	Wittman
Perriello	Shea-Porter	Wolf
Peters	Sherman	Woolsey
Peterson	Shimkus	Wu
Petri	Shuler	Yarmuth
Pingree (ME)	Simpson	Young (AK)
Pitts	Skelton	Young (FL)
Poe (TX)	Slaughter	
Polis (CO)		

NOT VOTING—56

Ackerman	Engel	Ortiz
Akin	Granger	Paul
Barrett (SC)	Graves	Platts
Bishop (NY)	Green, Al	Quigley
Boucher	Grijalva	Radanovich
Boyd	Gutierrez	Rodriguez
Brady (TX)	Higgins	Rohrabacher
Braley (IA)	Hodes	Rush
Brown (SC)	Hoekstra	Sestak
Camp	Johnson (IL)	Shuster
Carter	Kilroy	Sires
Conyers	Larsen (WA)	Smith (WA)
Costello	Lynch	Stupak
Courtney	Maloney	Tiberi
Crenshaw	Marchant	Tsongas
Cuellar	McCarthy (NY)	Wamp
Davis (AL)	Miller (NC)	Waters
Davis (IL)	Murtha	Weiner
Deal (GA)	Olson	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1911

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Mr. Speaker, I missed votes on Monday, July 27, 2009. If I were present, I would have voted:

"Yea" on rollcall 647, On Motion to Suspend the Rules and Pass H. Res. 593—Recognizing and celebrating the 50th Anniversary of the entry of Hawaii into the Union as the 50th State;

"Yea" on rollcall 648, On Motion to Suspend the Rules and Pass H.R. 1376—Waco Mammoth National Monument Establishment Act of 2009;

"Yea" on rollcall 649, On Motion to Suspend the Rules and Pass H.R. 1121—Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009.

PERSONAL EXPLANATION

Mr. RODRIGUEZ. Mr. Speaker, unfortunately I was unable to vote today, Monday, July 27, 2009 because I was unavoidably detained. Had I been present to vote, I would have voted in support of the three bills that were before the floor of the House of Representatives today; H. Res. 593, Recognizing and celebrating the 50th Anniversary of the entry of Hawaii into the Union as the 50th State; H.R. 1376, the Waco Mammoth National Monument Establishment Act of 2009; and H.R. 1121, the Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, although I voted for all amendments and for the motion to recommit, because of responsibilities in commemorating Apollo 11 in Houston, I missed the final vote on H.R. 3293, Labor, Health and Human Services, Education, and Related Agencies, the appropriations bill, on Friday, July 24, 2009.

Had I been present, I would have voted "aye."

REGARDING POSSIBLE REINSTATEMENT OF PETE ROSE

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise this evening to discuss Major League Baseball's possible reinstatement of Pete Rose. I was pleased to hear reports over the weekend that Commissioner Bud Selig is seriously considering ending the ban that has kept baseball's all-time hits leader from consideration for enshrinement in the Hall of Fame.

Beginning in 1963 until his playing days ended in 1986, Pete Rose accumulated some of the most heralded baseball statistics known to the game. Most notably are his 4,256 career hits, a Major League record, one that may never be broken. Pete did not get this record without earning the nickname "Charlie Hustle."

It will always be hard to forget that September evening in 1985 when Rose

belted his record-breaking hit into left-center off pitcher Eric Show of the San Diego Padres. Additionally, Rose won two World Series championships with the Cincinnati Reds in 1975 and 1976, a squad commonly known as the Big Red Machine, and also one with the Philadelphia Phillies in 1980.

Even Pete Rose has admitted to making some serious mistakes in his life. Mr. Speaker, we are a country of second chances and of forgiveness. After 20 years of Major League Baseball banishment, Pete Rose deserves to have his second chance.

HOUSTON FEDERAL JOBS FAIR

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. On July 25, the Sunday Chronicle read: Houston fair draws more than expected despite the stifling heat. Thousands sweat out the chance to get Federal jobs. Houston fair draws more than expected despite the stifling heat.

A Federal jobs fair that was held by my office in Houston on this past Saturday, July 25, shows that Texas is vulnerable to the unemployment numbers, and it also shows why the stimulus dollars do count.

Houstonians and Texans and Americans want to work. These stimulus dollars are beginning to impact our communities, even those who are viewed as not being vulnerable to this high unemployment. We realize that we have to face this while we rebuild our economic structure. That is what we are trying to do with the passage of health care reform and in providing more jobs for our constituents.

I will have another Federal jobs fair in collaboration with many of my friends—with the private sector, with community colleges, and with others—to ensure that Americans know that their tax dollars are working for them. We want Federal jobs to be known and to be available throughout America beyond the beltway, and we'll be working with our government, with our administration and with our Department of Labor to let Americans know there are jobs there for them that their tax dollars are paying for. In essence, we need you to work for the United States Government, and jobs are there for you.

Houston, we will be back again for a second U.S. Federal jobs fair.

□ 1915

CITY OF EDINA IN TOP TEN

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, I rise tonight to recognize one of the many great communities in my congressional district. The City of Edina, Minnesota,

was recently named one of the top 10 best towns for families by Family Circle magazine. Edina was chosen from an initial list of 1,700 towns and cities nationwide with populations between 15,000 people and 150,000 people.

The annual rankings are based on a number of criteria, including the quality of schools, access to health care, affordable homes, green space, crime rates, and financial stability. In fact, Edina was the only city on the list to receive a Great Schools rating of a 10—the best score possible—which is determined by looking at standardized test scores of students in the public school district.

Mr. Speaker, I offer my congratulations to the City of Edina and the parents and the students and the friends and neighbors who make that community great.

ALEXANDER HEARD

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I attended Vanderbilt University and graduated in 1971. My chancellor was a gentleman named Alexander Heard. Alexander Heard passed away last week at the age of 92. He was an exceptional educator, one of the best Tennessee or this Nation will ever know.

During the tumultuous times of the 1960s, a student group invited both Dr. Martin Luther King and Stokely Carmichael to address the students at Vanderbilt University. Protests came in as expected. Chancellor Heard knew that colleges were about openness, about free speech and exchange of ideas. In fact, he said the university's obligation is not to protect students from ideas, but rather to expose them to ideas to help make them capable of handling them and hopefully having ideas.

Chancellor Heard wrote quite a few texts on southern politics, was a respected academician as well as an educator. He was a gentleman, he was a scholar, he made Vanderbilt a great university.

He will be missed.

HEALTH CARE THIEVES

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, it's time to put common sense into health care reform. The first thing to do is focus on current fraud and waste. The part of health care that the government already runs, like Medicare and Medicaid, wastes billions of dollars every year, and billions more are lost through fraud.

The national health care antifraud system says Medicare fraud costs American taxpayers \$68 billion every

year. The FBI says health care fraud may be as high as 10 percent of costs, which means the crooks and the cheats are stealing \$226 billion a year from taxpayers. That's money that should be going to treat the sick and the disabled. Now taxacrats want to hand all of our health care money over to the bureaucrats.

Law enforcement needs to go after Medicare and Medicaid cheats before we consider nationalized health care. We can save billions of dollars on health care by simply sending the crooks to jail. Fix the obvious stealing and waste before we encourage more fraud and abuse under a universal government-run health care system.

And that's just the way it is.

HONORING DANIEL PAUL

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute.)

Mrs. BACHMANN. Mr. Speaker, this last Saturday was a very sad day in Minnesota. We laid to rest a fallen hero named Daniel Paul. His parents were in attendance, his family, our community, and we came together in sorrow and tears, our governor, our two Senators, and we went as a community for this fallen hero.

He was really a remarkable man, Daniel Paul. He was so remarkable, 22 years old, he didn't fear anything. And he willingly laid his life on the altar of freedom for all of us. And it was one more reminder, Mr. Speaker, of how heavy the cost of our freedom is and yet how remarkable these young men and women are who voluntarily, with full assurance in their heart, lay their life down for us.

So, Mr. Speaker, I just wanted to come today and make reference and thanks to this young man who gave his life for us to his parents, to his siblings, to his extended family who have all sacrificed so much with the loss of this young life.

So, Mr. Speaker, I want to honor the memory of Daniel Paul and thank him for his service to our country. And also for those in our community who doff their hats, the patriot guards, the motorcyclists who lined the streets with their flags. I was never more proud to be an American than this last Saturday when I saw our community recognize this cost and pause and honor his memory.

REPUBLICAN HEALTH CARE PLAN NEEDS TO COME TO THE FLOOR

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, I'm looking at the list of the things to be covered this week. It has, "Friday, health care legislation???"

I hope that the American people will let their voices be heard. This is not

good for America. It is going to cost tremendous amounts of money, and then our seniors, especially, get particularly vulnerable. They go on lists and they are not prioritized, and then they die waiting in line, just as the man I met here recently from Canada, just as his father did after being on the list for 2 years to get a bypass surgery.

We don't need to go here. People don't need to be dying in line. We can have a better plan, and we have a better plan, but it's been shut out with Leg Counsel and I can't get it out in the form of a bill. That's what we need to do. The plan's there. Just let us get it to the floor.

SOCIALIZED MEDICINE WILL NOT WORK

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. About 85 percent of the people in this country do have health care coverage, Mr. Speaker. And we really need to do something about the indigent, the people that are poor, the 15 percent that don't have coverage. But creating a socialized medical system simply won't work, as my colleague that just preceded me said. Socialism causes a rationing of health care, and in addition to that, it causes a tremendous amount of additional expense on people that they don't really think they're going to have to bear.

We're going to see a tax increase for everybody in this country if we pass the program that's been put forth by the Democrats and the President of the United States. And the rationing of health care for seniors. I can't believe the AARP has come out in favor of this bill, because seniors who have more health problems as they progressively get older are going to be hit the worst. And as my colleague just said, there will be rationing of health care, and many people won't be able to get hip replacements or heart surgery that's absolutely necessary to keep them going and keep their quality of life where it should be.

I hope the people of this country, Mr. Speaker, really pay attention, and I hope we don't get this bill passed until we get back in August, because once the American people find out what's in it, they aren't going to want it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LADIES OF LIBERTY

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the women of Iran are inspiring people around the world leading in the cause and fight for freedom. They have taken to the streets by the thousands because of the fraudulent government elections and repressive government subjugation. They are giving even men courage to protest. The New York Times ran an eyewitness report saying, "For days now, I've seen women urging less courageous men on. I've seen them get beaten and return to the fray." Women shout at the men to "Get up. Get up. Speak out against government oppression."

Untold numbers of Iranian women have been arrested. Shadi Sadr is a journalist, lawyer, and a human rights activist. She was last seen Friday, July 17, on her way to prayer. She was seen struggling with government henchmen as they beat her and dragged her into a car.

Shadi managed to break away for a few moments, but she was chased down, beaten with batons and taken to prison in Tehran to keep her voice silent. She is jailed this very night as we assemble here in this cradle of liberty. What's the charge? What's her crime? Seeking freedom and respect seem to be her crimes. And by any means necessary, the black-booted government thugs want to silence those who exercise the first human right of freedom—and that being the freedom to speak out against oppression.

As a lawyer, Shadi represents Iranian activists and journalists. She has won cases for several women sentenced to be executed for violations of religious laws, and those convictions have been overturned. She is also involved in Women's Field, a group defending women's rights in Iran, including the "Stop Stoning Forever" campaign.

Mr. Speaker, women are tragically stoned to death for religious violations in Iran, for acts that aren't even crimes in civilized countries. They are buried up to their waist with their hands tied behind their backs, then a mob throws stones at them until they're dead. And sometimes it takes more than an hour to die. These violent, barbaric acts are to be condemned by those who value life and liberty.

For the first time in a Presidential campaign in Iran, women made their oppression an issue in the election. Women courageously confronted their oppressors demanding freedom.

One Iranian woman said, "When the elections were stolen, women felt betrayed. They took to the streets. Images of security forces beating up unarmed, innocent women were shocking and fueled their anger. At times, the number of women exceeded those of men in the protest."

One protester told reporters, "We don't sit in the corner and wait for the

men to make change. We do it. We are the mothers of Iran."

You see, Mr. Speaker, women in Iran have been fighting for dignity and respect for over 30 years. Mr. Speaker, these mothers of Iran have true courage, the kind of courage that comes from standing for truth over government lies. The kind of courage that comes from fighting for freedom against tyranny.

It's been said "Tyranny is when the people fear the government. Freedom is when the government fears the people." And now, the government of Iran has begun to fear these ladies of liberty.

The women of Iran have shown their courage to the world. They speak with one bold voice saying "NO MORE". They will not be silenced because truthful, righteous words cannot long be silenced by the stones of oppression and the rocks of brutality.

The Ladies of Liberty are writing their own glorious page in history. They have been unjustly trampled, dragged, beaten, shot, and killed by a government that has declared war on its own people.

□ 1930

They have earned their honored place among those who have shed blood for freedom. But their fight is not for their native Iran alone. It is a fight for all freedom-seeking women and men worldwide that are being persecuted by their own government. Shadi Sadr and the wonder women have earned the respect of the free world.

Mr. Speaker, it is only a matter of time before the women of Iran win their freedom. They are throwing off the yolk of tyranny. With every step they take, they move closer to the day that liberty will be theirs. When they are successful in liberating their country from tyranny, Iran and the world will be safer. Their cause is righteous and their actions are just.

And that's just the way it is.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE of California. Mr. Speaker, I rise today to speak on the urgent issue of health care reform. Later, the Congressional Black Caucus, led by a great leader who does this every Monday night on behalf of the CBC, Congresswoman MARSHA FUDGE from Ohio, will be holding another Special Order on health reform. Although I won't be able to join my colleagues tonight, I did want to come to the floor and add my voice to the chorus of members from the Congressional Black Caucus who are calling for real health care reform now.

I want to begin by commending my colleagues in the CBC, especially Con-

gresswoman and Dr. DONNA CHRISTENSEN, who also is the second vice Chair of the Congressional Black Caucus and chairs our Congressional Black Caucus Health Brain Trust. She has been leading the charge to address racial and ethnic disparities in health care. Together with Representative DANNY DAVIS, who cochairs the CBC's Health and Wellness Task Force, the two of them have developed a very important set of requirements to ensure that real health care reform becomes the order of the day. So I just want to thank them for their leadership, and just know that the Congressional Black Caucus supports what they have put together with all of the input of the CBC.

Let me just begin by just saying, we have said over and over again that we want to ensure that there is a strong public health option linked to Medicare providers. This requirement must remain intact in the final bill.

We believe that we must continue to work to get this done as quickly as possible. That means hopefully we can do this before we recess this week. The 47 million uninsured deserve this. This means, again, we must pass a bill this week before we adjourn for the August recess.

The Congressional Black Caucus believes that a bill that is less than \$1 trillion, that is completely paid for, that is budget neutral, would likely compromise many of the provisions that are important to the millions of Americans that are uninsured. This is unacceptable. We think the bill must at least have a cost of \$1 trillion. There is no reason to consider a bill less costly.

The CBC stands firmly behind an original request that we made, along with the Congressional Hispanic Caucus and the Congressional Asian Pacific American Caucus, to include specific health disparity provisions from the TriCaucus bill, which I believe is H.R. 3090, the Health Equity and Accountability Act. We want these provisions in the final health reform bill.

The TriCaucus has worked on a comprehensive bill to eliminate health disparities for the last 8 years. We believe that we have a very good bill, and we are pleased that many of the provisions in our health care reform bill are included now as it relates to health and ethnic and racial disparities.

The CBC considers the provisions on children's health prevention services and mental health and substance abuse critical to this bill, and they should not be compromised in the final product. We must ensure that we guarantee true parity for mental health and comprehensive coverage, including dental and vision, for kids.

Also, the Congressional Black Caucus believes that the disproportionate share of hospital payments should not be cut in an unnecessary attempt to re-

duce the cost of the overall health bill. Many hospitals who care for a large number of low-income patients or which serve as teaching hospitals depend on these DSH payments to help cover their operating costs. We shouldn't be penalizing these hospitals, because ultimately that will affect their ability to provide access and care to low-income populations.

And finally, the Congressional Black Caucus strongly believes that we can realize a host of savings from a variety of provisions in this bill, whether or not the Congressional Budget Office agrees to evaluate and score these savings. As a caucus, we strongly recommend including a trigger in the final health care reform bill that would allow those savings to be used to replace current pay-fors and to add important services that were left out of the initial bill because of the failure to fully assess and score the final cost.

The bottom line is that expanding access to care and expanding the availability of preventive health services will cut costs and save lives and will be to the benefit of everyone. We should try and recapture those savings and use them to strengthen the system.

Last week, President Obama reminded us all of the important work that we must do, and we must do it now. We must reject claims that the cost of reforming health care in America is something our Nation can't afford. To the contrary; if we fail to act, and if we fail to act now, we do so at the peril of the American people, particularly the 47 million who will continue to suffer.

Thank you, Congresswoman FUDGE, for your leadership.

SMOKE AND MIRRORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Georgia. Mr. Speaker, when it comes to passing a health care bill that the Democratic leadership insists that this will happen, they claim to currently have the votes to get it passed on this floor. If that's true, Mr. Speaker, then show us the bill. If the rhetoric coming from the other side of the aisle is true and you are planning to steamroll a \$1 trillion health care experiment through this body before August, then let's see it. Let us debate it. Let the American people see it. The American people deserve to see the bill with plenty of time for an open and honest debate about what is exactly in store for them if this partisan experiment passes.

The American people have seen enough smoke and mirrors about the Washington bureaucrat that will be inserted between them, as a patient, and their physician. They have seen enough smoke and mirrors about how many

people will be forced off of their current health care plans. They have seen enough smoke and mirrors about the real cost of this plan. If you have the votes, then let's clear out the smoke, show us the bill, and finally give hard-working Americans answers to their questions.

AMERICA'S REPUTATION IS IMPROVING, BUT THERE'S MORE TO DO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, one of President Obama's greatest challenges has been to restore America's moral leadership and reputation in the world because it sunk to new lows under the previous administration.

To achieve this goal, the President has taken several important steps. He has renounced the use of torture. He has called for a nuclear-free world. He has reached out to the Muslim world, and he has promised to emphasize diplomacy and international cooperation.

We are now seeing the results of these changes. Last week, the Pew Global Attitudes Project reported the results of its latest survey of opinions about the United States. It found that the image of the United States has improved significantly under President Obama. People in Western Europe, Africa, Latin America, and Asia now have a much more positive opinion of the United States. America's reputation has even improved, Mr. Speaker, in some countries which are predominantly Muslim.

The survey also compared attitudes about President Obama and Osama bin Laden in the Muslim world. For the first time in the survey's history, people in Turkey, Egypt, Jordan, Nigeria, and Indonesia have a better opinion of the American President than bin Laden.

Mr. Speaker, I am encouraged that the people of the world have more trust and respect for America these days. It means our moral authority is being restored, and moral authority matters. When America is trusted, we have a much greater capacity for global leadership.

But even though our country's good name is being restored throughout the world, there is much more to be done. Most importantly, we need a foreign policy based on the principles of "smart power."

Smart power emphasizes preventing war instead of preemptive war. It relies on diplomacy and international cooperation instead of military occupation, and it gives the people of the world the hope and the opportunity they need to reject a life of violence and hatred.

The principles of smart power are included in my "Smart Security Platform for the 21st Century," which I have proposed in House Resolution 363. The Smart Platform calls for America to work with multilateral organizations to cut off funding and support for extremist networks. It strengthens international intelligence and law enforcement operations to track down extremists while respecting civil liberties. It helps eliminate the root causes of instability by promoting economic development, Third World debt relief, conflict resolution, global health programs, and universal education. It increases support for civil society, which plays a key role in stopping violence. It reduces our dependence on foreign oil by investing in renewable alternatives.

Smart calls for diplomatic efforts enhanced by inspection regimes and regional security arrangements to reduce the spread of nuclear weapons and nuclear materials. It calls for the ratification of the Comprehensive Nuclear Test Ban Treaty by the Senate, and it provides adequate funding for the Cooperative Threat Reduction Program to secure nuclear materials in Russia and other countries.

Mr. Speaker, it is time for America to start relying on smart power to protect our country because the smarter we are, the safer we are going to be.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. We need to know what the people who advise the President of the United States think and believe about health care reform, Mr. Speaker. Listening to the President's adviser's actual words I believe is very enlightening.

This morning I read a column written by Betsy McCaughey, and I would like to quote from it extensively now. This is from a column dated July 24, 2009. Ms. McCaughey wrote the following. She said, The health bills coming out of Congress would put the decisions about your care in the hands of Presidential appointees. Government will decide, not the people, not their doctors, what our plan will cover, how much leeway our doctor will have, and what senior citizens will finally get under Medicare.

But what is even more important, Mr. Speaker, are the actual words of the President's advisers on health care. Here are the words from one of the President's first advisers, Dr. Ezekiel Emanuel, the brother of the White House Chief of Staff. He has already been appointed to two key positions: one is Health Policy Adviser at the Office of Management and Budget, the other is as a member of the Federal

Council on Comparative Effectiveness Research.

This is what Mr. Emanuel has written, and I quote, "Vague promises of savings from cutting waste, enhancing prevention and wellness, installing electronic medical records and improving quality are merely 'lipstick' cost control, more for show and public relations than for true change."

Isn't this what the Democrats have claimed we are going to find \$500 billion in savings for? The President's own adviser says this is just lipstick, this is just a paper covering, this isn't where the real savings are. Savings, the President's adviser writes, will require changing how doctors think about their patients. Doctors take the Hippocratic Oath too seriously, he writes. Now, hear me, Mr. Speaker, this is the President's adviser writing this, Doctors take the Hippocratic Oath too seriously "as an imperative to do everything for the patient regardless of the cost or effects on others."

But that is what the people want their doctor to do. But Emanuel wants doctors to look beyond the needs of their patient and consider social justice, such as whether the money would be better spent on someone else. This is a horrific notion to our Nation's doctors, but it is a horrific notion to each American because doctors believe, as Americans believe, that social justice is given out one patient at a time.

But the President's adviser, Dr. Emanuel, believes communitarianism should guide decisions on who gets care. He says medical care should be reserved for the nondisabled. So watch out if you're disabled. Care should be reserved for the nondisabled, not given to those who are "irreversibly" prevented from becoming participating citizens. "An obvious example," he said, "is not guaranteeing health services to patients with dementia."

We just lost my father-in-law to dementia 2 months ago. I thank God that the doctors were able to alleviate my poor father-in-law's symptoms at the end of his life at age 85.

□ 1945

Apparently, under the Democrats' health care plan, my father-in-law would not have received the high quality of care that he received in his last 2 months of life. Or if you're a grandmother with Parkinson's or a child with cerebral palsy, watch out.

In fact, the President's adviser defends discrimination against older patients. He writes: "Unlike allocation by sex or race, allocation by age is not invidious discrimination. Every person lives through different stages of life rather than being a single age. Even if a 25-year-old receives priority over 65-year-olds, everyone who is 65 now was previously 25."

These bills that are being rushed through Congress right now, maybe

even this week, are going to cut over \$500 billion out of Medicare in the next 10 years, putting it on the backs of our State legislature to fill the gaps. Knowing how unpopular these cuts are, the President's Budget Director, Peter Orszag, has urged Congress to delete their own authority over Medicare to a new Presidentially appointed bureaucracy that will not be accountable to the public.

Here is the President's next adviser, Dr. David Blumenthal. He recommends that we slow medical innovation in order to control health spending. You heard me right. He said let's slow medical innovation to control health spending. He has long advocated government health spending controls, although he concedes they are associated with longer waits and reduced availability of new and expensive treatment and devices, but he calls it debatable whether the timely care Americans get is worth the cost.

Mr. Speaker, Americans need to wake up and read what the President and his advisers are saying. It may scare them to go to the phones and call their Members.

THE RISING COSTS OF HEALTH CARE AND THE NEED FOR A PUBLIC OPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. LUJÁN) is recognized for 5 minutes.

Mr. LUJÁN. Mr. Speaker, at a time when families throughout my district and throughout our Nation are struggling with the rising costs of health care, a robust public option will expand choice and increase competition, driving down costs and making affordable health care a reality.

We need a strong public option for the single mother in my district who changed jobs and lost her insurance, who deserves the chance to get the coverage she needs for herself and for her kids.

We need health care reform for the self-employed businessperson who will finally have a chance to get affordable, comprehensive health care without worrying about constraints on his business.

There should be no question that our current health care system is broken. We have an opportunity to work with one another to truly look after the American people and make a difference in their lives. We need a strong public option because our constituents, our constituents, deserve affordable, accessible health care.

Mr. Speaker, we have come to work. We have come to look after the general welfare of the American people. Year after year we have had an opportunity, and we have squandered it, to be able to address the problems that are afflicting the American people, people struggling today. And we have an opportunity to either work to come up with some solutions or not present any ideas.

Mr. Speaker, we have some great ideas here, and it is about time that we take some action.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, under section 423(a)(1) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit an adjustment to the budget aggregates and the 302(a) allocation for the Committee on Appropriations for fiscal year 2010. Section 423(a)(1) of S. Con. Res. 13 permits the chairman of the Committee on the Budget to adjust discretionary spending limits for overseas deployments and other activities when these activities are so designated. Such a designation is included in the bill H.R. 3326 (Making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes). Corresponding tables are attached.

This adjustment is filed for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act of 1974, as amended, this adjusted allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	Fiscal year 2009	Fiscal year 2010	Fiscal years 2010–2014
Current Aggregates: ¹			
Budget Authority	3,668,788	2,882,117	n.a.
Outlays	3,357,366	2,999,049	n.a.
Revenues	1,532,579	1,653,728	10,500,149
Change for Appropriations adjustments to date:			
Budget Authority	0	0	n.a.
Outlays	0	3,514	n.a.
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	3,668,788	2,882,117	n.a.
Outlays	3,357,366	3,002,563	n.a.
Revenues	1,532,579	1,653,728	10,500,149

¹ Current aggregates do not include the disaster allowance assumed in the budget resolution, which if needed will be excluded from current level with an emergency designation (section 423(b)).
n.a. = Not applicable because annual appropriations Acts for fiscal years 2011 through 2014 will not be considered until future sessions of Congress.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302(a) ALLOCATION

(In millions of dollars)

	BA	OT
Current allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,091,405	1,309,520
Changes for overseas deployment and other activities designations:		
H.R. 3326 (Department of Defense Appropriations):		
Fiscal Year 2009	0	0
Fiscal Year 2010	128,247	68,091
Revised allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,219,652	1,377,611

OZARK-JETA PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

Mr. BOOZMAN. Mr. Speaker, I join those Members of Congress who are concerned about the rapid growth of deficit spending by the Federal Government, lots of spending with little job growth. For that reason I rise today to express my concern that the administration budget attempts to cancel a project that will literally cost the taxpayers more to cancel than it will to complete.

On July 7 the New York Times reported on the Ozark Powerhouse Rehabilitation project. According to the Times: "Shutting down the Ozark-Jeta project won't save taxpayers a dime since the government would pay a \$12

million cancellation fee and reimburse utility ratepayers for their \$20 million share. Bottom line: Federal Taxpayers would spend \$32 million to kill the project, \$4 million more than it would cost to complete it."

I think it is important for the record to contain some background information on the Ozark Powerhouse Rehabilitation project. So let's take a moment to do that.

The Corps of Engineers is in the middle of a major rehabilitation of the Ozark-Jeta Taylor Powerhouse on the Arkansas River. Construction is under way. This project involves turbine redesign and replacement that will improve and allow the continued operation of this 100-megawatt hydropower

facility. The electricity produced at the Ozark Powerhouse is sold to customers in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. As the Times article noted, electricity customers have already invested \$20 million through their utilities in this project. Neither the President's fiscal year 2010 budget request nor the initial announcements of stimulus money for the Corps contain any funding for this project.

My hope is that the administration will now work with the Congress to do the right thing and ensure that funding is provided to complete this project. If the project is not funded in 2010, work would be closed out on the project as fiscal year 2009 funds are exhausted.

If that happens, what will we have? We will have one turbine unit disassembled and inoperative. We will have another inoperative unit due to a cracked shaft. We will have three units that are available only on a day-to-day basis due to frequent outages caused by problems with old turbine runners. We will have five new units that have already been purchased and may be left sitting uninstalled and onsite with no place to store them. Most regrettably, the taxpayers will have an additional \$32 million bill on top of the money they have already spent on an incomplete project.

If this project is cut, how can we say we want to reduce our dependence on fossil fuels and cut emissions? If this project is cut, how can we say we want to encourage renewable energy? If this project is cut, how can we say we will avoid wasting the taxpayers' money?

In fact, because the electricity produced by this Federal project will be sold, once the rehabilitation is complete, every taxpayer's invested dollar will be returned to the Treasury plus interest. At this point how could we even consider not completing the work?

I encourage the President to make an honest effort to reduce Federal spending, and we can start by completing this project rather than canceling it. During the Presidential campaign, then-Senator Obama talked about the importance of using a scalpel, not a hatchet, when cutting spending. A quick look at the facts shows that this project was thoughtlessly cut, the kind of cut that is made with a hatchet.

We have all seen crazy decisions made by both Republicans and Democrats in the White House; so I'm not trying to be partisan expressing my concern about the way this project is being handled. Instead, I believe this cut illustrates that the government too often makes poor decisions and mishandles taxpayers' dollars. It just doesn't make any sense to cancel a project in the middle of construction when it will cost more to cancel the project than it would to finish it.

Again, my hope is that the administration now will work with Congress to

do the right thing and ensure that funding is provided to complete this project.

INTRODUCING H. RES. 680, REQUESTING THE PRESIDENT TO RETRACT AND APOLOGIZE FOR REMARKS CRITICIZING OFFICER CROWLEY; AND H.R. 3347, THE FREEDOM TRADE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McCOTTER) is recognized for 5 minutes.

Mr. McCOTTER. Mr. Speaker, tonight I have introduced H. Res. 680, calling upon President Obama to retract and apologize for his remarks regarding the conduct of Cambridge, Massachusetts, police officer James M. Crowley, Jr. Mr. Speaker, I view this as a Presidential issue.

After admitting his bias and inadequate grasp of the facts, the President nevertheless stated Sergeant Crowley had "acted stupidly" when carrying out his duties as a law enforcement officer. Subsequently, in a public remark, the President said that Sergeant Crowley had "overreacted."

On his part, Sergeant Crowley has steadfastly denied any inappropriate conduct.

Mr. Speaker, this is the crux of the problem, and it is a situation patently unfair to Sergeant Crowley and his standing regarding potential legal and professional consequences. Therefore, I ask the President to retract his premature judgment, apologize for it, and allow the appropriate authorities to resolve this issue through due process.

With my view, Kenneth E. Grabowski, legislative director of the Police Officers Association of Michigan agrees. I quote Mr. Grabowski: "After admitting a bias against the police officer and an ignorance of the facts, the President used his bully pulpit to help a well-connected friend by unfairly accusing an officer of misconduct in the performance of his duties. It must not stand. If it does, what officer will be next?"

And I would add, what citizen will be next?

Mr. Speaker, tonight I have also introduced H.R. 3347, the Freedom Trade Act, which applies human rights as a criterion of trade with the United States.

Mr. Speaker, I believe H.R. 3347 is most timely, for today, in the Ronald Reagan Building, President Obama stated how "the relationship between the United States and China will shape the 21st century, which makes it as important as any bilateral relationship in the world."

On my part, I believe it is therefore imperative that this relationship be built upon a common and unbreakable commitment to every human being's God-given rights to liberty, including

the rights of the free exercise of religion and speech and to the ability to form free and independent labor unions.

That is why this bill is necessary. It will show all our potential partners throughout the world that the United States remains a beacon of freedom that will never forget Natan Sharansky's warning that "how a government treats its own people cannot be separated from how that government could be expected to treat other countries."

Mr. Speaker, with this I wholeheartedly concur.

FREEDOM OF SPEECH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Mr. Speaker, I rise tonight to sort of do a continuation of a theme that I have been discussing, but this one has gotten to the point where I'm very concerned about the seriousness of the offense.

We talked about failure of certain Members of Congress to pay their taxes, failure of Members of Congress to not disclose the influence peddling that is going on. We've talked about a lot of things. Last week we talked about the rule of law and how many are trying to circumvent the rule of contract.

In fact, I read today in the Wall Street Journal that the compensation czar is going to renegotiate the contracts. I assume that means strong-arm the parties to renegotiate the contracts on certain compensation packages; and however offended we may be by compensation packages, there are certain rules of contract that should be honored. That is one of the backbones of our Nation's freedom is that we have the right to make a deal and then be bound by it. But that's a different subject.

Tonight I want to talk about a subject that I think that if this doesn't concern people back home, if this doesn't concern the Members of this body, then I don't really know what will.

□ 2000

It is because the issue we are talking about here is something that is the beginning of tyranny, and it is something we should all be very concerned about, and that is when a political group starts to step on the free speech rights of others in this Nation.

Now, you may feel like this is a position that I am taking that is untenable, but I am going to tell you that 652,000 people in the various districts, and most of the districts in my State have grown to a million now, send a

person to Washington, D.C., to speak and to communicate with them back home about what is going on here in Washington, and they expect to hear the words and the ideas and the thoughts of their elected representative when that elected representative is communicating with them back in Washington, D.C.

But recently, in fact, you started seeing some of this pop up back during what they called the cap-and-trade and we call the cap-and-tax bill, but it has gone now to where it has become rampant on this issue of health care. An organization that is designed to set rules concerning how we spend government money in communicating with our people back home—it is called the Franking Commission. It is made up of, as I understand it, and I could have the number wrong, three Republicans and three Democrats, and both are submitted a communication, say a weekly newsletter, that is sent back home or the lead-in to a telephone townhall or an e-mail back home, an instant e-mail telling people what is going on this day in Congress. And these things have to be submitted if they are being paid for by government money to the Franking Commission.

The Franking Commission, in a simple way to say it, they just basically don't think you should be using the government's money for politics. But they have never in the history of the Republic taken the position you don't have the right to express your opinion on the policies that are being proposed, or that you must reword the policies to suit the language of someone else. It is almost like, I hate to say it, political correctness run amok.

I want to start off by telling you what happened to me, and then I want to tell you what has happened to some of my colleagues, and I am going to be joined by some of those colleagues.

It is important that you understand that I write to my folks or I communicate with my folks back home every day. One of the tools I use is called a telephone townhall. On a telephone townhall you make a recorded message that leads into the townhall, and part of the recorded message is to tell the people what you are going to be talking with them about for the next hour, so they know what the subject matter is, because it narrows the scope and we get to narrow down the things we talk about.

So we made a telephone townhall recording submission to the Franking Commission in which I proposed to say the Democratic Party is offering their government-run health care program in the next 2 weeks, and this is what we are going to talk about tonight. The Franking Commission came back and told me I could not say "government-run health care" and I could not say "the Democratic Party." I had to say the majority party is submitting its public option health care program.

In other words, what they are telling me is I have to use the same language that the President of the United States uses in his speech, or that NANCY PELOSI uses when NANCY PELOSI talks about this, "public option," which they have done polls to discover that "public option" sounds better than "government-run health care."

But that is their opinion. I as an American citizen and a Member of this body am entitled to express my title for that to my constituents back home, and in fact to the entire American public, to say in my opinion they are submitting their government-run health care program. And I would submit there is no other real way you can describe that if you believe the government is running it, because it says the government is running it.

It is not like they are going to contract out, subcontract to insurance companies to put together a policy. No. The United States Government is going to offer a health care plan for the American public and it is going to be run by the Federal Government, the United States Government. That is the plan. That is what they are submitting in their 1,018-page health care plan, which to this point has not been completed and finally marked up, and we haven't seen the final product. And if it goes the way it has gone since we have been in Congress since January, when Mr. Obama was sworn in, this Congress will present it to us sometime between midnight and 2 in the morning of the morning before we vote on it.

But getting back to the seriousness of this situation, I was taken back by what they did to me. But it is not just about me. If it was just about me, I would not be standing up here. But I felt like they were telling me what I had to say. I had to use someone else's words to describe something that I wanted to describe.

But that wasn't all. My colleague KEVIN BRADY from Texas, and he may be here later on, we were delayed because of weather for a long time tonight, and Mr. BRADY told me he would get here if he could, as fast as he could, within this hour.

My friend KEVIN BRADY prepared this chart. And what this chart is is Mr. BRADY's interpretation of all of the entities that exist or that are being created by this plan that is put together by the Democrats, and it is what stands between the consumers, that is this little body of folks right here, and the health care professionals over there, and all of this stands between them.

Mr. BRADY was told that he could not mail this to his constituents. He asked why, and they said it is not true. And he said, well, that is fine. Point to me one entity that is not in the bill, one, just one, and I will pull it down.

No one could point to any entity that is not contained in the bill. Everything

that is seen on this chart is contained in the bill. But the point of this was they were trying to curtail Mr. BRADY's freedom to express himself, his freedom of speech in this body.

Now, if you want to really lean and say, Oh, sure that is fair, they ought to be able to do that, well, let's look at something here that is kind of interesting.

Back during the Hillary Clinton "HillaryCare" debate, another chart was introduced into this Congress. It is not as pretty as Mr. BRADY's, because it is not in color. This chart, during the HillaryCare debate, was submitted to the Franking Commission. I don't remember the date. Maybe it is on here. Anyway, it was during the HillaryCare debate, what was that, 1993, back in 1993, by Dick Armey of Texas. It went to the Franking Commission, and the Democrats and the Republicans approved it as appropriate to communicate to constituents with.

So what has changed between the nineties and the first debate about health care, which was approved by both parties, and today, 2009, which was blocked and refused by the Democrat Members of the Franking Commission? What has changed is someone is trying to tell us we don't have the right to speak our minds in the United States Congress.

Now, when you get a huge majority like they have in the House, and the 60 vote majority in the Senate, maybe you feel like the mandate is so great that you have the right to circumvent the freedom of speech of the Members of Congress on the minority side. But you don't.

Congressman JOE BARTON used the words "Democratic majority" in his newsletter. The Franking Commission kicked it out and said he had to use "congressional majority." But in NANCY PELOSI's newsletter in 2006 when she was in the minority, you find this statement: "But too many here and across our Nation are paying the price for the Republican congressional majority's special interest agenda."

So why was it okay for the now-Speaker of the House just in 2006 to use "Republican congressional majority," but it is not okay for Mr. BARTON to use the term "Democrat majority?" He has sent this back along with Ms. PELOSI's statement and is awaiting a response from the Franking Commission.

Now, what is wrong with that? Well, what is wrong with that is that if you await a response from the Franking Commission, then you lose your time to communicate. You try to communicate on issues as they come up. This had to do with cap-and-trade before it passed the House. He was not allowed to use it.

A Florida colleague submitted a franking review for the week of July 13th that said, This bill imposes a new

payroll tax on employers who do not provide their employees with insurance. The Democrats demanded it be changed to read, in my opinion, this bill imposes a new payroll tax on employers who do not provide the employees with insurance.

The problem is, it is not an opinion; it is a fact. It was pointed out to them on page 150 of their own bill. It says specifically the language that was quoted by a colleague from Florida.

Mr. KEN CALVERT from California pointed out that he quoted verbatim from President Obama in a speech that he made at his recent townhall meeting on health care in which he quoted this quote. When a lady asked about her elderly mother and special treatment for her elderly mother with heart troubles and receiving a pacemaker, the President, this is a direct quote from his speech, which was not allowed to be sent out and was deleted from Mr. CALVERT's newsletter, it was a direct quote: "Look, the first thing of all is to understand that we actually have some choices to make about how we want to deal with our end-of-life care. We as a culture, as a society, can start to make better decisions within our own families and for ourselves. At least we can let doctors know and your mom know that you know what—maybe it isn't going to help. Maybe you are better off not having the surgery, but taking painkillers."

That was a direct quote from the President at his conference, news conference, townhall, which was not allowed to go in Mr. CALVERT's newsletter by the Franking Commission.

There are more stories, but the following people have had censorship of their language recently: Representative HERGER, Representative LAMAR SMITH, Representatives LAMBORN, BONNER, WESTMORELAND, OLSON, SHUSTER, ROSKAM, MCCOTTER, GINGREY, FLEMING, BOUSTANY, BRADY, CONAWAY, PRICE, CULBERSON, GARRETT, KLINE and LEE. All have been in some form or fashion censored in their freedom of speech.

Folks, if they will take the freedom of speech away from your Members of Congress, when will they take it away from the press? When will they take it away from the people? When will they take it away from you and your children and the next generation of Americans that we pass this great, beloved freedom on to, the right of an American to stand up and speak his mind?

□ 2015

Yet this party, in control of this House, is starting to interfere with the freedom of speech of American citizens who are elected by other American citizens to represent them on the floor of Congress. Well, I have talked for a long time, but I am upset about what's going on. I am joined by some of my colleagues.

I yield to my friend Judge POE from Texas for whatever time he needs.

Mr. POE of Texas. I thank the gentleman from Texas. I appreciate the time to address this issue. You've brought forth an excellent argument and concern. As you have mentioned, the bigger problem about what is occurring has to do with the Constitution where the First Amendment says, "Congress shall make no law abridging the freedom of speech." Of all places on Earth, this body, this group of people in this House should have the absolute freedom to speak freely about things that concern the people we represent, things that concern America, things that are good about America, and things that we need to help for America. This place, Congress. And yet this own body, through this censorship commission, prohibits us from talking to people in our own districts in a candid way. So much so that you and I and other Members throughout this House of Representatives can say anything we wish on this House floor—almost anything that doesn't violate the ethics rules that we've all agreed on. But yet we can say things on this House floor that we cannot say to our constituents back home in the form of a newsletter or a telephone call. The example you gave: We can say government-run health care plan, but we can't say that to our people back home. The reason is because there is a censorship commission that garnishes and looks after our words and says, No, you cannot have that freedom of speech.

So this issue is bigger than health care. It's bigger than energy cap-and-trade. It's bigger than all of those issues. The issue is the freedom to speak freely as a Member of Congress. Now we are slowly entering the abyss where words that we want to say in our own way are going to be controlled by the speech police in Congress. Who would have ever thought this would occur? But yet, as you mentioned, this is occurring because of the things that we wish to communicate with the people back home in Texas or California or Michigan or Iowa. We cannot tell them in a candid way what we think about what's going on here and answer their concerns when they ask us questions through e-mails, letters and phone calls. We are now being told that there are some things you just cannot say as a Member of Congress, and it's very disturbing. The First Amendment is first for a reason because without the First Amendment, none of the others can be enforced. Freedom of speech and the freedom of press are first, along with the freedom of religion and freedom to assemble, because they are the most important amendments and rights that we have. Now it's disturbing, as you said, that we find ourselves in a place where we have to get permission to say things from a censorship board that prohibits us from communicating our thoughts and our ideas back home, things that we can say on

the House floor that we can't say in writing. Who would have thought?

It ought not be.

Mr. CARTER. I thank my friend from Texas for a very eloquent presentation. And it is that serious. Those of us who spend our lives in the courtroom trying to protect people's rights, as Judge POE will tell you, we spend an inordinate amount of time making sure that all the rights of Americans who appear in the court system are protected. We in this body should spend an inordinate amount of time making sure that our rights and the rights of the American people are protected. There are others here.

My good friend and classmate Mr. MCCOTTER, who is from the great State of Michigan, has a few things to say.

Mr. MCCOTTER. I thank the gentleman from Texas, and I thank him for allowing me to borrow the disputed chart. One of the things that I think frustrates Americans is when they entrust elected officials with office—especially Congress—and the Members of Congress forget a simple thing: We do not represent Washington to our districts. We represent our districts to Washington. I think that that important principle is often missed in the debate we are currently having. By all objective standards, the American people want health care reform, and they want it done right. Yet in the rush to misjudgment, they are very concerned that one of the truisms Americans understand will, once again, be proven: That no matter how bad a situation may be, Congress can still make it worse. The rush to judgment now to pass a bill before the August deadline, to me, is based upon one ineluctable fact—the more the American people learn about what's in this 1,200-page health care bill, the more they are opposed to it. Thus, if this Congress leaves without having passed a flawed health care bill that will increase costs, decrease quality, eliminate choices and kill jobs, the American people will have time to tell their duly elected Representatives what they think of this bill; and it will not be pleasant.

Thus, we come to the problem before us tonight, which is the inability of Members of Congress to put out a chart that shows how the process would work under this bill. The chart in question is here before us. It is on the floor of the U.S. House; it is being broadcast by C-SPAN across the country; and yet Members are not allowed to put it in materials to be distributed to their constituents. I can find no logical explanation why this chart can be shown to you here and yet cannot be shown to you in a piece of mail, in a flyer or anything distributed out of the office of a Member. I would eagerly await the logical rationale as to why this is the case because, quite simply, if the majority has its way and does not allow

Members of Congress to put forward the chart of their own 1,200-page health care plan, you will not see this chart.

This is what they want you to see. This will lead no one to an informed decision about what is in the bill. This will lead no one to an informed decision about how one of the most intimate relationships they will have, between themselves, their doctor and their health care insurance, will be affected by this bill. All we ask is that rather than allowing the people less information about this bill, that the majority do what is right and give the American people time to make their own determination based upon what is in the bill, and allow them to see this chart, contact their Members, tell them what they think of it; and let us come back, let us get rid of a flawed bill, and let us come together from the center and work out for true health care reform that is right for Americans, that will decrease costs, increase quality, empower patients as consumers, and continue to make the best health care system in the world even better for all of our citizens.

Mr. CARTER. I am now going to yield such time as he may choose to consume to my good friend from the State of Iowa, Congressman KING. He always has great things to say. He is a man of compassion and passion.

Mr. KING of Iowa. I thank the judge, the gentleman from Texas, for organizing this Special Order, bringing this point up, and for getting the media out so that the American people understand what is going on.

I'm looking at the two charts that the judge has put down there. One of them is the HillaryCare chart that was black and white that you will remember from a few moments ago, Mr. Speaker. Back in 1993, the black-and-white HillaryCare chart was enough to sink the National Health Care Act. HillaryCare went down because the American people saw a chart. They saw all of those government commissions that were created; and every time you create a government commission, they knew intuitively that some of their freedom was going to be gone, some of their choices were going to be gone, taxes were going to go up, services were going to go down, lines were going to get longer, and the quality of health care was going to be diminished, all in the name of leveling this thing down to the lowest common denominator, would be how I would describe it. That was when that flow chart in '93, 16 years ago, was in black and white.

This flow chart is in full technicolor. Mr. Speaker, when you look at this chart—and I hope you have studied this chart thoroughly and understand all of the 31 agencies that are created here in this full technicolor chart and the maze of government bureaucracy that is created by it, the loss of quality that would result from it, the increasing

cost that will come from it, and the dependency that will be brought about because this safety net turns into a hammock; and in the end, no individual will really have an incentive to take care of their own health insurance because they will be crowded out by the public option. This is a national health care plan. This is socialized medicine. Mr. Speaker, I'll say socialized medicine real clearly to you here in this House of Representatives. If I had the notion to put it on frank mail, then we would see how that works too. Public option is the President's words and the national health care plan. Government-run insurance is what it really is.

Now we know a little bit about government-run insurance. A lot of western civilizations have government-run insurance. They have government-run a lot of things that have crippled them to the point where they couldn't compete with us. When you get down to the extreme in this, there's a reason why we won the Cold War—because we didn't have government-run, we had private sector-run, private sector-motivated, a whole mass of worker bees that went out and contributed; they were entrepreneurs; they were creative; and they sparked this economy. The vitality of the American free enterprise system not only created the best health care system in the world, the highest-quality medicine in the world, it created the most dynamic, the most competitive economy that tied together with strong political, military and cultural country. And in the end, the Soviet Union imploded because they couldn't keep up with us economically.

Here we are looking at the rest of the world having failed in their central planning models, whichever side of that great Iron Curtain they originated from. We can look at western Europe; we can look at the plan in France, in the United Kingdom; we can look to our neighbors in the north in Canada and see what they have created when they started down the path of trying to produce a substitute for the private sector health insurance models. We have over 1,300 health insurance companies in America. That's not policies. That's companies, and companies with multiple policies, Mr. Speaker. The President has this idea that we need one more competitor, one more injector of good ideas supposedly into this health care debate. I would submit that of all the people that have spent their lives creating good ways to provide a more competitive model of health insurance, the President's not going to think of a better idea than they came up with.

I think he proved himself here just a couple of days ago on the Cambridge issue. The President doesn't always come up with good ideas. Sometimes his ideas are not so good. But to look

in on an industry and decide you want to create a government-competing industry so that you have more competition when you have more than 1,300 health insurance companies, there are only two things that can happen with this. That is, this circle on the chart and down at the bottom in the purple circle on the side that would be the left hand of those who are watching on television is the white square that shows all the traditional health insurance policies that are there. They have to flow into qualified policies. Qualified policies will be policies that will be qualified when the newly appointed health insurance czar decides what kind of rules to write for these private insurance companies, these 1,300 that will have to change their policies to conform with the new rules that will be written by a person yet to be named by the President of the United States. There will not be 1,300 that qualify. They all won't qualify. Some will decide, they can see the writing on the wall, they'll know what's happened, and they will just pull the plug—pull the pin, as we say, and drive away from the wagon they have and decide to get out of the business because they know the government's coming. The government's coming with your tax dollars, and the government is determined to build—this administration at least and the Democrat majority in this Congress—is determined to build a health insurance policy to compete with 1,300 private insurance policies, which means they're going to do two things in some combination. I could say one of two things. I think they'll do both things. The new health insurance czar, who is the guy in the blue box with the yellow letters above the two purple circles dead center up about a third of the way. The new health insurance czar will write new rules. There will be compliance rules; and those rules will be things such as: They will mandate. They will mandate mental health coverage, which it is good to cover mental health. Some of the States have mandated it, and some have not. They will mandate mental health coverage. They will probably mandate contraceptive coverage. They will probably mandate anything that you can imagine; and additionally, they're going to mandate—they will not step away from this so we know they're going to mandate that this policy fund abortion in America. And they will trample over the top of more than 50 percent of Americans' deeply held convictions that life begins at the instant of conception, and that it is sacred in all of its forms. They're going to ram this policy at us all, and some of these companies will decide out of moral reasons that they are no longer going to be in business in a country that is going to compel abortion, for example, or compel mandates, for example. All of those mandates that are on there will drive the premiums up.

Now if the newly appointed Obama health insurance czar, which is the guy in that rectangular box in that schematic there, the blue box with the yellow letters on it, if he will write those regulations tough enough, a lot of companies will drop out, and the others will have to raise their premiums.

□ 2030

When they do all that, then the Federal Government can compete with their public plan that they want to have, just one entity out there to compete with the private sector. And they will be able to compete more easily and still be able to have premiums that are competitive for a time, and then when we find out that the competition is not working that way, they will subsidize the premiums in the public plan, and that will drive the private sector insurance companies.

And we know the model in Canada. They started out with a similar proposal. I actually think that's where President Obama got this idea. The Canadians don't have any competitive health insurance plan today. There are no two purple circles, one of them the public options, the collection of them, and the other is the private. They have one circle, one size fits all, and everybody has to submit to one health care system in Canada. And they have to stand in line, and the result is rationing.

And so, for example, if you're waiting for a knee replacement in Canada, the average wait is 340 days. When you're waiting for a hip replacement, the average wait in Canada is 196 days. If you're waiting for heart surgery, I'd like to think it's not as long a wait. But we know this: If people have to wait for health care, if they have to get in line for health care, they will die in line. Some will die in line. We've seen numbers that are pretty stark, and I'm going to hesitate on quoting them.

But I will tell you that a week ago Thursday night, we had a speaker in the Policy Committee that Mr. McCOTTER, who just spoke, from Michigan, chairs, and it was a doctor from Michigan who has practiced medicine on both sides of the border, in Michigan and in Canada. He told a story of going up there to work in the ER in the hospital in Canada, and they brought a patient in that had a knee that was all torn up, a torn meniscus and a torn ACL, anterior cruciate ligament. And so this knee was a mess. And the doctor examined the knee, did what tests he could within the ER, and he said, You need surgery. You need surgery right away. I'll schedule you for tomorrow morning.

Well, it must have been the doctor's first real foray up into Canadian medicine working within the system because he found out that he couldn't schedule the surgery the next morning. He had to schedule another exam and

another approval from a doctor who was a specialist. And by the way, this doctor is a specialist.

And so he couldn't get him scheduled, not for that night or the following morning or the day after, which would be a real stretch in America. Can you imagine laying around in a hospital for a specialist to come along, your knee swollen up the size of a cantaloupe, and waiting for a doctor to show up 2 days? And I'd say, Mr. Speaker, no. We wouldn't wait 2 days for a doctor to show up to look at our leg. If he couldn't be there that night, he would be there the next day, probably in the morning.

And he would do the examination and they'd find a way to schedule the surgery, and they would do that surgery as quickly as they could because they care about recovery and quality of life and service and they want to make sure that you're not in an ambulance going to a hospital somewhere else telling them that you couldn't get in at so and so memorial hospital because there was a long line. They don't want that to happen.

But in Canada, in this patient, this real case that was related to us before the Policy Committee a week ago last Thursday night by a doctor from Michigan, it took 6 months for that young man with that torn-up knee to see the specialist to be diagnosed in order to be approved for surgery that this doctor would have liked to have seen done the next day.

And then 6 months later, they actually did the surgery. A knee torn up, a man who's in the productive time of his life, on crutches for 12 months waiting for surgery. And then we know that the leg atrophies and the recovery and the rehab gets to be longer.

So he was out, I think pretty close, I believe the doctor said 15 months he was off work, when they could have had him back to work in a couple or maybe even less if they could have just had the surgery right away. That's an example of Canadian health care.

And I recall reading through a stack of Collier's magazines from 1948 and 1949. These magazines were—they featured the United Kingdom's socialized medicine plan that they passed in 1948 in Britain. And there they showed pictures of long lines outside the clinics and doctors that were just frazzled that they had to see so many patients in order to hold their economics together. They didn't have time to be a doctor with a patient relationship. They just ran through them as fast as they could do so, and it just was wearing everybody down.

All the predictions, the things that we see today were even predicted then. They saw them. They were real in the first year of the socialized medicine plan in the United Kingdom. And here we are where we can't even call this government-run health care, govern-

ment-run system. Well, who will be running this system if it's not the government? Who is poised to pass this legislation if it isn't the Democrat majority in the House of Representatives and the Democrat President in the White House? And it will take a Democrat majority in the United States Senate to pass this schematic that is in full technicolor today that takes away the American people's freedom to purchase their own health insurance policy and access to their own health care, all in the name of trying to provide for the people that are not insured and blurring, intentionally, the language between health insurance and health care.

If we had a billion dollars for every time somebody on this floor had blurred the language between health insurance and health care intentionally, I believe, Mr. Speaker, we would have enough money to fund this monstrosity. People are being confused, I believe, intentionally. I've seen this language unfold for at least 2 years now. People don't have health care. It gets said over and over again. Every American has access to health care. And we can have the argument about whether going to the emergency room is the right way to do it or not, and we know it's not the cheapest. But if they have access to health care, we should not tell the American people they do not. We need to tell them every American has access to health care. Not every American can afford their own health insurance policy.

But when you break the numbers down, we're around 306 million people, and if you start subtracting from that those that are in America that are here illegally, if—let's just say this great gift of automatic government health insurance had to be delivered to these illegals in this country by the Department of Homeland Security, they would be obligated to deport those people rather than reward them with a government-owned and run health insurance plan. Subtract them from the 306 million.

Subtract those that are here legally that are immigrants. They're supposed to take care of themselves. We don't hand people entitlements when they come to the United States. That's by law. Subtract them. Subtract the people that make over \$75,000 a year. They can find a way to take care of themselves. And if you subtract the people that are eligible for Medicaid but are not signed up—and by the way, Mr. Speaker, almost half of those eligible for Medicaid just aren't signed up. And I don't know why we would think that if we would just give everybody free access to health insurance that they will sign up. But you subtract the Medicaid people that are not signed up. Then you subtract the people that are eligible for an employee-run option but

they don't sign up for one reason or another, and you get down to a study that is this.

One was by a pair of Penn State professors that does the math down to 10.1 million Americans are the chronically uninsured. And there's another study that one of our government agencies, I think it actually was CBO, but I'm not certain, 12 million uninsured. So, in any case, between 10.1 and 12 million Americans are chronically uninsured. That's the universe that we're supposedly trying to get to, about 10 to 12 million Americans. That maps out to be about 4 percent of this population, 4 percent of the population chronically uninsured.

And we know that the people that are, let's say, chronically not covered by Medicaid just simply don't show up. So why would we think that the chronically uninsured are any different type of personality or any different kind of person utilizing the health policies that we have.

So I will submit that even if we handed them a free policy, probably not more than half of the 4 percent that are chronically uninsured are going to sign up. The rest you'd have to chase them down and impose it on them. Staple the policy to their shirt collar on the chance they'd show up at the emergency room, in which case we're going to take care of them anyway. The administration cost of providing health insurance for the 4 percent of the chronically uninsured when you can't get probably half of them to actually sign up, so we get 2 percent of a population of 306 million people at the price of \$1.5 trillion and a raising of taxes of \$800 to \$900 billion and a deficit of \$239.1 billion, at the low side, and maybe a deficit of \$500 to \$600 billion on the up side.

I wonder if anybody wants to censor those numbers? I mean, I'm always open to that debate. But I found out that when I put numbers out here, some will say, You're wrong, Congressman. And I say, What's your number? And they don't have a number. If they don't have a number, they don't have any right to challenge my numbers. I'll put the numbers out here.

But this is about access to health care. This is about our freedoms. This is about whether 1,300 private health insurance companies in America can do a better job of providing the options that are suitable to the American people and the creativity and the research and development and the innovativeness and the modern health care system that sets the standards for the world. And the rest of the world, by the way, poaches on the innovativeness of the American health care system. We create more pharmaceuticals and more techniques and surgical techniques than anybody else by far. And they're available to the rest of the world for a really cheap price, if anything at all is

charged. We set the standard. The Americans pay the price, and still they can't keep up with the results we have here in America.

I could go on, Mr. Speaker, but I think I have made my point, and I thank the gentleman from Texas for bringing this up. And I'll just say this. Can I say this like a Texan, Judge? This is our chart. KEVIN BRADY of Texas put that chart up. It is accurate. It shows 31 government agencies, new ones. It is accurate and it shall stand. It shall not come down. And like that first flag down in Texas with that cannon on it, if they think that this should not be something for the public to see, they can come and take it.

Thank you, Judge. I yield back.

Mr. CARTER. I thank my friend for reminding us of Texas history. In reading over the list of people that have had the Franking Commission censor their language, I failed to mention Congressman SPENCER BACHUS, who's the ranking member of the Financial Services Committee and has had just horrendous hard times this year with all the issues of bailouts and all the things that are going on in the financial service industry. He submitted the term "government-run health care." This is his exact sentence. "Government-run health care system proposed by President Obama and his liberal allies in Congress." They would not allow him to say that.

He was also told during the cap-and-trade—we say cap-and-tax bill, which is our description of the bill, they would not let him use the term "cap-and-tax" and wanted it to be climate bill. He also had his language censored. One of my colleagues made the point, said, When people start censoring your language and telling you what to say, I think that most people in America start saying, Why are you doing that? We've got free speech in this country. Those are my elected representatives. They have the right to express their opinion. Why are you not letting them have that right to express their opinion? Why can't they call something a government-run health care that you want to call a public option plan? That ought to be part of the debate. I think the American people would ask that question.

I would also think they would ask the question about this chart, Why are you wanting to hide this? What's there to hide? If it creates those agencies, then it creates them. And we have asked and asked and asked to point out what agency that it says, and it's the colored agencies that are being created that aren't in the bill, and no one has yet pointed out one that's not in the bill.

So why can't we show it to people? Why would a branch of this House tell Members of this House what they can and can't say to the people that elected them to come up here and speak on their behalf?

□ 2045

I think we should be concerned about this. I think Americans should be worried. If they start telling us what we can say, when are they going to start telling you what you can say? You know, if we let it go, we are just as guilty as those who have let tyranny go in the past.

We, as Americans, fought a revolution to be able to set down in black and white, on paper, our God-given rights, and that's what our Constitution says. Man is endowed with these rights by his creator, certain unalienable rights, and we define those rights by setting them down in black and white in amendments to the Constitution.

In the first sentence of the First Amendment, it says that this House—this body, this government—shall not infringe on the right of free speech. I mean, it is a direct directive to this government. That means the House of Representatives of the Congress cannot interfere with the freedom of speech in this country. The Senate cannot interfere, and the executive branch, the President, and any of the agencies cannot impose upon the right of free speech in America. Yet a body created to decide how stamps are going to be spent is now telling us what we can and cannot say to the people who sent us up here.

I don't think I'm blowing this out of proportion. I don't think I was when Mr. BRADY was told he could not publish this initially, in any form or fashion, until it was discovered that the Internet—you know, the Internet is a great protector of American freedom because the average American can make a copy of this, and he can send it to the world on the Internet. The Franking Commission can talk all they want to. It's already out there. If you had something to hide, the fact that you had something to hide will also be out there all over the world.

We feel like we have a duty and a responsibility to talk to and to communicate with the people who sent us up here to represent them. The majority party has every right, the Democrats have every right, to express their opinions on bills, to say what they think they say. We can say what we think they say, and we can describe them as we want to describe them. That's what this House is all about. We like to say this is the greatest experiment of democracy in history, the greatest experiment of self-government in history. Well, it can't be if somebody is curtailing the voice of even one of the Members of this body, if somebody is telling one Member that he can't do it.

Now, if this chart were written and if every third word said, "Elect Candidate BRADY to Congress," the Franking Commission would have every right to do this because that would be using government money for one's own purposes toward being elected to Congress.

If it said, "Elect only Republicans to Congress," I agree that the Franking Commission would have every right to say that because, quite frankly, that's why they're there, to keep us from using government money for political purposes.

Yet, when you're expressing your opinion and when you go to the trouble of using four researchers to dig through and to find out every agency that has been created in the new health care plan that is being proposed by this Congress and at the instruction of this President, Mr. Obama, and if these things are created, why can't you tell people about them?

If I want to describe the Federal Government's public health care plan as a government-run health care plan and if I choose to describe it that way because the government is going to run it, I mean, this isn't rocket science. The government is going to run it. In fact, a whole lot of these agencies are established to help them run it.

If I want to describe it that way, I've got a constitutional right to do that, and no colleague in this House and no organization set up by this House has the right to curtail the freedom of Americans, especially the Representatives of Americans, to speak their minds.

It may be a little thing, but do you know what? It just takes one drop of water, and eventually the bucket is full and then the barrel is full, and then the lake is full.

I didn't count these names, but I can count them. There's this list right here. Let's see, twenty-four Members of this House have had their language censored and their communications stopped because of something that they said, like "government-run health care" or like using the term "Democrat majority" in the newsletter. If this is going to happen—if you're going to tell people you can't state that the bill imposes taxes when it does impose taxes, if you're being told you can't send the letter out and that you can't communicate—I don't think you can define it any other way than as curtailing the freedom of speech in the United States. That's what's going on.

I've talked in the past about the fact that, a while back, in the middle of these Special Orders when we've been talking about the rule of law and about other things, Congress has just adjourned. We have a 3-day reading rule proposed by Thomas Jefferson that has been set as the standard for this House of Representatives since the beloved Thomas Jefferson, the patron saint of the Democratic Party. Yet the 3-day rule promised by the Speaker, promised by the President and established by Thomas Jefferson hasn't applied to a single one of these bills we've had thus far, not to one, not to one of these major bills starting clear back in the fall. Not one of them has given us 3 days to read them.

Yet if you'll remember, JOHN BOEHNER dropped one that was about that tall—3,000 pages. He dropped it on the floor to show that we'd had 8 hours to look at it.

Now, I guess it's one of these things where, if you don't step up and speak now on the little things, like making you change your language or like telling you you can't mail your letter, then at some point in time, somebody is going to tell you, I'm sorry, Congressman, your opinion is not wanted here on this floor of the House. Sit down. You can't talk at all, or I'm sorry, that party's opinion is not wanted, and you can't talk at all, or whatever, or maybe, Your opinion is not wanted, and you can't express it at all.

That's not America. That's not the America that we created. That's not the America we are proud of. That's not the America we honor when we salute the flag and when we sing patriotic songs. That's not the America that we want.

We were talking about the national health care plan. I really haven't gone into the merits of it. I think my colleague did a very good job of going into the merits of it. I am so concerned about the fact that they're censoring. All I said was "government-run," and it's like I committed a crime. What in the world would have happened if I'd started really saying what I thought about it?

I did see something on television yesterday on PBS. It was on Winston Churchill. He was kicked out of office in 1946, '47 or '48, something like that, by the Labor Party in England. He was reelected, I believe, in 1950, but don't hold me to those dates. They showed him making a speech. I won't quote it exactly, but it was close.

He said, 2 years ago, we thought socialism was the solution to all of our problems. Today, we know that it's not, and, in fact, it has failed miserably.

However, they passed socialized medicine in 1948, and even though Mr. Churchill came in in 1950 and said that socialism had failed, that was almost 60 years ago, they've still got socialized medicine. It failed then and it's failing now. Ronald Reagan said the hardest, closest thing to eternal life on the face of the Earth is a government program. Once it's created, you never get rid of it.

So, as to the government-run health care plan, once it becomes law—that's why they're in such a hurry to do it this week. We don't have any time. The sky is falling. We can't wait 30 more days to discuss this problem that's going to change America as we know it, that's going to completely change the way we do health care as we know it. We can't have just 30 more days to talk about it back home with our constituents. We can't kick this ball down the road.

We've got to do it when it really came to the center portion of this House 2 weeks ago. Most of the committees that reported it out reported it out last week. We've been told if we don't do it by Friday, we'll keep you Saturday and Sunday. If you don't do it Saturday and Sunday, we'll keep you next week or the week after, but you're going to do it before you go home for the August recess.

That's fine. I stood up here most of last August, talking in a dark Chamber because they turned off the lights and wouldn't let us talk, so we just talked in the dark. So I don't mind. I'll stay up here the whole August recess if that's what's supposed to happen. They're trying to hurry because the closest thing to eternal life seen on this Earth is a government program, and once these government programs are in place, you'll never get rid of them. That is the consequence of being in a hurry.

I'll just point out that we got in a hurry on TARP, that we got in a hurry on Fannie Mae and Freddie Mac, and that we got in a hurry on the stimulus bill. We got in a hurry on cap-and-trade. We've been in a hurry on everything we've done this year, and I think everybody is seeing the results of not thinking things out and of not doing what we're supposed to be doing.

I love it when somebody says we're the greatest deliberative body on Earth. Then let's deliberate. You know, I've had juries deliberate longer on an issue than we're dealing with on health care for America. I mean, I had a jury deliberate for 2 weeks. We're in the second week this week, and not one committee has marked up and reported out a bill yet. The biggest committee and arguably the most important committee, Energy and Commerce, has not sent us a completed bill. Yet we are expected to finish it this week.

I had a jury deliberate, I believe it was 2 and maybe 3 weeks, close to 21 days, on a water tank and on a water system in Taylor, Texas. So this has got to be a little more critical to the American people than that.

It's about freedom. It's about liberty. It's about your liberty and my liberty to rely upon. The Bill of Rights and the First Amendment of the Bill of Rights says that this Congress shall not impose upon freedom of speech in America.

I thank the Speaker for his time. I yield back the balance of my time.

CONGRESSIONAL BLACK CAUCUS: HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members be given 5 days to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Ms. FUDGE. Mr. Speaker, I would like to just set the record straight. I've listened to my colleagues from across the aisle, and I do want to make clear to the American people that, if you have health insurance now and you want to keep it, you can. You don't need to change.

I also want to say to the American people that this plan is, one, about choice. It's not about government-run anything. It's about choice. It's about making sure that we spend more time worrying about the people than we do about the insurance companies. So I just want to make sure that people understand.

I'm very curious to understand and to know what my colleague meant when he kept saying "they," "they," "they." I don't know if he was talking about retirees or about the working poor or if he was talking about minorities or if he was talking about people who have been laid off or about people who have lost their jobs because their companies have closed. I don't know who "they" is, but certainly, at some point, I'd like to know who that is.

Now to my remarks, Mr. Speaker.

The Congressional Black Caucus, the CBC, is proud to present this hour on health care. The CBC is chaired by the honorable BARBARA LEE from the Ninth Congressional District of California. I am Representative MARCIA L. FUDGE from the 11th Congressional District of Ohio. I am the anchor of this CBC hour.

The vision of the Founding Fathers of the Congressional Black Caucus to promote the public welfare through legislation, designed to meet the needs of millions of neglected citizens continues to be a focal point for the legislative work and for the political activities of the Congressional Black Caucus today.

□ 2100

Tonight, the CBC will focus its attention on health care reform. I am proud to serve on one of the three House committees that authored H.R. 3200, the America's Affordable Health Choices Act of 2009.

The public health insurance option—also known as the Public Plan—is an essential part of H.R. 3200. The Public Plan is an innovative tool that will move America's health insurance system beyond the status quo and into a system that provides choices and forces private insurance companies to compete. Competition guarantees that all Americans will be able to access qual-

ity coverage while preserving what works in today's system and expanding choices and containing costs.

Some argue there is no need for a public plan, as did our colleagues on the other side of the aisle. Others say that a public plan will put private insurance companies out of business. I say this: Today's health insurance companies are operating in a manner that is making health coverage increasingly out of reach for the average American. Premiums are soaring higher and higher, and health insurance choices are becoming fewer and fewer.

For example, in my home State of Ohio, since 2000, the average family premiums have increased by 92 percent, that's 9-2, 92 percent. When faced with such an increase, you would think that Ohioans would have a number of choices and could decide to move to another insurer that offers a more competitive premium.

Well, it's not that easy, Mr. Speaker, because the choice of insurance companies is severely limited in the State of Ohio and across America.

In Ohio, the top two insurance providers controlled 61 percent of the health care market in 2008. In fact, 94 percent of the metropolitan areas in the United States are highly concentrated, meaning that one insurance company or a small group of insurance companies dominate the majority of the market.

And the problem is even worse for small businesses. In Ohio, the top 5 insurers control 85 percent of the market that provides health insurance to small businesses. This is what we call a consolidated health insurance market. There is no real competition. So the companies that are monopolizing the market are setting the prices and the standards that have led to more than 1 million uninsured Ohioans and 46 million uninsured Americans.

A public plan will be one of several options within H.R. 3200, the new health exchange that it will provide that is needed to reform our health insurance market.

As I mentioned earlier, H.R. 3200's public plan offers competition. Currently, our health insurance system is inefficient and expensive. Without competition, private insurers have no incentive to improve. By forcing market reforms in the area of administrative costs and through better delivery of services, the public plan will serve as a real competition and set the standard by which other insurers are measured.

The public plan will operate as a guaranteed backup that will ensure everyone that everyone has access to affordable health care no matter what happens. A public plan will give millions of hardworking families peace of mind. Both the public plan and competing private plans will offer a standard benefit package that covers essential health services such as inpatient

and outpatient hospital care and maternity and mental health services. The package will also offer preventative services like Well Baby and Well Child Care and screenings for diseases like diabetes and hypertension.

Preventative care is a benefit that is important to cutting the cost of health care. Providing preventative care will allow us finally to spend less by keeping healthy people healthy, instead of waiting until someone is very ill and then providing more costly treatment.

Under the standard benefit package, patients will no longer pay for preventative services, and the annual dollar amount spent on health care by consumers will be limited to \$5,000 for an individual and to \$10,000 for a family. Therefore, no one should ever again face bankruptcy from health care costs.

The private insurance market must be reformed. We cannot afford to do nothing. \$100 billion of America's \$2.5 trillion in health care spending goes to the cost of administering private insurance. Projections have shown that it is possible to save more than \$3 billion in 2009 alone and \$40 billion over 10 years simply by reducing administrative spending in health care.

The status quo is unacceptable, Mr. Speaker. Things will only get worse if we continue to let private insurance companies set the standards. Every American risks losing their health insurance and/or seeing their costs skyrocket without action. Families will continue to spend a disproportionately large amount of money on health care expenses.

The cost of an employer-sponsored family health insurance plan will reach \$24,000 in the year 2016, an increase of 84 percent if we do nothing to fix our broken system. American businesses will continue to fall behind. Employers' spending on health care premiums will more than double to \$885 billion in the year 2019. And one in five employers will stop offering health benefits altogether because of rising costs in the next 3 to 5 years.

Further, our government will not be able to keep up with the rising cost of health insurance. As Americans lose their private insurance, many will be added to the already strained government programs. Combined with the rising cost of care, spending on Medicare and Medicaid will double from \$720 billion in 2009 to \$1.4 trillion in 2019.

It is time to level the playing field with the public plan.

The public plan will be required to meet the same benefit requirements and comply with the same insurance reforms as private plans. Individuals and families will qualify for financial assistance in purchasing health insurance and will have the option to choose among the private carriers and the public plan.

Today's health insurance companies can either be more efficient and provide the coverage that Americans need or make way for the insurers that will agree to be responsive to the financial and health care needs of millions of Americans.

In closing, I would like to highlight two important pieces of health reform legislation. The first, to address the needs of the poor and those with low incomes, I recently introduced the Health Information Technology Public Utility Act of 2009 to facilitate nationwide adoption of electronic health records, particularly among America's free clinics. Although health care IT funding was included in the American Recovery and Reinvestment Act of 2009, America's free clinics are not eligible for funding under the Act. This piece of legislation has also been introduced in the Senate by Senator JOHN ROCKEFELLER, a Democrat from West Virginia.

Lastly, recognizing the health care needs of our Nation's underserved populations, the CBC introduced the Health Equity and Accountability Act of 2009 under the leadership of delegate DONNA CHRISTENSEN. Along with other CBC Members, I urge our colleagues to include this legislation in the America's Affordable Health Choices Act of 2009.

With that, Mr. Speaker, I would now like to yield to the distinguished Member from the Virgin Islands, my friend and colleague and an expert in health care reform, Representative CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you, Congresswoman FUDGE. Thank you for yielding. Thank you for being so steadfast in anchoring this special order every Monday night. I know many times I have wanted to join you and have not been able to be here and to support you in it, but you have managed to keep it going and to provide good information on many, many topics to the people who are listening across America.

I also want to thank you for your very clear explanation of what the public plan really is. We've heard a lot of misinformation about that public plan, as Congresswoman FUDGE says, one of many plans that will be in the exchange that will offer choice. And it is not a single-payer, it's nothing like the Canadian plan—not to disparage the Canadian plan; I think they have a good system—but ours will not be that. It will be an exchange where you, the American public, will have choices and can choose a public plan or a private plan. So thank you for making that clear.

And as we meet, Mr. Speaker, the Democratic Caucus is probably finishing up downstairs discussing the health care reform, America's Affordable Health Choices Act, going through it section by section; and there is nothing

about abortion in it. There have been many complaints about the bill, and some of them are rather weak and just plain wrong. Some people complain that they don't know what's in the 1,000-page bill. Well, the basic outline of that bill has been available for almost 4 weeks now, and the bill itself for over a week. I think that has given enough time for everyone and their staff to have the opportunity to read the bill if they wanted to. And as important as that bill is, I hope everyone has taken the time to read it.

Other complaints are of regional disparities in Medicare and Medicaid reimbursement. They've been a big issue for us. It's one that may now be solved satisfactorily—at least on the regional level—and poor and minority communities, which have also had historically disparate and low reimbursement rates, will also see that fixed in H.R. 3200.

But no one has more of a disparity than the people that I represent and those in the other territories who are not getting equal treatment in Medicare or Medicaid and who, as of now, are not even in the insurance exchange. And yet, despite all of that, because of the overall good this bill will do for us in the territories and our fellow Americans, I fully support this bill.

I want to also address some of the myths that are out there. No bill is perfect. Especially not one that has to do as much as this will have to do to fix the longstanding systemic malfunctioning of our health care system.

But what we have produced after many meetings, many preliminary hearings, followed up by a week of day-long hearings where over 50 people and organizations testified, it's a good bill. And we can get it out of the Energy and Commerce Committee this week. If we can do that, we're not going to bring it to the floor and keep everyone in here, but we would like to get it through this week so that when we go home, we'll have time to read the final product, discuss it with our constituents at home, and come back prepared to pass it when we return in September.

But I firmly believe that we have to keep moving forward. If we don't, it won't be a President Obama loss or Speaker PELOSI loss or even a Democratic Party or Caucus loss. It will be a serious loss of the American people, especially to the more than 46 million who are uninsured and the millions more who are underinsured or intermittently insured. As well, it will be a loss to the poor, rural, and minority communities in our country.

Too many of the under- and uninsured are people of color, so this is an important issue for the Congressional Black Caucus. That's why we've devoted four or more of our special order times here on the floor of the House to this issue and to urging support and

passage of the health care reform bill in the House. It's why we met with Speaker PELOSI last week, why we're going to sit down with the President, and why we've written or discussed our concerns with chairmen and ranking members of the relevant committees in the House and the Senate. In many of our efforts, we are joined with the Congressional Hispanic Caucus and the Congressional Asian and Pacific Islander Caucus as a Tri-caucus in support of this bill.

To go back to some of the gross misrepresentations and to explain the real provisions of the bill, let me say that one erroneous criticism that's often heard is that this bill will put Washington bureaucrats in between the patient and the doctor or other health care provider. Nowhere is there anything in this bill that would do that.

□ 2115

Yes, your Members of Congress, the Democratic Members of Congress, want to include a public plan. Yes, we want to ensure that every insurance provides a comprehensive, basic package of services, that they must accept you for coverage, that they do not exclude you if you have a preexisting disease, that they cannot drop you if you get sick, and cannot put a limit on how much they will pay over a year or over your lifetime.

What we in Washington want to do in this bill, and will do when we pass it, is to make sure that there is no obstacle between you and your doctor. And yes, we want everyone to be able to get the important preventive care without having to pay for it. We want you to be the healthiest you can be. And again, we are taking down important barriers that stand in the way of your getting the health care you need.

Preventive care, such as mammography, colonoscopy, immunizations, and others, will cost you nothing. And we insist that if you have insurance or a provider you like, as Congresswoman FUDGE said, you can stay with those, you can keep that provider and that insurance carrier. We do not put government between you and your doctor.

Many of you either have or work for a small business. You are the target of much of the fear-mongering that is out there. Rather than raise taxes on small businesses, as the opponents of your getting your health care would have you believe, this bill makes it easier for small businesses to provide or continue to provide insurance because of the exchange, because of the public plan and the tax credit that they will get if they provide insurance for their workers. And smaller businesses which aren't able to pay high salaries or have less employees will be exempted from having to provide that insurance, but their employees will have access to the exchange and be able to have their insurance premiums subsidized so that it

won't take a big chunk out of your already stretched salary.

Some of you, like many in my district who are Medicare or Medicaid beneficiaries, have difficulty finding a doctor or provider who will give you the services that you need. Some of you live in communities which don't have a hospital and have to travel many miles to one because the one that was there was not able to keep its doors open because of low reimbursement rates in your community. The House health care reform bill, H.R. 3200, will increase reimbursements. Many of our congressional districts lose over \$100 million every year in uncompensated care, and that compromises the ability to get the quality of care you need and deserve.

First of all, with this bill, your local hospital will be able to survive, maybe even return, because when it is passed, they will be paid for every patient that they take care of.

Secondly, Medicare will pay more, especially to primary care providers and those providers who come together to make sure that your care is better managed and more complete in groups called accountability care organizations or medical homes. And if the community you live in can demonstrate that they not only provide good care but improve your health, the reimbursement will also be increased.

So this legislation that we want to see passed will not only increase payment to help make sure the providers you need are there in your communities, but those providers will be supported and encouraged to take the time needed to listen to you and to coordinate your care to ensure that you will be healthier. This is a real win-win.

Those of us who become health care providers choose this life of service to help individuals and communities have a better quality of life and help individuals live long enough and well enough to see and enjoy their grandchildren. The new payment structure and the eliminated copayments for preventive care will help us to do what we went into our professions to do in the first place.

And then, as we have always said, for those who have not had the ability to be fully a part or fully utilize the health care system for many reasons, just providing insurance, as important as that is, is not enough. And for African Americans and other people of color who are the most disenfranchised in the current system of health care delivery, the additional services and support are critical if we are ever to close the health gaps that cause us to die prematurely from preventable causes, that causes our life expectancy to be 7 to 8 years shorter than other Americans, and that causes over 86,000 excess deaths that should never have happened every year in this rich country.

And so the bill includes a major expansion of community health centers, more National Health Service Corps scholarships to help more of our young people enter the health profession, more loan forgiveness, especially for those who are going to be a primary care provider, the main doctor or nurse practitioner you see to get and manage your health care.

There will be funding to help more students better prepare for medicine, for nursing, for pharmacy, allied health and other health professions, and support for institutions that train underrepresented minorities. This is important because, although there is a need for many more primary care providers, it is just as critical that they come from all communities, including communities of color, which make up more than 30 percent of our population.

The Congressional Black Caucus has always taken the position also that communities know best what they need, and the way to ensure that when health information and care is provided, it is done in a way that will be understood, accepted, and effective. We have, therefore, been able to have community-based and -driven programs included in the bill.

These provisions are patterned after our health empowerment zones, which provide the technical assistance and funding to enable communities to not only meet their specific health care needs with respect to specific diseases, but to also be able to address the social and economic determinants of our health: housing, economic opportunities, safety, the environment, nutrition, and others.

Also included are provisions to ensure that data is collected which includes race, ethnicity language, and other socioeconomic factors, and also provisions that provide that language differences would not be a barrier to getting health care.

This bill, H.R. 3200, America's Affordable Health Choices Act, must pass and must not be allowed to be derailed by any group or industry that does not have our best interests at heart. The basis of the opposition has nothing to do with better health for all of us who live in this country. We recognize, as the gentleman said, this effort is about change, and change is what the people in this country voted for. It is about major change, which is always difficult. But this is change that must happen, and it must happen now.

Sure, there will be losses to some in the interest of providing more to everyone to ensure that the benefits of this country will be more fairly shared; that is a basic tenet on which this country was founded, and in no place is this more important than in our health.

This country has the best and most advanced health care services, expertise, and technology, but because so

many are not able to access it, we lag behind the rest of the industrialized world in life expectancy, maternal and infant mortality, and health in general. Closing the insurance gap, as well as the racial and ethnic minority gaps, will make this country the true leader in health that we ought to be.

So my plea to those who are listening outside of the beltway is do not let the misinformation and the self-serving propaganda steer you wrong and away from supporting this important legislation that many of the best minds in this country have guided to ensure that your right to health care will be protected and delivered.

This bill is important to the African American community. It is important to the Native American community and all communities of color. It is important to rural areas. And it is important to every American. With your help and support, it can also provide more equity to your fellow Americans in the U.S. territories.

Passing H.R. 3200 is important to all of us, our families, and our communities. We cannot lose this great opportunity that President Barack Obama has worked so hard to bring this far. As he has said to us, it is not if we can afford this bill or if we can afford health care reform, the real issue is we cannot afford not to do it.

Covering everyone, providing increased access to preventive care and disease management, will surely reduce health care spending because prevention saves. But most importantly, it will improve and save lives. So I join my Congressional Black Caucus colleagues in saying, let's pass this bill. Let's get it out of the Energy and Commerce Committee. Let's give the American public a bill before we leave for our recess, and then let's come back in September and pass it and provide quality health care to every American.

I yield back the balance of my time.

Ms. FUDGE. Thank you very much. Let me just, again, thank my colleague, Dr. CHRISTENSEN.

I just have to say that there are so many of us in this House who look to you not just because you are a physician, but certainly because you have studied health care for many, many years and have advocated for reform. And we thank you for your work and certainly want to support your efforts in making sure that this gets done the way that it should.

We have now been joined by our colleague and friend from the great State of Texas. I would now like to, Mr. Speaker, yield to the Honorable SHEILA JACKSON-LEE, the gentlelady from Texas.

Ms. JACKSON-LEE of Texas. Let me thank the gentlelady from Ohio. And I appreciate her anchoring this Special Order in order to pursue a very important discussion on the leadership of the Congressional Black Caucus and the

Health Task Force, along with the work of so many of our Members who are on the jurisdictional committees, and also, as I indicated earlier, the importance of the CBC Health Task Force, of which I have served on for a number of years.

I, too, want to add my appreciation to that task force, to the chairwoman of the Congressional Black Caucus, Congresswoman BARBARA LEE, and as well the chairperson of the Health Care Task Force and Health Reform Task Force, Dr. DONNA CHRISTENSEN, who was just on the floor, thanking her for leading us through the years. I have worked with her through the years as we were able to get the CHIPs program and a number of other steps toward complete health care reform, and I am glad to have been able to do so.

I have an idea, and we have entered into some discussions, to add to the TriCaucus, which includes the Hispanic Caucus and the Asian Pacific Caucus, the Progressive Caucus, for which I serve as the vice Chair. I am also part of the Progressive Caucus negotiating team on health care reform, and we have done that. We have found that we have had now maybe a quadruple caucus that has overlapping issues equaling more than 100-plus Members, maybe upwards of 200 Members who have a common goal dealing with health disparities as well as dealing with the question of public option.

So I would like to, just for a moment, Congresswoman FUDGE, go through some of the important issues.

I think we should reestablish the fact that there are 47 million uninsured Americans. Many people want to break that down. There are people who don't want insurance. There are others who have other problems. Why don't we just say that we have 47 million uninsured who have not been given any other option, so they are uninsured? And who knows, if they were presented a plan that addressed their needs within a reasonable cost, small businesses included, which of course hire or are, in fact, the employers, small businesses, of upwards of 50 million-plus individuals—I think the number is larger than that. If we gave small businesses, if we gave the uninsured—because many of the people are working, they are in small businesses, they are uninsured; not because they don't want that opportunity, but because they have invested every single cent that they have in that small business, and many of the small businesses are sole proprietors.

I believe the work that the Congressional Black Caucus and this quadruple caucus conglomeration, along with our caucus, really is emphasizing how we expand these various aspects of ensuring that Americans get insurance.

Now, you could point to the fact that maybe one poll would not be accurate, maybe two polls, but we have four polls here that say that people want a public

health insurance option. And the interesting thing is, as this is a very strong element of the Congressional Black Caucus, is that the public option has three elements to it: It has the basic plan, the premium plan, and the premium plus. It means that this is not a second-class plan. And I think most Americans realize—the highest number is the NBC WSI poll, 76 percent; CBS poll, 72 percent. The EBRI poll, which speaks about the public option having 83 percent of the support of the American people because they know that we are not constructing a second-class plan. We are constructing a plan that will give the option for so many different people to be engaged.

In addition, one of the emphases that we have had is this question of reducing health disparities. This is enormously important. And included in that, we have the Secretary of HHS is required to conduct a study that examines the extent to which Medicare providers utilize or make available information on various aspects of disparities, which I think is very important.

This legislation also provides for promoting primary care, mental health services, and coordinated care, key elements. We all know that we passed the mental health disparities bill. This keeps that in place, but it also has provisions to promote and support the increased primary care physicians, which means that we are trying to get people to the doctor before they are, in essence, ready to be admitted to a hospital. This is a very important aspect of preventative care. You come for a checkup, not come to be admitted to the hospital. And this is an element of that.

And one of the disappointments I had is that the Congressional Budget Office, which is only language that people inside the beltway understand, called the CBO—in headlines across America you hear the term “CBO”—has not given us a real figure for how much money we will save by upping the amount of preventative care. And I think that is key and something that the members of the TriCaucus, and now with the addition of the Progressive Caucus, have in fact supported emphasizing.

□ 2130

I want to go to the question of this economy. We inherited this economy, and I think it's important to own up to the facts. Some people may argue that this administration has been overly busy, has done a mountain of legislative initiatives. What more are they going to do?

Well, the facts are that our economy was crumbling when this President took office. The bailout structure was already in place. The TARP moneys were already in place. The automobile industry was already collapsing. And we simply had to come in as the Red

Cross, as the Boy Scouts and the Girl Scouts and try to make our camp better than we found it. That's what we are doing here today.

And part of the work that is being done by this number of caucuses, including the Congressional Black Caucus, with the emphasis on preventative care and the public option will do this: the program will ensure early and periodic screening, diagnosis, and treatment; case management for chronic diseases; dental and mental health services; and even language access services. So we are getting ahead of the problem. We are diagnosing what the problem is. These percentages show that the American people understand where we are trying to go.

And I just want to add this, as I talk about the President and his whole concern on this question of the economy, to make mention of the fact that the economy generates unemployment. In my district I hosted this past Saturday a Federal job fair because I believe that since we know that there are about 600,000 Federal jobs, we need to break outside the beltway and get out in America and tell Americans what options there are for public service first and, two, to work for the United States Government.

We had an organized effort, a very open facility that had free parking. But we were expecting about a thousand to come. Over 3,000 Houstonians came in the heat of the day to be able to access U.S. Federal jobs. I would guesstimate that the large percentage of those who came do not have health care. And that's why we are here on the floor today. Unemployment equals not having health care for yourself or for your family. Many of those were long-term workers, some of those were recent graduates, and some of those were people who had been chronically unemployed for a period of time through no fault of their own.

But they came because they want to work, but they have no health insurance. What we are doing now is on the basis of responding to that need.

And let me tell you a component of this health reform that I believe we need to work a little harder on, and that is to recognize the value of what we call physician-owned hospitals. In a recent meeting, a Member got up and explained in the far reaches of New England how physician-owned hospitals are crucial in instances where there are no hospitals for miles and miles around and particularly where there is no other competition.

As we stand today, physician-owned hospitals under the current health reform bill, 104 physician-owned hospitals underdeveloped, 42 of which are scheduled to come online by the 2010, would have to be shut down. We have a simple fix. It's to change the date which these hospitals will be grandfathered in to the date of enactment of this bill.

And what that would mean is that you would keep 104 hospitals which are at risk right now, 20,000 new jobs would be lost in 21 States and over 40 hospitals in my own home State as well. At least \$5 billion in current investments will be lost. It will also affect hospitals that were built to serve working men and women with little or no insurance. This is not a partisan issue. This is about providing more care through the physician-owned hospitals. And as well, it would highlight the work that physicians do to maintain health care, because if they are invested, they are obviously concerned about their work product.

As an example, I just want to cite St. Joseph Medical Center. In August 2006, over 80 medical staff members out of 500 elected to purchase a stake in the hospital to keep it from closing. Because of this partnership, St. Joseph Medical Center remains today as a viable institution caring for hundreds of thousands of patients each year through the various services of this general acute care inner-city hospital with an emergency room, the only downtown hospital with 4 million workers in that surrounding area. Nearly 5,000 new Houstonians are born annually at this hospital, the first maternity hospital in Houston.

So as we look to ensure that we have value in our health care reform, I believe that we are going in the right direction. I believe we should do this now. But as we do so, let us not leave out institutions that have been very helpful in the past and let us look to our physicians who have both the management aspect of a hospital and really the caring part of it, the nurturing, the medical aspect of it, what a wonderful partnership, and not close those hospitals in 21 States because we have an arbitrary date of January 1, 2009.

It is, of course, something I think can be resolved just as I believe that we can resolve the issue dealing with home health care. More and more of us of all economic levels are finding it more fiscally responsible to have our care at home. Whether you are ethnic, African Americans, Hispanics, or Asian, or whether you are in the majority, these are resources that can provide the kind of comfort of care at home. Let us not undermine the home health care. Let us make it more fiscally responsible. Let us make it more efficient. But let us not undermine it.

Let me conclude my remarks by making sure we emphasize, as I move this chart, that people want a public health insurance option. Don't let any media or any advertising that is bias that is going to tell you that this is going to take away your own private health insurance, that it is going to be second class or third class. The American people know what they want. They understand that the public option will have to be competitive.

Be reminded in 1965, prior to that we did not have Medicare, and we saw the mortality rates, the passing away of Americans at a younger age over and over again. If you take the statistics of what age you passed before 1965 because of poor medical care, you see the distinctive difference in today where we have centenarians, those who are living past 100 years, those who are in their 80s, and might I say they are living well because they have Medicare. The American people understand that.

But as I close, I think it is important to note that when we look to our friends who are on the other side of the aisle or trying to oppose working together in a collaborative way, it says the organizational chart of the House Republican health plan, and it's very colorful, but it is full of questions because we don't know what the plan is.

We do have to make sacrifices. We have to make sacrifices to work together on preserving physician-owned hospitals. It's not just St. Joseph Charity Hospital in Houston, Texas, in the inner-city with 1,800 full-time jobs that adds to the economy, paying millions of dollars in taxes, providing \$40 million of uncompensated care each year. It says Sisters of Charity, \$40 million in uncompensated care. That means that's what they give to the indigent. This is a chart that says nothing will happen.

I believe it is important for the efforts to be made in collaboration with the Congressional Black Caucus, which really was out front on this question of inequities in health care, the disparities in health care. We have a decade-long history on working on disparities in health care, and it is economic disparities as well. It means people who have less means are not getting access to good, quality health care.

I don't know what the answer is with this plan. It's all questions. I don't know what the answer is to preexisting disease. I don't know what the answer is to home health care. I don't know what the answer is to providing a huge segment of preventative care or producing more primary care doctors or nurse practitioners. I don't know what the answer is here.

But we in the Congressional Black Caucus want to make sure that we move this legislation forward, that we have an opportunity to make people whole, and that we look on the fact that any State that is looked upon such as Texas as not being vulnerable to unemployment, that we are supposed to be the shining example of not having problems, then you can imagine what is happening across America. People are unemployed. We know that we are going down in the economy before we go up. The stimulus is going to work, but we must have a public option plan that America wants, and we must have it now.

I want to thank the gentlewoman from Ohio for allowing me to partici-

pate and to be able to emphasize the importance of moving forward on this health care reform with viable changes that will make it better for all Americans and particularly to thank the Congressional Black Caucus for starting out 10 years ago on this question of disparities, this question of access to health care, and this question of recognizing the need for 47 million uninsured Americans to cease and desist.

And might I say the American people are wise because they know if we do not do it today, it will be 47 million, 57 million, 67 million, maybe upwards of 100 million who will not be insured and not have the ability to take advantage of good health. That is what this Special Order is about.

I thank the gentlewoman for yielding.

Ms. FUDGE. Mr. Speaker, I just want to again thank Representative JACKSON-LEE. She is always well prepared. She understands the issues, and she talks very clearly to the American people.

So I thank you again for participating.

I now yield to our colleague, the gentlewoman from California, who this, I think, may be her first time joining us in the last couple of months, Representative DIANE WATSON; and we are looking forward to her remarks.

Ms. WATSON. I thank the gentlewoman for yielding.

Mr. Speaker, I am so pleased to be here to join my colleagues with the Black Caucus. We spent a day in a seminar so that we would understand every single provision in the bill that will be in front of us at the end of the week. It is so important that we come together because we have a golden opportunity to plant the sapling of health care reform. And I want to remind all my colleagues that America's Affordable Health Choices Act is just the beginning of a better national health care structure. Together we can work to make it grow. We must plant this sapling now before it is killed by the wayside as it has so many times been done before.

Our efforts to tackle health care began under the leadership of President Harry S. Truman, who attempted to include universal health insurance under the Fair Deal reforms. Hillary Clinton in 1993 spearheaded this effort. Now, thankfully, President Barack Obama has made it one of his top priorities.

We have known our options for years. Just because our Republican colleagues began to listen only recently does not mean that we have not carefully considered what is at stake. We are not rushing through deciding the fate of millions of Americans. Rather, we have taken too long to deliver what is necessary.

The naysayers have rallied around the cost of this health care reform. Please recall that we have spent tens of

billions of dollars in Iraq, \$15 billion a month factually. And if we would take that money, we could have the most thorough and the most beneficial health care system in the world.

My city, the City of Los Angeles, alone has spent \$9 billion and the Nation has spent \$890 billion since the start of this unauthorized war. I agree that the \$1 trillion price tag of health care is hefty, but it is a better use of our taxpayers' money than a war in Iraq. I would rather reform the system now and reduce the costs that my constituents must bear directly.

Employer-sponsored health insurance premiums have more than doubled in the last decade. This is four times faster than the average wage increase. Middle class Americans have seen the average annual family contribution for employer-sponsored coverage rise to \$3,354 in 2008 from \$1,619 in the year 2000. For a family earning \$50,000, health premium costs now consume 7 percent of their pretax income. Incomes are not rising to keep up with these costs especially in an economy where so many people are losing their jobs.

□ 2145

If this reform fails, we will have little hope of reining in the skyrocketing costs of health care for the middle class. To reduce the cost of health care for the average middle class working family, we have to reform the system and introduce a public option.

Mr. Speaker, the public option is a necessary and pivotal part of health care reform. With it in place, Congress introduces competition into the health care system. With fair price competition, we introduce efficiency and quality, not bureaucracy. Your government is not going to stand in between you and your doctor. Your government is providing an opportunity for you to choose your insurance.

I want to make this crystal clear: We have close to 390 million people in the United States. We are focusing now on the 48 million without health insurance. The rest of Americans who have their insurance and like it are not affected. They can keep whatever they have. We are focusing on those who don't have it, so that we will see to the health care of all Americans.

With the basic benefits guaranteed in the exchange, I hope that insurance companies and the government will be left outside of the examining room. It is a fallacy to believe that we are going to get in between a doctor and a patient.

With the public plan, we offer Americans personal patient choice. Let me repeat that: We offer personal patient choice, and the freedom to stay healthy. I want to say that once more. This reform is about the freedom of choice. Our plan offers Americans the choice to keep their health insurance, if they choose to keep it.

In the public plan, we are only offering the public in the exchange the option to choose the plan that is created by the government—created by the government. The public plan may not be perfect, but it establishes a strong framework that we can build upon.

Bringing health care to the floor means that Congress is ready to ensure that Americans have health insurance. We are making small businesses more attractive by providing them with a means with which to offer their employees health insurance. We are reducing the crushing cost on our large employers, and we are providing the people with more choices.

I truly hope that with the understanding of what is being presented and with the multitude of hours put in by many committees, many Members and staff, this will be the historic first step on the road to making health care for all Americans possible.

Mr. Speaker, I look forward to voting with my colleagues on this issue, and I would like to see it done at the end of the week so there is not a meltdown and the naysayers take the day. So let's do the right thing for the American people, and let's ensure that this country remains a strong, healthy country in perpetuity.

Ms. FUDGE. Mr. Speaker, I do indeed want to thank my colleague and friend Representative WATSON from California. Certainly she presented to us information that I think is important to the American people, well thought out and well said. I thank you so much for being a part of this hour.

Mr. Speaker, I yield to Representative JACKSON-LEE from Texas.

Ms. JACKSON-LEE of Texas. I enjoyed having the opportunity to be here with Congresswoman WATSON from California. I know that she has been steady on these issues, and I think it is extremely important that we do work together.

One of the points I think we will have an opportunity to engage in discussions on as we continue to make our way through the putting together of this bill is to ensure that we each have an opportunity to reflect on some of the concerns that can help make the bill better. Here are some of the issues that I think will help make the bill better.

I am interested in grants to high schools and middle schools that would increase health care professionals, particularly those in underserved communities. I mentioned a week or so ago that I was visiting in New York and met a nurse who started the program through his hospital where he would go to middle schools and high schools and allow the children to dress up in scrubs and participate in mock operating sessions or operating rooms. What a difference it makes. It is almost like our children would dress up as firefighters or police officers. That would

incentivize the children to think of the medical profession as something they are interested in. I am looking at hopefully submitting a proposal for that.

Next, an amendment that will address the question of providing incentives for the development of community health care centers that are housed in healthy green buildings, because we will be seeing a large amount of money going out to increase the number of community health centers, qualified Federal community health centers. I think they are excellent sources of health care. Why not incentivize them to make sure they are put in green buildings that are free of various toxins that would probably undermine the good health that people are coming there for.

Tax credits for employers who not only provide good health care benefits, but encourage their employees to utilize these benefits. So education, outreach, making sure that employees have information about accessing their health care.

A pilot program to study and demonstrate the benefits of proven alternative medical techniques and medicines. These are simply to look at holistic ways of being healthy as well as making sure people have access to the information.

A program to study this ongoing problem of people who seek to overutilize prescription drugs. That is, to work with doctors, nurses, clinics, hospitals and other health professionals to educate us about the issue of using prescription drugs.

So I am hoping as we make our way through and as we continue to work with the Congressional Black Caucus on these very important issues of a public option, of ending health disparities, of ensuring that we have universal health care, as Americans seemingly have come together to rally around, I believe we will have a better product by listening to the Members who have some constructive thoughts and proposals that don't undermine the basic structure of the bill; not undermining the public health option. Not taking away large sums of resources so that we cannot in the right way give quality plans, but various small proposals that would enhance the bill is the way I think we should go, and keep the basic structure of what we are all committed to, the public option and complete health care reform that will help the American people.

Ms. FUDGE. I thank the gentleman.

Mr. Speaker, in closing, I would like to say just two things.

One, of course, is we all know health care needs to be reformed. We all know that the time is now to do it. We know that the cost to not do it is going to be significantly higher the longer we wait.

I just want to say that, people who think that those who are uninsured

shouldn't be given an opportunity—nine million of the uninsured today are children. We need to do something about that. Many uninsured are seniors, and we need to certainly do something about that.

So I would hope that all Members of this House would look at the needs of the people we represent and move to do the right thing.

FAULTS IN THE DEMOCRATS' HEALTH PLAN

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege of being recognized to address you here on the floor of the House.

Having been able to listen to some of the dialogue in the previous hour, I think it is quite curious that there would be a chart that went up with question marks on it that would be described as the Republicans' health care plan. There are all kinds of question marks in this Democrat health care plan that we have.

This is the censored flowchart, Mr. Speaker. This is the chart that the Franking Commission, I think after having been leveraged by House leadership, decided that it couldn't be mailed to the constituents of the Members of the House of Representatives because they didn't want this to say "government-run health care," because that is pejorative, or "the Democrat health care plan," because that is pejorative. So, instead, the Democrats put up question marks on the floor of the House and they say Republicans don't have a plan. They don't know.

Well, there are all kinds of questions about the Democrat plan. First of all, why is it so sensitive that you have to censor the truth? Secondly, let's see, we can go through a whole list of questions about the Democrat plan, great big question marks.

How much does it cost? Oh, we don't know, someplace between \$1 trillion and maybe \$2 trillion, or a little more than \$2 trillion dollars. We don't know. We are not even within a trillion dollars on how much we think that is going to cost. That is the Democrat response.

How much deficit will it create? Well, maybe a minimum of \$239.1 billion, but it could be well over that. It could run into \$600 billion or \$700 billion. Some answers there.

Who will get to keep their health care? Who can you actually guarantee and point to them and say you can keep your, more correctly, health insurance program? And no one can be actually promised that, even though the President has said so. He can't guarantee that promise.

So, as the questions go on and on and on, what insurance companies would survive after we have this plan? And looking at this scary flowchart, this schematic, Mr. Speaker, there are 31 different new government agencies that are created in this plan.

First I am going to take us back to 1993. I think it is instructive. This is the 1993 HillaryCare plan, and this is the chart that hung in my office in my construction company during those years, hung in my office all the way through the nineties. I didn't take it down. I think this chart, that showed this great growth in government, all of these configurations here, government agencies, programs, this whole list, a lot of these acronyms I don't recognize anymore, all of these little flows in the drug pricing, they actually call this a scheme, "drug pricing scheme." I just called it a schematic, but they actually called it a scheme, drug pricing scheme.

How about the global budget? That is in here. As you read this through, the configuration between the President, the National Health Board, the State governments, the Regional Health Alliance, the Corporate Health Alliance, the ombudsman, who is there to smooth out all the things and make sure when you have trouble dealing with government, Mr. Speaker, that there is an ombudsman there who will take care of that for you, because we know how difficult it is to find your way through the maze of paperwork that is created when government is involved.

This chart, Mr. Speaker, was enough to scare the Americans off of the Clinton health care plan, commonly known as HillaryCare. This chart came in black and white, it didn't come in Technicolor, but it showed you all of these agencies and this creation. And people understood that they were being offered in place of their own health insurance program, they were being offered a government maze that swallowed up all of the things that were private and completely took it over for government.

The American people loved their freedom in 1993, and they rejected giving up their freedom to purchase a health insurance plan of their choice, to control their health care decisions themselves. They rejected it. This is an HMO provider plan. That is another piece that is not so popular today.

But the American people were scared away from the Clinton plan by simply looking at this chart and listening to Harry and Louise. Some of them, that is all the further they went. But they knew they didn't want a government option when it was going to be the only option. They didn't want to have their options taken away and put in the control of a government bureaucrat, a government-run plan, a Democrat health care plan. That is what it was then, that is what it is now.

The difference is, this is in full color, Mr. Speaker, as opposed to the black-and-white chart from 1993. This chart is flat-out accurate, and it does describe 31 new agencies created by the bill. Anything you see in white are existing agencies, and the things you see in color, in green and yellow and orange and red and blue, those are all new agencies. If you count these dots that are colored, there are 31 of them, Mr. Speaker.

One can get animated about having to wade through that massive government red tape, but when you wade through it down to the bottom is where I get the most concern, and that is, I go down to this little square right here, Mr. Speaker, traditional health insurance plans. That is those plans that insure the majority of the American people today, any private health insurance plan. There are over 1,300 companies that provide health insurance plans, and generally they have multiple plans out there, so we don't know how many plans there are to choose from.

□ 2200

But a reasonable estimate might well be 100,000 separate plans by the time you figure the options on the deductibles and the different things that are there so that people can get a health insurance plan that serves them at a price that they can best settle to. All of those, 100,000 plans, roughly, 1,300 companies, all dumped into this little box right here. And that's how our health insurance is provided for and paid for and administered and funded is all right here in the traditional plans.

But under—I don't know exactly how to describe this—the Democrat government proposal, all of these health insurance plans, if they were going to stay in business after that, would have to qualify. They'd have to become qualified health benefits plans. That's this little purple circle here closest to me. There are two identical circles in size, but the qualified health benefits plan would be where all the private health insurance companies go if the bill is passed and the President signs it, which he'll sign anything that says "national health care" on it.

And I suspect that's the case. He wants a bill, and they want to start this down the path because they believe that this will morph into a single-payer plan. That's what he really wants. That's what the Speaker wants. That's what the liberals in the Congress want. They want to take away the American people's 100,000 policies and roll them eventually into one government, one-size-fits-all plan over here.

So these 1,300 companies, 100,000 policies in this square box, if they were going to do business after the bill was signed, they have to get qualified. They would be qualified if they met the new

government standards. The government would tell them, You have to cover maternity. You have to cover mental health. You have to cover abortion, Mr. Speaker. That's the standard that is coming out of the White House these days.

If the White House doesn't tell you that they're opposed to forcing Americans to pay premiums to fund abortions, then you know that if it comes the way they plan it, there will be abortions funded by the American people through the dollars they would pay to these premiums. There isn't any history in this country of this government not funding abortions unless there was an explicit exemption written into the language of the bill. There is no explicit exemption written into the language of any of the bills that are working here before this Congress now, which should tell anybody that's studied this and watched this issue since *Roe v. Wade* in 1973, that they plan to take the tax money and the premium money from the American people and use it to kill babies. That's going to be in this plan.

And all of these health insurance policies here will have to pay for it the same way the government intends to pay for it over here in the public health plan, and many Americans are going to object to that. But what they do is, when they require that these health insurance policies have to cover everything they think it should cover and they write so many mandates into it that the health insurance premiums will go up, and so will the copayments and so will the deductibles go up, and as they go up, then it will be easier for the public health plan, the Obama health insurance plan, to compete with the private sector.

And they will do two things with these two purple circles here. One of them is they will regulate the traditional private providers to where they become mirrors of the government plan and then have to compete with the premiums that the government plan will charge. And the other thing that they will do is they will subsidize the government plan so that they can keep those premiums down long enough to compete with the private plan, and that will squeeze out the private plans.

And you can expect, Mr. Speaker, that there will not be private health insurance in America in a relatively short period of time, whether that be—probably not 5 years. By 10 years, we'll see the picture. By 15 to 20 years, it should be settled in if this happens. We can look around the world and see where they have made these mistakes.

In Great Britain, they have a completely socialized medicine program that was implemented into law in 1948. In Germany, they have the world's oldest socialized medicine plan that went in under Otto von Bismarck in the late 1800s. That plan provides for private

health insurance, and today, about 90 percent of Germans are under the public plan and about 10 percent are under the private plan, and those that are on the private plan are generally self-employed people that have some means to try to provide a plan that they think gives them a little better access and maybe even a little better quality health care than the 90 percent of Germans that are under the public plan.

But one thing that they have in common in the United Kingdom and in Germany is they wait in line. Their care is rationed, and the quality isn't what it is in this country. The survival rates for cancer in the United States versus that of United Kingdom or the European Union are some four times greater here in the United States than they are in those countries that have socialized medicine. And now, Mr. Speaker, we can also look to the north to Canada, and understand what went on up in Canada.

When Canada passed their socialized medicine program, it was set up to compete with the existing privates, and eventually they were all squeezed out. And today there exists a law in Canada that prohibits anyone from jumping ahead of the line or going to create a new line. One size fits all. Everyone, all Canadians have to comply with the same health care programs. Government-run socialized medicine in Canada.

And now, thinking about what that means, the Canadians lost their freedom when they decided to go for a little security and still try to keep some freedom. They lost their freedoms on their health insurance, and maybe they are a little bit more secure, but the quality of their health care doesn't match up to the quality here in the United States.

And so what we know is that, let's just say the cancer survivors in Canada, their numbers look better than the people in the United Kingdom or the European Union that have been diagnosed with cancer. More Canadians survive with cancer than do the other countries that have a socialized medicine program. And I don't know the numbers, and I probably won't get time in this debate over the next week or maybe a little more to drill back into this and be able to compare the statistics.

Mr. Speaker, I'm going to suggest that a factor involved is the Canadian proximity to American health care has helped Canadians live longer. It's helped their survival rate. It's helped in such that when people get diagnosed with cancer and can't get treatment in places like the United Kingdom, Germany, across Europe, they die sooner than they do in Canada, and they die sooner in Canada than they do in the United States.

People live longer here after they've been diagnosed with a cancer than any

of those countries that I have mentioned, and I've seen no data for any others. And I'm going to suggest that the Canadians' access to American health care helps their life expectancy because at least they can sneak across the border and get in line down here, even if they have to pay for it out of their pocket. Those would be the factual circumstances involved.

And so we have Democrats asking the question, what's the Republican health care plan? I'll ask the question, what do we know about the Democrat plan? We know it'll cost a lot. We can guess within 1 trillion, maybe 1 trillion or \$2 trillion. We know it's going to create a deficit; 239.1 billion on up to 600, 700, \$800 billion in deficit. We know it's going to create lines. Lines are rationing. People do die in line.

We know it's going to discourage doctors and specialists for taking the years necessary to be trained so that they can be proficient enough to provide the quality of health care that we have. So we'll have fewer doctors. We'll have fewer nurses. Fewer people will want to go into the industry because the government will be telling them how they are going to treat patients. There isn't going to be any way that the Democrats in this Congress will agree to pull the government out of the relationship between the doctor and the patient.

There was an amendment that was offered in the Energy and Commerce markup that specifically said that the government would not interfere with the doctor-patient relationship, and that's a short summary, and it was voted down except for one, all on a party line, all but one Democrat voted no. Every Republican voted yes. We want the doctor-patient relationship to be maintained. Democrats do not.

We also have the rules that will be squeezing out these private carriers, these 1,300 companies. There will not be 1,300 that will qualify. There will be substantially less, and they'll be squeezed out by the public option here, this public health plan, this government-run health insurance plan, but the regulations will be written by the Health Choices Administration.

□ 2210

It has got a nice little acronym—HCA, Health Choices Administration. You know that the people who wrote this are for choice, right?

So they have named that there will be a commissioner of the Health Choices Administration. That commissioner is the modern, fancy name for "czar." We have 32 czars. The American people are fed up with czars, so now we're going to start calling them "commissioners." Some said, well, "commissars," but the commissioner—not commissar—will be calling the shots on what these health insurance plans are, and he will decide what they

will cover and what they will not. He will also be the one who probably makes a lot of the decisions on how much health care is rationed in America. The results, again, will be long lines. How do we know this? They exist in every country that has socialized medicine.

I ran into an individual at a home improvement place in my district, oh, about a year ago. He was a legal immigrant from Germany who'd had a hip replacement over there. In order to get his hip replacement, he had to travel to Italy because the lines were too long in Germany. They were a little shorter in Italy, so he got himself in the line in Italy. He traveled down there and got a hip replacement. He didn't think a lot of the system that they have in Europe. That was just a little anecdotal discussion that took place in a home improvement center.

I will tell you, Mr. Speaker, a week ago Thursday night, we had a doctor who practiced medicine in Michigan and in Canada. He has written a book, at least one that I know of. He was our guest speaker at the Policy Committee a week ago Thursday night. He told a story. He was working in the emergency room in Canada. It must have been the first he'd been up there to work, is my guess, and he probably hadn't anticipated what kind of a bureaucracy they have. They brought a patient in who had a knee joint that was all torn up, I believe from a sports injury, but I don't know. He had a torn meniscus and a torn ACL, an anterior cruciate ligament. That knee was all swollen up. It was wrecked. He examined it; x-rayed it.

He told the young man, You need surgery and you need it right away. I'll schedule you for surgery in the morning.

Well, he didn't realize how difficult it was. This is an American doctor working in Canada. He began to schedule the surgery the next morning, and he found out that there had to be a specialist who evaluated the knee and then that they had to file the forms. Then they had to get him in line. Then they had to get him approved so he could go ahead and have the surgery. Well, the examination, the secondary examination that had to take place by the doctor who does the approving for the surgery, in order to hold down costs, mind you, wasn't able to see this patient right away, so they put a brace on this patient's knee that was blown up like a cantaloupe, and they put him on crutches. After a while, he left the hospital, waiting for his examination by the doctor who works for the bureaucracy and who decides who goes into the line.

Well, that examination didn't take place the next day, Mr. Speaker, or the next week or the next month. The examination that if he passed would approve him for surgery took place 6

months later. In America, he would have had surgery the next day, and he would have been in rehab. In a couple of months or even less than that, he'd have been back to work. He spent 6 months on crutches, 6 months with a leg brace, 6 months with a torn meniscus and a torn ACL. Then he went in for the examination, Mr. Speaker.

After the examination, one might think that the examining doctor came to the same conclusion that the ER doctor from Michigan did, which is that he should have surgery the next day. Well, maybe that doctor did come to that conclusion, but they didn't have room for him, not for a day or two or a week or a month, Mr. Speaker, but for 6 months.

No, I didn't say 6 months from the injury to the surgery. I said 6 months from the injury to the examination and another 6 months from the examination to the surgery. We know, if you have a patient who is hobbling around on crutches for a year, his unused leg atrophies, and the rehab takes longer. It takes a long, long time to get a patient back to speed after surgery, when and if the surgery is successful, which I guess I don't know.

This is the circumstance right here across the border into Canada. Many Americans live along the border, and they see the Canadians come down to the United States for their health care. It happens in Maine; it happens in Michigan; it happens in Minnesota. The Mayo Clinic at Rochester takes a lot of patients from Canada. Some companies in Canada will write into their employment contracts with their employees that they have extra good health insurance programs for them. If they are hurt or if they need emergency surgery, heart surgery, for example, in the employment contracts, they will have policies set up that will actually fly a Canadian employee to Houston for heart surgery.

Now, if you have a health insurance and health care program that is in such a condition that employers write it into their employment contracts that they will export their employees out of State to come to America, to come to the United States to access high-quality health care, that should tell us something about what we should not design. I would think it would be very clear.

So the White House and the liberals in Congress—maybe they don't want to say, House Democrats' health plan. Maybe I should say, liberal House Democrats' health plan. This plan is very similar to the plan that was unrolled in Canada where they had private health insurance for a while before it was squeezed out by the public health plan, which swallowed up everything.

In Canada, they passed a law that prohibited anyone from starting a new line or from jumping in front. Some

provinces in Canada enforce it more than others, but the Federal law in Canada is that you are stuck with the same health care as everybody else. There's no jumping ahead in line. There's no creating a new line. You can't open up a clinic if you're a doctor and serve patients unless you're approved by the government. The government will require you to strap on their harness and pull in exactly the patient load in exactly the way they describe it; whereas, in America, if you license yourself as a physician, you can open up a clinic and can start taking care of patients wherever the demand is.

Now think about the difference between that where you have individual entrepreneurs who are seeking to serve a marketplace. Maybe they're working for hospitals, and they look around and decide that there need to be other services in that they're not able to take care of the patients who are there. Maybe they see a population demographic or an age demographic that needs to be better served, so they'll open up clinics or hospitals or surgery centers or they might go out and pick up some medical technical equipment and deploy that to locations where it's needed or they'll go out to the rural hospitals and go ride the circuit, so to speak, and stop in and maybe once a week do the scheduled orthopaedic surgery that's there.

It happens with OB as well. They'll schedule some of that as best they can, at least the examinations. The births come along on their own unless they're by Caesarean.

Remember, HillaryCare actually called this schematic, or at least one component of it, a scheme. This color-coded schematic should scare the daylight out of the American people, and they should be worried about all of the question marks in the Democrat plan, that plan that will give us socialized medicine in America. We can understand that, Mr. Speaker.

That's where it's going, and it will bust the budget, and it will take away our freedoms, and it will prohibit a doctor from opening up a clinic where he sees the demand. It will prohibit a doctor from charging more or less—I suppose there may be some opportunity to charge less, but that wouldn't last very long—because they're going to squeeze these resources down.

Today, Medicare is only reimbursing at 80 percent of the cost that it takes to deliver it. In my State, in Iowa, we are the lowest out of the 50 States. We have the lowest Medicare reimbursement rate of all of the States in the Union.

□ 2220

And yet, the proposal here in this flow chart is to squeeze maybe as much as half a trillion dollars out of Medicare. And now all for what? What is the purpose of all of this, Mr. Speaker?

Why would America, why would this Congress consider upsetting, destroying, wrapping up packaging and throwing away the best health care system in the world? Why? What would be the purpose?

And I will submit, Mr. Speaker, that the argument is that there are the uninsured. Now, they continue to blur the words between "health care" and "health insurance." They don't seem to know there is a difference between the two.

Everybody in America has health care. Everyone in America can walk into the emergency room and be treated for an injury or an illness. Everyone has that opportunity. We don't have people in America that are denied health care. Everybody in America doesn't have health insurance. And before I go down that path a little, I want to point out that we do spend a lot of money on health care in America between health insurance and providing that health care. And it's about 14½ percent of GDP. And in some of the European Union countries, socialized medicine countries, it's around 9½ percent of GDP. So maybe 5 percent more, half again more.

So our health care here costs us 3 bucks. It costs them 2. Is our health care that's provided in this country worth half again more? Maybe. We're willing to pay it today. But perhaps not in the long run, Mr. Speaker, and we can do a lot of things to reduce the cost of health insurance and health care in America. And there is a difference

A number of those things would be: Address the medical malpractice, the irresponsible litigation that's taking place, the suing of doctors and clinics and hospitals and providers all for an opportunity to try to cash something in rather than correct something that's wrong. And perhaps the word "all" is not the right one, because there are cases where someone has had the misfortune of being a victim of medical malpractice.

We pushed legislation and passed it through the Judiciary Committee a few years ago and off the floor of the House of Representatives that limited the medical malpractice settlement and capped the noneconomic damages at \$250,000 and still took care of the patients who had unfortunately been subject to medical malpractice. Paid the patient's doctor bills, paid them loss of income. Paid them pain and suffering. Just didn't pay punitive damages, that \$7 million for the cup of coffee that the lady spilled in her lap. That's the punitive damages that we call it out in the layman's world. It's called noneconomic damages in that bill. Those are capped at \$250,000. That's the model that California has that has been relatively successful. That's one of the things we can do to hold down the cost.

Another one would be provide for 100 percent deductibility for everybody's

health insurance premium, for a corporation to purchase health insurance and pay the premiums and fully deduct those premiums, but if someone goes and buys that same policy, they can't deduct it from their taxes. A self-employed person can't deduct their health insurance premiums fully like say an employer can for their employees. So if you are a sole proprietorship and you have high health insurance premiums and you haven't formed a corporation, you might be paying \$11,000, \$15,000 a year in high health insurance premiums. Let's say it's \$15,000 a year. You can get around that lack of deductibility by forming a corporation and paying yourself a salary, and part of the salary package would be the health insurance premiums. Then you can deduct them.

Those are a lot of hoops to jump through to try to meet a government regulation when there should be no particular advantage for one company over another, one individual over another. If we have someone who is self-employed or someone who is independently wealthy and they are responsible enough to go out and buy their health insurance and pay the premium, every dollar that's deductible by a corporation should be deductible by an individual. All of those health insurance premiums should be deductible.

We should raise the maximum amount for health savings accounts so we can be sure that people that are young today, when they arrive at Social Security age, will have enough money in their health insurance, in their health savings account, to be able to purchase a paid-up Medicare replacement policy and take the difference, the hundreds of thousands or perhaps more than a million dollars, take the cash in the difference on their HSA tax-free if they're willing to take themselves off of the entitlement rolls of Medicare by buying replacement policy. That's something else we can do in the long term.

So expand our HSAs, provide for full deductibility on our health insurance, limit the liability for these doctors so we can hold down the costs of medical malpractice premiums and the cost of the extra tests that are there in order to protect themselves from the litigation that's bound to come when you ambulance-chasing lawyers are chasing doctors around. What percentage of this 17 percent of our economy is going to the trial lawyers in America? I say, Mr. Speaker, it is significant.

So there really aren't questions about what Republicans are for. There are a lot of questions about what comes out with this chart, but the idea that the Franking Commission, which appears to be controlled by the Democrat majority in this Congress, would censure this document and tell Members of Congress they can't send this off to their constituents, they can't

package it up and put it in an envelope and mail it to their constituents because the Democrats didn't like the idea that it says "House Democrat Health Plan." And they don't like the idea that it says "government run."

Well, it is government run, and it is the House Democrats' health plan. There are bipartisan programs here when it comes to health care in this Congress. The bipartisanship is in opposition to this kind of a government-run plan, and that's what Democrats and Republicans that oppose this today—I cannot find a single Republican that supports this plan, and I don't think that individual exists in the United States Congress.

So that would be my component of the speech here that has to do with this schematic that should scare the living daylights out of the American people, and they should rise up. And, Mr. Speaker, the American people should rise up. And in August when their Members of Congress come home and they start doing parades and townhall meetings and corn boils and whatever else is going on, crab fries or whatever they do in the East Coast, this chart should be out in front and the American people should go see them and say, Vote "no," be a "no," oppose this plan, oppose this plan. Give people their freedom, and we can do so in the fashion that I've described.

Now, there is another huge entity that's taking away our freedom. Right here, Mr. Speaker, this is a picture that I took of the headquarters of ACORN, and this is down in New Orleans, Louisiana, at 2609 Canal Street, New Orleans. This is a fortified building. I mean, these bars are heavier the lower you go. This is up on the second or third floor of the building.

And I just zoomed in on this window because something caught my eye. ACORN's national—maybe even international—headquarters, where they have 174 or more corporations running out of this single building, four or five stories, glass, with bars, the most fortified building in the whole neighborhood.

But inside that window you can see at least two posters there. This one says "Obama '08." ACORN is to be, and is registered as, a 501(c)(3) corporation, a not-for-profit corporation, a non-political, nonpartisan organization organized as a corporation. If this is their headquarters and they have "Obama" posters inside—it's clearly displayed in the window so people can go by on the street and look and see that. And in the State where I come from, we call that electioneering. If you are a not-for-profit, nonpartisan corporation, 501(c)(3), you don't do any electioneering. You certainly don't post an "Obama" sign in the front window of the national headquarters of the Association For Community Organization Reform Now, ACORN.

□ 2230

And if anybody wonders about where this picture came from—and I've got the pictures of the address and everything, but over here is the flag that hangs outside. It is kind of a faded red flag. It is clearly, and you can read it, that is the ACORN logo.

So the ACORN logo on this flag hanging outside the window at the national headquarters of ACORN, and the Obama sign in the middle of the window displayed so people can see it, is it intentional? Either that, or stupid. Is it okay to say that something happened that was stupid in America, Mr. Speaker? I'm a little concerned about that. It seemed to be not a very good tactic for the President, but I see his name inside this window at ACORN at their headquarters and I see the ACORN logo, and here is where it is, 2609 Canal Street.

Now, this is an interesting turn of events. I took this picture just before the 4th of July. And last week, on Thursday, about the close of business, there was released a report, and this is a nonpartisan report from the U.S. House of Representatives Committee on Oversight and Government Reform. The ranking member is Congressman DARRELL ISSA, California's 49th District. The subject of this report—and Mr. Speaker, I hold this up. It is what the cover of it looks like. The United States House of Representatives.

The subject of this report is this question: "Is ACORN Intentionally Structured As a Criminal Enterprise?" This report is dated July 23, 2009. And if anyone should like to look this report up and read it, I believe if they googled, "Is ACORN Intentionally Structured As a Criminal Enterprise," they will be able to find it, or if they go to the Government Reform Web site—I know that it is on Mr. ISSA's Web site and it soon will be on mine.

I have here the executive summary. It is 88 pages long. I have read carefully through the first two-thirds of it. It has in it a list of 361 affiliated corporations. I have listed 174 in the amendments I have offered that were designed to eliminate Federal funding to ACORN. ACORN has received at least \$53 million in taxpayer funds to operate their criminal enterprise. And I have the executive summary here.

And just to go into it a little ways, Mr. Speaker, this executive summary of this report out of the Government Reform House of Representatives that asks the question, "Is ACORN intentionally structured as a criminal enterprise?" July 23, 2009, the executive summary reads, in part, like this:

"The Association of Community Organizations for Reform Now, ACORN, has repeatedly and deliberately engaged in systemic fraud. Both structurally and operationally, ACORN hides behind a wall of paper, of non-profit corporation protections to con-

ceal a criminal conspiracy on the part of its directors to launder Federal money in order to pursue a partisan political agenda and to manipulate the American electorate."

Corporate protections to conceal a criminal conspiracy on the part of its directors and launder money. That is the first paragraph.

Then it reads, "Emerging accounts of widespread deceit and corruption raise the need for a criminal investigation of ACORN. By intentionally blurring the legal distinctions between 361 tax exempt and nonexempt entities, ACORN diverts taxpayer and tax-exempt monies into partisan political activities."

"Since 1994, more than \$53 million in Federal funds have been pumped into ACORN, and under the Obama administration, ACORN stands to receive a whopping \$8.5 billion in available stimulus funds."

"Operationally, ACORN is a shell game played in 120 cities, 43 States, and the District of Columbia through a complex structure designed to conceal illegal activities to use taxpayer and tax-exempt dollars for partisan political purposes and to distract investigators. Structurally, ACORN is a chess game in which senior management is shielded from accountability by multiple layers of volunteers and compensated employees who serve as pawns to take the fall for every bad act. The report that follows presents evidence obtained from former ACORN insiders that completes the picture of a criminal enterprise."

So they describe them as a criminal enterprise, and they describe them as to conceal a criminal conspiracy. A criminal enterprise, a criminal conspiracy. And these are some of the headings under the executive summary.

"First, ACORN has evaded taxes. ACORN has obstructed justice, engaged in self-dealing, and aided and abetted a coverup of the embezzlement by Dale Rathke, the brother of ACORN founder Wade Rathke."

And that embezzlement was \$948,607.50, Dale Rathke embezzlement covered up by his brother, the founder, Wade Rathke, whom it appears provided misinformation to the counsel for ACORN and redirected—and it appears to be willful—to string it out and delay any kind of punitive action that would come to visit his brother, his brother Dale, who did embezzle the \$948,607.50. And it seems to be beyond question that that happened, that some of the money was misappropriated to fill the hole in their accounting system. That is the first point.

The second point is, "ACORN has committed investment fraud, deprived the public of its right to honor services, and engaged in a racketeering enterprise affecting interstate commerce." Committed investment fraud. That is the second point.

Third point, ACORN has committed a conspiracy to defraud the United States by using taxpayer funds for partisan political activities by having the equivalent of a slush fund, where dollars were moved around from corporation to corporation, affiliate to affiliate, resulting in get-out-the-vote efforts that may have had—and likely did have—501(c)(3) not-for-profit taxpayer dollars invested in them, but used for political and partisan purposes, Mr. Speaker.

It says, ACORN forged both formal and informal connections with former Illinois Governor Rod Blagojevich, also formal and informal connections with Ohio Senator SHERROD BROWN, and formal and informal connections with President Barack Obama, among others. "Each of these campaigns received financial and personnel resource contributions from ACORN and its affiliates as part of a scheme to use taxpayer monies to support a partisan political agenda." A scheme to use taxpayer monies to support a partisan political agenda, Mr. Speaker. "These actions are a clear violation of numerous tax and election laws."

Another point, the fourth point, "ACORN has submitted false filings to the Internal Revenue Service and the Department of Labor, in addition to violating the Fair Labor Standards Act, FLSA. Committee investigators have tracked ACORN's numerous failures to comply with Federal laws that required the payment of excise taxes on excess benefits to Dale Rathke. SEIU Local 100—the Service Employees International Union—under the direction of ACORN founder Wade Rathke—filed bogus reports with the Labor Department in order to conceal embezzlement."

Now, all of this off of this report, this nonpartisan House of Representatives report that asked the question, "Is ACORN intentionally structured as a criminal enterprise?" dated July 23, Mr. Speaker.

And fifth, "ACORN falsified and concealed facts concerning an illegal transaction between related parties in violation of the Employee Retirement Income Security Act of 1974 (ERISA)." ACORN falsified and concealed facts concerning an illegal transaction between related parties in violation of ERISA.

Findings go on. They should pierce the corporate veil and do an investigation. Justice needs to do an investigation. And something that they point out is that, when ACORN crosses the line—which I don't think anyone questions they do—the individuals harmed are the low to moderate income workers whom ACORN was founded to protect. They hurt the very people that they were founded to protect. Dale Rathke's, the brother of the brother, embezzlement and the cover up are violations of ACORN's corporate duties,

and they are fraud. The identities and roles of those involved must be disclosed.

This goes on, Mr. Speaker. I have poked through this report. I have spent hours and hours over the last 4 to 5 years tracking ACORN. This report lists the 361 affiliates, and in there will be information on campaign contributions, who received what money. It will be easier to take that information and cross-reference it back to the FEC documents and follow the money. It will tell us a lot about what is going on.

□ 2240

I think there's an indicator here that is pretty interesting. I have in my hand the ACORN celebration of 39 years. ACORN was founded in 1970. They held a celebration on June 17 of this year. And the celebration takes place at the National Education Association Atrium, probably birds of a feather. That is at 1201 16th Street Northwest, Washington, D.C. This is a celebration of 39 years of ACORN. And it is interesting that some of the people that are less than enthusiastic about doing the investigation of ACORN are invited to be headliners there at the ACORN celebration of 39 years. Now, I remember 39 years might be Jack Benny's year to celebrate, but 39 years is not a year ending in a zero or a five; so this must be the annual celebration of ACORN's founding.

Who is there in the headline? Who is honored? Well, let's see, Senator CHARLES SCHUMER, New York, the number one headliner for the ACORN celebration, their annual celebration. I don't know that CHARLES SCHUMER has demonstrated a lot of enthusiasm to investigate ACORN. I can't imagine that would happen.

The next one on the headline is Representative LUIS GUTIERREZ, Chicago. Chicago politics. Chicago ACORN. Let me see, President Obama made his first political reputation in Chicago as an employee of Project Vote. He also represented ACORN in court a couple of times, some said pro bono. But in any case Project Vote, according to this report, this U.S. House of Representatives nonpartisan Government Reform Committee Congressman DARRELL ISSA report, dated July 23, 2009—according to this report, it's indistinguishable between Project Vote and ACORN. They commingled their funds. They had dozens of accounts, and one affiliate that managed all the funds of all the affiliates, according to the report. But President Obama, according to all reports, Democrats and Republicans, made his political reputation working for Project Vote in Chicago. Project Vote, inseparable from ACORN, thought of as ACORN, and the head of Project Vote was also a top officer of ACORN in Chicago.

Chicago politics. Remember Rod Blagojevich? He's listed in this report.

Well, Chicago politics are listed in this annual celebration that ACORN held in this city in Washington, D.C., June 17, this summer, headlined by Senator CHARLES SCHUMER; Representative LUIS GUTIERREZ; Representative MAXINE WATERS, who stood before an ACORN celebration and told them all that they were all going to get together and vote the Republicans, some certain part of their anatomy, out of office. So she has, in a partisan way, spoken before that supposedly nonpartisan organization. Now, of course, we know they are a partisan organization.

ACORN is a get-out-the-vote machine. It's a fund-raising machine. It writes campaign checks by its affiliates to candidates, and the three people who headlined this, on the top of the list, CHARLES SCHUMER, Senator; Representative LUIS GUTIERREZ; and Representative MAXINE WATERS, all tightly affiliated with ACORN, none of whom are very interested in investigating ACORN.

And if we go down through the list, Kathleen Kennedy Townsend. Interesting. A number of interesting names. John Podesta, Henry Cisneros of the Clinton administration, recognized and patted on the back for their affiliation with ACORN.

It is a sad day, indeed, when we see the corruption of our election politics, Mr. Speaker, and we see it done by an organization that is set up now with 361 affiliates. And, strangely, the Congress doesn't have enough curiosity in order to do an investigation, and the Justice Department doesn't have enough curiosity to do an investigation, and ACORN themselves admit that they produced over 400,000 fraudulent voter registrations in the last election cycle.

Their goal was to register, they said, I believe, 1.3 million, and they admitted to producing and turning in over 400,000 fraudulent voter registrations. ACORN is under investigation in 12 to 14 States. Across those States, there have been at least 70 ACORN employees that have been convicted of some type of fraudulent activity. Most of it is voter registration fraud. ACORN itself in Nevada is under investigation/indictment for election fraud.

This isn't something that is an anomaly; this is a pattern. This is the MO, the mode of operations, of a criminal enterprise that is corrupting our election process. And we know it's for political gain. We know it's for the money machine that gets churned. They are linked together with the SEIU. I read that part.

There is more to that as well. Those dollars pour into the coffers of Democrat candidates, not Republican candidates. ACORN then hires people and gets volunteers to go to the streets to turn out the vote, turn out the vote for Democrats, not for Republicans. I don't

know of a case where we have ACORN out supporting a Republican unless it would be—let me just say for tonight I don't know of a case, although I've got something in mind.

This is the headquarters, ACORN's headquarters, 2609 Canal Street, an Obama sign in the window, an ACORN sign on the outside.

President Obama got his start in politics, in Chicago-style politics, with Project Vote, an arm of ACORN, that was registering people and turning out the vote. And he has since hired ACORN to turn out the vote. It was an ACORN affiliate to the tune of \$800,000. And that fungible money, some of it was commingled into the same accounts and distributed out as if it's their own personal slush fund, Rathke's own personal slush fund, to build power in a power-based width.

We have also the White House having reached out and signed an agreement with ACORN to help with the consensus.

Now, any organization that can produce 400,000 fraudulent voter registrations can't be trusted to count the American people, not when there is political gain involved. This can be done without ACORN.

There has since been a statement issued by the Census Bureau that they were not going to use ACORN. I have to see that to believe it. Are they not going to use any one of the 361 affiliates that are listed in this Government Reform report? I think it's going to be hard to see, no, they aren't. Are they not going to use any of the employees that work for them, Mr. Speaker?

So let's not forget President Obama has been tied to ACORN since the first days of his political life in Chicago. He has worked for them; they have worked for him. He has hired them with campaign money, and they have contributed campaign money to him. President Obama is part and parcel ACORN.

When the chairman of the Judiciary Committee, JOHN CONYERS, took interest in investigating ACORN and made such remarks in a Judiciary Committee meeting a couple of months ago, I was given heart that perhaps we would start to investigate ACORN. But 3 weeks later, the chairman came back in a public statement and he said the powers that be decided that there isn't enough evidence there to investigate ACORN.

Now, who would the powers that be be that are more powerful than the chairman of the House Judiciary Committee? Would it be Speaker PELOSI or President Obama?

Mr. Speaker, I am not convinced that it's necessarily Speaker PELOSI. But I point this image out. This is the cover of National Review magazine from March 23, 2009, this year. They put this image out here, Mr. Speaker, and I have just removed the letters so that it doesn't blur the image. It just says National Review on top, the date on the

bottom, and whatever their headline story was. I take note to the logo on the shirt pocket of the polo shirt. That says it all, I think, Mr. Speaker.

This is what we have going: we have a criminal enterprise that is being hired by the White House to help run the census that helped put the President in the White House, a massive organization that reaches into 43 States and the District of Columbia, that has engaged in a number that approaches a million dollars in embezzlement and covered it up for 8 years, 400,000 fraudulent voter registration forms, Federal tax violations, and violations of not-for-profit conditions on 501(c)(3) corporations that are being used for partisan purposes.

And, Mr. Speaker, we have the image, we have the logo, and we have the national headquarters here at 2609 Canal Street, New Orleans, Louisiana, with the Obama sign in the window and the ACORN flag out on that side.

□ 2250

Mr. Speaker, we have to investigate this organization. We have to bring the Judiciary Committee to bear and the Government Reform Committee to bear. We need the Justice Department to drill into this. No one single entity can unravel this spider web of 361 corporations. It must happen, or it will corrode and destroy this great constitutional Republic, the United States of America.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. LEE of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. KAPTUR, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Mr. MACK, for 5 minutes, July 28.

Ms. ROS-LEHTINEN, for 5 minutes, July 29 and 30.

Mr. MORAN of Kansas, for 5 minutes, July 30 and 31.

Mr. BOOZMAN, for 5 minutes, today.

Mrs. BACHMANN, for 5 minutes, today, July 28, 29, 30 and 31.

Mr. BROUN of Georgia, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. LUJÁN, for 5 minutes, today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUELLAR (at the request of Mr. HOYER) for today on account of travel delays due to weather.

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Mr. LYNCH (at the request of Mr. HOYER) for today.

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of travel delays due to weather.

Mr. RODRIGUEZ (at the request of Mr. HOYER) for today on account of travel delays due to weather.

Mr. CRENSHAW (at the request of Mr. BOEHNER) for today on account of a family medical issue.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2245. An act to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

H.R. 2632. An act to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

H.R. 3114. An act to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

H.J. Res. 56. Joint Resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 28, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2826. A letter from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Grape Crop Insurance Provisions and Table Grape Crop Insurance Provisions (RIN: 0563-AC09) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2827. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Clarification of Central Contractor Registration and Procurement Instrument Identification Data Requirements (DFARS Case 2008-D010) (RIN: 0750-AG05) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2828. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Peer Reviews of Contracts (DFARS Case 2008-D035) (RIN: 0750-AG28) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2829. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Protection of Human Subjects in Research Projects (DFARS Case 2007-D008) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2830. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Government Property (DFARS Case 2007-D020) (RIN: 0750-AF92) July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2831. A letter from the Assistant Inspector General, Communications and Congressional Liaison, Department of Defense, transmitting the Department of Defense Inspector General Semiannual Report, October 1, 2008 — March 31, 2009, pursuant to Section 5(a) of the Inspector General Act of 1978; to the Committee on Armed Services.

2832. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Persons Contributing to the Conflict in Cote d'Ivoire Sanctions Regulations — received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2833. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-137, "Boys and Girls Club of Greater Washington Property Acquisition Temporary Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2834. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-138, "Commission on Uniform State Laws Appointment Authorization Temporary Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2835. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-139, "Closing of a Paper Alley in Square 5401, S.O. 07-121, Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2836. A letter from the Deputy Assistant Administrator For Regulatory Programs National Marine Fisheries, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black

Sea Bass Fisheries; Fishing Year 2009 [Docket No.: 090211163-9795-02] (RIN: 0648-AX69) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2837. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-115-FOR; OSM-2009-0006] received July 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2838. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-148-FOR; OSM-2008-0014] received July 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2839. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule — Civil Monetary Penalties [Docket ID: OSM-2009-0004] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3221. A bill to amend the Higher Education Act of 1965, and for other purposes; with an amendment (Rept. 111-232). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 3345. A bill to amend titles 5, 10, and 32, United States Code, to eliminate inequities in the treatment of National Guard technicians, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself and Mr. KANJORSKI):

H.R. 3346. A bill to amend the Sarbanes-Oxley Act of 2002 to permit the sharing of confidential supervisory information with foreign auditor oversight bodies; to the Committee on Financial Services.

By Mr. MCCOTTER:

H.R. 3347. A bill to withdraw normal trade relations treatment from the products of foreign countries that do not maintain acceptable standards of religious freedom and worker rights; to the Committee on Ways and Means.

By Mr. CAO:

H.R. 3348. A bill to amend the Digital Television Transition and Public Safety Act of 2005 to extend the interoperable emergency communications grant program through fiscal year 2012; to the Committee on Energy and Commerce.

By Ms. HERSETH SANDLIN:

H.R. 3349. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated; to the Committee on the Judiciary.

By Ms. JENKINS (for herself, Mrs. BLACKBURN, Mrs. CAPITO, Mrs. MILLER of Michigan, Mr. BOREN, Mr. ALEXANDER, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. KINGSTON, Mr. KING of New York, Mr. GOHMERT, Ms. GINNY BROWN-WAITE of Florida, Mr. MCCARTHY of California, Mr. RYAN of Wisconsin, Mr. PAUL, Mrs. LUMMIS, Mr. MORAN of Kansas, Mr. COLE, Mr. SULLIVAN, Mr. COFFMAN of Colorado, Mrs. BIGGERT, Mr. SHIMKUS, Mr. CONAWAY, Mr. TIAHRT, Mr. GOODLATTE, and Mr. SOUDER):

H.R. 3350. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require roll call votes acknowledging the effect of the costs of legislation on the National debt; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KILROY:

H.R. 3351. A bill to amend the Securities Exchange Act of 1934 to provide shareholders with a non-binding vote on executive compensation; to the Committee on Financial Services.

By Mr. SABLAN:

H.R. 3352. A bill to amend title 10, United States Code, to expand certain restrictions relating to the overhaul and repair of vessels in foreign shipyards to the Commonwealth of the Northern Mariana Islands; to the Committee on Armed Services.

By Mr. SABLAN (for himself, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, and Ms. BORDALLO):

H.R. 3353. A bill to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 3354. A bill to amend the Internal Revenue Code of 1986 to repeal the 7.5 percent threshold on the deduction for medical expenses; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 3355. A bill to direct the Secretary of Transportation to carry out a program to improve roadway safety infrastructure in all States to enhance the safety of older drivers and pedestrians, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MCCOTTER (for himself, Mr. KING of New York, and Mr. KING of Iowa):

H. Res. 680. A resolution calling upon President Obama to retract his initial public remarks and apologize to Cambridge, Massachusetts, Police Sergeant James M. Crowley for having unfairly impugned and prejudged his professional conduct in this local police response incident; to the Committee on the Judiciary.

By Mr. HUNTER (for himself, Mr. BILBRAY, Mr. FILNER, Mr. ISSA, Mr. SOUDER, and Mrs. DAVIS of California):

H. Res. 681. A resolution expressing condolences to the family and loved ones of Agent Robert Rosas and standing in solidarity with the brave men and women of the United

States Border Patrol as they remember the service and sacrifice of Agent Rosas and continue their mission to preserve and defend our borders; to the Committee on Homeland Security.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. TIERNEY and Mr. PAYNE.
H.R. 122: Mr. FORTENBERRY.
H.R. 182: Mr. TOWNS.
H.R. 197: Mr. AKIN.
H.R. 239: Mr. ROTHMAN of New Jersey.
H.R. 265: Mr. ISRAEL.
H.R. 268: Mr. CARTER.
H.R. 272: Ms. RICHARDSON and Mr. SPACE.
H.R. 275: Mr. CARNEY and Mrs. MILLER of Michigan.
H.R. 303: Mr. DONNELLY of Indiana and Mr. FLEMING.
H.R. 406: Mr. GARRETT of New Jersey.
H.R. 422: Ms. SCHWARTZ.
H.R. 442: Mr. RADANOVICH and Mr. AKIN.
H.R. 483: Mr. SESTAK.
H.R. 615: Mr. WHITFIELD.
H.R. 699: Mr. WEXLER.
H.R. 853: Mr. FRANK of Massachusetts.
H.R. 949: Mr. KILDEE.
H.R. 953: Mr. BARRETT of South Carolina and Mr. ALTMIRE.
H.R. 1032: Mr. MILLER of North Carolina.
H.R. 1053: Mr. MORAN of Virginia.
H.R. 1086: Ms. FOX.
H.R. 1177: Mrs. EMERSON.
H.R. 1182: Ms. CLARKE and Mr. WITTMAN.
H.R. 1203: Mr. GRIFFITH and Mr. JONES.
H.R. 1255: Mr. MASSA.
H.R. 1264: Mr. JONES.
H.R. 1265: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1362: Mr. POSEY.
H.R. 1382: Mr. SESTAK.
H.R. 1407: Ms. SCHAKOWSKY and Mr. LOEBSACK.
H.R. 1428: Mrs. BLACKBURN.
H.R. 1441: Mr. SPRATT.
H.R. 1443: Mr. ABERCROMBIE and Mr. SESTAK.
H.R. 1447: Mr. GARRETT of New Jersey.
H.R. 1490: Mr. KILDEE, Ms. JACKSON-LEE of Texas, Mr. SPRATT, Mr. ACKERMAN, Ms. HARMAN, Ms. ZOE LOFGREN of California, Mr. COHEN, Mr. KIND, and Mr. GRAYSON.
H.R. 1608: Ms. SCHAKOWSKY.
H.R. 1618: Mr. ACKERMAN.
H.R. 1691: Mr. ADERHOLT.
H.R. 1822: Mr. BARTLETT, Mr. INGLIS, and Mr. TIAHRT.
H.R. 1826: Mr. KAGEN and Mrs. LOWEY.
H.R. 1831: Mr. MURPHY of New York, Mr. HODES, Mr. CAO, Mr. ALEXANDER, Mr. STUPAK, Mr. TIM MURPHY of Pennsylvania, and Mr. MATHESON.
H.R. 1844: Mr. FILNER, Mr. WEXLER, and Mr. PLATTS.
H.R. 1894: Mr. TERRY.
H.R. 2000: Ms. HERSETH SANDLIN.
H.R. 2017: Ms. FOX and Mr. ETHERIDGE.
H.R. 2024: Mr. YOUNG of Alaska.
H.R. 2058: Ms. TITUS and Mr. STUPAK.
H.R. 2060: Ms. SCHAKOWSKY.
H.R. 2109: Mr. WOLF and Ms. DEGETTE.
H.R. 2160: Mr. HINCHEY.
H.R. 2254: Mrs. BLACKBURN, Mr. WILSON of Ohio, Mr. DAVIS of Tennessee, Mr. BUTTERFIELD, Mr. MINNICK, Mr. YOUNG of Florida, and Mr. PASCRELL.
H.R. 2266: Mr. THOMPSON of California.
H.R. 2267: Mr. THOMPSON of California.
H.R. 2269: Mr. SESTAK.

H.R. 2296: Mr. RADANOVICH, Mr. YOUNG of Florida, Mr. SCHOCK, and Mr. DEFazio.
 H.R. 2304: Mr. POMEROY.
 H.R. 2381: Mr. OBERSTAR.
 H.R. 2398: Mr. SKELTON.
 H.R. 2406: Mr. BURTON of Indiana and Mr. PLATTS.
 H.R. 2418: Mr. GRAYSON.
 H.R. 2443: Mr. STUPAK and Mr. HASTINGS of Washington.
 H.R. 2455: Mrs. CHRISTENSEN, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. FARR, Mr. FRANK of Massachusetts, Mr. JACKSON of Illinois, Mr. JONES, Ms. LEE of California, Mr. MORAN of Virginia, and Ms. WOOLSEY.
 H.R. 2478: Mr. COHEN and Mr. HONDA.
 H.R. 2519: Mr. MEEK of Florida, and Mr. LEWIS of Georgia.
 H.R. 2529: Mr. HINOJOSA.
 H.R. 2533: Mr. GARRETT of New Jersey.
 H.R. 2555: Mr. CAMPBELL and Mr. MOORE of Kansas.
 H.R. 2575: Mr. DENT.
 H.R. 2681: Mr. MEEKS of New York.
 H.R. 2709: Ms. BORDALLO.
 H.R. 2740: Mr. FRANK of Massachusetts.
 H.R. 2773: Mr. SESTAK.
 H.R. 2808: Mr. LAMBORN and Mr. MCCLINTOCK.
 H.R. 2811: Ms. WASSERMAN SCHULTZ.
 H.R. 2835: Ms. SCHAKOWSKY.
 H.R. 2913: Mr. YOUNG of Florida.
 H.R. 2937: Mr. WITTMAN.
 H.R. 2941: Ms. ZOE LOFGREN of California, Mr. RYAN of Ohio, and Ms. KAPTUR.
 H.R. 2966: Mr. GRIJALVA.
 H.R. 3006: Mr. PAYNE.
 H.R. 3042: Mr. McDERMOTT.
 H.R. 3044: Mrs. SCHMIDT, Mr. CULBERSON, Mr. BARTLETT, Mr. WILSON of South Carolina, Mr. COURTNEY, Mr. AL GREEN of Texas, Mr. SMITH of Texas, Mr. SIMPSON, and Mr. MCCLINTOCK.
 H.R. 3068: Ms. SCHAKOWSKY.
 H.R. 3080: Mr. WEXLER.

H.R. 3127: Mr. HINCHEY.
 H.R. 3129: Mr. KING of Iowa, Mr. CHAFFETZ, and Mr. CONAWAY.
 H.R. 3135: Mr. PAULSEN.
 H.R. 3136: Mr. PAULSEN.
 H.R. 3138: Mr. STUPAK.
 H.R. 3140: Mrs. LUMMIS, Mr. PAUL, Mr. SAM JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. BISHOP of Utah, Mr. STEARNS, Mrs. BLACKBURN, Mr. MACK, Mr. BARTLETT, Mr. CANTOR, Ms. FOXX, Mr. HALL of Texas, Mr. CAMP, Mrs. MYRICK, Mr. HELLER, Mr. HERGER, Mr. BROWN of South Carolina, Mr. NEUGEBAUER, Mr. AKIN, Mr. OLSON, Mr. GINGREY of Georgia, Mr. McKEON, Mr. BURTON of Indiana, Mr. ADERHOLT, Mr. SMITH of Texas, Mr. KINGSTON, and Mr. MORAN of Kansas.
 H.R. 3190: Mr. BOUCHER.
 H.R. 3218: Mr. SCALISE.
 H.R. 3221: Mr. PASCRELL, Mr. WEXLER, Mr. ABERCROMBIE, Mr. SIRE, Mr. TOWNS, and Mr. SHERMAN.
 H.R. 3232: Mr. CAPUANO.
 H.R. 3245: Mr. KUCINICH, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. MEEKS of New York, Ms. FUDGE, Mr. CARSON of Indiana, and Mr. HASTINGS of Florida.
 H.R. 3246: Mr. LEVIN.
 H.R. 3251: Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, and Mr. GARY G. MILLER of California.
 H.R. 3257: Ms. KILPATRICK of Michigan.
 H.R. 3286: Mr. PETERSON, Ms. BORDALLO, and Mr. RYAN of Ohio.
 H.R. 3287: Ms. SLAUGHTER.
 H.R. 3289: Mr. HELLER.
 H.R. 3295: Ms. ZOE LOFGREN of California, Ms. BALDWIN, Mr. CLEAVER, Mr. CAPUANO, and Ms. SCHAKOWSKY.
 H.R. 3307: Ms. KOSMAS.
 H.R. 3308: Mr. DREIER, Ms. FOXX, and Mr. HOLDEN.
 H.R. 3328: Mr. AL GREEN of Texas and Mr. McDERMOTT.

H.J. Res. 26: Mr. QUIGLEY.
 H.J. Res. 44: Mr. WITTMAN and Mr. WOLF.
 H. Res. 6: Mr. ALTMIRE, Mr. BOREN, Mr. CONAWAY, Mr. KIND, Mr. CARDOZA, Mr. LIPINSKI, and Mr. BARROW.
 H. Res. 111: Mr. YOUNG of Florida, Mr. BERRY, Mr. THOMPSON of California, and Mr. HALL of New York.
 H. Res. 225: Mr. ROONEY, Mr. PUTNAM, and Mr. GARRETT of New Jersey.
 H. Res. 255: Mr. SESTAK, Mr. MORAN of Virginia, and Mr. STUPAK.
 H. Res. 440: Mr. CAO.
 H. Res. 494: Mr. BROWN of South Carolina.
 H. Res. 508: Mr. SNYDER.
 H. Res. 513: Mr. ALEXANDER, Mr. BROWN of South Carolina, Mr. JONES, Mr. MINNICK, Mr. PASTOR of Arizona, Mr. ROE of Tennessee, Ms. ROS-LEHTINEN, and Ms. SCHAKOWSKY.
 H. Res. 554: Mr. CARNEY, Mr. EDWARDS of Texas, Mr. CHANDLER, Ms. KAPTUR, Mr. COHEN, Mr. MARSHALL, Mr. MICHAUD, Mr. BRIGHT, Mrs. DAHLKEMPER, and Ms. GINNY BROWN-WAITE of Florida.
 H. Res. 558: Ms. FUDGE, Mr. MEEKS of New York, Mr. GORDON of Tennessee, and Mr. BUTTERFIELD.
 H. Res. 561: Mr. ISRAEL, Mr. ENGEL, Mr. NADLER of New York, Mr. MURPHY of New York, Mr. MASSA, and Mr. HALL of New York.
 H. Res. 562: Mr. ISRAEL, Mr. ENGEL, Mr. NADLER of New York, Mr. MURPHY of New York, Mr. MASSA, and Mr. HALL of New York.
 H. Res. 563: Mr. ISRAEL, Mr. ENGEL, Mr. NADLER of New York, Mr. MURPHY of New York, Mr. MASSA, and Mr. HALL of New York.
 H. Res. 649: Mr. BLUMENAUER, Mr. FORTENBERRY, and Mr. DOGGETT.
 H. Res. 677: Mr. BURTON of Indiana.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday July 27, 2009

Mr. COBLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I am requesting as part of H.R. 3288, the Transportation/Housing and Urban Development Appropriations Act of 2010.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 3288

Account: Airport Investment Program

Legal Name of Requesting Entity: Burlington—Alamance County Regional Airport

Address of Requesting Entity: 3441 North Aviation Drive, Burlington, NC 27215

Description of Request: This project will lengthen the existing runway so that it may support larger aircraft and improve the safety of the runway. It will also increase the airport's economic viability in the area.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 3288

Account: Grade Crossings on Designated High Speed Rail Corridors

Legal Name of Requesting Entity: North Carolina Department of Transportation

Address of Requesting Entity: 1553 Mail Service Center, Raleigh, NC 27699

Description of Request: The purpose of this project is to implement the crossing safety improvement recommendations from the East Guilford County Traffic Separation Study (TSS) between Franklin Boulevard and Wagner Bend Road on the North Carolina Railroad, Southeast High Speed Rail Corridor and Greensboro. This project is part of the NC Department of Transportation's effort to reduce the occurrence of accidents at railroad crossings.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. HOLT. Madam Speaker, on July 23, 2009, I did not cast a vote on an amendment to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2010.

Had I been present for the vote on H. Amdt. 384 (rollcall 631), I would have voted "no."

TRIBUTE TO DR. ALMA MONTGOMERY BLACKMON

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. GRIFFITH. Madam Speaker, I rise today to honor the memory of Dr. Alma Montgomery Blackmon of Huntsville, an educator and mentor of fond memory to all she encountered. Dr. Blackmon passed away in June at the age of 87.

Dr. Blackmon had an unrivaled blend of passion for students, education and music. All three of these areas played vital roles in her life's purpose. She was born and raised in Washington, DC, where she began her distinguished career as an educator. Her love for music blossomed as a child when she served as an organist for her church at age 10. Her love for music never faded, and she instilled a zeal for music in her students throughout her 42-year career as an instructor. She was a scholar, a musician and a community activist whose impact will not be forgotten, and she is deeply missed by all who knew her.

Dr. Blackmon had a way with people that made personal interactions with her as harmonious as the music she played. Her influence will continue to flourish for generations to come through the love of music that her former students now share. On behalf of the Tennessee Valley, I respectfully rise in honor to pay tribute to a champion of American values.

HONORING MELISSA COLLINS FOR RECEIVING A PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. COHEN. Madam Speaker, I rise today to recognize Melissa Collins, an elementary school teacher from my district who will be honored by President Obama with the Presidential Award for Excellence in Mathematics and Science Teaching for her work mentoring students.

This is an honor awarded to teachers who do an exceptional job at mentoring students in the areas of mathematics and science. She is one of 100 educators who will receive a \$10,000 award from the White House on behalf of the National Science Foundation, which she will use a portion of to help her continue to teach her students.

Melissa teaches second grade students at John P. Freeman Optional School in my

hometown of Memphis, Tennessee. While teaching others, this accomplished teacher is also working on improving her own education by studying for a doctorate degree at the University of Southern Mississippi.

During a time in this country where math and science teachers are scarce, Melissa Collins exhibits the teaching skills necessary to inspire our children to learn. Melissa is a leader at the elementary school. The school principal sends new teachers to her classroom in order to observe her teaching style.

In 2008, John P. Freeman Optional School was awarded the No Child Left Behind Blue Ribbon Award, which recognizes academically superior schools across the nation. It is beyond a doubt that Melissa helped John P. Freeman School achieve this great honor.

I want to commend and congratulate Melissa Collins on this great achievement.

HONORING ALBERT COSYNS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Albert "Al" Cosyns upon being honored as the Madera Chamber of Commerce 2009 Senior Farmer of the Year. Mr. Cosyns was recognized at the annual Senior Farmer Dinner on Thursday, July 23, 2009.

Mr. Al Cosyns was born on March 12, 1925 in Southern California. After farming in Orange County, California for sixteen years, he decided to head north. He hitched his bean harvester to his truck and made his way over the Grapevine, finding his home in the heart of California, Madera. For fifty years, Mr. Cosyns has raised a variety of crops and has been finding ways to adapt to the new cropping patterns necessary to the longevity of a farming operation. Over the years they have farmed almonds, alfalfa, black-eyed beans, lima beans, barley, cotton, corn, grapes, wheat, safflower, soybeans, oats, sugar beets and sudan. Today, the Cosyns Farm is currently located on 2500 acres; with almonds and grapes at the heart of the operation.

Mr. Cosyns' priorities have always been his ranch, his family and his community. Mr. Cosyns has always been active in the farming community and has served on a number of boards, including the Bonita Soil Conservation Board, the Sugar Beet Board and he has been a member of the Madera County Farm Bureau for forty-five years. He has also served as a 4-H Youth Advisor and is a supporter of the 4-H and Future Farmers of America Livestock Auction at the Madera and Chowchilla Fairs. Mr. Cosyns is the co-founder of the Madera Agricultural Youth Association (MAYA), an organization that supports youth in agriculture

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and provides scholarships to students entering college and pursuing a degree in a field related to agriculture. There are now four generations of the Cosyns family in Madera and Mr. Cosyns enjoys passing his knowledge and joy of agriculture on to the newest generation, his great-grandchildren. Mr. Cosyns along with his sons, Allan and Rick, and his grandchildren, continue the farming tradition with their strong leadership in the community.

Madam Speaker, I rise today to commend and congratulate Albert Cosyns upon being named the Madera Chamber of Commerce 2009 Senior Farmer of the Year. I invite my colleagues to join me in wishing Mr. Cosyns many years of continued success.

EARMARK DECLARATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, FY2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Requesting Member: Rep. REHBERG

Bill Number: H.R. 3128

Account: Department of Housing and Urban Development—Economic Development Initiative (EDI)

Requesting Entity: Yellowstone Boys and Girls Ranch, 1732 72nd Street West, Billings, Montana 59106

Description: \$100,000 in federal funding will enable the Ranch to renovate several specialized learning and training rooms, as well as bring the building up to an acceptable standard for housing programs for at-risk youth.

Requesting Member: Rep. REHBERG

Bill Number: H.R. 3128

Account: Department of Housing and Urban Development—Neighborhood Initiative

Requesting Entity: Rocky Mountain Development Council, Inc., P.O. Box 1717, Helena, MT 59624

Description: \$200,000 in federal funding will enable the Rocky Mountain Development Council, in partnership with the City of Helena, to address a significant shortage of quality affordable housing through the redevelopment of a former iron foundry and 2.4 acre Brownfield site.

Requesting Member: Rep. REHBERG

Bill Number: H.R. 3128

Account: Department of Housing and Urban Development—Economic Development Initiative

Requesting Entity: City of Shelby, 112 1st Street, South, Shelby, MT

Description: \$200,000 in federal funding will enable the City of Shelby to renovate its historic downtown with the goal of attracting downtown business development and creating new local jobs.

Requesting Member: Rep. REHBERG

Bill Number: H.R. 3128

Account: Department of Housing and Urban Development—Economic Development Initiative

Requesting Entity: Great Falls Development Authority, 300 Central Ave. Suite 406, Great Falls, MT 59401

Description: \$300,000 in federal funds for the Great Falls Development Authority will enable Cascade County, Montana to extend existing water, sewer, and storm drains, as well as rail lines and roads into a proposed heavy industrial area. The newly-developed area will attract business development and economic diversity to the area.

Requesting Member: Rep. REHBERG

Bill Number: H.R. 3128

Account: Housing and Urban Development—Economic Development Initiatives

Requesting Entity: Pantry Partners Food Bank, Inc. P.O. Box 806, Stevensville, MT 59870-0806

Description: The Pantry Partners Food Bank serves approximately 200 families each month in the Stevensville area. \$200,000 in federal funding will allow the Pantry Partners Food Bank to construct a larger facility and to replace outdated equipment that is crucial to ensuring the safety of their food items.

Requesting Member: Rep. REHBERG

Bill Number: H.R. 3128

Account: Federal Highway Administration—Surface Transportation Priorities

Requesting Entity: Great Falls Development Authority, 300 Central Ave. Suite 406, Great Falls, MT 59401

Description: \$500,000 in federal funding will enable the reconstruction of Black Eagle Road in Cascade County. It is important that this deteriorating roadway be repaved to address safety concerns and to attract business traffic to the Great Falls region.

Requesting Member: Rep. REHBERG

Bill Number: H.R. 3128

Account: Housing and Urban Development—Economic Development Initiatives

Requesting Entity: City of Billings, P.O. Box 1178, Billings, MT 59103

Description: \$323,000 in federal funding for the City of Billings' Business Consortium Project for the Homeless will be used for the purchase or renovation of a building in downtown Billings, with the intent to provide housing and services in the upper-levels for homeless individuals or families, and to provide for a storefront business on the lower level.

Requesting Member: Rep. REHBERG

Bill Number: H.R. 3128

Account: Housing and Urban Development—Economic Development Initiatives

Requesting Entity: Billings Food Bank, Inc. P.O. Box 1158, Billings, MT 59103

Description: \$450,000 in federal funds will enable the Billings Food Bank to continue construction of a new facility with offices, a warehouse, commercial kitchens and classroom facilities to better serve and educate needy families in the Billings-area.

Requesting Member: Rep. REHBERG

Bill Number: H.R. 3128

Account: Federal Highway Administration—Federal lands (Public Lands Highways)

Requesting Entity: Anaconda-Deer Lodge County, 800 South Main Street, Anaconda, MT 59711

Description: \$500,000 in federal funds will allow Anaconda-Deer Lodge County to reconstruct Highway 274, a treacherous 26-mile winding road that connects the Northern and

Southern ends of the County. Reconstruction measures include rebuilding the road bed, widening the existing highway, and removing dangerous curves and switchbacks to address growing safety concerns.

Requesting Member: Rep. REHBERG

Bill Number: H.R. 3128

Account: Housing and Urban Development—Economic Development Initiatives

Requesting Entity: Watson Children's Shelter, 2901 Fort Missoula Road, Missoula, Montana 59804

Description: Watson Children's Shelter serves nearly 100 children annually who are leaving abusive or neglectful family situations. \$500,000 in federal funding will allow the Shelter to expand to a second facility to double its capacity and fulfill a crucial and growing need within the community.

TRIBUTE TO REVEREND DR. JULIUS RICHARD SCRUGGS

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. GRIFFITH. Madam Speaker, I rise today to recognize Reverend Dr. Julius Richard Scruggs of the First Missionary Baptist Church in Huntsville, Alabama. This year he celebrates his 50th pastoral anniversary and his 32nd anniversary with First Missionary Baptist. Dr. Scruggs is a wonderful asset to the community and all of North Alabama.

Rev. Dr. Julius Scruggs began his pastoral career at the age of 18 at Pine Grove Missionary Baptist Church in Harvest, Alabama. He has been at First Missionary Baptist Church since 1977 and welcomed more than 3,000 new members into the congregation during that time. Under his leadership, the church formed teams that have improved the community of North Huntsville through scholarship funds, health and recreation clinics, and jail ministries. Dr. Scruggs has also personally overseen multiple projects with Habitat for Humanity that have directly benefitted his area.

Rev. Dr. Scruggs' leadership has been undeniably advantageous for Missionary Baptist Church's growth and development. Because of his vision and enthusiasm, he is a perfect candidate for President of the National Baptist Convention. The convention is being held during the second week of September, and I am honored to declare my support for this remarkable gentleman from north Alabama.

Madam Speaker, I wish to express my extreme gratitude to Dr. Scruggs for his service to our community. As a former recipient of the Dr. Martin Luther King, Jr. award and as Vice President at Large of the National Baptist Convention, U.S.A., Inc., Dr. Scruggs serves as an example of leadership for us all. The Tennessee Valley appreciates his invaluable service in the ministry for half a century and his dedication to First Missionary Baptist Church in Huntsville for more than three decades.

HONORING SERGEANT
CHRISTOPHER ENEY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. VAN HOLLEN. Madam Speaker, I rise today to honor the life of Sergeant Christopher Eney, a brave and dedicated U.S. Capitol Police Officer who was killed on the job 25 years ago this August.

Sergeant Eney, who was 37 years old, was a devoted husband and father. He was deeply committed to his work with the Capitol Police, to which he gave 12 years of faithful service. His fellow officers remember him as "a model officer, a leader, not a follower." At his memorial service, they recalled his quiet optimism, how Sergeant Eney could conjure a smile during his shifts in the House gallery at four in the morning. Sergeant Eney, they remembered, was always proud to serve.

In a training exercise in 1984, a fellow officer accidentally discharged his weapon, and Sergeant Eney was mortally wounded. He was the first Capitol Police Officer to die in the line of the duty.

Sergeant Eney's wife Vivian spoke at a ceremony for fallen officers some years later. "As far as I'm concerned," she said, "death doesn't make them a hero. What makes them a hero is the fact that they're walking out of the Academy, they're putting on a gun, they're wearing the badge. And in this day and age that takes a lot of courage."

Madam Speaker, I am honored to recognize the service and sacrifice of Christopher Eney and all of America's fallen heroes, and I ask my colleagues to join me in doing so.

EARMARK DECLARATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. BILIRAKIS. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 3326

Account: RDTE, A

Name of requesting entity: Moffitt Cancer Center

Address of requesting entity: 12902 Magnolia Drive, Tampa, Florida 33612

Description: The \$6,000,000 will be used by the National Functional Genomics Center to conduct applied research for the discovery of molecular signatures for cancers and speed the development of new drugs based on individual molecular fingerprints. This will help improve health care and lower costs.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 3326

Account: RDTE, A

Name of requesting entity: University of Florida

Address of requesting entity: 2151 West University Avenue, Gainesville, Florida 32603

Description: The \$3,000,000 will be used to conduct research and clinical trials on Traumatic Brain Injury and Post Traumatic Stress Disorder to ensure the successful reintegration of injured military personnel into their families, communities, and jobs. This will improve quality-of-life for those afflicted with these conditions and lower health care costs.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 3326

Account: RDTE, A

Name of requesting entity: University of South Florida

Address of requesting entity: 4202 East Fowler Avenue, Tampa, Florida 33620

Description: The \$2,000,000 will be used to conduct multidisciplinary research to develop better methods for clinical management of injuries and autoimmune diseases. This will improve disease and injury treatment and management, improving quality-of-life and increasing productivity among those individuals.

EARMARK DECLARATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. FRANKS of Arizona. Madam Speaker, pursuant to the Republican Leadership standards on budget requests, I am submitting the following information regarding budget designations I received as part of H.R. 3288: Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2010.

Recipient: Arizona Department of Transportation, 206 S. 17th Avenue, Phoenix, Arizona 85007

Budget designation: \$1,000,000

The Hoover Dam Bypass project was authorized by Congress in P.L. 98-381. Hoover Dam is a strategic national asset. This project will protect the Dam while ensuring safer traffic flow between Phoenix and Las Vegas.

Recipient: Arizona Department of Transportation, 206 S. 17th Avenue, Phoenix, Arizona 85007

Budget designation: \$250,000

The Hassayampa Study corridor is located in the Phoenix West Valley. The request would fund an Environmental Impact Statement of the Hassayampa Freeway and the Hassayampa Study Region. This project holds tremendous potential for the West Valley and entire Southwest region by linking Phoenix to Las Vegas through the proposed Interstate 11 corridor.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mrs. MCCARTHY of New York. Madam Speaker, on Friday, I missed 9 votes. Had I been present, I would have voted as follows.

Rollcall No. 638, on the Motion to Table Appeal of the Ruling of the Chair, I would have voted "yea."

Rollcall No. 639, on Ordering the Previous Question on H. Res. 673, I would have voted "yea."

Rollcall No. 640, on Agreeing to the Resolution H. Res. 673, I would have voted "yea."

Rollcall No. 641, on Agreeing to the Obey Amendment to H.R. 3293, I would have voted "yea."

Rollcall No. 642, on Agreeing to the Souder Amendment to H.R. 3293, I would have voted "no."

Rollcall No. 643, on Agreeing to the Pence Amendment to H.R. 3293, I would have voted "no."

Rollcall No. 644, on Agreeing to the Wittman Amendment to H.R. 3293, I would have voted "no."

Rollcall No. 645, on the Motion to Recommit with Instructions to H.R. 3293, I would have voted "no."

Rollcall No. 646, on Passage of H.R. 3293, I would have voted "yea."

EARMARK DECLARATION

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. POSEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of rule XXI, I am submitting the following information regarding earmarks for my Congressional District as a part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Requesting Member: Rep. BILL POSEY and Rep. SUZANNE KOSMAS

Project Funding Amount: \$1,000,000

Bill Number: H.R. 3293

Account: Employment and Training Administration

Legal Name of Requesting Entity: Brevard Workforce Development Board

Address of Requesting Entity: Brevard Workforce Development Board, 597 Havarti Court, Suite 40, Rockledge, Florida 32955.

Description of Request: This funding will be used for the Brevard Workforce Development Board's Aerospace Workforce Transition initiative. The project will focus on safety of the remaining shuttle missions while preparing the workers for new jobs upon completion of the shuttle missions. This issue deserves national attention due to the sensitive nature of the space program with regards to defense, research and U.S. prominence in future space initiatives.

Consistent with Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request (1) is not directed to any entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for entities unless the use of the funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. CASTLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding benefitting the State of Delaware included in H.R. 3326, the Fiscal Year 2010 Defense Appropriations Act.

Name of Intended Recipient: Delaware National Guard

Location: First Regiment Rd, Wilmington, DE 19808

Requesting Member: Congressman MICHAEL N. CASTLE

Account: DRUGS

Name of Project: Delaware National Guard Counterdrug Task Force

Project Description: The Act includes \$300,000 to provide counterdrug support to federal, state, and local law enforcement agencies and to Community Based Organizations requesting Drug Demand Reduction Assistance. Funding will provide unique military support and resources to our police agencies which enables the police to concentrate more police resources to other priorities in their department. Increased funding from federal appropriations will permit the Delaware National Guard to provide support to open requests from the FBI, Delaware State Police, and local authorities. It will also enable the Delaware Guard to expand its Drug Education Program.

Name of Intended Recipient: WL Gore & Associates

Location: 555 Paper Mill Rd., Newark, DE 19711

Requesting Member: Congressman MICHAEL N. CASTLE

Account: OM, DW

Name of Project: Special Operations Forces Modular Glove System

Project Description: The Act includes \$1,500,000 to accelerate the fielding of the Modular Glove System for U.S. Special Operations Forces (SOF). This is a five piece system that provides the war fighter the necessary protection across a wide range of climatic conditions. Developed to be compatible with the SOF's Protective Combat Uniform designed for frigid conditions, this SOF Modular Glove System provides cold weather protection to -50 degrees as well as waterproof protection in wet conditions. The Special Operations Command has an established requirement for a Modular Glove System to better meet the real-world mission needs of its SOF in a broad range of deployed environments. This funding would accelerate the fielding by about one year to ensure all U.S. SOF forces in theater have access to this high technology, readiness enhancing system.

Name of Intended Recipient: University of Delaware

Location: Hullahen Hall, Newark, DE 19716

Requesting Member: Congressman MICHAEL N. CASTLE

Account: RDTE, A

Name of Project: Composite Applied Research and Technology for FCS and Tactical Vehicle Survivability

Project Description: The Act includes \$1,500,000 to rapidly advance the Technology Readiness Level of existing and promising new ultra-lightweight composites structures and armor for combat and light, medium and heavy tactical vehicle applications. Using heavy materials such as steel and aluminum will continue to result in vehicles that are too heavy to transport and will overload vehicles that reduces life, increases maintenance costs and requires more frequent vehicle replacement. The project is addressing the critical needs of the U.S. Army to protect our soldiers and provide them with the best equipment to carry out their missions. Lightweight composite vehicle structures and armor increase mobility and mission payloads while increasing soldier protection against direct fire, improvised explosive devices and explosively formed penetrators.

Name of Intended Recipient: INVISTA S.à r.l.

Location: 2801 Centerville Road, Wilmington, DE 19808

Requesting Member: Congressman MICHAEL N. CASTLE

Account: RDTE, A

Name of Project: Improved Thermal Resistant Nylon for Enhanced Durability and Thermal Protection in Combat Uniforms

Project Description: The Act includes \$1,500,000 to increase the safety and protection of U.S. soldiers with improved flame resistant, durable, and lower cost materials for the U.S. Army combat uniforms. These improvements will meet an urgent need due to the threat of Improvised Explosive Devices (IED). This project will fund and accelerate research, development, testing, and evaluation for nylon fiber development, fiber formulation, fabric scale up and performance blend specification for U.S. Army combat uniforms.

Name of Intended Recipient: ILC Dover LP
Location: One Moonwalker Road, Frederica, DE 19946-2080

Requesting Member: Congressman MICHAEL N. CASTLE

Account: RDTE, DW

Name of Project: Joint Services Aircrew Mask Don/Doff Inflight Upgrade Project Description: The Act includes \$1,500,000 for research, development, testing, and evaluation of a Joint Services Aircrew Mask, which will provide above the neck Chemical, Biological, and Anti-G protection to DoD aircrew personnel. The mask is a hood that goes over the wearer's head and seals at the neck. This project will enhance our military's mission capability while minimizing performance degradation in chemical and biological contaminated scenarios.

Name of Intended Recipient: Piasecki Aircraft Corporation
Location: 2nd Street West, Essington, PA 19029

Requesting Member: Congressman MICHAEL N. CASTLE

Account: RDTE, N

Name of Project: X-49A Envelope Expansion Modifications

Project Description: The Act includes \$4,500,000 to conduct flight demonstrations at New Castle County Airport in Delaware on the Vectored Thrust Ducted Propeller (VTDP) Compound Helicopter technology's potential to increase rotorcraft speed, range, and surviv-

ability. These funds will cover the cost of design, fabrication, assembly, instrumentation and check out of propulsion and control system modifications that will enable flight beyond the current operating limits of the baseline conventional helicopter. Many current U.S. combat and humanitarian operations require rotorcraft capabilities well beyond those of existing fleet helicopters.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183: Making Appropriations for Energy and Water Development and Related Agencies for Fiscal Year 2010.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3183

Account: Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Isles Inc.

Address of Requesting Entity: Isles Inc., 10 Wood Street, Trenton, NJ 08618

Description of Request: The \$500,000 in funding would be applied to systems design and acquisition of materials and equipment for the green roof and both the photovoltaic and solar thermal arrays that will be installed on a portion of the roof at One North Johnston Avenue in Hamilton Township, New Jersey. The project also includes a enclosed observation deck with classroom capabilities.

GREENLAND BAPTIST CHURCH
150TH ANNIVERSARY**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

July 27, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to recognize the 150th anniversary of Greenland Baptist Church of Beecher City, Illinois.

The church embraces its rich and remarkable history. On August 6, 1859, a council of five Baptist churches and pioneers from Knox County, Ohio, met and established the First Baptist Church of Greenland. The church's first gatherings were held at the Greenland schoolhouse. In 1889, a new building was dedicated, which still serves as the congregation's place of worship today.

I would like to congratulate the people of Greenland Baptist Church who are "remembering God's goodness," in celebration of their church's 150th anniversary, and I wish them a joyous and memorable occasion.

EARMARK DECLARATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. AKIN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 3288

Account: FHWA TCSP

Legal Name of Requesting Entity: Missouri Dept of Transportation, District 3

Address of Requesting Entity: PO Box 1067, 1171 S. Route 61, Hannibal, MO 63401

Description of Request: New Interchange, US 61 at S. Lincoln Drive, Lincoln County, MO. This request will fund the preliminary engineering for a new interchange at the intersection of US 61 and this business loop (South Lincoln Drive). US 61 in Missouri is the continuation of I-64 north of I-70 and is on the National Highway System. Vigorous regional growth has resulted in an accident rate along this corridor—particularly at intersections—that is twice the state average. This location presently is the most critical area of need in Lincoln County along US 61. This new interchange at the south end of the business district in Troy, MO will eliminate a busy at-grade intersection, improve safety, and help alleviate traffic congestion.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 3288

Account: FHWA TCSP

Legal Name of Requesting Entity: Missouri Dept of Transportation, District 3

Address of Requesting Entity: PO Box 1067, 1171 S. Route 61, Hannibal, MO 63401

Description of Request: Bridge Replacement, MO Rt 79 at Sandy Creek, Lincoln County, MO. MO Route 79 is a heavily traveled 2-lane highway that runs 85 miles northwest along the Mississippi River from I-70 in St. Charles County to Hannibal, MO. This highway provides access to Lock & Dam 25 near Winfield, Lock & Dam 24 near Clarksville, and other communities along the river. This bridge replacement just north of the City of Foley is important to the residents of Foley, to the region, and two major Corps of Engineers projects: The Navigation and Environmental Sustainability Program (NESP), the Environmental Mitigation Program (EMP), as well as for normal Operations & Maintenance (O&M) activities for L&D 24 and 25.

PERSONAL EXPLANATION

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. TANNER. Madam Speaker, I rise to clarify my vote on rollcall vote 642, taken in

this Chamber on July 24, on Mr. SOUDER's amendment to H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010. As I was returning from a meeting at the Pentagon, there was a miscommunication regarding which amendment was being considered, and I mistakenly voted "nay." I intended to vote "aye" on rollcall vote 642.

RECOGNIZING AMERICAN
VETERANS FOR EQUAL RIGHTS**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to congratulate the Chicago Chapter of the American Veterans for Equal Rights (AVER), an organization of gay, lesbian, bisexual and transgender veterans of the U.S. Armed Forces, on the occasion of the City of Chicago's annual Salute to LGBT veterans.

Founded in 1992, the Chicago Chapter of AVER provides support to LGBT veterans in the Chicago metropolitan area. Members of AVER have served in every war from World War II to Iraq and Afghanistan.

Each year, AVER members march in Chicago's Memorial Day Parade and in Chicago's Gay Pride Parade. By doing so, AVER members bear witness to the fact that gay and lesbian Americans have served throughout our history to defend the United States in time of war and to preserve our freedoms and democracy.

AVER fights not only for LGBT veterans but also for gay and lesbian soldiers currently serving in our armed forces, especially those who are in harm's way in Iraq and Afghanistan. AVER members travel to Washington every year to lobby members of Congress for an end to the "Don't Ask, Don't Tell" policy.

For fifteen years, AVER has fought against this detrimental policy that requires gay and lesbian servicemembers to deny who they are and to lie about their lives. Our democratic allies—from the United Kingdom to Israel—allow gay and lesbian soldiers to serve openly without any adverse effects on military preparedness or morale. This is the basic fairness and justice that AVER seeks for gay and lesbian American soldiers.

Madam Speaker, I also want to recognize Jim Darby, the founder of the Chicago Chapter of AVER and a Korean War veteran. Jim served in the Navy as a Russian-language specialist. Along with all the other AVER members, Jim has fought tirelessly to educate the general public and the Congress about the plight of LGBT veterans and active servicemembers. What AVER seeks is what we should all seek: respect and honor for all those who have served and who are serving the United States of America through our Armed Forces.

CELEBRATING THE 60TH WEDDING
ANNIVERSARY OF BOB AND
CLEOLA RICHARDSON**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. ENGEL. Madam Speaker, I rise today to celebrate the longstanding and happy marriage of two of my constituents, Bob Fred Calvin Richardson and Cleola Johnson Richardson. This August 20 they will celebrate their 60th wedding anniversary.

Bob and Cleola took their wedding vows at a garden ceremony at Mrs. Richardson's home in Meadville, Pennsylvania on August 20, 1949. They have since moved to Mt. Vernon, NY, where they owned and operated their business Richardson Electronics. They have been residents of Mt. Vernon for 45 years.

Bob and Cleola have four wonderful children, Paula, Marilyn, Robert and Candice, ten grandchildren, as well as two great grandchildren. I want to congratulate Bob and Cleola Richardson on their 60th anniversary and wish them the best of luck as they spend the rest of their lives together.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. McKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 3326, the "Department of Defense Appropriations Act, 2010."

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 3326, the "Department of Defense Appropriations Act, 2010"

Account: Research, Development, Test, and Evaluation (RDTE), Air Force

Legal Name of Requesting Entity: Northrop Grumman Corporation

Address of Requesting Entity: 1840 Century Park East, Los Angeles, CA 90067-2199

Description of Request: I requested and received a Member priority request totaling \$6,000,000 for the B-2 Stealth Bomber Advanced Tactical Data. The Advanced Tactical Data Link (ATDL) on the B-2 would profoundly alter how these stealth aircraft like the B-2, F-35, and F-22 communicate with each other in a high threat environment by allowing all three types of aircraft to communicate and share threat information. Sharing real-time threat information would improve lethality, increase survivability, reduce operating and support costs, and increase efficiencies. The USAF has acknowledged the need for such a critical capability and has provided funding to integrate a common data link into the F-35 and F-22. However, funding for integration of such a link on the B-2 has not occurred. This initiative would provide these significant improvements in the capability two to three years sooner than currently planned.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 3326, the "Department of Defense Appropriations Act, 2010"

Account: Research, Development, Test, and Evaluation (RDTE), Air Force

Legal Name of Requesting Entity: General Atomics Aeronautical Systems, Inc.

Address of Requesting Entity: 14200 Kirkham Way, Poway, CA 92064

Description of Request: I requested and received a Member priority request totaling \$1,500,000 for Predator C Unmanned Aerial Vehicles. This project would provide the U.S. Air Force with a larger, next generation, jet-powered unmanned aircraft. The system would provide a more survivable, near-term covert capability to the U.S. Air Force and support our men and women in combat with intelligence and armed support. Improvements would provide higher speeds for quick response and repositioning, increased endurance, and the capability to fly into many areas of the world undetected. This project is aimed at meeting a Defense Department goal to rapidly increase the number of intelligence, surveillance, and reconnaissance unmanned aerial vehicles.

Funding in FY10 would facilitate construction and rapid acquisition of a Predator C UAV (to include hardware/software installation, spare parts, engineering, etc.) to begin testing and evaluation by the U.S. Air Force.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 3326, the "Department of Defense Appropriations Act, 2010"

Account: Research, Development, Test, and Evaluation (RDTE), Air Force

Legal Name of Requesting Entity: Advatech Pacific

Address of Requesting Entity: 1849 N. Wabash Ave., Redlands, CA 92374

Description of Request: I requested and received a Member priority request totaling \$3,000,000 for the U.S. Air Force Advanced Vehicle Propulsion Center (AVPC) which serves as a unique, world-class center at Edwards Air Force Base allowing experts to examine current and future engineering, design, and development of propulsion systems, space vehicles, missiles, and advanced weapon concepts. The Center's efforts are estimated to save the Air Force millions of dollars in future program costs through the integration of the best engineering, design, analysis, and cost tools from government, industry, and academia.

Funding would allow the Center's engineers to incorporate recent technological advances into future Air Force space and missile systems, virtually demonstrating whether proposed designs are sound from operational, infrastructure, schedule, cost, reliability, and risk perspectives.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 3326, the "Department of Defense Appropriations Act, 2010"

Account: Research, Development, Test, and Evaluation (RDTE), Navy

Legal Name of Requesting Entity: HSAD Program Office located at the Naval Air Warfare Center

Address of Requesting Entity: 1 Administration Circle, China Lake, CA 93555-6100

Description of Request: I requested and received a Member priority request totaling \$1,900,000 for the Tactical High Speed Anti-Radiation Demonstrator (HSAD). This Air Force and Navy program was established at China Lake Naval Air Weapons Station in 2002 to demonstrate an advanced rocket propulsion system that can provide either twice the distance or half the time to target over solid propellant rocket motors. With flight testing successfully accomplished and propulsion system technology demonstrated, this funding request would allow the transition of HSAD designs into a tactical missile configuration for future use in Navy/USAF advanced weapon systems. In addition, funds would be used to develop next generation solid ramjet fuels and provide performance data to support missile performance.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 3326, the "Department of Defense Appropriations Act, 2010"

Account: Operations and Maintenance (OM), Defense Wide

Legal Name of Requesting Entity: Southern California Logistics Airport

Address of Requesting Entity: 18374 Phantom, Victorville, CA 92394

Description of Request: I requested and received a Member priority request totaling \$1,000,000 for Upgrades to the Southern California Logistics Airport (SCLA) (the former George Air Force Base). The Office of Economic Assistance in the Department of Defense is tasked with assisting communities that are adversely impacted by defense program changes, including base closures. This project would provide funding from this office to the City of Victorville and the Southern California Logistics Airport (SCLA) to continue the growth and redevelopment of the former George Air Force Base, which was closed in 1992. This project would help SCLA better serve the logistics needs of the National Training Center (NTC) at Fort Irwin and the Marine Corps at Twenty-Nine Palms by connecting the fuel farm to the existing pipeline, installing defueling and AVGAS tanks, and connecting the fuel farm to truck loading racks located on the main tarmac.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 3326, the "Department of Defense Appropriations Act, 2010"

Account: Research, Development, Test, and Evaluation (RDTE), Defense Wide

Legal Name of Requesting Entity: Exquadrum, Inc.

Address of Requesting Entity: 12130 Rancho Road, Adelanto, CA 92301

Description of Request: I requested and received a Member priority request totaling \$2,000,000 for the Missile Defense Agency's Miniature Divert and Altitude Controls System (DACS). This project would help develop highly innovative, low-cost rocket motor technology. These motors would allow greater control of rockets and missiles in flight; a capability needed for missile defense efforts, new missile development, and space exploration applications. This technology achieves its goal by using safe, non-toxic propellants that are very high in energy allowing engineers to put more rocket propulsion capability in a smaller package.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF HOPEWELL BAPTIST CHURCH

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to a special day for the congregation of the Hopewell Baptist Church in Wellington, Alabama.

Hopewell Baptist Church was established in 1909 by Leona Gore, Jeff Turner and Mollie Turner under the direction of Reverend Milton. Through the years, the church has had a total of 22 pastors and has truly been a beacon of light for the Wellington community.

On August 1st, the church will celebrate its 100th Anniversary under the leadership of Reverend Carlos Woodward. This is an important occasion that speaks to the enduring faith of the Hopewell community, as well as its larger mission both in Wellington and in our state.

On behalf of the people's House, I would like to congratulate Hopewell Baptist Church on reaching this important milestone.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. BISHOP of Utah. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding eight earmarks I received as part of H.R. 3326, the Defense Appropriations Act for Fiscal Year 2010. I certify that neither I, nor my spouse, have any financial interest in these requests, and certify that, to the best of my knowledge, these requests are (1) not directed to an entity or program named or that will be named after a sitting Member of Congress; (2) are not intended for a "front" or "pass-through" entity; and (3) meet or exceed statutory requirements for matching funds (where applicable).

Requesting Member: ROB BISHOP (UT-01)
Bill Number: H.R. 3326—Defense Appropriations Act for Fiscal Year 2010.

Project: Small Responsive Spacecraft at Low-Cost (SRSL)

Project Amount: \$3 million

Account: RDT&E, Air Force

Requesting Entity: Utah State University Space Dynamics Laboratory

Address: 1695 North Research Park Way, North Logan, UT 84341.

Project Description and Justification: Funding would continue previous years' efforts in conjunction with Air Force Research Labs to develop and demonstrate technologies for new, low-cost space systems that have military utility. Current space-based reconnaissance assets are cost-prohibitive and too massive to be used in a quick-reaction tactical environment. This effort could lead to providing local field commanders a dedicated space asset for tactical actionable intelligence applications in a highly modular and customizable

design to meet military needs under the Operationally Responsive Space (ORS) construct.

Matching Funds and Spending Plan: Not applicable.

Requesting Member: ROB BISHOP (UT-01)

Bill Number: H.R. 3326—Defense Appropriations Act for Fiscal Year 2010.

Project: Optimizing Natural Language Processing of Open-Source Intelligence (OSINT)

Project Amount: \$1.5 million

Account: RDT&E, Army

Requesting Entity: Attensity, Inc.

Address: 90 South 400 West, Suite 600, Salt Lake City, UT 84101.

Project Description and Justification: Military intelligence collection methods must adapt to the highly-evolving and dynamic IT based sources. Project would fund an "all-source" fusion tool for collecting data from open sources such as the web, blog, social networking sites, and RRS feeds, in cooperative effort with the State University of New York at Buffalo to provide more effective intelligence analysis and decision-making tools for the Army in asymmetric warfare situations.

Matching Funds and Spending Plan: Not applicable.

Requesting Member: ROB BISHOP (UT-01)

Bill Number: H.R. 3326—Defense Appropriations Act for Fiscal Year 2010.

Project: Laser Phalanx

Project Amount: \$1.5 million

Account: RDT&D, Navy

Requesting Entity: Colmek Systems Engineering,

Address: 2001 South 3480 West, Salt Lake City, Utah 84104.

Project Description and Justification: Phalanx is a combat-proven ship defense system that is effective against a variety of threats. Spiral development and integration of a laser into existing Phalanx system will significantly increase its defensive capabilities. Funding would enable new technology integration to fill emerging gaps, while also reducing acquisition and ownership costs.

Matching Funds and Spending Plan: Not applicable.

Requesting Member: ROB BISHOP (UT-01)

Bill Number: H.R. 3326—Defense Appropriations Act for Fiscal Year 2010.

Project: Internal Auxillary Fuel Tank System

Project Amount: \$5 million

Account: Aircraft Procurement, Army

Requesting Entity: Robertson Aviation, Inc.

Address: 14668 Heritage Way, Bluffdale, Utah 84065.

Project Description and Justification: Would purchase crash-resistant internal auxillary fuel tanks for installation on National Guard UH-60 Black Hawk helicopters, including the Utah National Guard. Existing fuel tanks are not crash-resistant and pose threats to life and safety of military personnel when operating the helicopters.

Matching Funds and Spending Plan: Not applicable

Requesting Member: ROB BISHOP (UT-01)

Bill Number: H.R. 3326—Defense Appropriations Act for Fiscal Year 2010.

Project: TranSim Driver Training

Project Amount: \$3.5 million

Account: Other Procurement, Army

Requesting Entity: MPRI, Inc.

Address: 2961 West California Avenue, Salt Lake City, Utah 84104.

Project Description and Justification: Funding would continue efforts begun last year to offer high-tech simulator training for troops scheduled to be deployed overseas in the proper operations of Army tactical wheeled vehicles, such as the up-armored HMVEES. Such vehicles have challenging and particular handling characteristics for the drivers. Prior to this training, there were a number of deadly and tragic roll-over accidents in theatre that could likely have been avoided if this training had been offered earlier. It has already been proven to reduce accidents. Troops come from a variety of urban and rural backgrounds and life-experiences, and to simply put them behind the wheel of a large and cumbersome vehicle is not intuitive but requires a modicum of training. It is almost inconceivable that the military wouldn't fund this on their own accord, but instead, is another example of the Congress having to step in and fund essential programs for the health, safety and welfare of our troops. Project would continue training in a mobile configuration so that it could be moved around the CONUS where needed. Avoidance of even 1 accident could more than pay for the program, not to mention the lives saved.

Matching Funds and Spending Plan: Not applicable

Requesting Member: ROB BISHOP (UT-01)

Bill Number: H.R. 3326—Defense Appropriations Act for Fiscal Year 2010.

Project: Portable Armored Wall System

Project Amount: \$1 million

Account: Procurement, Marine Corps

Requesting Entity: Dynamic Defense Materials (DDM), Inc.

Address: 100 Sharp Road, Marlton, NJ, 08053.

Project Description and Justification: Would fund purchase of additional combat-proven modular armor wall systems for the Marine Corps that can be rapidly deployed and configured for a variety of applications to provide high levels of protection against most threats found in theater from IEDs to small arms fire and RPGs. Replaces antiquated and cumbersome sandbag method. International Armoring Corporation in Ogden, Utah is supplier to DDM.

Matching Funds and Spending Plan: Not applicable.

Requesting Member: ROB BISHOP (UT-01)

Bill Number: H.R. 3326—Defense Appropriations Act for Fiscal Year 2010.

Project: Electric Actuation Systems

Project Amount: \$1 million

Account: RDT&E, Navy

Requesting Entity: Moog, Inc.

Address: 2268 South 3270 West, Salt Lake City, Utah 84119.

Project Description and Justification: Project would fund development and demonstration of shipboard qualified electric actuators that could lead to replacement of antiquated hydraulic systems which are heavy and have environmental hazards associated with hydraulic fluids. Would also reduce repair and maintenance costs over legacy hydraulic systems for Navy.

Matching Funds and Spending Plan: Not applicable

Requesting Member: ROB BISHOP (UT-01)

Bill Number: H.R. 3326—Defense Appropriations Act for Fiscal Year 2010.

Project: Under Vehicle Inspection System

Project Amount: \$3 million

Account: RDT&E, Defense Wide

Requesting Entity: Kachemark Research Development, Inc. (KRD)

Address: 59584 East End, Homer, Alaska 99603.

Project Description and Justification: Funds research and development on modifying existing auto scanning equipment used at military bases to provide real-time quick inspections of delivery vehicles, to mobile versions, making the technology more accessible to different locations and situations, and reducing risks to military inspection personnel.

Matching Funds and Spending Plan: Not applicable

TRIBUTE TO ELDER ROBERT ERWIN WILSON

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. GRIFFITH. Madam Speaker, I rise today to recognize Elder Robert E. Wilson of Madison, Alabama, whose energy and enthusiasm rejuvenated the Presbyterian Church in North Alabama and engaged them in new and purposeful initiatives.

To honor Bob Wilson's transformational leadership, the Fellowship Presbyterian Men are honoring him with a "Bob Wilson Appreciation Day" commemorating his efforts and accomplishments. The event will be held at Fellowship Presbyterian Church on Saturday, August 22, 2009.

Mr. Wilson possesses a unique blend of humility and personal resolve. His gregarious personality makes him loved by everyone he meets, and he is relentlessly focused on achieving his goals for the church. His leadership is respected by members of the Presbyterian Church all over the country. In 2006, he was elected to the distinguished position of Vice Moderator for the 217th General Assembly.

Robert Wilson's unyielding determination to advance the cause of the Presbyterian Church is a testament to his lifelong commitment to the institution. Madam Speaker, I wish to show my sincere gratitude to Bob Wilson for his longstanding devotion to his family, his church and the Tennessee Valley. Understanding that his leadership is a lesson to us all, I appreciate the values that he so strongly advocates.

EARMARK DECLARATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. CULBERSON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the FY2010 Department of Defense Appropriations Act:

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3326

Account: Department of Defense, Army Research, Development, Test and Evaluation account.

Legal Name and Address of Requesting Entity: Rice University; 6100 Main Street, MS 603; Houston, TX 77005

Description of Request: Provide an earmark of \$5,000,000 to the Alliance for NanoHealth. This project will support collaborative research to advance nanomedicine, which has the potential to provide significant medical breakthroughs in disease diagnosis, treatment and prevention.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3326

Account: Department of Defense, Army Research, Development, Test and Evaluation account.

Legal Name and Address of Requesting Entity: M.D. Anderson Cancer Center; 1515 Holcombe Boulevard, Unit 169; Houston, TX 77030

Description of Request: Provide an earmark of \$2,000,000 to the M.D. Anderson Cancer Center. This project will support equipment, supplies and production at the Center for Cancer Immunology, a center utilizing innovation in immunotherapies and vaccinations to cure cancer. In the near future, the center will vaccinate children and adults against Leukemia.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3326

Account: Department of Defense, Air Force Research, Development, Test and Evaluation account.

Legal Name and Address of Requesting Entity: Rice University; 6100 Main Street, MS 603; Houston, TX 77005

Description of Request: Provide an earmark of \$1,000,000 for the Carbon Nano-Materials Advanced Aerospace Applications project to dramatically improve the efficiency of electrical systems used by the Air Force and in the longer term, to help make America energy independent.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3326

Account: Department of Defense, Army Research, Development, Test and Evaluation account.

Legal Name and Address of Requesting Entity: Methodist Hospital System; 8060 El Rio; Houston, TX 77054

Description of Request: Provide an earmark of \$1,000,000 for the Nano-imaging Agents for Early Disease Detection project to support the research and creation of nano-imaging agents for early disease detection. Nano-imaging agents are safely injected into a patient and provide a three-dimensional image, creating a "night vision" that lights up tissue changes and cell anomalies and enabling more accurate diagnostics.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3326

Account: Department of Defense, Army Research, Development, Test and Evaluation account.

Legal Name and Address of Requesting Entity: CureSearch; 4600 East West Highway, Suite 600; Bethesda, MD 20814

Description of Request: Provide an earmark of \$2,000,000 for Pediatric Cancer Research and Clinical Trials project to support pediatric cancer clinical care trials throughout the nation. Clinical trials have significantly increased the cancer cure rate for children from less than 10 percent in the 1950's to over 80 percent today.

EARMARK DECLARATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. COBLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks that I am requesting as part of the FY 2010 Labor/Health and Human Services Appropriations Bill.

Requesting Member: Congressman HOWARD COBLE

Bill Number: FY 2010 Labor/Health and Human Services Appropriations Bill

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: University of North Carolina at Greensboro

Address of Requesting Entity: 1601 MHRA Building, 1111 Spring Garden Street, Greensboro, NC 27412

Description of Request: The purpose of this project is to develop a reform-based, problem-solving mathematics enrichment program for use in after-school settings with elementary school-aged children. Further, this project will help provide students with invaluable tools to enrich their educational experience.

Requesting Member: Congressman HOWARD COBLE

Bill Number: FY 2010 Labor/Health and Human Services Appropriations Bill

Account: Health Resources and Services Administration—Health Facilities and Services

Legal Name of Requesting Entity: High Point, N.C. Mental Health Association

Address of Requesting Entity: P.O. Box 5693, High Point, NC 27262

Description of Request: This funding will expand capabilities at one of only two facilities in the High Point area providing services to the mentally ill.

Requesting Member: Congressman HOWARD COBLE

Bill Number: FY 2010 Labor/Health and Human Services Appropriations Bill

Account: Health Resources and Services Administration—Health Facilities and Services

Legal Name of Requesting Entity: St. Joseph's of the Pines

Address of Requesting Entity: 100 Gossman Drive, Suite B, Southern Pines, NC 28387

Description of Request: This project will convert a semi-truck into a mobile source of health resources with the main goal of providing health services access to those who live in rural areas of Moore County.

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. CARTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 2010.

Requesting Member: JOHN R. CARTER

Bill Number: H.R. 3293

Account: Department of Education—Elementary & Secondary Educations (includes FIE)

Requesting Entity: Communities-in-Schools, Bell-Coryell Counties Inc.

Address of Requesting Entity: 4520 East Central Texas Expressway, Suite 106, Killeen, TX 76543

Description: \$250,000 in funding for the Communities In Schools (CIS) to continue serving military children and families of Ft. Hood soldiers. As the only non-profit organization housed on school property, the professional staff of CIS is able to monitor the academics, behavior, and attendance of at-risk students. Through professional campus support addressing individual student needs, increased parental involvement, and closely supervised activities, CIS tries to promote students staying in school and graduating, thereby improving their chances of success in life.

Requesting Member: JOHN R. CARTER

Bill Number: H.R. 3293

Account: Department of Education—Elementary & Secondary Educations (includes FIE)

Requesting Entity: Peaceable Kingdom Retreat for Children, Inc.

Address of Requesting Entity: 19051 F.M. 2484, Killeen, Texas 76542-5068

Description: \$255,000 in funding for the Peaceable Kingdom Retreat for Children to offer essential and practical enrichment program skills to over 6,000 children with chronic/terminal illnesses, and special needs. "Having a BLAST at PKRC" will offer these special children a way to discover their natural abilities and interests and obtain the critical life and coping skills needed to reach their full potential via three primary components: Environmental Education Awareness; Recreational Therapy; and Coping and Life Skills.

Requesting Member: JOHN R. CARTER

Bill Number: H.R. 3293

Account: Department of Education—Higher Education (includes FIPSE)

Requesting Entity: Texas Life-Sciences Collaboration Center

Address of Requesting Entity: 111 Cooperative Way, Suite 200, Georgetown, TX 78625

Description: \$245,000 in funding for the collaboration between the non-profit Texas Life-Sciences Collaboration Center and Southwestern University to establish an entrepreneur and college internship program based on commercialization of bioscience technologies. In addition, the program will also foster the immediate use of bioscience technology for translational and clinical research

for regional hospital systems and medical schools.

Requesting Member: JOHN R. CARTER

Bill Number: H.R. 3293

Account: Department of Education—Higher Education (includes FIPSE) Entity: Texas State University, San Marcos

Address of Requesting Entity: 601 University Drive, San Marcos, TX 78666

Description: \$1,000,000 in funding to establish the Round Rock Higher Education Center for Nursing Program. Funding is for equipment for the clinical and simulation laboratories and additional nursing faculty and staff for the simulations laboratories. The nursing school building will support an innovative curriculum with classrooms and a number of clinical practice and simulation laboratories. The project also provides for nursing faculty and healthcare practitioners to participate together in the active learning process of continuing education for health care professionals and the community.

Requesting Member: JOHN R. CARTER

Bill Number: H.R. 3293

Account: Department of Health & Human Services—Health Resources and Services Administration (HRSA)—Health Facilities and Services

Requesting Entity: Temple Health and Bioscience Economic Development District

Address of Requesting Entity: 938 Canyon Creek Drive, Temple, TX 76502

Description: \$750,000 in funding will provide the seed money to acquire a state of the art cyclotron and related equipment for the production of radioisotopes. The radioisotopes are a critical component of expanding both clinical care and medical research in the Temple bioscience cluster. The cyclotron facility will provide resources for cutting edge medical research and support growth of the Cancer Research Institute, the Cardiovascular Research Institute and Center for Regenerative Medicine, all located in Temple.

IN RECOGNITION OF DR. RORY COOPER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. MURTHA. Madam Speaker, I rise today to honor Rory A. Cooper, Ph.D. for his outstanding achievement of winning a gold medal at the 2009 National Veterans Wheelchair Games.

While winning a gold medal is an exceptional achievement by itself, Dr. Cooper has proven himself again and again. Madam Speaker, Dr. Cooper has won a total of five gold medals at the National Veterans Wheelchair Games and has previously held the world record for the 10,000-meter wheelchair race. He has participated and won medals almost every year since he first started competing in 1987. In 1988 he won the bronze medal at the Paralympic Games in Seoul, Korea. He continued to stay active in Paralympic competition by serving as a member of the Steering Committee for the 1996 Paralympic Scientific Congress. He was also

the Sports Scientist for the 2008 United States Paralympic Team. In recognition of his achievements at the National Veterans Wheelchair Games, he was featured on a 2009 Cheerios cereal box.

When Dr. Cooper is not competing, he is a researcher in the field of assistive technology design at the University of Pittsburgh's School of Health and Rehabilitation Sciences. He is also the Director and Veterans Affairs (VA) Senior Research Career Scientist for the VA Rehabilitation Research and Development Center of Excellence, Codirector of the National Science Foundation Quality of Life Technology Engineering Research Center, a member of the United States Secretary of Veterans Affairs Prosthetics and Special Disability Programs Advisory Committee, and a Director of the Paralyzed Veterans of America Research Foundation. He has published over two hundred peer-reviewed journal articles and two books, *Rehabilitation Engineering Applied to Mobility and Manipulation and Wheelchair Selection and Configuration*. Dr. Cooper is also a recipient of the Department of the Army's Outstanding Civilian Service Medal for "exceptional leadership, service, and advocacy of severely injured service members at Walter Reed Army Medical Center (WRAMC) and other military medical facilities from October 2004 through May 2008."

Madam Speaker, Dr. Cooper is truly an inspiration to all to us. I conclude my remarks by commending him for his outstanding achievements.

HONORING SUZI AND FRED DOW
FOR THEIR DEDICATION TO PROMOTING OUR NATIONAL FORESTS

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Ms. GIFFORDS. Madam Speaker, it is my great honor to pay tribute today to Suzi and Fred Dow, residents of Bisbee, Arizona who have dedicated themselves to educating the public on the rich experiences of our National Forests.

Like other pioneers of the west, they possess a thirst for the unexplored, acting as guides to our nation's greatest resource, our National Forests. Together, Suzi and Fred have personally researched and surveyed 2,367 campgrounds in over 153 National Forests.

Since 1994, they have traveled over 275,000 miles in their meticulous journey through our nation's wilderness. Today, they are in the midst of exploring the Superior National Forest of Minnesota, the fifth destination of their current five month adventure.

Suzi and Fred publish their findings on a Web site, www.forestcamping.com, hosting almost 4,000 photographs that illustrate National Forest sights and campgrounds. The Web site receives over 300,000 hits a day and features an active forum, blog, and monthly newsletter titled, *The Wanderings*.

In addition to their website, Suzi and Fred have published 9 books in an effort to promote

national forests and camping opportunities. Through their Web site and books, they share an articulate, detailed narrative of their wanderings as well as practical advice, such as how to cook pasta at high elevations.

In 2003, the USDA Forest Service recorded more than 200 million visitors, who contributed over \$7.5 billion to the local communities in and around National Forests. Suzi and Fred's efforts indirectly stimulate the economy of these communities, at no cost to the government.

The Southwestern author Edward Abbey once said, "Wilderness is not a luxury but a necessity of the human spirit." Suzi and Fred encourage people to indulge in that necessity, while also developing an understanding of the importance of National Forests to the health and well being of our country.

Thank you, Suzi and Fred, for documenting the beauty of our country and sharing your experiences with all of us.

EARMARK DECLARATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. EHLERS. Madam Speaker, pursuant to the Republican Leadership standards, I am submitting the following information regarding projects I received funding for as part of the Department of Defense Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 3326

Account: Army Research, Development, Test, & Evaluation

Legal Name of Requesting Entity: Grand Valley State University and Mary Free Bed Hospital

Address of Requesting Entity: 301 Michigan Street, NE, Grand Rapids, MI 49503

Description of Request: This bill provides \$1,460,000 for the Midwest Traumatic Injury Rehabilitation Center. This funding is a valuable use of taxpayer money because this Center will combine the state-of-the-art medical and rehabilitation team care currently delivered by Mary Free Bed Hospital and the curriculum development, evaluative and educational expertise of Grand Valley State University to provide comprehensive wounded warrior care closer to home to reduce the burden on families and establish a model for the nation.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 3326

Account: Navy Research, Development, Test, & Evaluation

Legal Name of Requesting Entity: GE Aviation Systems LLC

Address of Requesting Entity: 3290 Patterson Ave., Grand Rapids, MI 49512

Description of Request: This bill provides \$2,500,000 for the Precision Engagement Technologies Required for Unmanned Systems (PETRUS). This is a valuable use of taxpayer money because PETRUS will compress the timeline associated with an unmanned

system finding, fixing, tracking, targeting, engaging and assessing targets of interest. This project will develop a system for small unmanned air systems that is capable of precisely tracking mobile targets of interest under a wide range of highly dynamic conditions.

EARMARK DECLARATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. TERRY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the Department of Defense Appropriations Bill for Fiscal Year 2010, H.R. 3326.

My Congressional District received \$1,700,000 for research at the University of Nebraska at Omaha's College of Information Science and Technology's work with Supervisory Control and Data Acquisition (SCADA) systems. These systems control critical national and defense infrastructure such as gas pipelines, utilities, and railroads.

The Department of Defense, power companies, manufacturing plants and transportation networks rely on Supervisory Control and Data Acquisition (SCADA) systems. The Department of Homeland Security has grown increasingly concerned over the lack of security of SCADA networks. This concern is due to the fact that SCADA control systems are primarily owned by private companies and have been assembled together in a patchwork fashion over time to improve efficiency. Even though many military bases, including those operated by the U.S. Air Force, have separate SCADA systems in place to provide local power, they remain vulnerable because they use commercially produced, potentially flawed SCADA system hardware and software. Likewise, the U.S. electric power industry uses SCADA systems and is a potential target for terrorist attacks. Nearly 1,700 of the 3,200 power utilities have some type of SCADA system in place, and roughly one-quarter of these utilities have no separation between the corporate network and the system control network. Clearly, U.S. infrastructure is operating in a very dangerous mode. External entities that may be able to gain access to control centers could turn off power, reroute trains, or shut down factories. Thus, a national security concern exists on two fronts: the capabilities of the military and public infrastructure safety.

This project will develop methods which will be used within SCADA systems to increase the authenticity and integrity of data that provide control information. To achieve this goal, researchers will work with the U.S. Air Force and local industries to assess the most commonly used SCADA legacy equipment. This research will be guided by a project-specific advisory board to ensure it is consistent and well-integrated into other national efforts and valuable to private sector infrastructure operators. This board could include members from Pacific Northwest National Laboratory, U.S. Department of Energy, Air Force Office Scientific Research, USSTRATCOM, U.S. De-

partment of Homeland Security, Nebraska Public Power District, Omaha Public Power District, Northern Natural Gas, and Union Pacific Railroad.

Education and Analysis Labs (mentioned above) will be used to conduct this work. The team is also well recognized in the cybersecurity community, as evidenced by the DoD-sponsored International Cyber Defense Workshop hosted at UNO in October 2008 with over 100 participants from 16 countries. UNO is also uniquely positioned to perform advanced cybersecurity research specifically in SCADA system security because its researchers have connections with personnel in the military, industrial, and public infrastructure sectors using SCADA systems. These strong partnerships will guide and direct the research and its application. Researchers will also collaborate with Pacific Northwest National Laboratory, which has a SCADA system test bed and currently employs UNO graduates working on SCADA system problems.

I was pleased to see this funding included in the Defense Appropriations Bill.

EARMARK DECLARATION

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. GOHMERT. Madam Speaker, pursuant to Republican Leadership standards, the following information is submitted regarding funding received in the first district of Texas as part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

LeTourneau University Air Traffic-Collegiate Training Initiative. LeTourneau University, P.O. Box 7001, Longview, Texas 75607, Department of Education Higher Education (includes FIPSE) account, \$350,000 to purchase needed radar and control tower simulators for the new Air Traffic-Collegiate Training Initiative program. This Initiative would benefit the nation by training students in a simulated real-world environment where air traffic control procedures and techniques can be learned, practiced, and refined, to help fill the national shortage.

Keeping America Competitive: Consortium for STEM Preparation for Engineering Project. The University of Texas at Tyler, 3900 University Blvd., Tyler, Texas 75799, Department of Education Higher Education (includes FIPSE) account, \$300,000 for researching and developing products and solutions to reform STEM education and build capacity to address the extremely critical shortage of world-class engineers, while lessening reliance on foreign engineers.

Angelina College Health Careers Program. Angelina College, 3500 South First Street, Lufkin, Texas 75904, Department of Health & Human Services Health Resources and Services Administration (HRSA)—Health Facilities and Services account, \$200,000 for the expansion of the Health Careers program. This project will serve the valuable purpose of providing trained and licensed professionals in

areas of shortage to address the health care needs and lessen the ongoing need for American healthcare providers having to recruit outside the United States. This will assist in providing Americans to supply the professional shortfall.

REMEMBERING THE FALL OF ZEPA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. SMITH of New Jersey. Madam Speaker, on Saturday July 25 Bosnians commemorated the fourteenth anniversary of the tragic fall of Zepa. The town of Zepa was one of the six United Nations-declared safe havens in Bosnia during the war of aggression from 1992 to 1995. In May 1993, a United Nations Security Council resolution held out to this town in eastern Bosnia the promise of protection from the forces of Republika Srpska. In Zepa the local residents, people from the surrounding area, and refugees from other cities and towns gathered to be shielded from Serbian aggression.

But, Madam Speaker, the men, women, and children seeking refuge in Zepa were not shielded. The forces of Republika Srpska, who had laid siege to Zepa in the summer of 1992, were not impressed by UN safe havens, and neither the UN nor anyone else was committed to defending the safe havens. On July 25, 1995, the forces of Republika Srpska overpowered Zepa's defenders and began to occupy the town.

In July Avdo Palic, colonel of the Bosnian government force defending Zepa, performed a hero's work in evacuating as many civilians as he could, despite operating under constant shelling and the threat of starvation from the forces of Republika Srpska. Palic participated in negotiations which resulted in the safe evacuation of approximately 5,000 Bosnian civilians. On July 27 Palic traveled to the UN Protection Force Compound, in order to secure the evacuation of Zepa's remaining inhabitants: he has not been seen since and his fate is still unknown.

Madam Speaker, looking back on the tragedy of Zepa, we remember the loss of countless innocent lives. Our government cannot give back to the survivors the precious lives of the family members and friends of the people of Zepa, Srebrenica, Sarajevo, Bihac, Gorazde, and Tuzla, but it can support their pursuit of justice. Our government must do everything it can to discover the fate of Avdo Palic and the other men and women who went missing in the genocide committed against the Bosnian people. To be sure, we must continue to look for Ratko Mladic and other criminals and genocideurs, but we must not forget their victims and their need for closure.

TRIBUTE TO OLLIE JOHNSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a former member of the United States armed services, a civic leader, avid golfer, and devoted husband, father and grandfather, and one of my best friends. Mr. Ollie Johnson of Columbia, South Carolina passed away on Thursday, July 16, 2009 at the age of 73, after an extended battle with cancer. He has left a tremendous legacy, and his contributions deserve recognition.

Ollie was born on July 3, 1936, in Tulsa, Oklahoma, to Mack and Emma Johnson. He attended area Catholic schools and graduated from St. Peters Academy in Dallas, Texas. At an early age he was baptized and entered into a lifetime affiliation with the Catholic Church. He entered the Air Force in 1954 and served honorably for 21 years. His active duty military service included assignments in England and the Philippines. He served stateside in Arizona, Nebraska and Texas, and was honorably discharged while serving in Charleston, South Carolina.

While on active duty, he matriculated at Thomas Edison College and earned a Bachelor of Science Degree in Occupational Education. After his separation from active duty, Ollie continued his education earning a Master of Education degree from Southern Illinois University.

In October 1957, he married Barbara Jackson and they became the proud parents of three children: two sons and one daughter, and were subsequently blessed with four grandchildren.

Ollie and his family moved to Columbia, South Carolina where he began 25 years of service in State government. During his tenure, he was employed at the Commission on Aging and became one of our State's most diligent advocates for aged and served as a delegate to a White House conference on aging.

Ollie believed strongly in civic responsibility, community service, and charitable works. He demonstrated these beliefs daily with his active participation in various civic groups while serving in different capacities: South Carolina Federal Credit Union, Supervisory Committee; Credit Union League, Fort Jackson Golf Club's Advisory Council. He served as President of the State Sertoma Club, and Carolina Sunshine, and was a member of the board of directors of Senior Catering and the Elder Care Trust Fund.

Ollie and I were frequent golf partners, and we joined with other golfing buddies to turn our passion for golf into support for various causes. One of them was a tournament known originally as the Palmetto Institute Classic to raise college scholarships for deserving students.

When one of our founding buddies died suddenly of a ruptured aorta at the age of 56, we renamed the tournament the Rudolph Canzater Memorial Classic in his honor. The Canzater Classic has contributed more than \$600,000 to college students since its incep-

tion. This year's Canzater Classic will be held for the 19th time on August 8-9, and Ollie's presence will be sorely missed. A few years ago we started holding a health fair in conjunction with the tournament and when it is held next week, we will rename the health fair in Ollie Johnson's honor.

Madam Speaker, I ask you and my colleagues to join me in celebrating the life of Ollie Johnson for his service to his country and his community. I will forever feel indebted to him and thank Ollie's family for allowing him to share his talents and his gifts with us. Our country and community are better for his service.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. PUTNAM. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—the Department of Defense Appropriations Act, 2010:

Requesting Member: Rep. ADAM PUTNAM (FL-12)

Bill Number: H.R. 3326

Account: Operations and Maintenance (Army)

Project Funding Amount: \$3,000,000

Legal Name of Requesting Entity: University of South Florida

Address of Requesting Entity: 3702 Spectrum Blvd., Suite 175, Tampa, Florida 33612-9444

Description of Request: The Center for the Study of International Languages and Cultures (CSILC) is a resource within the University of South Florida that promotes global understanding through integrated programs of language and culture studies in critical world regions. In its first two years of existence, it has garnered \$1.5 million in support of its programs above and beyond previous appropriations.

Current military doctrine provides for preparation of personnel with language competency together with knowledge of the relevant culture and expertise in the given region. At CSILC, USF has been creating a wide variety of integrated language and culture-based lessons designed to fulfill our urgent need to better understand critical world regions.

In 2007, our military commanders in the Gulf region requested that military personnel engaged in sensitive diplomatic work on behalf of the United States be afforded a much higher degree of language training in Mideast language dialects, S.E. Asian languages as well as Chinese and Korean. In an effort to meet this demand, Congress funded a unique project in the State of Florida, headquartered at the University of South Florida, to work in tandem with the Defense Language Institute (DLI) in Monterey, California. This project, now in its third year, has grown to include not only continuing distance learning education and training for military personnel who leave DLI after short intensive training in languages such

as Arabic, Farsi (Persian), Dari and Pashto (from Afghanistan), and Urdu (from Pakistan). These programs will allow potential military and civilian personnel to better prepare themselves for assignments in these world regions.

HONORING HARLEY DREW ON THE OCCASION OF HIS 50TH ANNIVERSARY IN RADIO

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. BROWN of Georgia. Madam Speaker, I rise today to honor the 50th anniversary of a remarkable radio personality in my district: Mr. Harley Drew. After serving 50 years in radio, "Handsome Harley Drew" has established himself as a broadcasting icon in Georgia radio, having distinguished himself in every area of radio broadcasting.

At an early age, Harley displayed an aptitude for radio. He was only nine years old when he began to explore electronics and, as a young teen, received his first part-time radio job at WBRO in Waynesboro, Georgia. It was July 1959 when young Harley got his broadcast license; he had been bit by the radio bug.

In 1962, he helped put WFNL on the air in Augusta. Two years later, he landed a job at WBBQ as its program director and stayed with the station for the 25 years. Harley has worn many hats over the years—operations director and later vice president at WBBQ, national program director for the Arrow Communications Group, and general manager at Sunny 105.

For the last 16 years, Harley has been with Beasley Broadcast Group, one of Augusta's largest radio broadcasters, where he is currently program director and host of "Augusta Morning News." Thousands wake up each weekday morning in the central Savannah River area to the beloved, baritone voice of "Handsome Harley Drew." For three hours in the mornings, he and his co-host, "The Lovely and Vivacious Mary Liz Nolan", deliver news of current events to their loyal listeners, culminating in "The Morning News Coffee Break." This 30-minute program touches the lives of thousands of people each morning with an uplifting and informative program to start their day.

In May of this year, Harley inspired countless listeners to go to their doctors and undergo tests for heart disease after Harley spent seven weeks recovering from triple-bypass surgery. Harley became aware of his own heart condition when a physician guest on his morning show suggested Harley have a Cardiac Calcium Score. When Harley returned to the airwaves, he did not try to hide his medical history, but instead used the opportunity to bring awareness to this vital issue.

Harley Drew is known far and wide for his honesty and integrity in broadcasting. He is a founding board member of The Georgia Radio Hall Of Fame and also serves on the board of the Georgia Association of Broadcasters. He has received numerous awards and is well-respected and loved for the positive impact he has made on the lives of the people in Augusta and beyond.

Madam Speaker, I applaud the great work of Harley Drew and congratulate him on celebrating 50 years of broadcasting excellence.

INTRODUCTION OF THE "PROXY VOTING TRANSPARENCY ACT OF 2009"

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Ms. KILROY. Madam Speaker, this week the House Financial Services Committee is scheduled to markup legislation requiring mandatory "say on pay" shareholder votes on executive compensation packages and corporate golden parachutes. Today, I am introducing legislation that will make sure all investors will be able to hold the institutions that cast these votes accountable for their decisions.

The "say on pay" legislation introduced by House Financial Services Committee Chairman BARNEY FRANK (D-MA), H.R. 3269, gives shareholders an important new tool by requiring annual nonbinding shareholder votes on executive compensation and golden parachutes. This legislation is much needed given the abuses that have come to light during the financial crisis, as numerous CEOs have walked away from failing companies with multi-million dollar paydays.

The "say on pay" votes mandated by H.R. 3269 will be executed through the corporate proxy process where traditionally votes are cast on corporate bylaw changes, director elections, and other matters. Many of these proxy votes are not cast by individual shareholders but rather by institutional investors who own shares on behalf of individuals, such as mutual funds, pension plans and hedge funds. Unfortunately, the only institutional investors currently required to disclose how they vote their proxies, including votes on executive compensation, are mutual funds. Some other institutional investors have voluntarily decided to disclose their proxy votes, but they are not legally required to do so.

The legislation I am introducing today will require mandatory disclosure of all institutional investor proxy votes on "say on pay" issues and all other matters, including the elections of corporate boards. This bill will bring long overdue disclosure to the proxy voting records of hedge funds and other institutional investors.

The need for disclosure of institutional investor proxy votes is a central recommendation of the July 2009 report of the Investors' Working Group (IWG), an independent task force sponsored by the CFA Institute and the Council of Institutional Investors. The IWG task force is chaired by former SEC Chairmen Arthur Levitt, who was appointed SEC Chairman by President Clinton, and William Donaldson Levitt, who was appointed SEC Chairman by President George W. Bush. This bipartisan report recommends that:

Institutional investors—including pension funds, hedge funds and private equity firms—should make timely, public disclosures about their proxy voting guidelines, proxy votes cast, investment guidelines, and members of their governing bodies and report annually on holdings and performance.

The IWG task force is one of many voices calling for disclosure of institutional investor proxy votes. Both the AFL-CIO and the Investment Company Institute support their disclosure:

The AFL-CIO strongly supports increased transparency in proxy voting by all capital market participants . . .

Greater transparency around proxy voting by institutional investors should enhance the quality of the debate concerning how the corporate franchise is used, particularly in the context of "say on pay" proposals, where the public disclosure of advisory votes would maximize their influence over management.

The legislation I am introducing will make sure all investors can monitor corporate proxy votes cast by institutional investors. It accomplishes this by requiring annual disclosure of proxy votes by any entity that is required to file ownership reports pursuant to Sec. 13(f) of the Securities and Exchange Act of 1934. Today, Sec. 13(f) filers, who by definition invest more than \$100 million in equity assets, must report their holdings quarterly. My legislation simply requires that once a year these institutions use their 13F forms to disclose their comprehensive proxy voting records.

As Congress works on legislation providing new consumer protections and tougher regulation of Wall Street, I believe we must increase transparency and disclosure throughout the capital markets. This legislation marks an important step in that direction.

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. SOUDER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of the 2010 Department of Defense Appropriations Bill.

Requesting Member: Congressman MARK SOUDER

Bill Number: H.R. 3326

Account: Army, RDTE

Legal Name of Requesting Entity: Raytheon Company.

Address of Requesting Entity: 1010 Production Rd, Fort Wayne, IN 46808

Description of Request: The Advanced Field Artillery Tactical Data System (AFATDS) requires an additional \$7.2M in FY10 to develop an updated Joint Ground-Air Component Interface to enhance the responsiveness, accuracy and safety of air support to ground troops. The Joint Fires Interface updates will provide the ground commander with an improved capability to see near real time friendly air picture and capabilities. It will enable ground components to fully integrate and coordinate both surface and air delivered (from USAF, USMC and USN aircraft) conventional and precision munitions options used in support of combat operations. This capability will provide a reliable, complete digital connection between the Army and USMC fires system (AFATDS) and the Air Force Theater Battle Management Core System (TBMCS).

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I submit the following:

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 3326

Account: Medical Advanced Technology

Name of Requesting Entity: University of Miami

Address of Requesting Entity: 1252 Memorial Drive, Coral Gables, FL 33146

Description of Request: I have secured \$3,000,000 for the Center for Ophthalmic Innovation. This funding will be used for the Bascom Palmer Institute at the University of Miami. Bascom Palmer sponsors numerous programs bringing eye care to the underserved of south Florida, a uniquely diverse population of ethnicities and races that presages the future of our nation. Effective treatments and cures for blinding eye trauma and disease are within our grasp. While remarkable advances have been made in recent decades, the remaining problems of eye trauma and eye disease are enormously complex. Nevertheless, the knowledge and technologies are out there in our universities and industry, waiting to be captured by ophthalmology. ONOVA (an acronym for the Center for Ophthalmic Innovation) at the Bascom Palmer Eye Institute brings together ideas, people, and cutting-edge technology from diverse backgrounds and venues—across medicine, biotechnology, and biomedical engineering—to develop practical solutions. The objective of this program is to bring the research efforts to the patient and to assemble the required multidisciplinary teams to accomplish this goal in the most efficient manner for rapid implementation. Severe ocular injuries from combat encountered in the wars in Iraq and Afghanistan represent a significant and frequent source of lifetime visual disability and is of immediate concern to the DOD. Approximately 10% to 17% of war casualties are due to eye trauma. For instance, in Operation Iraqi Freedom there were 797 ocular injuries between March 2003 and December 2005 resulting in 438 open eye injuries (i.e. ruptured globes). During an 8-month period alone from January to September 2004, 207 active military personnel in Iraq suffered severe ocular or ocular adnexal injuries, including 132 open globes with 82% of all ocular injuries caused by blast fragmentation from munitions and improvised explosive device. In addition, millions of retired military personnel suffer from disabling eye diseases with similar prevalence as the U.S. population. The current appropriation request will enable ONOVA not only to continue its current projects but also to perform new research projects based on the following ONOVA research framework. This scientific framework consists of inter-related modules that tackle the difficult problems of trauma and disabling eye diseases in a logical organized manner. Progress requires integration of state-of-art technology and utilizes interdisciplinary research teams in prevention, imaging & telemedicine, and regeneration & restoration to

provide solutions to ocular trauma and disabling eye diseases from different angles. This team approach has and will continue to catalyze innovative ideas and concepts that will lead to the development of novel diagnostic techniques and effective treatment strategies. In the coming year we will add the artificial cornea (keratoprosthesis) project that develops and tests new types of cornea prosthesis. Prosthetic corneas have the potential of restoring vision in severe eye injuries involving the front part of the eye. Unlike donor corneal tissue, corneal prosthesis can be readily available. We will also add new projects focusing on advanced diagnostic ocular imaging techniques combined with effective telemedicine that will lessen the morbidity of traumatic ocular injuries in military operations as well as explore newer modalities to assist in the visual restoration of the injured personnel.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)
Bill Number: H.R. 3326

Account: Operating Forces 1A3A Intermediate Maintenance

Name of Requesting Entity: Florida Gulf Coast University

Address of Requesting Entity: 10501 FGCU Blvd. South, Fort Myers, FL 33965

Description of Request: I have secured \$1,500,000 for developing and testing environmentally safe decontaminating agents for bio-defense. This funding will be used for the diversification of economy through development of new technologies attracting high tech-high wage jobs and development of environmentally friendly detection and detoxification technologies. Many commonly available biocides and toxin decontamination procedures are both too toxic and too persistent for certain applications. Chlorine, for example, is a very effective agent for sterilization and toxin destruction, but it can engender serious problems arising from its persistence and reactivity. Sometimes, the intake air or water entering a sealed compartment must be completely decontaminated, but new hazards arising from the deployed decontamination treatment must be avoided, particularly when the protected space is occupied by people. Currently, decontamination procedures are problematic because harsh, persistent agents are utilized, and although harsh decontaminating agents will destroy microbes and toxins, they can also harm human health, sensitive electronic equipment, furnishings and documents. Clearly, new biocides and toxin decontamination agents are needed and we have been researching alternatives and developing new applications. Short persistence times, acute toxicity in the killing zone, (immediately followed by a cessation of toxicity) and/or the ability to switch the biocidal activity "off," are highly desirable attributes. Our proprietary photocatalytic technology (a patent has been filed) produces biocidal oxidants during UV illumination, but when the light is turned off, the biocidal oxidant activity ceases within seconds, and residual oxidants spontaneously decompose or biodegrade. Further, the photocatalytic coatings we have discovered have electrical properties with a sensor activity, making them amenable to the creation of a device which can both detect and decon-

taminate, (with both capabilities contained within one unit). We have also begun to develop a family of alkaline biocides, with an enhanced permeability component to increase lethality. These biocides can be switched off by dilution and neutralization. New enhancements of existing oxidant systems are also being investigated. We intend to combine our expertise in materials science, biochemistry, molecular biology, analytical chemistry, marine biology, microbiology, and engineering to develop new biocidal technologies and solve problems of disinfection and toxin destruction in the context of biomedical, environmental and bio-defense applications. The technologies described above are "multi-use" and have applications in the fields of medicine, agriculture, aquaculture, and bio-defense.

EARMARK DECLARATION

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. GOHMERT. Madam Speaker, pursuant to Republican Leadership standards, the following information is submitted regarding funding received in the first district of Texas as part of H.R. 3326—Department of Defense Appropriations Act, 2010.

Regional Geospatial Service Centers. Stephen F. Austin State University, Box 6078 SFA Station, Nacogdoches, TX 75962, OM,ARNG account, \$2,156,000 for the continuation of an initiative to establish Regional Geospatial Service Centers in Nacogdoches, Texas; El Paso, Texas; and Beaumont, Texas, and to provide emergency geospatial information services. The Center provides critical geospatial information to support emergency managers, planners, resource managers, landowners, individuals and policy makers, as demonstrated through its dramatic usefulness after the Columbia Shuttle disaster. These applications are now also assisting with national needs and have extremely important national security relevance.

Organic Semiconductor Modeling and Simulation (COSMOS). The University of Texas at Tyler, 3900 University Blvd., Tyler, TX 75799, RDTE,A account, \$1,100,000 for the Organic Semiconductor Modeling and Simulation Initiative—a collaborative research and development project. The funds will provide for research to improve the ability to design and fabricate flexible electronics, leading to the production of electronic textiles with far-reaching benefits to the Department of Defense, particularly for our armed forces, with demonstrated potential to revolutionize military uniforms and equipment to levels previously only seen in super-hero comic books. Yet, the research thus far has been very promising for producing electronic threads that receive light, convert it to energy, discern the colors or shapes around it, and morph accordingly.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I secured as part of H.R. 3326, the Defense Appropriations Act, 2010.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3326

Account: Research, Development, Test & Evaluation, Army

Legal Name of Requesting Entity: Ashland Inc.

Address of Requesting Entity: 50 E. River Center Blvd, Covington, KY 41012

Description of Request: Appropriate \$500,000 to continue development of advanced coolant and lubricant systems utilizing nano-particle systems to enhance the capabilities of military ground vehicles and simplify supply logistics. Military vehicles must meet arduous cooling performance requirements. An Army goal is to increase the performance and durability of engines, power trains and their component parts in support of mobility, durability, reliability and survivability as well as reduce logistics costs. This project will help the Army meet these goals. This project is a valuable use of taxpayer funds because the reduced maintenance and longer engine life in military vehicles, which it enables, has the potential to reduce maintenance costs and enhance combat readiness.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3326

Account: Other Procurement, Army

Legal Name of Requesting Entity: DRS Sustainment Systems

Address of Requesting Entity: 7375 Industrial Road, Florence, KY 41042

Description of Request: Appropriate \$3,500,000 to procure the next generation of mobile Army refrigeration systems/the Multi-Temperature Refrigerated Container System (MTRCS). This is a valuable use of taxpayer funds because MTRCS provides the Army with more efficient space utilization and reduced transportation requirements for food and refrigerated medical products. As a result, fewer vehicles will be required to transport these items on the battlefield, reducing the number of soldiers exposed to danger from IEDs, etc.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3326

Account: Research, Development, Test & Evaluation, Army

Legal Name of Requesting Entity: MAG Industrial Automation Systems

Address of Requesting Entity: 3940 Olympic Blvd., Erlanger, KY 41018

Description of Request: Appropriate \$2,000,000 to develop a machine to produce lighter weight parts for military vehicles. The project is a valuable use of taxpayer funds because it supports development of technology

that delivers light weight materials to produce lighter parts that reduce the weight of military vehicles. The results will be improved fuel efficiency, cost savings and enhanced combat readiness.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, 2010:

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3293

Account: Innovation and Improvement, Department of Education—National Projects

Legal Name and Address of Requesting Entity: Reading is Fundamental, 1825 Connecticut Avenue, NW, Washington, DC 20009

Description of Request: Reading is Fundamental (RIF), a national project, will use the \$24,803,000 listed in H.R. 3293 to provide millions of underserved children with free books for personal ownership and reading encouragement throughout the fifty states. New Jersey will benefit through its 74 programs which serve over 76,000 students.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3293

Account: Administration for Children and Families (AFC)—Social Services, Department of Health and Human Services

Legal Name and Address of Requesting Entity: Polaris Project, 182 Biltmore Street, NW, Unit D, Washington, DC 20009

Description of Request: The Polaris Project will use the \$250,000 listed in H.R. 3293 to fund the New Jersey Trafficking Intervention Program which combats human trafficking in the State and provides direct assistance through multiple activities to the victims of human trafficking, law enforcement and service providers. The Polaris Project also provides community leadership and serves on the NJ Statewide Human Trafficking Task Force.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services, Department of Health and Human Services

Legal Name and Address of Requesting Entity: Meridian Health, 1350 Campus Parkway, Neptune, NJ 07753

Description of Request: The current Emergency Department (ED) at Ocean Medical Center does not have sufficient capacity to meet patients' needs, and serves over 44,000 visits annually in a facility designed to handle 20,000. Meridian Health will use the amount of \$100,000 listed in H.R. 3293 to redesign and renovate the ED in order to provide increased

space to serve more patients and provide needed dedicated space for cardiac/stroke patients, pediatric patients, and behavioral health.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services, Department of Health and Human Services

Legal Name and Address of Requesting Entity: St. Francis Medical Center, 601 Hamilton Avenue, Trenton, NJ 08629

Description of Request: St. Francis Medical Center (SFMC) serves an underserved inner-city population in an aging facility. The funding amount of \$350,000 listed in H.R. 3293 will be used to replace outdated information technology equipment and infrastructure and medical equipment which will help improve the efficiency of operations and the quality of care provided to patients.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3293

Account: Employment and Training Administration (ETA)—Training and Employment Services (TES), Department of Labor

Legal Name and Address of Requesting Entity: Beth Medrash Govoha, 617 6th Street, Lakewood, NJ 08701

Description of Request: Beth Medrash Govoha will use the amount of \$150,000 listed in H.R. 3293 to expand and revamp career and job skills counseling and job training at the institution which will assist students and graduates in a difficult job market and will suggest economic development particularly in the region.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3293

Account: Innovation and Improvement, Department of Education—National Projects

Legal Name and Address of Requesting Entity: Reach Out and Read (National Project), 56 Roland Street, Boston, MA 02129

Description of Request: Reach Out and Read (ROR), a national project, will use the amount of \$4,965,000 listed in H.R. 3293 to promote early language, literacy development and school readiness in infants and young children throughout the United States. Pediatricians and other health care providers who interact with parents in the very early years of their children's development will serve as a guide and encouragement for parents and will send families home from each doctor's visit with books and a prescription to read together. Currently, there are eight clinical locations serving over 12,500 children annually in the 4th District of New Jersey.

A PROCLAMATION HONORING COLONEL DANA R. HURST FOR HIS SERVICE IN THE UNITED STATES ARMY CORPS OF ENGINEERS

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. SPACE. Madam Speaker,

Whereas, Dana R. Hurst has served in the United States Army since 1982; and

Whereas, Dana R. Hurst has commanded the Huntington District of the U.S. Army Corps of Engineers, providing leadership and guidance across the Ohio River Basin; and

Whereas, Dana R. Hurst has served in Korea, Kuwait, and across the United States; and

Whereas, Dana R. Hurst is the recipient of the Defense Meritorious Service Medal; and

Whereas, Col. Hurst's actions are in keeping with the finest traditions of the armed service and reflect great credit upon himself, the Corps of Engineers, and the United States Army; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and acknowledge Colonel Dana R. Hurst for his contributions to his community and our great nation.

EARMARK DECLARATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. POE of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, Departments of Labor, Health and Human Services, and Education Related Agencies Appropriations Act, FY 2010:

Requesting Member: Congressman TED POE

Bill Number: H.R. 3293, Departments of Labor, Health and Human Services, and Education Related Agencies Appropriations Act, FY2010

Account: Department of Health and Human Services, Health Resources and Services Administration—Health Facilities and Services

Legal Name of Requesting Entity: Baptist Hospitals of Southeast Texas

Address of Requesting Entity: 3080 College Street, Beaumont, TX 77701

Description of Request: I have secured \$200,000 in funding for Baptist Hospitals of Southeast Texas to help renovate their 40 year old Behavioral Health Center.

Requesting Member: Congressman TED POE

Bill Number: H.R. 3293, Departments of Labor, Health and Human Services, and Education Related Agencies Appropriations Act, FY2010

Account: Department of Health and Human Services, Health Resources and Services Administration—Health Facilities and Services

Legal Name of Requesting Entity: Lamar University

Address of Requesting Entity: 4400 MLK Boulevard, P.O. Box 10119, Beaumont, TX 77710

Description of Request: I have secured \$350,000 in funding for Lamar University's Community and University Partnership Service (CUPS) to coordinate, plan, and promote quality healthcare for underserved populations in Southeast Texas. CUPS will provide critical

access to resources and expertise for quality healthcare coupled with traditional community-based delivery systems through efficient utilization of University resources and partnerships.

Requesting Member: Congressman TED POE

Bill Number: H.R. 3293, Departments of Labor, Health and Human Services, and Education Related Agencies Appropriations Act, FY2010

Account: Department of Labor, Employment and Training Administration, Training and Employment Services

Legal Name of Requesting Entity: Digital Workforce Academy

Address of Requesting Entity: 2209 Rosewood Drive, 1st Floor, Austin, TX 78702

Description of Request: I have secured \$300,000 in funding for the Digital Workforce Academy to help retool and train individuals for the skilled and highly demanding jobs required to take on the sophisticated construction, pipe fitting, welding, and related skill sets to participate in the petrochemical infrastructure expansion occurring in Beaumont, Port Arthur, and Orange, TX. The Academy focuses primarily on the underserved, the overlooked, the unemployed.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. SMITH of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Defense Appropriations Act.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Defense Appropriations Act

Account: RDTE, Navy

Legal Name of Requesting Entity: The University of Texas at Austin

Address of Requesting Entity: 1 University Station G2700, PO Box 7397, Austin, TX 78713

Description of Request: I have secured \$1,500,000 for the University of Texas at Austin for next Generation Manufacturing Processes and Systems. This initiative will establish a research and education program for enhancing U.S. competitiveness in flexible, rapid response manufacturing. This program addresses national security issues in addition to developing a strong domestic engineering workforce (in both manufacturing and design) and a means for U.S. industry to maintain and enhance an important capability in the world manufacturing marketplace. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Defense Appropriations Act

Account: RDTE, Army

Legal Name of Requesting Entity: National Trauma Institute

Address of Requesting Entity: 16500 San Pedro Avenue, Suite 350 San Antonio, TX 78232

Description of Request: I have secured \$2,500,000 for the National Trauma Institute. In the U.S., hemorrhage is responsible for 30% to 40% of deaths following a traumatic injury. Funding would be used to develop techniques to manage noncompressible hemorrhages following combat injury. If advances are funded it seems likely that the rates of late complications and mortality from noncompressible hemorrhage will be decreased and outcomes improved, resulting in a direct and positive impact on the survivability of soldiers with battlefield injuries. I certify that neither I nor my spouse has any financial interest in this project.

IN RECOGNITION OF THE DEDICATION OF FORT BELVOIR'S FAIRFAX VILLAGE NEIGHBORHOOD CENTER

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the dedication of Fairfax Village Neighborhood Center at Fort Belvoir. Fairfax Village Neighborhood Center is the fourth of five centers to be built and will be the "greenest" building on Fort Belvoir.

Under the U.S. Army's Residential Community Initiative, a 50-year public-private partnership was created to develop, rehabilitate and construct thousands of homes on 576 acres of land at Fort Belvoir. Environmental concerns have played a major role in this endeavor. Throughout the planning, design and construction, the goal has been to create environmentally friendly, vibrant neighborhoods while reducing the developmental footprint. This would be accomplished by incorporating the construction of neighborhood centers, improved streetscapes and walkable retail destinations within each village. Every new home that has been built is Energy STAR certified, thereby improving energy efficiency and reducing utility costs for our military families. Over 1,000 trees have been preserved during construction and upon completion another 4,000 trees will have been added.

Fairfax Village Neighborhood Center has exceeded community and environmental goals and will serve as a new benchmark for sustainable construction on other military installations. The building utilizes a geothermal heat system, photovoltaic solar panels and efficient lighting controls to help minimize energy consumption. This facility is the very first military project to receive the LEED Platinum Ranking for New Construction.

Equally as important as the environmental accomplishments, Fairfax Village Neighborhood Center will provide significant educational and recreational benefits to the children and families who live at Fort Belvoir. The facility includes a butterfly garden, a sustainable playground and related amenities. The neighborhood center itself will serve as a town center and will foster a sense of community

where residents can gather with their friends, families and neighbors.

Madam Speaker, I ask my colleagues to join me in recognizing the Fairfax Village Neighborhood Center and to support similar infrastructure investments that improve the quality of life for our military personnel and their families while promoting a healthy environment.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 2009

Mr. PUTNAM. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010:

Requesting Member: Representative ADAM PUTNAM (FL-12)

Bill Number: H.R. 3326

Account: Operations and Maintenance, Army National Guard (2060)

Project Funding Amount: \$2,900,000

Legal Name of Requesting Entity: Florida National Guard

Address of Requesting Entity: 82 Marine Street, St. Augustine, Florida 32084

Description of Request: The Florida National Guard has the foremost Counterdrug Program in the nation. Florida is a key gateway for drugs entering the Southeastern United States. These Drug Supply Reduction efforts support Federal, State, and Local partners in numerous initiatives that resulted in the seizure of more than \$2.6 billion in narcotics and drug related assets in FY08. The program also leads Drug Demand Reduction (DDR) efforts by presenting its nationally recognized, anti-drug curriculums to more than 98,000 school-aged children during the last year alone. Utilizing mobile training teams and traditional residential classes, the Florida Counterdrug Training Academy continues to provide law enforcement and community coalition students valuable procedural and technical training, that many of them would otherwise not be able to receive or afford. Annual contributions of the Florida National Guard Counterdrug Program equate to a taxpayer return of \$233 for each \$1 spent. Requested funding will ensure continued successful execution of the President's and Governor's counter-narcotics initiatives, operationally posture the program to meet evolving threats, and ensure the re-employment of Florida National Guard Counterdrug Members returning from deployment in support of the "War on Terrorism".

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily

Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 28, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 29

9:30 a.m.

Veterans' Affairs

To hold hearings to examine veteran's disability compensation.

SR-418

10 a.m.

Environment and Public Works

To hold hearings to examine the nomination of John R. Fernandez, of Indiana, to be Assistant Secretary of Commerce for Economic Development.

SD-406

Homeland Security and Governmental Affairs

Business meeting to consider pending calendar business.

SD-342

Judiciary

To hold hearings to examine certain nominations.

SD-226

Foreign Relations

Near Eastern and South and Central Asian Affairs Subcommittee

To hold hearings to examine Pakistan's internally displace persons (IDP) crisis.

SD-419

2 p.m.

Aging

To hold hearings to examine medical research and education.

SD-562

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Christopher P. Bertram, of the District of Columbia, to be Assistant Secretary for Budget and Programs, and Chief Financial Officer, Daniel R. Elliott, III, of Ohio, to be a Member of the Surface Transportation Board, Susan L. Kurland, of Illinois, to be Assistant Secretary for Aviation and International Affairs, and Christopher A. Hart, of Colorado, to be a Member of the National Transportation Safety Board, all of the Department of Transportation, and Patricia D. Cahill, of Missouri, to be a Member of the Board

of Directors of the Corporation for Public Broadcasting.

SR-253

Foreign Relations

To hold hearings to examine the nomination of Aaron S. Williams, of Virginia, to be Director of the Peace Corps.

SD-419

Banking, Housing, and Urban Affairs Securities, Insurance and Investment Subcommittee

To hold hearings to examine protecting shareholders and enhancing public confidence by improving corporate governance.

SD-538

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

Business meeting to markup proposed budget estimates for fiscal year 2010 for Transportation, Housing and Urban Development.

SD-138

3 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Rafael Borrás, of Maryland, to be Under Secretary of Homeland Security for Management, Ernest W. Dubester, of Virginia, to be a Member, and Julia Akins Clark, of Maryland, to be General Counsel, both of the Federal Labor Relations Authority.

SD-342

JULY 30

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of John M. McHugh, of New York, to be Secretary of the Army, Joseph W. Westphal, of New York, to be Under Secretary of the Army, and Juan M. Garcia III, of Texas, to be Assistant Secretary of the Navy for Manpower and Reserve Affairs, all of the Department of Defense.

SD-106

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine minimizing potential threats from Iran, focusing on assessing economic sanctions and other United States policy options.

SD-538

Environment and Public Works

To hold hearings to examine climate change and national security.

SD-406

Foreign Relations

To hold hearings to examine a comprehensive strategy for Sudan.

SD-419

2:15 p.m.

Indian Affairs

To hold hearings to examine the increase of gang activity in Indian country.

SD-628

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine climate services, focusing on solutions from commerce to communities.

SR-253

3 p.m.

Appropriations

Business meeting to markup proposed budget estimates for fiscal year 2010 for Labor, Health and Human Services, and Education, and Related Agencies, and Transportation and Housing and Urban Development, and Related Agencies.

SD-106

Judiciary

Constitution Subcommittee

Business meeting to consider S. J. Res. 7, proposing an amendment to the Constitution relative to the election of Senators.

SD-226

AUGUST 3

2 p.m.

Environment and Public Works

Water and Wildlife Subcommittee

To hold hearings to examine protecting the Chesapeake Bay, focusing on reauthorizing the Chesapeake Bay Program.

SD-406

AUGUST 4

10:30 a.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine children in disasters, focusing on evacuation planning and mental health recovery.

SD-342

2:30 p.m.

Judiciary

To hold hearings to examine the Performance Rights Act and parity among music delivery platforms.

SD-226

AUGUST 6

10 a.m.

Judiciary

Immigration, Refugees and Border Security Subcommittee

To hold hearings to examine comprehensive immigration reform, focusing on employment-based immigration to propel America's economy while protecting America's workforce.

SD-226

Small Business and Entrepreneurship

To hold hearings to examine the nominations of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, and Peggy E. Gustafson, of Illinois, to be Inspector General, both of the Small Business Administration.

SR-428A

SENATE—Tuesday, July 28, 2009

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, whose power is unsearchable and whose judgments are great, quiet our hearts in Your presence. Teach us to be still and know that You are God.

Bless our Senators. Give them hearts to listen, teachable minds to learn, and humble wills to obey. Let the light of Your purposes guide them from bewilderment to trust in Your infinite wisdom and resources. Lord, use them to bring about an ordered society of nations that gives substance to humanity's dream of unity and peace. Watch over the entire Senate family and surround us with Your protections.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 28, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period

of morning business for 1 hour. Senators during that time will be allowed to speak for up to 10 minutes. The majority will control the first 30 minutes and the Republicans will control the second 30 minutes. Following morning business, the Senate will resume consideration of the Energy and Water appropriations bill. The Senate will recess from 12:30 p.m. until 2:15 p.m. today to accommodate the weekly caucus luncheons.

Mr. President, I have spoken with the Republican leader at some length over the last few days, and we all know what we have to do before we leave here. We are going to finish the Energy and Water appropriations bill, the Agriculture appropriations bill. We have the Travel Promotion Act we have to do. We have to complete the Sotomayor nomination.

We have a package of extenders, for lack of a better description, the House is going to send us. They are going to likely be out next week but not for certain. In that package they are sending us, there will be an extension of the highway bill. I think all of this goes until about December. The Postal Service, we have to help them. We have to do something with FHA. We have to do something with unemployment compensation. That is all in one thing they are going to send us for short extensions. I have not seen what they are going to put together; therefore, I could not share it with my esteemed colleague. But as soon as we have some information, we will make sure the committees of jurisdiction on both sides have knowledge of what that is. But we have to complete that work before we leave here, and I hope we can do it sooner rather than later. I hope we do not have to work this weekend.

We have a finite number of things we need to do before we proceed on to the summer recess. This is something Members look forward to. I personally have a very busy schedule, as I am sure most Members do. But once a year, I get together with my family. I am looking forward to that. It is for 7 or 8 days. But to justify that, we have a lot of work to do. If we look back in the years past, Congress adjourned by this time in years past. They were through for the year. We are, unfortunately, not able to do that as much as we would like that. There is a lot of work we could do at home but we cannot because this is where business is when we are in session. So we are going to continue to work through these things and do it as quickly and as efficiently as possible.

HEALTH CARE REFORM

Mr. REID. Mr. President, fixing our broken health care system after decades of inaction is no small task. With such an effort comes no shortage of strong convictions, diverse ideas, rigorous analysis, and constructive criticism. But as the plans, proposals, and policies evolve, our principles remain constant. Although we navigate a sea of choices, we know where we will land. First, we will bring security and stability back to health care. Second, we will not add a penny to the considerable national deficit that has ballooned over the past 8 years. This work we are doing on health care is budget neutral. That means it will not run up the debt. We are obligated to do that because that is in the budget resolution we passed earlier this year. That is what it says. We cannot do health care if it costs an extra penny. So we will do that. Finally, we will remain focused on seeing this fight all the way through because we are long overdue for a change.

Those who are fortunate enough to have health care now and who hear us debate how to make it better might wonder: What are you talking about? You may wonder what is in it for you—the people who are listening in. Well, health care reform helps everyone and affects everyone. It will help those who have insurance today but do not know if it will be there tomorrow. It will help those who worry about being just one illness away or one accident or one pink slip away from losing the insurance they have. It will help those who are covered but fear their children very likely will not be able to say that when they grow up—that they have coverage. And it will help nearly 50 million people who have none to begin with.

The reform we are pursuing means making sure that if you lose your job, your health care will not go with it. It means that if you change jobs, you will not have to worry about losing your coverage. Health care reform means lowering the costs of care and keeping them low. It means improving the quality of the care you get and keeping the quality of care high. Reforming health care means that if your mother had breast cancer or you had minor surgery last year or your child gets allergies every spring, your insurance company cannot say: I am sorry, you are too much of a risk to cover. It means the premiums you pay every month will not go up just because your insurance company feels like it. It means keeping costs stable so the price of staying healthy does not fluctuate

like a gallon of gasoline. It not only means making sure you can keep your family's doctor or keep your health care plan if you like it but also that you can afford to do so. No one can predict when that next accident may occur or when one might lose their job. We do not know when we will get sick next or when one of our loved ones will become ill. But we can take the uncertainty and unfairness out of the current system. We can make sure it is stable, more secure, more reliable, and more dependable.

Second, all of the many plans we have heard for fixing health care have something else in common: They each have maintained President Obama's commitment that this effort, I repeat, will not dig us any deeper into debt than we already have. Any plan that passes this body will be fully paid for, I repeat. When all the numbers are crunched, the No. 1 bottom line is zero. It will not cost anything. In fact, as we improve disease prevention, reduce health disparities, and better coordinate medical services, we will be lowering future costs even further.

Families will also save in the long run because the status quo comes with a hidden health care tax. If you have health care now, you are paying at least \$1,000 more for that health care than you would need to if other families had some insurance. When we reform health care and you are no longer responsible for covering the uninsured, you will see those savings in every paycheck you get.

The only costs that worry me are the costs of doing nothing, of inaction. We have already seen what happens when we do nothing. Over the past 8 years, health care costs rose to record levels and the number of Americans who cannot afford insurance did the same. The number of people who lost their insurance rose dramatically. Every day, 14,000 people in America—7 days a week—lose their health insurance. Right now, in Nevada, half a million people already lack the coverage they need or struggle with inadequate coverage. If we do not act, many, many more Nevadans and millions more Americans will lose their health care as it gets more expensive day by day.

For a generation, we have been working to fix this broken health care system. Throughout this year, we have explored numerous proposals in numerous bipartisan roundtables and committee hearings. This has been the No. 1 issue on our agenda for a long time now. And today we are closer than ever to getting something done.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Mr. REID. Mr. President, let me just add to what I said to open the Senate. Senator DORGAN is an experienced legislator. He is working with one of our

outstanding Republican legislators, Senator BENNETT of Utah. They are here and will be, in an hour, ready to start accepting amendments, if there are any. I had one of my Democratic colleagues say: I have a problem with that bill. I said: Get your amendment there today because if you wait until tomorrow, you may not get a chance to offer it.

We need to move forward. These are appropriations bills, and if Democrats and Republicans have not agreed on much here, there has been an absolute commitment to get our appropriations bills done. We are behind schedule even now. We do not want another big omnibus bill. We want to do these appropriations bills, get them done. And we are going to be able to say, when we leave here this work period, we at least got a third of them done before the August break. We are going to come back in September and continue to work through these.

So I repeat, if you have an amendment, you better get it over here today because tomorrow it may not be available to you.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE WEEK VIII, DAY II

Mr. MCCONNELL. Mr. President, as the debate over health care continues, it is important that we not lose sight of the fact that the American people expect results. No one was ever elected to Congress to push a problem down the road or to point fingers. Americans certainly want reform, and that is exactly what they expect us to deliver. At the same time, Americans have a right to expect that the legislation we pass actually addresses the problems they face and that we do not use the need for reform as an excuse to pass legislation that does not really help or that makes existing problems worse.

This is the nature of the debate we are in: Some in Washington seem to be rushing to push through so-called reforms just for the sake of reform, regardless of whether they actually help the situation, while others are insisting we take the time to get it right.

Fortunately, with each passing day, more and more Americans and now more and more Members of Congress are insisting that we take the responsible path to health care reform—even if it means hitting the reset button and meeting in the middle on reforms that all of us can agree on and that Americans can embrace.

Here are some of the cautionary notes we have heard from Senators just in the last few days.

One top Senator said:

It's better to get a product that's based on quality and thoughtfulness than on trying to just get something through.

Last week, nine freshmen Senators wrote an open letter to the Senate Finance Committee calling for a solution that doesn't bankrupt our health care system. Here is what those nine Senators wrote:

In the face of exploding debt and deficits, however, we are concerned that too little focus has been given to the need for cost containment.

We are hearing the same things over in the House. One Congressman said on Sunday morning that:

The American people want to take a closer look. They want to feel comfortable with it. We have a long way to go.

Another Congressman said he thinks Americans are "shell-shocked" after last year's financial bailout, the stimulus, the cap-and-trade bill, and other major bills approved this year.

Another Congressman, referring to health care reform, asked:

Why are we rushing? Why are we rushing? Let's get it right.

America's Governors are also calling on the administration and Congress to slow down and insisting that Congress take the time to produce the right reform.

One Governor recently was quoted as saying he:

Personally was very concerned about the cost issue, particularly the \$1 trillion figure being batted around.

Here is another one commenting on proposals to shift Medicaid costs on to already cash-strapped States. She said:

As a governor, my concern is that if we try to cost-shift to the States, we are not going to be in a position to pick up the tab.

Another Governor had the same concerns about Medicaid. Here is what he was quoted as saying in the New York Times last week:

Medicaid is a poor vehicle for expanding coverage . . . It's a 45-year-old system originally designed for poor women and their children. It is not health care reform to dump more money into Medicaid.

All these people have something in common: They all want reform. They have concerns about the proposals we have seen so far, and they have something else in common too. Every one of the lawmakers I have quoted is a Democrat—every one of them.

Some are trying to portray this debate as a debate between Republicans and Democrats. This is a distortion of the facts and is a disservice to the millions of Americans who want us to get this reform right. As I and others have said, the only thing that is bipartisan about the reforms we have seen so far is the opposition. The reason is clear: It costs too much; they don't address the long-term challenges in our health care system; they don't reduce long-term costs; they would add hundreds of billions to the national debt; and there is no way the American people will embrace them because all of them fall

well outside the boundaries of the middle path Americans are asking us to take.

This is why so many within the President's own party are now standing and telling the administration to slow down and to reassess. This is why even traditionally Democratic groups, such as the AFL-CIO, are having second thoughts. Just last week, the AFL-CIO criticized a plan to tax so-called gold-plated insurance plans because of the impact it could have on workers. Why? Because they know that when politicians talk about raising tax on business, it is average Americans who end up shouldering most of the burden.

Americans don't want to lose the quality of care our current system provides, and they certainly don't want to pay trillions of dollars for a government takeover of health care that could lead to the same denial, delays, and rationing of treatment we have seen in other countries. They have heard the same stories we have—of someone with cancer being denied a drug because it costs too much or the woman who came here from Canada to deliver her babies because there wasn't any room in the neonatal intensive care units back home or they visited places such as the M.D. Anderson Center in Houston, TX, as I have, and saw how dozens of patients from other countries go there for treatments.

We don't know the exact circumstances that brought these people here, but we do know this: that they decided to come to the United States, in some cases traveling thousands of miles to do so, to get the kind of care that only America could provide.

Some people, for some reason, seem afraid to admit it, but the fact is, American health care is the envy—the envy—of many people around the world, and Americans don't want to lose it. That is why Americans are telling us we can reform health care without bankrupting the country or destroying what is so unique and special about our current system. That is why a growing number of politicians in Washington are hearing the people's concerns and speaking out. That is why many of them are now urging the administration to take a different path.

TRIBUTE TO METEOROLOGIST TOM WILLS

Mr. MCCONNELL. Mr. President, I rise on behalf of the people of Louisville, my hometown, and across Kentucky who were saddened by the news that after 40 years on the air, WAVE-3 chief meteorologist Tom Wills is retiring. Tom first joined the station and began to be welcomed into people's homes over the airwaves back in 1969.

Many Louisvillians cannot imagine turning on the TV and not being able to find a forecast from Tom Wills. It is a rare and remarkable achievement to

reach 40 years in broadcasting and even more so at the same station, serving the same community.

Tom earned the level of respect he has in Louisville by being one of the best meteorologists in the Nation. He is the only broadcast meteorologist in Louisville to hold the Certified Broadcast Meteorologist Seal from the American Meteorological Society, and he is among the earliest holders of the AMS Seal of Approval in the Nation to still be on the air.

We Louisvillians have appreciated waking up every morning the last 40 years knowing Tom is there to tell us whether we need our coat or our umbrella. Tom has also been a calming presence on the television screen at the time of severe weather, helping to save lives by providing crucial information.

Tom was on the air on April 3, 1974, the day when the most severe tornadoes in living memory cut a path of destruction through the city of Louisville. When it was over, lives had been lost, hundreds were injured, and over 900 homes were destroyed.

Throughout the night and into the early morning hours of the next day, Tom Wills was on the air telling people the information they needed to know. As tragic as those events were, we know things could have been worse if not for the lives saved and the tragedy averted thanks to Tom's work.

Tom Wills grew up in West Reading, PA, and knew by age 7 he wanted to do the weather when he grew up. While earning meteorology degrees at Penn State and Colorado State, he specialized in the science of tornado formation.

In addition to his WAVE-3 duties, he has passed along his knowledge and experience by teaching meteorology at the University of Louisville.

Now that he will no longer have to wake up at 2:30 a.m. every day, I hope Tom will have time to pursue his other interests, including gardening and following our Louisville Cardinals sports teams. Of course, his wife Pam, his kids, and his grandkids will be happy to see more of him. Tom is known throughout the community not just as a fine meteorologist but also a gentleman and friend to the many people he has met in his 40 years on the air. He is going to be greatly missed, and I wish to take this moment to thank him on behalf of Kentuckians everywhere for his service.

We are honored that for four decades he chose to share his talents with the people of Louisville and the Commonwealth of Kentucky.

REMEMBERING DAVID FULLER

Mr. MCCONNELL. Finally, I am saddened by the recent loss of my good friend David Fuller. This was a man who certainly had an impact both on his community and on the Nation as a

whole. It is no exaggeration at all to say that thanks to David, thousands of workers at nuclear plants in this country have safer jobs and healthier lives.

That includes David's coworkers at the Paducah Gaseous Diffusion Plant in Paducah, KY, where for 10 years David served as president of the Nuclear Workers Union. You see, the Paducah Gaseous Diffusion Plant has produced enriched uranium since 1952 and is currently the only operating uranium enrichment facility in the United States.

For much of the Cold War, the Paducah plant produced fissionable material for our country's nuclear arsenal. It also enriched uranium for commercial nuclear reactors, helping to provide the benefits of cleanly generated electric power to millions of people.

Those Kentuckians who worked in the Paducah Gaseous Diffusion Plant played a vital role in America's victory in the Cold War. Unfortunately, their own government did not look out for them as it should have.

About 10 years ago, we learned there were risks associated with working at the Paducah plant, particularly during the early years of its operation. Some workers were exposed to cancer-causing chemicals and radiological hazards. Some would later sicken and even die.

David was tireless in advocating for the workers at Paducah. He was one of them. He put in 33 years as a cascade operator and electrician. His testimony before Congress was key to advancing the effort to care for those who had been harmed by the government's careless treatment. Thanks, in part, to David, we created the Energy Employees Occupational Illness Compensation Program to ensure that our Nation's nuclear workers finally now get the attention they deserve from their government. Medical screening is available to all Paducah workers so they may be tested and treated for any illness they contract as a result of working at the plant. We are working to clean up some of the legacy waste materials left at the Paducah plant.

I also might say my wife Elaine Chao, who served as Secretary of Labor during the Bush years, was deeply involved in setting up this compensation program there at Paducah and she too became a friend of David Fuller's.

David testified before Congress on behalf of his fellow workers, including before a committee I chaired. He served as his union's president for 5 years, longer than anyone before, and never lost an election.

David and I worked side by side for a long time on this issue. He visited my office frequently here in Washington, and on several occasions I was his guest at the Paducah Nuclear Workers Union Hall to meet with and speak to the local membership. In that time, I saw how determined David was to help develop a program that would ensure

all current and former plant employees were tested for exposure and that would provide sick employees with the treatment they need and deserve.

Of course, nothing can take the place of a life or good health, but David wanted to see every effort made to provide compensation for the workers and their families. Thanks to his extraordinary work, he lived to see that happen.

I know his tireless service will not be forgotten by his friends and coworkers. Even the Paducah workers who did not get to know David personally know they certainly have him to thank for the justice that was provided to the workers who took on this vital duty.

Elaine and I have lost a good friend. We send our prayers to his wife Katherine Cooper Fuller; his daughters, Julie Fuller Leidecker, Laura Ann Nichole "Nikki" Fuller, and Meagen Joan Fuller; his son John David Fuller; his three grandchildren; and many other beloved family members and friends.

Not everyone, after he or she is gone, will be able to show as easily as David that theirs was a life spent helping others. David gave so many the simple gift of time: more time spent with their family, friends, and loved ones.

Sadly, David's family has run out of time with David himself, as he passed away on July 19 at the age of only 62. But I hope they can take some solace in the tremendous work he did on behalf of others. Kentucky has lost a great man. He will not be forgotten.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Washington is recognized.

HEALTH CARE REFORM

Mrs. MURRAY. Mr. President, a few moments ago, the Republican leader, on the floor, talked about a concern about "rushing" to a health care reform debate and bill. I want to assure everyone that no one is rushing to anything. Everyone is working hard to come up with a good, strong health

care reform bill that addresses an urgent need in this country.

In fact, last week, President Obama spoke to the Nation about the urgent need to reform the health care system. He spoke about premiums that have doubled over the last decade. He talked about the out-of-pocket costs that have been shooting up by over a third. He talked about deductibles that all of us have seen skyrocket. He talked about the families and the small business owners who have to work harder and harder to stay afloat. President Obama spoke about the work that has been done to put a health care reform plan together.

I sit on the health care committee in the Senate. We spent months having hearings and working through some of the tough, difficult challenges. We spent weeks and hours working through a debate on a health care reform package. We looked at hundreds of amendments, many of them Republican, a lot of them accepted into our health care bill before it passed out. We are working very hard now with the Finance Committee for them to work through the challenging issues and come up with a solution, as the House is as well.

We are working hard to come to a solution with the health care reform plan that protects patient choice, that reins in those costs I talked about, and provides coverage for millions of Americans who don't have any today.

The President of the United States spoke frankly about some of our Republican colleagues who are speaking out for the status quo. President Obama spoke plainly to Americans about the devastating costs of inaction—the devastating costs of inaction if we do nothing, and what will happen if we maintain the status quo. I am telling you what would happen if we do nothing: Premiums are going to continue to rise, benefits will continue to erode, out-of-pocket costs are going to continue to skyrocket, and more and more employers will do what I have seen too many in my State have to do: drop coverage for their workers. We talk about 47 million Americans today who don't have coverage at all. That will seem like the good old days if we do nothing.

Despite what some of our colleagues wish us to believe, Americans do want health care reform. They need health care reform desperately, and they are not going to accept another year of talking and bickering and stalling.

Last month, I sent a letter to families across my State of Washington asking for their help as we work very hard to reform the health care system. I told them I wanted to pass a plan that protects existing coverage when it is good, improves it when it is not, reins in costs today, and lowers them long term, and guarantees care for the millions of people who don't have health care today.

I asked my constituents to share with me their stories and ideas about how to make this vision a reality. I told them that I know health care is a very personal issue, but I also told them their personal stories have the power to change minds and transform debate. The response I got was overwhelming. I came to the floor last week several times and shared some of the over 5,000 stories that have now poured into my office from my State. I underscored the need to fix this broken health care system and do it this year.

I come to the floor to share a few more stories, and I want to talk about a specific aspect of health care reform I have been working very hard on, and that is, as we reform this health care system, we have a skilled health care workforce that is ready to step up and provide the care we need.

Judy Allen, from Moses Lake, WA, sent me a story about her son. She said he had been diagnosed with cystic fibrosis at the age of 5 and was given a 50-50 chance of making it to his ninth birthday. Judy said she and her husband had good health insurance, but they had to travel over 3 hours to get to a clinic with the resources her son needed. They could not move close to this facility, because moving would force them to switch health care insurance providers, and they knew if that happened, they would get rejected because of their son's preexisting condition. Sadly, Judy's son died 3 years ago, but the reforms we are working on will help mothers such as Judy across the country.

We want to stop insurance companies from spending our premium dollars on figuring out ways to exclude people from coverage. We are going to ensure that nobody will be denied health care coverage even if they have a preexisting condition.

Unfortunately, Judy's story is not unique. Millions of Americans who have insurance today—good insurance—struggle with a broken health care system. They struggle with the skyrocketing costs, with the complicated system that works for the insurance companies but not for the patients. So I agree with President Obama that we need to reform the health care system this year.

As we work to provide quality affordable health care coverage to all Americans, we have to make sure there are enough health care professionals to provide that care. We can write and pass a bill that improves the coverage and reins in the costs, but without an educated, accessible system of doctors, nurses, x-ray technicians, physical therapists, and other health care professionals, that coverage isn't going to mean much. If we provide health care coverage without the workers, it is like building schools and not hiring any teachers. So it is common sense, but it makes economic sense as well.

Not only does this shortage make it hard to access care even if you have insurance today, it makes it more expensive. That is why we have made a number of investments that are going to create and sustain good-paying jobs and ensure access to care so that Americans stay healthy and productive.

We all know today that too few medical students are going into high-demand general care fields. Many students enter specialty fields, in part to pay for the cost of medical school, and because they tend to be more lucrative long term. So the health care bill we passed out of committee on health care includes incentives such as loan repayment programs, scholarships, and grants to encourage students to go into high-need fields and to work in underserved areas. It invests in education, training, and retention efforts, not just for new health care workers but for all of those who are already providing quality care in this country.

Investments in our health care workforce create jobs, ease the strain on overworked health care professionals, and keep Americans healthy, so they can be productive on their jobs. I am going to keep working to make sure these investments remain a priority.

Quickly, before I yield the floor, I want to reiterate the critical need I talked about a minute ago to fix the health care system. I want to share a story.

Sharon Alexander wrote to me from Steilacoom, WA, about her battle with brain cancer—the same type Senator KENNEDY suffers from. Sharon had health insurance, but she wrote and told me that while she was running from doctor to doctor and undergoing radiation treatments, she and her husband had to spend a great deal of time navigating different copayments and acceptance policies of all of her doctors. She told me she was lucky she had insurance, but she still had to jump through hoop after hoop to get the care she needed. Sharon discovered that in our broken health care system, high-priced insurance doesn't guarantee high-quality health care.

That is why we need to act. We need to lower the cost of health care, we need to ensure Americans have affordable health care and, in these difficult times, with all of the challenges Americans have with premiums rising three times faster than wages and every day 14,000 more Americans losing their health insurance, we are not rushing; we are working hard to get this right, and it needs to be done this year.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to comment about the status of efforts to legislate comprehensive health care reform.

Recently there was a comment by a Senator opponent of President Obama, who disclosed what has been known for some time as to the tactics of President Obama's opponents. The Senator who opposes President Obama said this:

If we are able to stop Obama on this, it will be his Waterloo. It will break him.

This is essentially the same tactic that was used by President Obama's opponents on the stimulus package. I am not betraying any confidence about matters that were on the public record, but immediately after the inauguration, within 2 weeks, when the Senate took up the stimulus package, it was apparent that President Obama's opponents in the Senate were simply going to say no and obstruct the matter. It is a matter of public record that only three then-Republican Senators would even talk to the Democrats about the stimulus package—Senator COLLINS, Senator SNOWE, and myself. Now it is apparent, with what the Senator opponent of President Obama has said what the plan is.

Now that we know we will not vote on comprehensive health care reform until September, there is time for a little bipartisanship—perhaps even a little statesmanship—to come together on this issue. We have been sent by our constituents to Washington to solve problems, not to obstruct potential solutions. There are many items where we can all agree. There are many potential savings available, which I outlined a few weeks ago in an extensive floor statement. For example, on advanced directives, estimates are that as much as 27 percent could be saved on Medicare. So much money is spent in the last few hours, few days, few weeks of a person's life. We know from the statistics that funding from the National Institutes of Health can prevent illness and can cut down tremendously on the cost.

We also know that by changing the prosecution on Medicare and Medicaid fraud and imposing jail sentences, there would be a deterrent to that tremendous amount of fraud and abuse. A fine is simply a license.

We know also that substantial savings are possible by covering those 47 million Americans so that we have medical care at an earlier stage to avoid chronic illnesses that are so very expensive, so that we could come together on these items where I think there is general agreement.

The Senator opponent of President Obama is referred to in this morning's Washington Post as saying that he is in favor of fixing the system, it has been one of the main causes of his career, and a specific:

We need some real health care reform.

Well, it would be worthwhile to have that Senator opponent of President Obama say whether he believes we ought to cover the 47 million Ameri-

cans now not covered. I believe there is a consensus that that ought to be done. But if there are differences of opinion, let them be stated, because if we agree that the 47 million Americans have to be covered, then the next question a responsible elected public official would have to ask is: How do we pay for it?

But if someone is going to say "I am not in favor of covering the 47 million Americans," let him or her answer to his constituents. The Senator opponent of President Obama ought to note, as reported in the Post this morning, that there are 700,000 of his State's residents who are uninsured. If he believes we ought not to cover those 47 million Americans, including the 700,000 in his State, let him respond and say so.

It may be that there is a political price to pay if you face up to that. But if you move beyond the question of whether we need to have health care for all Americans, then we need to move forward.

When you talk about the Waterloo of President Obama, it sounds as if we are fighting some foreign power as opposed to the collegiality which is supposed to be present in the Senate, reputedly the world's greatest deliberative body.

I was pleased to see the Senator who is opposing President Obama with his Waterloo statement—I am glad to see a number of his colleagues on that side of the aisle distance themselves. But as yet we have not had a proposal which comes from the Republican side of the aisle, just as we did not have a proposal coming from the Republican side of the aisle on the stimulus package.

It was my view, as I spoke on the floor on February 6, that the problems about sliding into a 1929 Depression were present. We faced that risk. Complaints have been made about the stimulus package that it has not worked, but there have only been 5 months which have elapsed.

Yesterday I was in Pennsylvania at a major interchange, I-81 and Route 39, announcing \$12 million for road repairs; earlier, at the Philadelphia International Airport announcing a substantial grant; in western Pennsylvania in Pittsburgh announcing millions of dollars for locks and dams.

It may be that a better proposal could have been crafted on the stimulus package. But there were negotiations.

President Obama was sworn in on January 20. In the week of February 2, within 2 weeks from the inauguration, taking the oath of office, we were already having obstructionism.

It is my hope that while we adjourn for the August recess, there is time to have a bipartisan plan, a plan which will reject partisanship, a plan which might even bring a little statesmanship to this body.

When the three of us on the stimulus issue joined with the Democrats in providing the necessary votes, the indispensable 60 votes to invoke cloture and

allow the stimulus package to move forward, the comment was made from the other side of the aisle: Three Senators don't make a bipartisan bill.

So far, only three Republicans are negotiating on comprehensive health care reform. So let's see if we can't have in the intervening weeks between now and September a concerted effort made to move forward to answer some of these basic questions. If someone is opposed to covering the 47 million Americans, let's hear it. If someone is opposed to having a public option, as proposed by Senator SCHUMER, which maintains a level playing field, let's hear the specifics so that our constituents can judge us, so that the 700,000 people who are not covered by insurance in the home State of the Republican Senator who has spoken out to break the President, to promote the President's Waterloo—we will have a chance to evaluate that kind of an attitude.

I thank the Chair, note the expiration of my time, 10 minutes, and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Mr. President, we stand at a critical juncture today as we grapple with how to fix our broken health care system. Rapidly escalating health care costs are compounding the current economic crisis in America. Families and businesses across the country are struggling to afford increased premiums, copayments, and deductibles. Premium increases are taking an increasing portion of workers' wages, and more firms are under pressure to reduce or possibly eliminate health care coverage for their workers.

Helping middle-class families and small businesses afford health care coverage is a critical component of improving the Nation's economy. Families and business owners in Oregon have told me at length how concerned they are about the rising costs of health care. Those families who have health care are concerned about losing it, and they are concerned about the rising cost of premiums and the copays. And those citizens without health care—nearly 47 million Americans are unable to afford the cost of health care—those citizens are worried about getting sick or they are sick and they are worried about how to pay for the drugs and treatments to get well. Under this system, our small businesses that are working hard to provide health care coverage for their employees are worried they will not be able to continue, that they will have to raise the share of the costs the workers carry or maybe they will have to eliminate the health care plan altogether.

I wish to share with my colleagues the experience of one of my constituents, Jeanette Hall of Milwaukee, OR. She was employed, but she could not

afford health insurance. Jeanette had a mole on her arm. It was a mole she thought should be looked at. Her friends and family urged her to have it looked at. Finally, she went to the emergency room to have it examined. The diagnosis was melanoma, but Jeanette could not afford to have the surgery to address it.

Sometimes one gets a fortunate turn in life, and Jeanette just got such an example. She was interviewed by a local news station that was doing a story about the plight of the uninsured. Jeanette says she is only alive today because of that moment when a news station covered her story because after that story aired, she received a call from a local hospital that offered to help. They basically said that in exchange for being the subject of an observational surgery for medical students, the hospital would cover the cost of the surgery. Jeanette is now cancer free, and she feels very blessed about that. What is more, she now has a job where she has health insurance, and that certainly puts a brighter horizon in place for her. But while she is pleased about her personal health and her personal health insurance, she is worried about health insurance for families and friends and health insurance for all Americans in this broken health care system.

Her brother is very ill. Her brother does not have health insurance. Her brother needs an operation to save his life, but he is not getting that operation. She anticipates that his life expectancy is very short now as a result. She sees it very personally, very directly.

Just as she hopes for health care for her and her family and for American citizens, so do citizens across this Nation. Citizens such as Jeanette are not looking for a government handout. They don't expect something for free. But what they do want is access, choice, quality health coverage, affordable health coverage for their families and their workers.

We need to offer citizens such as Jeanette a lifeline in these hard economic times. As a member of the Senate Health, Education, Labor, and Pensions Committee, I am very proud of the bill we passed 2 weeks ago which puts us a significant stride closer to providing affordable, quality health care for every American. It is a plan that will lower costs, provide consumers with more choices, and increase competition.

That act, the Affordable Health Choices Act, is a landmark bill. It gives every American a full range of health insurance options, including a community health plan. It ensures that those who like their current health care coverage can keep it. And it guarantees that no American will be denied coverage because of preexisting conditions. That act makes sound invest-

ments in disease prevention, in health promotion, and it strengthens the health care workforce.

The Affordable Health Choices Act gives small businesses better choices for high-value health insurance by creating a new health insurance marketplace, or gateway as it is called, which will help lower costs and increase competition. In fact, let me explain this a little bit more.

Right now in America, if you are an individual trying to get health care, you have to pay an extraordinary premium because you don't bring any market share clout to the negotiating table. And right now in America, if you are a small business, you don't get a good deal because you don't bring any market clout to the negotiation. This health care bill at its heart addresses this problem. It creates an exchange where you would purchase health care, not as an individual but as a group of hundreds of thousands of fellow citizens. That health care plan would bring the combined negotiating clout of those hundreds of thousands or even millions of individuals, so you get a much better deal as an individual and you get a much better deal as a small business. I know that every individual and small business in America that has gone through this process of trying to get a fair, decent health care plan knows exactly what I am talking about. And that is the heart of this reform.

But even as we make historic progress on guaranteeing affordable quality health care for all, there are powerful forces underway to halt this effort. There are those who favor the status quo, and they are working on their talking points, they are rallying their special interests, they are doing polls to see what phrase will most scare Americans from changing. They want to defeat this historic march toward quality, affordable health care for every single citizen.

One thing is clear: We cannot afford to fail. Maintaining the status quo is not an option. The last time we attempted to tackle the problem in 1992, health care spending was \$849 billion. Today, health care spending in America is \$2.2 trillion and growing by over 10 percent a year. March it forward next year, and it will be over \$2.4 trillion; the year after that, \$2.7 trillion; the year after that, \$3 trillion, and so forth. We will be spending nearly \$40 trillion under the status quo over the next 10 years.

Premiums in the early 1990s were 7 percent of a family's income. Today, premiums eat up 17 percent of a family's budget. In 1996, employers paid about \$3,700 toward a family plan. Now that is well over \$10,000 and growing, and workers are picking up an increasing share of the costs.

Today, under the status quo, 60 percent of bankruptcies are due to health

care costs—more than half. More than half of personal bankruptcies are due to health care. What is more, more than half those personal bankruptcies due to health care are with folks who have health care insurance, but their health care insurance simply was not adequate to cover the extraordinary costs of a medical emergency. Indeed, 75 percent of those individuals who are going through bankruptcy due to health care costs had health insurance.

If we look to the future, the consequences of inaction are even more dire. But, despite all that, every day we hear from special interests, we hear from their allies who are standing up, using their poll-tested phrase such as “government takeover” in order to scare the American people into rejecting health reform.

Here are citizens who know firsthand the challenge and the stress of health care. But they are being manipulated. There is an effort to manipulate them by powerful special interests that want to scare them, to turn them against reform and change. The opponents of reform have a health strategy. Their strategy is the status quo. Why do they like the status quo so much? Because the special interests are making so much money with the current health care system—huge profits for insurance companies, huge profit for other health care players. But here is the problem. Soaring profits for health care companies equate to out-of-control, unaffordable premiums for America's working families.

Let's examine the status quo plan put forward by the opponents of reform. Under the opponents' status quo strategy, the premiums that are paid by a family would go from about \$13,000 a year now to, just 8 years into the future, \$24,000—nearly double in a short period of time. If you want out-of-control premiums, then support the opponents' status quo efforts.

Second, under the opponents' status quo plan, the cost of health care for a small business would more than double. The cumulative costs are extraordinary. We see the costs here, in billions of dollars, start in 2009 at \$156 billion—the cost imposed on small businesses—and soaring to \$2.4 trillion by 2018—cumulative costs. So over a 10-year period, small businesses carrying a multitrillion-dollar burden under the status quo.

Third, under the opponents' status quo plan, the number of uninsured Americans increases. Why is that? It is very simple: Families cannot afford these premiums, small businesses can't afford these premiums, even large businesses may not be able to afford this more than 10-percent-a-year increase in premiums. Indeed, under one study, the number of uninsured Americans, under the status quo, the opponents' plan, would reach 66 million Americans over the next 10 years, up from about 47 million right now. That is a huge increase.

Fourth, under the opponents' status quo plan, our community hospitals would see uncompensated care go through the roof. Why is that? Because we have more uninsured. They have to go to the emergency room to get their care. So the hospitals end up carrying that burden. What does that do? That results in a cost shift from those who do not have insurance and go to the emergency room—those costs get shifted to those with insurance. It continues the death spiral in soaring insurance premiums that we have right now in America.

What is more, under the opponents' status-quo approach, we get the same failure to invest in prevention and disease management. Insurance companies do not have an incentive to invest in disease management that might make you healthier 10 years from now or 20 years from now because they assume you probably will not be their customer 10 or 20 years from now. We get the same investment in a fee system, in a cost-plus system, that is driving up the cost of health care.

Let me make this very clear. If you have any form of expense in which the compensation is cost-plus, the person providing those services is going to provide as many services as possible. If you are building a fighter and you say: We will pay your costs plus 10 percent, you are going to make sure that fighter plane is as expensive as possible. The same is true in health care. Yet that model of compensation is the dominant model in health care today.

We need to invest in an integrated approach, such as the Mayo Clinic does, where the doctors are not motivated by profits but by providing health care to their patients. They have no incentive to run you through that MRI machine four or five times. Their only incentive is to help you get well. That is a very different approach, an approach we need to expand on in America, an approach that says we need an integrated health care system, not a cost-plus fee system.

When the opponents of reform try to scare you and say we don't need to change anything, remember how scary their plan is. I know you understand what I am talking about because you see it every day. The opponents are saying it is OK if insurance companies routinely deny necessary medical care and cancel policies in order to increase their profits. The opponents are saying they prefer an America where parents will lie awake at night, worried if they can afford health care their children need because they do not have health insurance for their children. The opponents want an America where workers are just one pink slip away from losing their job and their health care. That is a double calamity that strikes millions of families in America every year.

The opponents are arguing for an America where a would-be entre-

preneur who works hard and wants to start a business may not do so because he or she cannot afford health coverage in a volatile, expensive small business market. The opponents want an America where small businesses that do offer insurance are faced with double-digit, budget-straining premiums that threaten the economic viability of that small business.

I wish to see our small businesses thrive. Our small businesses are incredibly creative, with far more patents per capita than large businesses. Our small businesses expand and grow and absorb more workers. We want them to expand and thrive, and a major challenge they have today to their thriving is our broken health care system.

I do not accept that vision for America, the vision put forward by opponents of health care reform. We need to create a simple health care exchange, where individuals and small businesses can go and be part of a large pool so they can negotiate a fair deal. Today we do not have that fair deal. Tomorrow we will.

We need a health care system that invests in prevention and disease management. We need a health care system that works to expand the health care workforce, because we have a big challenge. Many of our health care workers in America, our doctors and our nurses, are retiring. They are baby boomers. They are reaching retirement age. We will have increasing demand for more of their services as baby boomers retire. The bill we put forward works to address that discrepancy; otherwise, greater demand and lower supply will drive up the cost of health care.

We need to create a system that eliminates insurance that doesn't cover preconditions. What kind of health care do you have if you have a bad back but your bad back is not covered? What kind of health care system do we have if you have melanoma, such as Jeanette did before her operation, and you cannot get it covered because it is a preexisting condition?

This bill changes that. I believe we need to create a health care system that expands citizens' choices instead of constraining them as in our current system. We have many markets in America that only have a single dominant provider. We need to create a Community Health Care Plan to hold the feet of insurance companies to the fire. Competition in the marketplace—a 100-percent apple pie, American concept—is needed in health care to help control costs.

Americans across the country are counting on us to work together to find a solution, to help ease the burden of health care costs on family and business budgets and create more affordable health care options. I urge my colleagues to set their partisanship aside, set aside the goal of trying to torpedo America's future because you want to

torpedo the Presidency of Barack Obama. Think about the quality of health care for our working families and what we in this Chamber could do to make that quality of life far better. The costs of inaction, the costs of our broken status quo system, are too great to allow their solution to fall to petty, bitter partisan bickering.

Let's come together. Let's fight for a brighter future for America's families. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Would the Chair please let me know when I have 1 minute remaining.

The PRESIDING OFFICER. The Chair will.

HEALTH CARE

Mr. ALEXANDER. Madam President, some friendly person is exercising his or her constitutional first amendment rights in Memphis these days running television ads urging me to vote for the health care proposal that is currently pending before Congress. That person may be wasting their money, because we are getting a fair number of calls in my Memphis office congratulating me for suggesting that we ought to slow it down and come up with a better plan.

We should start over in terms of what we are doing to try to find the right way to provide health care for the American people at a cost they can afford and, at the same time, provide a government they can afford. We are going in the wrong direction.

I know a lot of good effort has been put into the plan that came out of the Senate HELP Committee, and to the plans that have come out of two of the House committees and currently are being discussed in the third. But the most charitable thing I can say about it is, very well-intentioned people are working hard to try to find the best way to go in the wrong direction.

When you are going in the wrong direction, is it not the best course to start over, especially when we are dealing with something as big and complex and as personal and as important as the health care of every one of 300 million of us? We all know we will only have one opportunity to get it right. And that opportunity is before us. So if we are headed in the wrong direction, let us start over and let us get it right.

Who says we are headed in the wrong direction besides one Senator from Tennessee or maybe several members of the Republican Caucus?

The Mayo Clinic said that in an opinion it released about 10 days ago. The Mayo Clinic is often cited as an example of what we ought to be doing more of—good results, lower costs. But it said, we are headed in the wrong direction. It did release an addenda after someone obviously called, probably from the White House, and said, what is going on here? So the Mayo Clinic said one thing the White House said did seem to be helpful, but fundamentally it said we are going in the wrong direction with the idea of a public option.

A public option, as the President has said, is to help keep the insurance companies honest. That is like the President saying he is going to buy the rest of General Motors to keep Ford Motor Company honest, or to buy a drugstore to keep Walgreen's honest, or to have a government restaurant to keep O'Charley's honest. That is not the way our country works.

Who else says we are headed in the wrong direction? Democratic Governors as well as Republican Governors as I mentioned here on the floor last week—the Governors of Colorado, Montana. My State Governor said, this is the mother of all unfunded mandates. These Governors are looking at the idea of dumping—I use that word carefully—another 20 million low-income Americans into a failing government-run program called Medicaid, when 40 percent of the doctors will not see Medicaid patients.

The proponents of these proposals call it health reform, and then they are going to shift the cost to the States after about 5 years. The Governors are appalled by this plan. The Congressional Budget Office says we are going in the wrong direction. Senator McConnell, the Republican leader, has said that the only bipartisanship thing about the health care debate is the opposition to it.

So let me take each of those points one by one. There are seven big problems with the two health care plans, one in the Senate, one in the House, that are before us. One is it flunks the first test which is reducing cost.

Two, it cuts grandma's Medicare and spends it on another program.

Three, it would pass big, new Medicaid costs on to the States, causing big increases in State taxes.

Four, despite what the President has said—or because the President said it, there is another reason to step back and take a different direction—millions would lose their employer-provided insurance.

No. 5, millions more Americans would find themselves in government-run health programs.

No. 6, during a recession, we would impose new taxes and new fines on em-

ployers in order to encourage more health care.

And, No. 7, with those government programs, you are more likely to wait in line and you are more likely to have your health care rationed.

Let's take them one by one. Flunking the first test, reducing costs. We should start with the 250 million Americans who already have health care and make it more affordable. We know there are 47 million Americans who do not, but 5 million are college students, 10 million are noncitizens, 11 million are people making \$75,000 a year or more who can probably afford it, 11 million are eligible for an existing program.

Those are important things to do, but the idea here is to try to reduce the growing costs of Medicaid so you can afford your health care, and so that you can afford your government.

The Congressional Budget Office said on the 17th of this month that the legislation before us significantly expands Federal responsibility for health care costs. Over the weekend, in looking at the next 10 years, the Congressional Budget Office—that is our Congressional Budget Office—said: The proposal would probably generate substantial increases in Federal budget deficits during the decade beyond the current 10-year budget window.

No. 2, it cuts grandma's Medicare. The New York Times yesterday, in describing the proposal in an editorial, said: Reformers are planning to finance universal coverage in large part saving money in the traditional Medicare Program, raising the question of whether all beneficiaries will face a reduction in benefits.

If we are going to cut grandma's Medicare, we ought to spend it on grandma and grandpa.

We ought not to take that money from that program, which the Medicare Trustees have told us may be broke by 2017, and spend it on a new program.

Then there is the third issue, expanding Medicaid and increasing State taxes. As a former Governor, I am concerned that Congress hasn't got a real sense of how this will affect States—this plan to expand one government program, a failing, embarrassing program called Medicaid, into which we dump low-income Americans, and where we are going to dump another 20 million more. This is the reason the Democratic and Republican Governors, at their meeting in Biloxi a couple weeks ago, were up in arms about this. And after 5 years, we will shift the cost of that to the States. To expand it that much, to 133 percent of the Federal poverty level, would cost our State about \$423 million a year for the State share. If we really want to give people a bus ticket to a bus line that actually has buses, we will have to pay doctors more because today doctors, 40 percent of the time, don't see Medicaid patients. As a result, that adds another

\$600 million. That equals a 10-percent new State income tax. It is inhumane to dump low-income Americans into a failing government program.

Then there are the employer taxes and fines. I have talked to a number of businesspeople. If given the choice between paying \$750 per person, which the Senate plan does, or providing every single full-time and part-time employee health care, they will take the \$750 a person. And where are the employees going to be? They will be out of employer health care. That is not what the President said he wanted. Where are they likely to be? A lot of them will be in these government programs, one of which is being extended and one of which is being created.

Then there is the problem of waiting in line and rationing. If we create government programs with government people in between ourselves and doctors, there is more of a chance that we will be waiting in line and that we will have our health care rationed.

Republicans have offered a number of plans that make more sense. A number of us have joined with Senator WYDEN in a bipartisan plan that makes common sense. That plan, to be specific, would take the subsidies which we now spend on health care and spend them in a fairer way, giving low-income Americans a chance to buy health care like the rest of us have. It wouldn't create any new government programs. According to the Congressional Budget Office, it wouldn't add to the debt. If we are starting over, that framework would be a good place to start.

People at home in Tennessee, the Mayo Clinic, 1,000 local chambers of commerce that have made their announcement today, the Congressional Budget Office, and the Democratic Governors all say: Whoa, let's get it right. This has too many problems. Let's start over with something that Americans can afford in terms of their own health care plan and a government they can afford.

I ask unanimous consent to have printed in the RECORD an article by Martin Feldstein, President Reagan's former Chairman of the Council of Economic Advisers, from the Washington Post of today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBAMA'S PLAN ISN'T THE ANSWER

(By Martin Feldstein)

For the 85 percent of Americans who already have health insurance, the Obama health plan is bad news. It means higher taxes, less health care and no protection if they lose their current insurance because of unemployment or early retirement.

President Obama's primary goal is to extend formal health insurance to those low-income individuals who are currently uninsured despite the nearly \$300-billion-a-year Medicaid program. Doing so the Obama way would cost more than \$1 trillion over the next 10 years. There surely must be better

and less costly ways to improve the health and health care of that low-income group.

Although the president claims he can finance the enormous increase in costs by raising taxes only on high-income individuals, tax experts know that this won't work. Experience shows that raising the top income-tax rate from 35 percent today to more than 45 percent—the effect of adding the proposed health surcharge to the increase resulting from letting the Bush tax cuts expire for high-income taxpayers—would change the behavior of high-income individuals in ways that would shrink their taxable incomes and therefore produce less revenue. The result would be larger deficits and higher taxes on the middle class. Because of the unprecedented deficits forecast for the next decade, this is definitely not a time to start a major new spending program.

A second key goal of the Obama health plan is to slow the growth of health-care spending. The president's budget calls explicitly for cutting Medicare to help pay for the expanded benefits for low-income individuals. But the administration's goal is bigger than that. It is to cut dramatically the amount of health care that we all consume.

A recent report by the White House Council of Economic Advisers claims that the government can cut the projected level of health spending by 15 percent over the next decade and by 30 percent over the next 20 years. Although the reduced spending would result from fewer services rather than lower payments to providers, we are told that this can be done without lowering the quality of care or diminishing our health. I don't believe it.

To support their claim that costs can be radically reduced without adverse effects, the health planners point to the fact that about half of all hospital costs are for patients in the last year of life. I don't find that persuasive. Do doctors really know which of their very ill patients will benefit from expensive care and which will die regardless of the care they receive? In a world of uncertainty, many of us will want to hope that care will help.

We are also often told that patients in Minnesota receive many fewer dollars of care per capita than patients in New York and California without adverse health effects. When I hear that, I wonder whether we should cut back on care, as these experts advocate, move to Minnesota, or wish we had the genetic stock of Minnesotans.

The administration's health planners believe that the new "cost effectiveness research" will allow officials to eliminate wasteful spending by defining the "appropriate" care that will be paid for by the government and by private insurance. Such a constrained, one-size-fits-all form of medicine may be necessary in some European health programs in which the government pays all the bills. But Americans have shown that we prefer to retain a diversity of options and the ability to choose among doctors, hospitals and standards of care.

At a time when medical science offers the hope of major improvements in the treatment of a wide range of dread diseases, should Washington be limiting the available care and, in the process, discouraging medical researchers from developing new procedures and products? Although health care is much more expensive than it was 30 years ago, who today would settle for the health care of the 1970s?

Obama has said that he would favor a British-style "single payer" system in which the government owns the hospitals and the doc-

tors are salaried but that he recognizes that such a shift would be too disruptive to the health-care industry. The Obama plan to have a government insurance provider that can undercut the premiums charged by private insurers would undoubtedly speed the arrival of such a single-payer plan. It is hard to think of any other reason for the administration to want a government insurer when there is already a very competitive private insurance market that could be made more so by removing government restrictions on interstate competition.

There is much that can be done to improve our health-care system, but the Obama plan is not the way to do it. One helpful change that could be made right away is fixing the COBRA system so that middle-income households that lose their insurance because of early retirement or a permanent layoff are not deterred by the cost of continuing their previous coverage.

Now that congressional leaders have made it clear that Obama will not see health legislation until at least the end of the year, the president should look beyond health policy and turn his attention to the problems that are impeding our economic recovery.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3183, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Dorgan amendment No. 1813, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, this legislation comes from the Appropriations Energy and Water Subcommittee. It has passed through the full Appropriations Committee and reported to the floor of the Senate. This is another one of our appropriations bills that we very much hope we can get done, have a conference with the House, and send to the President for signature. Regular order for this bill has not happened for a couple of years, which is a failure of the Congress and the White House because of the way things developed in the last few years. We need to change that.

I thank Senators INOUE and COCHRAN, the chairman and vice chairman of the full committee. They have made a decision that they want to drive these individual appropriations bills through the process, get them conferenced, then send them to the White House to sign them into law. That is the way they should be done.

We have put together legislation that we think is a good bill. It funds all of the energy functions across the country, including programs attached to the Energy Department. It funds all of the water policy issues across the country, all the projects that are ongoing. It is a very important bill. If we think of the subject of energy and water, there is not much more controversial or important at this point than those two subjects.

This bill is 1.8 percent under the President's budget request and 1.4 percent over the amount spent in the previous fiscal year. This is a fairly conservative, austere bill we have put together. We have tried to make the best case we can for the best investments for the future.

The other thing that is important to understand is that, at a time when our country is in a deep recession, funding water projects and energy projects provides a way of putting people to work and creating jobs. At the end, rather than only spending and having the money disappear, we have invested and we have returns on those investments in the form of water and energy projects that will benefit the country for many years.

Yesterday, I talked for a moment about the Department of Energy's national laboratories. We fund a lot of issues in this appropriations subcommittee, including all of our science, energy, and weapons laboratories. I am so proud of those laboratories. They remind us of the old Bell Laboratories, where so much good research and scientific inquiry occurred. The Bell Labs are now largely gone. The laboratories that we have—the science, energy and weapons labs—are the repository of the most important research that goes on in this country.

I believe it was in the last fiscal year that Los Alamos in New Mexico announced it had completed work on what is called the Roadrunner, which is the most powerful computer in the world. That most powerful computer does not exist somewhere else, it exists here at Los Alamos Laboratory.

It is a computer that has met the speed of what is called a petaflop. That sounds like a foreign language.

Let me start first by talking about a teraflop. A teraflop is something where a computer can do 1 trillion discrete functions per second. In 1997, we reached that standard of a teraflop, 1 trillion functions per second. Ten years later, the amount of space for the hardware to do what was called a teraflop was a very large home essentially. That is the amount of space it took for the hardware. The amount of energy it took to run all that computer power was the amount of energy it took to supply hundreds and hundreds of homes. Then, 10 years later, a teraflop, the same 1 trillion functions per second, could be provided with the energy

equivalent of a 60-watt lightbulb on equipment the size of a very small token.

Now we are not talking about 1 trillion functions per second or a teraflop. We are talking about a computing standard called a petaflop. The Roadrunner achieved it. A petaflop is 1,000 trillion functions per second. It is so powerful and unbelievable, it is almost hard to describe. I asked a scientist: What does it mean that you can do 1,000 trillion functions per second? He said: As an example, they are using them on stockpile stewardship and weapons issues. There are something like 1 or 2 billion synapses in the brain that communicate with each other. This is the first computer that has the capability and the power to analyze what these billion synapses of the brain are doing in communicating in order to produce something from one's eye called vision. We understand we can see. We just don't understand how it is all possible. Yet the development of very powerful computers like the Roadrunner, the world's most powerful computer in this country, allows us to do almost unbelievable things in science and research and inquiry. Is that an investment in the country, in the future? Yes, it is a big investment, an investment that will pay dividends for decades to come.

I point that out to say that we have brought a bill to the floor that deals with so many important energy and water issues. It attempts to accelerate research into renewable energy for programs like wind and solar and biomass. It attempts to evaluate how, through science and research, we can understand our ability to continue to use our most abundant resource: coal. We understand we will have to have a lower carbon future and capture carbon and sequester it or use it for beneficial use. The way we will do that is by investing in the kind of research and inquiry that will unlock the mystery of doing that. I am convinced we will. This is the legislation in which we make those investments.

Senator BENNETT has no doubt had the experience I have had because we lead the committee that funds all of this. I have had people from all around the country come to my office breathless about the silver bullet they have now patented that will solve all of our problems in energy, either the newest form of energy or the newest approach to capture carbon. They come in breathless. By the time they are finished talking, we are out of breath because they are so excited about what they are doing.

We have a guy who was a witness at a hearing on the beneficial use of carbon so that we can continue to use coal and not severely impact our environment. He has developed and patented an approach by which he takes the effluent coming out of the stack of a

coal-fired generating plant and doesn't separate the CO₂. Through chemicals, he mineralizes it and creates a product that is equivalent and harder than and better than concrete. Is that the silver bullet? I don't know. But he made a strong and interesting case before the committee that this will dramatically advance our ability to use coal in the future while at the same time protecting our environment.

Senator BENNETT and I, in this legislation, provide the investment funds necessary to begin to scale up and demonstrate new approaches and new patents and new technologies in so many of these areas. Why is all this important? We are unbelievably dependent on foreign oil. Almost 70 percent of the oil we use comes from outside of our country. That makes us vulnerable from a national security and an energy security standpoint. The country knows we have to move off that dramatic dependency and find ways to produce more here. That means more of all kinds of energy. That is what we support in this legislation. We produce, we conserve. We provide greater efficiency for virtually everything we use every day, as we use energy in our daily lives.

Then, in addition to that large area of energy, which we will describe in greater detail as we have amendments to the bill, all of the water projects in this country, through the Army Corps of Engineers and the Bureau of Reclamation, are projects that are making life better for people, providing access to clean water and the storage of water.

We understand how controversial water is, but we also understand that water is essential to economic growth and human health. To monitor and conserve water resources and make the best use of all of those resources is exactly what we are trying to do with this legislation.

I won't describe more except to say this legislation includes the President's recommendations, his wide range of earmarks, and what the White House would like to be funded in water projects. We respect that and have accepted most of what the President has recommended for specific project requests. We have added some, while eliminating some of the President's, that we believe have higher value for various States based on information we have gleaned.

We will have amendments. I think there are already a couple dozen amendments filed. Some say the Congress should not have any imprint on what should be funded here, let's just let the White House tell us what they want funded.

Well, that does not make a whole lot of sense because the folks in this Chamber are elected by their constituents and perhaps have the best sense of what kinds of water projects will best

meet the needs of their region or their State. But, as I said, we respect the President's views, and we have funded most of the specific projects he has asked us to fund and made some modifications where we think appropriate and where we think it will improve the legislation.

I say on behalf of myself and Senator BENNETT, we were here yesterday, and we did not have amendments offered. We had some filed but not offered. It is a quarter to 12 today, and we will be here all day. We very much hope, if people have amendments, they will come to the floor of the Senate, offer them, and debate them so we can proceed. So we are here. We very much would like to finish this bill by tomorrow evening—perhaps this evening, if people would be as optimistic as we are. But we would like people to come and offer amendments as soon as possible.

Madam President, I do not know whether Senator BENNETT wishes to speak. Well, I believe we have someone who wishes to offer an amendment. We appreciate Senator VOINOVICH coming to the Chamber.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1841 TO AMENDMENT NO. 1813

Mr. VOINOVICH. Madam President, I ask that the Voinovich-Carper amendment No. 1841 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself and Mr. CARPER, proposes an amendment numbered 1841 to amendment No. 1813.

Mr. VOINOVICH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the authority of the Nuclear Regulatory Commission regarding the acquisition and lease of certain additional office space)

On page 63, after line 23, add the following:

SEC. 3. AUTHORITY OF NUCLEAR REGULATORY COMMISSION.

The Nuclear Regulatory Commission may use funds made available for the necessary expenses of the Nuclear Regulatory Commission for the acquisition and lease of additional office space provided by the General Services Administration in accordance with the fourth and fifth provisos in the matter under the heading "SALARIES AND EXPENSES" under the heading "NUCLEAR REGULATORY COMMISSION" under the heading "INDEPENDENT AGENCIES" of title IV of division C of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 629).

Mr. VOINOVICH. Madam President, I thank Chairman DORGAN and Ranking Member BENNETT for allowing me to bring this amendment to the floor.

This bipartisan amendment renews authorization granted to the Nuclear Regulatory Commission and the Gen-

eral Services Administration in the fiscal year 2009 Omnibus appropriations bill that allows GSA to acquire additional permanent office space near the Nuclear Regulatory Commission headquarters location in Rockville, MD. We need to renew this authorization in the fiscal year 2010 appropriations because the current lease negotiations will likely extend beyond September 30, the end of fiscal year 2009.

This is a fairly straightforward and simple amendment, but I want to take this opportunity to underscore the importance of the original intent of the authorizing language.

Having served as either the chair or ranking on the Clean Air and Nuclear Safety Subcommittee for the past 8 years side by side with my good friend, the senior Senator from Delaware, I take great pride in the fact that the NRC has become one of the best regulatory agencies in the world.

Senator CARPER and I, together with other members on the Environment and Public Works Committee, have worked hard to provide the NRC with the necessary resources to do its job; that is, ensuring safe operation of the 104 operating nuclear powerplants while conducting licensing reviews of the 17 applications for construction and operation of 26 new reactors. That may sound like some new information, and it is. We have 17 applications filed with the Nuclear Regulatory Commission for construction and operation of 26 new reactors.

With three pieces of legislation included in the Energy Policy Act of 2005, we were able to help NRC hire more than 1,000 new workers and rehire retirees in the last 4 years to meet the increasing demand. The rehiring was to train new people who are being brought on board.

Now we need to follow through and provide NRC with adequate, colocated headquarters office space to ensure maximum efficiency and effectiveness. I must say that the subcommittee has looked at this over and over again, and we have concluded that it is very necessary to have them have space in the same vicinity so they can more adequately and more efficiently run the operation.

Lately, we have been hearing a lot about how we need to increase the use of nuclear energy if we are to achieve our energy independence, reduce greenhouse gases, and create jobs. I would point out that the NRC is at the center of all of this in the midst of reviewing those 17 applications for 26 new reactors.

Providing NRC with the tools necessary to achieve regulatory stability, efficiency, and effectiveness not only makes sense, it is the job of Congress. I urge my colleagues to vote for this amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I am in favor of the Voinovich amendment. To use the language of the cloakroom, it has not yet been hotlined. I do not know of any objection to it, and at least on this side, we will do what we can to get it hotlined, get it cleared, so it can be adopted. I would hope by voice vote, as quickly as possible. But because it has not been hotlined on our side, I would suspect the vote will probably take place this afternoon, if that is acceptable to the chairman.

There has been, as Senator VOINOVICH has pointed out, a significant increase in the NRC workload, and GSA has been in negotiations with NRC to construct additional building space next to the existing NRC headquarters. The negotiations may extend beyond the end of this fiscal year, with the lease award occurring in 2010. So in order to anticipate that, the NRC and GSA agreed that the language should be continued in the fiscal year 2010 appropriations for the NRC. That will facilitate the procurement process and protect the government from any protests after a contract is awarded. This would mean the NRC could continue the current procurement without interruption. For those reasons, I think we should facilitate this.

With that, Madam President, I yield the floor.

I suggest the absence of a quorum.

Mr. DORGAN. Madam President, if the Senator would withhold?

Mr. BENNETT. Madam President, I will withhold the suggestion of an absence of a quorum.

Mr. DORGAN. Madam President, I, too, rise in support of the amendment offered by Senator VOINOVICH. It is a good amendment. In fact, it would extend authority we have previously carried in this legislation in fiscal years 2008 and 2009. So I believe we would be able to clear this amendment by voice vote, but it has to be hotlined, I think. So my expectation is we will be able to clear this amendment at some point after lunch today.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Madam President, as to the bill that is before the Congress, I heard Chairman DORGAN mention Los Alamos National Laboratory and the Roadrunner computer.

I thank him for his attention to the two national laboratories in my State, Los Alamos and Sandia. This computer, the Roadrunner computer, is a very important computer in dealing with issues such as climate change, national security, and other scientific research. I applaud his efforts in moving us forward, and also Ranking Member BENNETT. I applaud them both for their leadership.

HEALTH CARE

Madam President, if you follow the debate in Washington about health reform, it is easy to get the wrong idea. The press likes to cover what we are doing out here as if it is a game of chess—one side wins by passing health care reform; the other side wins by blocking it.

I understand that somebody will disagree with whatever plan we produce to reform health care. That is democracy. Some Members of this body might decide they have to vote no on health reform. But let's be clear on one thing: If we fail to pass a health reform plan, nobody wins. If we keep the status quo, all of our constituents will be worse off.

The health care debate can get complicated. Both sides have a list of numbers a mile long that are supposed to explain the problem and the possible solutions. But these numbers do not tell the whole story. For example, we know that 22,000 Americans die each year because they do not have health insurance. But that is only part of the story because every one of those 22,000 is a unique and irreplaceable individual—somebody's mother, somebody's son. Numbers cannot convey the injustice of it all, the needless pain for families and friends. Every year, this country produces 22,000 unnecessary stories of loss and suffering—22,000 stories that could go unwritten if we act now. These stories are everywhere we look, if we look.

Last week, I got a short note from a man in Pena Blanca, NM. The man wrote:

My wife and I have been self employed craftsmen for 25 years. We never made enough money for health insurance. My wife now has terminal colon cancer. If she could have had a colonoscopy at 50 [years old] she would not be dying at 54. My heart is broken.

All this woman needed was the simple preventive care that should be available to every American—care that costs little and saves lives. But our system did not provide that, and now she is dying. If we do not get health care legislation passed, thousands of women like my constituent in Pena Blanca will not get their colonoscopies and thousands more hearts will be broken like her husband's. I do not care where you stand in this body, that is not a victory for anybody.

Another thing we talk about in Washington is "preexisting conditions" reform. It sounds as if it should be

something complicated, something most Americans do not quite understand. But my constituents know exactly what a preexisting condition is. It is the heart attack from 10 years ago that prevents dad from getting insurance through his job. It is mom's age. It is the fact that Sarah from down the street might get pregnant—a fact that forces her to pay more for insurance than her male coworkers.

I have held a number of townhalls on health care reform in New Mexico, and everywhere I go I hear stories.

A couple of weeks ago, I heard a story about a constituent who had come to my office for some casework a few years ago. This is one of those people whom you would expect to do great things. He works an incredibly technical job at Los Alamos National Laboratory. Until recently, he thought his knowledge and hard work would get him through any crisis. Then John began suffering from a host of unexplained neurological problems. The problems got so bad that he was actually relieved when a doctor told him about a tumor in his brain. He chuckles when he remembers that day. He was so relieved to know what was wrong with him, and his doctor said something could be done.

But John's insurance company had other ideas. Months went by, and John was not approved for the operation his doctor recommended. Only just recently was he approved for the procedure he needs. But now he has other problems. His medical leave is about to run out, and he does not know what to do. If he loses his job, he loses his insurance. And if he loses that, he could lose everything. He will become just another American whose preexisting condition prevents him from getting health care.

John was supposed to be one of the lucky ones. Before he began having problems, he assumed he was one of the 55 percent of New Mexicans who have adequate health insurance. But John was just one illness away from the edge. And he is not alone. If we do not act, millions of Americans will fall off the edge in the coming years. I do not care how you feel about the President's health care plan, that is not a victory.

Because John cannot work, he could lose his health insurance. But you do not have to lose your insurance to lose everything.

When I was back in New Mexico over the Fourth of July recess, I stopped at a local TV station for an interview. I went to the front desk to check in and introduced myself to the woman sitting there. It was like I had touched a nerve.

"Senator UDALL," she said, "I need your help."

This woman works full time and she has health insurance through her work. Not too long ago, her doctor told her she needs cataract surgery or she will

lose her sight. On Monday, before I met her, she was scheduled to get that surgery. Then, days before her appointment, she was informed that the deductible would be more than \$2,200, not including the cost of any followup care. Like many Americans, she has been struggling to make ends meet in this economy. She cannot spare \$2,200 from her paycheck, so she canceled her operation. Now she is afraid she will lose her sight and she doesn't know what to do. So when a Senator walked through the door, she asked me for help.

We can help this woman. She shouldn't have to choose between paying her rent and keeping her sight. Nobody should. And we can make it so. We can create a system where people can find and afford to pay for quality health insurance that provides the care they need. We can create a system where people do not have to worry that they are one layoff away from losing their insurance or one medical emergency away from losing everything. We can guarantee quality affordable health insurance to every American. If we don't—if we miss this opportunity—this is not a victory of one political party over another; it is a massive loss for all of us and for everybody we represent. It would be a national disgrace.

We are better than this. We can pass something that helps every American. We can declare victory not over the other political party but over the status quo. I hope we do so.

Thank you, Madam President.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KOHL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Madam President, I rise today to talk about our effort to achieve comprehensive health care reform. Most people agree that reforming our health care system is a necessity and that we cannot afford to wait another 10 or 20 years until health care costs consume the American economy as well as the budgets of most American families. However, as urgent as this issue is, we must approach every aspect of health care reform thoughtfully and not rush to complete what might be one of the most important legislative initiatives any of us will ever work on during our time here.

As the HELP Committee and the Finance Committee release their proposals for health reform, we know we cannot consider a bill that does not control costs. Controlling costs is an

enormous priority. I believe it is as important as ensuring universal coverage, because if we provide universal coverage without controlling costs, the result would be financial catastrophe for our Nation.

I want to be clear that lowering costs does not mean limiting access to care, although opponents of health care reform will try to convince the American people that it does. These political talking points are a distraction at a time when we are trying to expand access to health care. No one will be forced to change their health plan, their doctor, or their hospital if they like what they have now. Health care reform will provide coverage to those who do not have it today, and it must lower costs for both families and businesses.

One key component to cutting costs is to eliminate unnecessary testing and overtreatment. If we can do that, then our health care system and America's patients will be in better shape. We can move in this direction if the Federal Government starts paying for value of care, not volume. As it stands, the Medicare reimbursement system provides perverse incentives. Currently, geographic areas that provide the most inefficient care oftentimes get the highest reimbursements. We need to ensure that all health care systems provide better care in a more efficient way and reward those systems that already do so; otherwise, we will never get costs under control.

As chairman of the Aging Committee, I am familiar with many of the health care issues that affect seniors as well as all Americans. In this capacity, I have been pushing for health reform to include improvements to our long-term care system. Our Nation's population is aging at a record rate, and with every passing year more elderly Americans find themselves in need of long-term care. Most of us will at some point struggle with the high and rising costs of caring for a loved one. These too are costs we must get under control as part of health care reform, and I applaud Chairman KENNEDY for including the CLASS Act in the HELP Committee bill. This bill will provide new funding for long-term care through a voluntary social insurance program.

We can also get long-term care costs under control by promoting a move toward home and community-based long-term care services in Medicaid. These programs break away from a "one size fits all" approach, offering flexibility and choices tailored to an individual's needs. Even better, they save a lot of money that would otherwise be spent on nursing home care. Senators KERRY, GRASSLEY, and CANTWELL all have good ideas in this area that I hope will be considered.

We must also protect those consumers who are making an effort to plan for the costs of their own long-

term care in advance. In recent years, long-term care insurance has gained popularity. Over 40 States have initiated programs to encourage residents to buy long-term care insurance in an attempt to ease the burden of Medicaid costs on State budgets. I believe we have a duty to make sure these policies, which may span several decades, are financially viable.

Many long-term care insurance companies have been raising their policyholders' monthly premiums, which can be devastating for older persons who are living on a fixed income. Until we can guarantee that consumers have strong protections, that carriers will not deny legitimate claims, and that premiums will not skyrocket down the road, long-term care insurance is not ready to be a major part of the health care reform solution.

The funding of care is not our only concern. It has been 22 years since we raised the standard of care in nursing homes, and quality improvements are long overdue. Every year, as part of our Medicare and Medicaid reimbursement system, our government collects information about all 16,000 nursing homes across the country. We should make this information available to consumers so they can judge a home's track record of care for themselves before deciding where to place a loved one. We should make nursing homes safer by instituting a comprehensive background check system for long-term care workers. Pilot programs have shown that this would keep thousands of predators out of our nursing homes where they can cause, and do cause, terrible physical, financial, and emotional harm to residents and their families.

The truth is that while there are some hot button issues that divide us and while there is seemingly endless ground to cover, there is a lot about improving health care we do agree on. We all recognize the need to bolster the ranks of those who provide care. As America ages, we will face a severe shortage of workers who are equipped to manage seniors' unique health needs. It is important to expand the training and education for licensed health professionals, direct care workers, and family caregivers, and I applaud the HELP Committee for recognizing this need in their bill.

We agree that America's health systems should expand the use of health information technology, which has been shown to save lives by reducing medical errors and save money by promoting efficiency in testing and communication. We agree that those who have suffered from a health problem in their past should not be denied insurance that will protect them for the future by ensuring that these individuals with preexisting conditions can purchase coverage.

We also agree that we should do everything we can to remove fraud,

waste, and abuse from the system. We must employ a vigorous health care fraud enforcement program that will protect policyholders, businesses, and taxpayers.

We agree that we should work to provide appropriate care at the end of life. We need to break down the barriers to advance planning and encourage Americans to talk with their doctors about end-of-life care long before such choices must be made.

Finally, we agree that we have a lot to gain if we get this done in a thoughtful, deliberate way. We can do this right and we must do this soon because so many Americans are depending upon us.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Madam President, I think the American people are beginning to react in a negative way to what they perceive to be happening in Washington, DC, today with regard to the debate about health care, the debate about new energy taxes in the form of a cap-and-trade program. Of course, we know there are a lot of questions about whether there was any value in the trillion dollar stimulus bill that passed earlier this year, which was supposed to keep unemployment below 8 percent, and now in many States it is well into the double digits and continues to go north from there.

They have seen a lot of government spending with the stimulus, a takeover of many industries, whether it is auto manufacturing, financial services, or insurance companies in this country. They have seen the cap-and-trade bill, which passed the House of Representatives, which they know—there are debates about how much, but they know it will increase what they pay for energy in this country. And now we are having this discussion about the government taking over one-sixth of the American economy in the form of health care.

I think what we are starting to see is that the American people, as they engage in these issues, are becoming increasingly concerned about the level of government expansion and intervention in the marketplace, and the amount of new taxation and new borrowing and spending that is going on in Washington, DC, at a time when the American people are being, by virtue of

the fact that they have to live within a balanced budget, required to make hard choices in their daily lives. They see a disconnect between what they are experiencing in their family lives and what is happening in Washington, DC, where there continues to be this pattern of new taxes, spending and borrowing.

Logic would dictate, I think, when you are in a recession, you should not raise taxes. The worst thing to do in a recession is raise taxes and actually crush any economic recovery that might occur because, as we all know, what helps create jobs is small business. If small businesses are faced with higher taxes, they have less to invest in new equipment and in hiring new employees.

The other thing I think logic dictates is that when you are running trillion dollar deficits as far as the eye can see, you should not be piling more debt upon future generations. It seems as if everything we are talking about these days is an expansion of government in Washington, at greater additional costs to the American people, either in the form of higher taxes or increased borrowing from future generations, neither of which is something I think most Americans would acknowledge we ought to be doing when you have an economy in a recession and trillion dollar deficits as far as the eye can see.

The current health care debate is a good example of something about which people have reservations and concerns, because they see the attempt by the Federal Government to take over one-sixth of the American economy, to essentially nationalize it—whatever you want to call it. In any event, it will mean greater government intervention and greater government involvement and an expansion of government in Washington, DC. I think they are starting to react in a negative way against that, and more and more members in Congress, in the House and Senate, are hearing that.

I think that is why it is becoming increasingly difficult now to move in the quick way in which the Democratic leadership in the House and Senate wanted to in order to enact some form of health care reform before the August break.

The way I view this issue is that we ought to look at starting over. Clearly, what has been proposed and rolled out so far is not working. It is not working in terms of winning the minds of the American people, in terms, in Washington, DC, of putting together what ought to be a bipartisan solution to probably one of the biggest challenges and crises facing the American people and our economy.

So far, we have seen a bill being debated at the committee level in the House of Representatives, and perhaps scheduled for the floor—if not this week, when we get back—and we have

seen action by the HELP Committee in the Senate on a bill that, by CBO's estimate, is about a trillion dollars in new costs. Somehow, it will have to be paid for.

It seems as if we ought to push the reset button and figure out, OK, how can we do this in a way that achieves savings to the American people and the health care costs in this country, as opposed to actually adding new costs by increasing government spending in Washington, DC, expanding the size of government, and putting the government in the way of—I guess intervening in that fundamental relationship between physicians and patients.

There are a number of things that are, in my view, wrong with the current plan, the plan that passed the HELP Committee in the Senate, as well as the one currently being considered in the House of Representatives. The first fundamental test it flunks is that it doesn't do anything to reduce costs. To me, reform ought to be finding efficiencies, streamlining, looking at ways of doing things in a less costly way to achieve savings. We know that is not the case with the bill that passed the HELP Committee in the Senate, and we know the House of Representatives, in their bill, according to the most recent Congressional Budget Office estimates, also does nothing to find savings or achieve any sort of savings as a result of all these changes being proposed. So it flunks the first fundamental test of reform; that is, it does nothing to reduce costs.

Secondly, it does cut payments, reimbursements, under Medicare to providers, whether it is hospitals, whether it is the cost of pharmaceuticals. All of these things in this country that add to the overall cost of health care are obviously going to take a nick in this. We don't want to see the health care currently provided under Medicare to American senior citizens somehow be hurt by the fact that they are trying to find money to pay for this whole new expansion of government health care in this country. So you have the issue of cuts to reimbursements currently under Medicare, which very likely would impact the delivery of care, the quality of care for America's seniors.

The third thing, and another big problem, is that it adds new Medicaid costs to our States. States currently are participants. Medicaid is a shared program between the Federal and State governments, and there is talk about a significant expansion, the size of the Medicaid Program, which obviously costs the Federal taxpayers a lot more money. But it also passes on an incredible new and costly mandate to State governments. Many States are figuring that out and are starting to react to it.

My State of South Dakota is a good case in point. Our State legislature, Governor, and people who looked at this have concluded it would cost

South Dakota an additional \$45 million a year in Medicaid costs, which may not sound like a lot of money in Washington, DC, but in a State such as South Dakota, where there is a requirement to balance the budget every year, that represents a lot of money. Obviously, it will have to be paid for somehow. When you get to the larger States, the numbers increase in multiples.

You are talking about new taxes on States, in addition to the new taxes being talked about in Washington, DC, to pay for all this. You have new Federal and State taxes, again, at a time when already many State governments and budgets are strapped and they are trying to figure out how to balance their budgets currently.

Another reason why the current plan is such a big problem, and why we need to start over and hit the reset button, is because you are going to have a lot of people who are going to lose employer-provided insurance. Most of the studies conclude—and the House bill is a good example—that about 83 million people would lose their private health insurance under the bill that is under consideration in the House of Representatives. There are other studies that have been done. This was a Congressional Budget Office estimate. Other studies suggest that the number of people who could lose insurance on some of these plans under consideration in Congress could be in the 120 million range.

If you consider that we have 177 million people today who get their insurance through their employer, that is a significant number of people who are going to lose their privately provided health insurance and be pushed into a government plan.

That brings me to the next point of why the current health care plan being debated is the wrong direction in which to head and creates problems; that is, you are going to have more people going into the government-run plan—literally millions of people, the ones who are going to lose their insurance in the private marketplace. They are going to be pushed into a government-run plan. Obviously, there are a lot of people who would like to see that. I don't happen to be one of them. We ought to preserve what is best about the market and competition we have and allow people to have more choices. We don't want to, by default, shove more and more people into a government-run plan, when there are opportunities out there available to them today where they can get their health care coverage and insurance in the private marketplace. That is a much better model and has worked very well for a long time.

That isn't to say there are not things we can do better. I don't know of any Senator on either side of the aisle who doesn't acknowledge that there are

things we need to do to reform health care in this country, to get costs under control, provide access to more people. But certainly taking away private coverage and pushing people into a government-run plan is not a reform of the health care system that makes sense to me or, I argue, most Americans, especially when it will cost trillions of dollars to do it.

As I said, I think most people look at reform as something that would actually reduce or somehow eliminate costs or create greater efficiencies and savings in the health care system in this country. You have a lot of people who will lose private insurance, and millions of Americans would be pushed into a government-run program.

As I said before, another big problem with this idea is that for employers, during a recession, it imposes new taxes and fines, both of which would be very costly, and both of which would deprive them of the opportunity, as the economy hopefully starts to recover, to hire new people, create new jobs, which is what small businesses do best. They are the economic engine of this country. We are talking about imposing new taxes and fines on them, at great cost, and so that takes away a lot of the resources, as they generate revenue that they can be able to devote or allocate toward capital investment or hiring more people. They are going to be paying fines and taxes to the Federal Government to underwrite this new expansion of government in Washington, DC.

Logic would dictate, and history would suggest, that the worst thing you can do in the middle of an economic recession is to raise taxes on the job creators in the economy. Raising taxes on small businesses is a bad idea. In fact, the House bill that is under consideration, with the surcharges and increased taxes, would actually increase marginal income tax rates from the top rate today of about 35 percent to about 37 percent. Think about that. The size of the increase in marginal income tax rates that would occur in State and Federal marginal tax rates, under the plan under consideration in the House of Representatives, and how that would impact the economy, would be the largest tax increase we have seen since the end of World War II.

Frankly, if you think about most Americans and most small businesses, when you start paying half, or 50 cents out of every dollar, in taxes, you are getting to a point where it is going to be very difficult for these businesses which might say: Why should I continue to try to create jobs and provide health care coverage for my employees, when the government takes more and more of the profits I make in this business? I think that is the risk we run with the job creators, the small businesses, which are the economic engine and create as many as two-thirds to

three-quarters of all of the jobs in our economy, in a recession. When you put new taxes and fines on them, you are layering them and burdening them with more costs that will make it very difficult for them to lead us out of the recession and start to expand the economy and create jobs. Intuitively it makes no sense for us to head in this direction.

Finally, I think the last problem—and, as I said, there are many with the current health care proposals—is we will have to start dealing with the lines and the rationing that so often occurs when we see a system such as they have in Europe or the Canadian system. Some here actually believe that is the best way to do this. They believe in a single-payer system. They believe we ought to nationalize our health care system in this country. Inevitably, what we will end up with is people ending up in lines. We will have government making decisions about what procedures will be covered, what the reimbursement will be for this procedure, that procedure. It is a disaster and a train wreck in the making, and it is a direction I don't think we ought to go.

These are all issues that I think point to the need for us to hit that reset button and to sit down and actually figure out what can we agree upon that will be a bipartisan solution to the challenge of increasing costs and a lack of access for millions of Americans.

That being said, we have a large number of proposals out there which, I submit, we ought to be able to debate. As the HELP Committee and the Finance Committee go through their deliberations, there are many things that have bipartisan support in the Congress for which we could get big majorities and which would address the fundamental issues of access to health care and cost of health care but none of which are being considered because right now the only plan out there is the one that has been written by the Democratic leadership, which consists of this government plan or this government takeover of the health care system.

We believe the principles in this debate ought to continue to maintain: People ought to be able to keep their health care; it ought to be health care they can afford; it ought to provide choices; and it ought to be patient centered.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, I come to the floor today, as I will in the next few weeks fairly often, to share letters with my colleagues in the Senate and the people of this country, letters I have gotten from people in Ohio. I have letters today from a woman in Clermont County, Cincinnati; a lady in Lake County, Cleveland; a gentleman from Lake County also; and a gentleman from Columbus. I want to read these letters because this is really what the health insurance debate is all about. It is partly about preexisting conditions and exclusivity and gateway and exchange and public option—all those terms we all throw around. But what this debate is really about is people who are hurting because of the health insurance situation in this country. We know it is broken. We know we need to fix it. These are real people I want to discuss, people my office has talked to and I have talked to in some cases, people, for instance, like Lee Parks, whom I sat next to at Medworks in Cleveland this weekend. She was helping people with intake, people without insurance. They had some 1,500 people who came by without insurance. They needed dental care, eye care, medical care. There were several hundred volunteers, as I said, like Maria Parks and her husband Lee, who came and worked with us on health issues. Let me share some of these letters.

This is Wes from Columbus:

I am a 42 year old single male, small business owner. I had been able to make sure that I have health insurance up until March of 2007. It was then that Anthem raised my premium by 40 percent to \$725 a month.

I had to decide whether to pay for the insurance or to continue to put money into my business. I chose the business, since without it I wouldn't have had access to insurance anyway. Since then I have tried to get coverage, but because of my 3 spinal surgeries, 2 sinus surgeries, and a prescription, NO ONE will cover me.

He capitalizes "no one."

Ohio has something called "open enrollment" which is a joke. Each month a different insurance company has legally to accept anyone who has pre-existing conditions. BUT, the way they keep people away is by making the rates so high.

We know that is what the insurance companies do. That is why we wanted the public option.

In 2008 Aetna quoted me a rate of \$26,000 a year for coverage.

This is a small business owner. He says:

That is over half of my pre-tax income.

He said:

It's clear to me I will never get coverage under the present system.

Margaret, from Amelia, OH, writes:

I am a 61-year-old woman who has oral cancer. I worked in a law firm in Cincinnati for over 27 years, as the records manager. I've had four recurrences of cancer, and so far have been very lucky, but the doctor has said it will be back . . . and will get progressively worse. I'm worried about the pain, disfigurement and death, but right now—

She has oral cancer, she says—

I am most worried that I will be unable to work following surgery or treatments and lose my job and health insurance.

So she loses her job, she loses her insurance. We know that happens to so many people.

In 4 years I will be on Medicare but the cancer is coming back within months, now, not years. My husband is several years older and will probably be retired before I could get Medicare.

She writes:

Do you really want a truck driver on the road in his late sixties?

Her husband.

I am worried that we will lose the house and everything we've worked for.

This is a letter from a woman from Lake County:

I am 80 years old and have several health problems making it necessary to take 8 prescription drugs. Last year I fell into the donut hole.

This was the President Bush privatization of Medicare. It provided a prescription drug benefit, sort of—a good one for some people. But it was a bill, as you remember, written by the drug companies and written by the insurance companies at the betrayal of the middle class in this country.

She writes:

I fell into the donut hole by July, and only made it through the rest of the year due to the doctor giving me samples. . . .

My son had been diagnosed with rheumatoid arthritis several years ago. The insurance he had with his employer agreed to allow the treatments with remicade.

Remicade is that very expensive biologic drug that costs tens of thousands of dollars a year for which there is no generic substitute, for which there is no way to get the price down.

Then [my son] changed jobs and his new insurance would not allow the remicade, but would allow the use of humira, if my son would co-pay \$1,000 per treatment—every other month. . . . That was almost more than his salary. He is barely making out.

That is the reason we need generic biologic reform, the reason we need a health insurance reform plan.

The last letter I will share today is from Thomas, from Lake County.

My name is Tom Zidek. I work for the United Steelworkers Union. Today I received information from one of the companies I represent that Kaiser is requesting a 30 percent increase in premiums next year.

This company has received another quote from Anthem, and "Anthem's increase will be 15 percent for next year."

He then goes on and tells me about his son who has Down's syndrome, has had open heart surgeries. His wife has cancer, and the medications she takes, according to Medco, cost approximately \$5,000 to \$6,000 a month.

As I said, me and my wife have good healthcare but earlier this year we were both concerned that we might lose our jobs.

He has worked for 36 years in the steel industry. He, along with millions of other workers, he tells us, middle-class families, played by the rules, and this is what happened.

These letters are four of hundreds that we get, many of us, every single day. I have had more calls and letters and e-mails this week about health care than any other week in my whole Senate career, my whole House career, for the last 18 years; more letters on health care, on this subject, than total letters I have gotten in any other week since I have been in the Congress. This is so serious. It is absolutely a necessity that we work on this. People who say go slow need to understand there are 14,000 Americans every single month losing their health insurance. Many of them live in my State. We need action.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHINA HUMAN RIGHTS

Mr. DORGAN. Mr. President, I wish to make a very brief statement while we are awaiting Members of the Senate to come and offer amendments. Senator BENNETT and I have been very patient. We have a good many amendments filed, so we are waiting for our colleagues to come offer those amendments on the underlying appropriations bill. But I wish to take a couple of minutes while we are waiting, to offer a brief statement.

I am Chairman of the Congressional-Executive Commission on China. The Commission examines human rights and rule of law developments in China. I would like to talk for a moment about these issues and some developments in China that concern me a great deal.

I want to discuss the increasing harassment of human rights lawyers in China, which this Commission had reported on in great detail. Some have been disbarred, and their law firms have been closed. Others have been physically harassed or beaten. What do these lawyers share in common? The

tenacity and courage to take on politically sensitive cases.

I wish to say a few words about China's most famous human rights lawyer, a very courageous man named Gao Zhisheng.

It is 174 days now since Mr. Gao was last seen taken from his bed by more than 10 men. His captors, apparently the "national defense" unit of China's public security agency according to the renowned China expert Jerome Cohen, had threatened to kill the young lawyer during previous detentions that were marked by horrific torture. What was his transgression? Why is he in trouble with the Chinese authorities? He agreed to take politically sensitive cases as a lawyer, and represented some of the most vulnerable people in China. He sought to use the law in China to battle corruption, to overturn illegal property seizures, to expose police abuses and defend religious freedom in China.

In October of 2005, Gao wrote an open letter to President Hu and Premier Wen detailing the torture of Falun Gong practitioners by authorities. A month later, the authorities shut down his law firm and revoked his license to practice law.

In 2006, he was convicted of "inciting subversion of state power," and was placed under "home surveillance" which was harsher than prison, for Gao and his family.

In 2007, public security officers abducted him again. He was brutally tortured for 50 days. His abduction was prompted by the publication of an open letter he wrote to us in the U.S. Congress.

Think of that. A lawyer in China wrote an open letter to us, Members of the Congress. In it, he alleged widespread human rights abuses in China and described the government's treatment of him and his family. His captors called him a traitor. They warned him he would be killed if he told anyone about being abducted and tortured.

Once released, he was placed again under "home surveillance". His family faced constant police surveillance and intimidation. His daughter, barred from attending school, lost hope as a young girl. The treatment became so brutal the family finally decided that their very survival depended on their escaping from China.

But Gao was too closely monitored and could not think of leaving without placing his family at great risk because he was monitored 24 hours a day. He did not want to be in a situation where he would leave his family at even greater risk.

So in January of this year, Gao's wife, 6-year-old son, and teenage daughter were smuggled out of China and into the United States. This is a photograph of Gao, his wife Geng He, his son, and his daughter. This photograph depicts a beautiful family living

in China, Mr. Gao and his family, a lawyer who practiced law in support of the most vulnerable in China. As a result, he ran afoul of the Chinese Government.

Mr. Gao disappeared 174 days ago, has not been seen or heard from since. After his family fled China, Gao was abducted once again from his home and no one has seen him alive. We know his situation is extremely grave. I have met with his wife. I have spoken about this on the floor of the Senate previously. His wife came to Washington, DC, and was in the balcony when I and other colleagues spoke about the plight of Mr. Gao.

Of course, he may have been killed. The Chinese Government has not let anyone know his whereabouts or given access to him despite repeated appeals by U.N. agencies, by our government, by foreign governments, NGOs, and the media. The Chinese Government has signed and ratified many international agreements, human rights agreements, that would require it to come clean about Mr. Gao.

I have written to the Chinese Ambassador to the United States, and received a letter back from him that was a nonanswer. I call on the Ambassador again to answer the questions: Where is Mr. Gao being held? Is Mr. Gao alive? What is the Chinese Government doing to this poor soul who had previously been tortured simply because he ran afoul of the state by speaking out and practicing law on behalf of those who are vulnerable in China?

We call on the Chinese Government to give us information about Mr. Gao, to allow him access to a lawyer and to his family and to publicly state and justify the grounds for his continued abuse. The right to speak freely and to challenge the government, all of these are enshrined in the constitution in China. Yet it appears the Chinese Government and the Communist Party seem intent on upholding the violation of these rights in the case of Mr. Gao.

What has the Chinese Government done to Mr. Gao? How do they justify it? When will they allow his family to see him? The government's continued refusal to produce Mr. Gao makes this case resemble those of the "disappeared" in Latin American dictatorships.

American law has the practice of habeas corpus. It is the legal action through which a person can seek relief from the unlawful detention of themselves or another. I am aware of nothing similar to America's habeas corpus that exists in Chinese legislation or legal practice. But the U.N. Convention Against Torture, which China ratified almost 20 years ago, obligates it to come clean about Gao.

I urge the government of China to disclose his whereabouts and justify the grounds for his continued detention. Once again, this is a photograph

of a very courageous man, a very courageous Chinese lawyer, who has been incarcerated and tortured and now has been apparently abducted, perhaps killed. We do not know. I call on the Chinese Government to tell us what has happened to Mr. Gao.

Mr. Gao's family and Mr. Gao's wife continually await word now 174 days after their father and husband—this courageous lawyer in China was abducted. Having been abducted before and having been tortured before, they worry very much about the safety of their husband and their father. My hope is that our government, and other governments can expect some word soon from the Government of China about the whereabouts and the well-being of Mr. Gao.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Will the Senator yield?

Mr. CASEY. I yield.

Mr. DORGAN. I ask unanimous consent that morning business statements during the consideration of this bill be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. CASEY. Mr. President, I rise to speak of an issue that has dominated a lot of the time and attention—appropriately so—of this Senate, of the Congress overall, and the American people. Of course, that is health care.

We have heard so far a vigorous debate but, in my judgment, a debate that has not had nearly enough facts on the table. Some of those facts, of course, are the facts as they relate to what is in the legislation. Right now, what is before the Senate is one bill, the Health, Education, Labor, and Pensions bill, which came out of our committee. I am a member of that committee. It came out a few weeks ago with 13 Democrats voting for it, 10 Republican Senators voting against it.

We await anxiously the deliberation, further deliberation and the markup and the amendments which will lead to a vote in the Finance Committee. We do await that with a lot of anticipation. That will cause further debate and properly so. But I rise to speak on two or three topics as they relate to where we are now.

One is the question of the "cost of doing nothing," the cost of staying on the same road, the status quo, because that is one choice for the American people. The other path is the path of change and reform, standing and working with President Obama to create the kind of stability the American people should have a right to expect from their health care system.

That stability should relate to and is framed by a number of important considerations—certainly stable cost. Too many Americans, even though they have coverage, see the costs going up all the time, and they cannot afford to pay them. Whether they are in a family or whether they are running a small business, we need to give them, through this legislation, stable costs going forward into the future.

We also need to make sure we have stability as it relates to quality. Millions, tens of millions of Americans, are covered by a health care plan from a health insurance company but are not getting the kind of quality that they deserve. That is a real indictment of our system. Strong as it is in some other areas, it is pretty weak in some of our quality indicators.

Thirdly, I think we want to make sure we ensure stable choices. The American people have a right to expect, at the end of the road of this legislation, when it is sent to the President—I sure hope we can get there; I think we can—that the President will be able to sign a bill that has a sense of stability as it relates to choices.

Why is it the American people should not be given choices not only from a menu of private options but also be given the opportunity for a public option—not a public option that is vague and overreaching but a public option that has the same rules, that every insurance company has to develop a plan. In other words, that the plan will be solvent, that the plan will be self-sustaining. All those features would be part of the public plan.

But the threshold question still is: Do you want change? Do you want to stay on the road we have been on, the status quo? I speak about the people of Pennsylvania, but I also know these numbers I will cite have a national implication as well.

If we do nothing, if we stay on the path we are on—now it is 2009—by 2016, according to one report, by the New America Foundation, here is what happens in Pennsylvania if we do nothing, if we stay on the road that is called the status quo, the do-nothing, let's not change road.

Here is the result from page 86 of the report.

By 2016, Pennsylvania residents will have to spend nearly \$27,000 or close to 52 percent of median household income to buy health insurance for themselves and their families. This represents a 93 percent increase over 2008 levels and the sixth highest premium cost in the country.

I have not found yet, and I do not think I ever will find, a family in Pennsylvania, rich, middle income or poor who will walk up to me and say: You know what, you should not do anything about health care. Everything is fine. We should stay on the road we are on. When it comes to 2016, my family and I can afford to spend 52 percent of our income on health care.

I do not think we are ever going to find anyone in Pennsylvania or America who will be able to make that statement because no one can afford that.

But make no mistake about it, that is the path we are on right now as it relates to the cost to families across the country. Here is another segment of this report on the same page—again, as it relates to Pennsylvania.

People seeking family health insurance through their employers in Pennsylvania will have to contribute—

Meaning by 2016—
more towards premiums than residents of all but one state.

The people of Pennsylvania will also experience the second greatest percent change in their premiums contributions nationwide. By 2016, people in Pennsylvania seeking family coverage through their employer will contribute almost \$9,000 to the cost of the premium.

To be exact about it, we are talking about a premium increase from \$3,510 in 2008 to \$8,830, almost \$9,000, for health care. I don't think I will run into anybody in Pennsylvania or America who says: Let's stay where we are. Everything is wonderful. Don't pass any bill. Don't worry about getting it done. We can afford to stay on the path we are on.

In a word, that leads to, if anything, instability for a family, the inability to make ends meet for a small business. That is the road we are on right now. At some point in this debate, there are going to be people in the Senate and House Members across the way who will have to decide which team they are on. In my judgment, there are two teams: the reform and change team President Obama has developed and the set of policies behind that or the "let's not change, everything is OK, let's stay on the road we are on and let's stay with the status quo."

In my judgment—and I know the people of Pennsylvania pretty well—people will support change, because the road we are on now is a road to ruin when it comes to our economy, when it comes to the bottom line of families and small businesses.

Every week, 44,230 people lose their health insurance. That is unsustainable. We can do all kinds of positive things in our economy. We can talk about creating jobs and doing all of the actions we hope to do to build a strong economy, but when we are a country where 44,230 people every week lose health insurance coverage, we are all in trouble.

For Pennsylvania, between January of 2008 and December 2010, a little less than 3 years, 178,520 people are projected to lose health care coverage. Again, I don't think we can stay on the road we are on right now.

Let me share some thoughts about the other debate on cost. What I have outlined is the cost of doing nothing. The cost of doing nothing is very high. In fact, it is unsustainable, if we are to have economic growth and families and small business stability. Two or three quick examples of ways the Senate HELP Committee bill, the Health Choices Act, helps to bend the so-called cost curve to bring costs in line over time.

In 2000, the Institute of Medicine conducted a comprehensive study of the economic cost to society of the uninsured, arising from poor health and shorter lifespans. An update of that study by the New America Foundation estimates that the economic loss is now up to \$207 billion a year. By contrast, the CBO recently, when analyzing the House bill, said that it would cost some \$202 billion in 2019—not today, 2019—less than the savings to the economy from covering the uninsured.

The bottom line is, we are spending currently per year \$207 billion in terms of the cost resulting from poor health and shorter lifespans. One doesn't have to be a math major to cost that out over 10 years. Just add the zero. It is entirely possible from this formulation that if we are losing \$207 billion to poor health and shorter lifespans as a result of the uninsured, we are talking over 10 years about \$2 trillion by that estimate.

We can choose to stay on the road we are on, which means we lose more than \$200 billion every year because of what is happening to the lives of people who don't have health insurance. It is not free. By one estimate, every person pays about \$1,000 a year because others are uninsured. The idea that if we cover more people somehow that is going to cost people money, it is already costing people money today.

I argue we should abandon the idea of doing nothing. We should abandon and not even discuss the idea of staying on the road we have been on. The road we are on right now means people in Pennsylvania will pay more than half their income to health care, will continue to be part of the loss of revenue of over \$200 billion each and every year. And finally, small businesses won't be able to make ends meet with those kinds of numbers.

We will continue to talk about costs and how we can reduce cost. That is an essential item and priority in this debate. But we also have to talk about what is happening to people right now and what is the cost of doing nothing. The cost of doing nothing is far too high for any American and, candidly,

for any country to sustain. We cannot stay where we are now. We have to bring about change. I believe we will do that this year, if we choose to be on the right team in this debate.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. While we are waiting for colleagues, some of whom will be offering amendments, I wanted to describe briefly an amendment I am going to offer.

Let me describe an executive order that was established by President Clinton in 1993. That executive order was titled "Deficit Control and Productivity Improvement in the Administration of the Federal Government." Essentially what the President did in 1993 was require Federal agencies to delineate between their program costs and their overhead costs or general administrative costs. He wanted to begin cutting overhead or administrative costs.

The first thing a business will do, by and large, to deal with a downturn in business, is to begin tightening their belt on administrative or general overhead expenditures. We can't yet do that with Federal agencies, because there is no distinction between program costs and administrative or general overhead costs. The minute you propose any reduction, they say: OK, what you are doing is you are trying to cut these programs.

President Clinton issued an executive order in 1993 that required Federal agencies to separate out and report their administrative and general and administrative overhead expenditures versus program costs. Almost none of the agencies complied. So I began discussing with my colleague Senator COBURN legislation that we have since introduced. We may be an odd couple; we have different records on some issues, though not all. In any event, we decided to introduce legislation that would reinstate the requirements of the 1993 executive order, but in this circumstance make it stick and then, ultimately, begin a reduction in overhead expenditures.

The first step of that is to get the information with each of the major Federal agencies on what is general and administrative overhead expense and what are their program expenditures.

Let me give you some examples of administrative waste that are real head scratchers.

When the Transportation Security Agency was first created some years ago, they had to hire airport screeners. That gave rise to some unbelievable

overhead costs in trying to recruit. We held a hearing on this. They had 20 recruiters begin a 7-week stay at the Wyndham Peaks Resort and Golden Door Spa in Telluride, CO, a luxury resort hotel with an 18-hole golf course. After 7 weeks, the recruiters had hired a total of 50 people. On some days only one or two applicants showed up, but they hung in there. They also, as I began to investigate that, had recruiters show up at the Waldorf Astoria to interview people; the Manele Bay Hotel in Lanai, HI; Hawk's Cay Resort in the Florida Keys. They were recruiting people and having a grand time of it, and in the end they spent \$700 million in this manner.

A couple years later TSA spent \$1 million on an awards banquet. They hired a party planner for \$85,000, three balloon arches for the party for \$1,400, seven cakes for \$1,800, and \$1,500 for three cheese platters. That is some cheese.

I don't mean to pick on the TSA alone. For example, the Bureau of Indian Affairs spent \$28,000 to send 14 of its most senior staffers to a 4-day Tony Robbins motivational seminar. Overhead? It seems to me it is not overhead anybody ought to be supportive of. The participants in that seminar were trained on how to "shed excess weight quickly and enjoyably," and how to "reignite the passion in your physical relationship." They were also asked to walk on hot coals with minimal training. The \$28,000 from the Bureau of Indian Affairs could have paid the annual salary of a fifth grade school teacher at an Indian school.

A week or two ago, the Bureau of the Public Debt at the Treasury announced it would hire a consultant to teach employees how to be funny in the workplace. The consultant was going to teach staff through the use of cartoons. I pointed out that there is very little funny to the taxpayers about the public debt. They scrapped that. In fact, I got a fairly upset letter from the cartoonist who bid the project.

My point is, there is fat in government agencies, especially the big agencies that have grown and have never had to trim overhead and general administrative expenses.

That brings me back to the Clinton order of 1993 that has never been complied with by Federal agencies, a Presidential order that directed certain things for which there has been no action. Senator COBURN and I introduced S. 948 with the objective of reviving that executive order and having the information by which to begin trimming back some or belt tightening some with the Federal agencies on overhead expenditures. I will not offer that bill in its entirety as an amendment to this legislation, but I will instead offer an amendment that represents a first step, which is that the Federal agencies will identify their overhead and

general and administrative expenses, separately from program expenses. We need to know and should know.

My hope is, once we do know that information, we will be able to at least initiate some belt tightening because with the kind of Federal budget deficit we have—deficits are growing; I think they are unsustainable and very dangerous for our country—we need to be tightening our belt in a wide range of areas.

The legislation we have introduced would begin to accomplish that. But in order to accomplish that, the first step must be to get the understanding of what the separate expenditures are of general administrative expenses and overhead expenses. So I will be offering that amendment as we go along.

We will be here apparently for a longer period of time, and at some appropriate moment, I will offer that amendment and hope for its inclusion in this legislation.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. DORGAN. Mr. President, I will be glad to withhold my request.

The PRESIDING OFFICER. The Senator withholds.

The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BURRIS. Thank you, Mr. President.

HEALTH CARE REFORM

Mr. President, as the national debate over health care reform rages on, some complain about the inherent inefficiencies of government programs. Some are frightened by the prospect of Washington bureaucrats deciding what treatment people receive. But these skeptics always fail to mention the massive inefficiencies—and widespread denial of coverage—that is already present in the private market.

Private insurance companies are accountable to two groups: their customers and their shareholders. The competing interests of these two groups make for a dangerous tightrope walk for insurers. Paying off too many claims, or keeping insurance premiums too low, may lower profits and anger investors. Paying off too few claims, or raising premiums too high, could cause consumers to choose a different plan—if one is available.

The problem is that consumers do not have options. In the past decade, we have seen unprecedented consolidation in the insurance industry. We have seen over 400 corporate mergers involving health insurers over the past 13 years.

Mr. President, 94 percent of the Nation's insurance markets are now con-

sidered "highly concentrated," meaning they pose antitrust concerns. These localized monopolies stack the deck against consumers because there is no longer real competition or choice.

The result? At the beginning of this decade, the five largest insurers increased their profit margins by at least 50 percent, and two of those companies increased margins by over 100 percent.

It is not surprising that, as the cost of Medicare skyrocketed over the past decade, the price of health care insurance has increased at an even faster rate. While companies raise premiums, they also work on devious new ways to deny claims.

Many insurers have created barriers to delay and limit care. Preauthorization requirements and burdensome, unnecessary paperwork mean that health care providers spend more time dealing with insurance industry redtape and less time treating their patients. Whole industries have sprung up around finding ways to deny insurance claims.

One insurance company boasted that they are "Managing the Spiraling Cost of Health Care." The company claims that their efforts can "reduce paid claims costs by up to 10% without changing benefits or making claim system upgrades." This means taking advantage of consumers by denying claims based on mere technicalities.

Any of my colleagues who believe insurance companies should decide on treatment options has never gone through the pain of a coverage denial. All of the extra paperwork and administration required to deny claims actually costs a good bit of money. And that cost is passed directly—it is passed directly—on to the consumer.

What some people do not want to tell you is that government programs are actually much more efficient, not less. Administrative costs for government insurance programs, including Medicare, Medicaid, and TRICARE, are around 5 percent. Private costs are as high as 30 percent in the individual market, 23 percent in the small group market, and 12.5 percent in the large group market.

These numbers speak for themselves. The insurance industry has become distracted by their desire to maximize profits at the expense of those who need care. We cannot stand by and watch as the American people are taken advantage of, especially in a time of need when someone's health is on the line.

That is why I am proud to support a public plan that will compete—compete—with private insurers. This option would provide a low-cost alternative to the private market, bringing back competition and choice. It would press insurers to end their abusive practices and high profit margins, and would help eliminate redtape at the same time.

No one would be forced to change insurance plans. No one would face higher premiums. And no one would need to fear that their coverage would be denied by a corporate giant for a few extra dollars' worth of profits. A robust public option would help make insurance available to those who do not have it, increase efficiencies, and reduce costs for every American.

The time to act is now. We must not let another year go by without meaningful reform. I urge my colleagues to join me in supporting a strong public option. The time is now. It has been 50, 60, almost 70 years that we have been working on this program for health insurance for all Americans. It is time we get it done.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I want to take a few minutes, if I may, as in morning business.

Are we in morning business?

The PRESIDING OFFICER. We are on the bill.

Mr. DODD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank the Presiding Officer.

Mr. President, let me take a few minutes, if I may, on the subject that I know is the preoccupation of many of us, even if you are not on one of the committees. The discussion about health care is, obviously, the dominant debate that is occurring here and in our Nation. I know our colleague from the State of Montana, Senator BAUCUS, along with Senator GRASSLEY, is working in the Finance Committee.

As many of my colleagues, I know, are aware, I was asked to fill in for Senator KENNEDY, who is struggling with his own battles with brain cancer, as the acting chair of the Health, Education, Labor, and Pensions Committee. We completed, as most of my colleagues are aware, our efforts about 2 weeks ago on our portion of the health care debate dealing with prevention, with quality, with workforce issues, with the fraud and abuse allegations in the Medicare, Medicaid systems, as well as coverage questions. The rest is left to the Finance Committee. At the end of that process, the goal is to marry these two pieces of legislation together in one bill.

So we made that effort. We spent about 5 weeks with over 23 sessions, and considered nearly 300 amendments in that process. In fact, we agreed to about 160 of my fellow colleagues' amendments from the Republican side—good amendments, I might add. Some were technical, but many were substantive, which I think added to the value of the bill.

While it did not turn out to be a bipartisan bill in terms of the votes that were cast, if you can define at least one definition of "bipartisan" to be that the bill itself reflected the contribution of ideas from all people, then to that extent this bill is a bipartisan bill. But we are obviously waiting until the Finance Committee completes its process. I realize people want us, as they should, to have a deliberate process, one for which we can say at the conclusion we did our very best, that we evaluated the situation as well as we could and came up with the best ideas we could to move forward.

It has been 70 years, as most people know, since we adopted the health care system we have in our country. Every President, from both political parties, and every Congress, since the 1940s, has grappled with this issue unsuccessfully. Obviously, we passed Medicare and Medicaid and the SCHIP program and other ideas that I think have contributed to a large extent to the health care system we have today. But certainly the overall reforms in the system to move from a sick care system to a truly health care system have defied resolution.

So we are at it once again to see if we cannot defy the odds and do that which no other Congress and no other government has been able to do for more than 65 years; and that is, to come up with an answer that will give people primarily a sense of confidence, a sense of stability, to take away the uncertainty that many people feel about the present health care system.

Most of us, of course, in this country have health care insurance. A lot of those who are insured are underinsured. They have to pay a lot of out-of-pocket expenses or have very high deductibles, and so a lot of what they may face in terms of a health care crisis has to be paid for out of their own pockets. Their insurance coverage does not cover them. Others, of course, have no insurance at all. The numbers vary, but I think most agree the number hovers around 45 million people who are uninsured. There are about 25 million or 30 million who are underinsured in the country.

But, again, I state, most people have a plan they think is pretty good and they do not want the government or anyone else fooling around with it. So the first principle is to say: Leave well enough alone that which is working well. If you like your doctor, if you like your hospital, if you like your coverage, leave that alone. We are not out to change, nor should we, part of a health care system that works.

What we are trying to do is fix that which does not work, that which is costing us more than any other nation on the face of this Earth on a per capita basis—some \$2.5 trillion a year. How do we increase access? How do we improve the quality of health care?

And how do we make this affordable so people do not end up paying more and more costs in premiums? Of course, how do we provide that sense of confidence, that sense of stability, that sense of certainty that a plan will be there, Lord forbid, if I need it, if my spouse, my child, or I need that kind of health care coverage to pay for that unexpected accident, that unexpected illness that could afflict every family.

It is at that moment, that critical moment, that you want to make sure what you have will not put you into economic ruin, because all of a sudden the fine print excludes the very kind of coverage which you would anticipate based on the policy you have had for years. Or you find yourself in a situation where even if it does, it limits the amount you can receive to pay for that hospitalization or that care.

Those stories go on every single day. People want that notion that: If you are going to change this, if you are going to reform this, the thing I am looking for more than anything else is that I will have the confidence of knowing that policy I have is not going to bankrupt me in costs and will be there when I need it. That, more than anything else, is what we are talking about.

The problem, of course, is while we are waiting to do this—and, again, I emphasize that doing it right is certainly very important. I would like to think in our committee, while we did not get unanimous support at the end of it, we listened to every one of our 23 Members in that committee, over 5 weeks. There was extensive debate and discussion over all of these issues. So we have gone a long way, I think, in that process.

But while we are waiting, there is a cost to all of this. Let me point out what has happened in terms of the numbers. Mr. President, 14,000 people every day in our Nation lose their coverage. Again, that may be due to job loss, that may be because all of a sudden the plan they have does not cover the circumstances they are in. Since we have passed our bill in the HELP Committee 3 weeks ago, 182,000 of our fellow citizens have lost their health insurance. And 14,000 people do every day—again, through no fault of their own: job loss, as I say, or discovering that a policy did not cover the events they thought it covered and they find themselves in this situation.

While we are talking about doing this slowly, and waiting a while to get it done, it is important, I think, for those of us here who have great health care coverage—if you are a Member of the Senate, if you are a Member of the Congress, we have a Cadillac health care plan for every one of us and our families, as do Federal employees. I certainly welcome that. It is reassuring. It certainly gives you that sense, as a Member of Congress, that

you have a stable, certain plan in place if you are unfortunate enough to be hit with a health care crisis.

I merely make that point because, as I say, a lot of our fellow citizens do not have that same sense of certainty and that same sense of confidence about their health care. Of course, if they are faced with a health care crisis, we also know what can happen. We now know that 62 percent of the bankruptcies in our country that have been occurring over the last several years are health care crisis related. I might point out, which I think may surprise some people, that 75 percent of that 62 percent are people with health insurance. It wasn't the person without health insurance who got caught with a tremendous health care cost and had no means to pay for it and thus went into bankruptcy. Seventy-five percent of those people actually had health care coverage. Fifty-four percent of the foreclosures in our Nation are related to a health care crisis as well. As I say, 10,000 homes today will receive a foreclosure notice.

So while we are waiting here and trying to get this right—and we should—it is important to be mindful that while we are comfortable about being assured that we have the coverage, millions of our fellow citizens do not have that same sense of certainty and confidence they would like to have as well, the certainty and confidence that they are not going to get wiped out by rising premium costs to pay for someone else, despite the fact that today most families write a check for about \$1,100 a year as part of their health insurance to cover the uninsured who show up in emergency rooms—the uncompensated care, as it is called. That is \$1,100 a year, on the average, for a family, a check they have to write because in our country, if you show up in an emergency room and you need health and care, I think virtually every medical facility in our country takes you in and they will treat you. They will care for you in that moment of an emergency, but it doesn't come free of charge. The costs of that are borne by those who pay the premiums for their own coverage, and the pricetag per health insurance policy, on average, is \$1,100 a year. That is a tax we pay today as a result of not having a more comprehensive health care system in our Nation. So those 182,000 people who have now lost their health care in the last 2 weeks, and the 14,000 who will lose it today, some I presume will show up in an emergency room because of a condition or a tragedy that befalls them. They will get health care under the status quo we have today. They will get health care, but the rest of the country will pay for it one way or the other. We have to change that. You cannot bankrupt the country by having a system that fails to provide for the coverage as well as the cost of these

matters on the present system we are living under. It will not be sustainable, in my view.

So these numbers are real. They happen every day. The longer we delay in getting this done, these numbers will mount. So it is important to not do so recklessly, to not do it at such a speed that we don't know what we are doing, but we need to keep in mind that as we move along in this process, it does not come without a cost to those out there who find themselves in that free-fall, that terrible feeling—that terrible feeling that if something happens, I can't take care of my family.

The PRESIDING OFFICER. The Senator has reached his 10 minutes.

Mr. DODD. If I may, I will ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Again, there are stories of people in my State, as I know there are all across this country, who are losing this. I was going to tell the story of Mrs. Carrasco in Hartford, CT. She now skips her examinations, such as her colonoscopy and others things, because they are not paid for under her policy. Several months ago, she said she had an infection but didn't go to the doctor because she was afraid it would cost too much. Again, doesn't go and the problems can get worse.

Another woman in Connecticut, by the name of Theresa, has a cluster of autoimmune disorders including rheumatoid arthritis and connective tissue disease. Because she doesn't have health insurance, she doesn't see the doctor. Those problems are going to get worse and she is going to show up and the cost goes up. So stability in terms of what we have, making sure the cost of these premiums doesn't outstrip the ability of working families to meet them, is certainly a great challenge before us as well as improving the quality of care for all Americans.

Lastly, I would just say I spent a good part of Saturday this last weekend at the Manchester Memorial Hospital in Manchester, CT, looking at their new ICU unit as well as meeting with hospital personnel. It is remarkable what small hospitals do all across our country and how well they serve the people in keeping down costs and increasing quality. Many of our hospitals do. Our providers are truly good Samaritans in case after case after case. The nurse practitioners, the doctors, and others who support the health care professions do a remarkable job every single day. But we need more primary care physicians, we need more nurses, if we are going to meet the demands of a growing population who has coverage. But we truly need to reform this system; leave in place that which works, fix that which doesn't. That is the goal the President has laid out for us.

That is our collective responsibility. I am confident we can do it. If we will sit down with each other and work through this process, we can achieve that result to bring that level of stability and certainty that people want when it comes to their health care needs.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 1841

Mr. CARPER. Mr. President, I wish to return to the underlying bill. Senator VOINOVICH and I have offered an amendment, and I think it is No. 1841. I am not going to call up the amendment now, but I wish to talk a little bit about it.

As the chairman and our colleagues know, we receive in this country probably 20 percent of the electricity that we consume from nuclear powerplants. All those nuclear powerplants were built several decades ago. We have about 104 in all. A number of them are 40 years old. They were licensed for 40 years and the utilities that own those powerplants have to come back to the Nuclear Regulatory Commission and ask for an extension, if you will, on the life of a license. They are asking for 20-year extensions.

The Nuclear Regulatory Commission has many jobs and one of those is to make sure the 104 nuclear powerplants that are in operation are operating safely every day. I like to say if it isn't perfect, make it better, to create a culture of safety and to make sure we don't have mistakes and errors that can cause great havoc.

In addition to that, the Nuclear Regulatory Commission is charged with—these nuclear powerplants are approaching the end of their license, their 40-year license, and so they apply for extensions. The Nuclear Regulatory Commission has to go through with the utilities that own the plant the relicensure process. Add on to that, the Nuclear Regulatory Commission has now, I think, 18 applications to build 28 new nuclear powerplants in this country in the decades to come. Add to that, there are a number of new designs for nuclear powerplants that the Nuclear Regulatory Commission has to say grace over, to evaluate, to wrap their brains around and to understand how they would work and whether they would work safely for 40, 60 years. In short, the Nuclear Regulatory Commission has a lot on its operate plate, which is a good thing.

Nuclear power provides, among other things, electricity for 20 percent of our Nation's households and businesses and so forth, but it also provides electricity that is carbon free. The emissions from nuclear powerplants do not include carbon dioxide, do not include sulfur dioxide, do not include nitrogen dioxide, which bothers our breathing apparatus; does not include mercury which leads

to brain damage in unborn children. Nuclear powerplants don't put any of that into the air. They don't contribute to the problems of global warming.

In order to make sure they are doing their job and the folks at nuclear plants and utilities are doing what they need to do to provide safe nuclear power, the NRC has had to hire extra people. They have hired, I think, in the last year or two or three, about 1,000 extra people. They have them spread out at different locations. The Nuclear Regulatory Commission is interested in trying to consolidate as many of those people as they can for management purposes. I think it makes a lot of sense. Senator GEORGE VOINOVICH of Ohio, who has helped me at one time or another, and I have helped him, to lead the Senate Subcommittee on Clean Air and Nuclear Safety—we believe it makes sense for the Nuclear Regulatory Commission to collocate many of their employees going forward.

We want to make sure, and we seek to do it with the language in amendment No. 1841, that the NRC can use the language within the bill and for employee costs and other expenses to be able to get this collocation process underway and provide additional spaces if they are needed for an additional 1,000 employees. So my hope is our colleagues will adopt this amendment.

I would also say the Nuclear Regulatory Commission does a competition with, I think, every other Federal agency. It is a competition we don't hear a lot about, but the competition is for the recognition of best federal agency to work for, best for employees, best for their families, and for the last two or three years, the Nuclear Regulatory Commission has been selected as the very best place for Federal employees to work. They do important work. They work hard. But they also work in an environment where the employees feel it is good for their life—not only their professional life but also their families too. They have asked for this help from us and Senator VOINOVICH and I are pleased to lend our support and we hope our colleagues will join us in supporting amendment No. 1841.

With that being said, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are waiting to try to see if we can have a vote on an amendment that has been offered. We, again, would ask colleagues to come and offer their amendments. We have been patiently waiting,

Senator BENNETT and I, to see if we could get amendments debated and voted upon.

I have a photograph I wish to show on another matter. I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTROCUTION DEATHS IN IRAQ

Mr. DORGAN. Mr. President, at 8:30 p.m. on January 2 in 2008, fellow special forces soldiers found SSG Ryan Maseth on the floor in the bathroom at a security forces building in Baghdad, Iraq. His mother Cheryl Harris was originally told, when she was informed her son had died, that perhaps he had been in the shower with a radio and had been electrocuted. He clearly had been electrocuted when he was found unresponsive in January of last year.

But Cheryl Harris, she wanted to get to the bottom of this, and she would not let this drop. I held two hearings on this subject. We discovered that Kellogg, Brown, and Root had been in charge of fixing widely reported problems at the shower facility where Sergeant Maseth had been electrocuted, and had failed miserably.

Well, this week we obtained an inspector general's report, which shows that there were 230 electrical shocks of American soldiers in facilities in Iraq because they weren't wired properly. Kellogg, Brown, and Root was the contractor, and they failed miserably. In fact, they were awarded \$83 million in award fees, bonuses, for excellent work, which we now know was improper. They hired third country nationals who could not speak good English and didn't know the standards and, in many cases, didn't even do basic grounding of the wiring. We know that Staff Sergeant Maseth was electrocuted. We know there was a young man power-washing a Humvee who was electrocuted. We know that the U.S. Army criminal investigation is now investigating a number of these circumstances.

But when I held the hearings, there was denial all around by Kellogg, Brown, and Root; no, we did great work, they said. By the Pentagon, the Defense Department; no, things were fine, they initially said. It turns out that wasn't the case. We had to ultimately get an inspector general to give us the facts. It is not only on this case. The same thing happened on contaminated water brought to the military bases in Iraq. I held two hearings. The Pentagon denied that KBR had provided unsafe water to our troops. Kellogg, Brown and Root—Halliburton, rather, in that case, denied it. But I asked the inspector general to investigate, and they confirmed it. Non-potable water that was more contaminated than raw water from the Euphrates was sent to our soldiers at bases in Iraq.

These are two inspector general reports. Inspector General, U.S. Department of Defense. There are two of them. They tell us what has been the result of improper wiring of facilities in Iraq. "In the remaining 9 cases," they say, talking about electrocutions, not about the 230 electrical shocks—I am talking about the nine who died. "In the remaining 9 cases, we determined that individuals were killed by improper grounding or faulty equipment. The equipment malfunctions could have related to whether equipment maintenance complied with proper electrical standards, or whether the respective chain of command acted responsibly in protecting servicemembers. As of June 30, 2009, five of those nine cases remained under criminal investigation."

Until I did the hearings, these were largely unknown. Even when I did the hearings, KBR insisted that it had done nothing wrong.

In the case of SSG Ryan Maseth, specifically, let me read from the IG report:

An engineering evaluation of the failed pump [this is a pump that serviced the building] determined that insulation on the internal wires melted, causing a short to the metal pump housing. Failure to ground the pump and improper grounding of the building electrical system allowed the metal pump housing and water distribution pipes in the building to energize.

This says this soldier was electrocuted while taking a shower because contractors didn't do their job. It is not me saying that. I had hearings in which people working for that contractor showed up at the witness table and said: We worked next to people who didn't know what they were doing, and it subjected these soldiers to great risk.

As I indicated previously, in the Department of Defense, for this work, which we now know was shoddy work and improper work that put soldiers' lives at risk, for that work, this contractor got \$83 million in bonus awards. It is unbelievable to me that this sort of thing goes on.

I think there are some in the Pentagon, in the chain of command, and certainly contractors, who have a lot to answer for. This Congress ought to insist upon it.

This mother of this soldier, Cheryl Harris, wasn't going to let this drop. Good for her. That is why I held these hearings to determine what is the truth, because we didn't get the truth from the people who talked to the mother of the soldier who died. In the hearings, witnesses who previously worked in Iraq told us that the KBR's wiring was improper. Now we get the truth from the IG report. We should not have to wait for the IG to confirm these things.

I would think the U.S. Defense Department would search more aggressively for the truth than anyone because it was their soldiers who were

put at risk. Regrettably, the Defense Department has not pursued this with the zeal you would have hoped for. It doesn't matter whether it was the sodium dichromate case, where soldiers were exposed to the risks of cancer because of the water brought to the bases, which was more contaminated than raw water from the Euphrates. There were four or five cases. The contractor said it did nothing wrong in each case, and the Pentagon by and large said that KBR had done nothing wrong; but the inspector general said that the problems were real, and documented how the contractor had failed, and the Defense Department had failed to hold the contractor accountable.

This Congress deserves better than that from the Defense Department, the taxpayers deserve better, and a mother such as Cheryl Harris should not have had to wonder whether her son was in mortal danger through the mere act of taking a shower.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

HEALTH CARE REFORM

Mr. WYDEN. Mr. President, I want to take a few minutes this afternoon to discuss the recent developments on the health care issue and particularly with Senator BENNETT on the floor, my friend and colleague, and the effort to make sure health care reform is bipartisan. Also, Senator BAUCUS and Senator GRASSLEY on the Finance Committee, on which I serve, are putting in killer hours now in an effort to come up with a bipartisan approach in the health care area.

I wanted to take a few minutes and talk about a particularly important part of the health care debate, and that is what the middle class is looking for in terms of health care reform. I think when you talk about middle-class folks, most of whom have health care coverage, they are looking for a way to be wealthier, they are looking for a way to be healthier, and they want to make sure that if they leave their health care coverage, or their coverage leaves them, they can get portable coverage.

Perhaps as much as anything, middle-class folks want choice. They understand—and this is a matter that Senator BENNETT and I have talked about often—that if you are going to come up with a health care reform effort that is going to save money, create incentives for people to stay healthy and services to offer prevention, and coverage that is portable, you have to give everybody the chance to choose those kinds of health care plans and those services.

The President, to his credit, has made the matter of guaranteeing choice—what I have put up here on the chart—President Obama has said that is one of his bedrock principles for health care reform. The President has

said every American must have the freedom to choose their plan and their doctor. He clearly is on target when he talked about choice being one of the best ways to hold health care costs down, reward people for staying healthy and getting coverage that is portable.

For example, every Member of Congress has the capacity to choose a plan that is more affordable for them. When the sign-up period comes in the beginning of each year, you get a menu of various health services, and you want to choose the one that is the most economical for you, the one that rewards you for staying healthy. All Members of Congress have the opportunity to do that. The President is absolutely right in saying that choice ought to be a bedrock principle of health care reform. Clearly, that is what middle-class folks in Colorado, Utah, and Oregon are looking for; they want to make sure they have choices. Frankly, they wish to have as many choices as we have in the Congress.

So Americans want these kinds of choices. But for too many of our citizens, under the health care reform bills that are now being considered in the Congress, lots of people won't have the kinds of choices that Members of Congress have, or any choice at all. There are proposals in the Senate to create what is known as firewalls, to keep people from being able to go to what is a "farmer's market"—they are called insurance exchanges—where people could get these kinds of choices, and these exchanges are to be created in the reform legislation.

As odd as it sounds, Congress is going to be creating these insurance exchanges, designed to help people shop around for their insurance, but then limit who can shop at these exchanges. If you have coverage, for example, and somebody in the government says you ought to consider it affordable, you ought to like it, you are not going to be able to go to this "farmer's market," this exchange, and shop for a plan that is better for you and your family. You aren't going to be able to enjoy more choices; you aren't going to be in a position to get more for your health care dollar. You aren't going to be able to get an affordable package, because only some people will be allowed at these exchanges.

I think everybody ought to be able to shop for their health care insurance like Members of Congress do today, and like our esteemed colleague Senator KENNEDY called for in a very fine essay last week.

I have been able, working with colleagues, to come up with a way to do that. I call it the Free Choice proposal. Our Free Choice proposal lets workers who like what they have keep it. But it also lets workers who don't like what they have choose other plans. Half of those fortunate enough to have em-

ployer-sponsored insurance today don't have any choice of health plans at all. Think about that. Most Americans don't have the capacity to choose, like we can here in the Congress.

Unfortunately, under the health care reform plans that are being considered in the Congress, we are still going to leave millions and millions of Americans without a choice of health services and health care plans. Under our Free Choice proposal, everybody who has employer coverage is going to have new choices. They can certainly keep what they have. But if they choose, they can take what their employer now pays for their insurance and go to the "farmer's market" and buy a plan that is a better fit for them and their families.

It also gives employers more options. If the insurer isn't going to sell them an affordable plan, the employer could then take the whole group to the exchange and get a discount.

What the distinguished Senator from Utah and I have been talking about these many months is something that would give more clout to workers and more clout to employers on day one. It would give employers and workers the ability to save money at the get-go, largely through an old-fashioned concept that is about as American as we have, which is choice and freedom, and the ability, when you shop wisely, to benefit financially and, particularly, our employer approach, where the employer could take the worker to the exchange on day one and get a discount. That the employer could get a discount is one that, in my view, is going to give employers the bargaining power in negotiating with insurers that they don't have today.

This is a proposal we can do without making any adjustments to the Tax Code. The independent analysis Senator BENNETT and I got a few days ago indicates we could save consumers \$360 billion over the next decade. Those are savings to our people. Those are savings in the health care system. It is an approach that is very much in line with what the President has identified as a bedrock principle for health reform.

I have talked about the value of choice, particularly this August in Colorado, North Dakota, and around the country being able to tell all middle-class people they are going to have more choices. But what I think is particularly useful about the Free Choice proposal, it is one of the pathways to getting more affordable coverage because once you have these choices, just like Members of Congress—if at the beginning of the year the Senator from Colorado does not like one particular plan, he can go to one of the other plans that is a better fit for him and his family. We are talking about using the same principles that have worked for Members of Congress for many years.

I believe that middle-class folks, as they try to sort through this debate, are going to be looking at a handful of fairly straightforward principles. They are going to want to be wealthier, they are going to want to be healthier, they are going to want coverage they can take with them from job to job.

We have had 7 million people laid off since this recession; 3 million of them do not have health care. What happens to them is they go into a program called COBRA. COBRA is the only Federal program named after a poisonous snake. Given how hard it is for people to afford that coverage and all the bureaucracy for employers and employees, we can do better by both workers and employers. Let's make coverage seamlessly portable. Senator BENNETT and I have included that in our Free Choice proposal. On day one, more choices for the middle class. On day one, the opportunity to save money. If you don't like the first plan, choose one of the other plans. On day one, coverage that is portable. That is what I think middle-class folks are looking for.

That kind of market competition is what the Congressional Budget Office has scored as actually producing savings in the private sector, not in 10 years, not in 15 years, but in a matter of 2 or 3 years. It actually bends the cost curve downward without exploding the debt and the deficit.

I hope my colleagues on the Finance Committee and here in the Senate and on the HELP Committee—I had a very constructive conversation about the Free Choice proposal with Chairman DODD recently. I hope colleagues will see this is an approach that can win bipartisan support.

The guarantee of choice is a bedrock principle in President Obama's agenda. For the middle class who is asking now how this is going to work, this is the path that is going to let middle-class people be wealthier, healthier, and protected when they lose their job or if they want to get another opportunity. I am very hopeful that this bedrock principle of President Obama's agenda for fixing health care can win the support of colleagues on both sides of the aisle because I think that is the pathway to responding to the question middle-class people are asking all over this country today: How we are going to make this work for them?

I hope colleagues who have additional questions about it will see my friend from Utah or me. We will be happy to discuss it with them further.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I know we are on the bill. As the manager on the Republican side, I want to stay on the bill, but, my colleague from Oregon having raised the issue with respect to the consumer choice and our proposal,

I ask unanimous consent that I can proceed as in morning business in order to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I am grateful to Senator WYDEN for the leadership he showed here and the tenacity with which he has pursued all of these issues. As I have sat here and listened to the various interventions in morning business about health care, I found the common theme that I want to comment on with respect to it. I think Senator WYDEN's comments helped me frame this theme.

The theme I have heard over and over again from speakers has been: We can't stay where we are. And then the argument has been framed: We either have to move ahead with the President's program or stay where we are. As Senator WYDEN has indicated, there are other alternatives besides moving ahead with the President's program and staying where we are.

I would like to draw this analogy that I hope will help us understand at least this Republican's position. I won't try to speak for all members of my party, although I think many of them would be sympathetic with what I am about to say.

Let's assume your neighbor's house is on fire. This is a serious problem. Your neighbor comes to you and says: My house is on fire. Lend me your garden hose so I can put the fire out.

And you say: My garden hose isn't long enough to reach the fire.

You don't understand, your neighbor says, my house is on fire. There are children in the house. There are women in the house. They will die if you don't put out the fire. Lend me your garden hose.

I respond or you respond: I understand there are children in the house. I understand allowing the house to burn down is a tremendous mistake. But my garden hose won't reach. We need a different garden hose if we are going to put out the fire.

No, no, no, the fire is reaching now, it is down, it has destroyed the top stories, it is getting down to the bottom stories; people are fleeing. Give me your garden hose or you are a terrible person.

And you respond: I will be happy to give you a garden hose that would work, but the garden hose I have right now will not solve your problem.

We need that kind of an understanding here.

I am not a Republican who says: I defend the present system. I listened to the speeches being made about how terrible the present system may be, and I say I agree with them absolutely. I listened to the letters being read from home States that say: I was denied coverage by an insurance company bureaucrat. I lost my job and I lost my coverage. These are tragic, and I agree

they are tragic, and I agree something ought to be done about it. It is just that, in my opinion, the President's garden hose will not reach. In my opinion, the President's garden hose will not only not put out the fire but, to stretch the analogy beyond all credulity, will make it worse. We heard about people who are being denied coverage under the present system. People will be denied coverage under the President's system.

If we look at other countries that have adopted similar public plans of the kinds we are talking about, we are going to see people whose coverage is denied again and again. Indeed, the comment was made about Senator KENNEDY and the brave battle he is putting on against his problem. If he lived under the single-payer coverage of other countries, he would be denied coverage because of his age. We don't want that in America. We don't want people like that to be denied opportunities.

Senator WYDEN and I have worked as hard as we can—back to the analogy—to create a garden hose that will reach, to create a garden hose that will, in fact, put out the fire, solve the problems, and change the present system.

I thank the Senator from Oregon for making it clear that there are alternatives to the present system that are not necessarily the bills that are coming out of the two committees.

I am not going to embarrass my friend from Oregon by insisting that he take the same position I take with respect to the bills that are coming out of the two committees, but together we have formed a solution that we think will solve the problem, we think will put out the fire, we think will turn down the cost curve. And we have now a growing chorus of voices of people who are saying: You know, Wyden-Bennett looks as if it will work; why don't we try it.

The only question I am asking here is, Why don't we try it? So far, neither committee has been willing to look at the details of what we are talking about. All we are asking is that they do so because we are convinced that when they do, they will come to the conclusion that our garden hose will, in fact, put out the fire and it will do it more cheaply and more efficiently than the proposals that are before us.

Again, Mr. President, I thank my colleague from Oregon for his leadership and his tenacity in going forward with this proposal. I am honored to be associated with him in this effort. I agree with all of the speeches that have been made that the present system is not acceptable. I hope we can get together and solve the problem in a truly effective and bipartisan fashion.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Oregon.

Mr. WYDEN. Mr. President, I wish to take an additional minute. I thank my friend from Utah.

What is striking about this debate is the opportunity to bring both sides together. As I outlined the Free Choice approach and the pathway to savings for middle-class folks—portable coverage, incentives for prevention—it could work its way into a variety of different bills that are being considered. Obviously, Senator BENNETT and I feel very strongly about our legislation, the Healthy Americans Act, but I was very pleased with the discussion I had the other night over dinner with the distinguished Senator from Connecticut, the chairman of the HELP Committee, who has some good ideas as well.

What I hope we will do, what Senator BENNETT and I have sought to do in these many months, is focus on some bedrock principles. I cited the three that have been important to President Obama: the question of holding down costs, ensuring choice, maintaining quality.

I believe—Senator BENNETT and I have worked together on this—that our approach with Free Choice in particular making sure we don't have all these firewalls that would prevent choice for millions of Americans would—would actually reward Americans for shopping wisely.

I was very glad that both Chairman BAUCUS, who said he would look at our Free Choice proposal, and Chairman DODD, the same openness at looking at our proposal, captured that this would be a way to carry out the President's agenda for addressing the questions middle-class people are talking about all over the country.

Obviously, Senator BENNETT and I—and I am very pleased the distinguished Senator from Delaware has joined us. He is certainly a veteran of the Senate and what it takes to come up with bipartisan coalitions. I am very pleased to be on the floor with two good friends who know a lot about health care and what it takes to build bipartisan coalitions.

What I wanted to do was to say that in addition to our legislation, which we obviously feel strongly about, this concept of Free Choice and making sure you reward individuals, as we do in so many areas of American life, could really pay off quickly for middle-class people in terms of savings and access to quality health care.

I am very hopeful that as we go into these last couple of weeks before the recess—and we have offered this proposal to Chairman BAUCUS, the chairman of the committee on which I serve—Democrats and Republicans can come together so that before the August recess, we will have at a minimum identified some ideas.

Our Free Choice proposal is just one that will allow us through the month

of August to show middle-class people that we are serious about their concerns.

Right now they are trying to sort this debate out. Suffice it to say, they see a lot of arguing in Washington, DC. They hear a lot of the discussion about health care, which almost sounds like gibberish when you listen to all the technical lingo. If we can come back with ideas such as Free Choice and say: Look, middle-class people, you and your family can be part of a system that is very similar to what my family enjoys—and it has paid off for my family at the beginning of the year when I was choosing a plan that is more economical for me, or rewards prevention—then we get behind proposals that bring Democrats and Republicans together. I point out this is one area that the budget office has indicated will actually score substantial savings—not in 10, 12, 14 years from now, but in the second year after it is fully implemented.

I thank my colleague from Utah for all his support and counsel.

I yield the floor.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, Senator BENNETT and I are similar to the Maytag repairman in the old commercials, waiting for someone to come and offer amendments. Many have been filed. No one, apparently, has come to the floor to offer amendments.

I would not be surprised if at some point down the road someone will say: Well, we did not get enough chance or opportunity to offer amendments. Of course, in these intervening hours, there has been plenty of opportunity for someone to show up to offer amendments.

We had intended and hoped to have a vote at 4:30 on a relatively noncontroversial amendment. But for the last hour or so, we have been waiting, on a noncontroversial amendment, for a staff person to contact the Senator who is apparently not able to be contacted to tell us whether the Senate can vote on a noncontroversial amendment.

Such is the life of the Senate, a place where no one has ever been accused of speeding. We only ask, having been here now yesterday and today, Senator BENNETT and I only ask, having put together this bill that funds all of our energy and water issues, if there are Senators who wish to offer amendments—and many have been filed—they would come here and decide to offer them be-

cause we will not have floor time for the entire week this week. We are not going to be able to be on the floor. The time does not exist to allow us to be here all week.

Those Senators who wish to offer amendments are, it seems to me, going to find very little sympathy from me, and I hope from other Members of the Senate, if they at some point down the road say: Well, we did not have an opportunity. They have had plenty of opportunities. It is they have chosen not to come to the floor to offer amendments.

It may be they feel the amendments do not have merit or are not very important or whatever. But if they do have merit and are important—I assume some do—I would hope they would come soon and give us the opportunity to entertain amendments and discuss them, debate them and have votes on them so we can move this appropriations bill along.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. WHITEHOUSE. I would let the distinguished floor manager and the distinguished Senator from Utah know that if someone does come to the floor and wishes to do their thing with an amendment, please feel free to give me the high sign and I will conclude my remarks and allow the business of the floor to proceed. I do not wish to keep anybody from offering an amendment, if they have one.

But I did wish to take the time to talk for a minute about our health care system because I think people across the country are, right now, finding our dialogue in the Senate a bit confusing about health care, and they are starting to wonder what is going on. In particular, particularly for those who have insurance: What does this mean for me? Why is this important for me that the Senate be doing this work? I already have insurance. What do I stand to gain from all this?

There are a great number of things Americans stand to gain from all this. But the issue I wish to focus on today is improvements in our delivery system. It is important for Americans who are listening to realize that the personal experiences so many of them have had are not unique. If you have had a loved one in the hospital and you have felt constrained to stay with that loved one through their illness in the hospital, if you have felt you could not leave them alone in that hospital for fear that something might go wrong, some drug might be misadministered, some call might go unanswered, if you feel that way, if you have had that experience, you are not alone.

That is an extraordinarily common experience. If you have felt you missed an opportunity for the prevention of illness, nobody told you that you should have had this test, nobody told you this was a health consequence of something you were doing, that is an experience Americans have across this country.

If you have had to ferry by hand your health records from place to place or if, similar to many Rhode Islanders, you have been rushed up for emergency specialty care in Boston and your paper records did not come with you and you have been in real peril in a Boston emergency room as they try to redo the tests they did not have access to because you did not have a comprehensive electronic health record, you are similar to many Americans.

The consequences of that, of those problems, are renown throughout the health care system. The problems they cause are real ones. There are 100,000 Americans who die, who lose their lives every single year because of completely avoidable medical errors, most of them hospital-acquired infections. That is intolerable. That is a plane crash a day. Yet it is the status quo in the existing health care system.

We have the worst health care outcomes of essentially any civilized developed country we compete with. The worst. Even though we pay twice as much per person for our health care than most of them, we have worse outcomes. That is the status quo of our health care system. The Economist magazine has reported that the health information technology infrastructure that supports our health care sector is the worst of any American industry, except one, the mining industry.

That is not very reassuring, not in an industry where the possibilities for technology are so great, and where at the detection end and where at the treatment end, we are at the technological cutting edge of the world, but you get back to that back office and there you are with that paper record and no way to cross-reference for drug interactions.

We are at a primitive stage with our health information infrastructure. That is the status quo of our health care system. Everybody, I suspect, has had the experience themselves or of a loved one who becomes sick unexpectedly who turns to their insurance company, the insurance company they have been writing those big checks to year after year, only to find out that when you turned to that insurance company in your hour of need, they turned on you, they turned against you.

They tried to figure out a way to get you off coverage. They tried to talk you out of the coverage and the treatment your doctor has indicated. They fought with your doctor about whether they would pay it. For many people,

the experience is not just of being the patient, the experience of being the spouse or the family member or the loved one of the patient who has to cope, who has to become the person who answers the deluges of mail, who makes the call after call after call, who waits through dial tones and through the voice mail and the voice messages to try to get to somebody to approve procedures the doctor has said you need. That is the status quo of our health care system—millions of Americans told by their own insurance companies: Forget it. We are not going to pay for the treatment your doctor says you need.

The major reason American families go into bankruptcy right now is because of health care expense. It is not just the uninsured. These are insured families who find their coverage limits have been reached, who find the insurance company has found a loophole, who find they have exceeded, in terms of all the peripheral costs of durable medical equipment and other things that might not be covered, but it is more than they can bear to get by and they are struggling to get by and they are dropped into bankruptcy; the most prominent reason American families go into bankruptcy.

That is the status quo of our health care system. Those can all be better. We can revolutionize all those areas. We can revolutionize the quality of care and the safety of Americans when they are in the hospital.

We can improve our health care outcomes so we are the pride of developing nations, and not the lagger. We can improve so we do not have the worst health information technology of any American sector. We can eliminate denials of care by insurers for preexisting conditions. We can provide adequate supports to Americans so bankruptcy is not a common symptom of illness in this country.

The problem is, if we do not do anything about those existing problems, they are all going to accelerate. They are all getting worse. What do we have to look forward to? Well, we have to look forward to a \$35 trillion Medicare liability, and we do not have \$35 trillion to spend.

That is a future liability. It is coming toward us. The people who are going to cause it are alive right now. They are not going anywhere. They are getting older every day. Time is not going to stop. And they are getting sicker every day because it is never going to happen that older people are healthier than younger people.

There is a tsunami of health care costs bearing down on us. Just the Medicare slice of it is a \$35 trillion liability for our country, and we do not have the \$35 trillion. So it is either going to wreck us or we are going to have to take some very smart, very aggressive measures now to reduce those costs.

If we do nothing, a family in Rhode Island in the year 2016—that is not too far from now; that is 7 years from now—a family in Rhode Island making \$52,000, which is a pretty good income, a family making \$52,000 will spend more than half their income on health care. By as soon as 2016, a Rhode Island family making \$52,000 will spend more than half their income on health care.

We use the word “unsustainable” around here. We are headed to where it is impossible for regular families to get health care. It is bad enough now, and it is getting worse. We have to act to stop it from getting worse.

We have pretty close to lost our car industry. People used to say: What is good for GM is good for America. It was the emblematic American company. It is gone. It is in bankruptcy, and it is gone. It is now coming back out of bankruptcy, but it had to be swept through a bankruptcy. The catastrophic effect on our country of the loss of those jobs in the Midwest and then through the secondary providers across the country is a very real problem, and it is being felt in large part because those cars were so burdened with health care costs.

If you go to Starbucks, there is more health care money in your coffee than there is coffee bean money. In those cars, there was more health care money than steel. The cost of health care per car was greater than the cost of steel per car. It is pretty hard to compete with Volvos and the Lexus and cars from places where they have a national health care system and the price of the health care is not buried in the cost of the car. It put our workers at a terrible disadvantage. That is only getting worse, and our manufacturing sector has enough problems without continuing to load health care costs on to it. If we can't get the message from the collapse of the auto industry, we are missing some very loud—indeed deafening—signals.

Our last Comptroller General warned that this health care mess will sink our ship of state. He phrases it as a national security issue to get this right. He left the job to go and spread the word around the country warning us of what is coming.

Not only is it bad now, it stands to get a lot worse. Here is the opportunity and the tragedy of this: It is that so much of this is waste. One recent voice on this subject is a former Cabinet member from the last administration. Paul O'Neill was the Secretary of the Treasury of the United States. He is no fool. He is a sensible and thoughtful man. He ran, for years, Alcoa, one of America's biggest corporations. He has extreme business experience. He also ran something called the Pittsburgh Regional Health Initiative which looked at improving the quality of care of hospitals in the Pittsburgh area. He was a leader in all of this. He knows his

health care issues well. Here is what he wrote recently: There is \$1 trillion of annual waste in the health care system that is associated with process failures. A trillion dollars a year—even by Washington standards that is a big number. That is a target that is worth shooting for. That is a target that we shoot for hard in the legislation we are putting forward.

If we take a look at the President's own Council of Economic Advisers recent report, on July 9, a few weeks ago, they put out the report on the economic case for health care reform. They looked at the health care system from two measures: one, if you compare to it foreign countries and look at their gross domestic product share and extrapolate from that, what we could get our costs down to if we were sensible and thoughtful and didn't have such a wasteful health care system and, second, to look at the variation among the States, from State to State, from region to region, even as the recent article by Atul Gawande said, the differences within a State, between McAllen, TX and El Paso, TX.

If you look at those, that gives you another means of calculating what you could get the costs down to. If you could get the waste out of the system, efficiency improvements in the U.S. health care system potentially could free up resources equal to 5 percent of U.S. GDP. From the Council of Economic Advisers, that is over \$700 billion a year. Maybe it is a trillion, maybe it is \$700 billion. Per year that is a big number.

Looking at the internal discrepancies, they note:

[It] should be possible to cut total health expenditures by about 30 percent without worsening outcomes [which] would again suggest that savings on the order of 5 percent of GDP could be feasible.

Again looking at the calculation two separate ways, coming to the same number, \$700 billion a year. The problem is, it will take some executive administration to get there. It is not easy. You don't just make your decision, flip up or down the light switch, it goes on, and you don't have to worry about it. This isn't like the sniper who lines up his shot, pulls the trigger, and the projectile goes. This is a problem where you are like the pilot landing in rough weather. You have to continue to steer through it. You have to continue to seek the savings. As the market adapts, you have to adapt with it. It takes executive leadership and administration to make this happen. That means the Congressional Budget Office can't score it. All they can say is that it promises a "large reduction" in American health care costs. But they can't score it.

So the American public, with a lot of misinformation out there, has been beguiled into believing that what we are doing won't save money. We are deter-

mined to save money doing it. The Medicare system and the American health care system and the American economy will fail if we don't save money doing this. The target is as big as \$700 billion to \$1 trillion a year.

Our health care system has been described memorably as a "carnival of waste." It is time to bring the carnival to an end and give Americans the health care they deserve.

There are a couple of pretty sensible ways to do this. The administration has focused on all of them. The first is, as I said earlier, health information infrastructure. Why should every American not have an electronic health record? Why, when you go to McDonald's, should the checkout person have a more robust health information infrastructure backing them up and connecting to inventory and connecting to sales than your doctor does? It makes no sense. We could save enormous sums if we had a national health information infrastructure—secure, confidential, reliable, interoperable. So if you went to get a lab test, it went into your record. If you went to the emergency room, it went into your record. If you stayed at the hospital, it went into your record. If you saw a specialist, it went into your record. All of your practitioners would know what was going on in your care. The more complex and chronic your conditions, the more valuable that would be. We don't have that now. It is the worst of any American industry except the mining industry.

Quality improvement: In Michigan, there was a fascinating project, called the Keystone Project, where they went into the intensive care units in Michigan—not all of them but a great number of them—with process reforms in the intensive care units to reduce respiratory problems from not being elevated, to reduce line infections from catheters and from blood lines. The effect of that was, in 15 months, to save 1,500 lives and \$150 million just in one State and not even all the intensive care units. It proves the proposition that quality improvement can save money and lives.

Prevention is obviously the same. We will be on the floor shortly to debate Judge Sotomayor's nomination. She has lived with diabetes since she was a child. She has taken good care of herself so she had not created a lot of cost for the health system, but many people who don't manage their disease well, who don't get the prevention they need, end up with amputations, blindness, long and unnecessary hospital stays. There are areas where, by investing in prevention, we can save fortunes.

Why don't we do this then? Why don't we have electronic health records on every doctor's desk for all Americans? Why don't we have every intensive care unit participating in a Key-

stone-type quality initiative? Why doesn't every community health center have a robust diabetes prevention program? It has to do with the bizarre economics of our health care system. Because the same thing is true for all three entities. If you are a doctor and you want to put electronic health record systems in for your patients, if you are a hospital and you want to improve the quality of care in your intensive care unit and put in a program that will do that, if you are a community health center that wants to invest in prevention to help the diabetic population stay healthy, you face the exact same predicament: The investment you have to make is 100 percent out of your pocket. The risk of the investment is 100 percent on your neck. The administrative burden is 100 percent on you. The hassle of it is 100 percent yours. All of the costs are on the desk of the doctor, on the desk of the hospital administrator, on the desk of the community health center. But the benefits from the electronic health record, the benefits and the savings from the quality improvement, the savings and the benefits from the prevention don't find their way back to that same desk. They go off to Medicare. They go off to the insurance industry. They connect to the patient in better care, but investment doesn't get the reward.

The basic principle of American capitalism, which is the connection between risk and reward, has been broken in the American health care system. That is one of the things we get after in this bill. We could have electronic health records for every American, our hospitals and doctors highly motivated to pursue all the quality initiatives that will improve the quality of our care while it lowers the cost and avoids unnecessary hospitalizations and delays and infections, and so forth, and we could have the best prevention program in the country, but we have to make it work for people. That is part of what we are about in this health care reform.

I will continue to explain why it is important that we reform our health care system and what the average American will gain from it. Today I focused on the elements of why delivery system reform can be improved. But every American will see that in their lives, their parents' lives, and in their children's lives. When we look back to where we are today from where we can be and where, with President Obama's leadership, we will be, we will look back and ask: My God, how could we have been living that medieval setup? Look how good it is now.

That is our goal. That is our purpose. That is the promise of health care reform.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1841

Mr. VOINOVICH. Mr. President, since there is no further debate on amendment No. 1841, I ask for its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1841.

The amendment (No. 1841) was agreed to.

Mr. VOINOVICH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, this is an important bill, the Energy and Water appropriations bill. It is one of the 12 or 13 appropriations bills we have during the course of the year to prepare for spending in our new fiscal year, which starts October 1. Senator DORGAN and Senator BENNETT are shepherding this bill on the floor.

Meanwhile, in another room, not far from here, at least six Senators—maybe more—are meeting trying to work out the details of a piece of legislation that could literally affect every person living in America. It is the question of health care reform. It is an interesting issue because it has been tried before. Previous Presidents—Theodore Roosevelt; Harry Truman; certainly, Bill Clinton—have tried their best to change the health care system in America to make it a system that is stable, secure, so people know what it will cost, what it will cover, and know, ultimately, they can have quality care available when they need it for themselves or their family.

The simple fact is, in America health care has become extremely expensive. We spend more per person in America—twice as much per person—as the nearest nation on Earth. So we are spending a lot of money. And people see it, because the cost of health insurance premiums is going up much faster than their income, and they worry about it.

Many of the folks whom I talk to back in Illinois worry whether next year there will be an increase in their hourly wage that will be completely consumed by increases in health insurance premiums. And they add, inciden-

tally: Senator, that new health insurance plan is not an add-on. It usually covers less than the one before—the situation where preexisting conditions will eliminate coverage for things that are critically important for individuals; where folks find when they reach a certain age the cost of the health insurance premiums goes up so high.

There are battles that go on between doctors and hospitals and insurance companies about whether they will actually cover something—cases we have seen in Illinois and around the country, where folks thought they had some insurance and guarantee that health insurance covered their medical procedure only to find later it did not.

Many people who are out of work today are realizing for the first time in their lives they do not have the protection of health insurance. Some of them, with limited savings, battered by the recent stock market, wonder if tomorrow's accident or diagnosis will wipe out everything they have ever saved. That is the reality of the uncertainty and instability of our health care system today. People are looking for stable coverage they can count on; if they get sick today, that they will be covered tomorrow. They can look, as well, for the kind of stable costs they can afford—even when they have lost a job—to make sure there is health insurance to protect their families. And they want to preserve their right to choose their doctor and hospital to give them the best care in this country.

The obvious question is, can we reach that goal? And the obvious answer is, only with the political will of this Senate, with Republicans working with Democrats. I hope we can do this. I hope we can find a bipartisan way to this solution.

President Obama has made it clear it is his highest priority—to improve health care for America and its citizens, and it is his highest priority when it comes to our deficit. A lot of people say: Well, if you are going to spend a trillion dollars on health care reform, think twice. Well, we should think twice because we are facing deficits and a national debt that has grown dramatically over the last 7 or 8 years.

But the fact is, untouched, our health care system over the next 10 years will cost us more than \$30 trillion. If spending a half a trillion dollars over that period of time can change the system for the better, start bringing in practices that bring down overall costs, it is money well invested and money well spent.

First, we have to try to wring out of the system the fraud that goes on. All of us know what is happening here. There are some health care providers in America who are capitalizing on a system that rewards doctors and hospitals for piling on the procedures, for piling on the expensive pharma-

ceuticals and medical devices. There is little or no reward for good health outcomes. The reward for a physician and someone who is using our system today is to do more, spend more. Well, that should not be our goal. Our goal should be quality health care for everyone. It should not be a system of fee for service that rewards and incentivizes spending that does not result in good health care.

There are a lot of people who have come to the Senate in committee and otherwise to express their opinions about what will work and what will not. The Congressional Budget Office has been called on from time to time to ask whether these health care reform bills will actually save money. Testimony about the status quo is obvious. If we continue the way we are going, it is going to be a bad outcome. We know if we do not change this current system, it will become so expensive the average family will not be able to afford to pay the premiums. If we do not change the abuses in health insurance, we are all vulnerable to preexisting conditions and new costs and discrimination against people based on their gender, where they live. That has to change.

We know there are ways to save money within our system. One of them relates to preventive care, wellness strategies. There is not enough of that today. A man by the name of Steve Burd is the CEO of Dominicks and Safeway, and he has a program for his management employees where he creates a financial incentive for them to take care of themselves and to get healthier. It is voluntary for those who want to participate. They come forward. They get examined. If they find they are overweight, they set a goal to reduce their weight. If they find their cholesterol is too high, they set a goal to reduce their cholesterol; the same thing with blood pressure, and the management of diabetes.

If they meet these goals, if they show they are changing their lifestyles—they quit smoking; they are getting healthier—they get a financial reward. For the business, the reward is lower health care premiums.

We need to have wellness strategies in America. Some of the problems we are facing are problems that will cost us dramatically in years to come. The incidence of diabetes among our children today is alarming. If it does not stop, if we will not deal with the issues of obesity and diabetes and other related issues, believe me, we cannot enact enough laws and put enough money into a health care system that does not deal with this.

We also have to realize the health records and medical records need to be put on computers so they can be exchanged between health care providers. These electronic records can reduce the

number of mistakes that are made, improve the care that is given to individuals, and save us money.

We also need to take a look at chronic diseases—I mentioned diabetes—and make certain there is an incentive there for wellness and for preventive care before people reach terrible stages in that disease that costs dearly and can be compromising to their health and maybe even their life.

So if we can come together with a system of health care that provides stable coverage that you can count on, stable costs that you can afford, and quality that strives for excellence, and the kind of choice every American family wants, then the outcome of the meeting, not far from here, of these Senators will be one that America can cheer.

Fortunately, the President has invested his political capital in this effort. He has told all of us this is the most important single thing he is working on and wants to achieve. He is prepared to spend his time, obviously, and his political capital to achieve it. It is our job as elected officials to respond to this national need. For many of us this may be a once in a political lifetime opportunity to change health care in America for the better.

It is the job of those in government to consider its budgetary impact. But some of them are not charged with coming up with a solution. We have to look beyond the budget in some respects to the long-term benefit. The President has said we are going to pay for everything we do. But the long-term benefit, for example, of preventive care may be difficult to measure today. We know it is going to be an ultimate benefit to our country. Most of the savings in health care may not be reflected in the Federal budget. The savings will accrue to the people of this Nation, though, to give them the peace of mind they have health care they can count on that will be there when their family desperately needs it.

We have to make certain this is part of our charge here, and this is the time to do it. I hope the Senate Finance Committee, before we leave in about 10 days or 11 days, can produce a bill. And I hope the House of Representatives can pass one, and then, when we return, we will come to the floor of the Senate and work together in a bipartisan fashion to pass it. I am certain it will require compromise by all of us. I have my idea of what health care reform should look like, and I am sure others do as well. But in the spirit of good faith, we can come together and make a difference and provide the kind of health care reform and changes that will give people peace of mind across America—a stable and secure health care system that continues to make this great Nation on Earth a nation of healthy individuals and families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, could I ask my distinguished friend if he would yield for a minute to call up an amendment?

Mr. INOUE. Please do so.

AMENDMENT NO. 1846 TO AMENDMENT NO. 1813

Mr. REID. Mr. President, there is an amendment at the desk, No. 1846. I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. ENSIGN, proposes an amendment numbered 1846 to amendment No. 1813.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify provisions relating to the Department of the Interior)

Beginning on page 26, strike line 1 and all that follows through page 32, line 14, and insert the following:

SEC. 206. Section 208(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268), is amended—

(1) in paragraph (1)—

(A) by redesignating clauses (i) through (iv) of subparagraph (B) as subclauses (I) through (IV), respectively, and indenting the subclauses appropriately;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(C) by striking “(a)(1) Using” and inserting the following:

“(a) ACTION BY SECRETARY.—

“(1) PROVISION OF FUNDS.—

“(A) IN GENERAL.—Using”;

(D) in subparagraph (A) (as so redesignated)—

(i) in the matter preceding clause (i) (as so redesignated), by inserting “or the National Fish and Wildlife Foundation” after “University of Nevada”;

(ii) in clause (i) (as so redesignated), by striking “, Nevada; and” and inserting a semicolon;

(iii) in clause (ii)(IV) (as so redesignated), by striking the period at the end and inserting “; and”;

(iv) by adding at the end the following:

“(iii) to design and implement conservation and stewardship measures to address impacts from activities carried out—

“(I) under clause (i); and

“(II) in conjunction with willing landowners.”; and

(E) by adding at the end the following:

“(B) NATIONAL FISH AND WILDLIFE FOUNDATION.—

“(i) DATE OF PROVISION.—The Secretary shall provide funds to the National Fish and Wildlife Foundation pursuant to subparagraph (A) in an advance payment of the available amount—

“(I) on the date of enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2010; or

“(II) as soon as practicable after that date of enactment.

“(ii) REQUIREMENTS.—

“(I) IN GENERAL.—Except as provided in subclause (II), the funds provided under clause (i) shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

“(II) EXCEPTIONS.—Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the funds provided under clause (i).”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “paragraph (1)(A)” and all that follows through “beneficial to—” and inserting “paragraph (1)(A)(i), the University of Nevada or the National Fish and Wildlife Foundation shall make acquisitions that the University or the Foundation determines to be the most beneficial to—”; and

(B) in subparagraph (A), by striking “paragraph (1)(B)” and inserting “paragraph (1)(ii)”.

SEC. 207. Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources in the Walker River Basin.”.

SEC. 208. (a) Of the amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) provide, in accordance with section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268), and subject to subsection (b), \$66,200,000 to establish the Walker Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in the State of Nevada, consistent with protection of the ecological health of the Walker River and the riparian and watershed resources of the West, East, and Main Walker Rivers; and

(2) allocate—

(A) acting through a nonprofit conservation organization that is acting in consultation with the Truckee Meadows Water Authority, \$2,000,000, to remain available until expended, for—

(i) the acquisition of land surrounding Independence Lake; and

(ii) protection of the native fishery and water quality of Independence Lake, as determined by the nonprofit conservation organization;

(B) \$5,000,000 to provide grants of equal amounts to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal Watermaster of the Truckee River to implement the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101-618; 104 Stat. 3289);

(C) \$1,500,000, to be divided equally by the city of Fernley, Nevada, and the Pyramid Lake Paiute Tribe, for joint planning and development activities for water, wastewater, and sewer facilities; and

(D) \$1,000,000 to the United States Geological Survey to design and implement, in consultation and cooperation with other Federal departments and agencies, State and tribal governments, and other water management and conservation organizations, a water monitoring program for the Walker River Basin.

(b)(1) The amount made available under subsection (a)(1) shall be—

(A) used, consistent with the primary purpose set forth in subsection (a)(1), to support efforts to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin; and

(B) allocated as follows:

(i) \$25,000,000 to the Walker River Irrigation District, acting in accordance with an agreement between that District and the National Fish and Wildlife Foundation—

(I) to administer and manage a 3-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows; and

(II) for use in obtaining information regarding the establishment, budget, and scope of a longer-term leasing program.

(ii) \$25,000,000 to advance the acquisition of water and related interests from willing sellers authorized by section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268).

(iii) \$1,000,000 for activities relating to the exercise of acquired option agreements and implementation of the water leasing demonstration program, including but not limited to the pursuit of change applications, approvals, and agreements pertaining to the exercise of water rights and leases acquired under the program.

(iv) \$10,000,000 for associated conservation and stewardship activities, including water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, non-profit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program.

(v) \$5,000,000 to the University of Nevada, Reno, and the Desert Research Institute—

(I) for additional research to supplement the water rights research conducted under section 208(a)(1)(A)(ii) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268);

(II) to conduct an annual evaluation of the results of the activities carried out under clauses (i) and (ii); and

(III) to support and provide information to the programs described in this subparagraph and related acquisition and stewardship initiatives to preserve Walker Lake and protect agricultural, environmental, and habitat interests in the Walker River Basin.

(vi) \$200,000 to support alternative crops and alternative agricultural cooperatives programs in Lyon County, Nevada, that promote water conservation in the Walker River Basin.

(2)(A) The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation—

(i) in an advance payment of the entire amount—

(I) on the date of enactment of this Act; or

(II) as soon as practicable after that date of enactment; and

(ii) except as provided in subparagraph (B), subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

(B) Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the amount made available under subsection (a)(1).

Mr. REID. Mr. President, we all know that the most courteous man in the entire Senate is Senator INOUE, and I apologize for calling upon him for him to use his courtesy again on my behalf. I appreciate it very much.

(The remarks of Mr. INOUE and Mr. AKAKA are printed in today's RECORD under "Morning Business.")

Mr. INOUE. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. INOUE. Yes.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1814

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending business be set aside to call up amendment No. 1814 which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1814 to amendment No. 1813.

The amendment is as follows:

(Purpose: To prohibit the use of funds to carry out any project or site-specific location identified in the committee report unless the project is specifically authorized or to carry out an unauthorized appropriation)

On page 68, between lines 15 and 16, insert the following:

SEC. _____. (a) None of the funds appropriated under this Act may be used to carry out—

(1) any project or site-specific location identified in the committee report accompanying this Act unless the project is specifically authorized; or

(2) an unauthorized appropriation.

(b)(1) In this section, the term "unauthorized appropriation" means a "congressionally directed spending item" (as defined in rule XLIV of the Standing Rules of the Senate)—

(A) that is not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

(B) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

(2) For purposes of paragraph (1), an appropriation is not specifically authorized if the appropriation is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by

name or description, in a manner that is so restricted, directed, or authorized that the appropriation applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for the person, program, project, entity, or jurisdiction.

Mr. MCCAIN. Mr. President, this amendment is very simple. It would prohibit funds from being spent on any of the hundreds of earmarks listed in the committee report that accompanies this bill—I emphasize, that are listed in the committee report, not part of the basic legislation. It would prohibit those funds from being spent on any of the hundreds of earmarks unless that project is specifically authorized.

As we all know, committee reports do not have the force of law. They are meant to serve as explanatory statements for what can often be complicated legislative bill text. Unfortunately, around here Appropriations Committee reports now are treated as if they were law and are routinely loaded up with millions, if not billions, of dollars in unrequested, unauthorized, unnecessary, wasteful earmarks.

When Congress establishes its funding priorities, it should do so decisively, without cause for subjective interpretation or reference to material outside the bill passed by Congress and signed into law by the President. These funding priorities should have the binding force of law subject only to the President's veto power. Yet here we are again, with a committee report that contains 622 "congressionally directed spending items"—that is a great name: congressionally directed spending items—totaling over \$985 million. None of these projects were requested by the administration. Many of them were not authorized or competitively bid in any way. No hearing was held to judge whether these were national priorities worthy of scarce taxpayer dollars, and they are in the bill for one reason and one reason only: because of the self-serving prerogatives of a few select Members of the Senate, almost all of whom serve on the Appropriations Committee. Sadly, these Members chose to serve their own interests over those of the American taxpayer.

Earlier this year, in response to criticism about the number of earmarks in the Omnibus appropriations bill, one of the Senators stood on the floor and proclaimed:

Let me say this to all the chattering class that so much focuses on those little, tiny, yes, porky amendments: The American people don't really care.

If the American people don't really care, then on behalf of the American

people, I suggest we remove some of the “little, tiny, porky” items that are listed in this report. Here are just a few:

There is \$1 million for the Bayview Gas to Energy Project in Utah. My colleagues and people who pay attention to these processes will know that almost every one of these projects has a location. Again, usually they are located in the home State of a member of the Appropriations Committee. So \$1 million for the Bayview Gas to Energy Project in Utah. I have never heard of the Bayview Gas to Energy Project. I have never heard a thing about it. I have never read about it. I am sure that maybe it is known in Utah, but I have no way of knowing whether it is a worthwhile project or not. The most important thing: Are there other gas to energy projects in other parts of the country? Maybe so. Maybe not. These are earmarked.

We have \$500,000 for the Ben Franklin Technology Partners in Pennsylvania—the Ben Franklin Technology Partners in Pennsylvania. From the reading of that, I have not a clue, nor would anyone else know, what the Ben Franklin Technology Partners is all about.

We have \$600,000 for biodiesel blending in Wisconsin; \$1 million for the Black Hills State Heating and Cooling Plant in South Dakota; \$250,000 for a gas heat pump cooperative training program in Nevada; \$1.5 million for the genetic improvement of switchgrass, not in South Carolina but in Rhode Island; \$1 million for a high-speed wind turbine noise model with suppression in Mississippi; \$5 million for an offshore wind initiative in Maine; \$2 million for the Algae Biofuels Research in Washington; \$750,000 for the Algae to Ethanol Research and Evaluation in New Jersey; \$1.2 million for the Alternative Energy School of the Future in Nevada—the Alternative Energy School of the Future. We have \$6 million for the Hawaii Energy Sustainability Program, Hawaii; \$6 million for the Hawaii Renewable Energy Development Venture, Hawaii; \$2.25 million for the Montana Bioenergy Center of Excellence, Montana; \$10 million for the Sustainable Energy Research Center in Mississippi.

My colleagues may get a little thread that runs through this: Mississippi, Nevada, South Dakota, Utah, et cetera—it goes on and on.

We have \$10 million for the Sustainable Energy Research Center, Mississippi; \$450,000 for the Vermont Energy Investment Corporation in Vermont; \$1.2 million for the Hydrogen Fuel Dispensing Station, West Virginia; \$1.25 million for the Long Term Environmental and Economic Impacts of the Development of a Coal Liquefaction Sector in China, West Virginia; \$1 million for the Alaska Climate Center, Alaska; \$5 million for the Computing Capability, North Dakota; \$1

million for the Performance Assessment Institute in Nevada; \$1 million for the New School Green Building in New York.

It goes on and on. There are 22 pages worth, and my colleagues might be interested at some of the innovative names and may be interested in trying to find out what those projects are. You won't find an explanation in the report.

So let me be clear on one point. I don't question the merits of these projects. There is no way to find out what the merits are. Many of them may be very worthy of Federal funds. If that is the case, one should wonder, if they are national priorities in desperate need of scarce Federal funds, why they haven't been authorized by a congressional committee. Why haven't we had a single hearing to talk about the desperate need for a hydrogen fuel dispensing station in West Virginia? If genetically improved switchgrass was such an imperative at this time of economic crisis, why was the funding not requested by the administration?

I just wish to point out again, contrary to popular belief, contrary to what members of the Appropriations Committee will continue to tell us, earmarking funds in an appropriations bill is not the way the Congress has operated historically.

It is similar to any other evil—it has grown, grown, and grown larger every time, just about. After various scandals, it has leveled off or decreased some, but after the scandal dies down, the earmarks return. Yes, 9,000 of them were in the Omnibus appropriations bill and, of course, the stimulus package as well.

So there was a time when earmarks were nonexistent, or at least very rare. Guess what. We didn't have \$1.8 trillion worth of deficit for the year. I am proud to have served in the House with a man by the name of Congressman William Natcher, chairman of the House Appropriations Subcommittee on Labor, Health, and Human Services. He prevented earmarks in his committee. I am sorry there are not more William Natchers still in the Congress of the United States.

Citizens Against Government Waste has tracked the growth of earmarks since 1991. According to Citizens Against Government Waste, in 1991, there were 546 earmarks, totaling \$3.1 billion. In 2008, there were 11,106 earmarks, totaling \$17.2 billion. That is an increase of 337 percent in 17 years.

Obviously, it is not pleasant for my colleagues from the Appropriations Committee, and it is not particularly pleasant for some of my other colleagues, for me to come down here to, day after day, year after year, fight against these earmarks and porkbarrel projects. The fact is, they have bred corruption. It wasn't inadequate disclosure requirements that led Duke

Cunningham to violate his oath of office and take \$2.5 million in bribes in exchange for doling out \$70 million to \$80 million of taxpayers' funds to a defense contractor. It was his ability to freely earmark taxpayer funds without question.

So here we are with a \$1.8 trillion deficit and 22 pages of earmarks, most of which have a State earmark next to them so there is no competition, there is no revealing of the details of the project and, meanwhile, we have places being raided by the FBI around the country due to the allegations that criminal activity has taken place, which can be traced back to this earmark porkbarreling process.

I don't expect to win this vote, but I intend to keep up this fight until such time as the American people rise and demand that we exercise some kind of fiscal discipline. I will tell my colleagues on the Appropriations Committee the reason why I think the chances are better and better, because they are having trouble staying in their homes, educating their kids, and the unemployment rate is now 9.5 percent and predicted to go higher.

The present President of the United States campaigned and said he would change the culture in Washington. One of my deep disappointments is that the President has not fulfilled his commitment to go line by line, item by item, in every appropriations bill and not allow this porkbarreling earmark practice to continue. The American people will not stand for it forever.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BENNETT. Senator DORGAN is temporarily away.

Mr. MCCAIN. Mr. President, do we have the yeas and nays?

The PRESIDING OFFICER. At the moment, no.

Mr. BENNETT. I am sure there will be a sufficient second when Senator DORGAN has returned.

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I listened with interest to the statement by Senator MCCAIN. I rise with some responses to the comments he has made, which I hope will clarify the situation. Senator MCCAIN, the ranking member on the Armed Services Committee, serves with great distinction and has helped manage that bill on the floor. In the Defense authorization bill, which he helped manage, there are specific authorizations for every defense program, and there is a Defense authorization bill that passes every year.

If, indeed, we had a similar situation with respect to those items under the jurisdiction of this appropriations bill, I would be more supportive of the position Senator MCCAIN has taken with respect to the provisions of the bill.

However, this is not a defense bill and not every department authorizes, each and every year, the same way the Department of Defense does.

Indeed, this is not the way Congress intended the Department of Energy to operate. When the Department of Energy was organized in 1977, making it one of the more recent departments, its organic statute provided broad authorities to support a diverse research and development mission with the goal of energy independence. This is not a project-based account and, therefore, it doesn't receive annual authorization.

Recently, there has been more attention on energy, which has resulted in two Energy bills in the past 4 years. But you need to go back 13 years, before the 2005 bill, to find another Energy bill passed by Congress. Obviously, the organic statute creating the Department anticipated that there would be an organic authorization for these items, and they would be handled in the appropriations bills. If we passed Senator MCCAIN's amendment, it would eliminate any discretion of this subcommittee or of the Congress itself, for that matter, to make changes in the Department of Energy's budget priorities for spending plans. The Appropriations Committee would, therefore, become a rubberstamp for the administration's budget. Since we do not pass something like the Defense authorization bill, and there is no corresponding authorization bill for the Department of Energy, we would simply take the President's proposal and pass the money to support it, and I do not believe that is acceptable.

Senator MCCAIN ran through a list of projects for which he had little or no patience because he said he did not understand them, and they struck him as being projects that possibly had questionable merit. I have a list of projects that were funded by the administration out of the blanket authority the Congress gave the Secretary in what we call the Stimulus Act. We passed the Stimulus Act without any specific earmarks. We simply said: Here is your money and you get to decide how it is spent. Congress will not intervene. I voted against the stimulus bill for a variety of reasons, but we now have the announcements from Secretary Chu as to the specifics of the wind program funding awards.

To quote Senator MCCAIN in his comments about the earmarks in this bill: "It may be that every one of these projects is legitimate and every one of them has merit." But this is the way the administration hands out money compared to the way the Congress hands out money. The Mountain Institute, Inc., in Morgantown, WV, overcoming barriers to wind development in Appalachian coal country, \$99,000; the West Virginia Division of Energy, in Charleston, WV, overcoming the challenges in West Virginia, \$100,000; in

Austin, TX, \$118,000 to fund solutions for wind developers and bats; for the board of trustees of the University of Illinois in Champaign, IL, studying "are flying wildlife attracted to, or do they avoid wind turbines?"; Kansas City University in Manhattan, KS, the environmental impact of wind power development on population biology on greater prairie chickens; Texas Tech University in Lubbock, TX, an assessment of lesser prairie chicken population distribution in relation to potential wind energy development; Western Ecosystems Technology, Inc., in Cheyenne, WY, \$100,000 to study greater sage and sage grass telemetry for the Simpson Range Resource area; finally, in Kalamazoo, MI, the Western Michigan University receives \$99,933 to study genetic approaches to understanding the population level impact of wind energy development on migratory bats.

These, as I say, may all be very worthwhile items. I don't think they are any more worthwhile items than the items we put in our bill. I say to those in support of the McCain amendment, if the McCain amendment passes, you take away from the Congress the right to determine how this money is spent and you turn it over to the President entirely and let him or his administration decide. It does not mean the money will be saved; it simply means the money will be spent in the way the administration wants it rather than in the way Members of Congress want it. The last time I read the Constitution, article I of the Constitution gives the power of the purse to the Congress and says Congress shall determine how much money shall be raised and how much money shall be spent, and that is what the Congress has done. It has given an organic statute to the Department of Energy, and then it allows the Congress, under that statute, to come up with the specifics of how the money is spent.

The Senator talked about report language not being binding in the bill. The bill, by legislative language, incorporates the specific projects in the report by reference. Therefore, it does become binding.

If we pass the amendment Senator MCCAIN has proposed, it would have a devastating impact on the Department's environmental cleanup requirements. These are cleanup programs that receive annual authorization for cleaning up sites and projects under the Defense Authorization Act. But it also has similar authorization on sites that are outside the Defense Department.

Included in this nondefense category are ongoing cleanups in the following places—and I will repeat that again: ongoing cleanups. These are not new starts or projects that have come out of nowhere; these are items that are going forward, that have been authorized by past Congresses, under the or-

ganic statute of the Department of Energy: Paducah, KY; Portsmouth, OH; Moab, UT; Oak Ridge National Laboratory, in Tennessee; Idaho National Laboratory, in Idaho; Brookhaven National Laboratory, in West Valley, NY; Santa Susana, in California; Hanford, WA; Argonne National Laboratory, in Illinois; Los Alamos National Laboratory, New Mexico.

If I might focus on the one in Moab, UT, this is a cleanup of a uranium site, where there was a uranium plant during the boom times, when we were mining uranium as rapidly as we could, processing that, and we left behind tailings that have been judged as being damaging. These tailings are very close to the Colorado River. Indeed, the Senator's own State of Arizona is downstream from this tailing site.

By appropriating this money in this bill in a manner that would be outlawed by the Senator's amendment, we are accelerating the cleanup process in this time of economic difficulty, adding more jobs, more activity, and, quite frankly, lower prices, as contractors are anxious to gain work and will bid lower than they would otherwise; it is the logical thing to do. It would be dropped from the bill if we proceeded with the Senator's amendment.

For these reasons, I think the Senator's amendment would be a mistake. I urge my colleagues to vote it down.

Mr. President, I yield the floor.

Mr. AKAKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, Senator BENNETT and I have discussed the McCain amendment. Senator MCCAIN has offered his amendment. I will speak briefly in opposition to the amendment. I believe Senator BENNETT also has spoken. We are prepared to have a vote at 6 o'clock. I ask unanimous consent the Senate proceed to a vote on the McCain amendment at 6 o'clock. I further ask consent that no second degrees be in order.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, let me withhold for a moment.

I ask my unanimous consent request be considered.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask for the yeas and nays on the McCain amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DORGAN. Mr. President, in response to Senator MCCAIN's amendment, he has come to the floor to talk about legislative-directed spending. We have some disagreements on that subject. I respect the opinions of Senator MCCAIN on some of these issues. I disagree, however, with the proposition that somehow what is in a President's budget, that is the recommendation of a President in the President's budget, has any greater import than the recommendations of Senators about what kind of projects have merit.

The Constitution of this country provides that the President proposes and Congress disposes. The power of the purse is here. It is the Congress that raises the funds and it is the Congress that is responsible for the expenditure of those funds.

There has been a lot of discussion about "earmarks." Congressionally directed spending is spending that has been dramatically reformed. We have substantially reduced the number of projects in this bill.

By the way, I indicated when I began discussing the bill that Senator BENNETT and I have brought to the floor, talking about the number of earmarks the President has requested, a very large number of earmarks are in the President's request about what he believes we should pursue with respect to projects and how they should be funded. We have agreed with him in most cases, disagreed in a few cases, and in those areas where we have disagreed, we have not funded that which the President has requested because we didn't think it appropriate to fund it. We have in other cases funded other proposals that have come to us from Senators that have, we believe, more merit.

I do not believe the executive branch always gets it right and the congressional branch or legislative branch never gets it right. I think somewhere between represents the best of what both can offer. That is why we have preserved a substantial majority of what President Obama in his budget to the Congress has requested.

If you look back in history you will see there are a good many examples of projects that started out as legislative-directed spending, or funding, that have had major national implications. In 1873, Congress appropriated funds for the Indian police to keep order and prohibit illegal liquor traffic on Indian reservations. That was through a congressional add-on or earmark. Only later, then, were Indian tribal police forces and court systems authorized and included in the President's budget. But it was Congress that initiated the law enforcement approach that appropriated funds for Indian police.

In 1883, the U.S. Navy began moving from wooden to steel ships. That came as a result of a decision by the Con-

gress. The Congress said we want to move from wooden to steel ships. That was appropriated in the Naval Service Appropriations Act. It directed the Navy to construct two steel steam cruising vessels from funds appropriated but not required for repairing wooden ships.

In 1943, the National School Lunch Program was established through a \$50 million earmark in the 1944 Agriculture Appropriations bill. Of course, that turns out to have been a wonderful idea. The school lunch program is a remarkable success.

In 1987, it was the Congress that earmarked funding to what was called gene mapping, which later became the Human Genome Project. That didn't come from some bureaucrat or somebody down in an executive agency who said, You know what we should do, let's begin mapping human genes. Instead, it came from here, in the Congress. In fact, former Senator Domenici had a lot to do with that. So Congress originated the Human Genome Project. Guess what. We now have the first owners manual for the human body. It is changing everything about medicine. That didn't come because somebody in the executive branch said let's do that. That came because someone on the floor of the Senate here said let's do this because it has merit.

These are only a few examples of things that represent substantial progress as a result of ideas that come from the Congress. Despite what you hear from opponents of that sort of thing, if you got rid of all of the ideas that came from the Congress about how to spend money in the Energy and Water bill, we would still be spending the same amount of money because what we spend in this subcommittee is up to the allocation given us by the Budget Committee. The Budget Committee says here is what is going to be spent. That decision is made by the Senate. Then an appropriation, called a 302(b) allocation, I should say, goes to this subcommittee and that is what we allocate. That is what we decide we will have to spend.

If we did not do that, then that money goes down to an agency and someone in the Federal agency says here is what we are going to spend it on. So eliminating all of the legislative-directed funding would not reduce the Federal budget deficit at all. I know that is claimed but it is simply not the case. It just is not the case.

Let me also say the issue of legislative-directed funding is something we have dramatically transformed. No. 1, we have cut the amount of legislative-directed funding requests in half. By requests I am talking about those that made it into the bill. We have cut it by half. We got rid of half of it because I think it went way too far, so we cut it back by 50 percent. Second, every single request has to now be publicly dis-

closed and every single piece of legislative-directed funding that is in this bill is described by who asked for it, how much it is, and what its purpose is.

As I indicated before, what we are doing in this bill is investing in improving this country's infrastructure, improving and investing in this country's energy future and putting people to work, doing things that will pay dividends for decades to come. That is what this subcommittee does. This is not some routine subcommittee, this is the subcommittee that funds the substantial amount of energy projects and research in this country that will have implications for decades.

This is the subcommittee that funds all of the water projects—the dams, the harbors, the navigation, all of those issues that are so important to this country's water development and water conservation. So this is not some routine kind of expenditure, this is an investment that will create substantial jobs in the future. It will transform our energy future, in my judgment.

I described earlier the importance of the national laboratories we fund, the science laboratories, the energy laboratories, the weapons laboratories that represent the repository of the most breathtaking, cutting-edge, world-class research in so many different areas. All of that is done in this subcommittee.

I am pleased to have spent time with Senator BENNETT. We Republicans and Democrats on this committee worked through a lot of requests, requests from President Obama, from his team, about how they want to fund a wide range of issues and requests from our colleagues.

I would say Secretary Chu had requested a number of research hubs he wanted to do, kind of a transformation in the Department of Energy. We decided to proceed with three of those hubs. It makes sense to us to begin to try moving down that road in a range of areas where you provide real focus on specific areas of energy and research into those areas.

If the McCain amendment were to be agreed to, my understanding is they would be considered not authorized and therefore not allowed. That doesn't make any sense to me. There has been, for a long period of time, general authorization for the programs in the Department of Energy. We routinely have never authorized every year that which we are doing here. We fund programs that generally have been ongoing within the larger framework of the authorization of the Department of Energy.

I very much oppose the McCain amendment. I respect our colleague, Senator MCCAIN. He is a good legislator. We have come to disagreement on this subject. I hope my colleagues will join myself and Senator BENNETT in defeating the amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment No. 1814.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 72, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—25

Barrasso	DeMint	Lugar
Bayh	Enzi	Martinez
Bunning	Feingold	McCain
Burr	Graham	McCaskill
Chambliss	Grassley	Risch
Coburn	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	
Crapo	Kyl	

NAYS—72

Akaka	Franken	Nelson (NE)
Alexander	Gillibrand	Nelson (FL)
Baucus	Gregg	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bennett	Hatch	Roberts
Bingaman	Hutchison	Rockefeller
Bond	Inouye	Sanders
Boxer	Johnson	Schumer
Brown	Kaufman	Sessions
Brownback	Kerry	Shaheen
Burris	Klobuchar	Shelby
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Voinovich
Dodd	McConnell	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Ensign	Murkowski	Wicker
Feinstein	Murray	Wyden

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 1814) was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1862 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent to set aside the pending amendment so I may call up an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Tennessee has made a unanimous consent request. The Senator from Tennessee has the floor.

Is there objection to the request?

Mr. DORGAN. Reserving the right to object, has the Senator provided copies of the amendment to our side?

Mr. ALEXANDER. I have provided it to the desk. I guess the answer is no, but I will be happy to do so.

Mr. DORGAN. If the Senator from Tennessee will visit with me just briefly, I object for the moment so I may take a look at the amendment.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee still has the floor.

Mr. ALEXANDER. Madam President, if the manager of the bill is congenial with my idea of going ahead and talking about the amendment while he considers the terms, I will see that he has a copy.

Mr. DORGAN. Madam President, why don't we ask the Senator to proceed to discuss the amendment, and let's look at the language.

Mr. ALEXANDER. I thank the Senator from North Dakota for his courtesy, and I will ask that my staff get copies of the amendment to Senator DORGAN.

I am offering today the auto stock for every taxpayer amendment. This is an amendment I and a number of other Senators, including Senators BENNETT, KYL, and MCCONNELL, have introduced before. It basically would require the Treasury to distribute to all Americans who pay taxes on April 15 all of the government common stock in the new General Motors and Chrysler within 1 year following the date of emergence of General Motors and Chrysler from bankruptcy proceedings. In addition, General Motors, we are glad to say, has now emerged from bankruptcy proceedings, so the amendment becomes very timely.

The amendment would prohibit the Treasury from using any more TARP funds to bail out GM or Chrysler, and it would require that the Secretary of the Treasury and his designee have a fiduciary responsibility to the American taxpayer to maximize the return on their investment as long as the government holds stock in these companies.

This is the best way to get the auto companies out of the hands of Washington bureaucrats and politicians and into the hands of the American people in the marketplace where the companies belong.

There is a great deal of sentiment on the Democratic side as well as the Republican side about this. I know Senator NELSON of Nebraska had introduced legislation along the lines of finding a way to move the stock of

auto companies out of the hands of government and into some other hands as quickly as possible, taking the very sensible notion that the job of the U.S. Government is not to operate automobile companies in the United States. And Senator THUNE, Senator CORKER, and Senator JOHANNIS all have offered amendments to that effect.

I would like to suggest to my colleagues that this amendment, which I hope we have a chance to consider, is the most responsible way to take the taxpayers' investment in General Motors and Chrysler, maximize the return on the investment, get it out of Washington, DC, so we politicians are not tempted to meddle with it, and get it back out in the hands of the American people in the marketplace. It will create a sort of "Green Bay Packers" fan base for Chevrolets and whatever else General Motors decides to produce.

Most Americans know that in the National Football League there are a lot of teams who have a lot of loyalty, but the Green Bay Packers have more loyalty than most. One reason is that the fans own the team. In this case, the taxpayers would own General Motors and the taxpayers would own Chrysler or at least part of it. They would own 60 percent of General Motors and about 8 percent of Chrysler. That would give about 120 million Americans who pay taxes on April 15 a few shares in General Motors and Chrysler. And it might make them a little more interested in the next Chevrolet, and produce a little consumer interest.

That is not the best reason to do this. The most important reason to do this is that the American people, by overwhelming margins, understand what I think most of us understand: that the federal government has no business trying to run a car company. We do not know anything about running car companies. Yet, if we own it, we cannot keep our hands off of it. We have seen many examples of this on both sides of the aisle, I may say.

I started giving out car czar awards a few weeks ago. I gave the first one to the distinguished Congressman from Massachusetts who called the president of General Motors and said to him: Don't close a warehouse in my congressional district. And, lo and behold, the warehouse was not closed. Well, the Congressman said he was only doing what any Congressman would do about a warehouse in his district. I think he is right about that. But the problem is, the Congressman owns part of the company. He happens to be the chairman of the House bailout committee—the Financial Services Committee—in addition to that. So it creates a political incestuousness that we need to end.

Now, lest my colleagues on the other side think I am trying to pick on Democratic car czars, I had to give the second car czar award to myself because, lo and behold, General Motors

came around visiting the delegations of Michigan, Indiana, and, yes, Tennessee to try to see where they might build a plant for small cars. Now, what was I to do, as a Senator from Tennessee and as the Governor who helped recruit Saturn to Spring Hill, TN, 25 years ago? I got with Senator CORKER, and we got with the Governor, and we had a meeting in my office, and we met with the General Motors executives, and we put our best case forward.

Of course, we own 60 percent of the company. I counted up that there are about 60 committees and subcommittees in the House and the Senate that conceivably could have jurisdiction over General Motors and Chrysler and could hold hearings about the color of their cars and why they are buying a battery for the Chevy Volt in South Korea when they could be buying it from Tennessee, or why they do not make a car that is this big or that big or that many miles per gallon. Or what about the dealers? That has been a matter of great concern in the Congress. There is legislation pending that would overrule whatever the management's decision on dealers is. You name it, we have a reason to meddle. And most of us have been meddling.

So what do we have here? We have these chief executives of major companies for which we have now paid almost \$70 billion of taxpayers' money for 60 percent of the stock in General Motors and 8 percent in Chrysler. And what do these CEOs do? They are reduced to the status of some assistant secretary, driving their congressionally approved hybrid cars from Detroit to Washington to testify. They dare not fly in an airplane or we would want to know what kind of airplane they are flying in. So they come to Washington. They testify all day before the committee. Of course, they have to get prepared for that, which takes some time. Then they turn around and drive back home. My question is, How many cars did they design that day? How many cars did they build that day? How many cars did they sell that day while they are up here talking to all of their distinguished owners—Senators, Congressmen—all of us who are here in Washington, DC?

Now, we are well meaning, and they are well meaning. But my point is, the chief executives are never going to be able to succeed if we are constantly meddling in their business. So this amendment would make sure we move the ownership of stock from the government in Washington, DC, into the marketplace. Madam President, I see the manager of the bill. I would be glad to yield to him for a moment, if I could retain the floor.

Mr. DORGAN. Madam President, if Senator ALEXANDER would yield?

Mr. ALEXANDER. Madam President, I would like to be able to reclaim my time.

Mr. DORGAN. Yes, without the Senator losing his right to the floor. We think the way we would like to proceed is for the Senator from Tennessee to go ahead and offer his amendment and then finish his statement, after which we will go into a period of morning business, for not more than 10 minutes for each presentation. I believe Senator KAUFMAN has morning business.

So the point is, Senator BENNETT and I have discussed it, and we feel it appropriate for the Senator from Tennessee to offer the amendment at the end of his discussion, after which we will go into morning business.

Mr. ALEXANDER. Madam President, I thank the Senator for his courtesy. And I see the Senator from Delaware. I will take just a few more minutes, if I may, to explain the amendment.

So the reasons for doing this, to summarize, is that all of us seem to say—the President has said he does not want to micro-manage the auto companies. But if we own the companies, it is kind of hard for him not to do that. He fired the president of General Motors. His representatives are appointing the board. The President himself called the mayor of Detroit and seemed to get on the side of the issue of where the General Motors headquarters would be—in Warren, MI, or in Detroit. He has an Auto Task Force, whose business it is to pay a lot of attention to how these companies are running. There is a pay czar over in the White House whose job it is to check on the pay of certain executives in General Motors and Chrysler.

It is hard for me to see how General Motors and Chrysler—with all they have to do and the challenges they have ahead of it—how they are going to compete with Honda and Nissan and Toyota and Ford, which posted a big profit. If General Motors is spending a large percent of its time responding to meddlesome questions and directives by its majority owner, the U.S. Government.

I am not the only one who thinks that. According to the Nashville Tennessean, an AutoPacific survey reports that 81 percent of Americans polled "agreed that the faster the government gets out of the automotive business, the better."

Ninety-five percent disagreed "that the government is a good overseer of corporations such as General Motors and Chrysler." Ninety-three percent disagreed "that having the government in charge of (the two automakers) will result in cars and trucks that Americans will want to buy." According to a Rasmussen Poll done in June, 80 percent believe the government should sell its stake in the auto companies to private investors "as soon as possible." According to the Wall Street Journal on June 18, 70 percent of those surveyed said "they had concerns about federal interventions into the economy, in-

cluding Mr. Obama's decision to take an ownership stake in General Motors Corp."

But I do not think that is news to any of us. I think almost every Member of Congress understands that General Motors and Chrysler would be better off if we did not own them.

So that leaves the remaining question: What is the best way to get the stock from where it is in the government to where it needs to be, which is in the marketplace?

There have been a variety of good proposals made. I mentioned Senator NELSON's proposal, Senator CORKER's, and Senator THUNE's. But I would argue that a straight, simple stock dividend, which is what I am proposing, is the simplest and most effective way to accomplish this job. It is called a "corporate spinoff," in corporate terms, or a spinout. It is a new entity formed by a split from a larger one.

It often happens with very large companies. It usually happens when a major company—in this case, the U.S. Government—has a subsidiary—in this case, General Motors and Chrysler—which has very little to do with the business of the major company. Well, surely operating a car company is not the main business of the U.S. Government, which has a lot on its plate, when we go from health care, to climate change, to energy, to the budget, et cetera.

Examples of corporate spinoffs are pretty familiar to us. Procter & Gamble did a spinoff with Clorox in 1969. In other words, Procter & Gamble owned Clorox. Procter & Gamble declared a stock dividend. It gave its shareholders shares in Clorox, and Clorox and Procter & Gamble were severed. Time Warner did a spinoff with Time Warner Cable in March 2009. Time Warner stockholders received a pro rata share of Time Warner Cable common share stock. That is the same idea I am proposing here today. Then PepsiCo did a spinoff with its restaurant business—KFC, Pizza Hut, and Taco Bell in 1997. This is also something familiar. PepsiCo shareholders each received 1 share in the new restaurant company for every 10 PepsiCo shares they held.

The idea of Americans owning stock is not a new idea in the United States. Fifty-one percent of families hold stocks in publicly traded companies directly or indirectly. And many big companies have many shareholders.

Several of us Congressmen and Senators were on a phone call with Fritz Henderson, the General Motors chief executive officer, several weeks ago. The question came up about, what is the government going to do with all this GM stock after the bankruptcy? Mr. Henderson made very clear that was not his decision, it was the Treasury's decision to make. But he said this is a "very large amount" of stock and that the orderly offering of those

shares to establish a market might have to be “managed down over a period of years.”

Well, if the government in Washington holds the shares of General Motors and Chrysler for a “period of years,” I cannot think of anything that will make it less likely that General Motors will succeed because we will be meddling every single day, and GM will never have time to design, build, and make cars. Instead, the government could declare a stock dividend within the next few months, which should be relatively easy to do because we have the names and the accounts of the 120 million people who pay taxes on April 15. The principle here is: they paid for it, they might as well own it. So if the taxpayers own it, and that is good for them, and if getting rid of the stock from the government is good for the government and good for General Motors—just like creating a fan base of 120 million Americans who might be interested in the next Chevy, like Green Bay Packers fans are interested in the next quarterback—then, it seems to me this is a very wise idea.

I have talked with a number of corporate lawyers and bankruptcy lawyers and securities lawyers. I have discussed it with Governors. I have discussed it with financial officials. And I have talked about it with average Americans who are not happy about the fact that the government owns 60 percent of General Motors. They all think this stock distribution is a good idea.

I am afraid some of my colleagues think: Well, he is just making a point. He is just being facetious. I am not. We need to get rid of this stock. We almost all agree with that. It will take us years to do it if we sell it just in an orderly way over a period of time. The single best familiar way to get the stock out of the hands of the government and into the hands of the marketplace is a stock dividend. Give the stock to the people who have now paid almost \$70 billion for it—the 120 million people who pay taxes on April 15—and let’s get this economy moving again.

Not many weeks ago, a visiting European auto executive said to me, with a laugh, that he was in Washington, DC, which he referred to as “the new American automotive capital: Washington, DC.” Well, it would be a little humorous if it were not so sad. None of us like the fact that we are in the situation we are in. But to give General Motors and Chrysler a chance to succeed, let’s get our auto companies out of the hands of Washington, DC, and back into the marketplace. And the sooner the better. The amendment I offer will achieve that purpose.

At this point, I wish to once again ask unanimous consent to set aside the pending amendment and call up my amendment No. 1862.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 1862 to amendment No. 1813.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit disbursement of additional funds under the Troubled Asset Relief Program to certain automobile manufacturers, to impose fiduciary duties on the Secretary of the Treasury with respect to shareholders of such automobile manufacturers, to require the issuance of shares of common stock to eligible taxpayers which represent the common stock holdings of the United States Government in such automobile manufacturers, and for other purposes)

On page 68, between lines 15 and 16, insert the following:

SEC. ____ . RESTRICTIONS ON TARP EXPENDITURES FOR AUTOMOBILE MANUFACTURERS; FIDUCIARY DUTY TO TAXPAYERS; REQUIRED ISSUANCE OF COMMON STOCK TO TAXPAYERS.

(a) **SHORT TITLE.**—This section may be cited as the “Auto Stock for Every Taxpayer Act”.

(b) **PROHIBITION ON FURTHER TARP FUNDS.**—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) or any other provision of law, the Secretary may not expend or obligate any funds made available under that Act on or after the date of enactment of this Act with respect to any designated automobile manufacturer.

(c) **FIDUCIARY DUTY TO SHAREHOLDERS.**—With respect to any designated automobile manufacturer, the Secretary, and the designee of the Secretary who is responsible for the exercise of shareholder voting rights with respect to a designated automobile manufacturer pursuant to assistance provided under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), shall have a fiduciary duty to each eligible taxpayer for the maximization of the return on the investment of the taxpayer under that Act, in the same manner, and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applicable provisions of State law.

(d) **REQUIRED ISSUANCE OF COMMON STOCK TO ELIGIBLE TAXPAYERS.**—Not later than 1 year after the emergence of any designated automobile manufacturer from bankruptcy protection described in subsection (f)(1)(B), the Secretary shall direct the designated automobile manufacturer to issue through the Secretary a certificate of common stock to each eligible taxpayer, which shall represent such taxpayer’s per capita share of the aggregate common stock holdings of the United States Government in the designated automobile manufacturer on such date.

(e) **CIVIL ACTIONS AUTHORIZED.**—A person who is aggrieved of a violation of the fiduciary duty established under subsection (c) may bring a civil action in an appropriate United States district court to obtain injunctive or other equitable relief relating to the violation.

(f) **DEFINITIONS.**—As used in this section—

(1) the term “designated automobile manufacturer” means an entity organized under

the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term “eligible taxpayer” means any individual taxpayer who filed a Federal taxable return for taxable year 2008 (including any joint return) not later than the due date for such return (including any extension);

(3) the term “Secretary” means the Secretary of the Treasury or the designee of the Secretary; and

(4) the terms “director”, “issuer”, “securities”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

Mr. ALEXANDER. Madam President, I believe that concludes my remarks and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I ask to speak as in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. I ask unanimous consent to be followed by Senator BROWN.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTOR PROTECTION

Mr. KAUFMAN. Madam President, all Americans hope that the “green shoots” we have been seeing recently—evidence of the economy turning around—won’t wither. One thing that will help make our recovery strong and sustainable is the return of investor confidence. That is why making certain our financial markets operate fairly and openly is so important.

Free and fair markets and democracy are America’s two greatest pillars of strength. Our financial markets have long been the engine of American growth and the envy of the world. Efficient and free capital markets are essential to all of what makes America great: investment in private enterprise, the availability of capital to expand and grow our economy through innovation and new ideas, and the ability to save for retirement in hopes that investment will result in comfort for our later years. But we have seen what happens when you take the referees off the field, when we fail to have clear and fair rules for everyone. It is the job of our democratic government to set those rules and to keep the referees—our financial regulators—on the field.

I rise today because we continue to see that our financial markets simply do not operate on a level playing field for all investors. That is a threat to

the credibility of our financial markets and, as a result, to our country's economic well-being.

We have an unfair playing field that leaves us with, in effect, two markets: one for powerful insiders and another for average investors; one market for huge volume, high-speed players who can take advantage of every loophole for profit, and another market for retail investors who must play by the rules and whose orders are filled without any special priority. This situation simply cannot continue. It is the national equivalent of "separate and unequal."

I offer my colleagues three examples of this two-tier system which undermines the fairness and efficiency of our financial markets. First, today the biggest players on Wall Street are using their automated, high-speed trading programs to engage in short selling of stocks. Informed observers believe organized "bear raids"—short selling combined with coordinated "misinformation" campaigns—contributed to the demise of Lehman Brothers and Bear Stearns, key elements in the collapse of our financial markets last year. With the repeal of the uptick rule in 2007 and no substantial substitute in its place, the threat of such damaging manipulation is still with us.

Since March 3, I have spoken frequently about the urgent need for the SEC to restore the substance of the uptick rule. This rule required investors simply to pause and to wait for an uptick in price before continuing to short sell. Without such a rule in place, investors who own those stocks are more vulnerable to hedge fund bear raiders.

So far, the SEC has initiated rule-making and conducted on April 8 a roundtable discussion among key experts on some kind of price test that could substantially replace the uptick rule in today's high-speed, high-tech markets. While that process has begun, we have yet to see it bear fruit.

Second, big market players can engage in naked short selling—selling stock for which they have no legal claim and for which they cannot deliver. Since my first speech on this subject in March, I have come to the floor several times and coauthored letters with my colleagues about the need for the SEC to end naked short selling. In that abusive practice, traders bet on shares losing value—shares they have not borrowed and in some cases never even intend to borrow—in time for settlement.

Yesterday, the SEC made permanent a temporary rule they had enacted last fall and proposed some new transparency measures, and the Commission announced plans for a roundtable discussion on September 30—2 months from now. The Commission will finally begin to discuss publicly the potential solutions that a bipartisan group of Senators and I have been urging: either

a pre-borrow requirement or a centralized "hard locate" system. The Depository Trust and Clearing Corporation tells us it has the capacity and the willingness to implement that system but only if the SEC requires it through a rule.

That is some progress, but we need more urgency at the SEC to implement tougher rules that will stop naked short selling through an enforceable system. This is imperative, because the current "reasonable belief" standard is virtually unenforceable, even against those who engage in concerted action to manipulate prices downward.

Yesterday's announcement by the SEC admits that the rule they made permanent yesterday has only reduced fails to deliver by 57 percent. That leaves a lot of room for improvement. Why not have an enforceable system such as that proposed last week by seven Senators of both parties that could end naked short selling once and for all? I am hopeful we will soon see movement on this.

Third, we have the most recent revelation of so-called "flash orders" by high frequency traders. These allow exchange members who pay a fee to get a first look at share order flows before the general public. By viewing this buy and sell order information for milliseconds before it goes in the wider market, these investors gain an unfair advantage over the rest. Today I join Senator SCHUMER in urging the SEC to prohibit the use of these flash orders used in connection with optional display periods currently permitted by DirectEdge, Bats Exchange, and NASDAQ.

As the New York Stock Exchange complained to the SEC on May 28, selling flash orders for free provides:

Non-public order information to a select class of market participants at the expense of a free and open market system.

To use a baseball metaphor, flash orders allow some batters to pay to see the catcher's signals to the pitcher while the rest of us don't see them. We have to make an informed judgment with a normal amount of risk. Markets that permit a privileged few to have special access to information cannot maintain their credibility.

I ask: Is this what is happening on Wall Street today? When millions of Americans have lost so much money in the stock market, do Wall Street actors continue to make record trading profits by exploiting loopholes using high-speed computers?

William Donaldson, former chairman of the SEC and the New York Stock Exchange, has said:

This is where all the money is getting made . . . If an individual investor doesn't have the means to keep up, they're at a huge disadvantage.

As Senator SCHUMER wrote in his letter:

If allowed to continue, these practices will undermine the confidence of orderly inves-

tors and drive them away from our capital markets.

America simply cannot afford this loss of integrity of its financial markets.

Amazingly, it is a loophole in current regulations that allows this unfair practice. This can and should be fixed immediately.

Flash orders, the uptick rule, and naked short selling are not just a list of complaints. I believe they are interconnected. They are interconnected by an unsupported faith in the religion of self-regulation and liquidity. That religion believes that no price is too high for deeper liquidity—maximizing the volume and frequency of a transaction—because it reveals the greatest amount of information about stock values. There is one more article of faith—that innovation by market players is always beneficial.

When the financial markets were decimalized and the uptick rule repealed, the SEC and leading market institutions claimed that the technology would lead to deeper liquidity and market efficiencies benefiting all investors. High-speed trading, sophisticated algorithms, and high volume short selling all have grown exponentially in recent years.

MIT, our Nation's greatest engineering school, sent 11 percent of its 2008 graduates to work on Wall Street. All this, some say, has led to deeper liquidity.

America was founded with a spirit of entrepreneurship and a celebration of economic innovation. There are so many things Wall Street does right, and historically Wall Street was built on a foundation of trust and credibility. But America was also born from the principle of equal opportunity. While we should keep encouraging the kind of commercial ingenuity that fuels the prosperity of financial markets, we must ensure that technology is not employed to advantage one small group over the rest. That is not what free market is about.

Indeed, there is a place in our markets for high-speed arbitrage functions, because they can and have narrowed bid-ask spreads and lowered the cost of trading for all. High-speed arbitrage also helps price discovery and keeps the prices of similar assets traded in different markets more closely aligned.

When it comes to flash orders, however, I think most investors, even those who trade regularly, are waking up very surprised to learn that these practices are even permitted, just as we were surprised last year to learn about the rampant extent of naked short selling. Many investors have been suspicious for years that insiders on Wall Street hold built-in advantages over average investors. Flash orders are a classic example of being taken aback not by what is illegal but by what is legally occurring directly

under the nose of our financial regulators and leading market institutions.

Since I began speaking out against naked short selling, I have heard from some of the biggest companies in America that are concerned about the effects of naked short selling. But they do not want to speak out because they fear that any hint of vulnerability they admit even privately to public officials will leak out and make them the target of these predatory raiders.

I have also heard from investors around the country. They have complained that large broker-dealers are somehow permitted to trade ahead of most investors. These average and even sophisticated investors relate that in their experience they never seem to be able to execute trades at the best available published bid or asking price. They complain that large orders always seem to get a priority over their smaller orders. Until now, I never knew what to make of these claims.

In the New York Times this past Friday, on investor blogs for weeks now, and in a comment letter filed by the New York Stock Exchange on May 28, commentators have begun to explain how flash orders work to, quite literally, "pick the pockets" of the average investor. In essence, these traders get a very quick look at all pending orders in advance and through technology can trade ahead of these orders.

I ask unanimous consent that the Times article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 24, 2009]

STOCK TRADERS FIND SPEED PAYS, IN
MILLISECONDS

(By Charles Duhigg)

It is the hot new thing on Wall Street, a way for a handful of traders to master the stock market, peek at investors' orders and, critics say, even subtly manipulate share prices.

It is called high-frequency trading—and it is suddenly one of the most talked-about and mysterious forces in the markets.

Powerful computers, some housed right next to the machines that drive marketplaces like the New York Stock Exchange, enable high-frequency traders to transmit millions of orders at lightning speed and, their detractors contend, reap billions at everyone else's expense.

These systems are so fast they can outsmart or outrun other investors, humans and computers alike. And after growing in the shadows for years, they are generating lots of talk.

Nearly everyone on Wall Street is wondering how hedge funds and large banks like Goldman Sachs are making so much money so soon after the financial system nearly collapsed. High-frequency trading is one answer.

And when a former Goldman Sachs programmer was accused this month of stealing secret computer codes—software that a federal prosecutor said could "manipulate markets in unfair ways"—it only added to the mystery. Goldman acknowledges that it profits from high-frequency trading, but disputes that it has an unfair advantage.

Yet high-frequency specialists clearly have an edge over typical traders, let alone ordinary investors. The Securities and Exchange Commission says it is examining certain aspects of the strategy.

"This is where all the money is getting made," said William H. Donaldson, former chairman and chief executive of the New York Stock Exchange and today an adviser to a big hedge fund. "If an individual investor doesn't have the means to keep up, they're at a huge disadvantage."

For most of Wall Street's history, stock trading was fairly straightforward: buyers and sellers gathered on exchange floors and dickered until they struck a deal. Then, in 1998, the Securities and Exchange Commission authorized electronic exchanges to compete with marketplaces like the New York Stock Exchange. The intent was to open markets to anyone with a desktop computer and a fresh idea.

But as new marketplaces have emerged, PCs have been unable to compete with Wall Street's computers. Powerful algorithms—"algorithms," in industry parlance—execute millions of orders a second and scan dozens of public and private marketplaces simultaneously. They can spot trends before other investors can blink, changing orders and strategies within milliseconds.

High-frequency traders often confound other investors by issuing and then canceling orders almost simultaneously. Loopholes in market rules give high-speed investors an early glance at how others are trading. And their computers can essentially bully slower investors into giving up profits—and then disappear before anyone even knows they were there.

High-frequency traders also benefit from competition among the various exchanges, which pay small fees that are often collected by the biggest and most active traders—typically a quarter of a cent per share to whoever arrives first. Those small payments, spread over millions of shares, help high-speed investors profit simply by trading enormous numbers of shares, even if they buy or sell at a modest loss.

"It's become a technological arms race, and what separates winners and losers is how fast they can move," said Joseph M. Mecane of NYSE Euronext, which operates the New York Stock Exchange. "Markets need liquidity, and high-frequency traders provide opportunities for other investors to buy and sell."

The rise of high-frequency trading helps explain why activity on the nation's stock exchanges has exploded. Average daily volume has soared by 164 percent since 2005, according to data from NYSE. Although precise figures are elusive, stock exchanges say that a handful of high-frequency traders now account for a more than half of all trades. To understand this high-speed world, consider what happened when slow-moving traders went up against high-frequency robots earlier this month, and ended up handing spoils to lightning-fast computers.

It was July 15, and Intel, the computer chip giant, had reporting robust earnings the night before. Some investors, smelling opportunity, set out to buy shares in the semiconductor company Broadcom. (Their activities were described by an investor at a major Wall Street firm who spoke on the condition of anonymity to protect his job.) The slower traders faced a quandary: If they sought to buy a large number of shares at once, they would tip their hand and risk driving up Broadcom's price. So, as is often the case on Wall Street, they divided their orders into

dozens of small batches, hoping to cover their tracks. One second after the market opened, shares of Broadcom started changing hands at \$26.20.

The slower traders began issuing buy orders. But rather than being shown to all potential sellers at the same time, some of those orders were most likely routed to a collection of high-frequency traders for just 30 milliseconds—0.03 seconds—in what are known as flash orders. While markets are supposed to ensure transparency by showing orders to everyone simultaneously, a loophole in regulations allows marketplaces like Nasdaq to show traders some orders ahead of everyone else in exchange for a fee.

In less than half a second, high-frequency traders gained a valuable insight: the hunger for Broadcom was growing. Their computers began buying up Broadcom shares and then reselling them to the slower investors at higher prices. The overall price of Broadcom began to rise.

Soon, thousands of orders began flooding the markets as high-frequency software went into high gear. Automatic programs began issuing and canceling tiny orders within milliseconds to determine how much the slower traders were willing to pay. The high-frequency computers quickly determined that some investors' upper limit was \$26.40. The price shot to \$26.39, and high-frequency programs began offering to sell hundreds of thousands of shares.

The result is that the slower-moving investors paid \$1.4 million for about 56,000 shares, or \$7,800 more than if they had been able to move as quickly as the high-frequency traders.

Multiply such trades across thousands of stocks a day, and the profits are substantial. High-frequency traders generated about \$21 billion in profits last year, the Tabb Group, a research firm, estimates.

"You want to encourage innovation, and you want to reward companies that have invested in technology and ideas that make the markets more efficient," said Andrew M. Brooks, head of United States equity trading at T. Rowe Price, a mutual fund and investment company that often competes with and uses high-frequency techniques. "But we're moving toward a two-tiered marketplace of the high-frequency arbitrage guys, and everyone else. People want to know they have a legitimate shot at getting a fair deal. Otherwise, the markets lose their integrity."

Mr. KAUFMAN. Madam President, in America where all are created equal, Wall Street technology has permitted the powerful to exploit loopholes that make some investors now more equal than others.

The most basic principle of a free market system is that anyone can transact goods at prices based on a free and open market, not based on some kind of insider status. These flash order practices fly in the face of Regulation NMS, which the SEC issued to guarantee that trades are executed at the best price as soon as orders become available. With flash orders, there doesn't seem to be any guarantee of this anymore.

I call again for the SEC to act quickly to protect investors in four critical areas. First, we need to implement a rule that provides the substantive protections removed when the uptick rule was rescinded in 2007.

Second, the SEC must end naked short selling. No one should be able to short a stock unless they have located specified shares of stock and obtained a contractual claim to borrow the stock in time for delivery. The SEC's announcement yesterday of plans for more discussion does not accomplish this. We need concrete action soon by the SEC.

Third, the SEC must prohibit the use of flash orders. No one—no one—should be permitted to use information asymmetry that permits high-speed computer trading to have an advantage over average investors.

Finally, the SEC should establish disclosure and transparency equality. The disclosure requirements that apply to pooled funds worth greater than \$100 million should apply uniformly to all, including hedge funds, for both long and short positions, and the level of transparency for order flows should be the same for all.

I truly believe our new SEC chairman is focused on these issues and she is making progress on a number of fronts. But it is the job of Congress to urge regulators to fix problems. SEC Chairman Schapiro inherited an SEC that had made many mistakes. I respect the fact that Chairman Schapiro is working hard every day to right a foundered ship. The other commissioners are joining her in that task.

In closing, I implore the SEC once again to act urgently to fulfill its core mission: protecting investors. The reason protecting investors is so important is that by doing so, the SEC ensures the credibility of the financial markets. If the SEC refuses to restore a level playing field to rebuild investor confidence in our market, then we in Congress will have to step in and do it ourselves.

Protecting investors is too important to the Nation, to the integrity of our financial markets, and to our economic recovery. I say again that legitimate capital markets and arbitrage functions have value, like legitimate short-selling has value. But exploiting an unequal playing field only skims our Nation's wealth. It doesn't create wealth or value, except for a privileged few. That harms the integrity of our financial markets and, by doing so, threatens the very foundation of our economic well-being.

As Americans, we must have faith in our institutions, both the markets and government, and we must believe that if we work hard and play by the rules, all will be treated equally. That is what is at stake. Our financial industry and capital markets can be a powerful engine for the American economy. But the SEC and Congress must work together to restore investor quality, integrity, and credibility of our financial markets.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank Senator KAUFMAN for his bold advocacy on behalf of consumers and investors and for a better financial system.

Mr. KAUFMAN. I thank the Senator.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, last week I spoke on the Senate floor about the importance of the health care reform bill that passed the Senate in the Health, Education, Labor, and Pensions Committee.

I spoke about how the legislation would reduce costs for families and businesses, how it would protect consumer choice of doctors, hospitals, and insurance plans, and how it would assure health care stability and security for all Americans.

I spoke about how the bill's public option would increase competition in the insurance market, spurring private insurers to offer better premiums and better coverage.

I explained how the bill's insurance market reforms would prevent insurers from dodging and weaving to avoid paying claims—an experience most of us have had.

Today, I am here to talk about a provision in the HELP Committee bill that I am not proud of—a provision that none of us should be proud of. The committee adopted an amendment that would discourage medical innovation and perpetuate inflated prices for the medicines that millions of Americans need. This provision locks taxpayers into paying extraordinarily high prices for medicines covered by Medicaid and Medicare, covered by the VA system, and covered by the military's TRICARE system. The provision also means huge payments by corporations and small businesses that insure their employees, and the provision locks patients into paying astronomical out-of-pocket costs for medicines they cannot do without. The medicines I am talking about are known as biologics. They are medicines used to treat conditions such as multiple sclerosis, arthritis, Alzheimer's, diabetes, and cancer. Spending on brandname biologics is growing faster than spending on any other type of medicine.

All too often, the pricetag for this type of drug is simply too high for the patient who needs it. For instance, annual treatment for breast cancer with the brandname biologic drug Herceptin costs \$48,000. Even if you are lucky enough to have health insurance and you are paying 20 percent copay, that is \$9,600 a year. More than 192,000 American women will be diagnosed with breast cancer in 2009. How are they going to afford that kind of drug?

Annual treatment for rheumatoid arthritis with the brandname biologic

called Remicade costs \$20,000. Again, even if you are lucky enough to have insurance—pretty good insurance—you will probably have a copay of 20 percent, which is \$4,000 a year. That is \$80 every single week, in addition to all your other health care expenses, and maybe the fact that you don't have income because you are going through rheumatoid arthritis treatment. At least 1.3 million Americans suffer from rheumatoid arthritis.

Annual treatment for colon cancer with the brandname biologic Avastin costs \$100,000. Again, if you are lucky enough to have good health insurance, and you are paying a 20 percent copay, that is \$20,000. That is \$400 a week just for your copay, on your drug, in order to deal with your colon cancer. This is far too expensive for many of the 112,000 men and women in America who are diagnosed with colon cancer each year.

The typical household income in Ohio, which is not too much different from the State of the Presiding Officer, Colorado, is \$46,000 a year.

We are talking about a drug that costs \$20,000, another drug that costs \$48,000, and another drug that costs \$100,000 a year, and you are trying to pay with an income of \$46,000 a year? Even if you have good insurance, your copay alone will break the bank. You get the picture.

More than two decades ago, in response to consumer outrage over the traditional price of drugs, Congress passed the Drug Price Competition and Patent Restoration Act of 1984, known as the Hatch-Waxman Act. That act created a generic pathway for traditional medicines. Prior to that bill, the FDA had no approval process to get generic drugs, competitive drugs, similar drugs after they have gone off patent, identical drugs that can cure you just like brandname drugs can, but there was no allowance to bring those generic drugs to market.

A quarter century ago, Congress took care of that. We need a similar generic pathway for biologics. But legislation granting 12 years of "exclusivity"—a better term is 12 years of "monopoly"—protection, on top of the 20 years of patent protection—so these companies already have patents, and I understand sometimes several years of their patents are used up, and several years of the 20-year patents are used up during the approval process—maybe even 10 years. But on top of that, we are going to give them 12 years of monopoly protection, 12 years of exclusivity—the way we talk here—12 years of monopoly protection, the way that most people understand it. That gives a drug company a monopoly that no other drug in the market enjoys and no other product on the market enjoys.

What we have done is taken these drugs that cost \$12,000 a year, \$20,000 a year, \$40,000 a year, or \$100,000 a year,

and set them in a different category to protect them—a protection that nobody else in our entire economic system of protection, monopoly protection, and nobody else in our economic system enjoys. These are drugs that save people's lives. These are treatments for people they cannot get any other way.

Why do we carve out monopoly protection for these drug companies, when we don't do it for any other kinds of drugs—so-called orphan drugs—or any other consumer product? Why do we do it? It could not be because the biotech companies are really good lobbyists, could it or because of the campaign contributions they make to my colleagues—it couldn't be that, could it? I don't know the explanation.

Americans are worried that their employer will drop their health care coverage because of the cost of biologics. A 12-year biologic monopoly balloons the cost of employee-sponsored health care. Consumers worry that they won't be able to afford individual coverage. You will see, in some cases, some employers totally ending their health care coverage overall—the insurance they have for employees—because of the cost of biologics. Imagine you are a company with 100 employees, and you are a generous employer and you pay your people pretty well, and you are doing OK in this economy—not great but you have insurance for everybody; and of these 100 employees you have, say 4 or 5 get really sick. Say one takes Herceptin and one takes Remicade and one takes another one of these drugs—say, the \$100,000 drug, Avastin. Do you know what that employer is going to have to do because of the cost? They are probably going to have to end health care coverage for all of their employees because they have three or four employees taking these drugs.

We must fight back for Kyl and his family from Franklin County in central Ohio. Kyl's sister nearly lost her house because of the costs of fighting a series of immune-related diseases. Kyl's father works 50 hours a week in a food service job, with no health care benefits. Yet he has diabetes and heart trouble. Kyl writes that his father had to stop taking medications because he cannot afford the cost.

We are asking them to wait 12 years so that biotech companies can make even more—give them 12 years of monopoly protection.

I want these companies to do well. That is why I support more NIH funding. A lot of these companies get started by using taxpayer dollars for their research. Taxpayer-funded research is a good thing. It means inventions. And biologics are wonderful. I want them to be profitable and to innovate and to have incentive to do that. But 12 years of extra monopoly protection that nobody else in our system has?

We must fight for Laura and her family, from Lake County, OH. She is an

80-year-old mother of two sons who have struggled with serious medical conditions. One son is a brain cancer survivor, who cannot afford medicine or health insurance. He cannot get it because of his preexisting condition. Her other son has battled years of illnesses, mainly rheumatoid arthritis. His existing insurance coverage doesn't cover Remicade, which is the drug I talked about earlier. Remicade costs \$20,000 a year, about \$2,000 a month. If you have some insurance, maybe you can get it for a little less. But this employer wouldn't cover the brandname drug. Laura writes that her sons' health care costs far exceed their ability to pay.

Remember that traditional medicines receive only 5 years of monopoly protection. I am not the only one on the floor who thinks 12 years of unchecked monopoly protection is an irresponsible and inefficient pathway to biologics. President Obama has recognized the need to create an approval process for generic biologics with 7 years of market exclusivity.

Consumer groups, patient safety advocates, insurance companies, labor unions, and medical professionals, and many companies, because they are paying the freight, want a safer and more efficient pathway to generic biologics. They suggest 5 years, as my legislation originally did.

Groups from AARP to Families USA, to the National Organization for Rare Disorders, to the Service Employees International Union, to Blue Cross/Blue Shield have called for 7 years or less of monopoly protection.

The FTC released a report which found that lengthy periods of exclusivity will actually harm patients, diminish innovation, and delay access to affordable generic biologic drugs.

That is the only argument these biologics have, as they spread campaign contributions around. They lobby the halls of Congress and have spent literally millions already, and it is only July of 2009, but they spend millions of dollars lobbying. The only argument they have is they need 12 years of monopoly protection because, otherwise, they are not going to innovate.

The FTC said if they have 12 years, they will get fat and lazy. They won't innovate for 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, or 11 years, because why innovate if they are getting \$20,000, or \$48,000, or \$100,000 a year for their drug? The FTC explodes the only argument they have.

Interestingly, the FTC study is the only study out there examining this that is not paid for by the industry. The industry studies say one thing; the study paid for by the government and taxpayers, which doesn't have a dog in this hunt, says something very different.

I find myself disagreeing with every issue from Medicare, to trade, to the Iraq war, to everything else. Even the Post today said:

With a name like the Affordable Health Care Choices Act, you would think the Health, Education, Labor, and Pensions Committee this month would have made an effort to provide affordable health choices. But, instead, the bill includes a provision that would create a 12-year market exclusivity period [monopoly protection] for brand name biologic drugs. This would drive costs to consumers above even current levels [like the biotech companies aren't making enough with \$100,000 dollars a year drugs] making the title little more than a mockery.

This is a very important issue. I hope when the health care reform bill comes to the floor, Congress will get involved on behalf of the Americans they serve, the patients and taxpayers, and on behalf of American business.

Let's hope Ohioans from Paulding to Preble, from Montgomery to Morrow, from Gallia to Guernsey—Ohioans suffering from MS, arthritis, Alzheimer's, cancer, diabetes, and Parkinson's—can afford these medicines. Let's hope Congress will shake off, will ignore the pleas from lobbyists and recognize a 12-year monopoly reserved exclusively for biologic manufacturers is more than a bonus—it is a boondoggle.

Let's hope that we in Congress take a stand for fiscal responsibility, for common sense, and for the Americans we serve by ratcheting down the 12-year monopoly sweetheart deal that the big drug companies are peddling.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, I wish to pay tribute to CDR Duane G. Wolfe, a sailor from my home State of California who paid the ultimate price in service to our country in Iraq.

Commander Wolfe, of Los Osos, CA, died on May 25, 2009, from injuries suffered when his convoy was hit by a roadside bomb southeast of Fallujah, Iraq.

He is the oldest Californian to have lost his life in either Iraq or Afghanistan to date, electing to continue to serve as a member of the U.S. military despite having the option to retire.

Commander Wolfe enlisted in the Navy in 1972 shortly after graduating high school and served on Active Duty for 5 years. In 1978, he joined the Navy Reserves, where he served until his death. He also worked for 24 years as a civilian employee at Vandenberg Air Force Base, rising to the position of civilian deputy commander for installation support for the 30th Mission Support Group.

As a member of the Navy Reserves, Commander Wolfe deployed to Iraq in December 2008 for a 6-month assignment. He served as the officer in charge of the U.S. Army Corps of Engineers Al Anbar Area Office, leading a team that oversaw nearly \$300 million in construction projects including many that provide essential services to the Iraqi people. He was due to return home on July 10, 2009.

In addition to his military service, Commander Wolfe was a longtime deacon for the Los Osos Church of Christ where he taught Bible classes and occasionally filled in as a substitute preacher. He was a skilled lifelong athlete who loved golfing and playing basketball, and a talented mechanic, with a particular aptitude for both construction and car repair.

At the age of 19, Commander Wolfe met his wife Cindi, to whom he was married for 34 happy years. He and his wife have three children, Carrie, Katie and Evan, who remember their father for his kindness, warmth, and dedication to his family and country.

Commander Wolfe will be posthumously awarded the Bronze Star with "V" Device for Valor, the Purple Heart, the Navy Combat Action Ribbon, the National Defense Service Medal with Service Star, the Iraqi Campaign Medal, the Armed Forces Reserve Medal with "M" Device for Mobilization, and the Overseas Service Ribbon, commemorating his courage and extraordinary sacrifice in service to our country.

Nothing can fully account for the loss suffered by Commander Wolfe's family and all those who loved him. But I hope they can take comfort in the knowledge that he will be forever honored and remembered by a grateful nation.

As we remember Commander Wolfe and honor his service to the United States, we are also reminded of the eight other Californians who have been killed in Iraq since April 21. This brings to 879 the number of servicemembers either from California or based in California that have been killed while serving our country in Iraq. This represents 20 percent of all U.S. deaths in Iraq.

SSgt Mark A. Wojciechowski, 25, of Cincinnati, OH, died April 30 while supporting combat operations in Al Anbar province Iraq. Staff Sergeant Wojciechowski was assigned to 7th Engineer Support Battalion, 1st Marine

Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt James R. McIlvaine, 26, of Olney, MD, died April 30 while supporting combat operations in Al Anbar province Iraq. Sergeant McIlvaine was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SPC Jake R. Velloza, 22, of Inverness, CA, died from wounds sustained after he was shot by enemy forces in Mosul, Iraq on May 2. Specialist Velloza was assigned to the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX.

SPC Jeremiah P. McCleery, 24, of Portola, CA, died from wounds sustained after he was shot by enemy forces in Mosul, Iraq on May 2. Specialist McCleery was assigned to the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX.

PVT Justin P. Hartford, 21, of Elmira, NY, died May 8 at Joint Base Balad, Iraq, of injuries sustained from a non-combat related incident. Private Hartford was assigned to the 699th Maintenance Company, Corps Support Battalion, 916th Support Brigade, Fort Irwin, CA.

MAJ Jason E. George, 38, of Tehachapi, CA, died May 21 near Baghdad, Iraq of wounds sustained when his unit was attacked by enemy forces using improvised explosive devices while on dismounted patrol. Major George was an Army Reservist assigned to the 252nd Combined Arms Battalion, Fayetteville, NC.

CPT Kafele H. Sims, 32, of Los Angeles, CA, died June 16 in Mosul, Iraq, of a non-combat related incident. Captain Sims was assigned to the 18th Engineer Brigade, Schwetzingen, Germany.

LCpl Brandon T. Lara, 20, of New Braunfels, TX, died July 19 while supporting combat operations in Anbar province, Iraq. Lance Corporal Lara was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

I would also like to pay tribute to the nine soldiers from CA who have died while serving our country in Operation Enduring Freedom since April 21.

SSG Esau I. De la Pena-Hernandez, 25, of La Puente, CA, died May 15 at Forward Operating Base Shank, Afghanistan, of wounds suffered when his patrol was attacked by enemy forces using small-arms fire in Chak, Afghanistan. Staff Sergeant De la Pena-Hernandez was assigned to the 2nd Battalion, 87th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Light Infantry, Fort Drum, NY.

1SG Blue C. Rowe, 33, of Summers, AR, died May 26 in Panjshir Province, Afghanistan, when an improvised explosive device detonated near his vehi-

cle. First Sergeant Rowe was assigned to the 426th Civil Affairs Battalion, Up-land, CA.

LCpl Joshua R. Whittle, 20, of Downey, CA, died June 6 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Whittle was assigned to 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Kaneohe Bay, HI.

MAJ Rocco M. Barnes, 50, of Los Angeles, CA, died June 4 in Afghanistan of injuries sustained during a vehicle rollover. Major Barnes was a member of the Tactical Command Post, 40th Infantry Division, California Army National Guard, assigned as an individual augmentee to the 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force.

SPC Eduardo S. Silva, 25, of Greenfield, CA, died June 9 at Bagram Airfield, Afghanistan, of a non-combat related incident. Specialist Silva was assigned to the 563rd Aviation Support Battalion, 159th Combat Aviation Brigade, 101st Airborne Division, Air Assault, Fort Campbell, KY.

PFC Justin A. Casillas, 19, of Dunnigan, CA, died July 4 at Combat Outpost Zerok, Afghanistan, of wounds suffered when insurgents attacked his outpost using small arms and indirect fire. Private First Class Casillas was assigned to the 3rd Battalion, 509th Parachute Infantry Regiment, 4th Brigade Combat Team, Airborne, 25th Infantry Division, Fort Richardson, AK.

PFC Nicolas H. J. Gideon, 20, of Murrieta, CA, died July 6 at Forward Operating Base Salerno, Afghanistan, of injuries suffered earlier that day in Paktya, Afghanistan, when insurgents attacked his unit using small arms fire and rocket-propelled grenades. Private First Class Gideon was assigned to the 1st Squadron, 40th Cavalry Regiment, 4th Brigade Combat Team Airborne, 25th Infantry Division, Fort Richardson, AK.

LCpl Pedro A. Barbozaflares, 27, of Glendale, CA, died July 11 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Barbozaflares was assigned to 2nd Light Armored Reconnaissance Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC.

Sgt Michael W. Heede Jr., 22, of Delta, PA, died July 13 while supporting combat operations in Helmand province, Afghanistan. Sergeant Heede was assigned to 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

DEFENSE AUTHORIZATION

Mr. BROWNBACK. Mr. President, I appreciate the assistance of the chairman and ranking member of the Committee on Armed Services last week in

clearing an amendment I offered to the fiscal year 2010 National Defense Authorization Act dealing with irregular warfare aircraft. As the conference committee prepares to resolve the differences between the House and Senate versions of the NDAA, I want to provide in the RECORD some context for this provision.

Years of combat in Afghanistan and Iraq have shown that insurgents take refuge among regular civilians to complicate our ability to find them and increase the chances of civilian casualties that inflame local populations. We also have learned that fighting insurgencies requires an enormous amount of intelligence, surveillance and reconnaissance, ISR, data. Our highly advanced tactical aircraft can perform close air support, light strike, and ISR missions, but repeatedly using such fighters for these missions shortens their lifespan without ever employing their most advanced capabilities. It is like buying a laptop computer to use as a calculator.

Indeed, smaller, lighter planes designed for counterinsurgency missions can provide the firepower and intelligence data the warfighter needs at a fraction of the cost to purchase and operate bigger, faster aircraft. Moreover, such aircraft would allow us to provide ideal platforms to partner nations struggling to develop their own air forces and deal with local insurgencies.

Secretary Gates, the Chief of Staff of the Air Force, General Schwartz, and other officials from the Air Force, Navy, and special operations forces have commented recently that the Department of Defense needs to consider developing a light strike, light reconnaissance aircraft specifically designed for irregular warfare. And to their credit, the Air Force and Navy are beginning to explore the utility of such aircraft in detail.

I want to ensure, however, that the Department of Defense makes the best possible use of money Congress has already spent in this area. Over the past 2 fiscal years, Congress has appropriated \$8.4 million to the Air National Guard for a project to demonstrate the capabilities of a light strike, light reconnaissance aircraft. In fact, the demonstrator aircraft in that project made its first flight yesterday and will demonstrate its capabilities over the course of the rest of this year. The knowledge gained in this demonstration program should be incorporated into the Air Force, Navy, and special operations discussions of manned irregular warfare aircraft.

My amendment, then, simply declares it the sense of Congress that the Secretary of Defense should include the reserve components when establishing requirements for manned airborne irregular warfare platforms. Congress has led the way in examining the concept of a light attack, light reconnais-

sance aircraft. In this era of constrained defense budgets, it is vital to make every dollar count. I am pleased that in this amendment the Senate signaled the importance of reserve component work on this concept, and I hope that the language is retained in conference so the House can send a similar signal. It is increasingly clear that the Nation needs this capability, and the combined efforts of all components at the Defense Department will bring these aircraft to the warfighter sooner rather than later.

GROUND-BASED MIDCOURSE DEFENSE ELEMENT

Mr. BEGICH. Mr. President, there are some very important provisions in the Armed Services Committee bill, S. 1390, the National Defense Authorization Act for fiscal year 2010, regarding the Ground-based Midcourse Defense, GMD, element of the Ballistic Missile Defense System, BMDS. GMD is a system designed to protect the homeland against long-range missile threats. Would the chairman agree that GMD plays an important role in the architecture of the overall BMDS?

Mr. LEVIN. GMD is an important element of the overall Ballistic Missile Defense System. It is important that the GMD element be an operationally effective, cost-effective, affordable, reliable, suitable, and survivable system capable of defending the United States from the threat of long-range missile attacks from nations such as North Korea and Iran, and that adequate resources be available to achieve such capabilities.

Mr. BEGICH. Mr. President, Alaska plays a critical role in GMD. The majority of infrastructure currently required to support deployment of the GMD system is located at Fort Greely in Alaska. Recently, the Missile Defense Agency determined that in order to ensure the best infrastructure is available to support deployment of interceptors from Alaska in defense of the Nation, a seven-silo configuration in Missile Field 2 is warranted to replace older, less reliable, silos in Missile Field 1. In the Armed Services Committee report accompanying S. 1390, the committee expressed the view that, if the Department of Defense believes there is a benefit to completing the seven silos at Missile Field 2 during fiscal year 2010, the committee would look favorably upon a reprogramming request from the Secretary of Defense to provide the funds to complete the seven-silos in fiscal year 2010. Would the chairman agree that providing a seven silo capability in Missile Field 2 is beneficial to GMD in defense of the homeland?

Mr. LEVIN. I agree with my colleague from Alaska that Fort Greely plays an integral role in supporting the GMD element of Ballistic Missile De-

fense System, and will continue to do so in the future. Constructing Missile Field 2 in a seven-silo configuration to replace the older silos at Missile Field 1 will provide updated and more reliable infrastructure in support of GMD. If the Department of Defense believes there is a benefit to completing the seven silos in fiscal year 2010 and the Secretary submits a reprogramming request to do so, I believe the committee would look favorably upon such a request, although subject to evaluation of course. If the Department does not submit such a reprogramming request, I believe the Department will request the funds to complete construction of the seven-silos in fiscal year 2011.

Mr. BEGICH. I thank the chairman for his response. Section 243 of S. 1390, the National Defense Authorization Act for fiscal year 2010, would require the Department of Defense to submit to Congress early next year two reports concerning the GMD element. Would the chairman agree that until the reports required in section 243 of S. 1390 are delivered to Congress the Department of Defense should not make any irreversible decision concerning operational silos in Missile Field 2 at Fort Greely, and that decommissioning of Missile Field 1 should not be completed until the seven-silos have been emplaced at Missile Field 2?

Mr. LEVIN. During consideration of S. 1390, the Senate adopted an amendment, offered by the Senator from Alaska, that would require the Secretary of Defense to ensure that Missile Field 1 does not complete decommissioning until seven-silos have been emplaced at Missile Field 2. It would also require the Secretary to ensure that no irreversible decision is made with respect to the disposition of operational silos at Missile Field 2 until 60 days after the reports required by section 243 are submitted to Congress.

Mr. BEGICH. I thank the chairman and appreciate his work on improving GMD and recognizing Alaska's infrastructure is necessary to support GMD in defense of the homeland now and in the future.

U.S.-CHINA STRATEGIC AND ECONOMIC DIALOGUE

Mr. DORGAN. Mr. President, the meeting of the U.S.-China Strategic and Economic Dialogue this week in Washington is an important opportunity. It is a chance to advance a comprehensive relationship between our two countries and to highlight the importance of fundamental rights to that relationship.

I am chairman of the Congressional-Executive Commission on China. The Commission examines human rights and rule of law developments in China. In recent years, I have witnessed human rights concerns being pushed to the margins of the U.S.-China relationship. This is due in part to China's

growing financial, diplomatic and military strength. Sidelining our human rights concerns with China is a strategic mistake for the U.S.

The advancement of human rights concerns with China is more important to U.S. interests than ever. The reporting of the Commission I chair makes this crystal clear.

Press censorship in China makes it possible for toxic food and public health crises to spread globally.

The harassment of whistleblowers and the suppression of criticism and dissent remove internal checks against environmental damage that not only hurts ordinary Chinese citizens but has a global impact.

Abuses of low-wage labor compromise goods that come to the U.S. have harmed U.S. consumers, as well as Chinese consumers.

The government's control of mass media and the internet allow it to stoke nationalist anger against the United States in moments of crisis. This can be terribly dangerous.

Let there be no doubt—I have enormous respect for China. I respect the progress China has made by lifting hundreds of millions of people out of poverty. I admire its rich and remarkable culture and immensely talented people. But I firmly believe that its people should be free to speak their minds and practice their chosen faiths without fear.

The news is not all bad. There have been positive developments in recent years. The government has enshrined in its Constitution the state's responsibility to protect and promote human rights. The Congressional-Executive Commission on China has also reported on China's recent adoption of new labor protections, and the relaxing of restrictions on foreign journalists inside China. These and other gains were made partly as a result of sustained international pressure. The meeting of the Strategic Economic Dialogue presents another opportunity to press for more such gains.

But let us be clear: Nothing we ask of China regarding human rights is inconsistent with commitments to international standards to which China in principal already has agreed. So we are not necessarily looking just for more agreements. We are waiting for action. We are waiting for China's leaders to demonstrate true commitment, not just in words but in deeds, to prioritizing human rights, including worker rights, and the development of the rule of law in no lesser way than they have prioritized economic reform.

In closing, the Strategic and Economic Dialogue this week provides an opportunity to underline how advancing the welfare of citizens must not be separated from a demonstrated commitment to human rights and the rule of law. To remain faithful to our pursuit of basic American values, we must seize that opportunity.

SERVICE OF BRETT NILSSON

Mr. HATCH. Mr. President, I wish to pay tribute to Mr. Brett Nilsson as he nears the completion of his service as the chairman of the Independent Insurance Agents & Brokers of America, IIABA.

If I may, let me just start by saying I am proud to count Brett as both a constituent and a friend. Indeed, it goes without saying that for close to 20 years Brett has been a very busy man and is someone who has been dedicated to both our Nation and to Utah through the service he has provided.

On the national level, Brett has served on IIABA's Communications and Finance Committees, the later of which, I might add, he chaired from 1999 to 2003. After his chairmanship of the association's Finance Committee, Brett was then elected to IIABA's Executive Committee in 2003 and then nominated as the association's chairman last September in 2008. In Utah, Brett spent a year serving as president of the Independent Insurance Agents of Utah from 1992 to 1993 and as the national board director from Utah for 9 years. All of this, of course, is in addition to his own personal career where he is the senior vice president for the Buckner Company in Ogden, UT.

Founded in 1896, IIABA is the Nation's oldest association of independent insurance agents and brokers. At last count the association represents an astounding network of more than 300,000 agents, brokers, and their employees. Throughout his tenure as chairman of the association, Brett has been the lead on a number of issues including health insurance reform and insurance regulatory reform. Additionally, Brett has worked assiduously to build the Trusted Choice brand and advance the association's InVEST Program, which is a school-to-work insurance program that partners with community college and high school educators to offer a practical and innovative program of study for students.

Above all, and perhaps most importantly, Brett has been committed to his family, his business, and our community in Utah. He was a vice president of the Ogden Jaycees, he participated on several chamber of commerce committees, and he is a past president of the Ogden Golf and Country Club. He has served on a number of different insurance company agent advisory councils. He was awarded Utah's Agent of the Year, and Young Agent of the Year and, as if those recognitions were not enough, in 2001 he also received an IIABA Presidential Citation. All of this, however, has only served as icing on the cake when, in 2003, Brett received our State association's highest individual honor, the Burgener Award—a unique distinction awarded only five other times in the history of the association in Utah.

Today, Mr. President, I join with many Utahns and people from across

the Nation in thanking Brett for his work with IIABA over the years and for his dedication to his professional career, our community, and our State. His efforts are greatly appreciated and have not gone unrecognized. For that, I wish him, his beautiful wife Nancy, and their four children and eight grandchildren the very best in their future endeavors, adventures, and service to others. I am certain they are looking forward to having a little more free time with grandpa, and I know we are all looking forward to next chapter of Brett's career.

ADDITIONAL STATEMENTS

HONORING THE SERVICE OF CLARENCE "CAL" W. MARSELLA

• Mr. BENNET. Mr. President, I wish to offer congratulations and gratitude to Clarence "Cal" W. Marsella on the occasion of his retirement as general manager of the Denver Regional Transportation District, RTD.

Under Cal's leadership, the Denver region has become a national model of how effective public transit service can improve the quality of life, environment, and energy efficiency of a region. Cal was able to bring local, State, and Federal officials together behind a shared vision for our region, build a transit system matched to our region's growth patterns, and help us all remain committed to preserving one of the Nation's most unique and precious environments. At the same time, he has been a national champion for the idea that mass transit is the key to our energy independence.

Cal Marsella was hired as RTD's general manager in August 1995. During his service, he oversaw the completion of three new light rail lines on time and on budget, including the T-REX light rail project that opened November 17, 2006. Reflecting his performance and the strong public trust in RTD, metro area voters in 2004 overwhelmingly approved the FasTracks transit expansion program for the entire eight-county metro area. This represents the largest transit-only voter approved program in the entire country. With Cal's skill, determination, and effort, progress on the FasTracks program has moved ahead swiftly, and construction is currently underway on the new West Corridor.

Mr. Marsella began his transportation career in the highway engineering division of the State of Connecticut Department of Transportation in 1974, armed with a masters' degree in public affairs and a bachelor of arts degree from the University of Connecticut. He now serves on the National Academy of Sciences Transportation Research Board and regularly guest lectures at the University of Denver and the University of Colorado master's degree

programs in transportation and public administration. In recent years, Cal has received national honors commensurate with his leadership and achievements. He was selected by the American Public Transportation Association as the Outstanding Public Transportation Manager in 2006 and, under his management RTD, was selected as the Outstanding Transportation Agency in North America in both 2003 and 2008.

I congratulate and extend my sincere gratitude to Cal Marsella for his service to the Denver region and the State of Colorado. I wish him continued success and all good fortune in his work ahead.●

150TH ANNIVERSARY OF VERMILLION, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I wish to recognize the 150th anniversary of the founding of one of South Dakota's great cities, Vermillion. Sitting atop a bluff on the Missouri River in the southeast corner of the State, Vermillion is the county seat for Clay County. With its growing economic development, strong workforce, and diverse demographics, Vermillion has an exceptional quality of life, and I am proud to call it my hometown.

Deriving its name from the Sioux word for "red stream," Vermillion was founded in 1859 after first being visited by French fur traders. Just 3 years later in 1862 the University of South Dakota was founded, making it the State's oldest institution of higher education. After a harsh winter, the city of Vermillion faced what would later become known as the Great Flood of 1881. By the flood's end, over 100 buildings were destroyed, and transportation was stalled for months due to damage to railroads and bridges. The town's businesspeople quickly responded and rebuilt the town on top of the bluff. After relocating, the city continued to flourish with the advance of technological innovations at the turn of the century. In 1895, the Vermillion Milling Company received a franchise to operate an electric utility and provide electric lights. In 1902, Vermillion saw the installation of a city sewer system and steam powered automobiles on its streets. Throughout its rich and colorful history, Vermillion has continued to grow and prosper.

Today, Vermillion boasts a wide variety of educational, cultural, and recreational opportunities. It is home to many places of interest including the Shrine to Music Museum, founded in 1973. This national music museum is one of the greatest institutions of its kind in the world. The facility holds many instruments from renowned collections and has been recognized as "A Landmark of American Music" by the National Music Council. Additionally, the city's attractions include the Aus-

tin-Whittemore House, the Oscar Howe Gallery, the Dakota Dome, the W.H. Over Museum, Spirit Mound, and beautiful riverside trails.

Vermillion is celebrating its sesquicentennial with a variety of events including tours of the newly completed Vermillion City Hall, a community barbeque, school reunions and dances, a 5K Fun Run/Walk, an airshow, and a concert by Ratingen Youth Wind Orchestra from Vermillion's Sister City of Ratingen, Germany. These activities will serve as a reminder of the shared history of the community and bring the tight-knit people of Vermillion even closer together. Vermillion is holding a flag design contest to pay additional tribute to this historic milestone. The city has previously unveiled its official sesquicentennial logo, designed by Erin Helsa, a 2006 graduate of Vermillion High School.

As a native of Vermillion, I am pleased to publicly honor the achievements of this wonderful South Dakota community as they reach this juncture. I congratulate the citizens of Vermillion on their accomplishments over the last 150 years and look forward to seeing their future endeavors.●

ANNIVERSARY OF STATE BANK IN HOSMER, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, with great honor, I wish to recognize the 90th anniversary of Farmers State Bank in Hosmer, SD.

After being chartered in 1919, Farmers State Bank opened its doors to the public on August 2, 1920. In the following years, Farmers State Bank was able to withstand the Great Depression and operate on a sound basis. In 1931, it consolidated with Hillsview State Bank and stayed under the Farmers State Bank name. John, Arthur, and Helen Haerter were among the bank's first stockholders and served as the first president, vice president, and cashier, respectively. Throughout its history, the bank has remained within the Haerter family. Today, the current members of the board of directors are Bruce Haerter, Joyce Haerter, John A. Haerter, Doris Haerter, and John Schwan.

After 90 years of growth, Farmers State Bank still embodies the entrepreneurial health of South Dakota and the spirit of community in our local lending institutions. I strongly commend all the Farmers State Bank's employees on their years of hard work and dedication, and I am very pleased that the institution and its people are being publicly honored and celebrated on this memorable occasion.●

RECOGNIZING DEBORAH WEINSTEIN

● Mr. ROCKEFELLER. Mr. President, I wish to recognize Deborah Weinstein,

executive director of the Coalition on Human Needs, for her leadership and commitment to the needs of low-income and other vulnerable populations.

On July 29, the coalition will honor Ms. Weinstein for her extraordinary 30-plus years of advocacy work on a wide range of issues at both the State and Federal level. Throughout her distinguished career, Debbie Weinstein has been a tireless advocate for children, families, and those Americans most in need. She has been an architect of various coalitions, which is essential in promoting and enacting good public policy.

Over the years, I have been proud to work with Debbie and the Coalition on Human Needs on programs of mutual interest and concern like the earned income tax credit, child support enforcement, child nutrition, child care, and temporary assistance for needy families, TANF. The outreach and work of the coalition under Ms. Weinstein's strong leadership has played an important role in educating grassroots advocates and helping them convey their beliefs to policymakers on the Hill. It is an important role that has been done quite well for many years by Debbie Weinstein.

As executive director of the Coalition on Human Needs, Debbie has earned the respect and support of her colleagues. Recognition by ones peers is a strong endorsement indeed. It is my honor and privilege today to recognize Debbie Weinstein's compassion for the most vulnerable among us, and I thank her for that commitment.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1121. An act to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes.

H.R. 1376. An act to establish the Waco Mammoth National Monument in the State of Texas, and for other purposes.

H.R. 2770. An act to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes.

H.R. 3155. An act to amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes.

H.R. 3219. An act to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1121. An act to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1376. An act to establish the Waco Mammoth National Monument in the State of Texas, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2770. An act to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3155. An act to amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3219. An act to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2478. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dichlormid; Time Limited Pesticide Tolerances" (FRL No. 8422-2) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2479. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethylene oxide adducts of 2,3,7,9-tetramethyl-5-decynediol, the ethylene oxide content averages 3.5, 10, or 30 moles; Exemption from the Requirement of a Tolerance" (FRL No. 8425-7) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2480. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Fenpyroximate, Pesticide Tolerances" (FRL No. 8420-6) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2481. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "N,N,N',N'-Tetrakis-(2-Hydroxypropyl) Ethylenediamine; Exemption from the Requirement of a Tolerance" (FRL No. 8429-3) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2482. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sodium-N-oleoyl-N-Methyl taurine; Exemption from the Requirement of a Tolerance" (FRL No. 8426-8) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2483. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sodium monoalkyl and dialkyl (C6-C16) phenoxybenzenedisulfonates and related acids; Exemption from the Requirement of a Tolerance" (FRL No. 8421-7) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2484. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a Selected Acquisition Report relative to the Average Procurement Unit Cost for the E-2D Advanced Hawkeye program; to the Committee on Armed Services.

EC-2485. A communication from the Deputy Secretary of Defense, transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2486. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Regulations SHO—Rule 204—Rule to Make Permanent Temporary Rule that Enhances Close-out Requirements for all Equity Securities" (RIN3235-AK22) received in the Office of the President of the Senate on July 27, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2487. A communication from the Regulatory Specialist of the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital—Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program" (RIN1557-AD25) received in the Office of the President of the Senate on July 27, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2488. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security,

transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2489. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Government National Mortgage Association's (Ginnie Mae) commitment authority; to the Committee on Banking, Housing, and Urban Affairs.

EC-2490. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Department of Energy Acquisition Regulation: Technical Amendment; Final Rule" (RIN1991-AB62) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Energy and Natural Resources.

EC-2491. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a legislative proposal relative to improving the way that the Nation raises the revenues needed to cover the non-Federal share of the capital costs of inland and intracoastal waterways projects; to the Committee on Environment and Public Works.

EC-2492. A communication from the Secretary of Commerce, transmitting, pursuant to law, an annual report relative to the activities of the Economic Development Administration for fiscal year 2008; to the Committee on Environment and Public Works.

EC-2493. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Guidance on Technical Direction" (FRL No. 8935-6) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Environment and Public Works.

EC-2494. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans Alabama: Birmingham 1997 8-Hour Ozone Contingency Measures" (FRL No. 8937-2) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Environment and Public Works.

EC-2495. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Iowa; Update to Materials Incorporated by Reference" (FRL No. 8933-5) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Environment and Public Works.

EC-2496. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation Implementation of Air Quality Implementation Plans; Nebraska; Update to Materials Incorporated by Reference" (FRL No. 8933-4) received in the Office of the President of the

Senate on July 24, 2009; to the Committee on Environment and Public Works.

EC-2497. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District" (FRL No. 8936-6) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Environment and Public Works.

EC-2498. A communication from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Attorney Advisor Program Sunset Date Extension" (RIN0960-AH01) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Finance.

EC-2499. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notification Requirement for Tax-Exempt Entities Not Currently Required to File" (RIN1545-BG37) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Finance.

EC-2500. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Cargo Container and Road Vehicle Certification Pursuant to International Conventions: Designated Certifying Authorities" (RIN1651-AA78) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Finance.

EC-2501. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services for the manufacture of the S-70A Helicopter for Japan in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2502. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services for the manufacture of T64 engine parts for end use by Japan in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2503. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed export of defense articles in support of the transfer of title of one commercial communications satellite to Canada in the amount of \$100,000,000; to the Committee on Foreign Relations.

EC-2504. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, defense services, and hardware for the manufacture of major and minor components of the J-85 Turbine Engine used in the F-5 for the Republic of

Korea in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment and with an amended preamble:

S. Res. 81. A resolution supporting the goals and ideals of World Water Day.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Arturo A. Valenzuela, of the District of Columbia, to be an Assistant Secretary of State (Western Hemisphere Affairs).

*Thomas Alfred Shannon, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

Nominee: Thomas A. Shannon

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: 0.
2. Spouse: 0.
3. Children and Spouses: Thomas: 0; John: 0.
4. Parents: Thomas: 0; Barbara: 0.
5. Grandparents: Deceased.
6. Brothers and Spouses: Paul & Holly Shannon: 0; Terry Shannon: 0.
7. Sisters and Spouses: Suzanne Parot: 0; Mark Parot: 0.

*Patricia A. Butenis, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Nominee: Patricia Butenis

Post: Sri Lanka

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: Hafía Butenis, none; Charles P. Butenis, deceased.
5. Grandparents: All Grandparents, deceased.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: Linda and Nicola Vorsa, none; Donna and Andrews Mulraney, none.

*Charles Aaron Ray, of Virginia, a Career Member of the Senior Foreign Service, Class

of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Nominee: Charles A. Ray.

Post: Zimbabwe.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Gayle D. Ray, None; Spouse, Reuben Watson, None; Jason A. Ray, None; David E. Ray, None; Denise E. Ray, None; Spouse: Charles B. Wickersham, None.
4. Parents: Father: L.B. Holman: Deceased; Mother, Magnolia (Gardner) Alexander, Deceased.
5. Grandparents: Fraternal: Day Holman, Deceased; Mary Jackson, deceased; Maternal: Levi Gardner; deceased; Sally Young, deceased.
6. Brothers and Spouses: Mr. & Mrs. Thomas J. Holman, \$150, Jan. 2008, Obama campaign; Mr. & Mrs. Wilton J. Holman; both deceased; Donald W. Alexander, None; Dennis R. Alexander, deceased; Michael D. Holman, None.
7. Sisters and Spouses: Billy M. Morant, deceased; Dorrie E. Alexander-Hill, None; Spouse, Benjamin Hill, none.

*Gayleatha Beatrice Brown, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Nominee: Gayleatha Beatrice Brown.

Post: U.S. Embassy, Burkina Faso.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

1. Self: None.
2. Spouse: NA.
3. Children and Spouses: NA.
4. Parents: Nellie H. Brown: None.
5. Grandparents: None.
6. Brothers and Spouses: Curtis H. Brown: None.
7. Sisters and Spouses: None.

*Earl Michael Irving, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

Nominee: Earl Michael Irving.

Post: Ambassador to Swaziland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Michael M. Irving: None; Zoe C.J. Irving: None.
4. Parents: Earl M. Irving (deceased), None; Julietta C. Irving, None.

5. Grandparents: Earl P. Irving (deceased), None; Florence Irving (deceased), None; Pedroo Coello (deceased), None; Emelina de Coello (deceased), None.

6. Brothers and Spouses: Dana D. Irving, None; Chonthicha Chaichana, None.

7. Sisters and Spouses: Lycette M. Irving, None; Kenneth Knott, None.

*Pamela Jo Howell Slutz, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Nominee: Pamela Jo Howell Slutz.

Post: Ambassador/Chief of Mission (Burundi).

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Ronald J. Deutch, None.
3. Children and spouses: Daniel J. Deutch, None; Tammy Deutch, spouse, None; Shawn P. Deutch, None; Ana Castilo Deutch, spouse, None.
4. Parents: Robert F. Slutz, Jr., None; Rose V. Slutz, None; Parents-in-Law, Harry Deutch, None; Marjorie L. Deutch, None.
5. Grandparents, Deceased.
6. Brothers and Spouses: Robert F. Slutz, III, None; Christopher S.Y. Brighton, None; Avery Plinn Brighton, spouse, None.
7. Sisters and Spouses: Marjorie J.R.S. Davis, \$60, 2004, RNC; \$50, 2005, RNC; \$150, 2006, RNC; \$75, 2007, RNC; \$30, 2008, RNC.
8. Sister-in-Law: Diana K. Dowell, None; Richard Dowell, spouses, None.

*Patricia Newton Moller, of Arkansas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Nominee: Patricia N. Moller.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Gilbert Sperling, None.
3. Children and spouses: Gilbert Hanspeter Sperling, None; Noriyo Komachi, None; Christopher Estvan Sperling, \$30, 09/08/2008, Obama for America; Stephanie Talett, \$20.08, 09/10/2008, DNC; Renee Emiko Sperling, Jeffery Durkin.
4. Parents: Thelma Bell Newton, none; James Wilson Newton, deceased.
5. Grandparents: Katie Irvin Bell, deceased; William Hester Bell, deceased; Charles Henry Newton, deceased; Willie Elnora Blackman Newton, deceased.
6. Brothers and Spouses, none.
7. Sisters and Spouses: Nancy Newton Waldeck, none; Michael Waldeck, none.

*Jerry P. Lanier, of North Carolina, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Nominee: Jerry P. Lanier.

Post: Uganda.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Catherine Kannenberg: \$100, 6-20-2008, Barack Obama.
3. Children and Spouses: None.
4. Parents: None.
5. Grandparents: None.
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

*Alfonso E. Lenhardt, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Nominee: Alfonso E. Lenhardt.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$500.00, 2008, Barack Obama.
2. Spouse: \$200.00, 2008, Barack Obama.
3. Children and Spouses: William Crawley: \$1200.00, 2008, Barack Obama; \$1000.00, 2009, Corey Booker; \$200.00, 2009, DeClazio; \$100.00, 2008, Democratic Senatorial Committee; \$100.00, 2008, Democratic Congressional Committee; \$500.00, 2008, Ronald Rice, Jr.; \$600.00, 2008, Carlos Gonzales; \$400.00, 2008, Grace Spencer; \$300.00, 2007, Deval Patrick; \$150.00, 2007, Adrian Fenty; \$250.00, 2007, Eldridge Hawkins.

Robin A. Lenhardt: \$1500.00, 2008, Barack Obama; \$1000.00, 2009, Corey Booker.

Tracey D. Duckett: None.

Oilly C. Duckett II: None.

4. Parents: Mary Mackey—deceased; Alfonso E. Lenhardt—deceased.
5. Grandparents: Rosa Holmes (maternal)—deceased; Grandfather (maternal)—deceased; Grandfather (paternal)—deceased; Grandmother (paternal)—deceased.
6. Brothers and Spouses: Dorian J. Lenhardt, none; Gregory W. Lenhardt, none.
7. Sisters and Spouses: Michelle D. Mackey—deceased.

*Samuel Louis Kaplan, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Nominee: Samuel L. Kaplan

Post: Ambassador to the Kingdom of Morocco

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: \$250, 04/29/2005, Friends of Robert C. Byrd; \$2,100, 03/04/2005, Klobuchar for Minnesota; \$2,100, 06/15/2005, Klobuchar for Minnesota; \$250, 12/07/2005, Earl Pomeroy for Congress; \$150, 2005, Earl Pomeroy for Congress; \$100, 2005, Colin Peterson for Congress; \$1,000, 09/26/2005, Whitehouse for Senate; \$375, 02/04/2005, American Health Care Association PAC; \$375, 04/14/2005, American Health Care Association PAC; \$375, 07/13/2005, American

Health Care Association PAC; \$875, 11/28/2005, American Health Care Association PAC; \$2,000, 06/10/2006, Ellison for Congress; \$500, 09/26/2006, Ellison for Congress; \$500, 06/12/2006, Midwest Values PAC; \$250, 03/29/2006, Marko for Congress; \$1,000, 08/16/2006, McCollum for Congress; \$100, 2006, Bernie Sanders for Congress; \$200, 2006, Sierra Club PAC; \$100, 2006, Colin Peterson for Congress; \$500, 09/13/2006, Amy Klobuchar Victory Committee; \$250, 05/23/2006, Earl Pomeroy for Congress; \$240, 09/22/2006, Earl Pomeroy for Congress; \$100, 05/09/2006, Coleen Rowley for Congress; \$1,000, 05/28/2006, Montanans for Tester; \$500, 03/16/2006, Walz for Congress; \$1,000, 06/21/2006, Walz for Congress; \$2,000, 09/13/2006, Walz for Congress; \$600, 10/23/2006, Walz for Congress; \$1,050, 02/16/2006, Wetterling '06; \$1,000, 10/11/2006, Wetterling '06; \$375, 01/25/2006, American Health Care Association PAC; \$875 04/10/2006, American Health Care Association PAC; \$200, 09/20/2006, Minnesota DFL; \$1,000, 09/25/2007, Terri Bonoff for Congress; \$2,300, 05/25/2007, Ellison for Congress; \$2,300, 09/12/2007, Al Franken for Senate; \$250, 10/10/2007, Stephanie Herseth Sandlin for South Dakota; —\$250,* 06/04/2007, Klobuchar for Minnesota; \$500, 06/04/2007, Klobuchar for Minnesota; \$500, 09/17/2007, Klobuchar for Minnesota; \$1,000, 09/07/2007, McCollum for Congress; —\$2300*, 05/07/2007, Obama for America; \$4,600, 05/07/2007, Obama for America; —\$4600*, 12/12/2007, Obama for America; \$2,300, 12/12/2007, Obama for America; \$4,600, 12/12/2007, Obama for America; \$200, 2007, Colin Peterson for Congress; \$2,300, 05/22/2007, Walz for Congress; \$500, 03/22/2007, American Health Care Association PAC; \$2,500, 04/16/2007, Minnesota DFL; \$500, 06/08/2007, American Health Care Association PAC; \$8,000, 10/19/2007, Democratic National Committee; \$1,000, 12/21/2007, American Health Care Association PAC; \$1,000, 03/31/2008, Terri Bonoff for Congress; —\$1,000**, 04/21/2008, Terri Bonoff for Congress; \$100, 2008, Clinton for President; \$1,000, 10/27/2008, Hillary Clinton for President; \$28,500, 06/30/2008, Obama Victory Fund; \$500, 09/15/2008, Ellison for Congress; \$200, 10/24/2008, Ellison for Congress; \$1,000, 11/03/2008, Al Franken for Senate; \$250, 06/20/2008, Paul Hodes for Congress; \$250, 10/07/2008, Paul Hodes for Congress; \$1,000, 06/02/2008, Klobuchar for Minnesota; \$2,000, 10/07/2008, Friends of Mary Landreiu; \$1,150, 05/12/2008, Friends of Senator Carl Levin; \$1,500, 06/20/2008, Loebach for Congress; \$5,000, 2008, Obama Transition; \$250, 07/22/2008, Friends of Jim Oberstar; \$500, 01/17/2008, Orman for U.S. Senate; —\$500**, 02/19/2008, Orman for U.S. Senate; \$200, 06/09/2008, Peterson for Congress; \$250, 01/27/2008, Steve Sarvi for Congress; \$250, 07/25/2008, Steve Sarvi for Congress; \$250, 09/19/2008, Steve Sarvi for Congress; \$500, 07/24/2008, Jeanne Shaheen for Senate; \$500, 04/15/2008, Tinklenberg for Congress; \$1,000, 06/30/2008, Tinklenberg for Congress; \$250, 09/04/2008, Tinklenberg for Congress; \$1,000, 03/31/2008, Udall for Colorado; \$1,000, 09/23/2008, Udall for Us All; \$2,300 04/24/2008, Walz for Congress; \$200, 2008, Steve Young for Congress; \$500, 01/14/2008, American Health Care Association PAC; \$500, 04/22/2008, American Health Care Association PAC; \$1,000, 07/11/2008, American Health Care Association PAC; \$500, 10/30/2008, Democratic Congressional Campaign Committee \$2,500, 02/21/2008, Minnesota DFL; \$500, 2009, Kennedy for Congress; \$500, 2009, Whitehouse for Senate; \$125, 2009, Act Blue; \$125, 2009, Act Blue; \$500, 2009, Klobuchar for Minnesota; \$250, 2009, McCollum for Congress; \$500, 1/26/2009, Tim Walz for Congress; \$500, 1/26/2009, American Health Care Association PAC; \$1,500, 4/27/2009, American Health Care Association PAC.

2. Spouse: \$2,100, 03/04/2005, Klobuchar for Minnesota; \$2,100, 06/15/2005, Klobuchar for Minnesota; \$1,250, 03/23/2005, Minnesota DFL; \$2,100, 08/23/2006, Ellison for Congress; \$500, 09/26/2006, Ellison for Congress; \$1,050 09/13/2006, Tim Walz for Congress; \$1,050 02/16/2006, Wetterling '06; \$2,300 05/25/2007, Ellison for Congress; \$2,300 09/12/2007, Al Franken for Senate; \$500, 11/30/2007, Klobuchar for Minnesota; \$250, 06/04/2007, Klobuchar for Minnesota; \$500, 09/17/2007, Klobuchar for Minnesota; \$2,300 05/07/2007, Obama for America; \$2,300 12/12/2007, Obama for America; \$2,300, 05/22/2007, Tim Walz for Congress; \$500, 09/15/2008, Ellison for Congress; \$200, 10/24/2008, Ellison for Congress; \$1,000, 12/02/2008, Klobuchar for Minnesota; \$1,150, 05/12/2008, Friends of Senator Carl Levin; \$500, 04/15/2008, Tinklenberg for Congress; \$2,300, 04/24/2008, Tim Walz for Congress; \$1,000, 09/18/2008, J Street PAC; \$500, 2009, Kennedy for Congress; \$500, 2009, Whitehouse for Senate; \$500, 2009, Klobuchar for Minnesota; \$250, 2009, McCollum for Congress; \$500, 1/28/2009, Franken Re-count Fund, \$500, 1/28/2009, Franken for Senate; \$500, 2/20/2009, Tim Walz for Congress.

3. Children and Spouses: Rick and Sonia Chessen (Step-son and Daughter-in-Law): \$3,000.00, 2008, Obama for America; \$500.00, 2008, Obama Victory Fund.

Jill Chessen (Step-daughter): \$1,100.00, 2008, Obama for America; \$75.00, 2008, Dellinger for Lt. Governor (NC).

Kerri and Mark Lehmann (Step-daughter and son-in-law: \$100, 2006, Harris for S.F. District Attorney; \$250, 2006, Ma for CA State Assembly; \$1,000, 2008, Obama for America.

4. Parents: N/A.

5. Grandparents: N/A.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Gloria Chernin: My sister, Gloria Chernin, does not believe that she has made any political contributions in the last five years, but it is possible that she made a small (less than \$100) contribution at a garage sale or community gathering and does not remember it.

*James B. Smith, of New Hampshire, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

Nominee: James B. Smith.

Post: Ambassador to Saudi Arabia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$1000, 06/15/2007, Barack Obama, Primary; \$1300, 03/02/2008, Barack Obama, Primary; \$1000, 03/24/2008, Barack Obama, General; \$500, 09/23/2008, Scott Allen for in kind donation for Veterans for Obama posters; \$2367.04, 2008 Monthly Contributions Raytheon PAC; \$773.84, 2007 Monthly Contributions Raytheon PAC; \$100, 01/08/2007, Democratic National Committee; \$1050, 2006 Monthly Contributions Raytheon PAC; \$250, Jun 2006, Leahy for U.S. Senate; \$994.85, 2005 Monthly Contributions Raytheon PAC; \$250, 05/24/2005, Leahy for U.S. Senate; \$250, 04/12/2004, John Kerry for President.

2. Spouse: Janet Breslin-Smith: \$250, 05/23/2009, Leahy for U.S. Senate; \$250, 06/15/2008, Green Mountain PAC; \$500, 10/08/2008, Jeanne Shaheen; \$250, 06/14/2007, Leahy for U.S. Senate; \$1000, 3/29/2007, Obama for America.

3. Children and Spouses: John W. Smith: None; Cathleen A. Breslin: None; Robin A. Smith: None; Jessica Smith: None; Glenna C. Breslin: None.

4. Parents: William C. Smith—deceased; Katherine S. Smith—deceased; John A. Hoel—deceased; Priscilla M. Hoel—deceased.

5. Grandparents: Louise B. Smith—deceased; William C. Smith—deceased; Thomas J. Stephenson—deceased; Ruby E. Stephenson—deceased; John Armbruster—deceased; Eleanor Armbruster—deceased; Marguerite Farrell—deceased; James Farrell—deceased.

6. Brothers and Spouses: Thomas C. Smith, none; John B. Smith, none; Mary B. Smith, none; Henry A. Smith, none; Marion C. Smith, none; Chandra Smith, none.

7. Sisters and Spouses: Harriet O. Smith, none; George Aneschewitz, none.

*Miguel Humberto Diaz, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Nominee: Miguel H. Diaz.

Post: Chief of Staff to the Holy See.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee.

1. Self: \$1000, 09/30/2008, Barack Obama; \$75, 09/04/2008, Barack Obama; \$100, 10/05/2008, Minnesota DFL; \$200, 01/15/2009, Minnesota DFL.

2. Spouse: Marian K. Diaz, none.

3. Children and Spouses: Joshua M. Diaz, None; Ana I. Diaz, none; Emmanuel J. Diaz, None; Miguel D. Diaz, None.

4. Parents: Felix H. Diaz, none; Silvia I. Diaz, none.

5. Grandparents: Argelia Capote, deceased; Joe Colet, deceased; Eustaquia Naranjo, deceased; Vicente Diaz, deceased.

6. Brothers and Spouses: Jorge M. Diaz, none.

*Fay Hartog-Levin, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Nominee: Fay Hartog-Levin

Post: Ambassador to the Netherlands.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Date, Donee, Amount:

Self: 2005—1/03/2005, Schakowsky for Congress, \$1,000; 1/10/2005, Maria Cantwell, \$1,000; 3/20/2005, Hopefund, \$5,000; 3/25/2005, J. Jackson Jr., \$250; 4/04/2005, Danny Davis, \$1,000; 5/21/2005, Melissa Bean, \$1,000; 6/27/2005, DCCC, \$5,000; 9/20/2005, Schakowsky, \$2,200; 11/01/2005, Baron Hill, \$1,000; 11/29/2005, Nick Lampson, \$2,500; 11/30/2005, Maria Cantwell, \$1,000.

2006—2/01/2006, Tammy Duckworth, \$1,000; 2/03/2006, Dan Seals, \$1,000; 2/05/2006, Danny Davis, \$250; 2/08/2006, McCaskill, \$250; 2/26/2006, Progressive Choices, \$2,000; 3/31/2006, Debbie Stabenow, \$2,000; 5/09/2006, DCCC \$10,000; 6/05/2006, Conyers for Congress, \$250; 6/12/2006, DSCC \$15,000; 7/11/2006, Durbin, \$150; 7/26/2006, Dan Seals, \$2,100; 8/04/2006, Harold Ford for TN, \$1,000; 8/08/2006, Whitehouse for Senate, \$2,000; 8/26/2006, Melissa Bean, \$1,000; 10/01/2006, Amy Klobuchar, \$1,000; 10/31/2006, DCCC, \$5,000; 10/31/2006, ACT BLUE DEMS, \$2,100; 11/28/2006, Durbin, \$2,100; 12/07/2006, DSCC, \$1,257.

2007—1/15/2007, Carl Levin, \$2,100; 1/26/2007, Obama Exploratory, \$2,100; 3/22/2007, Durbin, \$2,350; 3/22/2007, Carl Levin, \$2,500; 4/27/2007,

Obama for America, \$200; 5/01/2007, Schakowsky, \$2,500; 5/8/2007, Stabenow for US Senate, \$2,300; 6/11/2007, Dan Seals, \$2,300; 6/18/2007, Progressive Choices PAC, \$1,000; 6/19/2007, Obama for America, \$2,300; 8/28/2007, DSCC, \$1,000; 9/30/2007, Dan Seals, \$500; 10/29/2007, DSCC, \$5,000; 12/10/2007, Progressive Choices PAC, \$1,000; 12/12/2007, Colorado-Maine JT Committee (Allen/ Udall), \$2,000; 12/31/2007, Dan Seals, \$2,300.

2008—1/08/2008, Dan Seals, (\$500) reattributed to Daniel Levin (spouse); 2/20/2008, Scott Harper, \$500; 2/20/2008, Bill Foster, \$500; 3/20/2008, Levin For Congress, \$2,300; 4/22/2008, NARAL, \$250; 4/22/2008, Jan Schakowsky, \$2,100; 6/10/2008, Mark Schauer, \$1,000; 6/10/2008, Bill Foster, \$1,000; 6/30/2008, Jill Morgenthau, \$1,000; 6/30/2008, Obama Victory Fund \$28,500; 7/21/2008, Danny Davis, \$1,000; 9/05/2008, DCCC, \$2,500; 9/22/2008, Debbie Halvorson, \$1,200; 9/22/2008, Bill Foster, \$1,200; 10/27/2008, The Committee for Change \$10,000; 12/31/2008, ACT BLUE, \$2,500.

DEL Political Contributions (spouse): 3/10/2006, ActBlue Donation to Dems—Dan Seals, \$2,100; 3/19/2008, ActBlue Donation to Dems—Dan Seals, \$1,800; 3/31/2008, ActBlue Donation to Dems—Ann Kirkpatrick, \$1,000; 4/1/2008, Adler for Congress—2008 Contribution, \$1,000; 4/17/2006, Akaka For Senate—2006 Contribution, \$1,000; 4/17/2008, Al Franken For Senate—2008 Contribution, \$2,000; 4/1/2008, Berkowitz for Congress—2008 Contribution, \$1,000; 10/28/2005, Bill Nelson For US Senate—2005 Contribution, \$1,000; 6/14/2006, Bill Nelson For US Senate—2006 Contribution, \$1,000; 7/26/2005, Bob Casey For Pennsylvania—2005 Contribution, \$2,000; 4/5/2006, Bob Casey For Pennsylvania Committee—2006 Contribution, \$1,000; 5/12/2006, Bob Casey For Pennsylvania Committee—2006 Contribution, \$1,100; 1/14/2005, Cantwell 2006—2004 Contribution, \$2,000; 7/29/2008, Citizens For Robert Abboud, Jr.—2008 Contribution, \$500; 12/12/2007, Colorado Maine Senate(Allen/Udall)—2007 Contribution, \$2,000; 3/13/2006, Congresswoman Melissa Bean—2006 Contribution, \$1,000; 6/7/2007, Dan Seals For Congress—2007 Contribution, \$2,300; 1/18/2008, Dan Seals for Congress—2008 Contribution, \$500 Redesignated; 3/08/08 Dan Seals For Congress—2008 Contribution, \$1,800; 2/14/2005, Democratic Congressional Campaign Committee—2005 Contribution, \$15,000; 6/28/2005, Democratic Congressional Campaign Committee—2005 Contribution, \$2,500; 3/21/2007, Democratic Congressional Campaign Committee—2007 Contribution, \$15,000.

2/17/2005, Democratic Senatorial Campaign Committee—2005 Contribution, \$15,000; 6/14/2005, Democratic Senatorial Campaign Committee—2005 Contribution, \$11,700; 2/23/2006, Democratic Senatorial Campaign Committee—2006 Contribution, \$12,200; 3/8/2007, Democratic Senatorial Campaign Committee—2007 Contribution, \$28,500; 5/14/2008, Democratic Senatorial Campaign Committee—2008 Contribution, \$22,000; 11/28/2006, Deposit—DSCC overcontribution refunded, —\$3,150; 1/20/2006, Duckworth For Congress—2006 Contribution, \$2,000; 8/5/2008, East Bank Club—7/21/08 Danny Davis event—in-kind contribution, \$706; 6/28/2006, Ellsworth For Congress—2006 Contribution, \$2,000; 10/17/2005, Ford For Tennessee—2005 Contribution—Congressman Harold Ford, \$2,000; 8/10/2005, friends of Dick Durbin—2005 Contribution, \$250; 9/9/2005, friends of Dick Durbin—2005 Contribution, \$2,000; 1/3/2007, friends of Dick Durbin—2007 Contribution, \$2,000; 5/2/2007, Friends Of Jay Rockefeller—2007 Contribution, \$500; 3/30/2005, Friends of Kent Conrad—2005 Contribution, \$2,000; 8/5/2008, Friends Of Mary Landrieu—2008 Contributions, \$1,000; 5/

8/2007, Friends Of Patrick Kennedy—2007 Contribution, \$1,000; 9/23/2005, Friends Of Robert C. Byrd—2005 Contribution, \$1,000; 1/9/2007, Friends of Senator Carl Levin—2007 Contribution, \$2,100; 3/14/2007, Friends of Senator Carl Levin, \$200 for Primary, \$2300 for General Election, \$2,500; 4/5/2007, Friends Of Senator Dick Durbin, \$350; 2/17/2005, Hopefund—2005 Contribution, \$5,000; 2/22/2008, Jeff Merkley For Oregon—2008 Contribution, \$1,000; 9/23/2005, Kathleen Sebelius Committee—2005 Contribution, \$1,000; 3/28/2005, Kennedy For Senate—2006—2005 Contribution—Fay & Daniel Levin, \$2,000; 8/4/2005, Lampson For Congress—2005 Contribution, \$1,000; 11/30/2005, Lampson Victory 2006—Contribution, \$5,500; 4/17/2006, Lautenberg 20 Years Committee—2006 Contribution, \$1,000.

3/20/2008, Levin For Congress—2008 Contributions, \$2,300; 6/28/2005, Levin For Congress—2005 Contribution, \$4,000; 4/1/2008, Maffei for Congress—2008 Contribution, \$1,000; 10/2/2006, McCaskill For Missouri—2006 Contribution, \$2,000; 6/3/2008, NJDC—2008 Contribution, \$1,000; 1/26/2007, Obama Exploratory Committee, \$2,100; 6/12/2007, Obama for America—2007 Contribution, \$200; 6/19/2007, Obama for America—2007 Contribution, \$2,300; 6/29/2005, Paul Hackett For Congress—2005 Contribution, \$1,000; 7/29/2008, Peters For Congress, \$250; 2/22/2008, Powers For Congress—2008 Contribution, \$500; 12/13/2007, Rockefeller For Senate—2007 Contribution, \$500; 9/29/2005, Schakowsky For Congress—2005 Contribution, \$2,200; 3/10/2006, Schakowsky for Congress—2006 Contribution, \$2,000; 12/11/2007, Schakowsky for Congress—2007 Contribution, \$2,300; 10/27/2006, Senate Democratic Fund—funding for Andy Levin's senate race, \$25,000; 5/8/2007, Stabenow for US Senate—2008 Contribution, \$2,300; 5/25/2005, Stabenow for US Senate—Max-out 2006 Contribution, \$200; 8/16/2007, Swett For Senate—2007 Contribution, \$1,000; 4/21/2008, Udall For Colorado, Inc.—2008 Contribution, \$1,000; 5/4/2006, Whitehouse '06—2006 Contribution—Sheldon Whitehouse, \$1,000.

Children and Spouses: Alyssa J. Rapp (daughter): CY2005 Political Contributions—3/17/2005, Schakowsky for Congress, \$1,000.00; 11/7/2005, Nancy Pelosi for Congress, \$2,100.00.

CY2006 Political Contributions—1/23/2006, Schakowsky for Congress, \$1,100.00; 6/30/2006, Dan Seals for Congress, \$1,000.00; 7/14/2006, Planned Parenthood PAC, \$750.00; 8/15/2006, Midwest Values PAC, \$750.00; 8/25/2006, McCaskill for Senate, \$1,000.00; 9/8/2006, Friends of Andy Levin, \$1,000.00; 10/3/2006, McCaskill for Senate, \$1,000.00; 10/16/2006, Big Sky Victory Fund (for Jon Tester), \$500.00; 10/16/2006, Harold Ford for U.S. Senate, \$500.00; 10/27/2006, Illinois Victory 2006 (DCCC, Melissa Bean, Tammy Duckworth), \$25,000.00.

CY2007 Political Contributions—1/10/2007, Schakowsky for Congress, \$1,250.00; 1/16/2007, Obama for America, \$2,300.00; 3/15/2007, Al Franken for Senate, \$500.00; 3/28/2007, Friends of Dick Durbin, \$4,600.00; 3/29/2007, Friends of Senator Carl Levin, \$4,600.00; 5/31/2007, Al Franken for Senate, \$500.00; 6/17/2007, Mark Udall for Colorado (Senate), \$500.00; 6/30/2007, Obama for America, \$2,300.00; 6/30/2007, Schakowsky for Congress, \$300.00; 8/20/2007, Friends of Jay Rockefeller, \$1,315.00.

CY2008 Political Contributions—4/9/2008, Schakowsky for Congress, \$1,500.00.

Jeffrey J. Rapp (Son): CY2005 Political Contributions—1/12/2005, Schakowsky for Congress, \$1,500.00; 6/28/2005, Schakowsky for Congress, \$200.00.

CY2006 Political Contributions—6/24/2008, Schauer for Congress, \$1,000.00; 7/31/2006, Schakowsky for Congress, \$300.00; 10/6/2006, Dan Seals for Congress, \$300.00; 10/16/2006,

Harold Ford Jr for TN, \$1,000.00; 10/17/2006, Claire McCaskill for Missouri, \$1,000.00; 5/3/2006, Schakowsky for Congress, \$1,500.00.

CY2007 Political Contributions—4/2/2007, Friends of Carl Levin, \$4,600.00; 3/23/2007, Friends of Dick Durbin, \$4,600.00; 1/16/2007, Obama for America, \$2,100.00; 4/27/2007, Obama for America, \$200.00; 7/23/2007, Schakowsky for Congress, \$300.00; 12/19/2007, Obama for America, \$2,300.00.

CY2008 Political Contributions—4/4/2008, Daniel Biss for State Representative, \$200.00; 6/24/2008, Schauer for Congress, \$1,000.00; 3/19/2008, Dan Seals for Congress, \$2,300.00; 7/18/2008, Schakowsky for Congress, \$300.00.

Parents: Joseph J. Hartog and Ada F. Hartog—deceased.

Grandparents: Alfred and Frederika Menko—deceased; Isaac and Lea Hartog—deceased.

Brothers and Spouses: John Hartog (brother): 3/08, Obama for America, \$4,300; 5/06, Filson for Congress, \$1,000.

Margaret Hand (sister in law): 3/08, Obama for America, \$4,600.

Sisters and Spouses: Annemarie DeLeeuw-Hartog (sister): 7/08, Obama for America, \$2,000.

Jan Hendrek DeLeeuw: None.

Elzelien Hartog (sister): 12/07, Obama for America, \$4,600; 8/08, Obama Victory Fund, \$2,000.

*Stephen J. Rapp, of Iowa, to be Ambassador at Large for War Crimes Issues.

Nominee: Stephen J. Rapp.

Post: Ambassador at Large for War Crimes Issues.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Donna J. (Dolly) Maier: \$250, October 2008, Barack Obama for U.S. President; \$100, October 2008, John Miller for County Supervisor (Black Hawk County, Iowa); \$100, September 2008, Bruce Braley for U.S. Congress (Iowa—CD1); \$50, September 2008, Jeff Danielson for State Senate, (Iowa—SD10); \$500, October 2006, Bruce Braley for U.S. Congress, (Iowa—CD1); \$50, August 2005, Barbara Boxer, PAC for Change, (California—U.S. Senate).

3. Children and Spouses: Alexander: none; Stephanie J. Rapp: none.

4. Parents: Beverly Rapp, none; Spurgeon Rapp, none.

5. Grandparents: Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Julie Lewis and Brian Lewis, none.

*Donald Henry Gips, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

Nominee: Donald H Gips.

Post: Ambassador to South Africa.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: \$500.00, 2004, Ben Nelson U.S. Senate; \$1,000.00, 2004, Udall for Congress; \$200.00, 2004, Mello For Regent; \$25.00, 2004, Elect

Brandon Schaffer; \$1,000.00, 2004, Salazar for Senate; \$2,000.00, 2004, Obama for Illinois; \$250.00, 2005, Udall for Congress; \$5,000.00, 2005, Hopefund; \$1,265.00, 2005/2006, Level 3 PAC; \$1,000.00, 2006, Perlmutter 2006; \$100.00, 2006, Deval Patrick Committee; \$1,000.00, 2006, Bill Ritter For Governor; \$1,000.00, 2006, Bill Ritter For Governor; \$1,000, 2006, Udall For Congress; \$5,000.00, 2006, Forward Together Pac; \$250.00, 2006, Kennedy For Treasurer; \$250.00, 2006, Obrien For Attorney General; \$2,100.00, 2006, Perlmutter for Congress; \$100.00, 2006, Kennedy For Treasurer; \$2,100.00, 2007, Obama Exploratory Comm; \$2,300.00, 2007, Perlmutter 2006; \$2,500.00, 2007, Obama For America; \$2,300.00, 2007, Shafroth For Congress; \$4,600.00, 2007, Udall for Congress; \$500.00, 2007, Theresa Pena for DPSB; \$500.00, 2007, Bruce Hoyt for DPS; \$50.00, 2007, Markey For Congress; \$500, 2007, Loesbeck for Congress; \$500, 2007, ActBlue PAC; \$150.00, 2008, Rollie Heath for St Senate; \$2,300.00, 2008, Hillary Clinton For President; \$3,000.00, 2008, DNC-Obama Victory Fund; \$460, 2008, Level 3 PAC.

2. Spouse: Liz Berry: \$2,300.00, 2007 Shafroth For Congress; \$2,100.00, 2007, Obama Exploratory Committee; \$2,500.00, 2007, Obama For America; \$2,300.00, 2008, Udall For Colorado; \$230.00, 2008, Hillary Clinton For President.

3. Children and Spouses: Sam Gips, none; Peter Gips, none; Ben Gips, none.

4. Parents: Walter Gips—deceased; Ann Gips: \$2,300, 2007, Obama for America; \$2,300, 2008, Obama for America; \$230, 2008, H. Clinton for President; \$100, 2005, Stender for Congress; \$50, 2005, Emily's List; \$100, 2005, Cantell for Senate; \$100, 2005, Bean for Congress; \$100, 2006, Rush Holt for Congress; \$100, 2006, Giffords for Congress; \$100, 2006, Wetterling for Congress; \$50, 2006, Emily's List; \$50, 2007, Emily's List; \$100, 2008, Dem Sen Camp Comm; \$100, 2008, Shaheen for Senate; \$100, 2008, Burner for Congress; \$100, 2008, Emily's List; \$25, 2009, Emily's List.

5. Grandparents: Albert and Claire Arenberg—deceased; Walter and Louise Gips—deceased.

6. Brothers and Spouses: Rob Gips: \$1,000.00, 2004, Kerry for President; \$345.00, 2004, America Coming Together; \$500.00, 2004, America Coming Together; \$5,000.00, 2004, Maine Dem State Committee; \$500, 2006, Maine Dem State Committee; \$500.00, 2006, Stabenow for Senate; \$2,300.00, 2007, Obama for America; \$250.00, 2007, Pingree for Congress; \$500.00, 2008, Pingree for Congress; \$500.00, 2008, Tom Allen for Senate; \$500, 2008, Tom Allen for Senate; \$2,000.00, 2008, Obama Victory Fund; \$3,000, 2008, Obama Victory Fund; \$2,000.00, 2008, Obama for America; \$300.00, 2008, Obama for America; \$2,700.00, 2008, DNC Victory Fund.

Karen Harris (sister in law): \$1,000.00, 2004, John Kerry for President; \$2,300.00, 2007, Obama for America; \$250.00, 2008, Tom Allen for U.S. Senate; \$500.00, 2008, Tom Allen for U.S. Senate; \$240.00, 2008, Tom Allen for U.S. Senate; \$500.00, 2008, Tom Allen for U.S. Senate; \$500.00, 2008, Pingree for Congress; \$1,000.00, 2008, Maine Democratic State Committee; \$250.00, 2008, Maine Democratic State Committee.

Terry Gips (brother): \$265, 2004, America Coming Together; \$100.00, 2004, Kucinich for President; \$100.00, 2006, Ellison for Congress; \$100.00, 2006, Klobuchar for Senate; \$100.00, 2006, Wetterling for Congress; \$50.00, 2007, Obama for America; \$100.00, 2006, Minnesota for Attorney General; \$300.00, 2008, Minnesota Senate Victory; \$100.00, 2008, Bonoff for Congress; \$100.00, 2008, Tinkleburg for Congress; \$50.00, 2008, Obama for America; \$100.00, 2008,

Democratic Farmer Labor Party; miscellaneous small donations of \$100 or less to Move On, Conservation Minnesota, Sierra Club.

7. Sisters and Spouses: Ellen and Peter Nee (sister and brother-in-law): \$75, 2008, Obama for America.

By Mr. LEAHY for the Committee on the Judiciary.

Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States.

A. Thomas McLellan, of Pennsylvania, to be Deputy Director of National Drug Control Policy.

Alejandro N. Mayorkas, of California, to be Director of the United States Citizenship and Immigration Services, Department of Homeland Security.

Christopher H. Schroeder, of North Carolina, to be an Assistant Attorney General.

Cranston J. Mitchell, of Virginia, to be a Commissioner of the United States Parole Commission for a term of six years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself and Mr. MARTINEZ):

S. 1521. A bill to amend titles XVIII and XIX of the Social Security Act to require provider payments under Medicare and Medicaid to be made through direct deposit or electronic funds transfer (EFT) at insured depository institutions; to the Committee on Finance.

By Mr. VITTER:

S. 1522. A bill to amend title XVIII of the Social Security Act to stabilize and modernize the provision of partial hospitalization services under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. BURR (for himself and Mr. REED):

S. 1523. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals and families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. MENENDEZ, Mr. CORKER, Mr. RISCH, and Mr. CARDIN):

S. 1524. A bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB):

S. 1525. A bill to amend the Act of May 29, 1930 (Chapter 354; 46 Stat. 482; commonly known as the Capper-Cramton Act), to authorize a grant program to preserve resources in the National Capital region, and

for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 1526. A bill to establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

S. 1527. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 1528. A bill to establish a Foreign Intelligence and Information Commission and for other purposes; to the Select Committee on Intelligence.

By Mr. REID (for Mr. BYRD):

S. 1529. A bill to prohibit the President, Vice President, or any other executive branch official from knowingly and willfully misleading the Congress of the United States for purposes of gaining support for the use of force by the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WEBB, and Mr. WARNER):

S.J. Res. 19. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUE (for himself and Mr. AKAKA):

S. Res. 225. A resolution recognizing and celebrating the 50th anniversary of the entry of Hawaii into the Union as the 50th State; considered and agreed to.

By Mr. JOHANNES (for himself and Mr. CASEY):

S. Con. Res. 37. A concurrent resolution supporting the goals and ideals of senior caregiving and affordability; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 182

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 229

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Maine (Ms. SNOWE) and the Senator from Rhode Island (Mr. WHITEHOUSE) were

added as cosponsors of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 384

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 456

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 510

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 575

At the request of Mr. CARPER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 575, a bill to amend title 49, United States Code, to develop plans and targets for States and metropolitan planning organizations to develop plans to reduce greenhouse gas emissions from the transportation sector, and for other purposes.

S. 604

At the request of Mr. SANDERS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 841

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 848

At the request of Mrs. McCASKILL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 848, a bill to recognize and clarify the authority of the States to regulate intrastate helicopter medical services, and for other purposes.

S. 850

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 866

At the request of Mr. REED, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 866, a bill to amend the Elementary and Secondary Education

Act of 1965 regarding environmental education, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1023

At the request of Mr. DORGAN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1243

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1243, a bill to require repayments of obligations and proceeds from the sale of assets under the Troubled Asset Relief Program to be repaid directly into the Treasury for reduction of the public debt.

S. 1301

At the request of Mr. MENENDEZ, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1344

At the request of Mr. VITTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1344, a bill to temporarily protect the solvency of the Highway Trust Fund.

S. 1348

At the request of Mr. CHAMBLISS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1348, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 1388

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1388, a bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the produc-

tion of hydropower by the Grand Coulee Dam, and for other purposes.

S. 1438

At the request of Mrs. GILLIBRAND, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1438, a bill to express the sense of Congress on improving cybersecurity globally, to require the Secretary of State to submit a report to Congress on improving cybersecurity, and for other purposes.

S. 1507

At the request of Mr. CARPER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1507, a bill to amend chapter 89 of title 5, United States Code, to reform Postal Service retiree health benefits funding, and for other purposes.

S.J. RES. 16

At the request of Mr. DEMINT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S. RES. 195

At the request of Mr. INOUE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 195, a resolution recognizing Bishop Museum, the Nation's premier showcase for Hawaiian culture and history, on the occasions of its 120th anniversary and the restoration and renovation of its Historic Hall.

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

AMENDMENT NO. 1701

At the request of Mr. JOHANNIS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 1701 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself and Mr. REED):

S. 1523. A Bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals and families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I join my colleague, Senator BURR, in reintroducing the Services for Ending Long-Term Homelessness Act, SELHA.

It is estimated that between 2.5 and 3.5 million Americans experience a period of homelessness in a given year. With the current economy, with more Americans losing their jobs and their homes, it is likely that the total has risen. While the majority of these individuals will only be homeless for a brief period of time, a growing segment is experiencing prolonged periods of homelessness. Roughly 124,000 Americans fall under the category of chronically homeless. In my state of Rhode Island, approximately ten percent of homeless individuals cycle in and out of homelessness.

In March 2003, former Department of Health and Human Services Secretary Tommy Thompson issued a report that defined the issues and challenges facing the chronically homeless and developed a comprehensive approach to bringing the appropriate services and treatments to this population of individuals who typically fall outside of mainstream support programs.

The same year, the New Freedom Commission on Mental Health also recommended the development of a comprehensive plan to facilitate access to permanent supportive housing for individuals and families who are chronically homeless. Affordable housing, alone, is not enough for many chronically homeless to achieve stability. This population also needs flexible, mobile, and individualized support services to sustain them in housing.

Since the Commission made the recommendations, approximately 60,000 units of permanent supportive housing have been developed and currently another 30,000 are under development. Numerous studies conducted by cities and states across the country demonstrate that supportive housing can save local governments between \$15,000 and \$30,000 that would otherwise be spent in publicly funded shelters, hospitals—including VA hospitals—and prisons. The savings nearly pays for the cost of supportive housing and the outcome is much different; indeed it is much improved. Permanent supportive housing results in better mental and physical health, employment, greater income, fewer arrests, better progress toward recovery, self sufficiency, and less homelessness.

However, funding for supportive services to complement these housing efforts continues to be an issue. The legislation we are introducing today is critical to the development and implementation of more effective strategies to combat chronic homelessness through improved service delivery and coordination across federal agencies serving this population. It directs the Substance Abuse and Mental Health Services Administration, SAMHSA, to

coordinate its Federal efforts with the Department of Housing and Urban Development, other Federal departments that provide supportive housing, and various agencies within HHS that provide supportive services.

This bipartisan measure is designed to help improve coordination and ensure access to the range of supportive services that the growing number of chronically homeless Americans need to get back on their feet. Our bill brings together permanent supportive housing and services, the essential tools to enable these individuals to begin to take the steps necessary to once again become productive and active members of our communities.

I look forward to working with my colleagues toward passage of this legislation.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. MENENDEZ, Mr. CORKER, Mr. RISCH, and Mr. CARDIN):

S. 1524. A bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, for the past 6 months, the administration has been busy laying the groundwork for a new development agenda.

First, the President issued a bold 2010 international affairs budget that significantly increases funding for vital programs in Pakistan and Afghanistan, begins to rebuild our diplomatic and development capacity, and renews our commitment to essential programs from education to HIV/AIDS and hunger.

Then, earlier this month, President Obama and other G8 leaders announced a \$20 billion food security partnership to provide small farmers in poor countries with the seeds, fertilizers, and equipment they need to break a decades-long cycle of hunger, malnutrition and dependency. Finally, the State Department unveiled plans for a “Quadrennial Diplomacy and Development Review,” a comprehensive assessment designed to improve policy, strategy, and planning at the State Department.

While we are still awaiting a nominee to head the U.S. Agency for International Development I am confident that a name will soon be forthcoming.

These are welcome changes that demonstrate this Administration’s commitment to a vigorous reform process and a bold development plan. Congress will be a strong partner in those efforts—providing the resources, legislation, and authorities to ensure that our development programs are funded and designed to meet our priorities.

While there is some debate on what form foreign aid reform should take, there is a broad consensus in the devel-

opment community about why reform matters.

Experts agree that the strength of our development programs is directly linked to success or failure in frontline states like Afghanistan and Pakistan.

They agree that USAID is more critical to achieving our foreign policy objectives than ever before—yet it lacks the tools, capacity and expertise to fulfill its mission.

They agree that too often decision-makers lack basic information about the actual impact of our development programs.

They also agree that excessive bureaucracy and regulations and fragmented coordination are hampering our efforts to swiftly and effectively deliver assistance.

And they agree that even as we plan for broad, fundamental reform, there are many steps we can take in the interim to dramatically improve the effectiveness of our foreign aid efforts.

We assembled a small bipartisan Senate working group to formulate legislation that makes short-term improvements while setting the stage for longer-term reform. Senators LUGAR, MENENDEZ, CORKER and I have been developing initial reform legislation that we believe goes a long way towards improving our short-term capacity to deliver foreign aid in a more accountable, thoughtful and strategic manner.

One provision in the bill that we believe is particularly important establishes an independent evaluation group, based in the executive branch, to measure and evaluate the impact and results of all U.S. foreign aid programs, across all departments and agencies. This new institution—the Council on Research and Evaluation of Foreign Assistance—can address a fundamental knowledge gap in our foreign aid programs—quite simply, it will help us understand which programs work, which do not, and why.

I want to emphasize, this legislation only represents the first step in a longer reform process. But we believe it sends an important bipartisan signal that foreign aid reform will be a priority for this committee in the years ahead. I am pleased that Senators Risch and Cardin will join as original cosponsors to the bill.

When John F. Kennedy spoke at the founding of USAID, in 1961, he articulated a basic truth about our foreign policy. We cannot escape our moral obligation to be a wise leader in the community of free nations. Kennedy warned that—“To fail to meet those obligations now would be disastrous; and, in the long run, more expensive. For widespread poverty and chaos lead to a collapse of existing political and social structures which would inevitably invite the advance of totalitarianism into every weak and unstable area. Thus our own security would

be endangered and our prosperity imperiled.”

Just substitute violent extremism for totalitarianism and the quote is as accurate today as it was then. Just as we did in Marshall’s time and Kennedy’s time, America today has a chance to return to a foreign policy that is not just seen by people everywhere, but felt and lived, one that translates our promises into real value and real progress on the ground—one that improves people’s daily lives, inspires them, and earns their respect.

The good news is that, as we rebuild our civilian institutions, there will so many chances to lead in the process. We are living in a moment of volatility, but also—emphatically—a moment of possibility.

Infant mortality rates dropped by 27 percent worldwide since 1990. By 2015, let us cut under-five mortality by 2/3. Life expectancy is eight years higher than it was in 1990—but we can do better by cutting hunger and poverty in half and reversing the spread of HIV/AIDS, malaria and other major diseases. Primary school enrollment has increased by 10 percent—it is time we made it universal. While we are at it, let us eliminate gender disparity in education once and for all.

History teaches us that America is safest and strongest when we understand that our security will not be protected by military means alone. It must be protected as well by our generosity, by our example, by powerful outreach, and by instilling a palpable sense in the people of the world that we understand—and share their destiny. That has always inspired people, and it always will. It undercuts our enemies, it empowers our friends—and it keeps us safer.

Mr. LUGAR. Mr. President, I am pleased to join my colleague, Senator JOHN KERRY, in introducing the Foreign Assistance Revitalization and Accountability Act of 2009. Our colleagues, Senators CORKER, MENENDEZ, RISCH, and CARDIN, join us in this effort as original cosponsors.

The role of foreign assistance in achieving U.S. foreign policy objectives has come into sharper focus since 2001. President Bush elevated development as a third pillar of the U.S. National Security Strategy. President Obama pledged to double foreign assistance, and announced new initiatives on global food security and health. Secretary Clinton announced a quadrennial review of diplomacy and development. These initiatives are likely to have far reaching implications for foreign assistance policy and organization.

For development to play its full role in our national security structure, the U.S. Agency for International Development, USAID, must be a strong agency with the resources to accomplish the missions we give it. Earlier this month, Secretary Clinton stated: “I want

USAID to be seen as the premier development agency in the world, both governmental and NGO. I want people coming here to consult with us about the best way to do anything having to do with development.” I share the sentiments expressed by Secretary Clinton, and I have confidence in the extraordinary development expertise housed at USAID.

But during the last two decades, decision-makers have not made it easy for USAID to perform its vital function. Even as we have rediscovered the importance of foreign assistance, we find ourselves with a frail foundation to support a robust development strategy. We have increased funds for development and elevated its priority, while allowing USAID to atrophy. Many new programs have been located outside USAID with roughly two dozen departments and agencies having taken over some aspects of foreign assistance, including the Department of Defense. Each of these agencies naturally considers itself the lead agency in its sector, provoking competition among agencies rather than coordination and coherence. We do not really know whether these programs are complementary or working at cross-purposes.

USAID’s staffing and expertise have declined markedly since the 1980s. There are only five engineers left; 23 education officers are tasked with overseeing different programs in 84 countries. Decisions to reorganize in pursuit of better coordination between the Department of State and USAID resulted in the latter’s loss of evaluation, budget, and policy capacity. Much of the work of running America’s development programs is now farmed out to private contractors.

I believe the starting point for any future design of our assistance programs and organization should not be the status quo, but rather the period in which we had a well-functioning and well-resourced aid agency. To be a full partner in support of foreign policy objectives, USAID must have the capacity to participate in policy, planning, and budgeting. The migration of these functions to the State Department has fed the impression that an independent aid agency no longer exists.

It the administration pursues the goal of doubling foreign assistance over time, it is crucial that Congress has confidence that these funds will be used efficiently. USAID must have the capacity to evaluate programs and disseminate information about best practices and methods and it must have a central role in development policy decisions.

The legislation that we introduce today promotes capacity, accountability, and transparency in U.S. foreign assistance programs. It has received strong initial support from outside groups led by the Modernizing For-

eign Assistance Network. There are three deficiencies we are trying to address.

First, the evaluation of assistance programs and the dissemination of knowledge have deteriorated in the last couple of decades. While USAID was a respected voice in this regard during the 1980s, its evaluation capacity has been allowed to wither. The bill strengthens USAID’s monitoring and evaluation capacity with the creation of an internal evaluation and knowledge center. The bill also re-establishes a policy and planning bureau. It is crucial that USAID be able to fully partner with the State Department in decisions relating to development.

Second, U.S. foreign assistance programs are littered among some two dozen agencies with little or no coordination. We do not have adequate knowledge of whether programs are complementary or working at cross-purposes. The bill requires all government agencies with a foreign assistance role to make information about its activities publicly available in a timely fashion. It designates the USAID Mission Director as responsible for coordinating all development and humanitarian assistance in-country. It creates an independent evaluation and research organization that can analyze and evaluate foreign assistance programs across government.

Third, staffing and expertise at USAID have declined since the early 1990s, even as funding for foreign assistance programs has increased. This decline in capacity has resulted in other agencies stepping in to fill the gap. While Congress has begun to provide the necessary resources to rebuild this capacity, the agency does not have a human resources strategy to guide hiring and deployment decisions. The bill would require such a strategy and a high-level task force to advise on critical personnel issues. The bill also encourages increased training and inter-agency rotations to build expertise and effectiveness.

It is especially important that Congress weigh in on this issue because the Administration has yet to appoint a USAID Administrator or fill any confirmable positions in the agency. Without an Administrator in place, USAID is likely to have less of a role in the current State Department review than it should have. The State Department review process should include strong voices advocating for an independent aid agency.

Both Congress and the State Department should be offering proposals on how to improve development assistance. Our legislation does not rule out any options that the State Department may propose as a result of its review. But ultimately, Congress will have to make decisions on resources for development programs. Given budget constraints, it is essential that Congress

has confidence in how development resources are spent. Building capacity at USAID will be an important part of this calculation.

The issues that we face today—from chronic poverty and hunger to violent acts of terrorism—require that we work seamlessly toward identifiable goals. I look forward to working with colleagues to improve and support the development mission that benefits our long-term security.

Mr. MENENDEZ. Mr. President, I am pleased to introduce today, with my colleagues Senators KERRY, LUGAR, and CORKER, legislation that will help strengthen the foreign assistance efforts of the United States. We have put together a piece of legislation that helps move our collective foreign assistance efforts in the right direction.

I am pleased that we have worked very closely and in a bipartisan fashion on this legislation and I want to thank my colleagues for their work. Foreign assistance is something that is of great interest to many members of the Foreign Relations Committee. While we may disagree on the overall resources that should be devoted to development assistance, I think we all agree that the resources we do provide should be used in the best way possible.

I also want to thank the broader community of people who have been supportive of these efforts for years. I cannot tell you how many letters from people in New Jersey and from around the country I have received on these issues. These individuals, and the groups who help advocate for these issues are an important voice in the process.

President Obama has pledged to double foreign assistance by 2012. In this context, it is now more important than ever for the Congress to know which U.S. Government programs are the best investments. Right now, we have too little evidence that is objective and independent about which U.S. Government Agencies should have their budgets increased and which should be held constant or decreased. This legislation will help provide a more objective basis for this kind of decisionmaking. It will help both the Congress and the administration to make smarter, more analytical decisions about which agencies should carry out what programs, and help build more rigorous analysis across U.S. Government programs that may be working on similar issues.

Foreign assistance is not just an issue of morality or an issue that is driven by a sense of doing what is right for the most disenfranchised around the world—these issues are directly in our national interests and our national security interests. Every time we provide credit to a farmer who is displaced or training to a woman who wants to run a business out of her home, we are making inroads to the bread and butter issues that people care about. When we

provide an effective alternative to illicit economic activity, we are dealing a blow against drugs coming to the streets of New Jersey, and helping to build the institutions around the world that will provide the framework for stable and prosperous societies. We all want to live in a community where we can walk freely without fear of persecution, and without fear of our personal safety. No matter where you come from, these are a basic set of principles that resonate with all of us.

Congress needs to see results, the American people need to see results, and so do the millions of people around the world whose lives literally depend on our ability to carry out these programs in the smartest way possible. This is why we have included an independent monitoring mechanism to evaluate the impact of our foreign assistance programs. It's one thing to say that we handed out 500 textbooks or trained 200 teachers, but it's far different to say that we improved the aptitude of school children and that these improvements help connect them to meaningful employment, which raised their household income, which allowed them to eat better, access medical services, and so on . . . it's the difference between outputs and outcomes that we are trying to get at with the independent evaluation unit, as outlined in the legislation we are introducing today.

I have long believed that foreign assistance is a critical part of our overall engagement overseas and I have been a consistent advocate of stepping up our efforts in this area. In recent years, I have focused on building up the United States Agency for International Development, USAID, from the inside out—I have called for building-up the staff of USAID in a coherent and strategic manner—this bill will help do that.

Now that USAID is working alongside the Department of Defense in places like Iraq and Afghanistan, and immersed in complex situations like those in Pakistan, Sudan, or Sri Lanka, we need an agency that is nimble, responsive, and ahead of the curve. From staffing, resources, and training, our development tools need to be, at the very least at par, if not ahead of our diplomatic and defense efforts.

One way to start us along this path is to focus on USAID's leadership. It needs credible and high-profile leadership that can work in partnership with the Congress, the Department of State, the Department of Defense, and the National Security Council. The "development voice" in our Government needs to be a "heavyweight voice" that commands respect both in Washington and around the world.

I believe USAID needs to take back resources and programs that have slowly been moved over to the Department of Defense. Having the Department of State or the Department of Defense

control development strategy and resources, with USAID simply serving as an implementing agency, has caused confusion and ambiguity. We ask our military to plan and execute a lot of missions; development should not be one of them. Civilian resources should be appropriated to civilian agencies.

Staff at USAID needs to be rebuilt—not just with more people, but we need to make sure we have the right people and make sure we are attracting and retaining the best possible candidates. This bill will help us get there with the comprehensive human resource strategy that is mandated for human resources. We need to build up our foreign assistance programs not just where they used to be, but to where they need to be.

I look forward to continuing our work on these programs. This legislation is a start, but there is much more work to be done. Let me be clear—this bill, combined with additional resources is not going to fix everything—foreign assistance has its limits. However, I believe we have not yet approached this limit. More resources, and better-spent resources, combined with active diplomatic and economic engagement will help build the institutions that will create more stable political, social, and economic systems.

Only until we recognize that the success of those systems is deeply connected to the success of our own, will we begin to adequately address the joint challenges that threaten our national security, our economy, our way of life.

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 1526. A bill to establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the No Firearms for Foreign Felons Act of 2009. This bill would close a loophole that currently exists in law, by ensuring that people convicted of foreign felonies and crimes involving domestic violence cannot possess firearms. I imagine that most Americans may be surprised—as I was—to learn that foreign felons actually have greater gun rights than American citizens convicted of felonies and crimes of domestic violence in our own courts.

In 1968, Congress passed the landmark Gun Control Act, ensuring that it was illegal for felons to possess firearms. I have been working since 1994 to build upon that legacy and protect American families from senseless gun violence.

Unfortunately, in 2005 the Supreme Court created a gaping loophole in this

longstanding felon-in-possession law. In the case of *Small v. United States*, a majority of the Court held that foreign felony is not a bar to gun possession when those felons come to the U.S.

At the time, the Supreme Court was very much aware that its ruling could lead to unintended consequences. Justice Clarence Thomas noted in his dissent, "the majority's interpretation permits those convicted overseas of murder, rape, assault, kidnapping, terrorism and other dangerous crimes to possess firearms freely in the United States."

The majority of the Court identified a fundamental flaw in the Gun Control Act of 1968. Simply put, Congress was not clear enough. Although the law states that a person convicted of a felony "in any court" could not possess a firearm, the Court said that the phrase, "any court," applied only to American courts.

The federal felon-in-possession laws outlined in the Gun Control Act of 1968 has been applied to foreign felons from 1968 until the *Small* decision in 2005. However, the Court found these arguments unpersuasive.

In their dissent, Justices Thomas, Scalia and Kennedy accused the majority of creating a novel legal construction that would "wreak havoc" with established rules of extraterritorial construction. But whatever we may think of the Court's legal analysis, there is no doubt that the *Small* decision is now the law of the land.

We must now make every effort to close this dangerous loophole and the only way to do that is to pass the No Firearms for Foreign Felons Act of 2009. The bill I am introducing today would do just that. Under this bill, the Gun Control Act of 1968 is amended to ensure that convictions in foreign courts are included. Similar changes would be made in other sections of the Gun Control Act, where there are references to "state offenses" or "offenses under state law"—the bill would expand these terms to include convictions for felony offenses committed abroad.

In other words, the bill would make it clear that if someone is convicted in a foreign court of an offense that would have disqualified him from possessing a firearm in the U.S. the same laws relating to gun possession would be applied.

As introduced, the only exception would involve a conviction in a foreign court that was invalid. In that specific situation, this bill would allow a person convicted in a foreign court to challenge its validity. Under the bill, a foreign conviction will not constitute a "conviction" for purposes of the felon-in-possession laws, if the foreign conviction either: resulted from a denial of fundamental fairness that would violate due process if committed in the United States, or, if the conduct on

which the foreign conviction was based would be legal if committed in the U.S.

I expect that these circumstances will be fairly rare, but the bill does take them into account, and will provide a complete defense to anyone with an invalid foreign conviction under these specific circumstances.

The need for action is clear. In 2001, U.S. law enforcement outfitted in bullet proof vests raided the New York City hotel room of Rohan Ingram. Ingram was found with 13 different firearms, had an extensive criminal background, including at least 18 convictions for crimes such as assault and use of deadly weapon. He was known to law enforcement as "armed and dangerous" and they rightfully took all of the necessary precautions to protect themselves. However, because all of his crimes had occurred in Canada, his felon-in-possession of a firearm charge was eventually thrown out of court. This is a direct result of the Supreme Court case and illustrates a very dangerous loophole in our criminal justice system.

What we need to do as an institution is clear. We cannot keep in place a policy that allows felons convicted overseas to possess firearms. It simply makes no sense. In a country filled with senseless gun violence, we cannot continue to give foreign-convicted murderers, rapists and even terrorists an unlimited right to buy firearms and U.S. assault weapons in the U.S. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Firearms for Foreign Felons Act of 2009".

SEC. 2. DEFINITIONS.

(a) COURTS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(36) The term 'any court' includes any Federal, State, or foreign court."

(b) EXCLUSION OF CERTAIN FELONIES.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "any Federal or State offenses" and inserting "any Federal, State, or foreign offenses";

(2) in subparagraph (B), by striking "any State offense classified by the laws of the State" and inserting "any State or foreign offense classified by the laws of that jurisdiction"; and

(3) in the matter following subparagraph (B), in the first sentence, by inserting before the period the following: " , except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if com-

mitted in the United States or from conduct that would be legal if committed in the United States".

(c) DOMESTIC VIOLENCE CRIMES.—Section 921(a)(33) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "subparagraph (C)" and inserting "subparagraph (B)"; and

(2) in subparagraph (B)(ii), by striking "if the conviction has" and inserting the following: "if the conviction—

"(I) occurred in a foreign jurisdiction and the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States; or

"(II) has".

SEC. 3. PENALTIES.

Section 924(e)(2)(A)(ii) of title 18, United States Code, is amended—

(1) by striking "an offense under State law" and inserting "an offense under State or foreign law"; and

(2) by inserting before the semicolon the following: " , except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States".

By Mr. UDALL, of New Mexico.

S. 1527. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce the Unsafe Meat and Poultry Recall Act, to grant the Secretary of Agriculture the authority to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe.

Sadly, and in some cases tragically, in recent years recalls of unsafe food products has seemingly become a regular occurrence in our Nation. Last week, a Denver-based grocery chain recalled 466,236 pounds of ground beef products that were distributed to stores in Colorado, Kansas, Missouri, Nebraska, Utah, Wyoming, and my State of New Mexico. The tainted meat is blamed for fourteen cases of salmonella and 6 hospitalizations.

Last year, the USDA requested a recall of 143 million pounds of beef from a slaughterhouse that was being investigated for unsafe practices. In this instance, like most, the recalled beef had been distributed throughout the country, including to my state of New Mexico where the U.S. Department of Agriculture's Commodity Foods Program had sent 3,000 cases of the questionable beef to the state's Human Services Department to be distributed to school lunch programs. Luckily, most of the beef was found before it was served, but putting New Mexico's children at such a risk is clearly unacceptable.

The number of people affected annually from ingesting tainted meat and poultry products illuminates this proposition: 5,000 people die from food-borne illnesses each year; nearly 76 million people get sick annually from eating tainted food, of these individuals, 325,000 require hospitalization.

Shockingly, the USDA does not have the authority to issue mandatory recalls of tainted meat and poultry products. Complying with agency recalls, therefore, is at the industry's discretion. The meat industry says that it has never failed to cooperate with a recall request from the USDA, rendering mandatory recalls of tainted meat unnecessary. However, when the USDA asks for a recall, a negotiation process ensues between the agency and the industry. Meanwhile, thousands of people are at risk of eating the potentially harmful meat in the marketplace during the ongoing negotiations.

It is the responsibility of the USDA to see that the poultry and meatpacking industry produces only safe meat products. It is the right of American consumers to feel safe purchasing the meat sold in their grocery stores. And it is the right of our cattle producers to know that the beef they produce is being handled properly and sent into the market safely.

My bill would finally give the Secretary of Agriculture the power to ensure that the meat in our Nation's markets is clean and safe.

By Mr. FEINGOLD:

S. 1528. A bill to establish a Foreign Intelligence and Information Commission and for other purposes; to the Select Committee on Intelligence.

Mr. FEINGOLD. Mr. President, the legislation I am introducing today would establish an independent, bipartisan Foreign Intelligence and Information Commission to significantly reform and improve our intelligence capabilities. On July 16, the bill was approved, on a bipartisan basis, by the Senate Intelligence Committee as an amendment to the Fiscal Year 2010 Intelligence Authorization bill. The bill is similar to the one I introduced in the last Congress with Senator Hagel, which also had bipartisan support in the Intelligence Committee, and it is my hope and expectation that it will soon become law. The New York Times has also expressed its support for the commission.

The work of this commission is critical to our national security. For years, our intelligence officials have acknowledged that we lack adequate coverage around the world and that we have gaps in our ability to anticipate threats and crises before they emerge. The 2006 Annual Report of the Intelligence Community described how current crises divert resources from emerging and strategic issues. In 2007, the Deputy Director of National Intel-

ligence for Collection testified that we need to "pay attention to places that we are not." In 2008, the DNI testified that current crisis support "takes a disproportionate share" of intelligence resources over emerging and strategic issues. Earlier this year, during his confirmation process, the current CIA Director expressed his concern about the broad set of issues to which insufficient resources are being devoted. The problem, in other words, is not new, nor is it unique to any administration. It is systematic and it results from structural problems in how we develop priorities and allocate resources.

These structural problems afflict the Intelligence Community, but they are also much broader. Around the world, information our government needs to inform our foreign policy and protect our country is obtained openly by State Department officials. Yet there is no interagency strategy that integrates the capabilities of our diplomats and other embassy personnel with the activities of our clandestine collectors. The result is big gaps in what we know about the world—gaps that don't necessarily require more spying.

This information pertains to instability and civil conflict, threats to democratic institutions, human rights abuses and corruption, and whether we can count on the support of a country for our policies. This information is also directly related to the threat from al Qaeda, its affiliates and other terrorist organizations. The 9/11 Commission recommended that our government identify and prioritize actual or potential terrorist sanctuaries. Yet, as the Director of the National Counterterrorism Center testified to the Senate Intelligence Committee, "much of the information about the instability that can lead to safe havens or ideological radicalization comes not from covert collection but from open collection, best done by Foreign Service Officers." The solution, then, is to ensure that, if State Department or other U.S. officials are best suited to gather this kind of critical information, they have the capabilities and resources to do so.

At the core of the commission's mandate is the need for an interagency strategy that asks and answers four key questions: "What is it that the U.S. Government needs to know?" "How do we best anticipate threats and crises around the world, before they emerge?" "Who in our government, within and outside of the Intelligence Community, is best equipped to get this information, report on it, and analyze it?" "And how do we develop missions and provide resources so that we are using all of our capabilities on behalf of our national security?" The commission will provide recommendations on how the government can and should develop this strategy and whether new legislation is needed to clarify the authority of existing execu-

tive branch entities or create a new one. And it will provide recommendations on how to ensure that the budget process reflects the best and most efficient means to collect, report on and analyze intelligence and information, rather than the influence of individual bureaucracies.

The reform recommendations made by this commission will provide a critical and welcome boost to everyone, in the executive branch and in Congress, responsible for defending our national security. The Intelligence Community, as its own leadership has attested, needs guidance if it is to reprioritize global coverage and long-term threats. It also needs help in areas that need not be its top priorities: if State Department or other U.S. officials outside the Intelligence Community are best equipped to obtain certain information and are given sufficient resources, the IC can focus on areas where clandestine collection is most needed. The State Department will benefit from an interagency process that recognizes the critical reporting capabilities of the diplomatic service and allocates resources accordingly. The President will be provided with recommendations on interagency reforms that extend beyond the purview of any one department or agency.

Implementation of the commission's recommendations will allow the congressional intelligence and foreign relations committees to conduct oversight of the Intelligence Community and the State Department in the context of a clearly defined strategy. The budget committees and the appropriators as well as authorizers will have an interagency strategy that explains the rationale for the President's budget request. Congress as a whole will be provided recommendations on whether new legislation is needed to reform the process.

This is not just a step toward good governance. It will ensure that taxpayer dollars are used more efficiently and effectively. Most of all, it will make us safer. This bill is not partisan, and it has nothing to do with who is in the White House. The commission will not investigate anyone, nor cast blame for long-standing structural problems. It seeks only to identify the reforms still needed and to provide recommendations, to the executive branch and to Congress, on how to achieve them.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WEBB, and Mr. WARNER):

S.J. Res. 19. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; considered and passed.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 19

Whereas Congress in title VI of the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110-432) authorized the Secretary of Transportation to make grants to the Washington Metropolitan Area Transit Authority subject to certain conditions, including that no amounts may be provided until specified amendments to the Washington Metropolitan Area Transit Regulation Compact have taken effect;

Whereas legislation enacted by the State of Maryland (Chapter 111, 2009 Laws of the Maryland General Assembly), the Commonwealth of Virginia (Chapter 771, 2009 Acts of Assembly of Virginia), and the District of Columbia (D.C. Act 18-0095) contain the amendments to the Washington Metropolitan Area Transit Regulation Compact specified by the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110-432); and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to sections 5, 9 and 18 of title III of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 5 is amended to read as follows:

“(a) The Authority shall be governed by a Board of eight Directors consisting of two Directors for each Signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the Federal Government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a Signatory may be removed or suspended from office only as provided by the law of the Signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall

serve at the pleasure of the appointing authority. In the event of a vacancy in the Office of Director or alternate, it shall be filled in the same manner as an original appointment.

“(b) Before entering upon the duties of his office each Director and alternate Director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the constitution or laws of the Government he represents shall provide: ‘I, hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the state or political jurisdiction from which I was appointed as a director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter.’”

(2) Subsection (a) of section 9 is amended to read as follows:

“(a) The officers of the Authority, none of whom shall be members of the Board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the Board may provide. Except for the office of general manager, inspector general, and comptroller, the Board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the Board, shall serve at the pleasure of the Board and shall perform such duties and functions as the Board shall specify. The Board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full-time employee, all other officers may be hired on a full-time or part-time basis and may be compensated on a salary or fee basis, as the Board may determine. All employees and such officers as the Board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the Board may determine.”

(3) Section 9 is further amended by inserting new subsection (d) to read as follows (and by renumbering all subsequent paragraphs of section 9):

“(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.”

(4) Section 18 is amended by adding a new section 18(d) to read as follows:

“(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under title VI, section 601, Public Law 110-432 regarding funding of capital and preventive maintenance projects of 1 the Authority shall be made from amounts derived from dedicated funding sources.

“(2) For the purposes of this paragraph (d), a ‘dedicated funding source’ means any source of funding that is earmarked or required under State or local law to be used to match Federal appropriations authorized under title VI, section 601, Public Law 110-432 for payments to the Authority.”

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved. The consent grant-

ed by this Act shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region that forms the subject of the compact.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 225—RECOGNIZING AND CELEBRATING THE 50TH ANNIVERSARY OF THE ENTRY OF HAWAII INTO THE UNION AS THE 50TH STATE

Mr. INOUE (for himself and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 225

Whereas August 21, 2009, marks the 50th anniversary of Proclamation 3309, signed by Dwight D. Eisenhower, which admitted Hawaii into the Union in compliance with the Hawaii Admission Act (Public Law 86-3; 73 Stat. 4), enacted into law on March 18, 1959;

Whereas Hawaii is a place like no other, with people like no other, and bridges mainland United States to the Asia-Pacific region;

Whereas the 44th President of the United States, Barack Obama, was born in Hawaii on August 4, 1961;

Whereas Hawaii contributed to a more diverse Congress by electing—

(1) the first Native Hawaiian member of Congress, Prince Jonah Kuhio Kalanianaʻole; (2) the first Asian-American Senator, Hiram Fong;

(3) the first woman of color elected to Congress, Patsy T. Mink;

(4) the first Native Hawaiian to serve in the Senate, Daniel Kahikina Akaka; and

(5) the first Japanese American to serve in the Senate, Daniel Ken Inouye;

Whereas Hawaii is an example to the rest of the world of unity and positive race relations;

Whereas Pearl Harbor is a strategic United States military base in the Pacific and became a national historic site after the December 7, 1941, surprise aerial attack by Japan that thrust the United States into World War II;

Whereas Hawaii is home to ¼ of the endangered species in the United States;

Whereas Hawaii has 8 national parks, which preserve volcanoes, complex ecosystems, a colony for victims of Hansen's disease, and other sites of historical and cultural significance;

Whereas Kilauea ranks among the most active volcanoes on Earth;

Whereas President George W. Bush nominated the Papahānaumokuākea Marine National Monument to the United Nations Educational, Scientific and Cultural Organization World Heritage Centre for consideration for the World Heritage List;

Whereas Hawaii has produced musical legends ranging from traditional favorites such as Alfred Apaka, Don Ho, and Genoa Keawe, to Hawaii renaissance performers such as Eddie Kamae, Raymond Kane, Gabby Pahinui, Israel Kamakawiwoʻole, the Brothers Cazimero, and the Beamer Brothers, to contemporary stars such as Keali'i Reichel, Ledward Kaapana, Jake Shimabukuro, and Raiatea Helm;

Whereas Hawaii is culturally rich because the Hawaiian culture has been protected through Hawaiian language immersion schools, hula competitions such as the Merrie Monarch Festival, canoeing voyages undertaken by vessels such as the *Hokule'a*, and the continuing historic preservation of Hawaiian traditions;

Whereas the Hawaii Statehood Commission held a Joint Session of the Hawaii State Legislature in honor of statehood and will celebrate the milestone with a public discussion and the arrival of the USS *Hawaii*; and

Whereas for all of these reasons Hawaii is a truly unique State: Now, therefore, be it

Resolved, That the Senate recognizes and celebrates the 50th anniversary of the entry of Hawaii into the Union as the 50th State.

SENATE CONCURRENT RESOLUTION 37—SUPPORTING THE GOALS AND IDEALS OF SENIOR CAREGIVING AND AFFORDABILITY

Mr. JOHANNES (for himself and Mr. CASEY) submitted the following concurrent resolution; which was considered to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 37

Whereas 8,000 people in the United States turn 60 years old every day;

Whereas an estimated 35,900,000 people, 12.4 percent of the population, are 65 years of age and older;

Whereas the United States population age 65 and older is expected to more than double in the next 50 years to 86,700,000 in 2050;

Whereas the 85 and older population is projected to reach 9,600,000 in 2030, and double again to 20,900,000 in 2050;

Whereas it is estimated that 4,500,000 people in the United States have Alzheimer's disease today;

Whereas it is estimated that number will increase to between 11,300,000 and 16,000,000 by 2050;

Whereas 70 percent of people with Alzheimer's disease and other dementias live at home, and these individuals are examples of individuals who need assistance in the home with activities of daily living;

Whereas more than 25 percent of all seniors need some level of assistance with activities of daily living;

Whereas so as to address the surging population of seniors who have significant needs for in-home care, the field of senior caregiving will continue to grow;

Whereas there are an estimated 44,000,000 adults in the United States providing care to adult relatives or friends and an estimated 725,000 nonfamily private paid senior caregivers;

Whereas both unpaid family caregivers and paid caregivers work together to serve the

daily living needs of seniors who live in their own homes;

Whereas the Department of Labor estimated that paid caregivers for the year 2006 worked a total of 835,000,000 hours, and the projected hours of paid senior caregivers are estimated to increase to 4,350,000,000 hours by 2025; and

Whereas the longer a senior is able to provide for his or her own care, the less burden is placed on public payment systems in Federal and State governments: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes caregiving as a profession;

(2) supports the private home care industry and the efforts of family caregivers throughout the United States by encouraging individuals to provide care to family, friends, and neighbors;

(3) encourages alternatives to make caregiving for seniors even more accessible and affordable through reviews of Federal policies that relate to caregiving for seniors;

(4) supports current Federal programs that address the accessibility and affordability needs of seniors and their family caregivers; and

(5) encourages the Secretary of Health and Human Services to continue working to educate people in the United States on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

Mr. JOHANNES. Mr. President, I rise today to recognize the importance of the senior caregiving community. In the U.S., over 36 million people are 65 years of age or older, which is approximately 12 percent of the population. That number is expected to double by the year 2025 as the baby-boomers fully enter their golden years.

Thus, while senior caregivers are playing an important role now, this profession will be even more important in the future. The people who provide care to millions of seniors across this country provide a great service not only to these individuals, but also to their families and our communities, as a whole.

It is estimated that 25 percent of all seniors need some level of assistance to complete their daily activities. Senior companions provide a wide-range of services, such as medication reminders, housekeeping, meal preparation, travel assistance, and general companionship. These services enable seniors to stay in their own homes and stay engaged in their communities—which can make all the difference in the world when it comes to their happiness.

I have talked to seniors who are helped by caregivers and they use words like guardian angel and lifesaver to describe them. Senior caregiver services are a much preferred alternative for seniors who desire to maintain their independence. They also offer families peace of mind, knowing their loved one is being taken care of in a safe and affordable manner.

The senior caregiving profession is part of the solution to the challenges our country faces as we continue to age. Currently, an estimated 44 million

adults in this country provide care to adult relatives or friends, and an estimated 725,000 non-family, privately-paid individuals are senior caregivers. The caregiving profession will continue to grow in prominence and demand as the senior population rises.

That is why I am happy to introduce a resolution with my colleague, Senator CASEY, to honor senior caregivers and the private home care industry. We salute those who provide such quality care for so many Americans. It also encourages individuals to reach out and provide these services to their family, friends, and neighbors.

We need to examine federal policy alternatives to make caregiving for seniors more accessible and more affordable for families. If we can keep seniors in their homes, instead of nursing facilities, we accomplish a number of goals. We preserve the independence and dignity of our seniors. That alone is significant. But, it also saves money in a health care system facing skyrocketing costs and soon-to-be insolvent programs.

This resolution encourages the Secretary of Health and Human Services to continue working to educate aging Americans about the assistance options available for seniors. Senior caregivers are doing a great service to this country and I commend them for it.

It is an indisputable fact that we will all grow old, thus this issue will sooner or later affect every American. Therefore, it is important to have access to quality, affordable caregiving services in every community. Caregiving is a profession that will continue to grow in prominence and need as the senior population rises. Again, I thank the senior caregivers for their service to Americans throughout this nation, and I am pleased to offer this resolution on their behalf.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1842. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 1843. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1844. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1845. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1846. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to

be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*.

SA 1847. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1848. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1849. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1850. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1851. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1852. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1853. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1854. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1855. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1856. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1857. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1858. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1859. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1860. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1861. Mr. REED (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1862. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*.

SA 1863. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

SA 1864. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3183, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1842. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 13 and 14, insert the following:

SEC. ____ Section 805(a)(2) of Public Law 106-541 (114 Stat. 2704) is amended by striking “2010” each place it appears and inserting “2013”.

SA 1843. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1 ____ Section 3 of the Act of August 18, 1941 (55 Stat. 642; 121 Stat. 1109) is amended, in the matter under the heading “LOWER MISSISSIPPI RIVER”, in subsection (a), in the second sentence—

(1) by striking “the first section” and inserting “sections 1 and 6”; and

(2) by inserting “and any subsequent Act,” before “shall remain as”.

SA 1844. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike the proviso starting on line 7 and continuing through the colon on line 16 and insert the following in lieu thereof:

Provided further, That the Chief of Engineers is directed to use \$1,500,000 of funds available for the Greenbrier Basin, Marlinton, West Virginia, Local Protection Project to continue engineering and design efforts, execute a project partnership agreement, and initiate construction of the project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008:

SA 1845. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr.

DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. ____ Title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by adding at the end of the Title, the following new section 411:

“Section 411.—Up to 0.5 percent of each amount appropriated to the Department of the Army and the Bureau of Reclamation in this title may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the Head of the Federal Agency involved to any other appropriate account within the department for that purpose: *Provided*, That the Secretary will provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days prior to the transfer: *Provided further*, That funds set aside under this section shall remain available for obligation until September 30, 2012.”

SA 1846. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Beginning on page 26, strike line 1 and all that follows through page 32, line 14, and insert the following:

SEC. 206. Section 208(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268), is amended—

(1) in paragraph (1)—

(A) by redesignating clauses (i) through (iv) of subparagraph (B) as subclauses (I) through (IV), respectively, and indenting the subclauses appropriately;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(C) by striking “(a)(1) Using” and inserting the following:

“(a) ACTION BY SECRETARY.—

“(1) PROVISION OF FUNDS.—

“(A) IN GENERAL.—Using”;

(D) in subparagraph (A) (as so redesignated)—

(i) in the matter preceding clause (i) (as so redesignated), by inserting “or the National Fish and Wildlife Foundation” after “University of Nevada”;

(ii) in clause (i) (as so redesignated), by striking “, Nevada; and” and inserting a semicolon;

(iii) in clause (ii)(IV) (as so redesignated), by striking the period at the end and inserting “; and”;

(iv) by adding at the end the following:

“(iii) to design and implement conservation and stewardship measures to address impacts from activities carried out—

“(I) under clause (i); and

“(II) in conjunction with willing landowners.”; and

(E) by adding at the end the following:

“(B) NATIONAL FISH AND WILDLIFE FOUNDATION.—

“(i) DATE OF PROVISION.—The Secretary shall provide funds to the National Fish and

Wildlife Foundation pursuant to subparagraph (A) in an advance payment of the available amount—

“(I) on the date of enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2010; or

“(II) as soon as practicable after that date of enactment.

“(ii) REQUIREMENTS.—

“(I) IN GENERAL.—Except as provided in subclause (II), the funds provided under clause (i) shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

“(II) EXCEPTIONS.—Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the funds provided under clause (i).”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “paragraph (1)(A)” and all that follows through “beneficial to—” and inserting “paragraph (1)(A)(i), the University of Nevada or the National Fish and Wildlife Foundation shall make acquisitions that the University or the Foundation determines to be the most beneficial to—”; and

(B) in subparagraph (A), by striking “paragraph (1)(B)” and inserting “paragraph (1)(A)(ii)”.’

SEC. 207. Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources in the Walker River Basin.”.

SEC. 208. (a) Of the amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) provide, in accordance with section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268), and subject to subsection (b), \$66,200,000 to establish the Walker Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in the State of Nevada, consistent with protection of the ecological health of the Walker River and the riparian and watershed resources of the West, East, and Main Walker Rivers; and

(2) allocate—

(A) acting through a nonprofit conservation organization that is acting in consultation with the Truckee Meadows Water Authority, \$2,000,000, to remain available until expended, for—

(i) the acquisition of land surrounding Independence Lake; and

(ii) protection of the native fishery and water quality of Independence Lake, as determined by the nonprofit conservation organization;

(B) \$5,000,000 to provide grants of equal amounts to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and

the Federal Watermaster of the Truckee River to implement the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101-618; 104 Stat. 3289);

(C) \$1,500,000, to be divided equally by the city of Fernley, Nevada, and the Pyramid Lake Paiute Tribe, for joint planning and development activities for water, wastewater, and sewer facilities; and

(D) \$1,000,000 to the United States Geological Survey to design and implement, in consultation and cooperation with other Federal departments and agencies, State and tribal governments, and other water management and conservation organizations, a water monitoring program for the Walker River Basin.

(b)(1) The amount made available under subsection (a)(1) shall be—

(A) used, consistent with the primary purpose set forth in subsection (a)(1), to support efforts to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin; and

(B) allocated as follows:

(i) \$25,000,000 to the Walker River Irrigation District, acting in accordance with an agreement between that District and the National Fish and Wildlife Foundation—

(I) to administer and manage a 3-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows; and

(II) for use in obtaining information regarding the establishment, budget, and scope of a longer-term leasing program.

(ii) \$25,000,000 to advance the acquisition of water and related interests from willing sellers authorized by section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268).

(iii) \$1,000,000 for activities relating to the exercise of acquired option agreements and implementation of the water leasing demonstration program, including but not limited to the pursuit of change applications, approvals, and agreements pertaining to the exercise of water rights and leases acquired under the program.

(iv) \$10,000,000 for associated conservation and stewardship activities, including water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program.

(v) \$5,000,000 to the University of Nevada, Reno, and the Desert Research Institute—

(I) for additional research to supplement the water rights research conducted under section 208(a)(1)(A)(ii) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268);

(II) to conduct an annual evaluation of the results of the activities carried out under clauses (i) and (ii); and

(III) to support and provide information to the programs described in this subparagraph and related acquisition and stewardship initiatives to preserve Walker Lake and protect agricultural, environmental, and habitat interests in the Walker River Basin.

(vi) \$200,000 to support alternative crops and alternative agricultural cooperatives programs in Lyon County, Nevada, that promote water conservation in the Walker River Basin.

(2)(A) The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation—

(i) in an advance payment of the entire amount—

(I) on the date of enactment of this Act; or

(II) as soon as practicable after that date of enactment; and

(ii) except as provided in subparagraph (B), subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

(B) Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the amount made available under subsection (a)(1).

SA 1847. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1. PERMANENT PROTECTION SYSTEM IN NEW ORLEANS, LOUISIANA.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term “project” means the project for permanent pumps and canal modifications that is—

(A) authorized by the matter under the heading “GENERAL PROJECTS” in section 204 of the Flood Control Act of 1965 (Public Law 89-298; 79 Stat. 1077); and

(B) modified by—

(i) the matter under the heading “FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)” under the heading “CORPS OF ENGINEERS—CIVIL” under the heading “DEPARTMENT OF THE ARMY” under the heading “DEPARTMENT OF DEFENSE—CIVIL” of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 454);

(ii) section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1279); and

(iii) the matter under the heading “FLOOD CONTROL AND COASTAL EMERGENCIES” under the heading “CORPS OF ENGINEERS—CIVIL” under the heading “DEPARTMENT OF THE ARMY” under the heading “DEPARTMENT OF DEFENSE—CIVIL” of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2349).

(2) REPORT.—The term “report” means the report—

(A) entitled “Report to Congress for Public Law 110-252, 17th Street, Orleans Avenue and London Avenue Canals Permanent Protection System, Hurricane Protection System, New Orleans, Louisiana”;

(B) prepared by the Secretary;

(C) dated September 26, 2008; and

(D) revised in December 2008.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(4) STATE.—The term “State” means the State of Louisiana.

(b) PROJECT MODIFICATION.—The project is further modified to direct the Secretary—

(1) to construct a pump station and optimized diversion from the 2,500-acre area

known as "Hoey's Basin" to the Mississippi River to help reduce storm water flow into the 17th Street canal;

(2) to construct an optimized diversion through the Florida Avenue canal for discharging water into the Inner Harbor Navigation Canal;

(3) to construct new, permanent pump stations at or near the lakefront on the 17th Street, Orleans Avenue, and London Avenue canals to provide for future flow capacity;

(4) to deepen, widen within each right-of-way in existence as of the date of enactment of this Act, and line the bottom and side slopes of the 17th Street, Orleans Avenue, and London Avenue canals to allow for a gravity flow of storm water to the pump stations at the lakefront;

(5) to modify or replace bridges that are located in close proximity or adjacent to the 17th Street, Orleans Avenue, and London Avenue canals;

(6) to the extent the Secretary determines the action to be consistent with the safe operation of the project, to remove the levees and floodwalls in existence as of the date of enactment of this Act that line each side of the canals described in paragraph (5) down to the surrounding ground grade;

(7) to decommission or bypass the interior pump stations of the Sewerage and Water Board of New Orleans that are located at each canal described in paragraph (5) to maintain the water surface differential across the existing pumping stations until all systems and features are in place to allow for a fully functional system at a lowered canal water surface elevation; and

(8) to decommission and remove the interim control structures that are located at each canal described in paragraph (5).

(c) IMPLEMENTATION REQUIREMENTS.—

(1) **DUTIES OF SECRETARY.**—In carrying out subsection (b), the Secretary shall—

(A) provide for any investigation, design, and construction sequencing in a manner consistent with the options identified as "Option 2" and "Option 2a", as described in the report; and

(B) notwithstanding any other provision of law, use continuing contracts and other agreements to the extent that the contracts or other agreements would enable the Secretary to carry out subsection (b) in a shorter period of time than without the use of the contracts or other agreements.

(2) FUNDING.—

(A) **IN GENERAL.**—In carrying out subsection (b), the Secretary shall use amounts made available to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront in the first proviso in—

(i) the matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 454); and

(ii) the second undesignated paragraph under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2349).

(B) **EMERGENCY DESIGNATIONS.**—Each amount referred to in subparagraph (A) is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(3) **NON-FEDERAL SHARE; LIABILITY OF STATE.**—As a condition for the Secretary to initiate the conduct of the project, the State shall enter into an agreement with the Secretary under which the State shall agree—

(A) to pay 100 percent of the costs arising from the operation, maintenance, repair, replacement, and rehabilitation of each completed component of the project; and

(B) to hold the United States harmless from any claim or damage that may arise from carrying out the project except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

SA 1848. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 7, before the period, insert the following: "Provided further, That an additional \$100,000,000 shall be used to make grants for energy efficiency improvement and energy sustainability under subsections (c) and (d) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1): *Provided further*, That the amount made available for the Nuclear Power 2010 initiative in the matter under the heading 'NUCLEAR ENERGY' shall be reduced by \$100,000,000".

SA 1849. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 7, before the period, insert the following: "Provided further, That an additional \$15,000,000 shall be used to make technical assistance grants under section 399A(b) of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1(b)): *Provided further*, That the amount made available for the Strategic Petroleum Reserve in the matter under the heading 'STRATEGIC PETROLEUM RESERVE' shall be reduced by \$15,000,000".

SA 1850. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 24 and 25, strike "\$170,000,000, to remain available until expended" and insert "\$164,500,000, to remain available until expended, of which no funds shall be used for the feasibility study for the

Missouri River in the States of North Dakota, Montana, South Dakota, Nebraska, Iowa, Kansas, and Missouri, as identified in the committee report accompanying this Act".

SA 1851. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1. (a) The Federal share of the cost of the project for navigation, Rhodes Point, Smith Island, Maryland, carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be \$7,000,000.

(b) The non-Federal interest for the project described in subsection (a) may provide the remaining share of the total cost of the project through work-in-kind, for which the non-Federal interest shall receive credit towards the share of the project costs of the non-Federal interest, except that the credit may not exceed the actual and reasonable costs of the materials or services provided by the non-Federal interest, as determined by the Secretary of the Army.

SA 1852. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1. TEN MILE CREEK WATER PRESERVE AREA.

Section 528(b)(3)(C)(ii) of the Water Resources Development Act of 1996 (110 Stat. 3769; 121 Stat. 1270) is amended—

(1) in subclause (I), by striking "subclause (II)" and inserting "subclauses (II) and (III)"; and

(2) by adding at the end the following:

"(III) **TEN MILE CREEK WATER PRESERVE AREA.**—The Federal share of the cost of the Ten Mile Creek Water Preserve Area may exceed \$25,000,000 by an amount equal to not more than \$3,500,000, which shall be used to pay the Federal share of the cost of—

"(aa) the completion of a post authorization change report; and

"(bb) the maintenance of the Ten Mile Creek Water Preserve Area in caretaker status through fiscal year 2013.".

SA 1853. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 20, strike "basis." and insert "basis: *Provided further*, That funds

made available for the Milk River/St. Mary Diversion Rehabilitation Project in the State of Montana shall be expended by the Commissioner of Reclamation on a nonreimbursable basis."

SA 1854. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, lines 23 and 24, strike "until expended" and insert the following: until expended: *Provided*, That, not later than 30 days after the date of enactment of this Act, the President shall certify that the Yucca Mountain site has been selected as, and remains, the site for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel in accordance with section 160 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10172): *Provided further*, That if the President fails to make the certification, \$98,400,000 shall be made available to the States that store defense-related nuclear waste (which is to be transferred to the Yucca Mountain site), to be used by each State to help offset the loss in community investments that results from the continued storage of defense-related nuclear waste in the State and to help mitigate the public health risks that result from the continued storage of the defense-related nuclear waste in the State

SA 1855. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . AGENCY ADMINISTRATIVE EXPENSES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term "administrative expenses" has the meaning as determined by the Director under subsection (b)(2).

(2) AGENCY.—The term "agency"—

(A) means an agency as defined under section 1101 of title 31, United States Code, that is established in the executive branch; and

(B) shall not include the District of Columbia government.

(3) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(b) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.

(2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administration expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted

under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.

SA 1856. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1 ____ . With respect to the project for ecosystem restoration at Liberty State Park, New Jersey, authorized for construction by section 1001(31) of the Water Resources Development Act of 2007 (121 Stat. 1054), the value of any work performed in furtherance of the recommended plan by the non-Federal sponsor in advance of the execution of a project partnership agreement shall, if the project partnership agreement is executed, be credited against the cash contribution required by the non-Federal sponsor.

SA 1857. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, after line 23, insert the following:

SEC. ____ . It is the sense of the Senate that the Senate intends to fund the Energy Efficiency and Conservation Block Grant Program established under subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.) through the regular appropriations process after the majority of funds allocated to the Program under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) have been expended.

SA 1858. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1 ____ . (a) In carrying out the construction of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana, authorized by section 1001(24) of the Water Resources Development Act of 2007 (121 Stat. 1053), the Secretary of the Army (referred to in this section as the "Secretary") shall—

(1) give priority to each element of the project that provides hurricane and storm damage reduction benefits to the most populated areas;

(2) consider, and if appropriate design, build, and use, adaptive management techniques and other execution techniques to expedite the completion of the works;

(3) to the maximum extent practicable, implement the project in a manner compatible with the long-term restoration of coastal wetlands, including the beneficial capture and reuse of precipitation runoff as a part of the restoration;

(4) after the completion of any portion of the project, determine and make publicly available a calculation of the residual risk of—

(A) hurricane and storm damage; and
(B) the loss of human life and human safety; and

(5) immediately initiate the design of the Houma Navigation Canal Lock.

(b) The non-Federal interest for the project described in subsection (a) may initiate—

(1) the construction of any authorized portion of the project; and

(2) efforts to provide interim protection for any portion of the project area.

(c) In accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), the Secretary shall credit towards the non-Federal share of the cost of the project, or provide reimbursement for the cost of design and construction, work carried out by the non-Federal interest if the Secretary determines that the work—

(1) is integral to the project; or

(2) would provide interim protection for the project area.

(d) The Secretary shall allocate the amount to be credited under subsection (c) towards the non-Federal share of the cost of the project, or each element of the project, as requested by the non-Federal interest.

SA 1859. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 13 and 14, insert the following:

SEC. ____ . (a) Section 3405(a)(1)(M) of Public Law 102-575 (106 Stat. 4711) is amended by striking "countries" and inserting "countries".

"(b) During a two-year period beginning on date of enactment of this Act, any approval of a transfer between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor shall be deemed to meet the conditions set forth in subparagraphs (A) and (I) of section 3405(a)(1) of Public Law 102-575 (106 Stat. 4709), if the transfer under this clause (1) does not interfere with the San Joaquin River Restoration Settlement Act (part I of subtitle A of title X of Public Law 111-11; 123 Stat. 1349) (including the priorities described in section 10004(a)(4)(B) of that Act relating to implementation of paragraph 16 of the Settlement), and the Settlement (as defined in section 10003 of that Act); and (2) is completed by September 2012.

(c) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall revise, finalize, and implement the applicable draft recovery plan for the Giant Garter Snake (*Thamnophis gigas*).

SA 1860. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 25, strike "expended." and insert the following:
expended, of which \$600,000 shall be made available to the Secretary of the Army, acting through the Chief of Engineers, to initiate a study for the deepening and widening of the Port of Gulfport.

SA 1861. Mr. REED (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 7, before the period, insert the following: "Provided further, That none of the funds made available under this Act may be used to carry out a pilot project to demonstrate energy savings through the use of improved insulating and sealing in homes built prior to 1980: *Provided further*, That, not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the plan of the Department of Energy for carrying out the Weatherization Assistance Program, including strategies to sustain the number of low-income units weatherized at levels comparable to the number of units weatherized under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)".

SA 1862. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. ____. RESTRICTIONS ON TARP EXPENDITURES FOR AUTOMOBILE MANUFACTURERS; FIDUCIARY DUTY TO TAXPAYERS; REQUIRED ISSUANCE OF COMMON STOCK TO TAXPAYERS.

(a) **SHORT TITLE.**—This section may be cited as the "Auto Stock for Every Taxpayer Act".

(b) **PROHIBITION ON FURTHER TARP FUNDS.**—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) or any other provision of law, the Secretary may not expend or obligate any funds made available under that Act on or after the date of enactment of this Act with respect to any designated automobile manufacturer.

(c) **FIDUCIARY DUTY TO SHAREHOLDERS.**—With respect to any designated automobile manufacturer, the Secretary, and the designee of the Secretary who is responsible for the exercise of shareholder voting rights with respect to a designated automobile

manufacturer pursuant to assistance provided under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), shall have a fiduciary duty to each eligible taxpayer for the maximization of the return on the investment of the taxpayer under that Act, in the same manner, and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applicable provisions of State law.

(d) **REQUIRED ISSUANCE OF COMMON STOCK TO ELIGIBLE TAXPAYERS.**—Not later than 1 year after the emergence of any designated automobile manufacturer from bankruptcy protection described in subsection (f)(1)(B), the Secretary shall direct the designated automobile manufacturer to issue through the Secretary a certificate of common stock to each eligible taxpayer, which shall represent such taxpayer's per capita share of the aggregate common stock holdings of the United States Government in the designated automobile manufacturer on such date.

(e) **CIVIL ACTIONS AUTHORIZED.**—A person who is aggrieved of a violation of the fiduciary duty established under subsection (c) may bring a civil action in an appropriate United States district court to obtain injunctive or other equitable relief relating to the violation.

(f) **DEFINITIONS.**—As used in this section—
(1) the term "designated automobile manufacturer" means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term "eligible taxpayer" means any individual taxpayer who filed a Federal taxable return for taxable year 2008 (including any joint return) not later than the due date for such return (including any extension);

(3) the term "Secretary" means the Secretary of the Treasury or the designee of the Secretary; and

(4) the terms "director", "issuer", "securities", and "securities laws" have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 1863. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1 ____. Funding for the construction of the Chickamauga Lock and Dam shall be exempt from any requirement that limits the source of the funds made available for the construction of the Chickamauga Lock and Dam to funds made available out of the Inland Waterways Trust Fund.

SA 1864. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3183, making ap-

propriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

The National Renewable Energy Laboratory has determined the need to evolve a more comprehensive physical understanding of the casual relationships between atmospheric inflow phenomena and wind farm interaction and has identified the need to better understand the relationship as the key remaining science issue before new technology and microclimatology could be addressed.

Of the \$85,000,000 provided for wind energy under Energy Efficiency and Renewable Energy account, \$8 million shall be directed to the National Wind Resource Center for turbine and equipment purchase specifically for the purpose of operations research, turbine to turbine wake interaction, and the need to provide a demonstration platform for new turbine technology accelerating acceptance and adoption by the commercial industry.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 30, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing to examine the increase of gang activity in Indian country.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 28, 2009 at 9:30 a.m. to conduct a hearing entitled "Regulatory Modernization: Perspectives on Insurance."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, July 28, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a

hearing on Tuesday, July 28, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 28, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 28, 2009, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, July 28, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 28, 2009, at 10 a.m., in SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Terrorism and Homeland Security, be authorized to meet during the session of the Senate on July 28, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office building, to conduct a hearing entitled "Prosecuting Terrorists: Civilian and Military Trials for GTMO and Beyond." The witness list is attached.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 28, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, on behalf of Senator TESTER, I ask unanimous consent that his science fellow, David Szymanski, be given floor privileges during the consideration of H.R.

3183, the Energy and Water appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, David Toepen, be granted the privilege of the floor for today's deliberations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that T.J. Kim of Senator VOINOVICH's staff be granted floor privileges for the duration of the Senate's consideration of H.R. 3183.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING AND CELEBRATING THE 50TH ANNIVERSARY OF THE ENTRY OF HAWAII INTO THE UNION AS THE 50TH STATE

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 225, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 225) recognizing and celebrating the 50th anniversary of the entry of Hawaii into the Union as the 50th State.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INOUE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 225) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 225

Whereas August 21, 2009, marks the 50th anniversary of Proclamation 3309, signed by Dwight D. Eisenhower, which admitted Hawaii into the Union in compliance with the Hawaii Admission Act (Public Law 86-3; 73 Stat. 4), enacted into law on March 18, 1959;

Whereas Hawaii is a place like no other, with people like no other, and bridges mainland United States to the Asia-Pacific region;

Whereas the 44th President of the United States, Barack Obama, was born in Hawaii on August 4, 1961;

Whereas Hawaii contributed to a more diverse Congress by electing—

(1) the first Native Hawaiian member of Congress, Prince Jonah Kūhio Kalanianaʻōle;

(2) the first Asian-American Senator, Hiram Fong;

(3) the first woman of color elected to Congress, Patsy T. Mink;

(4) the first Native Hawaiian to serve in the Senate, Daniel Kahikina Akaka; and

(5) the first Japanese American to serve in the Senate, Daniel Ken Inouye;

Whereas Hawaii is an example to the rest of the world of unity and positive race relations;

Whereas Pearl Harbor is a strategic United States military base in the Pacific and became a national historic site after the December 7, 1941, surprise aerial attack by Japan that thrust the United States into World War II;

Whereas Hawaii is home to ¼ of the endangered species in the United States;

Whereas Hawaii has 8 national parks, which preserve volcanoes, complex ecosystems, a colony for victims of Hansen's disease, and other sites of historical and cultural significance;

Whereas Kilauea ranks among the most active volcanoes on Earth;

Whereas President George W. Bush nominated the Papahānaumokuākea Marine National Monument to the United Nations Educational, Scientific and Cultural Organization World Heritage Centre for consideration for the World Heritage List;

Whereas Hawaii has produced musical legends ranging from traditional favorites such as Alfred Apaka, Don Ho, and Genoa Keawe, to Hawaii renaissance performers such as Eddie Kamae, Raymond Kane, Gabby Pahinui, Israel Kamakawiwoʻole, the Brothers Cazimero, and the Beamer Brothers, to contemporary stars such as Keali'i Reichel, Ledward Kaapana, Jake Shimabukuro, and Raiatea Helm;

Whereas Hawaii is culturally rich because the Hawaiian culture has been protected through Hawaiian language immersion schools, hula competitions such as the Merrie Monarch Festival, canoeing voyages undertaken by vessels such as the *Hokule'a*, and the continuing historic preservation of Hawaiian traditions;

Whereas the Hawaii Statehood Commission held a Joint Session of the Hawaii State Legislature in honor of statehood and will celebrate the milestone with a public discussion and the arrival of the USS *Hawaii*; and

Whereas for all of these reasons Hawaii is a truly unique State: Now, therefore, be it

Resolved, That the Senate recognizes and celebrates the 50th anniversary of the entry of Hawaii into the Union as the 50th State.

Mr. INOUE. Mr. President, 50 years ago next month, the 85th Congress of the United States voted to allow a tiny island archipelago made up of people of every race and creed and situated in the middle of the Pacific Ocean entry into the Union.

August 21, 2009, marks the 50th anniversary of the execution of Proclamation 3309, signed by President Dwight David Eisenhower, which admitted Hawaii into the Union as the 50th State.

On a personal note, 50 years ago today, I was elected by the people of Hawaii to serve as the first Member of the House of Representatives from the State of Hawaii. It is a moment I shall never forget. And on August 25, 1959, I had the great honor and privilege of standing behind the great President of the United States, Dwight David Eisenhower, when he signed Proclamation 3309.

The territory of Hawaii was annexed to the United States in 1898 by a joint

resolution of Congress based on a treaty signed with the Hawaiian government. For many years thereafter, many delegations of Congressmen and Senators visited the territory of Hawaii to consider the pleas submitted by generations of our people requesting statehood. Finally, during the 85th Congress in 1959, members of the Committee on Interior and Insular Affairs and the Subcommittee on Territorial and Insular Affairs, led by Congressman Leo W. O'Brien, visited the territory of Hawaii to make an inquiry into granting it statehood. The members of the committee met with local leaders and government officials in Hawaii and noted that the islands of Hawaii formed a unique and successful racial melting pot and claimed that if the rest of the Nation could mix as well, our democracy would be advanced by a century.

The State of Hawaii has been a rich cultural addition to the United States, thanks to the ancient culture of Native Hawaiians, the diverse multiracial society created by generations of Asian and European immigrants, and the stunning natural beauty of our tropical climate. Hawaii has produced the first Chinese and Japanese American Members of Congress, the first woman of color in Congress, and the first Native Hawaiian in the Senate. The Honorable Barack Obama, the first African-American President of the United States, was born and raised in Honolulu, HI.

Hawaii is much more than hula dancing, lovely beaches, and beautiful weather. For example, 300 years ago, before Christopher Columbus crossed the Atlantic Ocean in search of India, Polynesians boarded double-hulled canoes and sailed north seeking a place called Havaiki. These ancient voyagers found Havaiki and settled there and slowly built their society and government. A kingdom emerged and a monarchy grew to gain the respect of nations around the world. The kingdom of Hawaii entered into treaties with the United Kingdom, France, Japan, and the United States. That kingdom was overthrown with the assistance of the U.S. military forces. But the Congress of the United States, realizing that the takeover was not done in a democratic fashion, recently issued an official apology to the people of Hawaii. It takes a great country like America to admit its wrongs.

Hawaii's location in the middle of the Pacific between the U.S. mainland and the nations of Asia has made it a major center of military defense for the United States. Pearl Harbor serves as a critical naval outpost, allowing our fleet to connect to the United States, Asia, and other Pacific nations. So critical is Pearl Harbor's location to our national defense that it was targeted by our enemies at the beginning of World War II. The bombing of Pearl Harbor on December 7, 1941, brought

the United States into World War II and revealed the loyalty the people of Hawaii had for the United States and the sacrifices they were willing to make for their country. Thousands upon thousands of young men from Hawaii volunteered to serve in the U.S. Army during World War II. Senator DAN AKAKA and I were two of the volunteers.

Nearly 8 million visitors from around the world each year are drawn to Hawaii's breathtaking beaches, scenic sites, and unique culture. Hawaii is home to one-fourth of the endangered species in the United States. We have eight national parks, including the Hawaii Volcanoes National Park, which is the home to Kilauea, the most active volcano on Earth. Hawaii has truly added to the diversity and richness of the United States—culturally, racially, ecologically, and geographically.

Today, the Congress of the United States celebrates Hawaii as the 50th State to enter the Union.

Mr. AKAKA. Mr. President, I rise to speak on the resolution offered by my colleague and dear friend, Senator INOUE, and passed by this body. It is a resolution honoring the historic milestone of Hawaii's 50th anniversary of statehood.

In the center of the Pacific on islands rising from the bottom of the ocean, Hawaii joined our great and diverse Nation as its 50th State 50 years ago. Similar to the 49 States that came before it, Hawaii has something unique to share with the world.

Everyone who is born in Hawaii or comes to Hawaii embraces the aloha spirit as a value and way of life. The aloha spirit is good for the United States and it is good for the world.

I was a teacher at Kamehameha Schools when Congress voted to make Hawaii the 50th State in March of 1959. Fire crackers and sirens went off across the island of Oahu in celebration. The bells at historic Kawaihau Church started to ring and hundreds of people gathered there.

The next day, the newspaper headlines hailed the good news. My brother, Rev. Dr. Abraham Akaka, who was minister at Kawaihau Church, delivered the sermon. Brother Abe named Hawaii "The Aloha State," and 50 years later we still call it that.

I would like to quote a few words my brother said on that historic day in March of 1959:

Aloha consists of this new attitude of heart, above negativism, above legalism. It is the unconditional desire to promote the true good of other people in a friendly spirit, out of a sense of kinship. Aloha seeks to do good, with no conditions attached. We do not do good only to those who do good to us. One of the sweetest things about the love of God, about Aloha, is that it welcomes the stranger and seeks his good. A person who has the spirit of Aloha loves even when the love is not returned. And such is the love of God.

This is the meaning of aloha, Hawaii's gift to the cultural fabric of the United States and the world.

While we celebrate this landmark anniversary next month, we must remember that the privileges of statehood came with obligations. Hawaii and the United States have a sacred trust relationship with the indigenous people of Hawaii that still remains to be fulfilled.

In admitting Hawaii as the 50th State, Congress and the people of Hawaii have recognized the importance of addressing the needs of Native Hawaiians and preservation of their culture and traditions. I am proud to continue this legacy as we move forward with that promise.

I congratulate Hawaii and its people on 50 years of statehood. I am proud to represent this great State in the Senate.

MIAMI DADE COLLEGE LAND CONVEYANCE ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 838 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 838) to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 838) was ordered to a third reading, was read the third time, and passed.

AMENDMENTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 19, introduced earlier today.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 19) granting the consent and approval of Congress to amendments made by the State of Maryland,

the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. CARDIN. Mr. President, today the Senate will adopt the final measure required to authorize \$3 billion in dedicated Federal and local funding for the Washington, DC, regional Metrorail system. Today, the Senate will give its consent and approval to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

This compact amendment, jointly agreed to by Maryland, Virginia and DC, makes the changes required by Federal legislation enacted last year which authorizes capital and preventive maintenance projects for the Washington Metro system.

A joint resolution of Congress is needed to authorize any changes in interstate compacts. This resolution which I introduced today with my colleagues, Senators MIKULSKI, WEBB and WARNER, simply provides that necessary congressional consent.

The National Capital Transportation Amendments Act, often referred to as the Metro funding bill, was included as title VI of Division B of PL 110-432, legislation requiring significant improvement to rail safety nationally. The Metro funding bill authorizes \$1.5 billion over 10 years for capital and preventive maintenance of the Metro system. It prohibits these funds from being used for system expansion, which requires separate authorization.

The Metro funding bill includes three provisions requiring changes to the regional compact that governs the system. First, it requires an expansion of the governing board to include two Federal members with voting rights. Second, it requires that the non-Federal jurisdictions provide dedicated funding to match, dollar for dollar, Federal funds. Finally, the legislation requires a change in the governing compact to establish an Office of Inspector General for the system.

The jurisdictions acted with great speed, enacting these changes to the compact during their legislative sessions this spring. On June 17th they jointly sent a letter to Chairman LEAHY and Ranking Member SESSIONS requesting the Congress's consent to the changes that the jurisdictions have approved.

Today we will provide our consent to these compact amendments and in so doing we have adopted the final measure required to authorize \$3 billion in dedicated Federal and local funding for the Washington, DC, regional Metrorail system.

Earlier today, I spoke on the Senate floor about the horrible tragedy that

claimed nine lives on the Metrorail system. I offered my condolences to those who lost loved ones. I also took note of the unique Federal responsibility we have for the Metro system, which is really America's subway. During rush hour, more than 40 percent of Metro riders are Federal employees.

Today we mourn those lost in a tragic accident. But we must do more than extend our sympathy. We must also act. That is why I am proud to have offered the resolution adopted by the Senate today, and why I will continue to fight to ensure that this body is doing everything it can so that a similar tragedy is never repeated.

Mr. BROWN. Mr. President, I ask unanimous consent that the joint resolution be read three times and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S. J. Res. 19) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 19

Whereas Congress in title VI of the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110-432) authorized the Secretary of Transportation to make grants to the Washington Metropolitan Area Transit Authority subject to certain conditions, including that no amounts may be provided until specified amendments to the Washington Metropolitan Area Transit Regulation Compact have taken effect;

Whereas legislation enacted by the State of Maryland (Chapter 111, 2009 Laws of the Maryland General Assembly), the Commonwealth of Virginia (Chapter 771, 2009 Acts of Assembly of Virginia), and the District of Columbia (D.C. Act 18-0095) contain the amendments to the Washington Metropolitan Area Transit Regulation Compact specified by the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110-432); and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to sections 5, 9 and 18 of title III of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 5 is amended to read as follows:

“(a) The Authority shall be governed by a Board of eight Directors consisting of two

Directors for each Signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the Federal Government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a Signatory may be removed or suspended from office only as provided by the law of the Signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the Office of Director or alternate, it shall be filled in the same manner as an original appointment.

“(b) Before entering upon the duties of his office each Director and alternate Director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the constitution or laws of the Government he represents shall provide: ‘I, hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the state or political jurisdiction from which I was appointed as a director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter.’”.

(2) Subsection (a) of section 9 is amended to read as follows:

“(a) The officers of the Authority, none of whom shall be members of the Board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the Board may provide. Except for the office of general manager, inspector general, and comptroller, the Board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the Board, shall serve at the pleasure of the Board and shall perform such duties and functions as the Board shall specify. The Board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full-time employee, all other officers may be hired on a full-time or part-time basis and may be compensated on a salary or fee basis, as the Board may determine. All employees and such officers as the Board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the Board may determine.”.

(3) Section 9 is further amended by inserting new subsection (d) to read as follows (and by renumbering all subsequent paragraphs of section 9):

“(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.”.

(4) Section 18 is amended by adding a new section 18(d) to read as follows:

“(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under title VI, section 601, Public Law 110-432 regarding funding of capital and preventative maintenance projects of 1 the Authority shall be made from amounts derived from dedicated funding sources.

“(2) For the purposes of this paragraph (d), a ‘dedicated funding source’ means any source of funding that is earmarked or required under State or local law to be used to match Federal appropriations authorized under title VI, section 601, Public Law 110-432 for payments to the Authority.”.

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved. The consent granted by this Act shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region that forms the subject of the compact.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. The Senate is in a period of morning business.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 2010—CONTINUED

Mr. REID. Mr. President, I ask unanimous consent that the Chair report the legislation we are now working on.

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 3183) making appropriations for energy and water development and re-

lated agencies for the fiscal year ending September 30, 2010, and for other purposes.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion that is already at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Dorgan substitute amendment No. 1813 to H.R. 3183, the Energy and Water Development Appropriations Act for Fiscal Year 2010.

Byron L. Dorgan, Herb Kohl, Sherrod Brown, Dick Durbin, Jon Tester, Mark Begich, Dianne Feinstein, Tom Udall, Jeff Bingaman, Robert P. Casey, Jr., Daniel K. Akaka, John Kerry, Mark Pryor, Patty Murray, Jack Reed, Daniel K. Inouye, Harry Reid.

CLOTURE MOTION

Mr. REID. Mr. President, I have another cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 3183, the energy and Water Development Appropriations Act for Fiscal Year 2010.

Byron L. Dorgan, Herb Kohl, Sherrod Brown, Dick Durbin, Jon Tester, Mark Begich, Dianne Feinstein, Tom Udall, Jeff Bingaman, Robert P. Casey, Jr., Daniel K. Akaka, John Kerry, Mark Pryor, Patty Murray, Jack Reed, Daniel K. Inouye, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Governors' Representatives on Colorado River Operations related to language included in the report to accompany the House Energy and Water Development and Related Agencies Appropriations Act, 2010, H.R. 3183.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOVERNOR'S REPRESENTATIVES ON
COLORADO RIVER OPERATIONS:
STATES OF ARIZONA, CALIFORNIA,
COLORADO, NEVADA, NEW MEXICO,
UTAH AND WYOMING,

July 27, 2009.

Hon. HARRY REID,
U.S. Senator, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR REID: the undersigned Governor's Representatives on Colorado River

Operations (States) are writing to express our serious concerns about recommendations contained in the committee report on H.R. 3183, the FY 2010 Energy and Water Development Appropriations Bill, relating to operations of Glen Canyon Dam on the Colorado River. The relevant language in the committee report on H.R. 3183, states:

“Glen Canyon Dam. The Committee continues to support the goals of the Grand Canyon Protection Act (GCPA) and the resulting duties placed upon the Bureau of Reclamation. However, the Committee is concerned that many of the procedural requirements in the GCPA and Charter for the Glen Canyon Dam Adaptive Management Work Group are being disregarded. The result appears to be that Federal responsibilities have been neglected and public transparency compromised. Specifically, the Committee strongly encourages that the Bureau of Reclamation, in cooperation and concurrence with the National Park Service, revisit the Operating Criteria for Glen Canyon Dam. The five-year review required by the Operating Criteria should be an open public process consistent with the GCPA and 1997 Operating Criteria requirements (62 FR 9447-9448).”

The Glen Canyon Adaptive Management Work Group (AMWG) is a the federal advisory committee that includes 26 representatives from multiple federal agencies, the Colorado River Basin States, tribes, recreation interests, power customers and environmental organizations. It was authorized in the Grand Canyon Protection Act of 1992 to provide the Secretary of the Interior advice and recommendations relative to the operation of Glen Canyon Dam. The States continue to support the AMWG collaborative stakeholder process and are also supportive of the Bureau of Reclamation's reporting on Glen Canyon Dam operations consistent with the Grand Canyon Protection Act and the Colorado River Basin Project Act of 1968.

However, the States strongly disagree with the assertion in the committee report that “federal responsibilities have been neglected and public transparency compromised” and strongly oppose giving the National Park Service an elevated role in the AMWG or a new role in determining the operations at or Operating Criteria for Glen Canyon Dam.

Under existing law, the Bureau of Reclamation is the lead agency in establishing and reviewing the Operating Criteria for Glen Canyon Dam and developing the Annual Operating Plan. The language contained in the committee report would create a grave imbalance among the stakeholders by requiring the “concurrence” of the National Park Service relative to Glen Canyon Dam operations and effectively give this single purpose federal agency veto authority over the operation of a facility that is critical to maintaining a stable and dependable water supply for over 30 million people in the western United States. The States are concerned that the Committee's recommendations may have been based on less than complete information and believe that significant changes in the responsibilities of federal agencies with regard to dam operations on the Colorado River, such as those proposed in the committee report, should not be made without a full discussion among stakeholders and affected agencies.

Finally, as you may not know, a number of issues relating to the Grand Canyon Protection Act and the operations of Glen Canyon Dam are currently the subject of litigation. For this additional reason, the States do not believe it is appropriate for Congress to

make recommendations for changes in the process and roles of the federal agencies with respect to Colorado River water management at this time and through this mechanism.

We urge you to work to ensure that the recommendations in the committee report on H.R. 3183 do not become part of the final House/Senate report on the FY 2010 Energy and Water Development Appropriations Bill.

Sincerely,

HERBERT R. GUENTHER,
Director, Arizona Department of Water Resources.

DANA B. FISHER, JR.,
Chairman, Colorado River Board of California.

JENNIFER GIMBEL,
Director, Colorado Water Conservation Board.

PATRICIA MULROY,
General Manager, Southern Nevada Water Authority.

GEORGE CAAN,
Director, Colorado River Commission of Nevada.

JOHN D'ANTONIO,
Secretary, New Mexico Interstate Stream Commission.

DENNIS STRONG,
Director, Utah Division of Water Resources, Utah Interstate Stream Commissioner.

PATRICK TYRRELL,
State Engineer, State of Wyoming.

The following Colorado River contractors and utilities endorse the position of the Governor's Representatives on Colorado River Operations stated in this letter: City of Aurora; Central Arizona Water Conservation District; Coachella Valley Water District; Colorado River Water Conservation District; Colorado Springs Utilities; Denver Water; City of Grand Junction; Metropolitan Water District of Southern California; Northern Colorado Water Conservancy District; Board of Water Works of Pueblo, CO; Southeastern Colorado Water Conservancy District; Southwestern Water Conservation District; and Upper Colorado River Commission.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring of S. 1436, Energy and Water Development and Related Agencies Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides \$33.8 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$19.8 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total \$43.2 billion.

The Senate-reported bill matches its section 302(b) allocation for budget authority and for outlays.

The Senate-reported bill includes several provisions that make changes in mandatory programs that result in an increase in direct spending in years following the budget year, 2011 to 2019.

Each of these provisions is subject to a point of order established by section 314 of the 2009 budget resolution. The bill is not subject to any other budget points of order.

I ask unanimous consent to have the table displaying the Budget Committee scoring of the bill printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1436, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

[Spending comparisons—Senate-reported bill (in millions of dollars)]

	Defense	General Purpose	Total
Senate-Reported Bill:			
Budget Authority	16,886	16,864	33,750
Outlays	18,571	24,630	43,201
Senate 302(b) Allocation:			
Budget Authority			33,750
Outlays			43,201
House-Passed Bill:			
Budget Authority	16,367	16,931	33,298
Outlays	18,219	24,508	42,727
President's Request:			
Budget Authority	16,563	17,830	34,393
Outlays	18,353	24,124	42,477
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget Authority			0
Outlays			0
House-Passed Bill:			
Budget Authority	519	-67	452
Outlays	352	122	474
President's Request:			
Budget Authority	323	-966	-643
Outlays	218	506	724

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 29, 2009

Mr. REID. Mr. President, I ask consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, July 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of Calendar No. 116, H.R. 3183, the Energy and Water Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, earlier tonight I filed cloture on the Dorgan substitute amendment and the Energy and Water Appropriations bill, and under rule XXII, that means first-degree amendments must be filed at the desk prior to 1 p.m. tomorrow.

For the information of the Senate, it is my intention to turn to the Agri-

culture appropriations bill upon the completion of the Energy and Water bill. I have said there are certain things we have to get done before we leave. I hope we do not have to have this cloture vote on Thursday. I hope we can get to the bill and move to the Agriculture appropriations bill. If not, then we are going to have to work through the weekend because there are certain things—it is not a very long list—we have to do before we leave.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Wednesday, July 29, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL ENERGY REGULATORY COMMISSION

SUEDEEN G. KELLY, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2014. (REAPPOINTMENT)

DEPARTMENT OF STATE

MARY JO WILLS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

DEPARTMENT OF HOMELAND SECURITY

KELVIN JAMES COCHRAN, OF LOUISIANA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE GREGORY B. CADE, RESIGNED.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

DAVID S. FERRIERO, OF NORTH CAROLINA, TO BE ARCHIVIST OF THE UNITED STATES, VICE ALLEN WEINSTEIN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ROBERT J. SCHULTZ

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ANDREA J. FULLER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

PETER H. GUEVARA

To be major

JEAN R. ELYSEE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JAMES BANE

KENNETH F. HILL
DIANE INDYK
JONATHAN KIEV

JOHN L. MCDONOUGH

To be major

PRASAD LAKSHMINARASIMHIAH

DAVID L. SILVERMAN
BENOIT D. TANO

HOUSE OF REPRESENTATIVES—Tuesday, July 28, 2009

The House met at 10:30 a.m. and was called to order by the Speaker.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

HONORING RICHARD MACRAVEY OF COLORADO

The SPEAKER. The Chair recognizes the gentleman from Colorado (Mr. SALAZAR) for 5 minutes.

Mr. SALAZAR. Madam Speaker, I rise today to honor my mentor and close friend, Mr. Richard D. "Dick" MacRavey. After 26 years of service as the Secretary and Executive Director of the Colorado Water Congress, Dick is announcing his retirement. Throughout his tenure, Dick helped enact a multitude of important legislation to protect water resources throughout Colorado. As Executive Director, Dick saw 350 of the 419 Colorado Water Congress supported bills enacted into law. In addition, only one of the 123 bills opposed by the Colorado Water Congress became law. This impressive record demonstrates Dick's effective leadership and dedication to protecting Colorado's water.

During my time in the Colorado State Legislature, Dick took me under his wing and taught me a great deal about water legislation. As a farmer and lifelong resident of the San Luis Valley, I understand the importance of water. This precious resource is our lifeblood and essential to maintaining our way of life. Dick understood the needs of everyone—from farmers like me in rural Colorado to those in towns like Aspen, Carbondale, and Telluride and cities like Denver, Aurora, and Colorado Springs. With his guidance, I helped craft a piece of legislation, "The Basin of Origin Protection," which I am very proud of. Although this bill was never enacted into law, the lessons that Dick taught me during this experience were invaluable. I will always consider Dick a great mentor and a friend.

Dick's dedication to protecting water and serving Colorado started long before his involvement with the Colorado Water Congress. He served 3 years as Executive Director to the Larimer-Weld Council of Governments and 7 years as Executive Director of the Col-

orado Municipal League. While at Larimer-Weld COG, Dick developed and guided the early stages of the Larimer-Weld "208" Water Quality Management Planning effort. In 1970, Dick served as chairman of the Colorado Good Government Committee for the promotion of the State constitutional amendments 1, Governors Cabinet; 2, State Civil Service Reorganization; and 3, Local Government Modernization. All three amendments were approved overwhelmingly by the people of Colorado. In addition, Dick was involved in six other statewide initiative campaigns and was successful in all six campaigns.

In 1988, Dick was appointed to Colorado Vision 2000, and in 1989, he was appointed to become part of the 16-member Legislative Council Subcommittee on Long-Range Planning for State Government. From 1969 to 1971, Dick served on the National League of Cities Board of Directors. He also served as a member of the Boards for the Colorado Water PAC and the Colorado Water Education Foundation. Dick is a member of the American Society of Association Executives, Colorado Society of Association Executives, American Water Works Association, and International City Management Association. Dick is one of Colorado's great leaders. He has been involved in many aspects of Colorado life and has worked tirelessly to protect our current and future generations.

However, it is his tireless fight for water that has been most inspiring to me. In 1999, Dick was named the 19th recipient of the Wayne N. Aspinall Water Leader of the Year award. This is a prestigious award in Colorado named after a former Congressman of the district I currently represent. Mr. Aspinall was a water champion for Colorado and instrumental in helping to ensure that Colorado residents have access to a safe water supply.

After I was elected to the U.S. House in 2004, Dick gave me a biography entitled "Wayne Aspinall: Mr. Chairman." On the inside cover he wrote me an inspirational and encouraging message. It read:

To John Salazar. This book is about one of Colorado's great Members of Congress. You will some day also rank as one of the great members from Colorado. I have no doubts about your future achievement. Your friend, Dick MacRavey. January 27, 2005.

Madam Speaker, this note touched my heart, and I keep this book with me in my congressional office. While serving in Congress, I will continue to fight for Colorado's water, and I hope that

my efforts will make Dick MacRavey proud.

I wish Dick well in his retirement, and I want him to know he will always have a special place in my heart.

HOPE FOR VISION

The SPEAKER pro tempore (Ms. RICHARDSON). The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to recognize the extraordinary work of Hope for Vision, a wonderful organization in my congressional district, as well as their two newest goodwill ambassadors, Alex and Stacy Campos. Both Hope for Vision, as well as the Campos family, serve our community with tremendous distinction.

As a member of the Congressional Vision Caucus, I am proud to work towards elevating awareness and finding solutions to the problems that surround vision loss and vision impairment. In this pursuit, there is no better partner than that of Hope for Vision.

Started in 2005, it amazes me every day just how much Hope for Vision has accomplished. In just 4 short but very successful years, Hope for Vision has been able to raise millions of dollars for the development of treatments and cures for blinding diseases. Finding a cure for degenerative blindness and other retinal diseases holds untold promises for new treatments and all types of visual disorders and beyond, which is so important to reduce the massive cost that our Nation suffers due to vision loss.

Vision loss and impairment not only have an extraordinary financial cost, but it also carries a deep personal cost as well. When individuals suffer the inability to see clearly, they must depend on others for help. Simple tasks like locating keys or avoiding obstacles in a walkway become virtually impossible without assistance. Literally left in the dark, a person's blindness becomes an entire family's responsibility.

This is compounded by the fact that the health care costs related to vision alone are more than \$67 billion annually, and this number will only increase as the population continues to grow and age. Hope for Vision understands these issues, and they know that the biggest challenge is ensuring that this crucial work is fully funded.

By far, the most impressive aspect of Hope for Vision is the fact that over 95

percent of the money raised is given directly to research at top academic institutions. And when it comes to the administration of success for Hope for Vision, few know better than that of Alex and Stacy Campos. These two champions of vision care have served selflessly for the benefit of our South Florida community. As well, they have truly afforded many in need the blessings of renewed sight.

As goodwill ambassador, Mr. Campos sits on the board of directors for Hope for Vision and utilizes his skills gained from the financial industry to make Hope for Vision as successful as it is today. Together with his wife, Stacy, and her continued participation in many charitable foundations, the work of the Campos family has provided Hope for Vision with the means it needs to grow and succeed even more.

Without a doubt, Mr. and Mrs. Campos satisfy the roles of goodwill ambassadors. Their relentless commitment to service and their passion to help families help themselves is truly worthy of distinction. It is because of their commitment to Hope for Vision and their fight against vision loss that countless families today enjoy the freedom of sight.

Alex and Stacy Campos have been a great resource for all at Hope for Vision, and our entire community has benefited from their partnership. Hope for Vision will be sure to maintain itself among the elite organizations working to fight against blindness and retina degenerative diseases through the actions of dedicated individuals like Alex and Stacy.

I again congratulate, Madam Speaker, Hope for Vision for the great work that this young organization has already done, and I look forward to hearing many good things in the years to come from Hope for Vision and all of the brave individuals involved in this fight for maintaining vision awareness for all of our community.

□ 1045

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY from Virginia. Madam Speaker, I rise today to discuss the continuing success of the Recovery Act in righting our economic troubles.

We know all too well the results of the previous administration's, the Bush administration's, lack of oversight in the financial sector and lack of focus on the Nation's domestic needs. In December 2007, the Nation entered the worst recession since World War II. Almost 7 million Americans lost their jobs on the Bush administration watch. Housing foreclosures moved to record levels, and millions more struggled to keep their homes.

When Chairman Bernanke, chairman of the Federal Reserve, testified before the House Committee on the Budget in June, he stated that the Recovery Act, specifically the government funding for infrastructure, has had a positive effect on the economy, without which we would be in worse trouble than we are now. Imagine, Madam Speaker, that when critically needed transportation and other infrastructure projects receive funding, they actually create jobs, putting Americans back to work.

Chairman Bernanke also remarked that but for government action the Nation was mere days away from a collapse of the financial sector last fall. For those who have lamented the government's involvement, I would ask if collapse and the chaos that would have ensued would have been preferable to the actions that were taken.

The last time I discussed the Recovery Act on this House floor, I mentioned its positive impact in my district, specifically on the Greater Prince William County Community Health Center. Because of the Recovery Act, we're going to be able to keep that center open. We're going to be able to create new jobs and keep people working. We're going to be able to serve a population that otherwise would not have access to health care in my district.

Today, I want to discuss another positive aspect of that act on a number of critically needed transportation projects in my district.

The Recovery Act provided funding to expedite construction of the Dulles Metrorail project, one of the largest transit extensions in the United States currently. This extension has been in the works for 47 years and will help alleviate our traffic congestion by removing up to 93,000 vehicles off the roads each day. Although the Federal Government previously committed to fund the project, the expedition of the funds made possible by the Recovery Act will allow us to save \$15 million in project costs. We hope we can accelerate funding even more.

The Recovery Act not only will allow jobs to be created more quickly but also the necessary project work to start faster and get this completed earlier than even anticipated.

The Recovery Act also provided funding for the purchase of additional buses for the Potomac and Rappahannock Transportation Commission in Prince William County. That funding will provide vital capacity for a currently crowded system, allowing workers a greater opportunity for commuting choices and taking cars off our congested roadways.

As the President highlighted when he visited Springfield, Virginia, in my district to announce the project's funding, the Recovery Act also provided funds for the completion of the long-awaited Fairfax County Parkway waiting de-

ades to be completed. And thanks to the Recovery Act, we're going to be able to complete that parkway and make vital connections with Fort Belvoir, which was greatly expanded under the base realignment and closure process making it one of the largest employers in the region.

While the recovery is by no means out of the woods, we are beginning to see positive signs of recovery. The stock market's risen 40 percent since March. Although the total number of unemployed remains high, new filings for unemployment claims have, in fact, come down.

Retail sales rose 0.5 percent in May and 0.6 in June, the fourth month this year with gains. Consumer confidence is at a 9-month high. The meltdown in the housing market was one of the leading causes of the recession, and it's encouraging to see that housing starts in May were up 17.2 percent over April, and new housing sales, just released yesterday, are up 11.2 percent.

During the traditional business cycle over the past decades, recessions have tended to last 9 months. Madam Speaker, this recession began in December of 2007, 14 months before President Obama took office. While no one solution will cure the recession overnight, the Recovery Act is one piece of the mosaic of actions this Congress has undertaken to restore our Nation's economic health and protect the well-being of the American people. Through the Recovery Act we have seen the positive results of our action, and we have been creating jobs in the 11th District of Virginia, providing critically needed transportation improvements to our region and putting our people to work.

I commend my colleagues for their support of this legislation and protecting the interests of all Americans.

EARMARKS IN DEFENSE APPROPRIATION BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. FLAKE) for 5 minutes.

Mr. FLAKE. Madam Speaker, later today, the Rules Committee will be promulgating a rule for the Defense appropriation bill that I believe we'll consider tomorrow. This is, in my view, quite remarkable that we will be considering the Defense bill that spends hundreds of billions of dollars, we will be spending less than a day debating that legislation.

What is remarkable about it as well is that there are 1,087 earmarks in the bill, more than 1,000 earmarks in the Defense bill that was considered by the full Appropriations Committee for a total of 18 minutes, not 18 minutes per earmark or per section of the bill or anything else, but the full Appropriations Committee considered that bill for 18 minutes, passed, done, markup finished, and now we've got that bill on the floor tomorrow.

And unfortunately, as is the case or as has been the case with the rest of the appropriation bills this season, it will come to the floor under a structured or closed rule where the Rules Committee, the majority party, will determine which amendments the minority party and members of the majority party get to offer. Breaking from tradition that has held for decades and decades and perhaps centuries in this institution where appropriation bills have come to the floor under an open rule, this will come to the floor under a rule that only allows amendments to be offered that the majority party wants to see, not those that the minority party necessarily wants to offer.

There are 548, at our count, earmarks in this bill that will go to private companies. These will be no-bid contracts for private companies. The majority party will say, well, we're inserting language saying that these earmarks have to be bid out. The purpose of an earmark is to ensure that that contract is not bid out. Otherwise, why earmark it? Why not just let the Defense Department decide where to spend its money?

So these are earmarks. These are no-bid contracts. They're going to private companies. In many cases, those private companies will turn around, and the executives from those companies will make sizeable campaign contributions to the Members who secured the earmarks. That has been the pattern in this place for years, not just with the majority party in power but when the minority power was in power as well. It's simply gotten worse over time.

Our Ethics Committee forces Members—and it's a good thing—to sign a certification letter saying that they have no financial stake in the earmark that they are securing, that a family member doesn't work for the firm receiving it, for example. But there's also guidance issued from the Ethics Committee that says that campaign contributions do not necessarily constitute financial interest. And so Members of this body are given a green light to basically earmark for campaign dollars. It's the so-called circular fund-raising that has become the norm around here.

And if this wasn't bad enough, there are investigations swirling outside of this body. Members' offices have been subpoenaed. Some people on the outside have already pled guilty and are working with authorities involving earmarks and campaign contributions. There are allegations of straw men contributions that have been set up where individuals reimburse for contributions they make to Members who secure earmarks. There are all these investigations swirling outside. Yet we're moving through this appropriation process as if nothing were wrong, and we'll consider a bill in one day and limit the number of amendments that Members can bring forward.

Now, this isn't the perfect way to scrutinize or to vet a bill, I recognize, on the House floor. But it's all we've got when the full committee Appropriations Committee takes a full 18 minutes to approve a bill that spends hundreds of millions of dollars and contains over 1,000 earmarks, 548 of which are no-bid contracts to private companies.

We do that all in a day and then tell Members, oh, but we're only going to allow the amendments that we want to see, not necessarily the ones that you want to offer.

In this legislation that we will consider tomorrow, there's an earmark going to a company called ProLogic, and it is reported that this company is under investigation by the FBI. The status of the investigation is unknown. Reports are simply out there that there are investigations. This company, the executives and lobbyists and those associated with it, have contributed more than \$400,000 to congressional campaign committees. Yet we're still allowing this bill to go forward.

Let's have a new rule for the bill.

AMERICA'S AFFORDABLE HEALTH CHOICES ACT OF 2009

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. KENNEDY) for 5 minutes.

Mr. KENNEDY. Madam Speaker, this legislation, America's Affordable Health Choices Act of 2009, otherwise known as our health bill this year, will guarantee all Americans access to affordable health care without preexisting condition discrimination. Imagine that, getting health care insurance without being told that your preexisting condition is going to result in higher premiums, higher deductibles or higher copays. Imagine being able to change your job at will without having to worry that you're going to lose your health insurance. Imagine having no worry that you're going to have to exceed a lifetime cap. Imagine being able to know that you're going to have catastrophic health care coverage.

Imagine knowing that we're going to now move in our health care system from a sick care system that just is the most expensive that we know to actually a health care system where we actually pay for preventive care so that we actually get health care in this country, not sick care; where we pay for prevention, not sick care. We don't have to wait until an asthmatic gets an asthma attack before we get a doctor to that asthma patient. We don't have to wait until a diabetic gets an amputation before we get that critical care. We get prevention and chronic care management.

And what is so great about this legislation is that it includes full parity for mental health coverage. I was proud

last year to author the Mental Health and Addiction Equity Act of 2008. What it required is that we finally recognize that mental health and addiction equity is part of our health insurance system, meaning insurance companies can no longer discriminate if you had alcoholism or addiction or depression. Imagine that, we finally acknowledge that the brain is part of the body.

Mental illness is a big part of our country's health care system. It accounts for over 50 percent of the trauma admissions in our trauma one centers and emergency rooms every single weekend. Suicides in our country exceed homicides by two to one, suicides do. And you know what, we don't have a mental health system in this country to speak of because, you know why, there's a stigma out there against mental illness.

We still believe in this country that it's your fault if you have a brain illness. If somehow you have a lower dopamine level or serotonin level, it's your fault. We think you ought to pick yourself up by your boot straps; it's your fault. It's a moral problem.

We forget the fact that now, even to this day, we can take brain scans and tell whether someone has a differing brain or not from a normal functioning brain. But today, we are enforcing what we know to be scientifically true, what the AMA said in 1955, and that alcoholism is a disease, that there is such a thing as brain disorders, substance abuse disorders, eating disorders, depression, bipolar disorder, and things of that nature.

In this legislation, in this health care bill, we require parity in health care coverage. We say that we ought to recognize these disorders for what they are, and furthermore, we say we ought to have prevention. And even more in this legislation, we're going to say we're going to require medical school education to have education teaching all doctors to recognize this.

That is what is important in this legislation, and I am pleased to ask my colleagues that they ought to support this legislation so that we can finally have justice for all in health care in this country.

□ 1100

HEALTH CARE REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DANIEL E. LUNGREN) for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, this week, it is still uncertain as to whether we are going to have an opportunity to vote on a health care proposal before we go home for the August recess. And I would just suggest, Madam Speaker, that what we do is ensure that we have absolute transparency, the capability

of every Member to look at whatever bill comes to this floor—we have been told that the bill may be in excess of 1,000 pages—that we have an opportunity to have a full debate and full amendments to be debated on the floor.

And why do I say this? Because many people would say that would be what is to be expected. Unfortunately, over the last several months, we have had an experience in this House in which we have had major pieces of legislation brought to this floor, in some cases the bill itself with very little notice, in other cases huge 300-page amendments being dropped on us at the last minute.

We have had some suggest that it is unnecessary for Members of Congress to read the bill or have their staffs read the bill or understand the parts of the bill; rather, we are told, “just trust us.” Well, I remember Ronald Reagan’s very important admonition, which was “trust, but verify.”

If we are being asked to alter approximately 18 percent of the entire United States economy, if we are being asked to change in fundamental ways the delivery of health care to the men, women and children of this country, if we are being told that what we are going to do is going to inalterably change Medicare and Medicaid, if we are being told that what we are embarking on this week is to fundamentally change the manner in which men, women and children of this country receive their health care, if we are to be told that we must make a decision this week as to what the relationship between the doctor and the patient ought to be, if we are being told that we will have to make choices as to whether or not the government shall insert itself between the doctor and the patient, if we are being told that the President believes that there are doctors—the generalization was most doctors would require a tonsillectomy for a young person rather than continue treatment of a cheaper kind to take care of sore throats, if we are being told that we have to review the entire health care system of the United States, compare it to Canada, compare it to England, compare it to France, compare it to Sweden, compare it to the ideal, if we are being told that this week we have to make the decision as to whether or not the program we put forward will have government decide whether a 100-year-old woman who is in extraordinarily good health but needs a pacemaker ought to instead be told by the government that merely she should take a pain pill—as the President suggested on television not too long ago—then maybe we owe it to the American people to give ourselves sufficient time. Rather than have some sort of artificial deadline, maybe we ought to take the time to go back to our districts and present the arguments to our constituents and at least give them an opportunity to tell us in our town hall

meetings, tell us in our tele-town halls, tell us in our meetings with various groups as to what they think ought to be done.

Why would we have a rush to judgment here, other than the fact that we have an August recess, other than the fact that the President said that we must pass it by a date certain? Shouldn’t we take the time to do the work that the American people expect us of, particularly when it deals with something so precious, so personal, so important as their health?

And so I hope that, rather than meet some artificial deadline, we will take the time to allow the American people to see the bill in all of its glory, to see its good points and its bad points, to see whether we ought to change it, alter it in any way, and then come back and make a decision here for the American people. There are very few issues that are as fundamentally important as this issue. Let’s make sure we do it right.

HEALTH CARE REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 5 minutes.

Mr. YARMUTH. Madam Speaker, it is an honor for me to take the floor after PATRICK KENNEDY from Rhode Island, who, along with his father, Senator EDWARD KENNEDY, have devoted so much of their careers, their emotions, their passion to resolving the health care problems in this country.

And as we talk about health care and reforming our system, we talk a lot about billions and billions of dollars, we talk about government agencies, we talk about the politics of it, but at its core this issue isn’t about any of those things. This is about human beings. This is about men, women and their families and trying to help them deal with health care crises, wellness issues, things that every American has to deal with.

Yesterday, in southern Indiana, right across from my district, a subcommittee of the Energy and Commerce Committee held a field hearing in which we were able to see the face of this issue, three people who came before us to tell their stories about how the health care system in America has failed them.

One of them was a constituent from my district, Patricia Reilling. Patricia is a small businessperson. For 20 years she was insured under a small business policy by the same company. She paid her bills every month religiously. The only claim she ever made was for some pain killers for a back injury. And then, last year she was found to have breast cancer. She had a double mastectomy. She contracted a staph infection while she was in the hospital. And while all that is going on, she received

notice from her insurance company that they were not going to renew her policy as of June 30 of this year. She is still fighting that staph infection. She is unable to work. And she is still fighting without insurance because the only insurance available to her now is far beyond her means to pay. She is the real person, and someone whose situation could be replicated in any household across this country if we don’t do something about reforming our insurance system.

Another woman who was at the hearing yesterday was Ms. Beaton from Dallas, Texas. Ms. Beaton is 59. She had an individual policy. She also contracted breast cancer, had a double mastectomy, except before she could have that operation the insurance company rescinded her policy, basically said we know we insured you, but because there was a notation in something in a medical chart years ago that referred to a skin issue—namely, pimples—and somebody misinterpreted it as saying it was precancerous, which the doctor denied, we are not covering your cancer treatment. Fortunately, Congressman BARTON from Texas intervened on her behalf and was able to eventually get her policy reinstated. But by the time it was, her tumors had grown by more than 300 percent in size, and the treatment that she got was vastly more complicated and more expensive than it ever needed to be. These are the faces of the insurance crisis, the health crisis that we face, and we have to change our system.

Fourteen thousand Americans lose their health insurance every day. It could be any one of us. And you know what? In that situation that we heard about yesterday, that has recurred. Three insurance companies testified before Congress a month ago; three insurance companies rescinded 20,000 policies over the last 5 years, did what they did to Ms. Beaton. They saved \$300 million by doing that, but that was only the cost of the care they denied, the claims they refused to pay, not the prospective cost of covering and treating all of those illnesses, which would have been in the billions of dollars.

So as we debate health care over the next week, over the next few months, let’s remember that it is more than about money, it is more than about government agencies, it is more than about process, this is about American human beings and their only simple desire to have quality, affordable care. That is what we are about, and that is what we intend to do.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o’clock and 10 minutes a.m.), the House stood in recess until noon.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

How deep are the mysteries and the wisdom of Your presence, O Lord God. How inscrutable are Your judgments and how unsearchable Your ways.

For who knows the mind of the Lord? Or who has ever been Your counselor? Who has ever offered You anything that was not already a gift given by Your creation?

For all is from You, all is because of You, and all is destined for You. To You be all glory, honor and power both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Arizona (Mrs. KIRKPATRICK) come forward and lead the House in the Pledge of Allegiance.

Mrs. KIRKPATRICK of Arizona led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, President Kennedy once said, "Ask not what your country can do for you; ask what you can do for your country."

Immigrants take this question to heart. Not only do they ask what they can do for their country, but they also ask what they can do for their communities and for their families as well. Simply put, immigrants are one of the hardest working groups in America, regardless of legal status. Their willingness to work and to gain assimilation into American society and culture greatly benefits our country.

This month in Iraq, 237 foreign-born U.S. servicemembers became citizens of this country. This is a key example of the level of dedication—I state "dedication"—and service that immigrants give to America.

I urge my colleagues on both sides of the aisle to work with President

Obama and with CHC to pass comprehensive immigration reform.

HEALTH CARE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, the Democrats in Congress don't want the American people to see this chart. This is the chart that outlines the Democrat proposal, which is moving through the House of Representatives, that contains as many as 53 new Federal programs, agencies and commissions. That's right. They're trying to restrict Members of Congress from showing this to their constituents. They say it's misleading. Well, there's nothing misleading about it. They just don't want anyone to see it.

Well, here it is. I'm using it. Are they going to turn out the lights? Are they going to turn off the cameras? Why don't they want the American people to see this?

Well, I think the American people deserve the truth about the Democrats' \$1.6 trillion takeover of our health care system—more bureaucracy and more taxes, more mandates and more government involvement in your life. Guess what? It also means less jobs for Americans.

According to a model developed by the President's own Council of Economic Advisers' chairperson, this proposal will cost Americans some 5.5 million jobs over the next 10 years. The National Federation of Independent Business says that at least 1 million small business jobs will be lost. Over the weekend, even the Congressional Budget Office made it clear that this will cost low-wage workers an opportunity to get a job.

Listen, after the stimulus hasn't worked, most of my constituents are continuing to ask the question: Where are the jobs? We have a stimulus bill that's not working. We have a national energy tax bill that came through here last month that will cost millions of Americans their jobs. While this will ruin the health care system that we enjoy in America, let's not forget that it will cost us millions of American jobs when most Americans continue to want to know: Where are the jobs?

THE CONSTITUTIONAL AMENDMENT TO BAN THE BURNING OF THE AMERICAN FLAG

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise in support of House Joint Resolution 47. This is the House joint resolution for the constitutional amendment to ban the burning of the American flag.

For 232 years, the Stars and Stripes have been a unique symbol of freedom

and democracy across the world. It is the embodiment of all we are and of all we stand for as a Nation. Millions of our young men and women, including my father and uncles, bravely and selflessly defended their country under that flag. Every day, our servicemembers risk their lives in Iraq, Afghanistan and around the globe to protect the ideals it represents.

To burn or to desecrate our flag, even in political protest, is an affront to the men and women who have made the ultimate sacrifice for our freedom and to the many others who have served.

I am proud to be a cosponsor of this resolution. I urge all of my colleagues, regardless of party, to join me.

JOBS FIRST

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, in these desperate economic times, Congress must undertake all of its actions with a watchful eye toward the effects on job creation; yet this, unmistakably, has not been the case.

From the stimulus bill that just did not get it right, to the cap-and-trade legislation, to now the ongoing effort to pass a health care bill on the backs of small business, the majority has put jobs on the back burner to muscle through an agenda, frankly, that is anathema to the American people. Slapping an additional 8 percent payroll tax on struggling small businesses that can't afford to pay for insurance doesn't create jobs; it kills them. Imposing a 5 percent surtax on small businesses, on America's producers, doesn't hasten our recovery; it prolongs it.

The American people deserve an agenda that puts jobs first. That is why we ask the majority to work with us. Republicans do have a plan that can expand affordable coverage in health care. It will allow you to keep what you have and not do it by squeezing small business.

I urge the majority to begin this with us. Let's start over. Let's get it right for the American people.

CRAFTING BIPARTISAN HEALTH CARE REFORM LEGISLATION

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, I am disappointed that our Republican colleagues are refusing to work with us in crafting health care reform legislation.

Yes, you are.

Instead of working with us, you have cranked up your message machine. You have labeled our legislation with every label except ones that are accurate. Most disappointing, Republicans are frightening our seniors with false

statements that they will experience a reduction in Medicare benefits. Wrong.

The truth is this legislation would not only maintain important Medicare benefits, but it will enhance them. We cannot afford to continue to do nothing about health care reform. There are 45 million who are uninsured. There are 14,000 Americans who are losing their benefits every day. Employer-sponsored group plans are getting more expensive. They have high deductibles and high copays, and they simply don't provide the security that families need. The cost of family health insurance will continue to rise five times faster than wages.

We must have reform and we must have it now. I urge my Republican colleagues to reconsider their strategy to block this legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER *pro tempore*. The Chair would remind Members to address their remarks to the Chair.

THE TRUE COST OF GOVERNMENT- RUN HEALTH CARE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, Republicans do support reasonable health care reform that will lower the cost of health care and health insurance for every American family and for every American business, but the Democrat plan for health care reform amounts to a government takeover of health care in this country, paid for with nearly \$1 trillion in higher taxes.

The American people know what government-run health care will mean: higher cost, bigger deficits, less coverage, less quality, less choice, and more bureaucracy.

House Republicans have led the fight against this government takeover of health care, and now House Republicans and a handful of Democrats are on the verge of a historic victory for the American people and for our American health care economy, but we need your help.

If you oppose government-run health care, call your Congressman today. If you oppose higher costs, bigger deficits, less coverage, and more bureaucracy, call your Congressman today. If you want real bipartisan health care reform that lowers the cost and that addresses the real needs of our health care economy with American solutions, call your Congressman today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER *pro tempore*. The Chair reminds Members to address their remarks to the Chair.

HEALTH CARE

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, I rise today to dispel misinformation that has been propagated about the health care system. I've heard many of my colleagues across the aisle claim that the Democrats' health care proposal will result in rationing. Let's address it.

How many millions of people have put off getting checkups, have avoided doing necessary followups, have delayed needed care or have failed to get the prescriptions their doctors have ordered for them?

Why? Because we ration care every day in this country now. If you want to talk about rationing, listen to these numbers:

Forty-five percent of Americans went without needed care because of costs in this country in 2007. That's rationing. Fifty-three percent of Americans cut back on their health care in the last year because of costs. That's rationing. Between 2000 and 2008, 5 million families filed for bankruptcy because of medical bills. That's rationing. About one-third of the uninsured have a chronic disease. They are six times less likely to receive care for a health problem than are the insured. That's rationing.

As many as 22,000 Americans die each year because they don't have health insurance. My brothers and sisters, that's rationing.

WORKING TOGETHER FOR TRUE HEALTH CARE REFORM

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Mr. Speaker, we were told time was of the essence when we were considering the economic stimulus package. We were told we didn't have time to waste in passing the President's budget. Yet, despite the hundreds of billions of dollars in additional spending and despite the trillions of dollars in additional debt, we must ask: Where are the jobs?

Now we're told we must rush to pass health care reform, which will cost you more jobs, which will increase taxes and which will put a Federal bureaucrat between you and your doctor.

House Republicans believe in true health care reform that will reduce skyrocketing health care costs while protecting that very special doctor-patient relationship. True reform must make health care more affordable by reducing costs by rooting out waste, fraud and abuse and by reining in frivolous lawsuits that cost families millions of dollars each year in higher premiums—true health care reform that challenges Americans to be healthy

and to invest in health information technology.

Let's take the time, and let's work together to get the right prescription for health care reform.

THE AMERICAN RECOVERY AND REINVESTMENT ACT IS STABI- LIZING THE AMERICAN ECONOMY

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, the Dow is back over 9,000, and new housing starts have seen their largest monthly increase in 9 years. While, overall, the Nation's financial indicators remain mixed, there is a growing body of evidence that the American Recovery and Reinvestment Act has helped stabilize our economy. Because of the stimulus, more than 95 percent of American families have seen their taxes cut, and 51 million seniors and veterans have received their \$250 relief payments in the mail. More than 38,000 stimulus-funded projects are already under way, many of which have come in under budget.

The American people can visit recovery.org to see how every penny has been spent. Only 4 months into the 2-year recovery package, already we are seeing results. While the road to recovery is long, we have clearly taken the first steps, and we are finally headed in the right direction.

□ 1215

HEALTH CARE AND NEW JOBS

(Mr. CARTER asked and was given permission to address the House for 1 minute.)

Mr. CARTER. Mr. Speaker, the Speaker of the House got up and said, jobs, jobs, jobs, jobs. That was when we were dealing with what they call the National Energy Tax. We called it cap-and-tax. But what was the reality? That particular bill passed by the Congress will result in job losses of 2.3 million to 2.7 million. It's predicted by 2035, 1.38 million manufacturing jobs will go overseas.

The number of job growths created by the Democrats thus far? Zero. None. What jobs was she talking about? Her job? We don't know. But we haven't seen the jobs. Where are the jobs?

And now we're looking at a health care plan which experts tell us between 4 million and 6 million more jobs will be lost and there will be no reduction in the cost to the American people. Let's get a health care plan that works and let's ask again, and again, and again, Madam Speaker, Where are the jobs?

PASS HEALTH CARE REFORM

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, we're going to hear a lot of rhetoric on this House floor and throughout this city of why we shouldn't do health care reform, but we don't have to listen to people here in Washington, D.C. We need to listen to our folks at home about why we need to pass health care reform.

I recently was contacted by a woman from Waterbury, Connecticut, who suffers from type 2 diabetes. She worked her entire life, paid her bills, mortgage, did everything right. But now she's on COBRA and is about to lose it. Even though her diabetes is under control, every company refuses to insure her based on her preexisting condition.

She knows that getting sick and ending up in the hospital could put that home that she worked so hard for in jeopardy; and she writes to me, Somebody has to stop the insurance companies from making decisions regarding life and death.

Mr. Speaker, doing nothing here in the House of Representatives as our friends on the Republican side would like says to her that her situation is unsustainable, she has no way out. We need to pass health care reform to answer her and the thousands of constituents in each one of our districts just like her.

NO MESSAGE MACHINE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, it's absolutely outrageous to say the Republicans want to do nothing on health care reform. We want to expand medical savings accounts; we want to do everything we can to build associated health plans so that small businesses out there working and struggling trying to create jobs in the private sector can come together and, in fact, purchase health insurance for their employees. We want to do everything that we can to allow people to, on the Internet, purchase health care insurance across State lines.

The fact is, it's no message machine or talking point to realize that the Congressional Budget Office has said that contrary to Speaker PELOSI's line, This is going to dramatically increase the cost of health care, and Robert Samuelson, no Republican he, in The Post yesterday said, If you listen to President Obama, his reform will satisfy most everyone. It will insure the uninsured, control runaway health spending, subdue future health budget benefits, preserve choice for payments and include quality of care.

He said these claims are self-serving exaggerations and political fantasies.

SYNERVERSE TECHNOLOGIES AND WELLNESS

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute.)

Ms. CASTOR of Florida. Mr. Speaker, through health care reform, we're going to ensure that families are healthy and that we put money back into their pockets. And here's a great example:

Yesterday when I was home in Tampa, I paid a visit to Syniverse Technologies, a global communications firm that employs 650 people. We unveiled Syniverse's new onsite health clinic and wellness initiative. The workplace clinic is staffed with a medical assistant and a nurse practitioner, and employees love it.

The Syniverse team explained that they expect to save \$1 million over the next 5 years due to the convenient clinic and their wellness initiative that encourages employees to lose weight, stop smoking, and lead healthier lives.

Syniverse employees don't have to miss work for doctor's appointments or to run to the drug store for simple prescriptions. They can bring their families there with no copay. It is smart, it is convenient and less expensive for employees, and it's smart for the companies because the employees will be more productive. Syniverse expects lower health insurance costs because the company's employees will be healthier.

One of the goals of the Democratic health care reform is to encourage these innovative community clinics and wellness initiatives for families and businesses so that health care is more convenient and it's more affordable for others.

DEMOCRATS' HEALTH REFORM PREDICTS A DANGEROUS OUTCOME

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Last week I came to the House floor to discuss how this Democrat Congress is bankrupting America. They continue to force massive spending through this body that has led to record unemployment and record deficits for America. Well, they're set to do it again this week with health care reform.

Three years ago, Massachusetts set out to accomplish universal coverage just like what the Democrats want to do for all of America. So far, the facts are plain. Insurance prices are higher than expected, safety net hospitals are struggling more than ever, doctors cannot keep up with the increased demand, and some people without insurance still cannot afford care.

The State legislature is already exploring options for rationed care to control health care spending, which, in

Massachusetts, is 25 percent higher than the national average. This is a dangerous precedent to follow.

Many in Massachusetts are still uninsured, costs are skyrocketing, and the State is going bankrupt.

Mr. Speaker, not a good prescription for America.

HOPE IS ON THE WAY

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, I rise today to remind everyone on both sides of the aisle, whether you're Republican, a Democrat, a Libertarian or an Independent, that hope is on the way.

We have some things we can agree upon. Isn't it a fact that we all agree that it's time to end discrimination in health care where insurance companies are allowed to discriminate against you because of a preexisting condition? I think it's time.

We secured equal treatment at the lunch counter 50-some years ago; and this year, we're going to come to some agreement here in the House to end the discrimination in health care and bring equality to the pharmacy counter as well. We can all agree it's time to end the discrimination in health care due to preexisting conditions, to pass a bill that has a standard plan, an insurance plan that includes all Americans, a standard plan that each and every insurance company must sell to any citizen throughout the land.

In this House, at this time, we can agree on these things.

CHANGE HEALTH CARE SYSTEM INTERNALLY

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, the gentleman is exactly right: there are things we can agree on. In fact, there are things we have already agreed on. The minority has never reached out on issues to the majority more aggressively than on this one, where we have said we want a plan where everyone has access regardless of preexisting conditions. We want more competition and more choice that we believe will impact price. We are not satisfied with the current system.

Internally, we think you change this system by medical malpractice reform, by more health IT, by more transparency of both results, cost and care. Those are the principles we ought to be advancing.

The administration insists that this be done their way. We are not for government takeover of health care. We're for a system that works better for the American people, and we stand ready to work together to make that system happen.

U.S. AND THE WORLD EDUCATION ACT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to urge my colleagues to support the U.S. and World Education Act which I will be introducing today. My bill addresses the critical need to raise student achievement levels in the national education arena which is vital in order to compete in a world that is rapidly changing.

My bill will raise the international education competence and literacy levels of elementary and secondary students. My bill will also create an international education research repository which will greatly enhance the international education curriculum taught in our schools as well as teaching methods.

I firmly believe that our schools today do not focus enough on preparing our youth to interact and to communicate with other countries and cultures. And given the current economic crisis, future generations must be equipped with a skill set that will help them to excel academically and contribute to our Nation's economic recovery.

I urge my colleagues to cosponsor the U.S. and World Education Act.

GOVERNMENT SHOULD NOT COME BETWEEN DOCTOR AND PATIENT

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, excellent health care begins with a great personal relationship between a physician and his or her patient. Government should not attempt to get between them. America has a health care delivery system second to none. Problems such as portability and covering preexisting conditions can be underwritten actuarially without throwing out a system that works for the vast percentage of Americans.

Every American family knows excellent care does involve some costs. While we pay our doctors fairly for their service, government should not get in the way.

NOW IS THE TIME

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, I'm so excited because now is the time for America's health insurance reform, and we got a report on Friday from the CBO that affirmed that the insurance

reforms in our bill are deficit-neutral over the next 10 years and will even create a \$6 billion surplus. More than 80 major groups have already expressed support for America's Affordable Health Choice Act, including the American Medical Association, AARP, Main Street Alliance—and it's a small business group—and numerous medical specialty groups.

I just spoke to 3,000 members of the National Medical Association. I went through the outline of our bill and there was no question that I could not answer for them and they are 100 percent supportive of it.

We need a uniquely American solution.

THE AMERICAN PEOPLE DESERVE A BIPARTISAN APPROACH ON HEALTH CARE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the House Democrat leadership remains opposed to working in a bipartisan effort to cure what ails our health care system. This is unfortunate because this has caused bipartisan opposition to their Big Government, job-killing, debt-producing, tax-hike health care plan. The American people deserve better to create jobs.

The American people know better than to believe that the government is best to run our Nation's health care system or keep costs down. The Democrat plan does not lower the cost of health care. It just raises taxes on small businesses and cuts Medicare by half a trillion dollars. Those tax increases and Medicare cuts do not even cover the costs producing an estimated \$239 billion more added to the deficit. Taxing small businesses and knocking seniors off their current health care plan is no way to reform health care.

Republicans stand ready to work with our Democrat colleagues to develop commonsense reform.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

UNIQUE SOLUTIONS TO HEALTH CARE

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, we've been grappling with how to provide all of our citizens with access to affordable, quality health care since President Truman's time. With health care costs being 18 percent of our GDP and growing and 47 million uninsured, we need to take action now. My Education and Labor Committee spent 22½ hours in a 24-hour period debating H.R. 3200, a historic bill.

In 1974, the State of Hawaii enacted historic legislation of its own called the Prepaid Health Care Act. This law requires employers to provide health care coverage to full-time employees. After 35 years, the Prepaid Health Care Act remains the only employer mandate law of its kind in our country.

An economist at the University of Hawaii estimates that per capita, health expenditures in Hawaii have been about 7 percent lower than the national average. The economist believes that Hawaii's wider health insurance coverage and support for preventive health care led to this outcome.

Hawaii's Prepaid Health Care Act has been the major driver in the health and well-being of our residents.

HEALTH CARE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, with Congress deep in negotiations over the substance of health care reform, I'm increasingly concerned about the President's recent unhelpful remarks.

In his remarks last week, he maintained that a pediatrician treating a child with a recurring sore throat may recommend removing tonsils merely to increase the reimbursement from an insurance company. To insinuate that doctors are ordering unnecessary surgeries on children for a few more dollars in reimbursement is deeply offensive to millions of doctors who work each day to help us raise healthy children. Over the weekend, I was approached by several constituents in the health profession who said those remarks were insulting to them.

I worry that the President may have an unrealistic view of the medical community and the overwhelming and vast number of hardworking doctors and nurses that are concerned first with the health of patients. While we're not trying to do nothing, we're not arguing for the status quo. As we reform our health care system, we should be careful. We're not trying to fix some things that aren't broken and in the process break other things that currently work for millions of American.

□ 1230

HEALTH CARE REFORM FOR OLDER AMERICANS

(Mr. MAFFEI asked and was given permission to address the House for 1 minute.)

Mr. MAFFEI. Mr. Speaker, earlier today I welcomed to the Capitol Dr. Sharon Brangman from my district, who was recently named the next president of the American Geriatrics Society. This morning she told me and other Members how physicians who

work with the elderly are spending an overwhelming majority of their time providing primary care often without appropriate compensation through the current Medicare formulas. The extra year of training and additional expertise actually mean less pay, which is one of the reasons why we have an acute shortage of geriatricians in America.

Mr. Speaker, baby boomers entering into the later stages of life will cause America's older population to double in the next few years. We must reform our health care system to adequately compensate doctors for providing preventative and coordinated care to patients in every stage of life. If we do it right, it will save money because many superfluous and harmful treatments will be eliminated and seniors will not only live longer but better lives.

HEALTH CARE BILL AN IMPEDIMENT TO JOB CREATION

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, many of my Republican colleagues and I have been coming down to this floor and asking the question, where are the jobs? Because the stimulus package has failed to deliver on the promise of 3 million jobs that it said it would, and instead our economy has actually lost over 3 million jobs.

And now we will soon be asked to vote on a health care reform package that places even more hurdles to jobs and growth of job creation. The health care plan being debated puts an onerous new tax on individuals and small business job creators through a surtax on income. It adds a new 8 percent tax on payrolls for companies that don't provide health care, Mr. Speaker.

Does anyone actually believe that the addition of this new tax will encourage job providers to either raise their workers' pay or to create new jobs when both of these actions actually lead to higher taxes?

In the rush to pass the stimulus, the Democrats put \$1 trillion of new debt on our children and on our grandchildren and did not create the jobs that we need. In our rush to pass a new health care bill, we will now put new hurdles to job creation and economic growth.

Where are the jobs? Clearly not in this new health care package.

THE RECOVERY ACT IS WORKING

(Mr. SCHRADER asked and was given permission to address the House for 1 minute.)

Mr. SCHRADER. Mr. Speaker, for the past couple of weeks, Members from the other side of the aisle have come to the floor, as we have heard today, and

rhetorically asked, where are the jobs? Assertions have been made the Recovery Act was ineffective and hasn't created any jobs. Well, that simply isn't the case in my district. I would like to give one example, Mr. Speaker.

As Oregon families prepare to send their children back to school, let's talk about what the recovery dollars are doing in our local school districts, often the heart of our communities. In my district, recovery funds are saving the equivalent of 145 teaching and support jobs in one school district alone, the Salem/Keizer School District, in the 2009-2010 school year. These are positions that would have been eliminated without this critical funding and are crucial to the core academic growth and development of our students.

These same recovery dollars are also preventing the equivalent of a district-wide, class-size increase of 2½ students and preventing an 11-day reduction in the school year. Money well spent.

We don't spend enough time in this building talking about the jobs that are saved and families that are benefiting from these recovery dollars. Without the recovery package, more teachers would have lost their jobs and our students would have suffered.

SITTING ON THE SIDE OF THE ROAD

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Sammy Mahan is a small business entrepreneur. He owns and operates Sammy's Wrecker Service in Baytown, Texas. He owns 7 trucks, employs 5 drivers, a dispatcher, and people who work the wrecker yard. His drivers work on a commission, and he cannot afford to furnish them health insurance.

He told me how the new government health care plan that mandates employers provide employee health benefits would affect him. Leaving out his colorful language, he said, "I am worried to death. This government health care bill and the new taxes on energy and small business will ruin me. I will have to lay off my drivers. They're all young, some with young families, and then they will have no jobs. I will be the lone survivor of the business. Then I won't be able to sell the wreckers I can't use. Who would buy them? I will be putting the trucks on the side of the road next to the kids who have signs saying 'free kittens' and offering 'free wreckers.'"

Now, Sammy has a point. The government-run health care plan will cost jobs and put workers on the street or, shall we say, sitting on the side of the road.

And that's just the way it is.

THE GENOCIDE IN THE DARFUR REGION

(Ms. MOORE of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to draw awareness to the unconscionable human tragedy that is still taking place in the Darfur region. It has been 5 years since the United States Congress declared genocide in Darfur, but thousands continue to perish.

Today I join activists in 34 countries who started fasting in April when eight organizations were kicked out of Darfur by the Sudanese President, leaving 1.1 million innocent civilians without basic access to food, water, and medicine.

From sunrise to sunset today, I will consume only water to demonstrate solidarity with the people of Darfur. It is an insignificant act relative to the magnitude of the tragedy unfolding there. But I join thousands in this simple act and hope that a critical mass will prick our global consciousness, keep us focused on the hundreds of thousands who have lost their lives.

I especially want to thank the Plymouth United Church of Milwaukee, Wisconsin, members of the Faith Darfur Coalition, who are joining me today.

My fast won't stop the tragedy unfolding in Darfur, but I hope it will carry me deeper into thought and to help me reflect on how to end this tragedy.

DON'T RUSH HEALTH CARE; GET IT RIGHT

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, health care is one of the most important issues that Congress will address this year. We need to make sure we take the time to get it right.

However, congressional leaders have other plans. Rather than taking the time to get it right, they want to spend another \$1.6 trillion on a government health care plan that includes \$500 billion in cuts in Medicare for seniors. And regardless of any arm twisting, no one can change the fact that this plan will slide our Nation deeper into debt. In fact, just 2 days ago, the non-partisan Congressional Budget Office ascertained and confirmed that the proposed health care plan would cause a massive spike in the Federal budget deficit, adding as much as \$1.6 trillion over the next 10 years.

Mr. Speaker, more runaway deficits are something that Americans cannot afford. Let's reform our health care system the right way without raising taxes on small business and without adding new debt on our children and our grandchildren.

HEALTH INSURANCE REFORM

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, the time is now. Members on the party opposite say we need more time, slow down.

But what about six decades of demanding that we fix health care in America? What about the 45 hours of bipartisan debate in three separate House committees on this legislation? What about the 79 House hearings that we've had? What about those people who today face being turned down because they have a preexisting condition? What about those folks who got a \$10,000 deductible and who are being told that they have got to spend up all that money just to get procedures to maybe perhaps deal with a bladder infection or something like that?

The time is now. The fierce urgency is now upon us. Mr. Speaker, let those who want to delay the care and well-being of others do something else. But for us who care about and have heard the calls of the people, let's pass health care now.

MAKING AMERICANS COMPETITIVE AGAIN

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, this week congressional Democrats will continue to try to rush through a sweeping overhaul of American health care. And this follows the President's expensive stimulus plan currently mired in bureaucracy that has not prevented a national recession despite his pledge to save or create 3.5 million jobs. So, Mr. Speaker, I ask President Obama, where are those jobs?

Now their plan for health care overhaul includes a government-run bureaucracy that would put red tape between patients and their doctors. Far too often patients in our current government-run programs lack real access to a doctor, leaving them no recourse other than to seek emergency room care. Now Democratic proposals suggest lumping millions more Americans into these government-run systems to somehow improve the quality of care. This defies common sense. Instead, health care will be delayed and rationed, leaving millions of Americans without access to a doctor or quality health care.

Republicans have a plan to reduce health care costs for families and businesses and taxpayers and also maintain quality, and that's the best way for Americans to be more competitive and to spur job creation.

HEALTH CARE REFORM AND THE INSURANCE INDUSTRY

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. McDERMOTT. Well, Mr. Speaker, we're being treated today to the mass choir from the insurance industry telling us that we must be afraid and we must go slowly. They've been singing that song since 1935, and we have been trying and trying and the American people are deeper and deeper and deeper in trouble.

Now the insurance choir is really worried, Mr. Speaker, because if we got a public option, they'd have to compete, and they can't stand it.

For the last 12 years or 15 years since Mr. Clinton tried to bring us health care, they have done nothing, not one single thing. They ran the House for 12 years. Not a single proposal, not a single time did they come out here with any way to deal with the people who don't have health insurance. And now we come with a public option and they say, Oh, God, wait, wait, folks, don't be afraid, we will get to it some day.

Now is the day.

THE DEMOCRATS' HEALTH REFORM PLAN: A TRILLION DOLLAR GOVERNMENT TAKEOVER OF OUR NATION'S HEALTH CARE INDUSTRY

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN. Mr. Speaker, it is unconscionable that Democrat leaders have put forth legislation under the guise of health care reform that will result in the direct loss of 5 million jobs from crippling new pay-or-play taxes on small businesses.

Our economy is hurting, and Congress should be creating jobs. The Democrats' health care proposal will do the exact opposite. It will take away jobs.

The Democrats have chosen to try to fund a trillion dollar government takeover of our Nation's health care industry in the midst of the worst recession in half a century. Worse than that, they have chosen to make small businesses, long the lifeblood of our economy, bear the brunt of these costs.

The simple fact is that the Democrats' rhetoric is deceptive. It does not match the legislation they have proposed. They use words like "reform" and "choice," but all their plan does is tax and spend to fund new government mandates.

Mr. Speaker, my Democrat colleagues are presenting the American people with a false choice by comparing their proposal with the alternative of doing nothing.

We deserve better. We deserve real reform.

THE HEALTH CARE REFORM PLAN AND WHY WE NEED IT

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, I can understand why our friends and colleagues on the other side were very much concerned over the cost estimate that the Congressional Budget Office came up with for this health insurance plan. But there are some things in the CBO report that we also need to be aware of.

First of all, over the next decade, there will actually be a \$6 billion surplus. So in terms of adding to the deficit, it doesn't. It actually adds a surplus. But they also estimate that only about 3 percent of Americans will actually choose the public option. So 97 percent of Americans will continue to be in their private plan. They also estimate that the amount of employer-provided coverage is going to increase. So this is hardly some kind of socialized government takeover of health care when 97 percent will continue to be insured by their own employer.

Now, the real reason why I think this needs to be done is that health insurance premiums have gone up by 3 fold in the past 9 years. And that is why we need health care reform.

□ 1245

WHERE ARE THE JOBS?

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Last week, I joined my colleagues on this floor asking an important question: Where are the jobs? Well, I have found more than 1,300 of them shipped to South Africa and Russia.

General Motors, the company that took millions of tax dollars to save American jobs, recently canceled its contract for domestic palladium with the Stillwater Mine in Montana. Why? Because our environmental laws and regulations are higher, our wages are higher, and our safety laws make domestic palladium a little more expensive in the United States.

So GM, that is "government motors" these days, chose to buy its palladium from mines in South Africa and Russia, mines that pollute the environment and treat workers unfairly. Just this month, an accident in South Africa killed 61 miners.

The government owns GM and could prevent this, but the President's car czar sees no problem sending U.S. jobs to Russia. Maybe that is why he is called a czar.

BROKEN HEALTH INSURANCE SYSTEM NEEDS REFORM NOW

(Ms. GIFFORDS asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. GIFFORDS. Mr. Speaker, I rise today to address our single most important domestic issue that faces our country, reforming our broken health insurance program.

We spend too much, we receive too little, and we are left worrying that the insurance that we have won't be enough. Nationwide, premiums have doubled in the last 9 years, increasing three times faster than real wages.

Arizona's Eighth Congressional District is especially burdened. In 2008, we had over 950 personal bankruptcies due to health care problems.

We can't perpetuate the status quo. Arizonans need reform that protects us from being denied coverage based on a preexisting condition. We need reform that guarantees care if we lose our job or move. Arizonans need reform that fosters competition and delivers us, the customer, the lowest cost and the best service. Arizonans need reform that puts the power back into the hands of patients and doctors.

Mr. Speaker, we can do this, and we must do this. If you like your plan, you should be able to keep it and your costs should go down and not up. There are savings to be had in our current system, and we must focus on squeezing out every drop.

TORT REFORM NEEDED TO PRODUCE HEALTH CARE SAVINGS

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, tort reform would create tens of billions in health care savings. There is no reform of the insane cost and arbitrary rewards of our malpractice system in this bill, because lawyers on the other side won't allow that in the bill.

Instead, according to the Congressional Budget Office, we have the Democrat proposal, with its public option, which will increase costs in excess of \$1 trillion and will cover millions of individuals here illegally, which will drive additional illegal immigration and will drive future costs for health care in this country.

With the subsidized public option and existing businesses shifting out of their current plans into this subsidized public option, as many as 114 million individuals could lose their current insurance, leading to Federal bureaucrats, not patients and doctors, making important decisions about their treatment options.

I urge we revisit this proposal.

PROVIDING ADEQUATE HEALTH CARE

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, I rise today to talk about one of the most important reasons to pass Obama's health care plan, and that is the current discrimination that Americans with preexisting conditions face.

Through no fault of their own, perhaps because of a genetic disability passed through by their parents or a childhood disease or a disease later in life, many Americans are uninsurable or only insurable at a very high rate.

That is fundamentally unfair. America is a fair country. We should only have to be responsible for actions that we undertake. Most Americans who suffer from preexisting conditions suffer those because of no fault of their own. It is not fair to make them or their employers pay more simply because of a preexisting condition. This could be you. This could be your son or daughter. This could be any of us who suffer from preexisting conditions.

What the Obama health care reform plan does is it pools the risk together and prevents discrimination against those who, through no fault of their own, have a preexisting health care condition and ensures that they, too, have access to adequate health care.

HEALTH CARE REFORM WITHOUT GOVERNMENT CONTROL

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, the United States has the best health care in the world, but if you don't have insurance, you have that sinking pit in your stomach that is scary. It is very scary.

But I think I feel like most Americans. I want insurance that I can own. If I lose my job or move to another job or my job leaves me, I want to be able to make sure that I have something that is portable. I am willing to pay my fair share. I want to be able to be covered for catastrophic events.

But I also want to make sure that others pay their fair share. I want to find insurance, even if I have a preexisting condition, and I want the freedom to choose the insurance that best fits our family's needs.

But, most of all, I don't want a Washington, DC, politician making decisions that should be made between my wife and our doctor. When our sons or daughters need help, I don't want somebody in Washington, DC, to deny it. If my mother or father needs help, I don't want to wait for a government bureaucrat to decide whether or not they are going to be cared for.

In other words, we must stop the government takeover of health care. We need reform, but we don't need more government.

PROVIDING QUALITY HEALTH CARE

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today because, for six decades, we have debated about how to fix health care reform, and now it is time to stop the debates, the denials and the deceit.

We have a uniquely American solution that includes a robust public plan that will lower costs, increase coverage and provide quality care. And for the American people, let's repeat that again: lower costs, increased coverage and provide quality care.

This is really just about what the insurance companies want to fight. Everybody watching the daily news, the evening news, knows that to be true, and the insurance companies will pull no stops to try to defeat health care reform, but we are not going to let them.

Premiums for Americans have doubled in 9 years, three times faster than wages. An American family pays an extra \$1,100 a year in premiums. It is time for that to stop. Each day, 14,000 people lose health care, and today 60 percent of small business owners, their workers and families have no health care. That is 28 million Americans.

So we can create a plan here that eliminates copays, eliminates the high cost of deductibles for preventive care, caps out-of-pocket expenses and ends the discrimination against preexisting conditions.

WHERE ARE THE PROMISED JOBS?

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BROWN of South Carolina. Mr. Speaker, August will be 6 months since the signing of the administration's so-called stimulus plan. Since February, we have been waiting for the jobs that were promised with this bill. We have been waiting so long that my constituents in South Carolina are beginning to wonder if they will ever come.

The President insisted that to save or create up to 4 million jobs, Congress must support this stimulus. Unfortunately, today we continue to lose jobs and pass legislation that will further increase unemployment around the country.

We were told by experts in the administration that unemployment would peak at 8 percent, but, as we all know, national unemployment is now at 9.5 percent. In my home State of South Carolina, it is over 12 percent.

It is a shame that while my constituents are desperately waiting for jobs, the Democratic leadership has made job creation second after bigger government, more borrowing, and ever-increasing spending. They must join Republicans in making our number one

priority getting America back to work. My constituents are getting tired of waiting. Where are the jobs?

HEALTH CARE REFORM URGENTLY NEEDED

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, our country urgently needs health care reform. Health insurance premiums have more than doubled in 9 years, growing three times faster than our wages. The average American family pays an extra \$1,100 per year in premiums to support a broken system, and we still have 47 million people uninsured. Soaring costs have harmed competitiveness with American businesses in the global economy. I know in my own district, I had one company say they moved part of their production to the Netherlands because health care was cheaper in the Netherlands than it was in the United States.

For six decades America has tried to debate what we can do to fix this broken system. We have had 45 hours of bipartisan debate in three separate House committees and 79 House hearings on health care reform in just over 2 years.

If you have Medicare or employer-based insurance, you shouldn't be affected. You will have real choice. You will have the freedom to choose your insurance. If you don't have employer-based insurance, then we need you to have an option, and today you don't have that option.

ACHIEVING MEANINGFUL HEALTH CARE REFORM

(Mr. WITTMAN asked and was given permission to address the House for 1 minute.)

Mr. WITTMAN. Mr. Speaker, as I traveled throughout my district this past weekend, from Middlesex to Caroline to Fredericksburg, the one thing I heard from folks is they are deeply concerned about the health care reform package that we have before us.

They said, ROB, we see that there is a problem and we need to do something, but we need to do the right thing. We need to take the time to make sure that we craft solutions that control costs, that maintain the relationship between patients and their doctors, to make sure that we keep what is good and what works about this system and we work on those things that are broken.

I hear many ideas from both sides of the aisle that I think accomplish that, and I think it is high time for the majority to make sure that they incorporate ideas from the minority which I believe we have in common to make sure we come up with reasonable, prac-

tical, workable solutions for the American people to make sure that we have that access to quality health care reform here in the United States that I know we can achieve.

MAKING TOUGH DECISIONS ON HEALTH CARE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, CBO projects that the public plan option would likely attract around 10 million patients. That certainly puts to rest the assertion that private insurance would go out of business.

Not surprisingly, the estimates that opponents of the public plan are citing to prove their mistaken point were arrived at by the Lewin Group. Guess who owns the Lewin Group? An insurance company.

I urge my colleagues to stop repeating the false message of the health insurance industry. The insurance industry opposes a public option because they know it would force them to be honest, to keep their premiums down for patients.

I urge my colleagues to pay attention to the facts, not the rhetoric, and I urge you to join me in reiterating our strong commitment to true health reform. Let's pass a bill with a strong public option before we adjourn.

We were elected to make tough decisions and take important votes. We must fulfill this obligation.

ASKING FOR JOBS TODAY

(Mr. LATTA asked and was given permission to address the House for 1 minute.)

Mr. LATTA. Mr. Speaker, America and Ohio are hurting. Ohio has an unemployment rate of 11.1 percent. My district, the Fifth District, is the number one manufacturing and number one agricultural district in the State of Ohio.

One of my counties, Williams, has an unemployment rate of 11.6 percent. I was up there this past weekend and the people were all asking me the same question: Where are the jobs? Where are the jobs? They want jobs today.

The President said this past year that with the stimulus bill, America wouldn't have an unemployment rate of 8 percent. Now it is 9.5 percent. Ohio is 11.1 percent. Since January, America has lost over 3 million jobs. Three million jobs.

This last month, the Democrats passed the cap-and-tax bill. It is estimated it is going to cost millions of American jobs. Millions. Now the Democrat House bill that is before us on health care could cost over 5 million jobs. Five million jobs.

My folks are scared, and they want to know where the jobs are.

Mr. Speaker, we ask for jobs today.

PROVIDING HEALTH CARE THAT AMERICANS NEED AND DESERVE

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, we Democrats have been explaining the health care bill, but our colleagues on the other side of the aisle seem not to have heard. The truth about our bill is that it does not create a government-run health care system. Instead, there is one public plan. Individuals and families can keep the plan they have, or they are free to choose—free to choose—the public plan or one of the private plans in the exchange.

As a doctor, I support the bill, and I want it passed out of Energy and Commerce this week because it gives family doctors like me the support we need to spend time listening to our patients and managing their care. It actually removes the barriers between doctors and their patients.

For those in this country who have never had full access to quality and comprehensive care, we welcome the bill, even though we know it will cost a lot to begin to close the health care gaps that our dysfunctional system has created. We cannot afford not to do it. Lives are at stake. There are enough savings in this bill from prevention to help pay for it.

To everyone who is holding this bill hostage, please get out of the way and let us pass H.R. 3200 so that everyone in this country can have the health care they deserve and they need.

□ 1300

CALLING ON DEMOCRATS TO WORK ON A BIPARTISAN HEALTH CARE ALTERNATIVE

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, for the second time this month, nonpartisan congressional budget analysts have told Congress the Democratic health plan would increase, not decrease, our Nation's burgeoning long-term health costs. On Saturday the Congressional Budget Office said the proposal to give an independent panel the power to keep Medicare spending in check would, in reality, save almost no money. The bill's proponents had touted the panel as critical to pay for the massive \$1.5 trillion health care legislation. CBO's recent analysis comes on the heels of an earlier budget report, showing that the Democratic health care proposal would add to our already tremendously growing debt of \$11 trillion and rising.

I once again call upon the Democratic leadership to put aside its proposal and work with the centrist Republican Tuesday Group on an affordable and effective alternative that we have proposed in good faith.

ONE OF THE GREATEST BENEFITS FOR SMALL BUSINESS IS HEALTH CARE REFORM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, one of the myths that's being perpetrated by those who are trying to stop health care reform is that this is going to be somehow dangerous to small businesses. Well, small businesses know what it is to feel the pain of the dysfunctional health care system. They know that 60 percent of their owners and workers and their families are uninsured. They know that their premiums have gone up 129 percent in just the last 9 years. They know that they pay 18 percent more in premiums and their deductibles are twice as much as somebody working for a large firm.

Our reform measure creates competition so that small businesses have the same bargaining power, the same opportunities as the largest companies in this country to provide health care for their families and their owners.

We also know that we're providing a tax credit to help those small businesses do what they want to do, which is to provide their employees with health care.

So forget the myths. Rely on the facts. This is one of the greatest benefits for small business that we could possibly provide, helping them help their families and their employees provide stability in their health care situation.

WHERE ARE THE JOBS?

(Mr. AUSTRIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUSTRIA. Mr. Speaker, as I travel across my district, whether I'm talking to our good farmers, small business owners or manufacturers, what they're asking me is, What are you doing to bring back jobs to Ohio? What are you doing to save jobs? What are you doing to turn this economy around?

Mr. Speaker, the stimulus bill certainly has not yet improved our economy. This chart next to me shows what the administration projected would happen with unemployment numbers as a result of the stimulus. And what's really happening, as you can see, the dark line is what would happen with the stimulus package; the light line without the stimulus package; and most importantly, this dotted line,

which is what's really happening and that is skyrocketing unemployment.

In Ohio our unemployment rate has reached 11.1 percent in June, the highest it's been in decades; and this is unacceptable. Now if we don't do this health care reform package correctly, it could hurt small businesses and may cost jobs. We're going in the wrong direction.

Mr. Speaker, I ask you, Where are the jobs?

WE MUST PASS HEALTH CARE REFORM NOW

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today because we cannot wait another moment to pass health reform. We need health care, and we need it now. The American people cannot wait. Health care delayed is health care denied. It is our moral obligation to lead the way. Every day that we wait, 14,000 Americans lose their health insurance. People losing their health, their homes or their very lives because our health system does not work for them. This is not right. It is not just. It is not fair.

And we can do better. We can do much better. At the March on Washington 46 years ago, I said, "They tell us to wait. They tell us to be patient." We cannot wait. We cannot be patient. I say, today, we want health care reform, and we want it now. We must answer the call of history and pass health care reform, and pass it now.

100,000 SUPPORT HOUSE RESOLUTION 615

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, a couple of weeks ago I launched House Resolution 615 that simply says that if you vote for a government-run system, you should be willing to sign up for it. So far I've had a number of Republicans sign up, but not one Democrat. Since launching H. Res. 615 that calls for Members of Congress to sign up for government health care if they vote for it, it has received tremendous grassroots response. We now have over 100,000 Americans who have signed up in support, and the signatures represent all 50 States with supporters of the bill adamant about its demand for accountability of congressional lawmakers to the people.

This message has resonated across America for one simple reason, and the people of this country are sick and tired of being the victims of bad laws while their elected Representatives are exempt from the same laws. It is obvious that nobody in Washington wants for themselves a bureaucrat standing between them and their doctor, nor an

expensive, inefficient health care delivery system, and certainly not to be abandoned when thought to be too sick, too old or too expensive to care for.

So why should Americans? I ask that Americans continue to hold us accountable by signing up to support House Resolution 615 by going to my Web site at fleming.house.gov.

YOU CAN'T BEAT SOMETHING WITH NOTHING

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, our current health care system—and it really is not a system—is not up to the standards of America. I want to address the issue of cost. Our wages have been going down a black hole of health care costs. Health care costs are rising two to three times faster than our wages. If we want to know why we're having trouble making ends meet, it's because our money is going into health care much faster than our wages are improving.

Now what does the other party have to solve this problem? Nothing. We are offering some suggestions on ways to have higher quality health care costs, reduce the cost, and reduce the rate of medical inflation. There is one principle that we ought to have on a bipartisan basis: you can't beat something with nothing. I am encouraging our Members across the aisle to join us to bring change to this system so we can restrain the rate on medical inflation and pass health care reform.

NO LOAN GUARANTEES TO CONSTRUCT THE AMERICAN CENTRIFUGE PROJECT IN PIKETON, OHIO

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to ask a simple question: Where are the jobs? My constituents along with folks from all over Ohio and the Nation want to know where are the jobs. In my home State of Ohio, unemployment has risen to more than 11 percent. We have the seventh highest in the Nation. Every single county in my district has unemployment equal to or higher than the national average, and Pike and Adams Counties have above 15 percent.

Last night I was given even more devastating news: the Department of Energy has determined that it will not provide loan guarantees to construct the American Centrifuge Project in Piketon, Ohio. While campaigning last fall, then-candidate Obama pledged to support those loan guarantees. He

wrote, "Under my administration, energy programs that promote safe and environmentally sound technologies and are domestically produced, such as the enrichment facility in Ohio, will have my full support. I will work with the Department of Energy to help make loan guarantees available for this." I guess that promise is equivalent to the promise to save or create 3 million jobs.

Mr. Speaker, I am asking you, Where are the jobs?

LET'S COME TOGETHER TO REFORM HEALTH CARE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me tell you very clearly: Medicare in 1965 saved lives. Can you believe it has been six decades, 60 years, since we have been able to come together around the common goal of getting a public option with health care reform? Now six decades later, America has debated this broken system, but we're closer than we've ever been before, and the American people understand 83 percent, high numbers. They want a public health insurance option. They get it.

Premiums have doubled over 9 years. You ask yourself the question, Can I afford to pay \$1,800 a year more every year for a family of four? Health care reform will keep Americans from financial ruin. Go to the bankruptcy courts. Catastrophic illnesses have shoved Americans into these courts. They've lost all that they have. We have to stop it now. We want to leave doctors in charge of their patients and not the insurance companies, whose main opportunity is to say, N-O, no.

The American people get it. The public health insurance option, that is what we're doing; and we're doing it now.

DON'T DESTROY THE HEALTH CARE SYSTEM WHILE TRYING TO IMPROVE IT

(Mr. BONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONNER. Mr. Speaker, last week one Republican after another asked a very simple yet relevant question to the House Democratic leadership: Where are the jobs that you and the President promised almost 6 months ago when you passed that gigantic \$787 billion stimulus bill?

You see, the answer to that question is important if the American people are to have any confidence in the Democrats, who not only run the House but are now in control of this entire city, when they boldly promise a new government Federal health plan costing

\$1.6 trillion, financed by \$818 billion in new taxes on individuals and small businesses; and at the end of the day, all that new spending and all those new taxes are only going to just create more debt and more concern.

Mr. Speaker, the American people know better; and they have genuine concern about what they're seeing come out of their Federal Government. Republicans know our health care system needs repair. We just don't want to see it destroyed all in the name of making it better.

TRANSPORTATION SPENDING WILL CREATE JOBS

(Mr. ARCURI asked and was given permission to address the House for 1 minute.)

Mr. ARCURI. Mr. Speaker, we certainly can appreciate the passion on both sides of the aisle with respect to health care. This House has not debated a bill of this importance in many years. But one thing that we can't forget is that we need to continue to focus on transportation. We have before us right now a surface transportation authorization bill that must be reauthorized by the House of Representatives. We have bridges that are collapsing throughout the country. We have roads that are deteriorating. I hear my colleague from the other side of the aisle say, Where are the jobs? The jobs are out there now from the stimulus bill where money was given to the States, and they're repairing the roads, and they're fixing the bridges. We need to continue that.

There is no better way to create jobs and no better way to keep our infrastructure the best in the world than to spend money through transportation. I strongly urge my colleagues to continue to work on reauthorization of the surface transportation bill.

FREEDOM OF SPEECH SHOULD APPLY TO ALL MEMBERS OF CONGRESS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I stand in support of freedom of speech. Democrats are telling Republicans that we are no longer allowed to use the words "government-run health care" in communication with our constituents. Yes, that's correct. Republicans will be forced to use only Democrat-approved language when describing their attempted government takeover of health care to our constituents, or else.

Democrats told Republicans that if we do not use the words Democrats give us to describe their health care reform bill, then Members will have to pay the postage personally. Appar-

ently, the Democrats feel they can control what the public thinks about their bill by dictating how we talk about it. I know America is smarter than that.

Call the Speaker at 202-224-3121 if you think this censorship should stop. The last time I checked, this was still America where freedom of speech is our hallmark.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

PUBLIC HEALTH CARE WILL COMPETE WITH PRIVATE PLANS

(Ms. DEGETTE asked and was given permission to address the House for 1 minute.)

Ms. DEGETTE. Mr. Speaker, anybody who says that we don't need to reform our health care system is ignoring the fact that we have the most expensive health care system in the world, but we have some of the worst results among industrialized nations.

We have one of the worst results in maternal and child safety. We have one of the worst results in infant mortality. Yet at the same time, our costs continue to go up. Health care premiums doubled in 9 years, growing faster than wages. Health care costs are the leading cause of bankruptcy in the United States right now; and in the next 10 years, \$1 out of every \$5 will be spent on health care.

The bill that we are looking at in Energy and Commerce is a good bill. It allows people who like their health plans to keep them; but it also puts forward a public option that will compete with those plans, not government-run health care but it takes the insurance companies' profit margin out of it and makes them compete on behalf of the American people. We need to pass health care now.

□ 1315

REPUBLICANS PROPOSE A BETTER HEALTH PLAN

(Mr. McCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. McCLINTOCK. Mr. Speaker, in order to support the Democrats' health care plan we are asked to accept three arguments that are fundamentally absurd. First, that the same government that pioneered \$400 hammers and \$600 toilet seats is somehow going to control our health care costs. Second, that the same government that runs FEMA is going to make our health care system more efficient and responsive. And third, that the same government that runs the IRS is going to make our health care more compassionate and understanding. Frankly, I doubt it.

Instead of putting government in charge of our health care decisions, let's put patients back in charge. We can do that by using tax credits to bring within the reach of every family a basic health plan that they can choose, that they can own, and that they can change if it fails to meet their needs. That is what the Republicans are proposing, and it is a much better way.

WILL WE ACT OR WILL WE NOT?

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Mr. Speaker, a fine Republican President, Teddy Roosevelt, said, "The worst thing you can do in a moment of decision is nothing." And we are charged with measures of action or inaction. That is why the American Recovery and Reinvestment Act was about investing in our people, in our country, in our roads, our bridges, our schools, and they are already starting to show the difference.

I see signs all over my district saying "This job was created by the American Recovery and Reinvestment Act." And I must say that we have sent billions of dollars overseas to build brand new Iraqi roads, Iraqi schools and Iraqi buildings, but it is time to invest in our people.

Will we put America back to work? Will we delay or make a difference? Will we lead or will we block? Will we invest in our country, in our people, our way of life, or we will send that money overseas? We have the decision. Will we act or will we not?

OPPOSING GOVERNMENT TAKEOVER OF HEALTH CARE

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, I heard from a small agribusiness owner in my district. His business is growing, and he actually wants to hire new employees. However, he is concerned the new mandates and taxes imposed on him as an employer by the government's takeover of health care would mean he wouldn't be able to create new positions. He is not the only small business owner concerned about the economic well-being of our country.

Mr. Speaker, we have already passed a massive bill we called a stimulus, but which failed to create jobs, and a cap-and-trade bill which will cost us at least 2.5 million jobs. While every Member of this body wants to ensure Americans have access to affordable health care, it is vital we oppose a government takeover which destroys the ability to create jobs. Let's not kill

jobs before small businesses even create them.

THE TIME FOR ACTION HAS COME

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, the American people voted for change last November. My New Jersey constituents voted for change. Now we have a historic opportunity to bring about change as we deal with one of the Nation's most daunting challenges, the need for health care reform for over 46 million uninsured men, women and children throughout our Nation. In addition, we need to help working people and middle class people who in many cases have to pay huge out-of-pocket expenses or have been dropped when facing serious medical conditions.

This debate has been going on for six decades, and the time for action has come. Here in the House of Representatives we have already held 79 hearings on health insurance reform in just over 2 years. We cannot put this problem off indefinitely.

I urge those who stand in the way of progress to either step aside or to join us in coming up with a solution to help mend a broken system.

JOIN THE REPUBLICAN PLAN

(Mrs. LUMMIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LUMMIS. Mr. Speaker, the President of the United States has said that if you like your health care plan, you can keep it. But that is simply not the case.

I was in Wyoming over the weekend in my home district, and I talked to small business people who have health insurance, who have calculated what will happen if the Democrats' plan takes effect. And if it takes effect, they will be able to pay the 8 percent penalty in the bill and shift their employees onto the government plan and save money. It will cost them less money to take their private insurance, jettison it, take their employees off it, pay the 8 percent penalty, and put them on the government plan. The government plan will be less comprehensive, and their employees will suffer.

Mr. Speaker, this is not health care reform. I ask you to join the Republicans with a plan that will address affordability, portability, and accessibility in a way that will not cost the taxpayers trillions of dollars.

DEMOCRATIC PLAN: CHOICE, AFFORDABILITY, LOWER COST AND LOWER TAXES

(Mr. WEINER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WEINER. Ladies and gentlemen, you are going to hear a lot of people that are opposed to the Democratic plan to reform health care, and a lot of them are on this side of the House of Representatives. Why? They already have health care. They've got a pretty good plan, like all other Federal employees. They have choice already.

If you want to make a phone call, Mr. Speaker, dial 202-224-3121 and ask for your Congressman and say, Will you give up your health plan? You've got choice already. And some of them are old enough to have Medicare, which is, that's right, a government-run plan. Are you prepared to give up that? I don't believe that they are.

The fact of the matter is that some in the Republic Party don't want these problems fixed because they are already doing just fine. They've got choice, they've got the Federal plan—that I have, by the way—they have Medicare, a government-run plan, and the rest of the country can be damned.

Well, we in the Democratic Party are saying something else. We want the American people to get at least as good as my friends in the Republic Party have. We want at least the benefits that we have here in Congress—choice, affordability, lower cost and lower taxes for all Americans. That is the Democratic plan.

IT KIND OF MAKES YOU WONDER, DOESN'T IT?

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Mr. Speaker, as we all know here today, the Democrat leadership in this House is bringing forth a health care reform bill with a public option for the stated purpose of instituting competition with the private sector and making the private sector insurance business better. At the same time, they are bringing forward legislation to reform student lending.

Today, there is a private option preferred by 80 percent of the colleges and universities in this country and a public option, where the government takes over the student lending business. The legislation that we are going to bring up perhaps this week in this House eliminates the private option and leaves only the public option. It kind of makes you wonder, doesn't it, about the designs on the future of the public option in health care?

IT IS TIME TO ACT NOW FOR THE AMERICAN PEOPLE

(Mr. LUJÁN asked and was given permission to address the House for 1 minute.)

Mr. LUJÁN. Mr. Speaker, we come here today and we continue to hear

this important debate as it surrounds health care. Well, I hope that there is not any disagreement that the health care system we have today is broken.

We continue to hear from our friends on the other side of the aisle that we need to contain costs, that we need to extend coverage, that we need to be looking after people. Well, we have a plan, Mr. Speaker. We have a plan on this side of the aisle with our Democrats that has come forward that will say to insurance companies, No more taking away health care from those that are sick—that can happen today. No more keeping insurance from those that are sick today because they have something called a preexisting condition.

As I travel across the district, across the great State of New Mexico, and we get to hear from people, you look them in the eye and they tell you they're sick, they tell you that they can't afford their health coverage, they tell you that they lost their job. And where do they go today? What about their kids?

Well, it is time that we look those people in the eye, those people that have entrusted us to do a good job on their behalf, and tell them that we're here to act for them, that we are going to fight for that public option, we are going to fight to give them choice. We are going to help keep those health care costs down. It is time to act now for the American people.

HEALTH CARE PLAN OUGHT TO FIRST DO NO HARM

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, there is no one on our side of the aisle who would argue that we have necessary reforms for this medical health care system that we all enjoy and we are mostly all alive because of. The comments to the contrary that this is totally broken, totally unworkable, as you know, are hyperbole, simply done to try to set a riot, I suspect.

4.7 million jobs are estimated to be lost by this health care plan. That is a big number. But four or five of those jobs are at a long-term health care plan company in Llano, Texas.

Steven Lange sent me an e-mail that says if he is required to put this 8 percent tax on his business, because it is a low-margin business, because he gets Medicare reimbursement for 90 percent of his revenues, he will be unable to pass that 8 percent increase for the cost of doing business along to his major customer, i.e., the Federal taxpayer. Because of that, he will have to cut his employee base.

His employees take care of the most vulnerable, frail, and least capable people in our society, folks at the end of

life, and cutting the service to them should be not something that we ought to do. Physicians in the group say "first do no harm." I would argue that this health care plan ought to do the same thing.

HEALTH CARE BILL IS GOOD FOR YOU IF YOU'RE OVER 65

(Mr. GRAYSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAYSON. Think about what this health care bill will do for you if you are over 65 years old, or if you love somebody who is over 65 years old. If you are over 65, or you love someone who is over 65, a mother or father, then take a minute to think about that.

Here is what it will do for you: First of all, it will dramatically reduce—and in most cases eliminate—copayments for you. That's right, for you. Because the Democrats understand that a \$10 or \$20 or \$50 copayment, that is a lot of money for you. And if it keeps you from going to the doctor when you need to get help, when you need medical care, that's a shame, it shouldn't happen. So this bill takes care of that.

The second thing that the bill does for you is that it eliminates the doughnut hole, that's right, the doughnut hole that torments people into choosing between paying for their rent or paying for the medicine that they need to stay alive. That will no longer be true. The doughnut hole is eliminated.

This bill is good for you if you are 65 or over; it is good for your mother or your father if you're not. That matters a lot because the Democrats care about you.

JOBS, JOBS, JOBS, JOBS: TAKE 2

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, the administration and this Congress spent over \$1 trillion on a so-called stimulus bill, and they laid down a benchmark for what would constitute success. They did it. And according to their own benchmark, that was that unemployment would be capped at 8 percent, and that there would be an immediate creation of 3.5 million jobs.

So where are those 3.5 million jobs that we were promised? Not only have they not been created, an additional 2 million jobs or more have been lost since that bill was passed. And unemployment wasn't capped at 8 percent, it is over 9.5 percent. Again, their own numbers. So, what has been the response to this obvious dismal failure? More of the same, unfortunately; more borrowing, more spending of your hard-earned money.

Now, their health care bill will cost Americans an additional \$1.2 trillion, additionally, cut Medicare for senior citizens by hundreds of billions of dollars—that's in the bill—and will result in the loss of an additional 4.7 million jobs.

You know, again, common sense; it's time to stop wasting taxpayers' money, stop irresponsible borrowing. It's time to focus on jobs creation.

HEALTH CARE EFFECT ON SMALL BUSINESS

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Mr. Speaker, skyrocketing private health insurance costs are already crippling small businesses. Last week, I sat down with one of my constituents to hear about her situation. Kristine Effaldana is a small business owner and employs nine workers at her company. She has been paying the full cost of premiums for her employees because she knows how important health insurance is.

Unfortunately, Kristine recently got a call from her broker saying the premiums for covering her nine employees are going up 20 percent in August. Now Kristine is forced to pass on part of that cost to her employees, hire fewer employees, or stop offering them health care altogether. That is the status quo we're dealing with, and it is unacceptable.

We must do more to help small business owners who are trying to do the right thing by providing for their employees. Congress must pass comprehensive health reform to ease their burden.

□ 1330

A MISGUIDED HEALTH CARE EXPERIMENT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise today to strongly oppose efforts by the majority to rush through this Chamber a misguided health care experiment that will cost jobs and put the government in charge of health care. The Democrats' bill will tax small businesses, raise already sky-high unemployment in my State, and cut health care for seniors to pay for government-run health care. This will limit consumer choices, lower quality, increase wait times and imperil the doctor-patient relationship by empowering Federal bureaucrats to make health care decisions. The trillion-and-a-half pricetag will increase the already crushing debt some in Congress have been piling on our children and grandchildren over my objections.

The best way to help expand health coverage to the uninsured is to make health care more affordable. Two of the easiest and most effective ways to do that would be to encourage preventive care and enact medical liability reform. I urge my colleagues to reject this government takeover of health care.

AMERICA'S RECOVERY

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, many commissions who have advised Congress advise that the unemployment rate would continue to climb even after the American Recovery and Reinvestment Act were approved, simply because neglect and measures that put us into a deep hole where an administration spent down a surplus into a deep deficit was going to take a while to recover from. And so now with the investments made through that Recovery Act, I am very hopeful that in my district we will get good news, as GE, which is corporately headquartered in my district, has made application for some of the DOE moneys.

Because of accountability and transparency, the President is right to make certain that all of these moneys being released are greatly accounted for. Battery investment, battery advance manufacturing in battery worlds, will allow for a diversity of battery manufacturing that will allow us not only to have these batteries used for energy generation purposes, but for actually providing for the resources for transportation fleets, both large and small, and certainly working on investments that will restore intermittent energy supplies.

COMPROMISE ON HEALTH CARE REFORM

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Mr. Speaker, the Democratic leadership is reportedly trying to find a compromise on health care reform. The only problem is they're compromising with themselves rather than with Republicans. Democrats have been trying to blame their failure to find broad consensus on health care reform on Republicans, but this ignores the facts. The facts are three committees and the House Democratic leadership sat down and drafted a bill with no Republican input. These same Democratic leaders have then made changes to the bill based on concerns raised by other Democrats. Now, Democratic leaders are continuing their negotiation with a different group of Democrats in an attempt to secure 218 votes in their own caucus.

Since Republicans aren't invited to these negotiations, here's some free advice from the House floor: If you're having this much trouble getting the majority of your conference to support your bill, then you're going to have an even bigger problem with the American people, particularly when they find out that this bill undercuts the President's promise to allow them to continue their health care if they like it.

Republicans have many ideas on how to reform health care and make insurance more affordable for small businesses and families and reduce costs across the system. Let's scrap this partisan plan and start over with what we all agree on and get health care right for the American people.

SMALL BUSINESSES ARE DROWNING UNDER THE RISING COSTS OF HEALTH CARE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it's interesting what I'm listening to. This sounds like 15 years ago when President Clinton tried to reform the health care system. This time we must do it. The increase just for small businesses to cover their employees has gone up 129 percent since the year 2000. Workers pay more. Small business workers pay an average of 18 percent more in premiums. How far does this have to go before we have the common sense to change it?

If anybody disagrees with the bill, read it. That's the first thing we must do. Read the bill. I have read the bill. It's a good bill. It's so unfortunate that the influence on this House is coming from insurance companies who have been in control of health care for the last 30 years. We must change that. They've given out \$100 million around here. We must change it. The people need this health care reform right now.

READ THE HEALTH CARE BILL

(Mr. McKEON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKEON. Mr. Speaker, the Democratic leadership has been demanding that we pass health care reform this week. That's very, very important, even though the bill doesn't take effect for 5 years. This is the bill. My constituents have been asking me to read the bill and I've been working on it. We now have three iterations of this bill. I would like to advise my senior friends at home to read it. Let me tell you, page 331, read about Medicare Advantage reforms and how they're going to take \$168 billion out of Medicare Advantage to help pay for some other people. Read a little bit on page 425, 424, start reading about how

they're going to have you, at 65, go in and have a planning session with a health care consultant on how you're going to die. Please, read the bill.

HEALTH CARE IS A RIGHT, NOT A PRIVILEGE

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, 47 million uninsured in the wealthiest and the most powerful country in the world is unconscionable. Health care should not be a privilege, which is what it is right now; it should be a right. The average American pays an extra \$1,100 a year in premiums to support a broken system. Premiums have doubled in 9 years, growing three times faster than wages. Our health care reform plan does not, mind you, it does not call for a government takeover. We intend to lower cost, have no more copays or deductibles for preventive care, and an annual cap on out-of-pocket expenses. If you like your doctor or your plan you can keep it. And yes, a real robust public option keeps health care costs down for those who choose private insurance.

It's time to take the profit-making insurance industry out of making health care decisions. Medical decisions should be made between a patient and a doctor. Medical decisions should not be made based on who profits. Profit motives and making health decisions will not provide for affordable health care for every man, woman and child.

RUSSIAN ROULETTE

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I rise today to ask why the Obama administration and the liberal Democrats in this Congress are playing Russian roulette with the welfare of the American people. This administration and the Democrats in this Congress seem not to care about jobs but put all of their time into spending as much as possible in as little amount of time as possible. Cap-and-trade, or the national energy tax passed by Democrats last month is the equivalent of a \$3,000 annual tax on every single American family. And it's estimated that over 2.3 million jobs are going to be lost because of it.

And the liberal health care gamble, it's not even Russian roulette when it comes to government-run health care. It's like jumping off a 20-story building and thinking it's not going to kill you. The Democratic health care is economic suicide. The health care bill would impose a 5.4 percent surtax on 1.2 million small businesses, and it's going to increase the Federal deficit by

\$239 billion over 10 years, and most devastating, it's going to kill up to 4.7 million jobs because of the burdens it places on small business.

If you want to get every American health care, then get every American back to work. America runs on jobs and small business. Less government, more Americanism. That's what will save this country.

WHAT'S MORE IMPORTANT, DOLLARS AND CENTS OR LIFE?

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, there are some Republicans and some Blue Dog Democrats who care more about protecting the profits of insurance companies than they do about bringing health care reform to the Nation. Health care premiums have doubled in 9 years and are growing at three times the rate of wages. Meanwhile, 46 million people remain uninsured, and they can't see a doctor to take care of their chronic condition like breast cancer, like diabetes. So what's more important? Dollars and cents or life? I am pro-life, and that's why I support health care reform.

HEALTH CARE THAT DOESN'T KILL JOBS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I agree with my colleague. I'm pro-life too. That's why I oppose the Democrat health plan. Mr. Speaker, in the midst of a major recession, the House is considering health care legislation that will place new punitive taxes on small businesses. We need job creation, not job destruction. And small businesses are our best hope for emerging from this economic downturn, but not if we tax them out of their job-creating potential. I've heard from scores of small business owners in North Carolina who are struggling to keep their businesses running, and who want nothing to do with the taxes and burdensome government mandates in the House health care legislation.

Mr. Speaker, we need health care reform in America. I support reform that puts patients first and that won't destroy small businesses. Republicans have a better solution that won't put the government in charge of people's health care, that will make sure we bring down the cost of health care for all Americans, and that ensures affordable access for all Americans and is pro-life because it will not put seniors in a position of being put to death by their government.

THE RECOVERY ACT IS GOOD FOR NEVADA

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, families in southern Nevada have been hit hard during this economic recession. Unemployment is at a 25-year high and our tourism industry has struggled as the national economy has slowed. But already, the economic recovery package that Congress passed is beginning to provide assistance to 95 percent of Nevadans in the form of tax cuts.

Over the past few months, the Making Work Pay tax credit has put extra money in the pocket of workers. Nevada has already received more than \$75 million to extend unemployment benefits for those struggling to find work. Seniors and veterans have received a \$250 recovery payment, and schools in Nevada got \$340 million to keep teachers from being laid off and to develop programs. Funding through the recovery package has also helped Nevada's efforts to create a clean energy economy. Just yesterday, \$13.8 million was announced from the Department of Energy to help fund energy initiatives that will lead us to the next steps to creating clean energy jobs. Clearly the Recovery Act has helped the people in Nevada.

WHERE ARE THE JOBS?

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. For months now my constituents in western New York have been asking, where are the jobs? Well, take a look around. Are they in the recently passed national energy tax that devoted more than 50 of its 1,300 pages to lightbulb regulation and just two paragraphs on carbon-free nuclear energy? Or are they in the thousand-page, government-sponsored health care proposal without so much as a mention for malpractice liability reform to dramatically reduce premiums on struggling Americans? Or maybe they're in the recently passed \$700 million welfare program for wild horses.

The majority has shown it doesn't know how to create new jobs, outside of those for new Federal bureaucrats, but it certainly knows how to create new burdens for our children and grandchildren. This week alone, our Treasury is set to sell off a record \$205 billion in debt. Let's start working together to implement responsible solutions to the serious challenges facing our Nation.

□ 1345

WHO DO YOU TRUST MORE, POLITICIANS OR DOCTORS?

(Mr. JORDAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JORDAN of Ohio. Mr. Speaker, last week at the President's press conference, the American people got a firsthand glimpse of the attitude they can expect if, in fact, there is a Federal takeover of health care.

When the President made this incredible statement, when he said in that press conference that some doctors will take out a child's tonsils not because it's in the best interest of that patient but because they make more money, it makes you think about this:

If you go out and talk to any 100 people across this country and ask them the question, "Who do you trust more, politicians or your doctors?" my guess is 100 percent of them would say their doctors. Yet the President made that statement.

What we need in this health care debate and what we need in health care reform is a model that says that you and your family and your doctor will make your health care decisions, not some Federal board in Washington that thinks they're all-knowing.

WHERE ARE THE JOBS?

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, where are the jobs?

They're certainly not in the so-called "stimulus package" that passed this Congress and that hasn't created any jobs. In fact, we've lost millions of jobs since that package passed. They are certainly not in the cap-and-tax legislation that passed this Congress 6 weeks ago. That legislation will cost millions of American jobs. Mr. Speaker, they most certainly are not in this so-called "health care bill" that the Democrats are offering today, which will cost an estimated 4.7 million jobs as employers find they can't pay the taxes being imposed upon them and as we see those jobs going overseas to countries where they can afford to do business.

This is not the right way to preserve the choice for the American people in their health care. This is not the right way to make sure that our health care in this country is available to the many, many hundreds of millions of people who receive it today. We need to reform our health care system with legislation that deals with medical malpractice reform, with association health plans, with things that cut down on the cost before we address this massive tax increase.

ASSUMING NO RESPONSIBILITY

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, in the debate that we've had over health care, we Republicans have attempted to try and communicate our concerns to the American people. We have developed a simple chart that explains the bureaucratic morass that will exist between you, the individual—the patient—and your doctor, but we've been told we can't send this out because the majority party objects to it.

First of all, they said they didn't know whether it was true. Secondly, they said we didn't somehow substantiate everything. Thirdly, they don't like "House Democrats' health plan" here. So they suggested that maybe we should put on some sort of disclaimer, so I've come up with a disclaimer. We've tried to figure out what will work:

"The Democratic Party assumes no responsibility for providing this information to the American people." Maybe they don't like that. "The majority party assumes no responsibility for providing this information to the American people." "The House Democrats assume no responsibility." Finally, maybe this is what we ought to put up here, Mr. Speaker: "The President and the House Democrats assume no responsibility for providing this information to the American people because they know, if the American people knew this is what would happen to them and that this is what would be put between them and their doctors, they wouldn't support it."

HEALTH CARE REFORM

(Mr. SCHAUER asked and was given permission to address the House for 1 minute.)

Mr. SCHAUER. Mr. Speaker, while we can argue over the details of health care reform legislation, we know one thing for sure: Costs are guaranteed to increase if we do nothing. The status quo is unsustainable and unacceptable. Unfair trade deals and skyrocketing health care costs have devastated manufacturing in my State of Michigan over the past decade.

Last month, in my district, I heard from a small manufacturer at a health care forum in Tecumseh, Michigan. Karalyn Roesch told me that her manufacturing firm employs seven people in Lenawee County and that it covers 100 percent of her employees' health care insurance costs.

She said, "We are trying to do the right thing for our employees. Yet we have to compete with those who provide little or no health care."

She said that a quality, affordable health care system that covered every

American would not only provide needed care for the uninsured but that it would also help level the playing field for small business owners like her.

It's time to put partisan politics aside on this issue and put companies like Roesch Manufacturing first. We need a uniquely American health care system that costs less and that covers more to help small businesses compete in our global economy.

A GOVERNMENT TAKEOVER IS NOT THE SOLUTION

(Mr. WALDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN. Mr. Speaker, I was a small business owner for 21 years. There is no question that it's time to reform the health care system, but a government takeover is not the solution. Putting a government bureaucrat between your family and your doctor is not the solution, and losing the health plan you have today is not a solution. Yet the Democrats' bill would do just that. It puts a bureaucrat between you and your doctor. It doesn't have real reform. According to independent analysis, two out of three Americans won't be able to keep their plans, and it does nothing to bring down the costs. In fact, it drives up the deficit by over \$239 billion.

Meanwhile, if you're out in places like Oregon, rural Oregon, the CEO of Asante Health System, Roy Vinyard, in southern Oregon, said the government option under the Democrats' plan would be the death knell for hospitals since it pays Medicare rates. Currently, Medicare only pays 76 percent of their hospital's costs, and yet 52 percent of their patients are on Medicare. If the percentage of Medicare-like payments increases to 75 percent of their patients, the hospital will have to close its doors.

So that plan does nothing to rein in costs. It does nothing to keep the doors open. We need to reform health care, but let's do it in a way that puts patients first and that doesn't destroy small business.

SHOW US THE BILL

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, when it comes to passing a health care bill, leadership insists "this will happen." Speaker PELOSI claims to have the votes to get it passed on this floor.

If that's true, Madam Speaker, then show us the bill. If the rhetoric coming from the Democrats is true and if they're planning to steamroll a \$1 trillion health care experiment through this body before August, let's see it.

Let's debate it. Let's let the Americans see it.

The American people deserve to see a bill with plenty of time for an open and honest debate about exactly what is in store for them if this partisan experiment is passed. The American people have seen enough smoke and mirrors about the Washington bureaucrat who will be inserted directly between patients and physicians. They've seen enough smoke and mirrors about how many people will be forced off of their current health care plans. They've seen enough smoke and mirrors about the real cost of this plan. If you have the votes, then clear out the smoke. Show us the bill, and finally give hard-working Americans answers to their questions.

Show us the bill, Madam Speaker.

THE AMERICAN RECOVERY AND REINVESTMENT ACT

(Mrs. HALVORSON asked and was given permission to address the House for 1 minute.)

Mrs. HALVORSON. Mr. Speaker, this Congress is responsible for putting in place one of the largest tax cuts in American history as part of the American Recovery and Reinvestment Act.

We can see this benefit of the plan throughout all communities in our country. Because of this legislation, 95 percent of working Americans are receiving tax cuts through the Making Work Pay tax credit, which is a refundable tax credit of up to \$400 per worker and up to \$800 for couples filing jointly. This is an immediate tax relief for over 110 million working families at exactly the time they need it. Because of this legislation, families can also find tax relief through an expansion of the child care tax credit and through a new \$2,500 tax credit for families to help send more of our children to college.

In addition to this tax relief, the recovery plan has provided tens of millions of dollars of investment for improvement projects, like the improvements that have been made to infrastructure and to roads throughout our country.

WHO IS GOING TO PROVIDE THE HEALTH CARE?

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. Mr. Speaker, the Democrats are proposing that they're going to take over 20 percent of our economy. They're proposing they're going to spend at least \$1 trillion, probably \$2 trillion, in doing that, and they're going to put bureaucrats in charge of health care decisions. Now, this is not really a new idea. This has been tried a lot by other countries. It's called socialized medicine. So the question before us is very straightforward. It is this:

If you get sick, where do you want to be treated? Do you want to travel to Europe? Do you want to travel to Canada or do you want to stay in the good, old USA?

I had that experience 9 years ago here. I had newly been elected as a Congressman. I got the first physical I'd had in 10 years because I'd had lousy health care. They told me, Yeah, you're doing great, Congressman AKIN, except for one thing: You have cancer.

When you hear the word "cancer," it causes you to stop and think. Because of the American health care system, I'm standing here today, but I'll tell you the statistics of what would happen if you were in the United Kingdom. There is a 50 percent chance you'd be dead with the type of cancer I had. That's the question: Who is going to provide the health care?

LET'S GET THE AMERICAN PEOPLE WORKING AGAIN

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTHRIE. Mr. Speaker, I am here today to talk about what I mentioned this last week.

Back in the 1982 recession, in my State of Kentucky, we had unemployment rates at the level of over 11 percent. My father lost his job. He was one of those who'd worked for Ford Motor Company, and they closed the plant. Because of what happened in this House back in 1982, that being cutting taxes, cutting spending and putting faith in the American people, my father went from one who had lost his job to one who was starting a business and was becoming a job creator.

What has this House done, this Democratic majority, in the last 6 months? They've made it easier to sue businesses; they've raised energy rates on businesses if it has passed the Senate; also, they've put mandates on businesses for health care coverage; and they've instituted an 8 percent payroll tax.

I believe we need to cut taxes, cut spending, put faith in the American people, create jobs, and get people working again.

THE SYSTEM IS WORKING

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I have news for the American public. The system is working. The Congress is working. The Energy and Commerce Committee is working. The reason that the Speaker and the President can't get their health care bill through is that there is not consensus on it.

I want to congratulate the other 22 Republicans on the Energy and Com-

merce Committee who are united against this bad piece of legislation. I want to also congratulate the 7 to 10 Blue Dog Democrats and conservative Democrats on the same committee.

The reason we're not supportive of the President and the Speaker's plan is that it's bad for America. It doesn't solve the problem. It costs too much. It has got too much bureaucracy. The word "shall" is mentioned almost 2,000 times. It's a \$1 trillion hit on the economy, and it doesn't solve the problem.

We, the Republicans on the committee, have over 80 amendments that we wish to offer. Our Blue Dog friends have over 20. I asked the Speaker and Chairman WAXMAN to bring the bill up for markup. Let it be an open and transparent markup. If it takes us until September or October to get it done right, it's better to get it done right than to do it badly. The system is working.

HEALTH CARE REFORM

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute.)

Mr. LOEBSACK. Mr. Speaker, I am proud to be part of an effort to improve health care in this country. I have heard from countless Iowans about the need to change the current system. I have also heard from Iowans that we need true reform.

Just today, the University of Iowa, the Iowa Health Care Collaborative, and the Concord Coalition sent me a letter. They stated, "We believe that the primary focus for all policymakers should be improving the value in health care." I agree.

Last week, the Iowa Democratic delegation, along with many others, reached a compromise with leadership that improves the value in health care. I want to thank leadership and their staff for their work. The compromise will provide a significant cost savings, and it will fix a broken Medicare payment system so that we are rewarding quality of care and not quantity. Iowa has been a leader in quality care, and I am glad that Iowa and other high-quality, low-cost regions will be rewarded for doing what is right for patients.

HEALTH CARE

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, over the last few weeks, my office has been flooded with letters, faxes, phone calls, and e-mails from all types of citizens throughout northwest Florida. The messages all say the same thing: stop the government takeover of our health care system.

Now, the majority party's proposed legislation costs over \$1 trillion. It

would increase the deficit by \$240 billion. It would actually raise the cost of health care for an American family.

Mr. Speaker, this is not the way to reform the American health care system. Americans want more choices for health care, not fewer choices. They want to choose the doctors they see and when they want to see them, and they don't want their medical decisions made by a faceless bureaucrat here in Washington, D.C. Floridians are not willing to have their health care rationed, and they do not want the government takeover of health care that the majority in Congress is proposing.

□ 1400

HEALTH CARE PURCHASING EXCHANGE

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, when a Member of Congress is sworn into office, you get a pin, you get a voting card, and you get access to a health care purchasing exchange that's operated by the Federal employees health plan. Every Member of Congress has the ability to buy into or to choose a plan through the Federal employee health plan which, when you boil down the health care reform bill that has passed the Ways and Means Committee and the Education Committee, is exactly what is going to be before this House.

For example, the minority leader from Ohio has, as a Member of Congress, the opportunity to choose 13 different plans under the Federal employee health plan. That's what the Obama health care proposal plans to do for all Americans. So when the time comes for the vote, ask your Member of Congress whether they're prepared to give to the people of America exactly what the people of America give to Congress, and that vote should be "yes."

TIME FOR WASHINGTON TO GET OUT OF THE WAY

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, the issue this week is health care and jobs, jobs, jobs. You know, a friend of mine who employs many people in my district, and he also provides very good health benefits, said to me recently that the policy proposals coming out of Washington are impeding job creation and scaring people. He's right. And there are five issues that are driving his concern:

First, a stimulus bill that spends too much, borrows too much and delivers

too few jobs; two, a budget that doubles the national debt in 5 years and triples it in 10 years; three, a card check bill that is undemocratic and imposes binding arbitration which will increase health care and other costs; four, a national energy tax cap-and-trade that will cost 66,000 jobs in Pennsylvania and jacked-up electric bills, natural gas bills, and prices at the gasoline pump for consumers; and, five, now a House health care bill with enormous tax increases and mandates on all businesses and businesses of all sizes.

Enough is enough. Time to let Washington get out of the way and let job creators do what they do best: create jobs.

TIME TO MOVE NOW

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. RICHARDSON. The American people know something for sure, and that is premiums have doubled over the last 9 years growing three times faster than what we've seen in wages. The American families know that they're spending more than \$1,000 a month than what they have had to do in the past.

So let's talk about what really the American solution is. It's having lower costs for consumers to no longer have copays or deductibles for preventative care, to have an annual cap to end that cap on out-of-pocket expenses, to end the rate of increases for preexisting conditions and, of course, looking at group rates.

We're ready for action. We've had six decades of discussions; we've had 45 hours of bipartisan debate, and 79 House hearings. It's time and it's time to move now.

STOP THE RACE TO GOVERNMENT-RUN HEALTH CARE

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, last night I made thousands of phone calls across my district in a tele-town hall meeting, and I listened to my constituents, and two phrases emerged. The first one was "fear." They're afraid of the recklessness that would allow us to begin a massive new program the experts agree will not reduce health care costs and will devastate the economy before we fix Medicare, which they know will be bankrupt in just 8 years.

They're afraid of the arrogance that leads some to conclude that a government committee or bureaucrat will make a better decision about an individual's health care than that individual can make with their doctor.

And they're also afraid of the shortsightedness of creating a plan that will result in rationing health care to seniors and creating longer lines and waits for the procedures they need.

But they're also grateful. They're grateful for those of us who will listen to them to bring some common sense and balance to the health care debate by stopping this race to a government takeover of their health care system and that will work instead for a system that finally puts our patients first.

THE "HEALTH" IN HEALTH CARE

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Mr. Speaker, we must put the health back into health care. Building a culture of wellness, including good nutrition and incentivizing prevention, moving from system-centered care to patient-centered care, and creating new insurance models can help meet this goal. These are the right solutions for strengthening America's health care, and they should be the basic components of an honest national debate.

The current debate is framed incorrectly, focusing on a loosely defined public option. This vast new government arrangement of our health care system may transfer millions of Americans against their will, Mr. Speaker, from their current insurance to a government plan and will add to our unsustainable fiscal conditions. It will not resolve the underlying problems driving costs for small businesses and families.

We have the opportunity in the next few weeks to do something right and good for the American people, to strengthen our Nation's health care by improving health outcomes while reducing costs and protecting vulnerable persons.

READ THE BILL

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. On the heels of the failed stimulus bill that added another roughly \$1 trillion of debt to our Nation's debt, also leading to about another two million people losing their jobs in this country and then that cap-and-trade energy tax proposal that literally would run millions of jobs out of our country, most Americans across our Nation are saying, Where are the jobs?

And, instead, the latest proposal by President Obama and Speaker PELOSI is this attempt to mandate a government takeover of our health care system.

And, you know, the President goes out and he gives these speeches. And he

says under his plan if you like the plan that you have, you can keep it. Well, unfortunately, I don't think the President has read his bill because if you look right here in section 102 of the bill, it says that the government health care czar is going to be able to take away your health care plan even if you like it. It's right here in the bill.

Another part, Mr. Speaker, of what the President says is anybody who makes under \$250,000 a year won't pay anymore in new taxes. Once again, maybe the President hasn't read his own bill, but in his health care bill right here in section 401, tax on individuals without acceptable health care, \$29 billion in new taxes.

Read the bill.

AMERICAN PEOPLE WANT REAL HEALTH CARE REFORM

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Mr. Speaker, I rise in strong opposition to the Democrat majority's government-run health care plan. That is a phrase that the Speaker of the House does not want us to use. She's told us we can't use it in our mail. We're supposed to use the "public option."

Well, to use the word that the President apparently likes, the American people aren't stupid. They know it's government-run health insurance, and they don't want it. They know the Democrat majority proposes to cut costs by rationing care by deciding whether or not you get to go to the doctor, which doctor you get to go to; if you need a specialist, which specialist you need to go to, when you need to go; if you need surgery, when you get to go, if you get to go.

And most importantly, end-of-life care for our seniors. The government wants to decide whether or not certain seniors will get procedures they need to enhance their quality of life and whether or not the computer model determines that that's not the highest and best use of their health care dollars.

American people don't want that. They want real reform just like the Republicans do. We want to have cost control, we want quality, we want access with real reform like tort reform.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SALAZAR). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the rules of the House.

HEALTH CARE AND TAXES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, we all agree that real health care reform is a necessity; but in the haste to get this done, the wrong approach to achieve this worthy goal would be to increase taxes, especially on our small businesses. These vital small business owners are already straining not to cut jobs and wages. Most small business owners want to offer health insurance to their employees, but they simply cannot because the already-inflicted costs just continue to increase.

What we need is true health care reform that brings down the cost of care in our country. We find creative ways to hide the actual costs of taxes and mandates. That makes no sense for Americans, no sense for our small businesses, and certainly no sense for our future generations who will be saddled with a lot of debt.

THE AMERICAN PEOPLE HAVE A RIGHT TO KNOW WHERE ARE THE JOBS

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the American people have every right to ask where the jobs are. They know we are losing a half million jobs each month, and yet they saw this Democratic majority pass an energy bill that will raise utility rates for every American. Now they see the Obama White House and the Democrats pushing to drastically cut Medicare and massively raise taxes on small businesses to pay for their government takeover of health care. The people know that will mean millions more jobs lost.

We need tax credits, Mr. Speaker, to help make health care more affordable and accessible, not massive tax hikes. We need job creation. We need more jobs, not massive layoffs caused by massive tax increases.

PROTECTING LIVES, KEEP IT OUT OF THE GOVERNMENT'S HANDS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I agree that the cost of health care has become expensive for my constituents, too expensive for my constituents and all Americans. What we need is to reform the current system and not turn it over to the government.

Letting patients choose the coverage that reaches their health care needs should be the focus. This is not a one-

size-fits-all conclusion. Just ask my constituents Brad and Christy Norwood. They became the proud parents of Brycen in May of 2008. At birth, he appeared to be a healthy baby boy, but during a routine exam, a nurse discovered a heart murmur that was keeping blood from reaching his lower extremities. One week later, he underwent surgery to correct the problem; and thankfully today, Brycen is a happy, healthy 1-year-old.

His parents hate to think that if the proposed health care plan had been in place, the decision about Brycen would have to go through a government bureaucracy and could have possibly taken too long to save his life.

Let's not put Brycen's life or anyone else's in the hands of a government bureaucrat.

HEALTH CARE MONTH

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. The Democrats' health care bill is bad legislation. But don't take my word for it. All you have to do is look at the chaos on the other side of the aisle as their leadership freely admits August would be like kryptonite to their proposal. If they truly believe this legislation was a cure-all for health care reform, they would relish the opportunity to send their Members home to build public support for it. But, no, the Democrat leadership is in desperation mode because they know their bill will not hold up under public scrutiny.

So let's tap the brakes, let's engage our constituents and the American people in this discussion about our goals for health care reform. August can become health care month in America if only the Democrat leadership will listen to reason and we can engage our constituents in the debate.

The Democrats' goal should not be to get this done fast, but to get it right for the American people. That's what I'm fighting for, and that's what this debate should be all about.

HEALTH REFORM INITIATIVE

(Mr. SARBANES asked and was given permission to address the House for 1 minute.)

Mr. SARBANES. Mr. Speaker, I wanted to just take a moment and speak about two very important elements in the health reform initiative that we are considering in the House. Both of these are things that will help to strengthen the relationship between the physician and the patient.

The first is something called medical-loss ratio. That's a technical term, but it basically means how much does that insurance company use of the premium you give them to actually spend on medical care. If they don't spend at

least 85 cents on the dollar, it means they're not giving the kind of care to the patient that they deserve.

The second important thing is the investment in preventive care that we're going to make in this bill so that a physician can spend more time with the patient. There are elderly patients all across the country who wish that their physician could spend a little bit more time with them to really understand their situation. We don't reimburse for that right now. But going forward, we can do that, and that will promote the relationship between the physician and their patient and lead to overall better care for that patient and a better relationship with that patient's family.

□ 1415

HEALTH CARE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, House Republicans have a plan to make health care more affordable and promote choice and competition among health plans. Unfortunately, the House Democrats' health care bill is light on cost control and heavy on government control.

A recent New York Times editorial expressed support for the House bill, but described the prospects for lower health care premiums as "unclear" and "distant."

Mr. Speaker, if that's the best the bill's supporters can say about it, it's time to start over. We need a bill that gets health care costs under control without bankrupting our country or setting the stage for a complete government takeover of our health care system.

WHERE ARE THE JOBS?

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. Mr. Speaker, the Obama administration and congressional Democrats promised us that the trillion dollar stimulus that they passed and put into law would create jobs immediately. Well, last month alone we lost almost a half-million jobs, unemployment stands at 9.5 percent and going higher. It's clear that the stimulus package didn't work.

And their response has been, first, they passed an energy tax that's going to make America less competitive and drive American jobs offshore.

They're now in the process of increasing spending in the appropriations process by 12 percent.

And now this week they're trying to ram down a health care plan that's going to raise taxes on American business, cost jobs, and force people into a

government-run, rationed health care plan.

All one has to do is look at this chart to understand the complexities and the inefficiencies they're going to put into this system. I might add this is a chart that they won't allow Republicans to mail out to our constituents to try to explain the complexities that they're going to put into health care.

The height of hypocrisy, though, was when in committee Republicans offered an amendment that would force all Members of Congress to participate in their health care plan, and what did they do? They voted it down. They won't allow the Congress to be in the health care plan that they're trying to pass.

JUST WHO ARE THE "UNINSURED"?

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute.)

Mr. FRELINGHUYSEN. Mr. Speaker, as the House majority presses hard to force-feed to Congress a government takeover of health care in the next few days, it would be very instructive to answer the question: Just who are the "uninsured"?

The most recent Census Bureau report of 2007 said that there were roughly 46 million people in this country labeled as "uninsured": 9.5 million were noncitizens; 18 million were between the ages of 18 and 30; 12 million people had household incomes less than \$25,000, which means they already qualify for existing public health care programs; 7.3 million had annual incomes higher than \$84,000, putting health coverage within their own financial reach; and 9.1 million were uninsured for less than 1 year—and half of these people regained their health coverage within 4 months.

This leaves 7.8 million lower income Americans who can be characterized as the long-term uninsured. Yet the majority is promising trillion dollar legislation that "significantly expands the Federal responsibility for health care costs."

And how do they pay for it? Taxes, more taxes, more taxes.

THE DEMOCRAT PLAN: A GOVERNMENT TAKEOVER OF PRIVATE HEALTH CARE

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute.)

Mr. RADANOVICH. Mr. Speaker, if the need to reform our health care system wasn't so serious, the Democrat government takeover of health care might actually be humorous. It's laughable that their idea of "cost-cutting reform" is a bill that will increase the Federal deficit by \$239 billion over 10 years and includes a \$1.3 trillion

spending increase. Only in Washington, D.C., does cutting costs mean spending more money.

America's small businesses, including our Nation's farmers, are going to be hit the hardest by this huge expansion of government through billions of dollars in new taxes and mandates, and yet the bill doesn't even address the seasonal workforce that farmers rely on to harvest their crops. Once again, small business and rural America are swept under the rug and forgotten, but not before they get a huge tax bill.

The bottom line is that the Democrats' public option is a sneaky plan to take over private health care.

Mr. Speaker, get me a doctor. The idea of government taking over health care is enough to make you sick.

THE HOUSE HEALTH CARE BILL SETS THE TONE FOR A GOVERNMENT TAKEOVER OF THE HEALTH CARE SYSTEM

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute.)

Mr. ALEXANDER. Mr. Speaker, we all know that the health care system that we have in America is the best that the world has to offer. Do we need to improve it? Absolutely. But the question is how far do we go?

Do we tax the employer, who is now struggling to make ends meet, increase payroll taxes by 8 percent? No. We give that employer an advantage, an incentive to provide health care. Give him a tax break. Give the employee a tax break so they can go out and buy their own insurance. So give them an incentive.

But if we go and pass this bill, the government-run-all health care plan, we are going to break the backs of small businesses across this Nation that are the backbone of this Nation. Then we will hear a cry, Where are the jobs?

THE NATIONAL DEBT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, the national debt has topped \$11 trillion, unemployment has reached a 26-year high of 9.5 percent in June, and some believe it may go to 11 percent; \$56 trillion in unfunded obligations. Countries like China and Saudi Arabia are buying up America and the future of our children; a \$1.84 trillion deficit this year and it may actually go to \$2 trillion; and Standard & Poor's said we may lose our AAA bond rating by 2012.

Now the House Democratic health care reform bill moving through the committee at lightning speed does not include, as CBO said, "the sort of fundamental changes that would be nec-

essary" to reduce the skyrocketing cost of health care spending under Medicare.

This is not going to create jobs; this is going to kill jobs.

THE CURRENT DEMOCRAT HEALTH CARE BILL IS NOT THE RIGHT SOLUTION TO REFORMING HEALTH CARE

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, health care costs are increasing at two and three times the rate of inflation. If this continues, it will obviously ultimately consume us; so we have got to do something to reform health care.

But the bill making its way through the committee process can't be the right solution. According to economic modeling by the President's own chief economic adviser, the business tax hikes alone would destroy up to 4.7 million jobs. An independent analysis by the nonpartisan Lewin Group found that 114 million Americans would lose their current health insurance. And the CBO recently noted this health care plan would "probably generate substantial increases in Federal budget deficits."

Mr. Speaker, this can't be the right solution. We can do better. We need to keep working. And please include Republican ideas in this work product.

IN THIS RECESSION AMERICANS ARE CUTTING BACK TO MAKE ENDS MEET; CONGRESS SHOULD BE DOING THE SAME

(Ms. JENKINS asked and was given permission to address the House for 1 minute.)

Ms. JENKINS. Mr. Speaker, this recession has forced Kansas families to change their ways. Folks are cutting back just to make ends meet. Now that's what Congress should be doing here in Washington.

But we aren't cutting back. In fact, the majority says we need a health care plan that will cost us jobs, when actually what we need is to take responsibility for our actions.

We need to rein in spending. We need to reduce the deficit. We need to stop legislation that will add hundreds of billions of dollars to the Nation's debt. We need to empower families to purchase health care that is the best fit for them, without waiting lines and without mountains and mountains of debt.

I will continue to fight for common-sense solutions. Americans deserve no less.

HEALTH CARE AND PUBLIC
OPTION

(Mr. SCHIFF asked and was given permission to address the House for 1 minute.)

Mr. SCHIFF. Mr. Speaker, as a Nation, we spend almost twice as much per person on health care as any other country, or about 16 percent of our gross domestic product. And for all the money that we are spending, our health care system does not produce the best outcomes.

Millions of Americans have no health care insurance and receive their care at the emergency room. Millions more must make the difficult choice of whether to pay their medical bills or pay their mortgage because they can't afford to do both.

I support reforms in the health care package that will bring down health care costs by tying payments to outcomes rather than the quantity of tests being run, by ending the government's overpayment for prescription drugs, by empowering an independent commission to put health care cost reductions before the Congress for up-or-down votes, and by investing in prevention and primary care.

One of the choices that should be made available in the health insurance exchange is a public health insurance option. I strongly believe that the advent of a public plan alongside private insurance coverage would achieve a number of beneficial goals, providing a greater choice to families and much-needed competition with private insurers. The new plan would also use its inherent advantages to control costs over the long term through lower administrative overhead and the ability to bargain for volume discounts.

In order to make sure the public plan has the legs to compete with private insurers, I believe it needs to be available now, not as a fallback, and that we need to allow it access to an established provider network, like Medicare, that will ensure the plan competes on a level playing field.

As a nation we spend almost twice as much per person on health care as any other country or about 16 percent of our gross domestic product. And for all the money we are spending, our health care system does not produce the best outcomes.

Millions of Americans have no health care insurance and receive their care at the emergency room. Millions more must make the difficult choice of whether to pay their medical bills or pay their mortgage because they cannot afford to do both.

I support reforms in the health-care package that will bring down health-care costs by tying payments to outcomes, rather than the quantity of tests being run, by ending the government's overpayment for prescription drugs, by empowering an independent commission to put health care cost reductions before the Congress for an up-or-down vote, and by investing in prevention and primary care.

One of the choices that should be made available in the health insurance exchange is a public health insurance option.

DEMOCRATS' HEALTH CARE
TAKEOVER—BAD FOR SENIORS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, this is the Democrat health plan, and this over 1,000 pages of legalese is the Democrat health plan.

This thing is really bad for America, but it's even worse for seniors. It's going to result in cuts in Medicare benefits. It's going to destroy Medicare Advantage. It's going to end up rationing health care. And if you don't believe that, listen to what the President said:

"The chronically ill and those toward the end of their lives are accounting for potentially 80 percent of the total health care bill out there. There is going to have to be some very difficult democratic conversation to take place on this."

He's talking about rationing health care and talking about how we're going to deal with these people who are getting a little bit older who need care. But you know what they're going to do to make sure that the seniors are going to be happy? They are going to give them end-of-life counseling. Take away benefits but tell you how you're going to die.

INSURANCE COMPANY PROFITS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, right now just about 60 percent of Americans receive their health insurance from their employer. But from 2000 to 2007, the annual health insurance premium for employers and employees rose from \$6,628 to \$12,153. The average worker's share of premiums grew by 116 percent, and the average employer's share rose by 75 percent, while wages only went up 4 percent.

Americans can no longer afford health insurance through the insurance company. In fact, a recent study found that 73 percent of all Americans who seek an individual insurance policy do not end up purchasing one, either because they were turned down due to preexisting conditions or their premiums were unaffordable.

Mr. Speaker, all Americans should be entitled to health insurance. But according to the SEC, Security and Exchange Commission, filings from 2000 to 2007, profits at the top ten publicly traded health insurance companies rose an astonishing 428 percent, from \$2.4 to \$12.9 billion.

Get the excessive profit out of health care. Provide health care for all Americans.

□ 1430

AMERICANS LOSE CONTROL OF
THEIR OWN HEALTH CARE
UNDER DEMOCRAT PLAN

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Mr. Speaker, Democrats in this body are negotiating behind closed doors the most sweeping changes to American health care since the 1960s. An article on CNN's Web site today explains the dangers of what happens when one party negotiates with itself in secret.

Entitled "Five Freedoms You Would Lose in Health Care Reform," it explains that under the plan drafted by House Democrats, families will lose choices and control of their health care. According to the CNN story, Americans would, one, lose the freedom to choose what is in their insurance plan; two, lose the freedom to be rewarded for healthy living or pay their real costs; three, lose the freedom to choose high deductible coverage; four, lose the freedom to keep their existing plan; and, five, lose the freedom to choose their doctors.

Americans need more health care choices, not fewer. House Democrats should scrap this plan and negotiate in a bipartisan effort to help increase choices and reduce costs.

COLLUDING TO KEEP HEALTH
CARE COSTS HIGH

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, while the Republicans are mounting a fabulous defense of the health insurance industry, the party of do nothing is saying reform and health care is not needed.

They talk about competition, except they ignore the fact that the health insurance industry is exempt from anti-trust law, so they can and they do collude to jack up the rates—two times the rate of inflation. Profits are up 250 percent in the last 10 years, while wages and earnings are down for most Americans and small businesses. But they ignore that little fact when they talk about we can't have a public plan. That would hurt competition. No, it will bring competition for once to the health insurance industry.

Then they forget about a few other things. They collude also to exclude individuals from coverage because you have been sick or you might get sick. Preexisting conditions or anything an insurance company doesn't like, they can deny you coverage, even if you are willing to pay their full premium.

They can and do, insurance companies, their friends, deny people renewals because they had the temerity to get sick after paying their premiums.

The SPEAKER pro tempore (Mr. SALAZAR). The time of the gentleman has expired.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must ask all Members to bear in mind that the principle of heeding the gavel that sounds at the expiration of their time is one of the most essential ingredients of the decorum that properly dignifies the proceedings of the House.

No Member should labor under a misapprehension that ignoring the gavel at the expiration of one's time can be a demonstration of civil disobedience. To the contrary, such a willful discourtesy is an act of stark incivility and has been the object of a formal call to order.

The Chair enlists the understanding and cooperation of all the Members at this point.

WHERE ARE THE JOBS?

(Mr. HELLER asked and was given permission to address the House for 1 minute.)

Mr. HELLER. Mr. Speaker, August 17th is an important date. Yes, it is my wife's birthday. Thanks for remembering that. But it is also the six-month anniversary of the stimulus. Let's go back six months.

Mr. Speaker, remember when the President promised that unemployment, if this bill passed, would not go above 8 percent? Maybe that was hope.

Remember when the Speaker said jobs, jobs, jobs? Maybe that was hope.

Remember when the majority leader said we would see immediate results if this particular piece of legislation passed? They were all hollow promises, hollow promises for bad legislation.

This August 17th, my wife is going to ask: Where are the jobs? I am going to ask: Where are the jobs? Nevadans are going to ask: Where are the jobs? Americans are going to ask: Where are the jobs?

Happy birthday, sweetheart.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

HEALTH CARE REFORM WANTED, NOT A REVOLUTION

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today to discuss the health care concerns my constituents shared with me last night at a town hall meeting.

Overwhelmingly, I heard from those who legitimately worry that this proposal will force them from the private insurance they enjoy now. One caller

told me that she was able to provide for her medically fragile child only because of her employer-provided health care, which she described as "expensive, but worth every penny." She fears that under this so-called reform bill, her coverage options would be limited and her child will be denied the care that she needs.

Many of my constituents who are remarkably well informed about this complex legislation are also outraged by its cost. They question how \$1.6 trillion in new spending and 53 new bureaucracies will make health care better. One caller, a Federal employee, was dismayed at the thought of dealing with the same sort of bureaucrats at his doctor's office that he dealt with at his job.

Mr. Speaker, my constituents have spoken. They want commonsense solutions to lower costs, increased accessibility and improved care, and they know that this bill is not it. In short, they want health care reform, not a revolution.

PROPOSED HEALTH CARE REFORM A JOB KILLER

(Mr. ROSKAM asked and was given permission to address the House for 1 minute.)

Mr. ROSKAM. Mr. Speaker, a few years ago I was at a famous Cubs game and watched as the Chicago Cubs were leading up to this crescendo. They were playing the Florida Marlins, and it actually looked for a minute as if the Chicago Cubs were going to go to the World Series. The announcer began to say, Well, there are five outs left and the Cubs are going to go to the World Series, and it got incredibly exciting. And then there was a bobble over in left field, and the rest is history. I mean, the air went out of Wrigley Field like nothing I had ever seen before. Just whoosh.

Well, that is exactly what happened in the Ways and Means Committee when the Director of CBO, the Congressional Budget Office, came in and said, and I am paraphrasing now, the following about the Democrat majority's plan:

Number one, you are rushing this. You haven't given us time to evaluate it; but, number two, there is nothing that indicates that this is going to save money. In fact, it looks like a budget buster.

Again, whoosh, all the energy left the room.

Americans know that we can do better. Americans know this is a job destroyer. Let's do the right thing.

FIXING HEALTH CARE

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Now, imagine if you called your doctor

because you were very sick and immediately he wrote a prescription and scheduled you for surgery and sent you on your way. And you said, But, Doc, I have got a medical file that is three inches thick. It is 1,200 pages long. Don't you want to examine me, read it, ask some questions, order some tests? And your doctor says, No, I don't have time for this because I am working on a deadline.

We all need to agree and work together. Our health care system does need reform and we want to reform it. Let's work together to fix it, not just come up with an arbitrary deadline.

We have to allow you to buy insurance from anywhere in America, have basic plans that cover what families really need and worry about, have transparency about quality and cost, and provide some financial assistance to those that need it. And, finally, let's make insurance personal, portable and permanent.

PUTTING PATIENTS FIRST

(Mr. BACHUS asked and was given permission to address the House for 1 minute.)

Mr. BACHUS. Mr. Speaker, throughout the year there has been a drumbeat, a relentless drumbeat of expensive stimulus packages, takeover of the car companies, financial bailouts, and cap-and-trade. And the drumbeat continues today, more government control, more government spending, higher taxes, fewer choices, especially for small business.

Now the Democratic leadership wants to take over one-sixth of our GDP, our health care. They want government to take over health care. It is a recipe for economic disaster. Even worse, it is a disaster for patients, because a government-run system will always ration care, reduce quality, and raise costs. It will put a Federal bureaucrat between you and your doctor.

Let's put patients, not the government, first. As long as we continue this government-knows-best approach, we are not going to get health care reform or the kind of economic recovery the American people need. We will only get bigger government, rationing, and diminished quality of care.

Stop the drumbeat of more government. Stop the takeover of government health care.

A BIPARTISAN APPROACH TO HEALTH CARE REFORM IS NEEDED

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, Members on both sides of the aisle are in favor of health care delivery reform. We want universal access. We

want universal coverage. But what the Democratic majority has given us in their rush to get something through this body by the end of the week is 1,100 pages of universal nightmare, and this is not what the American people want.

They don't want these long lines, these long queues, this rationing of care. They don't want nonelected government bureaucrats telling health care providers what they can give and what they can offer and what they can prescribe to take care of their patients.

Mr. Speaker, we can come together in a bipartisan way and rewrite this H.R. 3200 and do it for the American people, bring down the cost of health care, and promote universal access. That is what we need to do. We need to do it in a bipartisan way, and I recommend to the Democratic leadership, let's go back to the drawing table.

GIVE AMERICANS A HEALTH CARE PLAN THAT WON'T MAKE THEM SICK

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, the latest numbers we have are for 2007. You divide the total number of households in America into the total amount of money spent on Medicare and Medicaid, it is \$9,200 for every household in America.

We are not getting our money's worth with this government-run health care. And now the President wants to spend another \$1 trillion? Well, there is a Republican plan that we can't get from legislative counsel to bring to the floor or even have CBO score it that would say, you know what? For the first time ever, we are going to give senior citizens complete control of their health care. We are going to give them cash money in a health savings account they control with a debit card, not the government, not an insurance company, and then we will buy them the best private insurance you can have for everything above that.

That gives them complete coverage; no wrap-arounds they have to buy, no surplus insurance. That is a plan that won't make America sick.

STOP THE GOVERNMENT TAKEOVER OF HEALTH CARE

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, recently I met with dozens of doctors in east Texas to discuss health care, and, with only one exception, every one of them said that they had recommended to their children that they not follow in their footsteps and practice medicine. Health care is losing our best and

our brightest due to its threatened takeover by the Federal Government.

Republicans have commonsense solutions to our health care challenges to ensure that all Americans have access to the high quality health care they need, when they need it, at a price they can afford.

When it comes to health care decisions, no government bureaucrat should ever come between you and your doctor, and if you are happy with your current plan, Republicans want you to be able to keep it.

In contrast, Speaker PELOSI has proposed a government-run health care rationing system paid for by higher taxes on small businesses and borrowing yet more money from the Chinese, while sending the \$1 trillion bill to our children and grandchildren.

Mr. Speaker, if you loved the government takeover of our banks, of our auto companies, of our mortgage companies and AIG, you will love the takeover of your family's health care.

INITIATE REAL DEBATE ON HEALTH CARE REFORM

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, right now we are debating one of the most important issues facing our country today, health care reform. There is no doubt that our current system must be reformed.

Unfortunately, rather than conducting a meaningful debate on how to improve access and quality and lower the cost of health care, the majority is making deals behind closed doors and going through the yellow pages to figure out who they can tax in order to pay for the \$1 trillion bill they propose.

The majority asserts that their bill will insure more people, but the cost to America will not only be in dollars and cents; the bill will dramatically alter our health care, which is 20 percent of our economy, through the creation of a government-run public option. For those with private insurance in the short time before they are forced into a public plan, a government plan will still dictate what government service they can and cannot have.

This is unacceptable. The only people in the room making health care decisions should be you and your doctor, not a Washington bureaucrat.

I urge my colleagues to reject this misguided and dangerous proposal and initiate a real debate on health care reform.

□ 1445

WHERE ARE THE JOBS?

(Mr. LOBIONDO asked and was given permission to address the House for 1 minute.)

Mr. LOBIONDO. Mr. Speaker, we are rapidly coming up on the 6-month anniversary of the stimulus bill. The question all across America, the question in New Jersey, and the question in my district in south Jersey is, Where are the jobs? We had jobs that were promised, good jobs that were promised, jobs that were going to be available. The unemployment rate was going to come down. The families in New Jersey are hurting. The families in south Jersey are hurting. Our unemployment rate in the State of New Jersey is 9.2 percent; and in most of my counties, it's well above 11 percent.

Most of the stimulus money has been financed by the Chinese. And people are asking, Where is the help going to come from? But there is one category that has had a dramatic rise in employment, and that is in the category of czar. So if you are a czar, make application. Your day is coming.

CONCERNS WITH THE DEMOCRATIC HEALTH CARE BILL

(Mrs. CAPITO asked and was given permission to address the House for 1 minute.)

Mrs. CAPITO. We all share a desire to enact health reform that lowers costs and improves care, but I am less convinced that the plan being developed across the aisle is the most responsible approach. We're talking about a bill with a \$1.5 trillion price tag. We have the Congressional Budget Office saying the bill fails to control costs. We know it doesn't address legal reform; we know that a government-run health care plan threatens the insurance of millions of Americans; and we know that the bill's push to tax small businesses threatens jobs all across the country.

I just talked to a small business owner from Calhoun County. Her quote is, "This scares me." This is not the time to risk more jobs. I urge my colleagues on the other side of the aisle to join us in real dialogue. This is an issue too important for one party to go it alone.

WHOSE SIDE ARE THEY ON?

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, whose side are they on? Whose side are they on? This is the same party that in the 1960s told the country that Medicare would destroy the country. Whose side are they on? We are on the side of the American people. In 2007, three out of 10 young adults had no health insurance, none. Whose side are they on?

We will eliminate the doughnut hole with this bill, the doughnut hole that sticks so many senior citizens with full prices for their prescriptions. We'll take care of that with this bill. Whose

side are they on? We'll end medical bankruptcies. So many people have lost their homes because of illness. We'll take care of that. Whose side are they on? They are making these false claims that the government will come between you and your doctor. Insurance companies come between you and your doctor right now.

They say that you'll wait in line. Don't believe it. Don't believe it. We're finally putting people in line and saying, You can walk in and make an appointment just like they can. Before I yield back, I have one last question: Whose side are they on?

PATIENTS AND THEIR DOCTORS SHOULD MAKE HEALTH CARE DECISIONS, NOT WASHINGTON BUREAUCRATS

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, last week the President accused doctors of performing unneeded treatment just for money. I received a call today from Dr. Mobley. He is the ear, nose and throat residency director at the University of Utah who oversees the training of doctors, and he was disappointed at the President's remarks.

He appropriately thought the President should apologize for two reasons: Number one, his baseless accusations against the profession; but also the second reason is because of the underlying message of the statement. And I don't know why the President decided to become involved in kids' tonsils; but for some reason, he thought it was within his jurisdiction.

His statement implies a time will come when the government bureaucracy will deem it in their realm of power to decide what a doctor and a patient may or may not do. A government big enough to provide for our basic needs has historically found themselves increasingly comfortable in regulating other behaviors related to that health care need. In other countries they've told one how to exercise, how and when to eat, to sleep, what kinds of cars to buy. What we need is a system that allows the patient and the doctor to make decisions, not a Washington bureaucrat.

MORE JOB LOSSES UNDER THE DEMOCRATIC HEALTH CARE BILL

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, this is a flow chart which the Democratic leadership doesn't want you to see, but this is a flow chart of the Democratic socialized medicine—I will use that term—but government-run health care plan. You see, you are here, your doc-

tor is here, and all this stuff is somewhere in the middle. Now this plan adds 53 new departments, agencies and commissions.

Mr. Speaker, this plan is going to tax more. It is going to cost more. It is going to spend more. It is going to borrow more. But there is one thing we're going to get a lot less of, and that's jobs, by some estimates, nearly 5 million less jobs. Why would we want to do this? This isn't health care reform; this is just nuts.

HEALTH CARE REFORM NEEDS TO GET DONE RIGHT

(Ms. GRANGER asked and was given permission to address the House for 1 minute.)

Ms. GRANGER. Mr. Speaker, I rise this afternoon to express my deep concern about the debate over health care reform. This debate is not about whether reform is needed. The debate is about ensuring that health care reform is done right. I was a small business owner. I owned my business for 20 years. I can speak with a certainty of experience that the tax increase that's been proposed to pay for the Democrats' health reform bill will have a devastating impact on businesses and their employees.

Not only will the impact of the Democrats' bill be felt by business owners; but as individuals, the relationships we have developed with our doctors could be jeopardized. As an individual, I don't want anyone coming between me and the advice of my doctor. It's as simple as that. Choosing a doctor is one of the most personal and most important decisions we can make. Our health care options should be decided between doctor and patient, not by a health choices commissioner.

Mr. Speaker, my constituents want this process done right. They want options; and they want access, not mandates by government bureaucrats. They want affordable health care, not trillions more in debt. We owe it to the American people to get this right.

TOO MUCH BUREAUCRACY IN THE DEMOCRATIC HEALTH CARE BILL

(Mr. PUTNAM asked and was given permission to address the House for 1 minute.)

Mr. PUTNAM. Mr. Speaker, with just 1 week left before we return to our districts, it is alarming that we do not have a final health care bill to read despite the Speaker's determination to have a vote on it this weekend. To get a head start though, I decided to look through the incomplete version available to the public online.

No further along than page 16, there is a provision that essentially says, A private insurance provider cannot enroll new beneficiaries into a health care plan. In short order, government-

approved health care will be the only option. Current nonpartisan estimates project that as many as 114 million people will lose private health insurance. Nearly 5 million jobs will be lost due to the new taxes and mandates, and a whopping \$1.3 trillion will be added to Federal spending over 10 years.

The bill creates 53 new commissions, councils, bureaus, advisory panels, and offices. If the American people think it's difficult to navigate the current health care system, just wait until more bureaucrats are involved. Why have the authors of this bill declared war on small business only to grow the Federal Government? Americans do not need more government. They need private sector jobs and affordable, quality health care. This bill provides neither.

THE GOVERNMENT IS AN UNFAIR COMPETITOR TO THE PRIVATE SECTOR

(Mr. INGLIS asked and was given permission to address the House for 1 minute.)

Mr. INGLIS. Mr. Speaker, there is much to agree on in health care reform. There is also something that we very much disagree on. The disagreement has to do with the public option, and it has to do with the question about whether private insurance companies need the discipline of the competition from a public sector plan or a publicly provided plan. If you've ever been in business and you've watched the government come into competition with you, you know that it is an unfair competitor because the government has the ability to subsidize its operations. The result is that when government enters an area that the private sector is working in, the government ends up becoming the provider there.

That's what we fear would happen in the midst of a public option: the private insurance companies would be forced out; the public option would become really the only game in town. And the result would become pretty quickly a government system of providing insurance and health care. But there's much else that we can agree on.

So the question is, Can the folks who control this House leave aside just one thing and then we cooperate?

UNEMPLOYMENT WOULD BE HIGHER IF IT WAS NOT FOR THE ECONOMIC RECOVERY BILL

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, I know that there is a debate about when the world began; and there are some who think it began 4,000 years ago and some who think that it began earlier. We have a rare specimen today

of people who think it began on January 20, 2009, who do not think anything happened before that, who do not remember the years of Republican rule where many things went wrong.

Now they're talking about the economic recovery bill. Ben Bernanke, who was the chairman of the Council of Economic Advisers, appointed by George Bush—that happened before January 20, so you may not have remembered it, I would say to my friends on the other side—but he told the House Financial Services Committee that unemployment would be higher if it was not for the economic recovery bill. That was Ben Bernanke. In his report, he twice cited examples of it.

And as to this argument that the bill was of no use, I debated this bill in February with Republican Members of Congress when they scoffed at the notion that there was something in it for police and fire. I was very pleased today to be notified that 23 police officers will be added to two of the communities in my district, Fall River and New Bedford, directly as a result of the economic recovery plan. Magnify that nationally, it's 10,000.

MEMBERS NEED TO READ THE HEALTH CARE BILL BEFORE VOTING ON IT

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, what was one of the major concerns with the nonstimulus spending bill and the national energy tax that have flown through the House? Well, you know what it was, Mr. Speaker. Nobody read the bill. So what should we do with this health care bill? Well, I would suggest that we read the bill; and as somebody has said already, There is just a draft form.

But what's in that draft? It would raise taxes on individuals, small businesses, and employers by \$818 billion and spend \$1.6 trillion to create a system that even the Congressional Budget Office admits would raise, not lower, health costs. The bill would ban the purchase of private individual health coverage as part of a government takeover of health care that independent entities confirm would result in over 100 million Americans losing their private, personal coverage.

The House Republicans are for health reform that works. We have a plan for reform that expands access to affordable health care and gives families the freedom to choose health care that fits their needs, not government needs. House Republicans support patients. We will oppose any plan that puts Washington bureaucrats between patients and the care they need. Fewer choices, higher costs, I don't think so.

THE ACTIONS OF THIS CONGRESS ARE DESTROYING THE FUTURE OF OUR COUNTRY

(Mr. LATHAM asked and was given permission to address the House for 1 minute.)

Mr. LATHAM. Sometimes I wonder if anybody on the other side of the aisle ever goes home because I tell you, doing town meetings, we have three or four times more people than normal show up. And I will tell you what, they are scared to death of what they see happening in this country.

When they look at the \$787 billion stimulus package that has no benefit to anyone today, when they look at people voting for cap-and-trade without even having read the bill, only to find out that in Iowa that would cost 17,000 jobs for each of the next 20 years and 2.5 million jobs nationwide for the next 20 years, they go, What's going on? When are we going to get our government back? When are people going to listen to us and be responsive?

What this debate is all about is our children and our grandchildren and what we're going to leave them for the future; what it's going to do for someone who wants an opportunity to start a small business, to grow and prosper and be part of this economy. We are destroying the future of this country with what this Congress is doing.

EVERY DAY MUCH IS LOST FOR PEOPLE WITHOUT HEALTH INSURANCE COVERAGE

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Mr. Speaker, I was watching from my office and felt the need to come down. I don't have a fancy chart, as we've been seeing periodically. But let me give you some facts. We're going to be adjourning for 37 days at the end of this week. For 12 years, Mr. Speaker, our friends on the other side of the aisle had this Chamber; and the only thing we got out of it was the most miserable prescription drug program and nothing more than a boondoggle for seniors.

But while we're home and having our town hall meetings, here are the real facts that I hope not just my friends will listen to because they're important. Every day for the next 37 days, 400 people per day will die because they don't have health care—14,800 Americans, 34 people every day on an average every congressional district. Put that on a chart. For the next 37 days, 14,000 people every day will lose their health care, 518,000 Americans will lose their health care, 1,190 per day. We need to have more than town hall meetings.

□ 1500

PUBLIC OPTION WILL ERADICATE PRIVATE SECTOR

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, I am sad that the Democratic majority is trying to rush this bill through before we've had a chance to go home to our districts to listen to our constituents, to share ideas with them, to get their views on this, one of the most important issues we will ever decide here in Congress.

One of the things that is being said really puzzles me. The President is saying, for the public plan, you have to have it to keep the private sector honest, to bring more competition. If that's the case, Mr. Speaker, then why don't we have government grocery stores to keep grocers honest? Why don't we have government contractors for car mechanics to keep car mechanics honest? Why don't we have government steel companies to keep steel companies honest? Why don't we have government car companies—oh, excuse me, that's the wrong example.

The point is, Mr. Speaker, the public option is not here to keep the private sector honest. The public option is here to make the private sector go away. That is the purpose of this bill, and the American people should see it. And we, in August, ought to be given the opportunity to talk to them about it.

HEALTH CARE

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, today's Wall Street Journal cites a quote from then-candidate Obama while out on the campaign trail. Mr. Obama railed against a health plan that included drastic cuts for seniors, saying, "If you count on Medicare, it would mean fewer places to get care and less freedom to choose your own doctors. You'll pay more for your drugs. You'll receive fewer services. You'll get lower quality. I don't think that's right. In fact, "it ain't right" was his exact quote.

Well, I couldn't have said it better, Mr. President. It is so troubling that this plan that your party is putting before us proposes to do exactly that. The plan would cut a total of \$538 billion from Medicare, \$172 billion from Medicare Advantage alone.

We need a plan that works with our seniors, not against them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

LET'S UNDERSTAND REFORM BEFORE VOTING ON IT

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Wisconsin businessman John Torinus had a column in the July 25 Milwaukee Journal Sentinel which I commend to everyone.

Entitled "Health care architects must face fiscal reality," Mr. Torinus pointed out six serious flaws in the health care reform plan. For example, the proposed 8 percent payroll tax on companies which don't provide coverage. Mr. Torinus' company, like many others, spends about 15 percent of payroll on health care. These businesses would save money by opting out of health care and instead paying the 8 percent tax.

President Obama promises that if you like your health insurance, you can keep it. Don't count on it. The House bill proposes a 2.5 percent penalty on people who don't buy mandatory insurance. For someone earning \$40,000, that's \$1,000, or about one month's premium for a family.

With insurance companies required to accept all comers, many people would skip insurance and instead pay the \$1,000 penalty until a substantial medical need arises. That is what Mr. Torinus says is happening in Massachusetts under a similar plan.

LET'S LEARN LESSONS FROM HEALTH CARE FAILURES

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, tomorrow the President is going to be a stone's throw from the Tennessee border when he is out on the trail speaking with people. And I have no doubt he is going to have something to say about health care and say we can't put off health care reform any longer. And most people agree that we need some smart reforms on cost, on access, on insurance liability and on insurance accountability. I would also say that we need to heed the warnings that will come from some of the public option experiments that have taken place in our States.

My home State of Tennessee is home to one of these public option experiments. And our governor, a Democrat, has even called this a disaster. Now, 15 years after that experiment being put in place, our State is still digging out from a system that went horribly wrong, and it is a system that rationed care and cost billions more each year than anticipated.

I have asked the administration repeatedly for assurances if they understand what went wrong. I am still waiting. Let's learn these lessons from TennCare.

TRAVAILLE, TRAVAILLE, TRAVAILLE

(Mr. LATOURETTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Speaker, a lot of the problems in this country can be alleviated with a good job. There's nothing like a good job. And that's why the folks in southwest Ohio were so excited last fall when a fresh-faced young Senator from Illinois came to town and promised that he would fully support the enrichment plant down in Piketon, Ohio, creating 8,000 new jobs. People had parades, they were excited.

The Senator, now our President, sent a letter to our governor on September 2 reiterating his promise. Big groundbreaking on July 15, one of our colleagues, ZACK SPACE, was there, and said there are thousands of jobs at stake. Our Democratic Governor, Ted Strickland, wrote to the President in March—Without timely approval of the loan guarantee, the many thousands of new jobs being created will be delayed or perhaps lost.

But as it says in my daughter's favorite bedtime story, Chicka Chicka Boom Boom, "Oh, no." What happened today was the Department of Energy said there will be no loan guarantee, \$2.5 billion will be lost, 8,000 jobs will not be created. But fear not, Mr. Speaker, they have not yet rejected the application of a French company, and the French company, no jobs, no investment, and rather than jobs, jobs, jobs, we should say travaille, travaille, travaille.

STOP THE INSANITY AND FIX THE ECONOMY

(Mr. MCCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCOTTER. Mr. Speaker, I come from Michigan where we have a 15.2 percent unemployment rate. And the thing that we hear in Michigan is where are the jobs?

We come to Washington and we now hear that we are going to have a radical socialization of America's health care system, that we are going to rush to misjudgment, that we will not allow the American people's voices to be heard over the August break so that their Members can come here and accomplish health care reform, not merely in a rush, but most importantly, correctly.

When I go home this August, I would like to be able to converse with my constituents about the best way to do this in our hard-pressed State. And I know for a fact that they will want health care done right, and they will tell this body to stop the insanity and fix the economy and do the job we sent you to do.

ADVICE FROM A SURGEON RE- GARDING GOVERNMENT-RUN HEALTH CARE

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Last week, I received a letter from a constituent, Dr. Harry Levine, who was a surgeon in the U.S. and Canada for 60 years. Dr. Levine said, "As a surgeon who worked in Canada and the U.S. for 60 years with two of the highest degrees in the world of surgery"—he was a fellow in the Royal College of Surgery in Canada, in the United States he serves as a diplomat on both the American Board of Surgery and the National Board of Medical Examiners—"I have unparalleled experience in all levels of society, from grinding dirt-level poverty to the most privileged. Please take this advice from me. This medical insurance program now up for a vote in Washington will be nothing short of a national calamity in every respect involving everyone and sparing no one. I cannot stress to you the extent to which chaos, illness, and needless death will befall everyone."

According to Dr. Levine, under government-run health care, people become numbers and lose their identity—you're a pest, not a patient. Don't take my word for it, ask your doctor. Ask them how government-run health care will change your life or shorten it.

PROTECT GM WORKERS' HEALTH BENEFITS

(Mr. TURNER asked and was given permission to address the House for 1 minute.)

Mr. TURNER. Mr. Speaker, my father retired from General Motors after over 40 years. When General Motors closed their assembly plant in Moraine, Ohio, thousands of lifelong GM employees lost their jobs. Now, due to the Obama administration's negotiated bankruptcy, the retirees are at risk of losing their health care benefits. Isn't it ironic that as this House tries to rush through a misguided health care bill, the Federal Government has denied IUE-CWA workers in my community their promised health care benefits?

With the Federal Government now owning over 60 percent of General Motors, it's time to honor the promises that were given to these workers, including my father.

I have joined my Ohio colleagues in asking President Obama to not discriminate between UAW and non-UAW retirees in protecting their health care benefits. I have also talked to the President of GM last week, asking for fair treatment of these employees. Now it's reported that GM will apply for more than \$10 billion in additional government funding.

If President Obama is serious about health care, he should start by protecting the GM workers who are losing their benefits in this administration's acquisition of General Motors.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of the proceedings or any other audible conversation is in violation of the rules of the House.

WHAT IS BEING REFORMED?

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, when I hear the word "reform" in the same sentence as health care, I wonder what is being reformed.

Fact 1: Some 80 percent of Americans are satisfied with their present health care.

Fact 2: Do we know what we're reforming? No. According to the Washington Post, the Democrats jumped at a chance to brief on what is in their 1,700-page Democrat health care bill. "The bill is so complex," said Ways and Means Chairman RANGEL, "that when staff agreed to hold the session, response was overwhelming."

Fact 3: The Democratic plan will not save money. The nonpartisan CBO projected \$1 trillion in costs and mounting deficits, and they "do not see the sort of fundamental changes that would be necessary to reduce the trajectory of Federal spending by a significant amount."

Fact 4: The bill has harmful cuts to Medicare Advantage that will result in more than 10 million seniors losing the program on which they rely. This plan would have your money spent, your current health care gone, no guarantee of satisfaction, all in the name of "reform."

KILLER OF THE HEALTH CARE BILL IS NOT POLITICS BUT POLICY

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, Democrats have a 70-vote majority in this House. They have a filibuster-proof majority in the Senate. They have a President with high personal popularity ratings. They don't need Republicans to pass their agenda. They remind us of this often, changing the House rules whenever we manage to

score a tactical victory. Yet, Democrat leaders would have Americans believe that Republicans are obstructing passage of their health care legislation for political purposes.

If we had the power to stop the health care legislation, why didn't we Republicans stop the stimulus bill that has run up debt without creating jobs? Why didn't we stop the cap-and-trade bill that killed hundreds of thousands of good-paying jobs and tax every American that owns a light switch? Why not? Because Democrats have the votes to pass whatever they like.

The health care agenda has hit the rocks not because of Republican politics, but because of Democratic policy. Americans know a government takeover of health care won't bring down costs; it will simply raise taxes, kill jobs, and lower quality of care. The killer of this bill is not politics but policy.

QUALITY HEALTH CARE AT A LOWER COST

(Mr. CASSIDY asked and was given permission to address the House for 1 minute.)

Mr. CASSIDY. To achieve the three goals of patient-centered health care, we have to control costs to provide access to quality care. Now there are three imperatives to achieve this. We have to decrease the amount of money the patient is paying for administrative costs, increase the transparency so the patient knows what she's paying for, and lastly, address lifestyle issues so that a healthier patient has higher quality health care at lower cost. This is transformational.

The current plan, however, the CBO says, is not transformational and in fact is based upon things which are very old: Medicaid, which is a Federal program currently bankrupting the States; and Medicare, which is bankrupting the Federal Government. This new third entitlement program builds upon those models, which is supposed to rescue the two that are currently bankrupting us. At a minimum, the solution should not cost more than the problem.

Let's address the imperatives of lowering administrative costs, increasing transparency, and addressing lifestyle issues, and develop a patient-centered health care plan, not one built upon two programs going bankrupt. On a bipartisan basis, let's achieve quality, accessible health care at an affordable cost.

REPUBLICANS HAVE A POSITIVE HEALTH CARE ALTERNATIVE

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, this weekend I had the occasion to speak

with a businessman in Minnesota who employs 110 people in his business. And he told me, Michele, right now health care is the most expensive part of my business, and under President Obama's plan, it will cost me an additional \$12,000 a month and I just don't have that money. We know that the President's own figures say that about 5 million jobs will be lost in this country if his bill goes through.

There are so many small businesses, Mr. Speaker, who would love to offer health care, but it is the Congress that has made it so expensive for small businesses to offer health care.

Jobs will be created, but this is where they're going to be created, in government bureaucracy. This is the picture of the bureaucracy that the Democrats will create if we get government takeover of health care. And remember, the American consumer stands on this side of the bureaucracy, the doctor stands on this side. This is like America's newest board game. You have to navigate all of these agencies to get to the goal of your doctor and your health care. We can do better. The Republicans have a positive alternative.

□ 1515

WE CANNOT WAIT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, at least 46 million Americans are uninsured. By the end of the day, 14,000 more Americans will lose their coverage. Over the past decade, health care costs have risen on average four times faster than workers' earnings. We cannot wait. We must act now with reform that guarantees that everyone has access to high quality care, regardless of income, employment or preexisting conditions. We also must bring down the cost of care to make health insurance affordable for everyone.

That's why we must pass a bill with a robust public plan, a plan without a trigger. A robust public plan will increase competition. It will bring down costs. The public plan must be tied to the current Medicare provider network infrastructure and rates so that it will be able to start immediately. This connection will also increase the savings provided by a public plan. We must pass a health bill with a robust public plan, and we must pass it now. The American people cannot go any longer without high quality, affordable coverage.

HEALTH CARE REFORM

(Ms. FALLIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FALLIN. Mr. Speaker, this debate on health care reform is probably one of the most important debates this U.S. Congress has had, because this debate on health care could move us towards socializing our health care system and turning over our personal health to the Federal Government to make decisions about our health, and also turning over a large portion of our national economy to the Federal Government.

This debate on health care reform should only be about doing what is right for America. And limiting choices on the kind of health care plan a citizen of this Nation can have is not right for America. Putting a Federal bureaucrat between the patient and the doctor is not right for America. Moving 114 million Americans off private insurance on to a government socialized plan is not right for America. Exploding our deficit with huge, massive new tax increases for a government-run health care plan is not right for America.

We should not be taking away the freedom to control something as important as our own personal health care and our outcomes of our health care, to the Federal Government. We should not be taking that away. Health care reform is about doing the right thing, and it is going to be right for Democrats and Republicans to come together to reform health care.

THE NEED FOR HEALTH CARE REFORM

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Almost 50 million Americans are without health coverage. Many millions more worry about the stability of their coverage, that they will lose coverage or that at a time of accident or illness their insurance will not cover critical needs. In my home State of Pennsylvania, families have seen a 100 percent increase in their health premiums since 2000. Nearly one in five Pennsylvania families pay more than 10 percent of their income on health care, and American businesses are struggling with increasing premiums, forcing them to pass on more of the cost to employees or to drop coverage all together.

The Federal Government is the largest payer of American health care costs and currently paying nearly half of the \$2.5 trillion health bill. And while costs keep rising at a rate faster than inflation, health outcomes for Americans are not improving.

The status quo is simply unacceptable. Inaction is unacceptable. We must move forward in offering a uniquely American solution to strengthening and reforming our health care system. Health care reform

means making difficult decisions. Without congressional action, there will be higher costs and greater uncertainty for all of us. It's time to act.

HEALTH CARE

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, in an interview in The New York Times earlier this year, President Obama discussed the difficult decision that he and his family faced to replace his grandmother's hip after she broke it after she was terminally diagnosed with cancer. In that interview, he said, "Whether, in the aggregate society making those decisions to give my grandmother or everyone else's aging parents a hip replacement when they're terminally ill is a sustainable model, is a very difficult decision. There is going to have to be a conversation that is guided by doctors, scientists, ethicists. And then there is going to have to be a very difficult democratic conversation that takes place."

With all due respect, Mr. President, I think that this is a conversation that would be best left between the doctor and the patient. We don't need a government plan. We don't need government bureaucrats standing in the way of this relationship. We don't need them out their rationing out what care is best in this relationship. And so I, for one, reject the idea that government bureaucrats will make better decisions about health care than the doctors and the patient. So any proposal that seeks to ration care in such a way should be opposed, and I will do so every single time.

WHERE IS THE COMMON SENSE?

(Mr. POSEY asked and was given permission to address the House for 1 minute.)

Mr. POSEY. Mr. Speaker, first Congress passed a multimillion dollar bailout to reward bad behavior on Wall Street. Next Congress passed a trillion-dollar-plus stimulus plan which Members were not allowed to read. It was sold on the promise that unemployment would not exceed 8 percent, but unemployment is now at 9½ percent and rising.

Next the House passed a national energy tax. They called it cap-and-trade so Members wouldn't have to say they voted for a new tax. Members were not allowed to read that either. It will cost every American family and every American business lots of money and drive a lot more jobs overseas.

Now Congress wants to pass a bureaucratic-managed and rationed health care plan, again costing Americans trillions of dollars and, worse yet, their medical freedoms. No doubt Members will not be allowed to read the

final version of that either. Where is the logic? Where is the common sense? When will Congress think about the working folks, the seniors, and the savers who made this country great? Congress needs to look past the special interests and start listening to the people back home.

HEALTH CARE REFORM

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute.)

Mr. ADERHOLT. Mr. Speaker, I'd like to make clear that there is not anyone in the United States Congress who does not want to make our Nation's health care system better. There is bipartisan agreement that Congress must help the American people by working to lower the high cost of health care and provide access and availability to the American people who are uninsured. This is not the time for Congress to rush to the President's desk in a reckless manner legislation which would amount to nothing short of nationalizing one of the best health care systems in the world.

Make no mistake, there are much-needed reforms that Congress can and Congress should address. We must solve this problem in a focused and in a bipartisan way and not allow some extreme proposal to make its way to the President's desk that will be another massive spending program. With Federal spending at the highest level in American history, the economy in a severe recession and unemployment rising every day, another massive government program with more spending, more borrowing and higher taxes will only hurt this struggling economy and the American people.

TRILLION DOLLAR DEFICITS NOT SUSTAINABLE

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, I originally came down here to talk about the fact that when my two grandsons, Nathan and Noah, need to know whether they need their tonsils out, we're going to let the doctor make that decision, not the President of the United States or the Speaker of the House. But then the gentleman from Massachusetts got up and was quoting a comment that Chairman Bernanke made the other day about the stimulus package.

What he didn't talk about was the rest of the comment that Mr. Bernanke made when we said, The fact that we're borrowing 50 cents of every dollar that we spend, do you think that that would change your predictions down the road if we keep spending at this level?

This is to quote the Chairman: "Down the road, it might. As I talked

about in my testimony, I do think it's very important that we look at a medium-term fiscal sustainability, that we have a plan for getting back to reasonably low deficits and a sustainable debt-to-GDP ratio. Otherwise, we might see interest rates rise, which would be a negative for the economy."

I said, Do you think we can keep spending and having these trillion dollar deficits and not put our country—is that sustainable? Chairman Bernanke said, "No, sir. It's not."

AMERICANS DESERVE BETTER

(Mr. TIBERI asked and was given permission to address the House for 1 minute.)

Mr. TIBERI. Mr. Speaker, we have before us this week, maybe, H.R. 3200, the health care reform bill. Those of us on this side of the aisle are for health care reform. We believe there are many who need insurance, many who need reduced costs for health insurance. Mr. Speaker, this isn't it. In fact, the President is fond of saying, if you have it and you like it, you can keep it. Not true.

On pages 16 and 17—and I would encourage the President to read pages 16 and 17, in fact, the entire bill—and he will see that we take a hatchet to private insurance, to employer health care, and, in fact, the Congressional Budget Office Director, a Democrat, said that the President not only doesn't bend the curve to reduce health costs, we increase it. And we create a \$200 billion deficit. Americans deserve better, Mr. Speaker. They deserve a better bill than this one.

HEALTH CARE

(Mr. HARPER asked and was given permission to address the House for 1 minute.)

Mr. HARPER. The health care reform proposal expected to come before the House contains provisions that include a tax increase of more than \$500 billion on American small businesses and working families, as well as a tax on jobs of up to 8 percent of employer's payrolls. Additionally, individuals would be required to buy coverage or pay a 2.5 percent fine on their income.

This government-run plan proposed by the Democrats will force more than 100 million individuals to lose their current insurance. Knocking this many Americans off their current coverage is a clear violation of the President's pledge to allow individuals to keep their current health plan if they like it. We need preventive medicine, not defensive medicine. I want health care decisions to be between you and your doctor, not some Washington government bureaucrat.

If the President and the Democrats are serious about health care reform, then they will work with the Repub-

licans toward a bipartisan plan. The American people do not need health care reform legislation that can only get 218 votes in the House. Let's come up with a plan that will get 435 votes.

CHANGE WE CAN USE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I just got this e-mail from JoAnne Lewis in Coffee County, Georgia. She's with the Economic Development Authority. She says that Wayne Farms is now closing down, another 165 jobs lost. This brings Coffee County, Georgia's, total job loss to 2,979, or an unemployment rate of 16½ percent. Mr. President, where's the stimulus package? Where are the jobs?

Now, on top of this comes Speaker PELOSI. She's planning to ram through a \$1.2 trillion government takeover of the health care system. This will cause a \$534 billion tax increase and a \$208 billion tax increase on small business and farmers. Therefore, more layoffs, and more unemployed. Mr. Speaker, this is not the change the folks in Coffee County, Georgia, can use. They need jobs.

TRUE BIPARTISANSHIP

(Mr. COLE asked and was given permission to address the House for 1 minute.)

Mr. COLE. Mr. Speaker, since January, we've had a lot of talk about bipartisanship, and we've even had some of it. We had a partisan Democratic stimulus bill that created bipartisan debt and unemployment, but no bipartisan jobs. We had a partisan Democratic cap-and-trade bill that will create bipartisan higher energy prices, but no more bipartisan energy. And now we've got a partisan Democratic health care bill that will cost Democrats, Republicans and Independents alike their jobs and quality health care. Hopefully, Mr. Speaker, the Democratic majority will eventually create a bipartisan opposition that will stop their job-killing health care bill in its tracks.

□ 1530

THE DEMOCRAT PLAN DOESN'T REFORM HEALTH CARE

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, we need to reform health care in this country, but the Democratic plan doesn't do that. The Democratic health bill doesn't reduce costs or inefficiency. In fact, it increases taxes by over \$1 trillion, and it cuts provider payments substantially. Indeed, it

forces tens of millions of people off of the private plans that they're satisfied with into a government-run plan. In fact, it creates 53 new Federal agencies or boards, tripling the size of the current government health care system. That is not a move in the right direction.

Is this plan good enough for Democratic leadership? Apparently not.

In the Ways and Means Committee, we offered amendments to mandate that all Members of Congress would have to be under the government-run plan. The response from Democratic leadership was that that wouldn't be fair to the families of Congressmen. Well, I've got something to say to this, Mr. Speaker. If it's not fair to the families of Congressmen, it's not fair to Americans who work hard and who actually pay their taxes to be forced into something like this.

What we need is a real plan with real reforms that the American people will accept and that will address their needs.

MOST SMALL BUSINESSES SUBJECT TO DEMOCRATS' 8 PERCENT PAYROLL TAX

(Mr. CAMP asked and was given permission to address the House for 1 minute.)

Mr. CAMP. Mr. Speaker, despite unemployment fast approaching 10 percent—over 15 percent in my home State of Michigan—a new analysis shows the Democrats' health care plan could force as many as 61 percent of small businesses which already provide health insurance to pay a new 8 percent payroll tax. The House Democrats' bill mandates employers must pay a minimum of 72.5 percent of the health insurance premiums for individuals and 65 percent for families. If an employer fails to do so, then it will be subject to a job- and wage-crushing 8 percent payroll tax.

According to the Kaiser Family Foundation, the new mandate will hit small firms and their employees especially hard. The majority of those small firms that don't meet the Democrats' standards, up to 61 percent of small businesses, will pay that tax.

The bottom line: more taxes and more costs that will hurt the very workers they are supposed to help.

MENTAL HEALTH PARITY IN HEALTH CARE REFORM

(Mr. KENNEDY asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY. Mr. Speaker, the health care bill that we are now considering contains a very important item, and that is mental health parity, requiring all health insurance plans to treat mental illness and addiction on the same grounds as other physical illnesses. If we are to do this and also to

include prevention, it's important that we have the appropriate education and medical education for all doctors so that they may be able to properly screen and treat all patients. Irrespective of their specialties in some other areas, doctors ought to be able to identify and to treat, at least in the primary care setting, mental health challenges before referring them to specialists. This has been an issue within the Institute of Medicine report, and I encourage my colleagues to support this in a section for medical education and training within the base of the bill.

GOVERNMENT HEALTH CARE AND PERSONAL FREEDOM

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the government-run health care plan, or the Waxman bill, is being forced on Americans without a full debate. In fact, during the markup in Energy and Commerce, where I serve, we got the replacement bill, about 1,000 pages, just about an hour before the markup. The markup was discontinued after 1 day. Who knows what is in the bill today? But there are some basic principles that all Americans recognize.

As Thomas Jefferson has said with regard to the government and its insidious encroachment on everyday freedoms: If we can prevent the government from wasting the labors of the people under the pretense of taking care of them, we will be wise. This is the pretense that Democrats are using to push their healthcare bill.

Mr. Jefferson also said, Great innovation should not be forced on slender majorities.

It is clear, Mr. Speaker, that a lot is at stake here, not the least of which is our personal freedom.

AMERICA IS FAST BECOMING A EUROPEAN SOCIAL DEMOCRACY

(Mr. BUYER asked and was given permission to address the House for 1 minute.)

Mr. BUYER. Mr. Speaker, the President and the Democratic leadership here in the House and in the Senate are on the fast track to transitioning our country's Republic into a European social democracy. There were many reasons that the ancestors of the people of America fled from where they were to come to America. It was because of the oppressions of the freedoms by the governments under which they had resided.

We have made our share of mistakes and have had successes throughout history, but when America embraces freedom and liberty, we have the ability to inspire and to lead the world through many industries, and we have done so.

In health care, we attract the greatest minds of the world to come to America's marketplace. We attract at-risk capital to press the bounds of science that improve the quality of life of our people and of millions around the world.

So, when we talk about health care reform, we want to preserve that which is right, and we want to work on that which is wrong. When my Democrat colleagues of the leadership talk about health care reform, it's about a government-run, socialized health system. Let's reject that and let's work together.

THE IMPORTANCE OF PASSING COMPREHENSIVE HEALTH CARE REFORM

(Mr. FATTAH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FATTAH. Mr. Speaker, there were those who doubted that we would pass children's health care or the budget or the stimulus. Well, I rise today to say that we are going to pass comprehensive health insurance reform because it's so vitally important for our Nation's economy.

As we see the stock market rising and as we see home sales regaining, we see the Richmond Fed report of a very positive manufacturing uptick in the economy, we know with certainty that health care is important. Not only do we need to have a robust private-sector health insurance option for the public, but we need to have an option for patients if they're turned away, so we need a public option.

The previous majority had 8 years to do something on health care and did nothing. We see a lot of energy today in their speeches, but when they were in charge and when they had the White House, they had no concern for the tens of millions of uninsured Americans and for those kicked off of private health insurance because of preexisting conditions.

We're not going to talk about it. We're going to vote about it really soon on this House floor.

HEALTH CARE REFORM

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUETKEMEYER. Mr. Speaker, as the American people struggle to make ends meet, too many also live with the challenge of affording basic health care for themselves and for their families.

When I was home this past weekend, I heard from my constituents on a number of issues, but health care was prime on their minds. They were concerned about the plan on the table.

They have great concern with regard to the provisions in there and with regard to the rationing of care. They're very concerned about the possible loss of the doctor-patient relationship. Small businesses are concerned about the tax provisions in the bill that may cost them not only the employees they have but their businesses on the whole.

At a time when we need to be helping small business, we're adding another burden onto them. Our side, that of the Republicans, has a plan to address each of these concerns in a way that solves problems rather than creates a lot of government bureaucracy, which actually takes over 18 percent of our economy. My constituents believe that the administration's plan on the table is the wrong plan at the wrong time and that it will have the wrong outcome.

THE HEALTH CARE ADMINISTRATOR

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, this 1,017-page bill passed in Labor. It passed in Ways and Means. It's only waiting on one committee at this point. What is clear is that it uses our tax money to kill innocent, little babies through abortion. It's clear that it uses our tax money to allow people to kill themselves. What's unclear is anything in between.

Part of the reason this chart is being censored, I've concluded, is that it actually oversimplifies this bill. As for this position here, that of the health administrator, I asked in our markup, What defines a full-time employee? Is it 40 hours, 35 or 30 hours? Well, that will be up to the health care administrator. What about seasonal employees? Are they counted? Well, that will be up to the health care administrator. What about if you're above the small business amount and then you drop below it because you've laid off people? Well, that will be up to the health care administrator.

This was all night long. We were in session all night long, marking up this bill. The committee kept saying, Well, we don't want the businesses to game this bill, so we're not going to put it in the bill that defines "full time." They had small, smaller, smallest. We're not going to define it because we're going to let the health care administrator do it. This 1,017 pages is just a start.

LISTEN TO THE HEALTH CARE EXPERTS

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute.)

Mr. BRADY of Texas. Mr. Speaker, my constituents aren't the only ones concerned about the government takeover of health care.

Yesterday, health care leaders of Texas Medical Center, the largest medical center in the world, gathered at Ben Taub Hospital. They represent indigent public hospitals, nonprofits, private systems, and some of our cutting-edge research institutions. These nationally renowned leaders had three messages for lawmakers in Congress:

One, they have no idea what is in this massive health care bill nor how it affects the patients they treat. They've had virtually no input in health care reform, and it's too important to rush through the House in the next few days.

Dr. Larry Kaiser, a surgeon and the president of the University of Texas Health Science Center, said, "I liken it to taking out a tumor. There's a time when there's an urge to get it done quickly, but that's when mistakes can be made. That's the time to take it slowly and carefully."

Why aren't we listening to these health care experts? Now is not the time to rush this bill through.

GOVERNMENT TAKEOVER OF HEALTH CARE

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, I rise today, troubled about the Democrats' proposed government takeover of our health care system. The Congressional Budget Office, the CBO, has confirmed that this legislation will not reduce costs but will, rather, drive costs even higher for American families. They confirmed this weekend that a mandate on business would tend to reduce the hiring of workers at or near the minimum wage. They also pointed out that employers would be expected to pass the costs of fees on to workers in the form of lower wages.

This government takeover will burden our economy, and it will stifle economic growth. Instead of a takeover, Congress should act on free market and Tax Code health care reforms to make our system better. The President and his majority in Congress failed to produce jobs with the so-called "stimulus." In fact, things have only gotten worse. Why should we trust them with the government takeover of health care?

BIPARTISANSHIP IN HEALTH CARE REFORM

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, so many Members have come up to talk about this plan, the plan that, in fact, cannot get even all of the Democrats to vote for it, and it doesn't have so much as one Republican voting for it. Hope-

fully, the American people understand Republicans believe there is a problem. We know, in fact, there are uninsured and underinsured. There are Americans who are concerned about losing their insurance, and of course, we all know that the Federal program, such as Medicare, is fraught with waste, fraud and abuse.

What we don't hear is that we can attack the problems on a bipartisan basis. Lower the cost of health care by eliminating defensive medicine, by lowering the threat against every doctor, if he or she doesn't simply do every possible test, even if it's simply running up the tab.

We can, in fact, work on a bipartisan basis on health care. The first thing we have to do is agree to do it piece by piece and to attack those things which either cause people to be uninsured or, in fact, cause people not to be able to afford their insurance.

I urge you to think about that, Mr. Speaker.

MAINTAIN THE DOCTOR-PATIENT RELATIONSHIP

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, 90 percent of all Americans have health insurance, the majority of whom like their plans. The Democrat bill, as drawn out, does a couple of things.

First of all, it doesn't keep the President's promise. The President promises that, if you like your health insurance plan, you can keep it, but as stated earlier on pages 16 and 17 of the bill, you're not going to be able to do that.

The other thing is the plan was to lower the cost curb, but the CBO testified that the costs for both plans go up. The cost for the private insurance plan goes up. The cost for the public option goes up. A public option will undercut private insurance, driving people into a public plan.

Now, in countries that have one public insurance plan, the only way they control costs is by rationing care. If you don't trust me, just ask the Canadians, the Brits, the folks in New Zealand, and in Australia where you have a bureaucrat deciding whether you get the care you need or not. This is not the type of plan we want. We want to maintain the doctor-patient relationship.

HEALTH CARE REFORM THAT EMPOWERS THE AMERICAN CITIZEN

(Mr. PLATTS asked and was given permission to address the House for 1 minute.)

Mr. PLATTS. Mr. Speaker, recently, I was asked during a radio interview if I thought legislation for health care reform would pass the House sometime

this year. My answer was, "I hope so." All of us want more affordable, better, more accessible health care for our citizens. The question is: How do we achieve this very important goal?

Unfortunately, the plan embodied by this diagram is not the way to do that. This plan will cost millions of jobs. It will cut almost a half trillion dollars out of Medicare, hurting seniors. It will raise taxes on small businesses, making it harder to provide health insurance. As the CBO has told us, when fully implemented, it will raise the cost of health care by over \$200 billion. That's more than \$2 trillion in 10 years.

Unfortunately, the House leadership who are promoting this plan and those who are supporting it have forgotten the physician's principle of "first do no harm." This plan will do great harm to health care for each and every American citizen. We must defeat this plan, and we must enact legislation that will truly be about empowering the American citizen, and that will be about what is best for their health care.

□ 1545

PRICELESS

(Mr. NUNES asked and was given permission to address the House for 1 minute.)

Mr. NUNES. Mr. Speaker, I'm going to draw your attention to the board here. Mr. Speaker, there are 435 Members of the House of Representatives. There are 256 Democrats in the House of Representatives. It takes 218 votes to pass the government takeover of health care. Mr. Speaker, it's priceless that the Democrats can't come up with 218 votes to pass the government takeover of health care.

MEDICAL MALPRACTICE REFORM

(Mr. ROONEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY. Mr. Speaker, you know, with all of the talk of health care reform over the last several weeks, we haven't heard anything from the majority with regard to medical malpractice reform. This is kind of interesting because if any of you actually walk into a doctor's office across the country and ask them what's the one thing that could really help with health care in this country with costs and care and coverage, they would say medical malpractice reform.

Today across this country, doctors do not look at patients as patients. They look at them as future lawsuits. If we aren't careful, this country won't have doctors anymore because anybody that's interested in going to medical school will go to law school.

The government takeover of health care fails to address the concerns of the

people that we really should listen to the most, and that's the doctors.

HEALTH CARE TAX ON SMALL BUSINESS OWNERS

(Mr. McCAUL asked and was given permission to address the House for 1 minute.)

Mr. McCAUL. Mr. Speaker, today I would like to tell you about a constituent of mine by the name of Cathy Magill. She represents a personal side of this health care debate. Cathy is a small business owner in my district; she and her brother own a company that installs windows in new homes. In a difficult economy, she now has something else to worry about, a new tax she will have to pay if she doesn't spend thousands of dollars a year on health insurance for each of her employees. They have told her they would rather keep the money in their own pockets and pay for health care the way they see fit.

If the Obama health care reform bill is passed, Cathy told me she will have no choice but to fire two of her employees so she can provide health insurance for the remaining three.

Mr. Speaker, this bill is a job killer. We should make health care more affordable and accessible to every American, but this is not the way to do it. And people like Cathy Magill in my district deserve better, and so do the American people.

NEW TAX ON JOB CREATORS

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Last week, I received a note from a constituent about the proposed government takeover of our health care. She said, As a small business owner, we are struggling already. We provide our employees and their families with insurance and cannot afford additional taxes. Please continue to fight this fight, keep up this fight, keep us from rising taxes, keep us from costing small businesses more taxes.

That's why I stand here today to give a voice to my constituents who are extremely afraid, frightened, worried about this massive \$1.1 trillion proposal and a new 8 percent tax on their small business.

The stimulus isn't stimulating the economy. Unemployment continues to rise, and now we want to slap a new tax on job creators.

People are hurting in my district and across the Nation. This bill is out of touch with reality, out of touch with the American people.

SOMEBODY MUST PAY THE BILL

(Mr. CRENSHAW asked and was given permission to address the House for 1 minute.)

Mr. CRENSHAW. Mr. Speaker, we all know that America's got the best health care of any nation in the world. But when some people can't afford it and some people don't have access to it, then that is a crisis and we need some reform. But we need the right kind of reform. We don't need this Democratic plan that's being rushed through the House.

I've been talking to my constituents back home and they say, We want to make sure that we have the right to choose our own doctor. They say, We want to have the right to get the treatment we need when we need it.

And that's what the Republican reform does.

That's not what the Democratic reform does. In fact, stop and think about this: Democrats will tell you health care is expensive, but we're going to provide more health care to more people, and it's not going to cost anybody any money except maybe a few millionaires. Those numbers don't add up.

You better think about it because somebody's got to pay the bill. It might just be you.

THE CHANGE AMERICA DIDN'T VOTE FOR

(Mr. SCHOCK asked and was given permission to address the House for 1 minute.)

Mr. SCHOCK. In the last campaign we heard a lot about if you don't make more than \$250,000 a year, you won't pay any new taxes. So what does the new majority do? Their first act in Congress is to pass the \$787 billion stimulus package meant to jolt the economy. Yet all it has done is jolt the national debt up to a new high of \$11.5 trillion.

Next, the new majority comes forward and says, We want to decrease carbon outputs. We want to pass a cap-and-tax proposal meant to limit carbon monoxide. Well, that bill, if passed, will limit jobs in America by over 2.7 million fewer jobs, and now we're hearing that they want to limit costs on health care. In actuality, this plan, their health care proposal, will limit access to care. Their bill will actually decrease the number of jobs and will actually add a tax on every small business owner in America in the form of an 8 percent increase in payroll taxes.

More taxes, fewer jobs. I don't think that's the change America voted for.

FOR-PROFIT HEALTH INSURANCE SYSTEM

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Why are there 50 million Americans without any health insurance? It's pretty simple. It's because people cannot afford to pay the

premiums. Why is it that half the bankruptcies in the United States are connected to people not being able to pay their hospital bills? It's because the copays and deductibles are through the roof and they threaten family financial stability.

Why do these things happen? It's because we have a for-profit health insurance system; \$1 out of every \$3 goes for the operation as a for-profit system—\$800 billion a year for corporate profits, stock options, executive salary, advertising, marketing, the cost of paperwork. If we took that money and put it into care, we would have enough to cover everyone.

This is a battle between the insurance companies and our people. We're either going to have a government of the people, by the people and for the people, or we're going to have a government of the insurance companies, by the insurance companies, and for the insurance companies. I think we remember what Lincoln said at Gettysburg. He didn't say that the insurance companies were going to run the country.

WHERE THE JOBS ARE

(Mr. SIMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIMPSON. I repeatedly heard Members come to the floor to ask the question, Where are the jobs? The Obama administration and congressional Democrats told us that with the passage of their \$787 Billion stimulus package that unemployment would not rise above 8 percent. Well, it now stands at 9½ percent.

It's a legitimate question: Where are the jobs?

Let me tell you where the jobs are. As reported on the news last night on the spending of the stimulus package, we are spending your tax dollars on building a living snow fence for \$80,000; \$31.5 million on a bike trail in California; \$1.5 million on a deer underpass; \$3.4 million on a turtle tunnel in Florida. That's right, a turtle tunnel in Florida. I hope some of the money from this stimulus is going to train the turtles as to the advantages of using a turtle tunnel.

These are the Democratic stimulus dollars at work, your tax dollars at work.

DO NOT PASS THIS BILL

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Kentucky. You know, people come to the U.S. from all points of the globe to get the medical treatment that America is best at all across the world. It's the best system

ever invented, and we've evolved it over these 200-plus years.

This experiment that the Obama administration is pushing the Congress to pass would rip out that system and put in its place what I think would be an inferior system. People don't understand why we need to do it. And, in fact, we don't have to do it.

Our proposal is essentially three things that would allow us to keep this great medical system that we have, bring down the costs and make it affordable to everyone. We would allow small companies to form co-ops and bargain for their insurance coverage, much the same as the Kentucky Farm Bureau does in Kentucky even today. We would do away with junk lawsuits that drive up the cost of practice and cause doctors to perform very expensive defensive medicine.

Do not pass this bill.

SLOW DOWN ON HEALTH CARE

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute.)

Mr. HOEKSTRA. Mr. Speaker, it's time for us to slow down.

The second day in office, the President said within 12 months Guantanamo will be closed. He's now found out that rushing and making that decision was the wrong decision and that the teams that he has in place have clearly indicated they will not be able to make that goal.

Then we rushed into a stimulus bill, \$787 billion on the backs of our kids and our grandkids. And it's not working. Rushing through this process doesn't work.

We then did an ill-advised cap-and-trade system which has further put the brakes on our economy. We rushed it through.

And now we're looking at rushing through a health care bill. People are talking about what's in the bill. No one really knows because they're still negotiating, and there are still some that say we should vote and we should vote this week, even though a bill isn't in front of us.

Let's slow down; let's do this in a professional way and make sure that we have a professional product.

HEALTH CARE REFORM

Mr. MICA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

Also, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LUJÁN). The gentleman will state it.

Mr. MICA. Mr. Speaker, this chart that I have here, I have been banned, as a Member of Congress, from mailing this to my constituents or just disseminating it.

Is it within the rules of the House, an order of the House for me to be allowed

to present this chart here at this time on the floor of the House of Representatives?

The SPEAKER pro tempore. The gentleman's chart has not drawn any objection.

Without objection, the gentleman is recognized for 1 minute.

There was no objection.

Mr. MICA. I made that parliamentary inquiry because Members of Congress have been banned from distributing this chart which shows the Obama Democrat health care plan. Now, anytime you can get a bill from Congress and it proposes creating new agencies or activities, and in this case a health care reform, and you chart it, it tells a lot.

Once we charted this health care proposal, Members of Congress were banned from disseminating this chart. So, Mr. Speaker, this may be the only opportunity my constituents have to see this.

Last week, we asked with the stimulus package, Where are the jobs? This week we ask with the health care plan, Where are the reforms? There are over 53 new agencies, bureaucracies, and bureaucrats added in this health care so-called reform. I want health care reform. The American people want health care reform. But I don't think this is the reform that they asked for.

LET'S BE HONEST ABOUT THIS HEALTH CARE REFORM

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, some things just don't add up. We're told that the Democrats' version of health care reform will cost less in the long run. Haven't we heard this before?

When Medicare was instituted more than 30 years ago, for the first 25 years we were told that it would cost this amount. Instead, it costs nine times that much and that holds true for just about every government program that we institute.

There are multiple, multiple times that it costs more and more and more than we ever thought it would. How do you control costs when you have no money to spend, when you have to borrow money? You control costs by rationing. Markets control costs with competition, a ration by competition. But governments control costs by rationing. And so what will happen here inevitably is that the services that you are now used to receiving, the medical services will be severely circumscribed.

Let's be honest about this reform, at least, and tell people what they're going to get.

□ 1600

CONGRESS SHOULD NOT APPROVE A GOVERNMENT TAKEOVER OF HEALTH CARE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the administration's plan for a government takeover of health care will raise taxes, ration care, extend wait times, and let a government commission make decisions that should be made by families and their doctors. This scheme will increase our national deficit by hundreds of billions of dollars and will increase, not decrease, the cost of health care.

During a recent health care telephone town meeting with 1,200 of my constituents, I asked them the question if the government should determine how much health care they received. More than 9 out of 10 said "no."

President Obama is intent on making the government too big, too intrusive, and too expensive. We should listen to our constituents. Congress should not approve a government takeover of health care.

VOTE DOWN THE HEALTH CARE REFORM BILL

(Mr. KING of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, President Obama, in part of his campaign to be elected to office and part of his campaign after he had been inaugurated as President, said that we have an economic calamity, and we can't fix it unless we first fix health care, and that health care is broken.

Well, if you have a business that's broken, it doesn't take a \$1 trillion to \$2 trillion program to try to fix it. If the problem with health care is we're spending too much money on health care, why do we have to spend \$1 trillion or \$2 trillion more to fix it? I mean that is the number one question that doesn't seem to be answered by the administration.

And the second one, a statement that is not believable to the American people, is the idea that when the President promises if you like your health insurance program, you get to keep it. In fact, if they pass this legislation, they will take it away, and it says in section 102 of the bill that they're going to take it away. The American people are not going to be able to decide if they get to keep their health insurance program because the government will write new rules for every health insurance program, and the employers will decide whether the insurance is cheaper under the public plan, the government-run plan, or the private.

Vote this down.

IT'S THE ECONOMY THAT'S BROKEN

(Mr. EHLERS asked and was given permission to address the House for 1 minute.)

Mr. EHLERS. Mr. Speaker, I am very reluctant to criticize the President of the United States. He has the most difficult job, as do we, and we must work together. But I'm really confused because he keeps referring to our health system as broken. I don't know what that means. What does it mean when you break a health system?

When I went to the doctor recently, no problem. I went in, saw him, got the prescription, and left. I needed hospital treatment, went in, had the surgery, and left. Everything worked fine. It was not broken.

I think the real problem is that our economy is broken. And I know in the State of Michigan, where I live, our unemployment rate for June is 15.2 percent. If people aren't working, they tend to lose their health care because they usually get it through their employer. Starting August 24 in Michigan, we expect an average of 18,000 people in Michigan to roll off unemployment insurance each month. By the end of 2009, we expect to have 99,000 people who have lost their benefits. That is the problem we must address.

We have to get people back to work, and when they get back to work, they will get their health care back.

PEOPLE ARE NOT WAITING IN LINE TO LEAVE THIS COUNTRY FOR HEALTH CARE; IT'S THE OTHER WAY AROUND

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, I have said it many times on this floor: Neither party has an exclusive on integrity or ideas. And these challenges are not Republican challenges or Democratic challenges; they are, in fact, American challenges.

But I have to tell you a few years ago, a Republican President with a Republican Congress, he proposed sweeping changes to immigration policy, but those changes kind of flew in the face of the rule of law, they threatened our sovereignty, and Republicans said "no."

Here we are today. All of us want our President to be successful. But the Democratic Party needs to look at the President and say, This is not what we need to protect our health care system. We need to change it. We need to reform it. We need to improve it. But we don't need government control of health care. It's too important.

Eighty-five percent of the people in this country today are satisfied with

their health care, and they are afraid that this new proposal will put that in jeopardy.

This is a matter of life or death. People are not waiting in line to leave this country for health care; it's the other way around.

UNDER THE PROPOSED HEALTH CARE PLAN, MEDICAL CARE WILL BECOME EVEN MORE EX- PENSIVE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, in the early 1990s, I went to a reception in Lebanon, Tennessee, and the doctor who delivered me came and brought my records. I asked him how much he charged back then, and he said he charged \$60 for 9 months of care and the delivery if they could afford it.

Before the Federal Government got so heavily involved in medical care, medical care was cheap and affordable by almost everyone, and doctors even made house calls.

Then the Federal Government got into the business and costs exploded. In fact, the predictions on Medicare and Medicaid, it costs about 10 times more after 25 years than what was predicted.

The same thing will happen on the health care plan that is before the Congress today. The costs will far exceed the predictions. Medical care will become even more expensive and more unaffordable. In fact, Mark Levin, the radio commentator, said a few nights ago that it will put massive costs over onto the States to expand their Medicare programs, and then States like mine of Tennessee, which don't have an income tax, will be forced into having one.

This plan is not good, especially for the poor and lower-income people.

AMERICA'S AFFORDABLE HEALTH CHOICES ACT

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I rise today to discuss the important responsibility in front of us on health care reform.

The cost of inaction will undoubtedly bear a heavier burden on individuals, families, small business owners, and our economy the longer we delay. Without reform the cost of health care for the average American family is expected to rise \$1,800 every year, with no end in sight. If we don't act, 14,000 Americans will continue to lose their health insurance every single day.

The America's Affordable Health Choices Act has helped our Nation begin to tackle this issue in a meaningful way. Already we have agreed that this bill must prevent insurance com-

panies from denying coverage based on your medical history or dropping your coverage when you are sick. This is a key and needed reform that will stop insurers from gaming the system by covering only healthy people.

Right now insurance companies decide whether or not to cover you for a procedure. If a procedure is deemed too experimental, for example, it may not be covered. If it is too expensive, you are responsible for paying the costs of it after a certain point.

If we do not take the steps to regulate insurance industry practices now, American families will see their coverage shrink and costs go up.

OUR PRIORITY SHOULD BE TO GET HEALTH CARE REFORM RIGHT

(Mr. MCCARTHY of California asked and was given permission to address the House for 1 minute.)

Mr. MCCARTHY of California. Mr. Speaker, earlier today I was in a meeting with a microcosm of small businesses around the United States. We met inside this Capitol. We talked about health care. We talked about ways to reform health care, to bring the costs down, the quality up, to be able to have greater accessibility, to be able to have the ability to move from job to job and have health care coverage, to be able to have choice and quality.

And when I sat around this table with small business owners, one of the individuals owned a Kentucky Fried Chicken, one owned a pizza establishment, and he talked about going from 45 employees to 35. He said if this health care bill, as proposed, as is written today, his question will not be, will he have to lay people off; the question will be, will he shut down? He will have to close his business if this bill passes this week.

I ask that we spend our priority not on how much time we have to pick a dog but how much time we actually have to do health care right.

SHOP ACT/HEALTH CARE REFORM

(Mr. GERLACH asked and was given permission to address the House for 1 minute.)

Mr. GERLACH. Mr. Speaker, I rise today to express my concern about the House Democrat health care reform package and its impact on small businesses and jobs.

At a time when our Nation's unemployment rate is approaching 10 percent, this legislation would impose new surtaxes on high-wage earners to pay for reform. The reality is that this is not a tax on the rich, as many would claim, but rather a tax on small business owners, who provide 70 percent of the jobs in the United States. And if enacted, these taxes could cost 4.7 million more jobs to be lost.

Now is not the time to be pushing legislation that would cause even more Americans to lose their jobs. Instead, we need to focus our ways and our attention on ways to make health care more affordable for small business owners so that they can meet the needs of the health of their employees and stay in business. That is why we should allow small businesses to band together in statewide and nationwide pools to obtain lower insurance premiums and provide a tax credit for small business owners and the self-employed. We need to help small business owners with the right health care reform, not legislation that just raises their taxes in these tough economic times.

A GOVERNMENT-RUN HEALTH CARE PLAN WILL LIMIT THE CARE THAT AMERICANS CAN RECEIVE

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, I am a 9-year breast cancer survivor, and I believe that I'm alive today because I was able to access and get the early diagnostic tests that I needed.

In 1999 I knew something was wrong and I went to five doctors, had three mammograms, and they all said you're okay. Finally the sixth doctor said, Let's do an ultrasound. He found my cancer. Otherwise, who knows what would have happened?

Under a government health care system like they have in the U.K. and in Canada, I really wouldn't have had that opportunity to get those tests so quickly and they may have found out too late.

Survival rates for cancer in countries that have government systems are much lower. In the U.K. breast cancer survivor rates are 11 percent lower than they are here in the United States.

So we need to look at sensible policies. We need to not be creating a huge new program for health care that only limits the care that not only cancer patients but all Americans receive.

LET'S FIRST DO NO HARM; PROTECT THIS ECONOMY AND PROTECT THE WORLD'S GREATEST HEALTH CARE SYSTEM

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Mr. Speaker, we in Texas are very proud to be home of the Texas Medical Center, the world's greatest collection of medical institutions. I am proud to represent M.D. Anderson hospital, recognized around the world as the greatest cancer center in

the world. And we in Texas understand better than I think almost anywhere else the importance of medical institutions that are driven by research, driven by the physicians, driven by the needs of patients and the desires of doctors. And we in Texas want simply to be left alone. We want Texans to run Texas.

The most important parts of anyone's life are our families and our health. And we want, as Texans, to make these decisions for ourselves. We need to be focusing as a Congress on protecting the magnificent health care system we have created, on encouraging job growth by giving small businesses tax credits, by allowing small businesses to pool their resources so they can negotiate with the big insurance carriers and bring down their rates. We need to focus on tort reform for doctors to protect them from frivolous lawsuits, as we have in Texas, that has worked so well.

Let's first do no harm and protect this economy and protect the world's greatest health care system.

□ 1615

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LUJAN). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

WIPA AND PABSS REAUTHORIZATION ACT OF 2009

Mr. TANNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3325) to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "WIPA and PABSS Reauthorization Act of 2009".

SEC. 2. REAUTHORIZATION OF THE WORK INCENTIVES PLANNING AND ASSISTANCE PROGRAM.

Section 1149(d) of the Social Security Act (42 U.S.C. 1320b-20(d)) is amended by striking "2009" and inserting "2010".

SEC. 3. REAUTHORIZATION OF THE PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY PROGRAM.

Section 1150(h) of the Social Security Act (42 U.S.C. 1320b-21(h)) is amended by striking "2009" and inserting "2010".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 3325, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Today I want to join with our colleagues on the Social Security Subcommittee and Mr. JOHNSON, our ranking member, in support of this reauthorization for 1 year. It is a 1-year extension of two programs that help Social Security and Social Security beneficiaries return to work.

The WIPA, the Work Incentives Planning and Assistance, program allows disability beneficiaries to get one-on-one assistance from community organizations to help them understand the rules and the effect they will have on their benefits if they return to work. The PABSS program, Protection and Advocacy for Beneficiaries of Social Security, provides legal advocacy services to help beneficiaries get a job or keep their job. The disability advocates and the return-to-work experts have both testified before our subcommittee about the effectiveness of these programs and how they will help people return to the workplace.

The reason we are doing this today is because the authorization for these programs will expire in September. The bill extends for 1 year the programs with no changes while the committee considers a longer-term reauthorization. The bill does not increase government spending because it comes from the discretionary reserves of the Social Security Administration.

What this bill actually does extending these programs, Mr. Speaker, is it actually helps people who have been sick or disabled who want to go back to work and become no longer a recipient of these sorts of public assistance to do so. So I think it is not only a worthwhile enterprise in terms of what the Subcommittee on Social Security has done, but it also is something that will strengthen the vibrancy of our economy as people who have been disabled or sick can actually return to the workplace.

Today I join with my colleagues, SAM JOHNSON, Ranking Member of the Subcommittee on Social Security, and JIM McDERMOTT, Chairman of the Subcommittee on Income Security and Family Support, in support of the "WIPA and PABSS Reauthorization Act of

2009.” This bill will extend, for one year, two programs that provide critical assistance for Social Security and Supplemental Security Income (SST) disability beneficiaries who are seeking to return to work.

Both of these programs were originally established in the Ticket to Work and Work Incentives Improvement Act of 1999, which passed Congress with overwhelming bipartisan support. Under, the Work Incentives Planning and Assistance (WIPA) program, the Social Security Administration (SSA) funds community-based organizations to provide personalized assistance to Social Security and SSI disability beneficiaries who want to work, to help these beneficiaries understand SSA’s complex work incentive policies and the effect that working will have on their benefits. This program can help to reduce the fears many beneficiaries have about transitioning to employment.

Under the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program, SSA awards grants to designated Protection and Advocacy Systems to provide legal advocacy services that beneficiaries need to secure, maintain, or regain employment. The PABSS program also provides beneficiaries with information and advice about obtaining vocational rehabilitation and employment services.

The Subcommittee on Social Security has received extensive testimony from disability advocates, experts, and other stakeholders about the importance of these programs to increasing employment among disability beneficiaries.

SSA is currently authorized to spend \$23 million annually from its administrative budget to fund the WIPA program, and \$7 million annually to fund the PABSS program. However, the authorization for both programs expires on September 30, 2009.

This bill will extend the WIPA and PABSS programs for one year, with no changes, while the Committee considers a longer-term reauthorization. This 1-year extension will ensure that these programs can continue to provide disability beneficiaries with the assistance they need to seek employment. The bill does not increase government spending.

I urge your support for extending these important programs.

Mr. Speaker, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of passage of this important legislation and thank Mr. TANNER for bringing it up. He is doing a great job as the Social Security chairman.

You know, choosing to work shouldn’t be a hard decision to make for someone receiving Supplemental Security, because they are Social Security disability benefits. But it is, and that is because the folks have to think about how their wages will impact their cash benefits or their access to health care.

With nearly unanimous support from both the House and Senate, almost 10 years ago Congress passed Ticket to

Work and the Work Incentives Improvement Act, a law that was about helping those with disabilities to get back to work in order to support themselves and their families. The two grant programs we would reauthorize today were created as a part of that landmark legislation.

The Work Incentives Planning Assistance program funds community-based organizations to assist those receiving benefits to understand Social Security’s complex rules and the effect of working on their benefits. Today, there are over 104 community-based cooperative agreements to ensure these services are available in all 50 States. Since the program began, over 350,000 people have been served.

One example is the Work Incentive Planning Assistance program of Easter Seals in north Texas, which serves 19 counties in the north Texas area, including my district. Thanks to their good work over the past 3 years, their staff experts have served 1,302 people, and 184 of them now still have jobs.

The Protection and Advocacy for Beneficiaries of Social Security program funds 57 grant programs covering all 50 States. These programs served almost 2,500 people last year and helped those working or trying to work by responding to their questions and resolving potential disputes with their employer or with an agency providing them with return-to-work services.

The authorized funding level of \$30 million has remained constant since these programs were created. Should Congress not act, these programs would expire on September 30, 2009, and the funding would end.

While I support a 1-year extension of these two important programs, at a Ways and Means Subcommittee on Social Security hearing, we learned that Social Security’s primary return-to-work program, Ticket to Work, really hasn’t been working. Fortunately, we are beginning to see promising signs of success in the Ticket program since new regulations to fix it were implemented last summer.

Now, more than ever, how every taxpayer dollar is spent does matter. Programs that don’t achieve results must be changed or must end. To that end, I look forward to working with Chairman TANNER and all the members of the committee to figure out how all return-to-work programs can achieve their goal of a job and self-sufficiency for those who choose to return to work.

I urge my colleagues to vote “yes.”

I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, I thank Mr. JOHNSON.

Mr. McDERMOTT. Mr. Speaker, I rise in strong support of H.R. 3325.

The Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program play crucial roles in the lives of SSA’s beneficiaries with disabilities.

The two programs enable these beneficiaries to make informed choices about work as well as providing them with the necessary services to successfully transition back into the workforce.

For instance, the Work Incentives Planning and Assistance Program helps guide them by providing important information about opportunities and resources that help them make an informed decision.

Importantly, these programs provide services, free of charge, to individuals receiving Social Security Disability Insurance or Supplemental Security Income.

A one year reauthorization will ensure that these vulnerable Americans may continue to receive guidance, support, and legal representation.

At a time of increased economic hardship across the country, it is vitally important that we not forget those most in need.

H.R. 3325 has strong bi-partisan support, as it should, and deserves overwhelming support when we vote in order to send a message to SSA beneficiaries with disabilities that they are not forgotten and we stand by their side.

Mr. TANNER. I have no other speakers and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill, H.R. 3325.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VETERANS BUSINESS CENTER ACT OF 2009

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1803) to amend the Small Business Act to establish a Veterans Business Center program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Business Center Act of 2009”.

SEC. 2. VETERANS BUSINESS CENTER PROGRAM.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended—

(1) in subsection (f), by inserting “(other than subsections (g), (h), and (i))” after “this section”; and

(2) by adding at the end the following:

“(g) VETERANS BUSINESS CENTER PROGRAM.—

“(1) IN GENERAL.—The Administrator shall establish a Veterans Business Center program within the Administration to provide entrepreneurial training and counseling to veterans in accordance with this subsection.

“(2) DIRECTOR.—The Administrator shall appoint a Director of the Veterans Business Center program, who shall implement and oversee such program and who shall report

directly to the Associate Administrator for Veterans Business Development.

“(3) DESIGNATION OF VETERANS BUSINESS CENTERS.—The Director shall establish by regulation an application, review, and notification process to designate entities as veterans business centers for purposes of this section. The Director shall make publicly known the designation of an entity as a veterans business center and the award of a grant to such center under this subsection.

“(4) FUNDING FOR VETERANS BUSINESS CENTERS.—

“(A) INITIAL GRANTS.—The Director is authorized to make a grant (hereinafter in this subsection referred to as an ‘initial grant’) to each veterans business center each year for not more than 5 years in the amount of \$200,000.

“(B) GROWTH FUNDING GRANTS.—After a veterans business center has received 5 years of initial grants under subparagraph (A), the Director is authorized to make a grant (hereinafter in this subsection referred to as a ‘growth funding grant’) to such center each year for not more than 3 years in the amount of \$150,000. After such center has received 3 years of growth funding grants, the Director shall require such center to meet performance benchmarks established by the Director to be eligible for growth funding grants in subsequent years.

“(5) CENTER RESPONSIBILITIES.—Each veterans business center receiving a grant under this subsection shall use the funds primarily on veteran entrepreneurial development, counseling of veteran-owned small businesses through one-on-one instruction and classes, and providing government procurement assistance to veterans.

“(6) MATCHING FUNDS.—Each veterans business center receiving a grant under this subsection shall be required to provide a non-Federal match of 50 percent of the Federal funds such center receives under this subsection. The Director may issue to a veterans business center, upon request, a waiver from all or a portion of such matching requirement upon a determination of hardship. The Director may waive the matching funds requirement under this paragraph with respect to veterans business centers that serve communities with a per capita income less than 75 percent of the national per capita income and an unemployment rate at least 150 percent higher than the national average.

“(7) TARGETED AREAS.—The Director shall give priority to applications for designations and grants under this subsection that will establish a veterans business center in a geographic area, as determined by the Director, that is not currently served by a veterans business center and in which—

“(A) the population of veterans exceeds the national median of such measure; or

“(B) the population of veterans of Operation Iraqi Freedom or Operation Enduring Freedom exceeds the national median of such measure.

“(8) TRAINING PROGRAM.—The Director shall develop and implement, directly or by contract, an annual training program for the staff and personnel of designated veterans business centers to provide education, support, and information on best practices with respect to the establishment and operation of such centers. The Director shall develop such training program in consultation with veterans business centers, the interagency task force established under subsection (c), and veterans service organizations.

“(9) INCLUSION OF OTHER ORGANIZATIONS IN PROGRAM.—Upon the date of the enactment of this subsection, each Veterans Business

Outreach Center established by the Administrator under the authority of section 8(b)(17) and each center that received funds during fiscal year 2006 from the National Veterans Business Development Corporation established under section 33 and that remains in operation shall be treated as designated as a veterans business center for purposes of this subsection and shall be eligible for grants under this subsection.

“(10) RURAL AREAS.—The Director shall submit annually to the Administrator a report on whether a sufficient percentage, as determined by the Director, of veterans in rural areas have adequate access to a veterans business center. If the Director submits a report under this paragraph that does not demonstrate that a sufficient percentage of veterans in rural areas have adequate access to a veterans business center, the Director shall give priority during the 1-year period following the date of the submission of such report to applications for designations and grants under this subsection that will establish veterans business centers in rural areas.

“(11) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$12,000,000 for fiscal year 2010 and \$14,000,000 for fiscal year 2011.

“(h) ADDITIONAL GRANTS AVAILABLE TO VETERANS BUSINESS CENTERS.—

“(1) ACCESS TO CAPITAL GRANT PROGRAM.—

“(A) IN GENERAL.—The Director of the Veterans Business Center program shall establish a grant program under which the Director is authorized to make, to veterans business centers designated under subsection (g), grants for the following:

“(i) Developing specialized programs to assist veteran-owned small businesses to secure capital and repair damaged credit.

“(ii) Providing informational seminars on securing loans to veteran-owned small businesses.

“(iii) Providing one-on-one counseling to veteran-owned small businesses to improve the financial presentations of such businesses to lenders.

“(iv) Facilitating the access of veteran-owned small businesses to both traditional and non-traditional financing sources.

“(v) Providing one-on-one or group counseling to owners of small business concerns who are members of the reserve components of the armed forces, as specified in section 10101 of title 10, United States Code, to assist such owners to effectively prepare their small businesses for periods when such owners are deployed in support of a contingency operation.

“(vi) Developing specialized programs to assist unemployed veterans to become entrepreneurs.

“(B) AWARD SIZE.—The Director may not award a veterans business center more than \$75,000 in grants under this paragraph.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$1,500,000 for each of fiscal years 2010 and 2011.

“(2) PROCUREMENT ASSISTANCE GRANT PROGRAM.—

“(A) IN GENERAL.—The Director shall establish a grant program under which the Director is authorized to make, to veterans business centers designated under subsection (g), grants for the following:

“(i) Assisting veteran-owned small businesses to identify contracts that are suitable to such businesses.

“(ii) Preparing veteran-owned small businesses to be ready as subcontractors and prime contractors for contracts made avail-

able through the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) through training and business advisement, particularly with respect to the construction trades.

“(iii) Providing veteran-owned small businesses technical assistance with respect to the Federal procurement process, including assisting such businesses to comply with Federal regulations and bonding requirements.

“(B) AWARD SIZE.—The Director may not award a veterans business center more than \$75,000 in grants under this paragraph.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$1,500,000 for each of fiscal years 2010 and 2011.

“(3) SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS GRANT PROGRAM.—

“(A) IN GENERAL.—The Director shall establish a grant program under which the Director is authorized to make, to veterans business centers designated under subsection (g), grants for the following:

“(i) Developing outreach programs for service-disabled veterans to promote self-employment opportunities.

“(ii) Providing training to service-disabled veterans with respect to business plan development, marketing, budgeting, accounting, and merchandising.

“(iii) Assisting service-disabled veteran-owned small businesses to locate and secure business opportunities.

“(B) AWARD SIZE.—The Director may not award a veterans business center more than \$75,000 in grants under this paragraph.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$1,500,000 for each of fiscal years 2010 and 2011.

“(i) VETERANS ENTREPRENEURIAL DEVELOPMENT SUMMIT.—

“(1) IN GENERAL.—The Director of the Veterans Business Center program is authorized to carry out an event, once every two years, for the purpose of providing networking opportunities, outreach, education, training, and support to veterans business centers funded under this section, veteran-owned small businesses, veterans service organizations, and other entities as determined appropriate for inclusion by the Director. Such event shall include education and training with respect to improving outreach to veterans in areas of high unemployment.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$450,000 for fiscal years 2010 and 2011.

“(j) INCLUSION OF SURVIVING SPOUSES.—For purposes of subsections (g), (h), and (i) the following apply:

“(1) The term ‘veteran’ includes a surviving spouse of the following:

“(A) A member of the Armed Forces, including a reserve component thereof.

“(B) A veteran.

“(2) The term ‘veteran-owned small business’ includes a small business owned by a surviving spouse of the following:

“(A) A member of the Armed Forces, including a reserve component thereof.

“(B) A veteran.

“(k) INCLUSION OF RESERVE COMPONENTS.—For purposes of subsections (g), (h), and (i) the following apply:

“(1) The term ‘veteran’ includes a member of the reserve components of the armed forces as specified in section 10101 of title 10, United States Code.

“(2) The term ‘veteran-owned small business’ includes a small business owned by a

member of the reserve components of the armed forces as specified in section 10101 of title 10, United States Code.”

SEC. 3. REPORTING REQUIREMENT FOR INTER-AGENCY TASK FORCE.

Section 32(c) of the Small Business Act (15 U.S.C. 657b(c)) is amended by adding at the end the following:

“(4) REPORT.—The Administrator shall submit to Congress biannually a report on the appointments made to and activities of the task force.”.

SEC. 4. COMPTROLLER GENERAL STUDY OF SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.

The Comptroller General shall carry out a study on the effects of this Act and the amendments made by this Act on small business concerns owned and controlled by veterans and submit to Congress a report on the results of such study. Such report shall include the recommendations of the Comptroller General with respect to how this Act and the amendments made by this Act may be implemented to more effectively serve small business concerns owned and controlled by veterans.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a new generation of heroes returns home from the conflicts in Iraq and Afghanistan, our Nation has a responsibility to ensure that they can earn a decent living for themselves and their families.

When they reenter civilian life, many of our returning soldiers, sailors, airmen and marines will be interested in launching their own businesses. This is not surprising. After all, the attributes it takes to lead a successful business, like perseverance, leadership and strategic thinking, are the same skills that make members of our military effective.

Already veterans comprise 14 percent of self-employed Americans. With more veterans returning home from Iraq every day, we can only expect the number of self-employed veterans to spike in coming months.

The bill before us today is meant to make specialized services available to veterans so that they can succeed as small business owners. Under this bill, the Small Business Administration is instructed to establish a new Veterans

Business Center program. This program will provide veterans with dedicated counseling and business training.

There is already an existing Veterans Business Outreach Center initiative at the Small Business Administration, and while that program is limited in its scope, it has already demonstrated that veterans can succeed in business if they have the right tools.

Importantly, under this bill, for the first time we will have a dedicated network of entrepreneurial development centers that are designed specifically with veterans' needs in mind.

In addition to building on the success of the existing Veterans Business program, this legislation will tackle some of the most difficult challenges blocking veterans from becoming entrepreneurs. Given the ongoing credit crunch, there are specific measures in this bill to help veterans access capital and ensure loans.

H.R. 1803 also helps veterans find Federal contracts that are well-suited for veteran-owned businesses. This is a particularly timely program, given the wave of contracts that will be generated from the American Recovery and Reinvestment Act.

Equally important, this bill makes clear that as the SBA activates the new network of Veterans Business Centers, it should look first to those areas of the country with large veterans populations. In short, we are bringing small business resources that veterans need to the communities with the most veterans.

Mr. Speaker, all of us owe a debt to the men and women who wear our Nation's uniform in defense of our country. While we can never fully repay that debt, we can help our veterans reenter civilian life and pursue the American Dream.

The legislation before the House today will help our returning heroes find their piece of the American Dream by launching and building their own businesses. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 1803, the Veterans Business Center Act of 2009. Today's current economic climate provides a hard path to success. While it has never been easy for small business owners, obligations for increases in taxes, utilities, high health care costs and loan payments make it even more difficult.

With this ever-increasing burden, it is no wonder that small businesses are not thriving. And despite the barriers that are placed in front of them, small business owners are using their creativity to survive. The Small Business Administration has entrepreneurial technical assistance programs that

must be reassessed in order to ensure that they are providing the most effective assistance to small business.

When the men and women who have chosen to serve their country honorably in the armed services retire and return home, they are often faced with a daunting task of beginning new careers. Many times, they choose to serve their country in another way. These brave Americans frequently choose to open up a small business and contribute to the growth of America's economy. For these great Americans, we must provide them with the very best training to ensure the ease of transition to their new civilian lives.

This important legislation modernizes one of SBA's most critical programs, the Veterans Business Center program, so it can help them become entrepreneurs during these difficult economic times. It will show them how to use their skills and creativity to establish small businesses and survive until such time as the economic climate allows their businesses to thrive. Then it will provide them with the assistance they need to help grow their business.

Currently, the Office of Veterans Affairs at the SBA oversees five Veterans Business Centers that serve our veterans. Under this legislation, a Veterans Business Center program will be established to develop and run a larger network of Veterans Business Centers.

Special attention will be paid to the areas of the country with dense veteran populations, such as those surrounding military facilities. These centers will offer counseling to veterans through one-on-one instruction. It will also provide continuing education to those who may have run a small business before entering the armed services and have returned to their business after a tour of duty.

□ 1630

Frequently overlooked and underappreciated are the spouses of Americans who have served in the Armed Forces. These individuals also face the challenges that a life in the armed services may present, including providing for a family in the absence of the servicemember. Under this legislation, spouses of deceased servicemembers will also benefit from the counseling and training of Veterans Business Centers if they are starting or running a small business.

Enlisted personnel are not the only ones serving our country. Members of the National Guard are frequently called upon at a moment's notice to provide assistance, whether in disaster relief efforts or in tours of duty overseas during wartime. Given the service they provide to the country, they should have the same resources as enlisted members of the armed services when their commitment to their fellow citizens is over. This bill would open

Veterans Business Centers to members of the National Guard.

Everyone knows that a good business plan is the cornerstone of any successful small business. Creating and executing the business plan requires extensive business knowledge and ingenuity, including the ability to predict potential obstacles to the success that may unfold at any time.

This bill fortifies an already existing program that teaches America's veterans how to tackle their problems head on. In short, this bill sharpens an already existing tool employed by the SBA to cultivate one of our Nation's greatest natural resources, its veteran entrepreneurs.

Mr. Speaker, this legislation makes crucial changes to an important program at a critical time. I commend Mr. NYE for his hard work on this bill. I also commend Chairwoman VELÁZQUEZ for moving this bill so swiftly through committee.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield as much time as he may consume to the sponsor of the legislation, the gentleman from Virginia (Mr. NYE).

Mr. NYE. Mr. Speaker, first of all, I would like to thank Chairwoman VELÁZQUEZ for helping me bring my bill to the floor today. I can't thank my good friend enough for the hard work and the bipartisanship that she has shown in her leadership of the committee. I couldn't ask for a better chairwoman. I would also like to thank Ranking Member GRAVES and Mr. THOMPSON for their support.

Mr. Speaker, I have the honor to represent Virginia's Second Congressional District, home to the largest concentration of veterans, military personnel and military families anywhere in the country. We know firsthand that our community is stronger not only because of the service of our military personnel but also because of the contributions of our veterans.

The same drive and dedication that leads men and women from Hampton Roads and the Eastern Shore to serve our country in uniform also leads many of our veterans to take on the challenge of entrepreneurship. Like small businesses all across the country, veteran-owned small businesses are a crucial part of our economy, helping to create jobs and spur economic growth.

It's no secret why they are successful. The skills and training that our veterans learn in the military are incredibly valuable in the private sector. However, despite their experience, many veterans leave the military without the resources to translate their skills to the challenges of starting and running a business. This bill will make sure our veterans have the support they need by establishing a nationwide network of Veterans Business Centers.

These centers will provide counseling and business training. They will assist

in accessing capital and securing loans and credit, and they will help veterans navigate the procurement process to compete more effectively in the Federal marketplace.

Earlier this year, I spoke with a veteran in my district who started his own small business just 3 years ago; and as of this year, he has already created hundreds of jobs. Despite years of experience in the military, he told me that the only way that he got started was because of the support from other veteran business owners who showed him the ropes.

While he was fortunate, not all of our veterans are in the same position. The Veterans Business Centers will ensure that all veterans have access to the same resources and information so that they too can launch and grow their own businesses. We know already from the existing outreach centers and Small Business Development Centers that the model can be very successful. My bill will build on what works and expand access to these critical services, especially in areas of the country with large numbers of veterans.

The Veterans Business Center Act of 2009 has the support of both the American Legion and the Veterans of Foreign Wars; and most importantly, it will help spur the growth of small businesses and create jobs because at a time when we are working to rebuild our economy, America must draw upon the ingenuity of our small businesses and the dedication of our veteran entrepreneurs. I strongly urge my colleagues to support this bill.

Mr. THOMPSON of Pennsylvania. I yield as much time as she may consume to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise today in support of H.R. 1803, the Veterans Business Center Act of 2009. By creating a Veterans Business Center program, this bill supplies veterans with the academic, instructional and economic support that they need to start their own businesses. In my home State of Florida, 99 percent of the State's employers are small businesses. At a time when Florida is facing unprecedented economic difficulties, this bill will provide veterans in my district with the entrepreneurial training and counseling that they need to enter this vital part of Florida's economy.

I especially like the part of the bill that targets areas with high veteran populations. Madam Chairman, do I have the area for you: certainly the Tampa Bay area is home to so many veterans. We have MacDill; we have two wonderful veterans hospitals right there; and the third one is about to be built in the Orlando area.

While serving in the Armed Forces, our men and women in uniform often need to put their own career goals and

ambitions on hold while risking their lives to protect our freedom. One way that we can honor our troops for their sacrifices and bravery is to provide them with the opportunity to pursue their dreams once they return from the battlefield. This Veterans Business Center Act of 2009 is an important step in achieving this goal. I want to thank Mr. NYE for introducing this bill and certainly Ms. VELÁZQUEZ from New York for allowing the bill to come before her committee and eventually to the floor. I encourage all of my colleagues to support this bill.

Ms. VELÁZQUEZ. Mr. Speaker, I have no further speakers. If the gentleman is ready to close or yield back, I am ready to close.

Mr. THOMPSON of Pennsylvania. I just want to thank the chairwoman for her leadership with this and Mr. NYE for this piece of legislation, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Again, Mr. Speaker, let me just take the opportunity to thank Mr. NYE and all the members from the other side on the Small Business Committee who have worked on this legislation. I encourage all the Members to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 1803, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EDUCATING ENTREPRENEURS THROUGH TODAY'S TECHNOLOGY ACT

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1807) to provide distance learning to potential and existing entrepreneurs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Educating Entrepreneurs through Today's Technology Act".

SEC. 2. EDUCATING ENTREPRENEURS THROUGH TECHNOLOGY.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by redesignating section 44 as section 45 and by inserting the following new section after section 43:

"SEC. 44. EDUCATING AND NETWORKING ENTREPRENEURS THROUGH TECHNOLOGY.

"(a) PURPOSE.—The purpose of this section is to provide distance learning and opportunities for the exchange of peer-to-peer technical assistance through online networking

to potential and existing entrepreneurs through the use of technology.

“(b) DEFINITION.—As used in this section, the term ‘qualified third-party vendor’ means an entity with experience in distance learning content or communications technology, or both, with the ability to utilize on-line, satellite, video-on-demand, and connected community-based organizations to distribute and conduct distance learning and establish an online network for use by potential and existing entrepreneurs to facilitate the exchange of peer-to-peer technical assistance related to entrepreneurship, credit management, financial literacy, and Federal small business development programs.

“(c) AUTHORITY.—The Administrator shall contract with qualified third-party vendors for entrepreneurial training content, the development of communications technology that can distribute content under this section throughout the United States, and the establishment of a nationwide, online network for the exchange of peer-to-peer technical assistance. The Administrator shall contract with at least two qualified third-party vendors to develop content.

“(d) CONTENT.—The Administrator shall ensure that the content referred to in subsection (c) is timely and relevant to entrepreneurial development and can be successfully communicated remotely to an audience through the use of technology. The Administrator shall, to the maximum extent practicable, promote content that makes use of technologies that allow for remote interaction by the content provider with an audience. The Administrator shall ensure that the content is catalogued and accessible to small businesses on-line or through other remote technologies.

“(e) COMMUNICATIONS TECHNOLOGY.—The Administrator shall ensure that the communications technology referred to in subsection (c) is able to distribute content throughout all 50 States and the territories of the United States to small business concerns, home-based businesses, Small Business Development Centers, Women’s Business Centers, Veterans Business Centers, SCORE chapters, and the Small Business Administration and network entrepreneurs throughout all 50 States and the territories of the United States to allow for peer-to-peer learning through the creation of a location online that allows entrepreneurs and small business owners the opportunity to exchange technical assistance through the sharing of information. To the extent possible, the qualified third-party vendor should deliver the content and facilitate the networking using broadband technology.

“(f) REPORTS TO CONGRESS.—The Administrator shall submit a report to Congress 6 months after the date of the enactment of this section containing an analysis of the Small Business Administration’s progress in implementing this section. The Administrator shall submit a report to Congress 1 year after the date of the enactment of this section and annually thereafter containing the number of presentations made under this section, the number of small businesses served under this section, the extent to which this section resulted in the establishment of new businesses, and feedback on the usefulness of this medium in presenting entrepreneurial education and facilitating the exchange of peer-to-peer technical assistance throughout the United States.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$2,000,000 for each of the fiscal years 2010 and 2011.”

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of this bill which will help entrepreneurs grow their businesses through the expanded use of cutting-edge technology. This bill is a bipartisan product introduced by Representative THOMPSON from Pennsylvania and promises to go a long way in helping small firms flourish. Entrepreneurship is the tested tool for powering economies. So it should come as no surprise that entrepreneurial development, or ED, programs, have a track record for sparking growth. In fact, every \$1 put into these initiatives puts another \$2.87 into the Treasury. You cannot argue with that kind of return, especially at a time when our economy is fighting to recover.

While small business growth is important to any community, it is especially vital in struggling rural regions and urban areas. When recession hits, these areas fall the hardest. That is why this bill is so important. Through the use of cutting-edge technology, it delivers entrepreneurial development training to Americans everywhere. In doing so, it encourages business growth in places where it might not otherwise take root.

This is critical because entrepreneurship is more than a means of employment. It is a path to economic independence. Technology is often referred to as the great equalizer. It is an avenue through which all businesses, large and small, can attract new customers and reach untapped markets. It is also an effective means for delivering information and sharing data.

The Educating Entrepreneurs through Today’s Technology Act builds on those two capabilities. With the click of a mouse, an aspiring entrepreneur in Appalachia can participate in a training program broadcast out of San Francisco. Resources such as satellite seminars and online information sessions make it easy for entrepreneurs everywhere to access information on a broad range of topics. Starting and running a small business can be challenging. In the current environment,

even seasoned entrepreneurs are struggling to adapt. Proper training in areas like credit management, financial literacy and Federal small business programs are more important than ever. Whether we are talking about fledgling entrepreneurs or those with years of experience, everyone can benefit from this kind of information.

There is no question that our economy looks different today than it did the last time SBA’s ED programs were updated. In terms of technology alone, we have grown by leaps and bounds. This bill reflects that change. It makes sure small firms can use modern technology to the best of their advantage. With these services, startups will be able to build a solid business foundation. Meanwhile, established firms will be able to retool and improve their existing operations.

As we continue to work our way towards recovery, small businesses will be on the front lines. It only makes sense to give them all the tools they need to succeed because with the technology of today they can help build prosperity for tomorrow. Mr. THOMPSON’s bill gives them the resources to do so.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of H.R. 1807, the Educating Entrepreneurs through Today’s Technology Act. Small businesses are the backbone of our economy, employing roughly half of United States workers. While our communities are experiencing high unemployment rates, the entrepreneurial spirit remains alive and well. For many underserved and rural areas, it is critical to have the opportunity and the ability to tap into resources that will foster further economic development and provide prospective entrepreneurs with the same access afforded to their suburban and urban counterparts.

H.R. 1807 will allow third parties the opportunity to provide high-quality tele-distance training through a competitive grants process administered by the SBA. The measure will provide for third-party vendors with experience in distance learning content and communications technology. It will employ online, satellite, video-connected, community-based organizations to distribute and conduct distance learning related to entrepreneurship, credit management, financial literacy, home-ownership and Federal small business development programs.

The Small Business Administration will ensure that the communications technology is distributed through all 50 States and U.S. territories to home-based businesses, Small Business Development Centers, Women’s Business Centers, Veterans Business Centers and SBA district offices. Additionally, this

measure would require that the online distance learning program provided for in title II of the bill, include the establishment of an online networking site where entrepreneurs and small business owners can go to interact with one another. The goal of this networking site is to facilitate the exchange of peer-to-peer technical assistance.

□ 1645

This will allow for prospective and established entrepreneurs and small business owners to interact with each other to troubleshoot problems and share best practices for interacting with SBA, securing financing, navigating government regulations, and the slew of odds and ends that arise when getting a small business off the ground. There is no substitute for being able to fall back on lessons learned from experience, and peer to peer will arm current and prospective entrepreneurs with this priceless information from individuals who have been there before.

Mr. Speaker, for many entrepreneurs across the country, in order to access SBA and Small Business Development Centers they have to drive long distances. In my rural district, we have learned to use our limited resources wisely, and this can also be said for rural and underserved communities across the Nation.

This measure recognizes a one-size-fits-all textbook approach to addressing entrepreneurial concerns is seldom the solution. Passage of this measure will empower these very entrepreneurs to navigate the many hurdles facing emerging businesses.

I encourage my colleagues to vote in favor of H.R. 1807 and continue the House's commitment to our Nation's entrepreneurs.

Mr. Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 1807, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SMALL BUSINESS ADMINISTRATION EXTENSION

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1513) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-10 (123 Stat. 990), is amended by striking “July 31, 2009” each place it appears and inserting “September 30, 2009”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 30, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

All of us on both sides of the aisle agree that America's small businesses will be the cornerstone of our economic recovery. Not only are small businesses more nimble and better able to respond to economic turbulence, but after losing their jobs many Americans turn to entrepreneurship as a new source of income. This ingenuity has led us out of previous recessions. With the right tools and support, I believe small businesses will again lead our Nation back to recovery.

Since January, this Congress has taken important steps to help our small businesses. The Recovery Act is helping address the single biggest challenge facing entrepreneurs today, namely, access to affordable capital. By making improvements to the SBA's capital access programs, this bill will yield \$21 billion in new lending and investment for small firms. We have also targeted \$15 billion in new tax relief to small businesses through the act, and many small companies are being put back to work rebuilding our economic infrastructure. In fact, small businesses which dominate trades like construction and engineering can expect to see \$30 billion in infrastructure opportunities thanks to the Recovery Act.

However, our work on behalf of small businesses does not stop there. In May, this body passed bipartisan legislation to update and improve the SBA's Entrepreneurial Development programs. These initiatives have a solid track record of success. Small businesses that use them are twice as likely to succeed.

Last year alone, ED programs helped create 73,000 new jobs. The legislation we passed in May will build on this success. Through outreach to targeted communities like veterans, our bill will ensure more companies take advantage of these services. And the legislation responds to current economic pressures by helping dislocated workers start their own enterprises and offering expert consulting to troubled businesses.

Finally, in the last month we have worked to update the Small Business Innovation Research program and the Small Business Technology Transfer program. Every year, through SBIR and STTR, some of our largest Federal agencies invest \$2.2 billion in small business research. This infusion helps launch 1,500 new companies. The House-passed bill will strengthen the SBIR program in a number of ways. It will make it easier for companies participating in SBIR to access venture capital. We have also adjusted the size of program grants to better reflect the research costs. And we have targeted the program toward commercialization so more products come to the market and there are further opportunities for job creation.

Mr. Speaker, all of these measures will update and improve Federal programs that small businesses rely on. As we speak, the committee is continuing work with our counterparts in the Senate to finalize these bills, prepare them for final passage, and get them to the President for his signature.

However, as the current programs at the SBA expire at the end of this month, we must pass an extension so that our legislative work can continue. The bill before us will keep existing initiatives at the SBA running for another 60 days. This will allow us time to finalize these measures and prepare them for final passage.

I urge my colleagues to vote “yes” on this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the chairwoman's request to suspend the rules and pass S. 1513.

The bill is very simple. It extends the authorization of all programs authorized by the Small Business Act, the Small Business Investment Act, and any program operated by the Small Business Administration for which Congress has already appropriated

funds. This extension will last until September 30, 2009. This extension is necessary because the authorization for various programs operated by SBA ceases on July 30, 2009.

The committee has worked in a bipartisan fashion over the past two Congresses and reported out a number of bills to address programs operated by the SBA. Despite the efforts of the House, the extension passed earlier this year by both parties of Congress will expire before the legislative process can run its course. The work needed to help America's entrepreneurs revitalize the economy simply cannot be accomplished by Friday of this week. Without enactment of this extension, a number of vital programs that SBA operates would cease to function.

Given the importance that small businesses play and will continue to play in the revitalization of the American economy, we cannot allow the SBA authorizations to run out. Enactment of this extension will enable the House and Senate to continue to work in a diligent manner to address necessary changes to SBA programs.

I urge all my colleagues to suspend the rules and pass S. 1513.

Mr. GINGREY of Georgia. Mr. Speaker, I rise in strong support of S. 1513, legislation that would provide a short term extension of the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs. While I wish that our colleagues in the Senate would have taken up the House-passed H.R. 2965 before the programs' scheduled expiration on July 31, I believe that it is imperative that we act quickly so as not to lose the ability to help small businesses, who are the biggest job creators in our country.

Small business drives U.S. economic growth and innovation. These companies make up 99.7 percent of all U.S. employers and employ nearly half of all Americans not working for the government. In addition, small businesses employ 39 percent of high-tech workers such as scientists and engineers, and produce 13 to 14 times more patents per employee than do large firms.

Mr. Speaker, the SBIR and STTR programs were created to provide critical funding to these companies so they could conduct R&D that they otherwise would not be able to afford. These programs also provide further funding to commercialize promising technology resulting from this R&D.

Since their inception in 1982, these programs continue to provide over \$2 billion in grants and contracts each year and have provided the start-up funding for hundreds of small businesses in the United States.

In my own State of Georgia, Georgia Tech provides assistance to small business initiatives across the State, and as a result, companies have received over \$244 million in SBIR and STTR grants since the programs' inception. In my northwest Georgia district alone, over \$3.3 million in SBIR grants were awarded in fiscal year 2008.

Mr. Speaker, earlier this month, both Chambers of Congress passed respective legislation

to fully reauthorize the SBIR and STTR programs. It is my hope that after we return from the annual August recess, we can work in a bipartisan and bicameral way to pass this important reauthorization. These programs have been effective in providing government assistance to small businesses to help more people in our country achieve the American Dream. We need to ensure that both SBIR and STTR are extended until September 30 so that we can continue to foster small business development in the emerging technology-based global economy—while we work with our Senate colleagues for a full reauthorization.

I urge all of my colleagues to support this short-term extension by voting in favor of S. 1513.

Mr. THOMPSON of Pennsylvania. I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, S. 1513.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COAST GUARD ACQUISITION REFORM ACT OF 2009

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1665) to structure Coast Guard acquisition processes and policies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Coast Guard Acquisition Reform Act of 2009”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—RESTRICTIONS ON THE USE OF LEAD SYSTEMS INTEGRATORS

Sec. 101. Procurement structure.

TITLE II—COAST GUARD ACQUISITION POLICY

Sec. 201. Operational requirements.
Sec. 202. Required contract terms.
Sec. 203. Life-cycle cost estimates.
Sec. 204. Test and evaluation.
Sec. 205. Capability standards.
Sec. 206. Acquisition program reports.

Sec. 207. Undefined contractual actions.
Sec. 208. Guidance on excessive pass-through charges.
Sec. 209. Acquisition of major capabilities: Alternatives analysis.
Sec. 210. Cost overruns and delays.
Sec. 211. Report on former Coast Guard officials employed by contractors to the agency.
Sec. 212. Department of Defense consultation.

TITLE III—COAST GUARD PERSONNEL

Sec. 301. Chief Acquisition Officer.
Sec. 302. Improvements in Coast Guard acquisition management.
Sec. 303. Recognition of Coast Guard personnel for excellence in acquisition.
Sec. 304. Enhanced status quo officer promotion system.
Sec. 305. Coast Guard acquisition workforce expedited hiring authority.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) COMMANDANT.—The term “Commandant” means the Commandant of the Coast Guard.

(3) LEVEL 1 ACQUISITION.—The term “Level 1 acquisition” means—

(A) an acquisition by the Coast Guard—
(i) the estimated life-cycle costs of which exceed \$1,000,000,000; or
(ii) the estimated total acquisition costs of which exceed \$300,000,000; or
(B) any acquisition that the Chief Acquisition Officer of the Coast Guard determines to have a special interest—

(i) due to—
(I) the experimental or technically immature nature of the asset;
(II) the technological complexity of the asset;
(III) the commitment of resources; or
(IV) the nature of the capability or set of capabilities to be achieved; or
(ii) because such acquisition is a joint acquisition.

(4) LEVEL 2 ACQUISITION.—The term “Level 2 acquisition” means an acquisition by the Coast Guard—

(A) the estimated life-cycle costs of which are equal to or less than \$1,000,000,000, but greater than \$300,000,000; or
(B) the estimated total acquisition costs of which are equal to or less than \$300,000,000, but greater than \$100,000,000.

(5) LIFE-CYCLE COST.—The term “life-cycle cost” means all costs for development, procurement, construction, and operations and support for a particular capability or asset, without regard to funding source or management control.

TITLE I—RESTRICTIONS ON THE USE OF LEAD SYSTEMS INTEGRATORS

SEC. 101. PROCUREMENT STRUCTURE.

(a) IN GENERAL.—

(1) USE OF LEAD SYSTEMS INTEGRATOR.—Except as provided in subsection (b), the Commandant may not use a private sector entity as a lead systems integrator for an acquisition contract awarded or delivery order or task order issued after the end of the 180-day period beginning on the date of enactment of this Act.

(2) FULL AND OPEN COMPETITION.—The Commandant and any lead systems integrator

engaged by the Coast Guard shall use full and open competition for any acquisition contract awarded after the date of enactment of this Act, unless otherwise excepted in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

(3) **NO EFFECT ON SMALL BUSINESS ACT.**—Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.).

(b) **EXCEPTIONS.**—

(1) **NATIONAL DISTRESS AND RESPONSE SYSTEM MODERNIZATION PROGRAM; NATIONAL SECURITY CUTTERS 2 AND 3.**—Notwithstanding subsections (a) and (e), the Commandant may use a private sector entity as a lead systems integrator for the Coast Guard to complete the National Distress and Response System Modernization Program (otherwise known as the “Rescue 21” program) and National Security Cutters 2 and 3.

(2) **COMPLETION OF ACQUISITION BY LEAD SYSTEMS INTEGRATOR.**—Notwithstanding subsection (a), the Commandant may use a private sector entity as a lead systems integrator for the Coast Guard—

(A) to complete any delivery order or task order, including the exercise of previously established options on a delivery order or task order that was issued to a lead systems integrator on or before the date that is 180 days after the date of enactment of this Act without any change in the quantity of capabilities or assets or the specific type of capabilities or assets covered by the order;

(B) for a contract awarded after the date that is 180 days after the date of enactment of this Act for acquisition of, or in support of, the HC-130J aircraft, the HH-65 aircraft, or the C4ISR system, if the requirements of subsection (c) are met with respect to such acquisitions;

(C) for a contract awarded after the date that is 180 days after the date of enactment of this Act for acquisition of, or in support of, Maritime Patrol Aircraft, if the requirements of subsection (c) are met with respect to such an acquisition; and

(D) for the acquisition of, or in support of, additional National Security Cutters or Maritime Patrol Aircraft, if the Commandant determines that—

(i) the acquisition is in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation;

(ii) the acquisition and the use of a private sector entity as a lead systems integrator for the acquisition are in the best interest of the Federal Government; and

(iii) the requirements of subsection (c) are met with respect to such acquisition.

(3) **REPORT ON DECISION-MAKING PROCESS.**—If the Commandant determines under subparagraph (B), (C), or (D) of subsection (b)(2) that the Coast Guard will use a private sector lead systems integrator for an acquisition, the Commandant shall notify in writing the appropriate congressional committees of the Commandant’s determination and shall provide a detailed rationale for the determination, at least 30 days before the award of a contract or issuance of a delivery order or task order, using a private sector lead systems integrator, including a comparison of the cost of the acquisition through the private sector lead systems integrator with the expected cost if the acquisition were awarded directly to the manufacturer or shipyard. For purposes of that comparison, the cost of award directly to a man-

ufacturer or shipyard shall include the costs of Government contract management and oversight.

(c) **LIMITATION ON LEAD SYSTEMS INTEGRATORS.**—Neither an entity performing lead systems integrator functions for a Coast Guard acquisition nor a Tier 1 subcontractor for any acquisition described in subparagraph (B), (C), or (D) of subsection (b)(2) may have a financial interest in a subcontractor below the Tier 1 subcontractor level unless—

(1) the subcontractor was selected by the prime contractor through full and open competition for such procurement;

(2) the procurement was awarded by the lead systems integrator or a subcontractor through full and open competition;

(3) the procurement was awarded by a subcontractor through a process over which the lead systems integrator or a Tier 1 subcontractor exercised no control; or

(4) the Commandant has determined that the procurement was awarded in a manner consistent with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

(d) **RULE OF CONSTRUCTION.**—The limitation in subsection (b)(1)(A) on the quantity and specific type of assets to which subsection (b) applies shall not be construed to apply to the modification of the number or type of any sub-systems or other components of a vessel or aircraft described in subparagraph (B), (C), or (D) of subsection (b)(2).

(e) **TERMINATION DATE FOR EXCEPTIONS.**—Except as described in subsection (b)(1), the Commandant may not use a private sector entity as a lead systems integrator for acquisition contracts awarded, or task orders or delivery orders issued, after the earlier of—

(1) September 30, 2011; or

(2) the date on which the Commandant certifies in writing to the appropriate congressional committees that the Coast Guard has available and can retain sufficient acquisition workforce personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead systems integrator in an efficient and cost-effective manner.

TITLE II—COAST GUARD ACQUISITION POLICY

SEC. 201. OPERATIONAL REQUIREMENTS.

(a) **IN GENERAL.**—No Level 1 or Level 2 acquisition program may be initiated by the Coast Guard, and no production contract may be awarded for such an acquisition, unless the Commandant has approved an operational requirement for such acquisition.

(b) **OPERATIONAL REQUIREMENT FOR ACQUISITION PROGRAMS.**—

(1) **IN GENERAL.**—The Commandant shall establish mature and stable operational requirements for acquisition programs.

(2) **ELEMENTS.**—Prior to establishing operational requirements under paragraph (1), the Commandant shall—

(A) prepare a preliminary statement of need, a concept of operations, an analysis of alternatives or the equivalent, an estimate of life-cycle costs, and requirements for interoperability with other capabilities and assets within and external to the Coast Guard; and

(B) in preparing the concept of operations under subparagraph (A), coordinate with acquisition and support professionals, requirements officials, operational users and maintainers, and resource officials who can ensure the appropriate consideration of performance, cost, schedule and risk trade-offs.

(c) **CONSIDERATION OF TRADE-OFFS.**—In establishing operational requirements under subsection (a), the Commandant shall develop and implement mechanisms to ensure that trade-offs among performance, cost, schedule, and risk are considered in the establishment of operational requirements for development and production of a Level 1 or Level 2 acquisition.

(d) **ELEMENTS.**—The mechanisms required under this section shall ensure at a minimum that Coast Guard officials responsible for acquisition management, budget, and cost estimating functions have the authority to develop cost estimates and raise cost and schedule matters at any point in the process of establishing operational requirements for a Level 1 or Level 2 acquisition.

SEC. 202. REQUIRED CONTRACT TERMS.

(a) **IN GENERAL.**—The Commandant shall ensure that a contract awarded or a delivery order or task order issued for an acquisition of a capability or an asset with an expected service life of 10 years and with a total acquisition cost that is equal to or exceeds \$10,000,000 awarded or issued by the Coast Guard after the date of enactment of this Act—

(1) provides that all certifications for an end-state capability or asset under such contract, delivery order, or task order, respectively, will be conducted by the Commandant or an independent third party, and that self-certification by a contractor or subcontractor is not allowed;

(2) requires that the Commandant shall maintain the authority to establish, approve, and maintain technical requirements;

(3) requires that any measurement of contractor and subcontractor performance be based on the status of all work performed, including the extent to which the work performed met all performance, cost, and schedule requirements;

(4) specifies that, for the acquisition or upgrade of air, surface, or shore capabilities and assets for which compliance with TEMPEST certification is a requirement, the standard for determining such compliance will be the air, surface, or shore standard then used by the Department of the Navy for that type of capability or asset; and

(5) for any contract awarded to acquire an Offshore Patrol Cutter, includes provisions specifying the service life, fatigue life, and days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter will be built to achieve.

(b) **PROHIBITED CONTRACT PROVISIONS.**—The Commandant shall ensure that any contract awarded or delivery order or task order issued by the Coast Guard after the date of enactment of this Act does not include any provision allowing for equitable adjustment that differs from the Federal Acquisition Regulation.

(c) **EXTENSION OF PROGRAM.**—Any contract, contract modification, or award term extending a contract with a lead systems integrator—

(1) shall not include any minimum requirements for the purchase of a given or determinable number of specific capabilities or assets; and

(2) shall be reviewed by an independent third party with expertise in acquisition management, and the results of that review shall be submitted to the appropriate congressional committees at least 60 days prior to the award of the contract, contract modification, or award term.

SEC. 203. LIFE-CYCLE COST ESTIMATES.

(a) **IN GENERAL.**—The Commandant shall implement mechanisms to ensure the development and regular updating of life-cycle cost estimates for each acquisition with a total acquisition cost that equals or exceeds \$10,000,000 and an expected service life of 10 years, and to ensure that these estimates are considered in decisions to develop or produce new or enhanced capabilities and assets.

(b) **TYPES OF ESTIMATES.**—In addition to life-cycle cost estimates that may be developed by acquisition program offices, the Commandant shall require that an independent life-cycle cost estimate be developed for each Level 1 or Level 2 acquisition program or project.

(c) **REQUIRED UPDATES.**—For each Level 1 or Level 2 acquisition program or project the Commandant shall require that life-cycle cost estimates shall be updated before each milestone decision is concluded and the program or project enters a new acquisition phase.

SEC. 204. TEST AND EVALUATION.

(a) **TEST AND EVALUATION MASTER PLAN.**—

(1) **IN GENERAL.**—For any Level 1 or Level 2 acquisition program or project the Coast Guard Chief Acquisition Officer must approve a Test and Evaluation Master Plan specific to the acquisition program or project for the capability, asset, or sub-systems of the capability or asset and intended to minimize technical, cost, and schedule risk as early as practicable in the development of the program or project.

(2) **TEST AND EVALUATION STRATEGY.**—The TEMP shall—

(A) set forth an integrated test and evaluation strategy that will verify that capability-level or asset-level and sub-system-level design and development, including performance and supportability, have been sufficiently proven before the capability, asset, or sub-system of the capability or asset is approved for production; and

(B) require that adequate developmental tests and evaluations and operational tests and evaluations established under subparagraph (A) are performed to inform production decisions.

(3) **OTHER COMPONENTS OF TEMP.**—At a minimum, the TEMP shall identify—

(A) the key performance parameters to be resolved through the integrated test and evaluation strategy;

(B) critical operational issues to be assessed in addition to the key performance parameters;

(C) specific development test and evaluation phases and the scope of each phase;

(D) modeling and simulation activities to be performed, if any, and the scope of such activities;

(E) early operational assessments to be performed, if any, and the scope of such assessments;

(F) operational test and evaluation phases; (G) an estimate of the resources, including funds, that will be required for all test, evaluation, assessment, modeling, and simulation activities; and

(H) the Government entity or independent entity that will perform the test, evaluation, assessment, modeling, and simulation activities.

(4) **UPDATE.**—The Coast Guard Chief Acquisition Officer shall approve an updated TEMP whenever there is a revision to program or project test and evaluation strategy, scope, or phasing.

(5) **LIMITATION.**—The Coast Guard may not—

(A) proceed past that phase of the acquisition process that entails approving the sup-

porting acquisition of a capability or asset before the TEMP is approved by the Coast Guard Chief Acquisition Officer; or

(B) award any production contract for a capability, asset, or sub-system for which a TEMP is required under this subsection before the TEMP is approved by the Coast Guard Chief Acquisition Officer.

(b) **TESTS AND EVALUATIONS.**—

(1) **IN GENERAL.**—The Commandant shall ensure that the Coast Guard conducts developmental tests and evaluations and operational tests and evaluations of a capability or asset and the sub-systems of the capability or asset for which a TEMP has been prepared under subsection (a).

(2) **USE OF THIRD PARTIES.**—The Commandant shall ensure that the Coast Guard uses third parties with expertise in testing and evaluating the capabilities or assets and the sub-systems of the capabilities or assets being acquired to conduct developmental tests and evaluations and operational tests and evaluations whenever the Coast Guard lacks the capability to conduct the tests and evaluations required by a TEMP.

(3) **COMMUNICATION OF SAFETY CONCERNS.**—The Commandant shall require that safety concerns identified during developmental or operational tests and evaluations or through independent or Government-conducted design assessments of capabilities or assets and sub-systems of capabilities or assets to be acquired by the Coast Guard shall be communicated as soon as practicable, but not later than 30 days after the completion of the test or assessment event or activity that identified the safety concern, to the program manager for the capability or asset and the sub-systems concerned and to the Coast Guard Chief Acquisition Officer.

(4) **REPORTING OF SAFETY CONCERNS.**—Any safety concerns that have been reported to the Chief Acquisition Officer for an acquisition program or project shall be reported by the Commandant to the appropriate congressional committees at least 90 days before the award of any contract or issuance of any delivery order or task order for low, initial, or full-rate production of the capability or asset concerned if they will remain uncorrected or unmitigated at the time such a contract is awarded or delivery order or task order is issued. The report shall include a justification for the approval of that level of production of the capability or asset before the safety concern is corrected or mitigated. The report shall also include an explanation of the actions that will be taken to correct or mitigate the safety concern, the date by which those actions will be taken, and the adequacy of current funding to correct or mitigate the safety concern.

(5) **ASSET ALREADY IN LOW, INITIAL, OR FULL-RATE PRODUCTION.**—If operational test and evaluation on a capability or asset already in low, initial, or full-rate production identifies a safety concern with the capability or asset or any sub-systems of the capability or asset not previously identified during developmental or operational test and evaluation, the Commandant shall—

(A) notify the program manager and the Chief Acquisition Officer of the safety concern as soon as practicable, but not later than 30 days after the completion of the test and evaluation event or activity that identified the safety concern; and

(B) notify the appropriate congressional Committee of the safety concern not later than 30 days after notification is made to the program manager and Chief Acquisition Officer, and include in such notification—

(i) an explanation of the actions that will be taken to correct or mitigate the safety

concern in all capabilities or assets and sub-systems of the capabilities or assets yet to be produced, and the date by which those actions will be taken;

(ii) an explanation of the actions that will be taken to correct or mitigate the safety concern in previously produced capabilities or assets and sub-systems of the capabilities or assets, and the date by which those actions will be taken; and

(iii) an assessment of the adequacy of current funding to correct or mitigate the safety concern in capabilities or assets and sub-systems of the capabilities or assets and in previously produced capabilities or assets and sub-systems.

(c) **DEFINITIONS.**—In this section:

(1) **DEVELOPMENTAL TEST AND EVALUATION.**—The term “developmental test and evaluation” means—

(A) the testing of a capability or asset and the sub-systems of the capability or asset to determine whether they meet all contractual performance requirements, including technical performance requirements, supportability requirements, and interoperability requirements and related specifications; and

(B) the evaluation of the results of such testing.

(2) **OPERATIONAL TEST AND EVALUATION.**—The term “operational test and evaluation” means—

(A) the testing of a capability or asset and the sub-systems of the capability or asset, under conditions similar to those in which the capability or asset and subsystems will actually be deployed, for the purpose of determining the effectiveness and suitability of the capability or asset and sub-systems for use by typical Coast Guard users to conduct those missions for which the capability or asset and sub-systems are intended to be used; and

(B) the evaluation of the results of such testing.

(3) **SAFETY CONCERN.**—The term “safety concern” means any hazard associated with a capability or asset or a sub-system of a capability or asset that is likely to cause serious bodily injury or death to a typical Coast Guard user in testing, maintaining, repairing, or operating the capability, asset, or sub-system or any hazard associated with the capability, asset, or sub-system that is likely to cause major damage to the capability, asset, or sub-system during the course of its normal operation by a typical Coast Guard user.

(4) **TEMP.**—The term “TEMP” means a Test and Evaluation Master Plan for which approval is required under this section.

SEC. 205. CAPABILITY STANDARDS.

(a) **CUTTER CLASSIFICATION.**—The Commandant shall cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of this Act to be classed by the American Bureau of Shipping before final acceptance.

(b) **TEMPEST TESTING.**—The Commandant shall—

(1) cause all electronics on all aircraft, surface, and shore capabilities and assets that require TEMPEST certification and that are delivered after the date of enactment of this Act to be tested in accordance with TEMPEST standards and communication security (COMSEC) standards by an independent third party that is authorized by the Federal Government to perform such testing; and

(2) certify that the capabilities and assets meet all applicable TEMPEST requirements.

(c) **NATIONAL SECURITY CUTTERS.**—

(1) NATIONAL SECURITY CUTTERS 1 AND 2.—Not later than 90 days before the Coast Guard awards any contract or issues any delivery order or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve the structural design and performance issues identified in the Department of Homeland Security Inspector General's report OIG-07-23 dated January 2007, the Commandant shall submit to the appropriate congressional committees and the Committee on Homeland Security of the House of Representatives all results of an assessment of the proposed hull strengthening design conducted by the Coast Guard, including—

(A) a description in detail of the extent to which the hull strengthening measures to be implemented on those cutters will enable the cutters to meet contract and performance requirements;

(B) a cost benefit analysis of the proposed hull strengthening measures for National Security Cutters 1 and 2; and

(C) a description of any operational restrictions that would have to be applied to either National Security Cutters 1 or 2 if the proposed hull strengthening measures were not implemented on either cutter.

(2) OTHER VESSELS.—The Commandant shall cause the design and construction of each National Security Cutter, other than National Security Cutters 1, 2, and 3, to be assessed by an independent third party with expertise in vessel design and construction certification.

(d) AIRCRAFT AIRWORTHINESS.—The Commandant shall cause all aircraft and aircraft engines acquired by the Coast Guard and delivered after the date of enactment of this Act to be assessed for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification, before final acceptance.

SEC. 206. ACQUISITION PROGRAM REPORTS.

Any Coast Guard Level 1 or Level 2 acquisition program or project may not begin to obtain any capability or asset or proceed beyond that phase of its development that entails approving the supporting acquisition until the Commandant submits to the appropriate congressional committees the following:

(1) The key performance parameters, the key system attributes, and the operational performance attributes of the capability and asset to be acquired under the proposed acquisition program or project will be built to achieve.

(2) A detailed list of the systems or other capabilities with which the capability or asset to be acquired is intended to be interoperable, including an explanation of the attributes of interoperability.

(3) The anticipated acquisition program baseline and acquisition unit cost for the capability or asset to be produced and deployed under the program or project.

(4) A detailed schedule for the acquisition process showing when all capability and asset acquisitions are to be completed and when all acquired capabilities and assets are to be initially and fully deployed.

SEC. 207. UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) IN GENERAL.—The Coast Guard may not enter into an undefinitized contractual action unless such action is directly approved by the Head of Contracting Activity of the Coast Guard.

(b) REQUESTS FOR UNDEFINITIZED CONTRACTUAL ACTIONS.—Any request to the Head of Contracting Activity for approval of an undefinitized contractual action covered under subsection (a) must include a descrip-

tion of the anticipated effect on requirements of the Coast Guard if a delay is incurred for the purposes of determining contractual terms, specifications, and price before performance is begun under the contractual action.

(c) REQUIREMENTS FOR UNDEFINITIZED CONTRACTUAL ACTIONS.—

(1) DEADLINE FOR AGREEMENT ON TERMS, SPECIFICATIONS, AND PRICE.—A contracting officer of the Coast Guard may not enter into an undefinitized contractual action unless the contractual action provides for agreement upon contractual terms, specification, and price by the earlier of—

(A) the end of the 180-day period beginning on the date on which the contractor submits a qualifying proposal to definitize the contractual terms, specifications, and price; or

(B) the date on which the amount of funds obligated under the contractual action is equal to more than 50 percent of the negotiated overall ceiling price for the contractual action.

(2) LIMITATION ON OBLIGATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the contracting officer for an undefinitized contractual action may not obligate under such contractual action an amount that exceeds 50 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

(B) EXCEPTION.—Notwithstanding subparagraph (A), if a contractor submits a qualifying proposal to definitize an undefinitized contractual action before an amount that exceeds 50 percent of the negotiated overall ceiling price is obligated on such action, the contracting officer for such action may not obligate with respect to such contractual action an amount that exceeds 75 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

(3) WAIVER.—The Commandant may waive the application of this subsection with respect to a contract if the Commandant determines that the waiver is necessary to support—

(A) a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code);

(B) an operation in response to an emergency that poses an unacceptable threat to human health or safety or to the marine environment; or

(C) an operation in response to a natural disaster or major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(4) LIMITATION ON APPLICATION.—This subsection does not apply to an undefinitized contractual action for the purchase of initial spares.

(d) INCLUSION OF NONURGENT REQUIREMENTS.—Requirements for spare parts and support equipment that are not needed on an urgent basis may not be included in an undefinitized contractual action by the Coast Guard for spare parts and support equipment that are needed on an urgent basis unless the Commandant approves such inclusion as being—

(1) good business practice; and

(2) in the best interests of the United States.

(e) MODIFICATION OF SCOPE.—The scope of an undefinitized contractual action under which performance has begun may not be modified unless the Commandant approves such modification as being—

(1) good business practice; and

(2) in the best interests of the United States.

(f) ALLOWABLE PROFIT.—The Commandant shall ensure that the profit allowed on an undefinitized contractual action for which the final price is negotiated after a substantial portion of the performance required is completed reflects—

(1) the possible reduced cost risk of the contractor with respect to costs incurred during performance of the contract before the final price is negotiated; and

(2) the reduced cost risk of the contractor with respect to costs incurred during performance of the remaining portion of the contract.

(g) DEFINITIONS.—In this section:

(1) UNDEFINITIZED CONTRACTUAL ACTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “undefinitized contractual action” means a new procurement action entered into by the Coast Guard for which the contractual terms, specifications, or price are not agreed upon before performance is begun under the action.

(B) EXCLUSION.—Such term does not include contractual actions with respect to the following:

(i) Foreign military sales.

(ii) Purchases in an amount not in excess of the amount of the simplified acquisition threshold.

(iii) Special access programs.

(2) QUALIFYING PROPOSAL.—The term “qualifying proposal” means a proposal that contains sufficient information to enable complete and meaningful audits of the information contained in the proposal as determined by the contracting officer.

SEC. 208. GUIDANCE ON EXCESSIVE PASS-THROUGH CHARGES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall issue guidance to ensure that pass-through charges on contracts, subcontracts, delivery orders, and task orders that are entered into with a private entity acting as a lead systems integrator by or on behalf of the Coast Guard are not excessive in relation to the cost of work performed by the relevant contractor or subcontractor. The guidance shall, at a minimum—

(1) set forth clear standards for determining when no, or negligible, value has been added to a contract by a contractor or subcontractor;

(2) set forth procedures for preventing the payment by the Government of excessive pass-through charges; and

(3) identify any exceptions determined by the Commandant to be in the best interest of the Government.

(b) EXCESSIVE PASS-THROUGH CHARGE DEFINED.—In this section the term “excessive pass-through charge”, with respect to a contractor or subcontractor that adds no, or negligible, value to a contract or subcontract, means a charge to the Government by the contractor or subcontractor that is for overhead or profit on work performed by a lower-tier contractor or subcontractor, other than reasonable charges for the direct costs of managing lower-tier contractors and subcontracts and overhead and profit based on such direct costs.

(c) APPLICATION OF GUIDANCE.—The guidance under this subsection shall apply to contracts awarded to a private entity acting as a lead systems integrator by or on behalf of the Coast Guard on or after the date that is 360 days after the date of enactment of this Act.

SEC. 209. ACQUISITION OF MAJOR CAPABILITIES: ALTERNATIVES ANALYSIS.

The Coast Guard may not acquire an experimental or technically immature capability or asset or implement a Level 1 or Level 2 acquisition, unless it has conducted an alternatives analysis for the capability or asset to be acquired in the concept and technology development phase of the acquisition process for the capability or asset. Such analysis shall be conducted by a federally funded research and development center, a qualified entity of the Department of Defense, or a similar independent third party entity that has appropriate acquisition expertise. Such alternatives analysis shall include—

(1) an assessment of the technical maturity of the capability or asset and technical and other risks;

(2) an examination of capability, interoperability, and other advantages and disadvantages;

(3) an evaluation of whether different combinations or quantities of specific capabilities or assets could meet the Coast Guard's overall performance needs;

(4) a discussion of key assumptions and variables, and sensitivity to change in such assumptions and variables;

(5) when an alternative is an existing capability, asset, or prototype, an evaluation of relevant safety and performance records and costs;

(6) a calculation of life-cycle costs, including—

(A) an examination of development costs and the levels of uncertainty associated with such estimated costs;

(B) an examination of likely production and deployment costs and the levels of uncertainty associated with such estimated costs;

(C) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(D) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs; and

(E) such additional measures the Commandant determines to be necessary for appropriate evaluation of the capability or asset; and

(7) the business case for each viable alternative.

SEC. 210. COST OVERRUNS AND DELAYS.

(a) IN GENERAL.—The Commandant shall submit a report to the appropriate congressional committees as soon as possible, but not later than 30 days, after the Chief Acquisition Officer of the Coast Guard becomes aware of the breach of an acquisition program baseline for any Level 1 or Level 2 acquisition program, by—

(1) a likely cost overrun greater than 10 percent of the acquisition program baseline for that individual capability or asset or a class of capabilities or assets;

(2) a likely delay of more than 180 days in the delivery schedule for any individual capability or asset or class of capabilities or assets; or

(3) an anticipated failure for any individual capability or asset or class of capabilities or assets to satisfy any key performance threshold or parameter under the acquisition program baseline.

(b) CONTENT.—The report submitted under subsection (a) shall include—

(1) a detailed description of the breach and an explanation of its cause;

(2) the projected impact to performance, cost, and schedule;

(3) an updated acquisition program baseline and the complete history of changes to the original acquisition program baseline;

(4) the updated acquisition schedule and the complete history of changes to the original schedule;

(5) a full life-cycle cost analysis for the capability or asset or class of capabilities or assets;

(6) a remediation plan identifying corrective actions and any resulting issues or risks; and

(7) a description of how progress in the remediation plan will be measured and monitored.

(c) SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule described in the acquisition program baseline for any Level 1 or Level 2 acquisition program or project of the Coast Guard, the Commandant shall include in the report a written certification, with a supporting explanation, that—

(1) the capability or asset or capability or asset class to be acquired under the program or project is essential to the accomplishment of Coast Guard missions;

(2) there are no alternatives to such capability or asset or capability or asset class which will provide equal or greater capability in both a more cost-effective and timely manner;

(3) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

(4) the management structure for the acquisition program is adequate to manage and control performance, cost, and schedule.

SEC. 211. REPORT ON FORMER COAST GUARD OFFICIALS EMPLOYED BY CONTRACTORS TO THE AGENCY.

(a) REPORT REQUIRED.—Not later than December 31, 2009, and annually thereafter, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the employment during the preceding year by Coast Guard contractors of individuals who were Coast Guard officials in the previous 5-year period. The report shall assess the extent to which former Coast Guard officials were provided compensation by Coast Guard contractors in the preceding calendar year.

(b) OBJECTIVES OF REPORT.—At a minimum, the report required by this section shall assess the extent to which former Coast Guard officials who receive compensation from Coast Guard contractors have been assigned by those contractors to work on contracts or programs between the contractor and the Coast Guard, including contracts or programs for which the former official personally had oversight responsibility or decision-making authority when they served in or worked for the Coast Guard.

(c) CONFIDENTIALITY REQUIREMENT.—The report required by this subsection shall not include the names of the former Coast Guard officials who receive compensation from Coast Guard contractors.

(d) ACCESS TO INFORMATION.—A Coast Guard contractor shall provide the Comptroller General access to information requested by the Comptroller General for the purpose of conducting the study required by this section.

(e) DEFINITIONS.—In this section:

(1) COAST GUARD CONTRACTOR.—The term “Coast Guard contractor” includes any person that received at least \$10,000,000 in contractor awards from the Coast Guard in the calendar year covered by the annual report.

(2) COAST GUARD OFFICIAL.—The term “Coast Guard official” includes former officers of the Coast Guard who were compensated at a rate of pay for grade O-7 or above during the calendar year prior to the date on which they separated from the Coast Guard, and former civilian employees of the Coast Guard who served at any level of the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, during the calendar year prior to the date on which they separated from the Coast Guard.

SEC. 212. DEPARTMENT OF DEFENSE CONSULTATION.

(a) IN GENERAL.—The Commandant shall make arrangements as appropriate with the Secretary of Defense for support in contracting and management of Coast Guard acquisition programs. The Commandant shall also seek opportunities to make use of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for capabilities and assets acquired for the Coast Guard.

(b) INTER-SERVICE TECHNICAL ASSISTANCE.—The Commandant may enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to obtain the assistance of the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including the Navy Systems Commands, with the oversight of Coast Guard major acquisition programs. Such memorandum of understanding or memorandum of agreement shall, at a minimum, provide for—

(1) the exchange of technical assistance and support that the Coast Guard Chief Acquisition Officer, Coast Guard Chief Engineer, and the Coast Guard Chief Information Officer may identify;

(2) the use, as appropriate, of Navy technical expertise; and

(3) the temporary assignment or exchange of personnel between the Coast Guard and the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including Naval Systems Commands, to facilitate the development of organic capabilities in the Coast Guard.

(c) TECHNICAL REQUIREMENT APPROVAL PROCEDURES.—The Coast Guard Chief Acquisition Officer shall adopt, to the extent practicable, procedures that are similar to those used by the senior procurement executive of the Department of the Navy to approve all technical requirements.

(d) ASSESSMENT.—Within 180 days after the date of enactment of this Act, the Comptroller General shall transmit a report to the appropriate congressional committees that—

(1) contains an assessment of current Coast Guard acquisition and management capabilities to manage Level 1 and Level 2 acquisitions;

(2) includes recommendations as to how the Coast Guard can improve its acquisition management, either through internal reforms or by seeking acquisition expertise from the Department of Defense; and

(3) addresses specifically the question of whether the Coast Guard can better leverage Department of Defense or other agencies' contracts that would meet the needs of Level 1 or Level 2 acquisitions in order to obtain the best possible price.

TITLE III—COAST GUARD PERSONNEL**SEC. 301. CHIEF ACQUISITION OFFICER.**

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“§ 55. Chief Acquisition Officer

“(a) ESTABLISHMENT OF CHIEF ACQUISITION OFFICER.—There shall be in the Coast Guard

a Chief Acquisition Officer selected by the Commandant who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) and who meets the qualifications set forth under subsection (b). The Chief Acquisition Officer shall serve at the Assistant Commandant level and have acquisition management as that individual's primary duty.

“(b) **QUALIFICATIONS.**—

“(1) The Chief Acquisition Officer and any Flag Officer serving in the Acquisitions Directorate shall be an acquisition professional with a program manager level III certification and must have at least 10 years experience in an acquisition position, of which at least 4 years were spent in one of the following qualifying positions:

“(A) Program executive officer.

“(B) Program manager of a Level 1 or Level 2 acquisition.

“(C) Deputy program manager of a Level 1 or Level 2 acquisition.

“(D) Project manager for a Level 1 or Level 2 acquisition.

“(E) Any other acquisition position of significant responsibility in which the primary duties are supervisory or management duties.

“(2) The Commandant shall periodically publish a list of the positions designated under this subsection.

“(c) **AUTHORITY AND FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.**—The functions of the Chief Acquisition Officer shall include—

“(1) monitoring the performance of programs and projects on the basis of applicable performance measurements and advising the Commandant, through the chain of command, regarding the appropriate business strategy to achieve the missions of the Coast Guard;

“(2) maximizing the use of full and open competition at the prime contract and sub-contract levels in the acquisition of property, capabilities, assets, and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements, including performance and delivery schedules, at the lowest cost or best value considering the nature of the property, capability, asset, or service procured;

“(3) making acquisition decisions in concurrence with the technical authority of the Coast Guard, as designated by the Commandant, and consistent with all other applicable laws and decisions establishing procedures within the Coast Guard;

“(4) ensuring the use of detailed performance specifications in instances in which performance based contracting is used;

“(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

“(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate acquisition workforce;

“(7) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources and management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

“(8) developing strategies and specific plans for hiring, training, and professional development; and

“(9) reporting to the Commandant, through the chain of command, on the progress made in improving acquisition management capability.”

(b) **APPLICATION OF QUALIFICATION REQUIREMENT.**—Section 55(b) of title 14, United States Code, as amended by this section, shall apply beginning October 1, 2011.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following: “55. Chief Acquisition Officer.”

(d) **ELEVATION OF DISPUTES TO THE CHIEF ACQUISITION OFFICER.**—Within 45 days after the elevation to the Chief Acquisition Officer of any design or other dispute regarding a Level 1 or Level 2 acquisition, the Commandant shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue.

(e) **SPECIAL RATE SUPPLEMENTS.**—

(1) **REQUIREMENT TO ESTABLISH.**—Not later than 1 year after the date of enactment of this Act and in accordance with part 9701.333 of title 5, Code of Federal Regulations, the Commandant shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section.

(2) **SUBJECT TO APPROPRIATIONS.**—The requirement under paragraph (1) is subject to the availability of appropriations.

SEC. 302. IMPROVEMENTS IN COAST GUARD ACQUISITION MANAGEMENT.

(a) **PROGRAM AND PROJECT MANAGERS.**—An individual may not be assigned as the program manager for a Level 1 or Level 2 acquisition unless the individual holds a Level III acquisition certification as a program manager.

(b) **INTEGRATED PRODUCT TEAMS.**—Integrated product teams, and all teams that oversee integrated product teams, shall be chaired by officers, members, or employees of the Coast Guard.

(c) **TECHNICAL AUTHORITY.**—The Commandant shall maintain or designate the technical authority to establish, approve, and maintain technical requirements. Any such designation shall be made in writing and may not be delegated to the authority of the Chief Acquisition Officer established by section 55 of title 14, United States Code.

(d) **DESIGNATION OF POSITIONS IN THE ACQUISITION WORKFORCE.**—

(1) **IN GENERAL.**—The Commandant shall designate a sufficient number of positions to be in the Coast Guard's acquisition workforce to perform acquisition-related functions at Coast Guard headquarters and field activities.

(2) **REQUIRED POSITIONS.**—In designating positions under subsection (a), the Commandant shall include, at a minimum, positions encompassing the following competencies and functions:

(A) Program management.

(B) Systems planning, research, development, engineering, and testing.

(C) Procurement, including contracting.

(D) Industrial and contract property management.

(E) Life-cycle logistics.

(F) Quality control and assurance.

(G) Manufacturing and production.

(H) Business, cost estimating, financial management, and auditing.

(I) Acquisition education, training, and career development.

(J) Construction and facilities engineering.

(K) Testing and evaluation.

(3) **ACQUISITION MANAGEMENT HEADQUARTER ACTIVITIES.**—The Commandant shall also des-

ignate as positions in the acquisition workforce under paragraph (1) those acquisition-related positions located at Coast Guard headquarters units.

(4) **APPROPRIATE EXPERTISE REQUIRED.**—The Commandant shall ensure that each individual assigned to a position in the acquisition workforce has the appropriate expertise to carry out the responsibilities of that position.

(e) **MANAGEMENT INFORMATION SYSTEM.**—

(1) **IN GENERAL.**—The Commandant shall establish a management information system capability to improve acquisition workforce management and reporting.

(2) **INFORMATION MAINTAINED.**—Information maintained with such capability shall include the following standardized information on individuals assigned to positions in the workforce:

(A) Qualifications, assignment history, and tenure of those individuals assigned to positions in the acquisition workforce or holding acquisition-related certifications.

(B) Promotion rates for officers and members of the Coast Guard in the acquisition workforce.

(f) **REPORT ON ADEQUACY OF ACQUISITION WORKFORCE.**—

(1) **IN GENERAL.**—The Commandant shall report to the Congress by July 1 of each year on the scope of the acquisition activities to be performed in the next fiscal year and on the adequacy of the current acquisition workforce to meet that anticipated workload.

(2) **CONTENTS.**—The report shall—

(A) specify the number of officers, members, and employees of the Coast Guard currently and planned to be assigned to each position designated under subsection (d); and

(B) identify positions that are understaffed to meet the anticipated acquisition workload, and actions that will be taken to correct such understaffing.

(g) **APPOINTMENTS TO ACQUISITION POSITIONS.**—The Commandant shall ensure that no requirement or preference for officers or members of the Coast Guard is used in the consideration of persons for positions in the acquisition workforce.

(h) **CAREER PATHS.**—

(1) **IDENTIFICATION OF CAREER PATHS.**—To establish acquisition management as a core competency of the Coast Guard, the Commandant shall—

(A) ensure that career paths for officers, members, and employees of the Coast Guard who wish to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression of those officers, members, and employees to the most senior positions in the acquisition workforce; and

(B) publish information on such career paths.

(2) **PROMOTION PARITY.**—The Commandant shall ensure that promotion parity is established for officers and members of the Coast Guard who have been assigned to the acquisition workforce relative to officers and members who have not been assigned to the acquisition workforce.

(i) **BALANCED WORKFORCE POLICY.**—In the development of acquisition workforce policies under this section with respect to any civilian employees or applicants for employment, the Commandant shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

(j) GUIDANCE ON TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS.—

(1) ISSUANCE OF GUIDANCE.—Not later than one year after the date of enactment of this Act, the Commandant shall issue guidance to address the qualifications, resources, responsibilities, tenure, and accountability of program managers for the management of acquisition programs and projects. The guidance shall address, at a minimum—

(A) the qualifications that shall be required of program managers, including the number of years of acquisition experience and the professional training levels to be required of those appointed to program management positions;

(B) authorities available to program managers, including, to the extent appropriate, the authority to object to the addition of new program requirements that would be inconsistent with the parameters established for an acquisition program; and

(C) the extent to which a program manager who initiates a new program or project will continue in management of that program or project without interruption until the delivery of the first production units of the program.

(2) STRATEGY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Commandant shall develop a comprehensive strategy for enhancing the role of Coast Guard program managers in developing and carrying out acquisition programs.

(B) MATTERS TO BE ADDRESSED.—The strategy required by this section shall address, at a minimum—

(i) the creation of a specific career path and career opportunities for individuals who are or may become program managers, including the rotational assignments that will be provided to program managers;

(ii) the provision of enhanced training and educational opportunities for individuals who are or may become program managers;

(iii) the provision of mentoring support to current and future program managers by experienced senior executives and program managers within the Coast Guard, and through rotational assignments to the Department of Defense;

(iv) the methods by which the Coast Guard will collect and disseminate best practices and lessons learned on systems acquisition to enhance program management throughout the Coast Guard;

(v) the templates and tools that will be used to support improved data gathering and analysis for program management and oversight purposes, including the metrics that will be utilized to assess the effectiveness of Coast Guard program managers in managing systems acquisition efforts;

(vi) a description in detail of how the Coast Guard will promote a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service; and

(vii) the methods by which the accountability of program managers for the results of acquisition programs will be increased.

SEC. 303. RECOGNITION OF COAST GUARD PERSONNEL FOR EXCELLENCE IN ACQUISITION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall commence implementation of a program to recognize excellent performance by individuals and teams comprised of officers, members, and employees of the Coast Guard that contributed to the long-term success of a Coast Guard acquisition program or project.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Specific award categories, criteria, and eligibility and manners of recognition.

(2) Procedures for the nomination by personnel of the Coast Guard of individuals and teams comprised of officers, members, and employees of the Coast Guard for recognition under the program.

(3) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise and are appointed in such manner as the Commandant shall establish for the purposes of this program.

(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Commandant, subject to the availability of appropriations, may award to any individual recognized pursuant to the program a cash bonus to the extent that the performance of such individual so recognized warrants the award of such bonus.

SEC. 304. ENHANCED STATUS QUO OFFICER PROMOTION SYSTEM.

Chapter 11 of title 14, United States Code, is amended—

(1) in section 253(a)—

(A) by inserting “and” after “considered,”; and

(B) by striking “, and the number of officers the board may recommend for promotion”;

(2) in section 258—

(A) by inserting “(a) IN GENERAL.—” before the existing text;

(B) in subsection (a) (as so designated) by striking the colon at the end of the material preceding paragraph (1) and inserting “—”;

and

(C) by adding at the end the following:

“(b) PROVISION OF DIRECTION AND GUIDANCE.—

“(1) In addition to the information provided pursuant to subsection (a), the Commandant may furnish the selection board—

“(A) specific direction relating to the needs of the Coast Guard for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty; and

“(B) any other guidance that the Commandant believes may be necessary to enable the board to properly perform its functions.

“(2) Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 251 of this title.”;

(3) in section 259(a), by inserting after “whom the board” the following: “, giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Commandant under section 258 of this title.”; and

(4) in section 260(b), by inserting after “qualified for promotion” the following: “to meet the needs of the service (as noted in specific direction furnished the board by the Commandant under section 258 of this title)”.

SEC. 305. COAST GUARD ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Commandant may—

(1) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

(2) use the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) LIMITATION.—The Commandant may not appoint a person to a position of employment under this subsection after September 30, 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 1665.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Subcommittee on Coast Guard and Maritime Transportation, ensuring that the Coast Guard can effectively manage its acquisition efforts and that it is fully accountable for its use of taxpayer hard-earned resources has been among my highest priorities.

In his memorandum on Federal contracting management issued on March 4, President Barack Obama argued that “it is essential that the Federal Government have the capacity to carry out robust and thorough management of its contracts in order to achieve programmatic goals, avoid significant overcharges, and curb wasteful spending.”

I authored the Coast Guard Acquisition Reform Act of 2009, H.R. 1665, in an effort to institutionalize within the Coast Guard the processes and procedures that will help the service meet this standard.

I want to thank Congressman OBERSTAR, the chairman of the full Committee on Transportation and Infrastructure, for his diligent work on this bill and for his unwavering focus on effective oversight. He has tirelessly led the Transportation Committee's efforts to ensure that we fully account for the expenditure of every single taxpayer dollar in the transportation realm, and the United States public is the true beneficiary of his dedication.

I also thank the ranking member of the full committee, Congressman MICA, and the ranking member of our subcommittee, Congressman LOBIONDO, for working so closely and constructively with us on the drafting of this legislation.

Since becoming the subcommittee chairman in January, 2007, I have convened four subcommittee hearings that

have focused partially or entirely on Coast Guard acquisition efforts. The major focus of these hearings has been the multibillion-dollar Deepwater program that is intended to replace or rehabilitate the Coast Guard's air and surface assets.

When the Coast Guard signed the initial Deepwater contract, the service lacked standardized acquisition processes. It lacked a proven process to guide the generation of asset requirements, designs, and acquisition strategies, and it had only limited acquisition management capability among its staff. Without the capacity to hold its contractors accountable for their performance, the consortium hired by the Coast Guard to implement the lead systems integration function for the Deepwater program essentially took the Coast Guard for a ride that wasted hundreds of millions of taxpayer dollars. Thus, the Government Accountability Office has detailed that of the more than \$6 billion that has been appropriated for Deepwater since fiscal year 2002, nearly \$300 million has been spent on projects that were canceled or subsequently restructured, including \$95 million wasted in the failed effort to lengthen 110-foot patrol boats to 123 feet, a contract failure that the full Committee on Transportation and Infrastructure examined during an 11-hour investigative hearing convened by Chairman OBERSTAR; \$119 million wasted on the first effort to develop a vertical unmanned aerial vehicle; and \$66 million wasted on the first designs for the Offshore Patrol Cutter and the Fast Response Cutter. Mr. Speaker, I say we can do better.

The Coast Guard's need for the new assets to be produced under Deepwater is without question, but the Coast Guard will not obtain assets that fully meet its mission requirement if it cannot effectively manage its procurement process.

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In response to the extensive criticisms leveled at the service's acquisition management capabilities, the Coast Guard's Commandant, Admiral Thad Allen, has created a new Acquisition Directorate. Under his leadership, the service issued and is continuing to revise a "Blueprint for Acquisition Reform." The service is also developing the process and capabilities that will enable it to assume the lead systems integration function.

During our subcommittee's most recent hearing on acquisition issues, the Coast Guard announced that under an agreement signed the morning of our hearing, all options for extending the Deepwater contract with the Lockheed Martin-Northrop Grumman team beyond the date of expiration of the current award, January 24, 2011, were eliminated. I, of course, applaud this move. That said, during the hearing we

also learned that certain challenges remain.

Since 2007, the course of the acquisitions contained within the Deepwater program as currently envisioned have grown by more than \$2 billion and are now projected to approach \$27 billion. Cost overruns in Coast Guard acquisition efforts remain a very serious concern.

Further, this month the Government Accountability Office released a new report whose very title contains a serious warning. The title reads: "As Deepwater Systems Integrator, Coast Guard is Reassessing Costs and Capabilities but Lags in Applying Its Disciplined Acquisition Approach." This report notes that the service has moved to procure the Fast Response Cutter, the first asset acquisition effort that the service is managing entirely in-house, without having in place all acquisition documentation required by its Major Systems Acquisition Manual. Even if the Coast Guard establishes the best possible management systems, they will be of no use if they are not followed.

Further, while the service is requiring that its largest programs be managed by individuals with professional acquisition management qualifications, the service recently designated as the Program Executive Officer for the Coast Guard Acquisition Directorate an Admiral-select who lacked the highest available acquisition management qualifications, despite having a dozen captains who have achieved a Level III program management certification.

Again, I say, we can do better. Through a bipartisan effort, we have crafted detailed legislation that responds directly to the challenges in the Coast Guard acquisition management that we have so thoroughly examined in the subcommittee and full committee, and that builds on the acquisition management reforms the Coast Guard has already implemented.

H.R. 1665, the Coast Guard Acquisition Reform Act of 2009, as amended, would strengthen specific acquisition processes and establish personnel-related standards and policies for individuals in the Coast Guard's acquisition workforce. The legislation would bar the Coast Guard from using a private-sector lead systems integrator beginning September 30th, 2011, the date on which the use of private-sector lead systems integrators will end at the Department of Defense.

The legislation would require the appointment of a Chief Acquisition Officer who, at the Commandant's choice, can be either a member of the military or a civilian member of the Senior Executive Service, but who must be a Level III Program Manager and who must have 10 years of professional experience in acquisition management.

Additionally, the legislation will require that the Coast Guard put in place

systems to ensure that it effectively and efficiently defines operational requirements before initiating acquisition efforts, and that all acquired assets undergo thorough developmental and operational testing to ensure that they will meet mission needs and pose no safety risks or threats to Coast Guard personnel.

The legislation would also ensure that the service develops and critically maintains within its workforce the expertise that it will need to effectively and efficiently oversee acquisition efforts in the future by requiring the service to establish career paths in acquisition management. H.R. 1665 would also provide expedited hiring authority so that the service can quickly fill vacancies in its acquisition workforce.

I, again, thank Chairman OBERSTAR, Ranking Member MICA, Ranking Member LOBIONDO for their work on this legislation, and for making this truly a bipartisan effort. I urge my colleagues to support H.R. 1665, as amended, and look forward to working with our Senate colleagues to enact a final version that can be presented to President Obama for his signature.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,

Washington, DC, July 10, 2009.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN THOMPSON: I write to you regarding H.R. 1665, the "Coast Guard Acquisition Reform Act of 2009".

I agree that provisions in H.R. 1665 are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 1665.

This exchange of letters will be inserted in the Committee Report on H.R. 1665 and in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.

Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 10, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and
Infrastructure, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 1665, the "Coast Guard Acquisition Reform Act of 2009".

H.R. 1665 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of an appropriate number of Members of the Committee on Homeland Security to be named as conferees during any House-Senate conference convened on H.R. 1665 or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 1665 and in the Congressional Record during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey (Mr. LOBIONDO) will control 20 minutes.

There was no objection.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1665, the Coast Guard Acquisition Reform Act of 2009. I'd like to thank the chairman of the full committee, Mr. OBERSTAR. I'd like to thank Mr. CUMMINGS and Mr. MICA for their help in moving and developing this important legislation. H.R. 1665 builds upon several provisions which passed the House during the 110th Congress and includes new language which I believe greatly improves the legislation.

Like those bills in the previous Congress, the bill would reform the service's acquisition programs and procedures, prohibit the continued use of private-sector lead systems integrators, and establish a Chief Acquisition Officer to oversee all the Coast Guard's acquisition projects.

H.R. 1665 would also require the Coast Guard to take several steps during the planning, production and acceptance period to enhance the Coast Guard's control over all parts of the process. Under the programmatic changes made by this bill, the Coast Guard will be able to use all of its many technical authorities to ensure that assets delivered meet the service's specifications and needs.

Lastly, the bill includes two new provisions which will improve the Coast Guard's ability to staff acquisition positions with the most qualified candidates. The first is limited direct hiring authority which is based on existing authority available to the other Armed Services. Under this language, the Coast Guard will be able to directly hire civilian personnel with the needed acquisition expertise. The second will allow Coast Guard promotion boards to consider the need for specialized skills and qualifications of Coast Guard officers in areas like acquisitions. This language will provide Coast Guardsmen with the opportunity to specialize in limited duty areas, such as acquisition, without negatively impacting their promotional potential in the future.

Mr. Speaker, I support this bill and urge other Members to do the same.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, we have no additional speakers, so I would reserve.

Mr. LOBIONDO. We have no additional speakers, Mr. Speaker, so I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume. I urge the Members of the House to vote for this very, very important bill. This is one that our committee and subcommittee have worked on for a long time. It is overdue, and it's an outstanding bipartisan effort.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 1665, the "Coast Guard Acquisition Reform Act of 2009", as amended.

This legislation, authored by the Chairman of the Subcommittee on Coast Guard and Maritime Transportation, Mr. CUMMINGS, is a thorough, comprehensive response to the challenges that have confronted the Coast Guard as it has worked to manage large-scale acquisition efforts.

I also applaud the Ranking Member of the Full Committee, Congressman MICA, and the Ranking Member of the Coast Guard Subcommittee, Congressman LOBIONDO, for their diligent work on this legislation.

H.R. 1665 incorporates the lessons that the Committee on Transportation and Infrastructure has drawn from its extensive oversight of the Coast Guard's acquisition programs.

Much of that oversight has focused on the Coast Guard's Deepwater program, a 25-year program to repair or replace the service's surface and air assets that is now projected to cost nearly \$27 billion—a figure that is more than a \$2 billion increase over the cost projections developed just two years ago.

These oversight efforts have included a nearly 11-hour full Committee hearing that I convened in April 2007 to examine the results of an extensive Committee investigation that evaluated the multiple factors that contributed to the failure of the effort to lengthen 110-foot patrol boats to 123 feet.

The oversight efforts have also included four separate Coast Guard Subcommittee hearings that have examined different aspects of the Coast Guard's acquisition programs.

Through these tireless efforts, the Committee has developed a comprehensive picture of the challenges that have plagued the Coast Guard's acquisition efforts, including the use of personnel who had little experience managing a major systems acquisition, continued alteration of performance requirements even after major engineering milestones were passed, and failure to apply cost and performance measures to individual asset acquisitions within the Deepwater program. The Coast Guard has responded to these criticisms.

The service has moved to take control of the lead systems integration function that had been contracted to the Lockheed Martin-Northrop Grumman team. The service has established an Acquisition Directorate and assigned individuals with the highest available professional qualifications in acquisition management to oversee the service's largest acquisition efforts.

Further, the Coast Guard has expanded the role of the American Bureau of Shipping, and

other qualified third parties, to ensure that procured assets meet the highest quality standards.

However, more remains to be done, and H.R. 1665 takes the steps necessary to institutionalize within the Coast Guard the kind of effective management practices that should, if fully implemented, enable the service to avoid the procurement failures it has had in the past.

Specifically, H.R. 1665 requires that all flag-level officers serving in the Acquisition Directorate have a Level III Program Management certification and 10 years of acquisition experience.

Despite the service's new emphasis on placing in management positions those individuals who have professional acquisition management qualifications, a Captain selected for promotion to Rear Admiral was recently named to be the Program Executive Officer for Deepwater even though he lacked a Level III program manager certification at the time of his selection. This choice is even more surprising given that, as of February 2009, the Coast Guard had 27 military officers who had achieved a Level III program manager certification, including 12 Captains.

H.R. 1665 requires the Coast Guard to develop life-cycle cost estimates for projects expected to cost more than \$10 million. Independent life-cycle cost estimates will be required for major acquisitions. With these estimates in place, we will know what it will cost to operate and maintain new assets before we commit to acquiring them.

H.R. 1665 mandates that the Coast Guard firmly establish operational requirements before awarding production contracts—so that cost thresholds and testing and evaluation standards can, in turn, be firmly established.

Further, H.R. 1665 imposes a breach ceiling on Coast Guard acquisitions—something that has long been imposed on Department of Defense acquisitions and that is overdue in the Coast Guard. Specifically, H.R. 1665 specifies that for any major acquisition, the Coast Guard must report to Congress when a cost overrun of greater than 10 percent is likely to occur, a delay of more than 180 days is likely to occur, or a failure for a new asset or class of assets is anticipated. More stringent standards are required whenever higher cost overruns or more extensive delays are anticipated.

I note that H.R. 1665 is based, in part, on legislation considered and passed twice by this House in the 110th Congress.

I urge my colleagues to support H.R. 1665.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to voice my support of H.R. 1665, the Coast Guard Acquisition Reform Act.

I have the unique pleasure of representing over 265 miles of pristine Florida coastline, and I will never forget that it is the Coast Guard that keeps these waters safe.

Two of the largest Coast Guard Sectors in the United States, Sector Miami and Sector Key West are located in my Congressional district.

This act will direct the Coast Guard in their Acquisition efforts and make for more of full and open competition contracts.

Overall, this act will be of benefit to the Coast Guard; however, being from a District heavily involved with the Coast Guard, I know that sections of the bill could use clarification and adjustment.

Firstly, in Section 210, the Coast Guard is required to report to the appropriate congressional committees about any cost overruns.

However, the reporting requirement is set at a uniquely low threshold, a mere 10 percent.

It would be more appropriate to set this reporting requirement in line with other Department of Defense programs, ranging from 15 percent to 25 percent.

Also, in Section 302a, the act states that an individual may not be assigned as the acquisition program manager for a Level 1 or Level 2 acquisition unless the individual holds a Level III acquisition certification as a program manager.

In the interest of training Level III program manager's for Level 1 projects, this act should leave the Coast Guards current practice in place.

This would allow program managers to gain the experience they need before being assigned to the most important of acquisition projects.

In Sec 301d, the act states that within 45 days after any design or other dispute regarding a Level 1 or Level 2 acquisition, the Coast Guard would be required to provide Congress a detailed description of the dispute and the rationale underlying any decision made by the Chief Acquisition Officer.

In the interest of keeping burdensome reporting requirements to a minimum, the act should have added the word "significant" for any design dispute.

The Coast Guard will make many fact-based and timely decisions on projects that may be internally disputed.

Congress needs to be involved in significant problems that could affect results.

Still, I urge all Members to recognize the crucial need to protect our nation by strengthening the United States' oldest continuous seagoing service, the United States Coast Guard.

I urge my colleagues to vote "yes" on this act.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 1665, the "Coast Guard Acquisition Reform Act of 2009."

The Coast Guard is a valiant agency, one that is dedicated to saving lives and securing our nation's maritime borders.

Last year, Coast Guard men and women:

Responded to more than 24,000 search and rescue cases;

Saved more than 4,000 lives;

Interdicted nearly 5,000 individuals attempting to enter the United States illegally;

Deployed 400 personnel to protect Iraq's maritime oil infrastructure, train Iraqi naval forces, and enforce U.N. sanctions in the Arabian Gulf;

Boarded more than 1,500 high interest vessels bound for the United States for security inspections; and

Provided waterside security and escorts for nearly 500 military vessels that deliver supplies to support Operation Iraqi Freedom and Operation Enduring Freedom.

The Coast Guard did all of this on ships that are thirty (30) to forty (40) years old.

Currently, the Coast Guard is building new assets, including the "National Security Cutters" and the "Fast Response Cutters" under

the \$24 billion Deepwater fleet modernization program.

Initially, when Deepwater first began in 2002, the Coast Guard delegated responsibility as lead system integrator to a private firm.

By all accounts, this delegation of responsibility led to poor workmanship, skyrocketing costs, and ships that didn't float.

In response, in 2007, Coast Guard Commandant Thad Allen took the helm of this struggling program and assumed the lead integrator role.

Over the past two years, Admiral Allen has made significant changes to the acquisition and procurement processes within the Coast Guard.

This was a good development, but as recent Government Accountability Office reports note, it is not enough.

GAO found that the current contracts are not in full compliance with the Department of Homeland Security's acquisition directives.

Additionally, GAO found that critical logistical support plans have not been completed.

Logistical support plans are necessary for the Coast Guard to understand the out-year costs associated with the new cutters.

If enacted, H.R. 1665 can help steer the Deepwater program on the right course.

Specifically, the bill revises the Coast Guard acquisition policy by mandating the development and regular updating of life-cycle cost estimates and a master plan for testing and evaluation.

The bill also requires "full and open competition" for any acquisition contract, unless otherwise excepted under Federal acquisition laws and regulations.

Lastly, the bill establishes a Chief Acquisition Officer and requires that program managers for certain acquisitions hold a specified acquisition certification.

These important reforms to the acquisitions process at the Coast Guard will not only ensure that taxpayer dollars are used wisely but that the Coast Guard has the assets it needs to continue to fulfill all its critical missions.

I urge all my colleagues to support H.R. 1665.

Mr. CUMMINGS. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 1665, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LOBIONDO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING GENERAL AVIATION

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 508) expressing the sense of the House of Representatives that the general aviation industry should be recognized for its contributions to the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 508

Whereas general aviation includes all civilian flying except scheduled passenger airlines;

Whereas there are nearly 600,000 licensed pilots in the United States and an estimated 500,000 of these pilots fly general aviation aircraft;

Whereas the United States accounts for more than half of all general aviation activity worldwide;

Whereas 170,000,000 passengers fly annually using personal aviation;

Whereas there are more than 231,000 active general aviation aircraft in the United States;

Whereas the general aviation industry contributes more than \$150,000,000,000 to United States direct and indirect economic output;

Whereas the United States general aviation industry employs nearly 1,300,000 people whose collective annual earnings exceed \$53,000,000,000;

Whereas general aviation contributes high-skill jobs in aircraft manufacturing, avionics and technology development, flight training, maintenance, modification, and technical support;

Whereas an estimated 65 percent of general aviation flights are conducted for business and public services, many of which are located in or need access to smaller communities that do not have commercial aviation;

Whereas general aviation helps save lives through the transport of blood supplies, vital transport organs, and other time-critical items;

Whereas general aviation contributes to economic development by facilitating meetings and other activities for businesses of all sizes;

Whereas general aviation is used to protect the environment by assisting with the surveying of wildlife, the mapping of wetlands, and the patrolling of parklands;

Whereas general aviation is a vital tool for agricultural producers, who often rely on air service for crop planting and protection as well as livestock herd management;

Whereas general aviation aids in law enforcement through patrolling highways, apprehending suspects, monitoring national borders, and locating lost children;

Whereas there are 5,200 public use airports and more than 13,000 privately owned landing facilities in the United States; and

Whereas only about 500 of these airports have commercial airline service, making general aviation an integral part of the transportation system that supports communities across the United States and provides essential air travel options to businesses and the public: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the many contributions of the general aviation industry; and

(2) encourages general aviation activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Maryland (Mr. CUMMINGS) and the gentleman from New Jersey (Mr. LoBiondo) each will control 20 minutes. The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend remarks and to include extraneous material on H. Res. 508.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 508, introduced by the gentleman from Nebraska (Mr. Fortenberry) and urge its adoption by the House today. H. Res. 508 recognizes the contributions made to the United States by the general aviation industry. Current data indicate this industry contributes more than \$150 billion to the United States economy and provides good paying jobs to nearly 1.3 million people in a range of professions.

Approximately 300 U.S. communities have scheduled air service. For the remainder of our Nation's communities, general aviation provides the only option for the movement of persons or cargo by air. General aviation also provides specialized air services such as air ambulance and traffic patrol services to communities that do have scheduled air service.

A recent study commissioned by the Maryland Aviation Administration found that in 2005 general aviation activities at the 34 general aviation commuter airports in Maryland supported nearly 7,000 direct, indirect and induced jobs. General aviation in Maryland also generated nearly \$400 million in direct, indirect and induced consumption expenditures and personal income in my State.

As a member of the Committee on Transportation and Infrastructure, I support my colleague's resolution and agree that general aviation makes a significant contribution to the national economy because it fulfills transportation needs which cannot otherwise be met. I urge all of my colleagues to support this resolution.

I reserve the balance of my time.

Mr. LoBiondo. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 508 offered by my colleague from Nebraska, Mr. Fortenberry. The resolution expresses the sense of the House that the general aviation community be recognized for numerous contributions to the United States.

I'd like to yield to Mr. Fortenberry such time as he may consume.

Mr. Fortenberry. Mr. Speaker, I am pleased as well to rise today in sup-

port of this resolution that recognizes the contributions of general aviation in the United States. The general aviation industry employs nearly 1.3 million Americans throughout the country. General aviation, which includes all civilian flying except scheduled passenger airlines, contributes more than \$150 billion in direct and indirect economic output in our country.

The resolution we are considering today celebrates the many areas in which general aviation plays an important role in the lives of everyday Americans. But, unfortunately, many of these contributions are often overlooked. Well beyond the services it provides for businesses of all sizes, the general aviation industry has a significant impact on our society. Across the Nation, 500,000 licensed pilots fly general aviation aircraft, and each year 170 million Americans use personal aviation. The 1.3 million Americans who work in the field hold high-skill jobs in aircraft manufacturing, avionics and technology development, flight training, maintenance, modification as well as technical support.

Mr. Speaker, in my own home State of Nebraska, more than 5,000 people are employed in air transportation, and general aviation airports generate \$720 million annually within our State. Additionally, general aviation is used to perform essential services necessary for our safety and well-being, such as aiding law enforcement through patrolling highways, apprehending suspects, monitoring national borders or locating lost children. General aviation also helps to save lives through emergency transport of patients, supplies and other time-critical items.

The aviation industry protects the environment by assisting with the surveying of wildlife, mapping of wetlands and the patrolling of parklands. And, in addition, it serves as a vital tool for agricultural producers who often rely on air service for crop planting as well as crop protection.

For these reasons, Mr. Speaker, and others laid out in the resolution, I encourage my colleagues to join me today in recognizing the great importance of general aviation to America's families and communities.

□ 1715

Mr. CUMMINGS. Mr. Speaker, we have no other speakers, so we would reserve.

Mr. LoBiondo. Mr. Speaker, in closing, the aviation industry is a vital part of small business. They rely on their fleets to provide the efficient and cost-effective transportation of goods and personnel.

It is very appropriate that we are considering this resolution today. The Experimental Aircraft Association is holding its annual convention this week in Oshkosh, Wisconsin, known as the EAA AirVenture Oshkosh. It is re-

ferred to by many simply as "Oshkosh." It is the world's largest general aviation fly-in.

A healthy and productive general aviation industry is important to both our Nation's economy and to the American way of life, and I urge all of my colleagues to support this resolution.

I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I would just urge my colleagues to vote for this very, very important resolution.

Mr. MORAN of Kansas. Mr. Speaker, I rise in support of H. Res. 508, which recognizes the general aviation industry for its many and valuable contributions to our country. As a member of the Congressional General Aviation Caucus and as a representative from Kansas, I have special appreciation for the contributions of this industry.

In Kansas, the aviation industry accounts for about 20 percent of the state's manufacturing employment and employs tens of thousands of Kansans. Nationwide, the general aviation industry employs nearly 1.3 million people and contributes more than \$150 billion to U.S. direct and indirect economic output.

While these numbers are impressive and significant, the industry's impact on our economy is even greater than the value of the products it produces.

General aviation connects businesses and facilitates economic growth. It is estimated that 65 percent of general aviation flights are conducted for business and public services. Especially for businesses located in rural communities that do not have access to commercial aviation, general aviation aircraft help American businesses stay connected with customers and allow companies in small towns to compete across the country.

It is important that my colleagues understand this. I was troubled in January during consideration of the TARP Reform and Accountability Act, that provisions to limit businesses from leasing or using general aircraft for business purposes were almost included in the final legislation. Doing so would have hampered economic activity, lowered national aviation production, and hurt workers everywhere, but especially in Kansas, where a large portion of our country's aviation products are manufactured. Congress must remember the importance of the general aviation industry to not only our national economy but to so many local and regional economies within the country.

That is why I am pleased that we are taking up this resolution today. Like most all industries, general aviation has not been spared by the recession. During difficult times like these, it is especially important for Congress to support general aviation. I urge my colleagues to support this resolution and oppose any future proposal that would damage the general aviation industry.

Mr. EHLERS. Mr. Speaker, as a pilot-in-training, and also the co-chairman of the House General Aviation Caucus, I rise in strong support of H. Res. 508, expressing the sense of the House that the general aviation industry should be recognized for its important contributions to our economy and our transportation system. I thank Congressman Fortenberry for introducing this important Resolution.

General aviation is a general category that includes all non-scheduled, nonmilitary aviation. There are more than 230,000 general aviation aircraft in the United States, which fly out of nearly 19,000 small and regional airports, far exceeding the 500 commercial airports in the United States. These airports help connect people and industries that do not always have easy access to our commercial airports.

Recently, general aviation has come under attack by the media and those that view general aviation as a corporate indulgence or an expensive toy used exclusively by the wealthy. Actually, airplanes are a productive tool, and companies that utilize general aviation are generally more competitive. More often than not, these airplanes pay for themselves.

In the wake of recent disparaging stories about general aviation, Congressman ALLEN BOYD and I formed the House General Aviation Caucus to help educate our colleagues and the public about the importance of general aviation to our economy and to our overall transportation system.

The General Aviation industry contributes more than \$150 billion to the U.S. economy annually, and it employs nearly 1.3 million workers. In 2008, U.S. general aviation airplane manufacturers delivered over 3,079 airplanes to customers in the United States and abroad. The total value of these aircraft was nearly \$13 billion, of which 44 percent were exports. The General Aviation industry is one of the few remaining U.S. industries that actually maintains a strong, positive foreign trade balance.

As one of the champions of General Aviation in the House of Representatives, I strongly support this resolution, and urge the Members of the House to pass it.

Mr. OBERSTAR. Mr. Speaker, I rise in support of this resolution, H. Res. 508, introduced by the gentleman from Nebraska (Mr. FORTENBERRY), which expresses the sense of the House of Representatives that the general aviation (GA) industry, which includes all civilian flying except scheduled passenger airlines activity, should be recognized for its contributions to the United States. I thank Representative FORTENBERRY for his leadership on this measure.

The United States has the most robust GA industry in the world. GA transports 170 million passengers annually, on over 230,000 aircraft. GA stimulates local and regional economies—it comprises over \$150 billion in direct and indirect economic output and supports almost 1.3 million jobs. Many of these jobs are high-skill jobs in manufacturing, avionics and technology development as well as flight training, maintenance, modification, and technical support.

In addition, GA provides communities with essential services, and affords large and small businesses the flexibility and mobility that they need to be successful in both large communities as well as small, rural ones. Many industries and public services depend on GA, including emergency medicine, firefighting, surveying wildlife, law enforcement, news services, energy exploration, and farming.

I urge my colleagues to join me in supporting H. Res. 508.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Res. 508.

I'm a proud member of the General Aviation Caucus and have been a long time supporter of general aviation. My husband was a fighter pilot in Vietnam, and now we fly an RV-8 aircraft, which he built in our garage.

More than 75% of all flights in the United States are general aviation. America relies on general aviation for business, medical delivery services, sightseeing and for just plain fun and a love of flying.

General aviation contributes high-skill jobs in aircraft manufacturing, avionics and technology development, and flight training. This is a vital industry in America's economy. Currently there are 19,000 airports nationwide that provide jobs for 1.3 million Americans and bring in more than \$100 billion dollars annually.

According to a 2006 report from the General Aviation Manufacturers Association, general aviation contributes more than \$4.1 billion in value to the state of Michigan alone. And there are more than 200 general aviation airports in Michigan—these airports are a vital link to rural communities.

After the terrorist attacks of 9/11, the General Aviation community responded by partnering with the TSA to develop a nationwide Airport Watch Program that uses pilots as eyes and ears for observing and reporting suspicious activity.

The General Aviation Community has made impressive contributions to our nation's economy and security. So I am proud to support this resolution. I urge my colleagues to support this resolution.

Ms. NORTON. Mr. Speaker, H. Res. 508 recognizes the contributions of general aviation and encourages general aviation activities. General aviation is a little recognized, major sector of the airline industry, which contributes \$150 billion to United States direct and indirect economic output. I also want to mention the Transportation Security Administration Reauthorization Act of 2009, which included an important section setting up a general aviation working group within the Aviation Security Advisory Committee, to advise the Transportation Security Administration (TSA) on security issues in general aviation. This advisory group was established after the TSA began rulemaking on the Large Aircraft Security Program that threatened to swallow general aviation amidst burdensome and unnecessary regulations, suited for large commercial aircraft. Longstanding unattended issues and insufficient attention to the nation's important General Aviation sector are finally getting the attention they deserve. Along with other members of the House Committee on Homeland Security, I intend to see that General Aviation security issues are treated uniquely for the sector to administer.

However, as most members who have sat in on any hearing with the FAA, TSA, DHS or any other security agency may now know, the District of Columbia's main airport, the Ronald Reagan Washington National Airport (DCA), is uniquely hampered by impossibly restrictive regulations that have destroyed general aviation in the nation's capitol, and arbitrary practices may be spreading to others. In the Homeland Security Committee, we have taken the important first steps to give detailed attention to this major section of the airline industry to the new administration.

After 9/11 the restrictions on General Aviation in the nation's capitol, in particular, became symbolic of arbitrary action against general aviation that could happen anywhere. Even though New York City was the epicenter of 9/11, the nation's capitol is the only location that suffers under unique restrictions that have crippled general aviation here. In fact, there was no general aviation for four years. After joining in my complaints at hearings, the former Chairman of the Transportation and Infrastructure Committee, DON YOUNG, threatened to subpoena any agency that did not comply with a bill that aimed to compel the resumption of general aviation flights at DCA and to hold them in contempt if they refused to appear before the committee to report on progress. As a result, a plan finally was put in place with requirements but the DCA Access Standard Security Program (DASSP) was almost worse than no plan at all. Before 9/11, general aviation activity at DCA accounted for 1/3 (approximately 30,000) of the total annual operations at DCA. In contrast, in October 2005 when program DASSP began, operations averaged about one flight per week. Today, activity averages about three to four flights per day, about 1,000 a year. The requirements in the DASSP include:

General aviation operators must adopt a security program, background checks on flight crews, identify a security coordinator, and train on security procedures.

All DASSP flights must carry an armed security officer (ASO) on board (very few such accredited officers are available).

Flights must depart from one of 27 TSA approved DASSP gateway airports. Full departure screening of crew, passengers, baggage, and aircraft by TSA security inspectors.

Flights must request permission to operate in DCA no sooner than 72 hours in advance of the flight (due to DCA slot requirements) and no later than 24 hours in advance of the flight (for TSA security reviews) for each flight into DCA.

These same screening procedures must be used for flights departing DCA.

Charges of approximately \$230 are assessed to cover TSA's screening costs plus \$15/passenger for screening names against the No-Fly and Selectee lists.

Requirements for an Armed Security Officer and use of a gateway airport are predictably, and we think, deliberately impossible for most operators to meet. TSA has approximately 200 registered operators in the DASSP, making the wait for an ASO intolerable.

However, the Department of Homeland Security has determined "that general aviation presents only limited and mostly hypothetical threats to security . . . (and) that the steps general aviation airport owners and managers have taken to enhance security are positive and effective." DHS goes further in its report on general aviation:

"The current status of [general aviation] operations does not present a serious homeland security vulnerability requiring TSA to increase regulatory oversight of the industry."

"Although [TSA's Office of Intelligence] has identified potential threats, it has concluded that most [general aviation] aircraft are too light to inflict significant damage, and has not identified specific imminent threats from general aviation".

Nevertheless, the nation's capitol has been singled out as the only jurisdiction under particularly onerous, unnecessary and wasteful program restrictions. As the initial approach of TSA to general aviation in general showed, however, the entire general aviation sector was about to be buried by the Large Aircraft Security Program, until our committee said "NO!" The thoughtless creep mission of the TSA into General Aviation, and the total failure to weigh actual security risks against the implications of draconian security measures, was stopped by our Committee on Homeland Security. The District of Columbia general aviation community deserves the same respect and attention.

General aviation at DCA is not the only industry in the District of Columbia that has been wiped out by arbitrary and restrictive airspace regulations. The South Capitol Street Heliport is a commercial heliport that once served east coast cities such as New York, Miami and Boston. It continues to serve the Metropolitan Police Air Support Unit and the U.S. Park Police. The heliport is also the point of evacuation for the Supreme Court and part of the Department of Defense Nightingale program. In fact, on 9/11 this heliport actually became the Air Control Command Tower when DCA was evacuated. Moreover, having shown it was a vital asset, not a liability, for two years after 9/11, under an agreement with the Secret Service—an agreement that was later adopted by the TSA to develop its Civil Aviation Security Rules—the South Capitol Heliport continued to receive corporate commercial clients and news gathering helicopters. Yet, without explanation, beginning in October 2003, commercial operators have been altogether restricted from using the heliport, despite the fact that the heliport owners have been clear that they are willing to comply with any and all security demands.

The nation's capitol has all but lost helicopter service, even for the vital security purposes our heliport has performed. Without corporate commercial clients the South Capitol Heliport cannot generate enough revenue to survive. The owner has submitted the highest level security plans, but the TSA and the Department of Homeland Security have failed to respond. At my request, the Committee on Homeland Security has added heliports specifically to the list of entities on the general aviation working group. This heliport is vital for both security and commercial helicopter operations that the District of Columbia cannot afford to lose. While we pause to recognize the importance of general aviation to the U.S. economy, I use this occasion to remind my colleagues in the Congress and the Administration to recognize the importance of general aviation to the nation's capitol.

Mr. CUMMINGS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 508.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LOBIONDO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CLEAN COASTAL ENVIRONMENT AND PUBLIC HEALTH ACT OF 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2093) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Coastal Environment and Public Health Act of 2009".

SEC. 2. WATER POLLUTION SOURCE IDENTIFICATION.

(a) **MONITORING PROTOCOLS.**—Section 406(a)(1)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1346(a)(1)(A)) is amended by striking "methods for monitoring" and inserting "protocols for monitoring that are most likely to detect pathogenic contamination".

(b) **SOURCE TRACKING.**—Section 406(b) of such Act (33 U.S.C. 1346(b)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) **SOURCE IDENTIFICATION PROGRAMS.**—In carrying out a monitoring and notification program, a State or local government may develop and implement a coastal recreation waters pollution source identification and tracking program for coastal recreation waters adjacent to beaches or similar points of access that are used by the public and are not meeting applicable water quality standards for pathogens and pathogen indicators."

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 406(i) of such Act (33 U.S.C. 1346(i)) is amended by striking "\$30,000,000 for each of fiscal years 2001 through 2005" and inserting "\$40,000,000 for each of fiscal years 2010 through 2014".

SEC. 3. FUNDING FOR BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT.

Section 8 of the Beaches Environmental Assessment and Coastal Health Act of 2000 (114 Stat. 877) is amended by striking "2005" and inserting "2014".

SEC. 4. STATE REPORTS.

Section 406(b)(4)(A)(ii) of the Federal Water Pollution Control Act (as redesignated by section 2(b)(1) of this Act) is amended by striking "public" and inserting "public and all environmental agencies of the State with authority to prevent or treat sources of pathogenic contamination in coastal recreation waters".

SEC. 5. USE OF RAPID TESTING METHODS.

(a) **CONTENTS OF STATE AND LOCAL GOVERNMENT PROGRAMS.**—Section 406(c)(4)(A) of the

Federal Water Pollution Control Act (33 U.S.C. 1346(c)(4)(A)) is amended by striking "methods" and inserting "methods, including a rapid testing method after the last day of the one-year period following the date of validation of that rapid testing method by the Administrator."

(b) **REVISED CRITERIA.**—Section 304(a)(9)(A) of such Act (33 U.S.C. 1314(a)(9)(A)) is amended by striking "methods, as appropriate" and inserting "methods, including rapid testing methods".

(c) VALIDATION AND USE OF RAPID TESTING METHODS.

(1) **VALIDATION OF RAPID TESTING METHODS.**—Not later than October 15, 2012, the Administrator of the Environmental Protection Agency (in this Act referred to as the "Administrator") shall complete an evaluation and validation of a rapid testing method for the water quality criteria and standards for pathogens and pathogen indicators described in section 304(a)(9)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)(A)).

(2) GUIDANCE FOR USE OF RAPID TESTING METHODS.

(A) **IN GENERAL.**—Not later than 180 days after completion of the validation under paragraph (1), and after providing notice and an opportunity for public comment, the Administrator shall publish guidance for the use at coastal recreation waters adjacent to beaches or similar points of access that are used by the public of the rapid testing method that will enhance the protection of public health and safety through rapid public notification of any exceeding of applicable water quality standards for pathogens and pathogen indicators.

(B) **PRIORITIZATION.**—In developing such guidance, the Administrator shall require the use of the rapid testing method at those beaches or similar points of access that are the most used by the public.

(d) **DEFINITION.**—Section 502 of such Act (33 U.S.C. 1362) is amended by adding at the end the following:

"(26) **RAPID TESTING METHOD.**—The term 'rapid testing method' means a method of testing the water quality of coastal recreation waters for which results are available as soon as practicable and not more than 6 hours after the commencement of the rapid testing method in the laboratory."

(e) REVISIONS TO RAPID TESTING METHODS.

(1) **IN GENERAL.**—Upon completion of the validation required under subsection (c)(1), and every 5 years thereafter, the Administrator shall identify and review potential rapid testing methods for existing water quality criteria for pathogens and pathogen indicators for coastal recreation waters.

(2) **REVISIONS TO RAPID TESTING METHODS.**—If a rapid testing method identified under paragraph (1) will make results available in less time and improve the accuracy and reproducibility of results when compared to the existing rapid testing method, the Administrator shall complete an evaluation and validation of the rapid testing method as expeditiously as practicable.

(3) **REPORTING REQUIREMENT.**—Upon completion of the review required under paragraph (1), the Administrator shall publish in the Federal Register the results of the review, including information on any potential rapid testing method proposed for evaluation and validation under paragraph (2).

(4) **DECLARATION OF GOALS FOR RAPID TESTING METHODS.**—It is a national goal that by 2017, a rapid testing method for testing water quality of coastal recreation waters be developed that can produce accurate and reproducible results in not more than 2 hours after commencement of the rapid testing method.

SEC. 6. NOTIFICATION OF FEDERAL, STATE, AND LOCAL AGENCIES.

Section 406(c) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)) is amended—

(1) in paragraph (5) by striking "prompt communication" and inserting "communication, within 24 hours of the receipt of the results of a water quality sample,";

(2) in subparagraph (A) of paragraph (5)—

(A) by inserting "(i) in the case of any State in which the Administrator is administering the program under section 402," before "the Administrator" the first place it appears; and

(B) by inserting at the end the following:

"(ii) in the case of any State other than a State to which clause (i) applies, all agencies of the State government with authority to require the prevention or treatment of the sources of coastal recreation water pollution; and";

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(4) by inserting after paragraph (5) the following:

"(6) measures for an annual report to the Administrator, in such form as the Administrator determines appropriate, on the occurrence, nature, location, pollutants involved, and extent of any exceeding of applicable water quality standards for pathogens and pathogen indicators;"

SEC. 7. CONTENT OF STATE AND LOCAL PROGRAMS.

Section 406(c) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)) is amended—

(1) in paragraph (7) (as redesignated by section 6(3) of this Act)—

(A) by striking "the posting" and inserting "the immediate posting"; and

(B) by striking "and" at the end;

(2) by striking the period at the end of paragraph (8) (as redesignated by section 6(3) of this Act) and inserting a semicolon; and

(3) by adding at the end the following:

"(9) the availability of a geographic information system database that such State or local government program shall use to inform the public about coastal recreation waters and that—

"(A) is publicly accessible and searchable on the Internet;

"(B) is organized by beach or similar point of access;

"(C) identifies applicable water quality standards, monitoring protocols, sampling plans and results, and the number and cause of coastal recreation water closures and advisory days; and

"(D) is updated within 24 hours of the availability of revised information; and

"(10) measures to ensure that closures or advisories are made or issued within 2 hours after the receipt of the results of a water quality sample that exceeds applicable water quality standards for pathogens and pathogen indicators."

SEC. 8. COMPLIANCE REVIEW.

Section 406(h) of the Federal Water Pollution Control Act (33 U.S.C. 1346(h)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by moving such subparagraphs 2 ems to the right;

(3) by striking "In the" and inserting the following:

"(1) IN GENERAL.—In the"; and

(4) by adding at the end the following:

"(2) COMPLIANCE REVIEW.—On or before July 31 of each calendar year beginning after the date of enactment of this paragraph, the Administrator shall—

"(A) prepare a written assessment of compliance with all statutory and regulatory requirements of this section for each State and local government and of compliance with conditions of each grant made under this section to a State or local government;

"(B) notify the State or local government of such assessment; and

"(C) make each of the assessments available to the public in a searchable database on the Internet on or before December 31 of such calendar year.

"(3) CORRECTIVE ACTION.—If a State or local government that the Administrator notifies under paragraph (2) is not in compliance with any requirement or grant condition described in paragraph (2) fails to take such action as may be necessary to comply with such requirement or condition within one year after the date of notification, any grants made under subsection (b) to the State or local government, after the last day of such one-year period and while the State or local government is not in compliance with all requirements and grant conditions described in paragraph (2), shall have a Federal share of not to exceed 50 percent.

"(4) GAO REVIEW.—Not later than December 31 of the third calendar year beginning after the date of enactment of this paragraph, the Comptroller General shall conduct a review of the activities of the Administrator under paragraphs (2) and (3) during the first and second calendar years beginning after such date of enactment and submit to Congress a report on the results of such review."

SEC. 9. PUBLICATION OF COASTAL RECREATION WATERS PATHOGEN LIST.

Section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)) is amended by adding at the end the following:

"(C) PUBLICATION OF PATHOGEN AND PATHOGEN INDICATOR LIST.—Upon publication of the new or revised water quality criteria under subparagraph (A), the Administrator shall publish in the Federal Register a list of all pathogens and pathogen indicators studied under section 104(v)."

SEC. 10. ADOPTION OF NEW OR REVISED CRITERIA AND STANDARDS.

Section 303(i)(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1313(i)(2)(A)) is amended by striking "paragraph (1)(A)" each place it appears and inserting "paragraph (1)".

SEC. 11. NATIONAL LIST OF BEACHES.

Section 406(g)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1346(g)(3)) is amended by striking "The Administrator" and all that follows through the period and inserting "Within 12 months after the date of the enactment of the Clean Coastal Environment and Public Health Act of 2009, and biennially thereafter, the Administrator shall update the list described in paragraph (1)."

SEC. 12. IMPACT OF CLIMATE CHANGE ON PATHOGENIC CONTAMINATION OF COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator shall conduct a study on the long-term impact of climate change on pathogenic contamination of coastal recreation waters.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) INFORMATION ON POTENTIAL CONTAMINANT IMPACTS.—The report shall include information on the potential impacts of pathogenic contamination on ground and surface water resources as well as public and ecosystem health in coastal communities.

(3) MONITORING.—The report shall address monitoring required to document and assess changing conditions of coastal water resources, recreational waters, and ecosystems and review the current ability to assess and forecast impacts associated with long-term change.

(4) FEDERAL ACTIONS.—The report shall highlight necessary Federal actions to help advance the availability of information and tools to assess and mitigate these effects in order to protect public and ecosystem health.

(5) CONSULTATION.—In developing the report, the Administrator shall work in consultation with agencies active in the development of the National Water Quality Monitoring Network and the implementation of the Ocean Research Priorities Plan and Implementation Strategy.

SEC. 13. IMPACT OF EXCESS NUTRIENTS ON COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator shall conduct a study to review the available scientific information pertaining to the impacts of excess nutrients on coastal recreation waters.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under subsection (a).

(2) IMPACTS.—Such report shall include information on any adverse impacts of excess nutrients on coastal recreation waters, including adverse impacts caused by algal blooms resulting from excess nutrients.

(3) RECOMMENDATIONS.—Such report shall include recommendations for action to address adverse impacts of excess nutrients and algal blooms on coastal recreation waters, including the establishment and implementation of numeric water quality criteria for nutrients.

(4) CONSULTATION.—In developing such report, the Administrator shall consult with the heads of other appropriate Federal agencies (including the National Oceanic and Atmospheric Administration), States, and local government entities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes. The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2093.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. I yield myself such time as I may consume.

Mr. Speaker, the Clean Coastal Environment and Public Health Act of 2009 increases the authorization of appropriations for the Beaches Environmental Assessment and Coastal Health Act, more commonly known as the BEACH Act bill, through 2014.

First signed into law in October 2000, the BEACH Act provides funding to States, to local governments and to tribes for the creation of coastal water assessment and for public notification programs that monitor our recreational waters.

Mr. Speaker, H.R. 2093, the Clean Coastal Environment and Public Health Act of 2009, increases the authorization of appropriations for the Beaches Environmental Assessment and Coastal Health Act, more commonly known as the BEACH Act, through 2014.

First signed into law in October 2000, the BEACH Act provides funding to states, local governments, and tribes for the creation of coastal water assessment and public notification programs that monitor our recreational waters.

Over the past nine years, my Subcommittee, the Subcommittee on Water Resources and Environment, has held hearings on reauthorization of the BEACH Act and has received recommendations for statutory changes that would strengthen State coastal water quality monitoring and public notification programs.

I applaud the sponsor of this legislation, Mr. PALLONE, and our colleagues on the Committee on Transportation and Infrastructure, Mr. BISHOP and Mr. HALL, for introducing this important legislation.

H.R. 2093, the Clean Coastal Environment and Public Health Act, will increase the annual authorization for State and local monitoring and notification programs to \$40 million annually.

In addition, this legislation expands the eligible uses for grants under this program to better understand ongoing sources of contamination to the nation's beaches.

For example, H.R. 2093 allows States to utilize a portion of their BEACH grant funding to develop and implement pollution source identification and tracking programs for coastal recreation waters.

These programs will enable interested States to locate the likely sources of coastal water contamination.

This information will be critical to states to demonstrate ongoing sources of pollution to the nation's beaches.

With definitive information on the causes of coastal water contamination, States can take appropriate action to eliminate these ongoing sources, and ensure that the nation's coastal areas are safe for swimming and other recreational activities.

Mr. Speaker, last Congress, the House considered similar legislation to reauthorize and strengthen the BEACH Act.

That version, H.R. 2537, was approved by the House on a voice vote in April 2008.

Unfortunately, the 110th Congress adjourned before further consideration could be taken on that bill.

H.R. 2093 is modeled on the bill that passed the House in the last Congress.

However, one significant change is the adoption of a statutory deadline for the development of rapid testing methods for measuring the quality of coastal recreation waters.

The development of a rapid testing method will provide a significant safeguard against swimming-related illnesses by ensuring that the public is notified of potentially harmful waters within a few hours, rather than days, as under the current system.

H.R. 2093 adopts a statutory deadline of October 15, 2012 for the development of rapid testing methods, and requires states to implement such methods within one year of their validation by EPA.

This provision should enhance the protection of public health, and hopefully prevent families from coming into contact with harmful pollutants at their favorite beaches.

The bill also defines the term "rapid testing method" to mean "a method of testing the

water quality of a coastal recreation water for which results are available as soon as practicable and not more than 6 hours after the commencement of the rapid testing method in the laboratory."

Mr. Speaker, as made clear in the Committee Report to accompany this legislation, the intent of this definition is to compress the time period for testing water quality to provide real-time information on the condition of coastal recreation waters.

The Committee received information on testing technologies that are currently available which can produce accurate results in two to three hours.

The intent of this legislation is to require that EPA validate a rapid testing methodology that can achieve accurate results as quickly as possible within the confines of existing technologies.

In addition, H.R. 2093 requires the administrator to periodically review the state of water quality testing technologies, and to validate new rapid testing methods that can shorten the time necessary to produce results on the condition of such waters, with a goal of 2-hour testing by 2017.

Mr. Speaker, H.R. 2093 also enhances existing public notification requirements, including making beach warnings and closures available on the Internet.

The bill also clarifies that the public must be notified within 2 hours after the appropriate State or local authority receives the results of a coastal water quality sample.

However, because many States utilize a system where two contaminated samples must be identified before a beach is closed, H.R. 2093 requires that beach closures or advisories must be made within 2 hours of the receipt of any water quality sample that exceeds public health limits, and that a warning sign be posted immediately, thereafter.

Again, precaution against potential public health impacts needs to be the focus of this program.

Finally, the bill requires EPA to conduct annual compliance reviews of state and local BEACH programs.

I strongly urge my colleagues to support this legislation that will make significant improvements to EPA's BEACH program.

Much of our efforts are to provide additional safeguards for our families to ensure they do not come into contact with potentially harmful pollutants and contaminants along the nation's coastlines.

I believe that this legislation accomplishes what we have tried to do.

I reserve the balance of my time.

Mr. BOOZMAN. I yield myself such time as I may consume.

Mr. Speaker, I am pleased the House is moving H.R. 2093, the Clean Coastal Environment and Public Health Act of 2009. This is an example of the good we can accomplish when we're able to work in a bipartisan manner to address the Nation's water resources needs.

Our Nation has nearly 23,000 miles of ocean and gulf shoreline along the continental United States and 5,500 miles of Great Lakes shoreline. Beaches are an important part of American life, providing numerous recreational op-

portunities for millions of people, including swimming, fishing, boating, beach-combing, surfing, sunbathing, and bird-watching.

This bill enables the EPA and the States to complete the important work they have begun so they can better protect public health and safety and so that they can continue to improve the quality of our Nation's recreational coastal waters.

H.R. 2093 increases the authorized annual funding for grants to States from \$30 million to \$40 million, and it extends the program through fiscal year 2014. This will help ensure that the public can get timely warnings of potential health hazards associated with a trip to the beach.

H.R. 2093 also requires the EPA to review State compliance with the BEACH Act, and it provides the means for dealing with States that remain out of compliance. H.R. 2093 passed the Transportation and Infrastructure Committee by unanimous vote.

I am pleased the House is moving H.R. 2093, The "Clean Coastal Environment and Public Health Act of 2009."

This is an example of the good we can accomplish when we are able to work in a bipartisan manner to address the Nation's water resources needs.

Our Nation has nearly 23,000 miles of ocean and gulf shoreline along the continental United States, and 5,500 miles of Great Lakes shorelines.

Beaches are an important part of American life, providing numerous recreational opportunities for millions of people, including fishing, boating, beachcombing, swimming, surfing, sunbathing, and bird-watching.

Each year, over 180 million people visit coastal waters for recreational purposes.

This activity supports over 28 million jobs and leads to investments of over \$50 billion each year in goods and services.

Public confidence in the quality of our nation's waters is important not only to each citizen who swims, but also to the tourism and recreation industries that rely on safe and swimmable coastal waters.

To improve the public's confidence in the quality of our Nation's coastal waters and protect public health and safety, Congress passed the "Beaches Environmental Assessment and Coastal Health Act of 2000," commonly called the "BEACH Act," in the 106th Congress.

The BEACH Act aimed to limit and prevent human exposure to polluted coastal recreational waters by assisting States and local communities to implement beach monitoring, assessment, and public notification programs.

The act also called on States with coastal recreational waters to adopt pathogen-related water quality standards, and directed EPA to conduct research and develop updated water quality criteria to protect human health.

Under the BEACH Act, EPA has been making grants to States to help them implement programs to monitor beach water quality and notify the public if water quality standards for pathogens are not being met.

An important indicator of progress to date is the fact that all eligible States are now implementing the beach monitoring, assessment,

and public notification provisions of the BEACH Act.

The number of monitored beaches has increased from approximately 1,000 in 1997 to more than 3,700 in 2008.

In addition, EPA has strengthened water quality standards throughout all the coastal recreation waters in the United States.

All 35 States and Territories with coastal recreation waters now have water quality standards as protective of human health as EPA's water quality criteria. This is an increase from just 11 States and Territories in 2000.

Further, EPA has improved public access to data on beach advisories and closings by improving the agency's electronic data systems.

Moreover, EPA has been conducting cutting-edge research to support the development of new water quality criteria to protect human health from pathogens, and new monitoring methods to more accurately and rapidly detect pathogen contamination in recreational waters.

Faster and better decisions are good for public health and good for the economy in beach communities.

We are optimistic that this work will help State beach managers make the best decisions possible about keeping beaches open or placing them under advisory.

Although EPA and the States have made substantial progress in implementing the BEACH Act, there is important work left to do in the areas of monitoring, research, and updating existing water quality criteria.

H.R. 2093 recognizes this, and reauthorizes and amends the BEACH Act.

This bill enables EPA and the States to complete the important work they have begun, so they can better protect public health and safety and continue to improve the quality of our Nation's recreational coastal waters.

H.R. 2093 increases the authorized annual funding level for grants to States from \$30 to \$40 million, and extends the program through fiscal year 2014.

In addition, the bill requires the development and use of rapid testing methods and quick notification to State officials and the public if a problem is found.

This will help ensure the public can get timely warnings of potential health hazards associated with a trip to the beach.

H.R. 2093 also requires EPA to review State compliance with the BEACH Act, and provides means for dealing with States that remain out of compliance.

H.R. 2093 passed the Transportation and Infrastructure Committee by a unanimous voice vote.

I would like to thank the chairman of the committee, Mr. OBERSTAR, and the chairwoman of the Subcommittee on Water Resources and Environment, EDDIE BERNICE JOHNSON, and especially thank the ranking member of the committee, Mr. MICA, for all their hard work that enabled us to bring to you today a consensus bill that enjoys strong, bipartisan support.

I urge all members to support the legislation.

I would like to thank the chairman of the committee, Mr. OBERSTAR, the chairwoman of the Subcommittee on Water Resources and Environment,

EDDIE BERNICE JOHNSON, and especially their staffs for their hard work on both sides. Also, I would like to thank Mr. MICA for his hard work in helping us to bring this forward.

Again, I urge adoption of this. I am so glad that it enjoys bipartisan support.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the full committee chairman, Mr. OBERSTAR.

Mr. OBERSTAR. I thank the gentlewoman for yielding.

I want to compliment Ms. JOHNSON on her superb chairmanship of the Subcommittee on Water Resources and Environment where she has diligently pursued the work of the committee with numerous hearings—in-depth, thorough work on the precious resources we have of fresh water. All the water we have ever had and will have is with us today, and it's our responsibility to care for it. Her vigilance in holding these hearings over the last Congress and in this Congress have been superb.

The gentleman from Arkansas (Mr. BOOZMAN) has been a splendid partner and a diligent worker on the issues of water resources. He understands the needs that come from his State of Arkansas, which is a Mississippi River State, which is a water-dependent State, and he has devoted great initiative to this work.

Also, we have had success. The old saying is "success has a thousand fathers." Mr. PALLONE, the gentleman from New Jersey; Mr. BISHOP and Mr. HALL—both members of our committee—have been strong supporters of this legislation.

I do have to give special recognition to the gentleman from California (Mr. BILBRAY), who, over several Congresses, has championed this legislation, including the initial BEACH Act. The persistence with which Mr. BILBRAY pursues matters is remarkable, to say the least, and he has been single-minded in his pursuit of this particular issue.

We have here a very splendid bipartisan bill that improves on the previous legislation, that improves on the practices of the previous administration, which, frankly, neglected the needs of beaches. We provide State and local governments greater authority to use a portion of their beach grant funds to identify sources of beach water quality impairments, to track ongoing sources of pollution to coastal recreation waters and to establish the validation of a rapid testing method, which all Members of this body who represent coastal areas, whether they're the freshwater coast or the saltwater coast, have strongly urged. This legislation will define "rapid testing" as a method that can produce results as soon as practicable but not more than

6 hours after the commencement of the test.

All of the supporters, including the gentleman from New Jersey (Mr. PALLONE), who is just arriving, have urged action on this particular rapid testing issue, so we give it definition, and we give it urgency and fiscal support.

This is a very good bill, a product of a great deal of experience and interest and support from Members on both sides of the aisle—on the east coast, the west coast, the gulf coast, and the fourth coastline, which is the Great Lakes coast.

I urge support of this legislation.

Mr. Speaker, I rise in strong support of H.R. 2093, the "Clean Coastal Environment and Public Health Act of 2009", as amended.

This legislation, and the underlying sections of the Clean Water Act that focus on coastal recreation water quality monitoring and public notification, are vital to protect the public from unwanted contact with potentially-harmful pollutants and contaminants in our coastal recreational waters.

I applaud the efforts of the primary sponsors of this legislation, the gentleman from New Jersey (Mr. PALLONE), and our colleagues on the Committee on Transportation and Infrastructure, Mr. BISHOP and Mr. HALL, for shepherding this important legislation through the hearing process, through Committee markup, and to the Floor of the House today.

I also applaud the efforts of the gentleman from California (Mr. BILBRAY), for his efforts back in 2000 to move the initial BEACH Act to the President's desk.

The BEACH Act that was signed into law in October 2000 authorized \$30 million annually for beach monitoring and assessment programs and public notification programs for fiscal years 2001 through 2005. It required States and tribes to determine minimum water quality standards that were considered "safe".

In many ways, the BEACH Act has proven successful in making the public aware of the presence of potentially harmful water contamination at local beaches, and has brought about a revolution in terms of States creating and implementing coastal recreational water monitoring and notification programs. The benefits we have seen over the last nine years include uniform standards for coastal recreational water quality, and increased monitoring and notification of contamination of such waters.

However, in as much as the BEACH Act has been successful in providing more information to the public, the previous Administration's track record on utilizing all of the tools contained in the BEACH Act to protect human health was far less successful.

For example, the Environmental Protection Agency (EPA) was given authority to promulgate standards for States that did not have sufficient standards, as compared to those in the 1986 Ambient Water Quality Criteria for Bacteria. EPA was given further direction to continue to study the impacts of waterborne pollutants and bacteria to human health, and to revise the criteria every five years as needed. Unfortunately, EPA failed to complete this task, as demonstrated by a lawsuit by advocates for safe beaches.

Similarly, the last Administration failed to utilize the authorities and direction of the initial BEACH Act to ensure the public has the best, most accurate, and timely information on the condition of their favorite beaches. For example, the BEACH Act called for the creation of a "National List of Beaches" that would provide the public with information on which beaches had in place monitoring and notification programs, and which did not. EPA was given the direction to periodically revise this list, based on the availability of new information.

I can assure my colleagues that latest list, published in 2004, is not the most up-to-date assessment of the condition of the nation's beaches. It is regrettable that the last Administration was unwilling to utilize the tools provided by Congress to ensure the protection of human health and safety.

I am hopeful that the Obama Administration will seize the opportunity to enhance the protection of human health and safety, and I expect that passage of H.R. 2093 will aid in this effort.

H.R. 2093 increases by \$10 million annually the authorization of appropriations for EPA to issue grants to State and local governments for the implementation of coastal recreation water monitoring and notification programs.

In addition, the bill provides State and local governments the authority to use a portion of their BEACH grant to identify potential sources of beach water quality impairments. This authority will help State and local governments track ongoing sources of pollution to coastal recreation waters, and allow these entities to take the necessary next steps to control or eliminate these sources of pollution.

The bill also directs EPA to complete its review and publication of revised water quality criteria for coastal recreation waters by October 15, 2012, and to include with this publication, the validation of a "rapid testing method" for coastal recreation waters. H.R. 2093 defines a rapid testing method as one that can produce results "as soon as practicable" but not more than six hours after commencement of the test.

Today, the majority of States are utilizing culture-based testing methodologies for determining the presence of pathogens in coastal waters. This testing methodology typically requires 24 hours before results can be obtained, which can mean that one or two days may pass before the public is made aware of the presence of potentially harmful contaminants.

H.R. 2093 directs EPA to reduce the testing time from the current 24 hours to less than six hours, with the hope that communities can provide same day results on the condition of their local waters. To be clear, this legislation does not require that an approvable test actually take six hours, but establishes six hours as the absolute maximum time allowed for an approvable rapid testing method. If science dictates that the amount of testing time can be less than six hours, this bill allows EPA to approve a "more rapid" testing methodology.

It is my understanding that the scientific community believes that current technology is capable of producing a reliable rapid testing methodology that can produce results in two to three hours. This technology could be read-

ily adopted by EPA under the revised definition, and the Agency is encouraged to adopt the shortest, reliable testing methodology possible.

Mr. Speaker, simply put, this reauthorization of the BEACH Act focuses on providing State and local governments with the tools they need to protect public health and reduce the incidence of water-borne illness. As we are in the midst of the summer vacation season, let us make sure that a family trip to the beach will not also result in a trip to the doctor's office.

I urge my colleagues to support H.R. 2093. Ms. EDDIE BERNICE JOHNSON of Texas. I reserve the balance of my time.

Mr. BOOZMAN. Again, I would like to thank the chairman and the ranking member and my chairman, Ms. JOHNSON. I urge its adoption.

I yield back the balance of my time. Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I know that time is short, so I'll be very brief. This is a very important bill to the Nation's beaches, and I represent a coastal area.

Basically, a few years ago, we passed the original BEACH Act, which allowed for the testing of ocean waters so that people would know, as sort of a right-to-know measure, when to go into the water and when not to. It has been very successful in keeping beaches clean and in notifying people when they shouldn't go swimming or when beaches have been cleaned up and they can go back into the water. We found out that we needed some better protection, and that is what we're doing with this bill today.

It calls for more rapid testing, within 24 hours—well, within a few hours, I should say—because, in the past, sometimes it would take 24 to 48 hours before we would know whether beaches should be closed. So there is a much more rapid testing method, which is within a few hours. In addition to that, the grants allow for the support for actually preventing beach closings and for using the Federal money for tracking so that, actually, the waters do not become more polluted.

So there are a lot of improvements in this bill over the current BEACH Act, and I urge its passage. I think we can get it signed into law quickly.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I now yield 1 minute to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the chairwoman for yielding, and I will be even more brief than Mr. PALLONE.

Mr. Speaker, let me simply thank Mr. PALLONE, Mr. BILBRAY, Mr. BOOZMAN, Chairman OBERSTAR, and Chairwoman JOHNSON for their leadership on this issue.

This bill builds on the successes of the original BEACH Act. It implements

rapid testing procedures which are vitally important. It provides a significantly larger authorization for the grants, and I urge its passage.

Mr. Speaker, on behalf of the residents of eastern Long Island, I would like to commend Chairman OBERSTAR, Chairwoman JOHNSON and Congressmen PALLONE and BILBRAY for their leadership and unwavering dedication to clean water issues. I would also like to thank the Transportation and Infrastructure Committee staff for their hard work and commitment to advancing this legislation to the full House today.

My district encompasses 300 miles of coastline, and I'm very proud to represent some of this country's most popular and beautiful beaches. Maintaining coastal health is an integral objective toward preserving the Nation's environment and sustaining the tourist economies of our States. The beach-going public that flocked to our Nation's shores this summer reminds us that we deserve pristine waterways to enjoy with our families and that we need to preserve them for future generations of Americans.

The water quality monitoring and notification grants established in the original BEACH Act have been absolutely vital to protecting the health of beachgoers on our shores. Today, with the consideration of H.R. 2093, the Clean Coastal Environment and Public Health Act of 2009, we can continue to assure the American public that preserving healthy shores is a priority of our environmental agenda.

After EPA reports marked progress but raised questions about the implementation of the BEACH Act, it has become clear that further development of the legislation was needed. That is why Mr. PALLONE, the author of the original BEACH Act, and I decided to pool our resources to advance better legislation to fix problems and fund grant programs.

The Pallone/Bishop/Bilbray legislation reauthorizes the BEACH Act through fiscal year 2013 and increases authorization for funding from \$30 million to \$40 million, annually. This bipartisan legislation requires development and implementation of rapid testing methods to ensure that the public is notified of potential health concerns related to water quality in hours rather than days and enhances existing public notification requirements.

In the 110th Congress, a nearly identical bill was agreed to by this committee and passed on the House floor—both by voice vote. Unfortunately, the Senate did not act on the bill.

One in ten tourists is destined for the beach this summer—providing our travel and vacation industries with customers and business. I hope my colleagues agree that the BEACH Act is an excellent example of an effective government program that benefits communities in every region of the country and has yielded tremendous progress in restoring healthy shores.

Mr. Speaker, with the leadership and support of this body, we can ensure that beach visitors throughout the country are assured that local governments have all the resources they need to monitor recreational waters and alert the public of potential health hazards.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I applaud the sponsor of this legislation, Mr. PALLONE,

and our colleagues on the Committee on Transportation and Infrastructure, Mr. BISHOP and Mr. HALL, for introducing this important legislation. Further, I appreciate and respect the fact that Mr. OBERSTAR, Mr. MICA and Mr. BOOZMAN helped with this as well, so I urge its adoption.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 1293, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOOZMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3326, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-233) on the resolution (H. Res. 685) providing for consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1293, by the yeas and nays;

H.R. 556, de novo;

H.R. 509, de novo;

H. Res. 616, de novo;

H.R. 1035, de novo;

H.J. Res. 44, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

DISABLED VETERANS HOME IMPROVEMENT AND STRUCTURAL ALTERATION GRANT INCREASE ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and pass the bill, H.R. 1293, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1293.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 7, as follows:

[Roll No. 650]

YEAS—426

Abercrombie	Clarke	Griffith
Ackerman	Clay	Grijalva
Aderholt	Cleaver	Guthrie
Adler (NJ)	Coble	Gutierrez
Akin	Coffman (CO)	Hall (NY)
Alexander	Cohen	Hall (TX)
Altmire	Cole	Halvorson
Andrews	Conaway	Hare
Arcuri	Connolly (VA)	Harman
Austria	Conyers	Harper
Baca	Cooper	Hastings (FL)
Bachmann	Costa	Hastings (WA)
Bachus	Courtney	Heinrich
Baird	Crenshaw	Heller
Baldwin	Crowley	Hensarling
Barrett (SC)	Cuellar	Herger
Barrow	Culberson	Herseth Sandlin
Bartlett	Cummings	Higgins
Barton (TX)	Dahlkemper	Hill
Bean	Davis (AL)	Himes
Becerra	Davis (CA)	Hinchey
Berkley	Davis (IL)	Hinojosa
Berman	Davis (KY)	Hirono
Berry	Davis (TN)	Hodes
Biggert	Deal (GA)	Hoekstra
Bilbray	DeFazio	Holden
Bilirakis	DeGette	Holt
Bishop (GA)	DeLauro	Honda
Bishop (NY)	Dent	Hoyer
Bishop (UT)	Diaz-Balart, L.	Hunter
Blackburn	Diaz-Balart, M.	Inglis
Blumenauer	Dicks	Inslee
Blunt	Dingell	Israel
Boccieri	Doggett	Issa
Boehner	Donnelly (IN)	Jackson (IL)
Bonner	Doyle	Jackson-Lee
Bono Mack	Dreier	(TX)
Boozman	Driehaus	Jenkins
Boren	Duncan	Johnson (GA)
Boswell	Edwards (MD)	Johnson (IL)
Boucher	Edwards (TX)	Johnson, E. B.
Boustany	Ehlers	Johnson, Sam
Boyd	Ellison	Jones
Brady (PA)	Ellsworth	Jordan (OH)
Brady (TX)	Emerson	Kagen
Braley (IA)	Engel	Kaptur
Bright	Eshoo	Kennedy
Broun (GA)	Etheridge	Kildee
Brown (SC)	Fallin	Kilpatrick (MI)
Brown, Corrine	Farr	Kilroy
Brown-Waite,	Fattah	Kind
Ginny	Filner	King (IA)
Buchanan	Flake	King (NY)
Burgess	Fleming	Kingston
Burton (IN)	Forbes	Kirk
Butterfield	Fortenberry	Kirkpatrick (AZ)
Buyer	Foster	Kissell
Calvert	Fox	Klein (FL)
Camp	Frank (MA)	Kline (MN)
Campbell	Franks (AZ)	Kosmas
Cantor	Frelinghuysen	Kratovil
Cao	Fudge	Kucinich
Capito	Gallegly	Lamborn
Capps	Garrett (NJ)	Lance
Capuano	Gerlach	Langevin
Cardoza	Giffords	Larsen (WA)
Carnahan	Gingrey (GA)	Larson (CT)
Carney	Gohmert	Latham
Carson (IN)	Gonzalez	LaTourette
Carter	Goodlatte	Latta
Cassidy	Gordon (TN)	Lee (CA)
Castle	Granger	Lee (NY)
Castor (FL)	Graves	Levin
Chaffetz	Grayson	Lewis (CA)
Chandler	Green, Al	Lewis (GA)
Childers	Green, Gene	Linder
Chu		Lipinski

LoBiondo	Obey	Sessions
Loeb sack	Olson	Sestak
Lofgren, Zoe	Olver	Shadegg
Lowey	Ortiz	Shea-Porter
Lucas	Pallone	Sherman
Luetkemeyer	Pascarella	Shimkus
Lujan	Pastor (AZ)	Shuler
Lummis	Paul	Shuster
Lungren, Daniel	Paulsen	Simpson
E.	Payne	Sires
Lynch	Pence	Skelton
Mack	Perlmutter	Smith (NE)
Maffei	Perriello	Smith (NJ)
Maloney	Peters	Smith (TX)
Manzullo	Peterson	Smith (WA)
Marchant	Petri	Snyder
Markey (CO)	Pingree (ME)	Space
Markey (MA)	Pitts	Speier
Marshall	Platts	Spratt
Massa	Poe (TX)	Stark
Matheson	Pollis (CO)	Stearns
Matsui	Pomeroy	Stupak
McCarthy (CA)	Posey	Sullivan
McCauley	Price (GA)	Sutton
McClintock	Price (NC)	Tanner
McCollum	Putnam	Taylor
McCotter	Quigley	Teague
McDermott	Radanovich	Terry
McGovern	Rahall	Thompson (CA)
McHenry	Rangel	Thompson (MS)
McHugh	Rehberg	Thompson (PA)
McIntyre	Reichert	Thornberry
McKeon	Reyes	Tiahrt
McMahon	Richardson	Tiberi
McMorris	Rodriguez	Tierney
Rodgers	Roe (TN)	Titus
McNerney	Rogers (AL)	Tonko
Meek (FL)	Rogers (KY)	Towns
Meeks (NY)	Rogers (MI)	Tsongas
Melancon	Rohrabacher	Turner
Mica	Rooney	Upton
Michaud	Ros-Lehtinen	Van Hollen
Miller (FL)	Roskam	Velázquez
Miller (MI)	Ross	Visclosky
Miller (NC)	Rothman (NJ)	Walden
Miller, Gary	Roybal-Allard	Walz
Miller, George	Royce	Wamp
Minnick	Ruppersberger	Wasserman
Mitchell	Rush	Schultz
Mollohan	Ryan (WI)	Waters
Moore (KS)	Salazar	Watson
Moore (WI)	Sánchez, Linda	Watt
Moran (KS)	T.	Waxman
Moran (VA)	Sanchez, Loretta	Weiner
Murphy (CT)	Sarbanes	Welch
Murphy (NY)	Scalise	Westmoreland
Murphy, Patrick	Schakowsky	Wexler
Murphy, Tim	Schauer	Whitfield
Murtha	Schiff	Wilson (OH)
Myrick	Schmidt	Wilson (SC)
Nadler (NY)	Schock	Wittman
Napolitano	Schrader	Wolf
Neal (MA)	Schwartz	Woolsey
Neugebauer	Scott (GA)	Wu
Nunes	Scott (VA)	Yarmuth
Nye	Sensenbrenner	Young (AK)
Oberstar	Serrano	Young (FL)

NOT VOTING—7

Clyburn	McCarthy (NY)	Souder
Costello	Ryan (OH)	
Kanjorski	Slaughter	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1752

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SOUTHERN SEA OTTER RECOVERY AND RESEARCH ACT

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and passing the bill, H.R. 556, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 556, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 316, nays 107, not voting 10, as follows:

[Roll No. 651]

YEAS—316

Abercrombie	Crenshaw	Hodes
Ackerman	Crowley	Holden
Aderholt	Cuellar	Holt
Adler (NJ)	Cummings	Honda
Alexander	Dahlkemper	Hoyer
Altmire	Davis (AL)	Inglis
Andrews	Davis (CA)	Inslee
Arcuri	Davis (IL)	Israel
Austria	Davis (TN)	Jackson (IL)
Baca	DeFazio	Jackson-Lee
Baird	DeGette	(TX)
Baldwin	Delahunt	Johnson (GA)
Barrow	DeLauro	Johnson (IL)
Bean	Dent	Johnson, E. B.
Becerra	Diaz-Balart, L.	Jones
Berkley	Diaz-Balart, M.	Kagen
Berman	Dicks	Kaptur
Berry	Dingell	Kennedy
Biggart	Doggett	Kildee
Bilbray	Donnelly (IN)	Kilpatrick (MI)
Bilirakis	Doyle	Kilroy
Bishop (GA)	Driehaus	Kind
Bishop (NY)	Edwards (MD)	King (NY)
Blumenauer	Edwards (TX)	Kirkpatrick (AZ)
Boccheri	Ehlers	Kissell
Bonner	Ellison	Klein (FL)
Bono Mack	Ellsworth	Kline (MN)
Boren	Emerson	Kosmas
Boswell	Engel	Kratovil
Boucher	Eshoo	Kucinich
Boustany	Etheridge	Lance
Boyd	Farr	Langevin
Brady (PA)	Fattah	Larsen (WA)
Braley (IA)	Filner	Larson (CT)
Brown (SC)	Fortenberry	Latham
Brown, Corrine	Foster	LaTourette
Buchanan	Frank (MA)	Lee (CA)
Butterfield	Frelinghuysen	Lee (NY)
Calvert	Fudge	Levin
Camp	Gerlach	Lewis (CA)
Campbell	Giffords	Lewis (GA)
Cao	Gonzalez	Lipinski
Capito	Gordon (TN)	LoBiondo
Capps	Grayson	Loeb sack
Capuano	Green, Al	Loftgren, Zoe
Cardoza	Green, Gene	Lowe y
Carnahan	Griffith	Lucas
Carney	Grijalva	Lujan
Carson (IN)	Guthrie	Lungren, Daniel
Castle	Gutierrez	E.
Castor (FL)	Hall (NY)	Lynch
Chandler	Halvorson	Maffei
Childers	Hare	Maloney
Chu	Harman	Markey (MA)
Clarke	Hastings (FL)	Marshall
Clay	Heinrich	Massa
Cleaver	Heller	Matheson
Cohen	Herse th Sandlin	Matsui
Cole	Higgins	McCarthy (CA)
Connolly (VA)	Hill	McCaul
Conyers	Himes	McCollum
Cooper	Hinche y	McCotter
Costa	Hinojosa	McDermott
Courtney	Hirono	McGovern

McHugh	Polis (CO)	Smith (WA)
McIntyre	Pomeroy	Snyder
McKeon	Posey	Souder
McMahon	Price (NC)	Space
McNerney	Putnam	Speier
Meek (FL)	Quigley	Spratt
Meeks (NY)	Rahall	Stark
Melancon	Rehberg	Stupak
Michaud	Reichert	Sutton
Miller (MI)	Reyes	Tanner
Miller (NC)	Richardson	Taylor
Miller, George	Rodriguez	Terry
Minnick	Roe (TN)	Thompson (CA)
Mitchell	Rogers (MI)	Thompson (MS)
Mollohan	Ros-Lehtinen	Tiberi
Moore (KS)	Ross	Tierney
Moore (WI)	Rothman (NJ)	Titus
Moran (VA)	Roybal-Allard	Tonko
Murphy (CT)	Ruppersberger	Towns
Murphy (NY)	Rush	Tsongas
Murphy, Patrick	Ryan (OH)	Turner
Murphy, Tim	Salazar	Upton
Murtha	Sanchez, Linda	Van Hollen
Nadler (NY)	T.	Velazquez
Napolitano	Sanchez, Loretta	Visclosky
Neal (MA)	Sarbanes	Walz
Nye	Schakowsky	Wasserman
Oberstar	Schauer	Schultz
Obey	Schiff	Waters
Oliver	Schrader	Watson
Ortiz	Schwartz	Watt
Pallone	Scott (GA)	Waxman
Pascarell	Scott (VA)	Weiner
Pastor (AZ)	Serrano	Welch
Paulsen	Sestak	Wexler
Payne	Shea-Porter	Wilson (OH)
Perlmutter	Sherman	Wittman
Perriello	Shuler	Wolf
Peters	Simpson	Woolsey
Peterson	Sires	Wu
Pingree (ME)	Skelton	Yarmuth
Pitts	Smith (NJ)	Young (FL)
Platts	Smith (TX)	

NAYS—107

Akin	Garrett (NJ)	Neugebauer
Bachmann	Gingrey (GA)	Nunes
Bachus	Gohmert	Olson
Barrett (SC)	Goodlatte	Paul
Bartlett	Granger	Pence
Barton (TX)	Graves	Petri
Bishop (UT)	Hall (TX)	Poe (TX)
Blackburn	Harper	Price (GA)
Blunt	Hastings (WA)	Radanovich
Boehner	Hensarling	Rogers (AL)
Boozman	Herger	Rogers (KY)
Brady (TX)	Hoekstra	Rohrabacher
Broun (GA)	Hunter	Rooney
Brown-Waite,	Issa	Roskam
Ginny	Jenkins	Royce
Burgess	Johnson, Sam	Ryan (WI)
Burton (IN)	Jordan (OH)	Scalise
Buyer	King (IA)	Schock
Cantor	Kingston	Sensenbrenner
Carter	Lamborn	Sessions
Cassidy	Latta	Bartlett
Chaffetz	Linder	Shadegg
Coble	Luetkemeyer	Shimkus
Coffman (CO)	Lummis	Shuster
Conaway	Mack	Smith (NE)
Culberson	Manzullo	Stearns
Davis (KY)	Marchant	Sullivan
Deal (GA)	Markey (CO)	Teague
Dreier	McClintock	Thompson (PA)
Duncan	McHenry	Thornberry
Fallin	McMorris	Tiahrt
Flake	Rodgers	Walden
Fleming	Mica	Wamp
Forbes	Miller (FL)	Westmoreland
Fox	Miller, Gary	Wilson (SC)
Franks (AZ)	Moran (KS)	Young (AK)
Galle gly	Myrick	

NOT VOTING—10

Bright	Kirk	Slaughter
Clyburn	McCarthy (NY)	Whitfield
Costello	Rangel	
Kanjorski	Schmidt	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1759

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MARINE TURTLE CONSERVATION REAUTHORIZATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 509, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 509, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 354, noes 72, not voting 7, as follows:

[Roll No. 652]

AYES—354

Abercrombie	Butterfield	Diaz-Balart, L.
Ackerman	Calvert	Diaz-Balart, M.
Aderholt	Camp	Dicks
Adler (NJ)	Campbell	Dingell
Alexander	Cao	Doggett
Altmire	Capito	Donnelly (IN)
Andrews	Capps	Doyle
Arcuri	Capuano	Dreier
Austria	Cardoza	Driehaus
Baca	Carnahan	Edwards (MD)
Bachus	Carney	Edwards (TX)
Baird	Carson (IN)	Ehlers
Baldwin	Carter	Ellison
Barrett (SC)	Cassidy	Ellsworth
Barrow	Castle	Emerson
Bartlett	Castor (FL)	Engel
Barton (TX)	Chandler	Eshoo
Bean	Childers	Etheridge
Becerra	Chu	Fallin
Berkley	Clarke	Farr
Berman	Clay	Fattah
Berry	Cleaver	Filner
Biggart	Cohen	Fleming
Bilbray	Cole	Forbes
Bilirakis	Connolly (VA)	Fortenberry
Bishop (GA)	Conyers	Foster
Bishop (NY)	Cooper	Frank (MA)
Bishop (UT)	Costa	Frelinghuysen
Boccheri	Courtney	Fudge
Boehner	Crenshaw	Galle gly
Bonner	Crowley	Gerlach
Bono Mack	Cuellar	Giffords
Boren	Cummings	Gonzalez
Boswell	Dahlkemper	Gordon (TN)
Boucher	Davis (AL)	Grayson
Boustany	Davis (CA)	Green, Al
Boyd	Davis (IL)	Green, Gene
Brady (PA)	Davis (KY)	Griffith
Braley (IA)	Davis (TN)	Grijalva
Brown (SC)	Deal (GA)	Guthrie
Brown, Corrine	DeFazio	Gutierrez
Brown-Waite,	DeGette	Hall (NY)
Ginny	Delahunt	Halvorson
Buchanan	DeLauro	Hare
Burton (IN)	Dent	Harman

Hastings (FL) McCollum
Hastings (WA) McCotter
Heinrich McDermott
Heller McGovern
Herseth Sandlin McHugh
Higgins McIntyre
Hill McKeon
Himes McMahon
Hinchey McMorris
Hinojosa Rodgers
Hirono McNeerney
Hodes Meek (FL)
Holden Meeks (NY)
Holt Melancon
Honda Mica
Hoyer Michaud
Inglis Miller (MI)
Inslee Miller (NC)
Israel Miller, Gary
Jackson (IL) Miller, George
Jackson-Lee Minnick
(TX) Mitchell
Johnson (GA) Mollohan
Johnson (IL) Moore (KS)
Johnson, E. B. Moore (WI)
Jones Moran (VA)
Kagen Murphy (CT)
Kaptur Murphy (NY)
Kennedy Murphy, Patrick
Kildee Murphy, Tim
Kilpatrick (MI) Murtha
Kilroy Myrick
Kind Nadler (NY)
King (NY) Napolitano
Kingston Neal (MA)
Kirk Nunes
Kirkpatrick (AZ) Nye
Kissell Oberstar
Klein (FL) Obey
Kline (MN) Olver
Kosmas Ortiz
Kratovil Pallone
Kucinich Pascrell
Lance Pastor (AZ)
Langevin Paulsen
Larsen (WA) Payne
Larson (CT) Perlmutter
Latham Perriello
LaTourette Peters
Latta Peterson
Lee (CA) Pingree (ME)
Lee (NY) Pitts
Levin Platts
Lewis (CA) Polis (CO)
Lewis (GA) Pomeroy
Lipinski Posey
LoBiondo Price (NC)
Loeb sack Putnam
Lofgren, Zoe Quigley
Lowey Radanovich
Lucas Rahall
Luján Rangel
Lungren, Daniel Rehberg
E. Reichert
Lynch Reyes
Maffei Richardson
Maloney Rodriguez
Markey (CO) Roe (TN)
Markey (MA) Rogers (AL)
Marshall Rogers (KY)
Massa Rogers (MI)
Matheson Rooney
Matsui Ros-Lehtinen
McCarthy (CA) Roskam
McCaul Ross

NOES—72

Akin Foxx
Bachmann Franks (AZ)
Blackburn Garrett (NJ)
Blunt Gingrey (GA)
Boozman Gohmert
Brady (TX) Goodlatte
Bright Granger
Broun (GA) Graves
Burgess Hall (TX)
Buyer Harper
Cantor Hensarling
Chaffetz Herger
Coble Hoekstra
Coffman (CO) Hunter
Conaway Issa
Culberson Jenkins
Duncan Johnson, Sam
Flake Jordan (OH)

Rothman (NJ) Price (GA)
Roybal-Allard Rohrabacher
Ruppersberger Royce
Rush Ryan (WI)
Ryan (OH) Scalise
Salazar Schock
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes Blumenauer
Schakowsky Clyburn
Schauer Costello
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

Price (GA)
Rohrabacher
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Sullivan
Teague
Thompson (PA)
Thornberry
Tiahrt
Wamp
Westmoreland
Young (AK)

NOT VOTING—7

Blumenauer
Clyburn
Costello
Kanjorski
McCarthy (NY)
Schmidt
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains in this vote.

□ 1806

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to reauthorize the Marine Turtle Conservation Act of 2004, and for other purposes.”.

A motion to reconsider was laid on the table.

CONGRATULATING LOUISIANA STATE UNIVERSITY BASEBALL TEAM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 616.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 616.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. SCALISE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 0, present 1, not voting 6, as follows:

[Roll No. 653]

AYES—426

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Bean
Becerra

Berkley
Berman
Berry
Biggart
Billbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Bocciari
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany

Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao

Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez

Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul

McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNeerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar

Sánchez, Linda	Smith (NJ)	Turner
T.	Smith (TX)	Upton
Sanchez, Loretta	Smith (WA)	Van Hollen
Sarbanes	Snyder	Velázquez
Scalise	Souder	Visclosky
Schakowsky	Space	Walden
Schauer	Speier	Walz
Schiff	Spratt	Wamp
Schmidt	Stark	Wasserman
Schock	Stearns	Schultz
Schrader	Stupak	Waters
Schwartz	Sullivan	Watson
Scott (GA)	Sutton	Watt
Scott (VA)	Tanner	Waxman
Sensenbrenner	Taylor	Weiner
Serrano	Teague	Welch
Sessions	Terry	Westmoreland
Sestak	Thompson (CA)	Wexler
Shadegg	Thompson (MS)	Whitfield
Shea-Porter	Thompson (PA)	Wilson (OH)
Sherman	Thornberry	Wilson (SC)
Shimkus	Tiahrt	Wittman
Shuler	Tiberi	Wolf
Shuster	Tierney	Woolsey
Simpson	Titus	Wu
Sires	Tonko	Yarmuth
Skelton	Towns	Young (AK)
Smith (NE)	Tsongas	Young (FL)

ANSWERED "PRESENT"—1

Barton (TX)

NOT VOTING—6

Blumenauer	Costello	McCarthy (NY)
Clyburn	Kanjorski	Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. MARKEY of Colorado) (during the vote). One minute remains in this vote.

□ 1813

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Madam Speaker, I was unavoidably detained and missed rollcall votes Nos. 650, 651, 652, and 653. Had I been present, I would have voted "yea" on rollcall votes Nos. 650, 651, 652, and 653.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY AMENDMENTS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1035.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1035.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING NONCOMMISSIONED OFFICERS OF THE U.S. ARMY

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and passing the joint resolution, H.J. Res. 44.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. MARSHALL) that the House suspend the rules and pass the joint resolution, H.J. Res. 44.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

□ 1815

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

WILLIAM ORTON LAW LIBRARY IMPROVEMENT AND MODERNIZATION ACT

Ms. ZOE LOFGREN of California. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2728) to provide financial support for the operation of the law library of the Library of Congress, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "William Orton Law Library Improvement and Modernization Act".

SEC. 2. FINANCIAL SUPPORT FOR LAW LIBRARY OF LIBRARY OF CONGRESS.

(a) FINANCIAL SUPPORT.—In addition to any other amounts made available for the salaries and expenses of the Library of Congress, there are authorized to be appropriated to the Librarian of Congress \$3,500,000 for maintaining and administering the operations of the law library of the Library of Congress, including the cataloguing of the collections of the law library. Any amounts appropriated pursuant to the authority of this subsection shall remain available without fiscal year limitation until expended.

(b) ELECTRONIC CATALOGING OF NONPROPRIETARY MATERIAL.—To the extent practicable, in using any funds appropriated pursuant to the authority of subsection (a) to catalog and archive nonproprietary material in the collections of the Law Library after the date of the enactment of this Act, the Law Librarian of Congress shall catalog and archive the material electronically in a nonproprietary and nondiscriminatory format. Not-

ing in the previous sentence may be construed to affect any cataloging and archiving activities carried out with funds which are not appropriated pursuant to the authority of subsection (a).

SEC. 3. SEPARATION OF LAW LIBRARY SALARIES AND EXPENSES IN PREPARATION OF ANNUAL LIBRARY OF CONGRESS BUDGET.

(a) SEPARATE BUDGET TREATMENT OF LAW LIBRARY.—In preparing the annual budget for the Library of Congress which will be submitted by the President under chapter 11 of title 31, United States Code, and in preparing the annual budget and related materials for the Library of Congress for the use of the Committees on Appropriations of the Senate and House of Representatives, the Librarian of Congress shall ensure that all amounts attributable to salaries and expenses of the law library of the Library of Congress are set forth separately as a separate line item from other salaries and expenses of the Library of Congress.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2011 and each succeeding fiscal year.

SEC. 4. WILLIAM ORTON PROGRAM TO SUPPORT THE MISSION OF THE LAW LIBRARY OF THE LIBRARY OF CONGRESS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Librarian of Congress, acting through the Law Librarian of Congress, shall establish and operate a program to be known as the "William Orton Law Library Support Program" (hereafter in this section referred to as the "Program"), which will—

(A) provide enhanced or special services and programs for the Law Library; and

(B) otherwise support the mission of the Law Library.

(2) RELATION TO OTHER PROGRAMS.—The Librarian shall operate the Program in a manner which ensures that the resources of the Program are not commingled with the resources used to carry out the program operated under section 2.

(b) ROLE OF OTHER ENTITIES.—The Librarian may carry out the Program through agreements and partnerships entered into with other government and private entities, including the American Association of Law Libraries and the American Bar Association.

(c) PRIVATE SUPPORT.—

(1) ACCEPTANCE OF DONATIONS.—Donations of funds and in-kind contributions in support of the Program may be accepted—

(A) by the Library of Congress Trust Fund Board, as provided under the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 154 et seq.); and

(B) by the Librarian of Congress, as provided under section 4 of such Act (2 U.S.C. 160).

(2) USE OF AMOUNTS.—Notwithstanding the second paragraph of section 2 of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 157), or the third sentence of section 4 of such Act (2 U.S.C. 160), any amounts accepted by the Library of Congress Trust Fund Board or the Librarian of Congress in support of the Program shall be subject to disbursement by the Librarian only upon the recommendation of the Law Librarian (except to the extent otherwise provided under any terms and conditions on the use of the amounts which are imposed by the person making the donation).

(3) ACCEPTANCE OF OTHER VOLUNTARY SERVICES.—Notwithstanding section 1342 of title

31, United States Code, the Librarian of Congress may accept voluntary and uncompensated services in support of the Program.

(d) ESTABLISHMENT OF SEPARATE ACCOUNT.—

(1) IN GENERAL.—There is established in the Treasury (among the accounts of the Library of Congress) a separate account for the Program, which shall consist of—

(A) amounts accepted by the Library of Congress Trust Fund Board in support of the Program as described in subsection (c)(1)(A), together with any income earned on such amounts;

(B) amounts accepted by the Librarian of Congress in support of the Program as described in subsection (c)(1)(B), together with any income earned on such amounts;

(C) amounts appropriated pursuant to the authorization under subsection (f); and

(D) interest on the balance of the account.

(2) USE OF AMOUNTS.—The funds contained in the account established under this subsection shall be used solely by the Law Librarian of Congress to carry out the Program.

(e) ANNUAL REPORT.—Not later than April 30 of each year (beginning with 2010), the Librarian of Congress shall submit a report on Program funding and activities to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the American Bar Association, and the American Association of Law Libraries. The report shall include—

(1) a listing of all donations received in support of the Program during the previous year;

(2) the total obligations during the previous year for each Program activity;

(3) the amount appropriated pursuant to the authorization under subsection (f) for the fiscal year beginning on the previous October 1;

(4) a list of Program activities, with budget information for each such activity, planned for the calendar year in which the report is submitted; and

(5) any findings in the most recently completed audit conducted with respect to the Law Library or Program funds or investments.

(f) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated to the Librarian of Congress for the Law Library of Congress for a fiscal year, there are authorized to be appropriated for deposit into the account established under subsection (d) an amount equal to 40 percent of the amount of the donations accepted by the Library of Congress Trust Fund Board in support of the Program under subsection (c)(1) during the previous fiscal year.

SEC. 5. DESIGNATION OF LAW LIBRARY OF LIBRARY OF CONGRESS AS NATIONAL LAW LIBRARY.

The law library of the Library of Congress shall be known and designated as the "National Law Library", and any reference to the law library of the Library of Congress in any law, rule, regulation, or document shall be deemed to be a reference to the National Law Library.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

Madam Speaker, this bill is named after William Orton, a Member of the United States House of Representatives from Utah's Third Congressional District from 1991 to 1997. Bill passed away in April of this year. Bill was a tireless advocate for the Law Library, and this legislation is a fitting way to honor his memory.

The Law Library of Congress maintains a unique and world-renowned collection. This bill will help ensure that the Law Library will have the resources needed to maintain and expand its collections while at the same time modernizing its systems. The act authorizes, number one, \$3.5 million for maintaining and administering the operations of the Law Library, including the cataloging of the collections of the Law Library; two, a line item for the Law Library to ensure the autonomy and ability to improve the Law Library; and, three, the creation of the William Orton Program to provide enhanced or special services and programs for the Library and otherwise support the mission of the Law Library.

The Library may carry out the program through agreements and partnerships entered into with other government and private entities, including the American Association of Law Libraries and the American Bar Association. Donations of funds and in-kind contributions in support of the program may be accepted, and it requires an annual report.

Finally, H.R. 2728 was amended by the House Administration Committee; and during markup, we made a change in the name of the Law Library to the National Law Library to increase the role and status of the Law Library. This bill authorizes to be appropriated for the program an amount equal to 40 percent of the amount of the donations accepted by the Library of Congress Trust Fund Board in support of the program. This is a 60/40 private-public split. The Law Library is an invaluable resource both to the Congress and the Nation, and we have an obligation to future generations to provide for its continuation through the establishment of the William Orton Program.

Some of the organizations that are supporting this bill include the American Bar Association, the American Association of Law Libraries, and the Northern California Association of Law Libraries.

Now, why is this bill important to the point that myself and my colleague from California (Mr. DANIEL E. LUNGREN) have actually spent several years working on this? Not only is this collection unique in the United States and important to the rule of law in the United States; this collection is important to the world. And I will give you an example why. When the Taliban was finally expelled from government in Afghanistan, the people of Afghanistan looked to reinstitute the rule of law; and the only place where Afghani law could be found was in the Law Library at the Library of Congress in the United States. It was through that collection that we were able to help in that civil way in the reinstitution of the rule of law.

I would just like to say one further word about the late Bill Orton. After he left the Congress, he went back into private practice, but he always volunteered his time. He spent countless hours with the bar association and others, coming and trying to help the Law Library.

He understood that it wasn't flashy, but it was important. Actually, that's just like Bill, a guy who wasn't flashy but who was serious and did important things for his country. I can remember sitting on this floor next to then-Congressman Bill Orton, discussing the issues of the day while he had his young son Will sitting on his lap. Many times during State of the Union speeches, young Will would be there with his dad.

I hope that in addition to doing these good things through passing this bill that Will and the rest of his family can take satisfaction that Bill Orton's name will forever be associated with this Law Library, and we will always be in his debt for what he has done.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself as much time as I may consume.

I am pleased to rise in support of the bill that will pave the way for the Law Library at the Library of Congress to more fully serve this community, the legal community, academia and the public. The Law Library has one of the greatest collections of legal documents in the world, unparalleled in its breadth and depth.

The collection is so significant and diverse that following removing the Taliban from power in Afghanistan, as was suggested by my colleague from California, the Afghani people turned to the Library of Congress' archives to find a copy of the laws and Constitution of their country, Afghanistan.

Not much more than a year ago, in May 2008, a good friend and colleague of ours, the late Representative Bill Orton of Utah, appeared before the House Appropriations Committee and delivered compelling testimony toward the importance of properly funding this

Law Library. It is, therefore, fitting that it is in his honor that we move this bill forward today.

Among Bill Orton's arguments for passionate support of the Law Library, perhaps two are most salient: the manner in which the current budgetary scheme forces the Library of Congress to balance the various departments against one another and the pressing need for an avenue to facilitate and dedicate private support for this Law Library. The American Bar Association, in a letter this month to the House of Representatives, echoed Bill Orton's testimony, explaining that the spreading of budgetary shortfalls has led at times to the neglect of particular portions of collections. For example, the ABA highlights the fact that the Law Library's loose leaf subscriptions are months out of date.

At the time of his testimony, Bill Orton appeared as a representative of the American Bar Association, which is dedicated and committed to specifically address the maintenance, accessibility and relevance of the Law Library. When pressed as to whether the legal community would pitch in as a partner in financially supporting the Law Library, his response was emphatically, Yes.

With the passage of this bill, we enable our partners in the legal community to fulfill that commitment, and we give them an avenue through which that can be done.

□ 1830

More personally, this bill serves as a tribute to our late colleague, Bill Orton. During his service in this body, he was a passionate advocate for the law library and its many resources. He recognized the value of the careful stewardship of the law library's institutional mission. And so I hope that with our vote today, we will move that much closer to seeing the goal of Bill Orton realized.

I urge my colleagues, therefore, to join me in supporting the memory of Bill Orton, the mission of the law library, and this bill.

Madam Speaker, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, before yielding back, I would simply thank the gentleman from California for being my partner in this effort. I thank, again, the members of the House Administration Committee for working with us. And remember, once again, our colleague, Bill Orton, who was such a fine person, who did so much in his life. I know that his sons, Will and Wesley, and his wife, Jacquelyn, were very proud of him, and I know that they will take satisfaction that his volunteerism is being recognized through this effort today.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 2728, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR HOUSE OF REPRESENTATIVES STAFF PAYDAY CHANGES

Mrs. DAVIS of California. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1752) to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF COMMITTEE ON HOUSE ADMINISTRATION TO ESTABLISH DAY FOR PAYING SALARIES IN OR UNDER THE HOUSE OF REPRESENTATIVES.

Section 116(a) of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60d-1) is amended by adding at the end the following new sentence: "Notwithstanding the previous sentence, the Committee on House Administration may by regulation provide for the payment of salaries with respect to a month on a date other than the date provided under the previous sentence as may be necessary to conform to generally accepted accounting practices."

SEC. 2. MEMBERSHIP IN HOUSE OF REPRESENTATIVES EXERCISE FACILITY FOR ACTIVE DUTY ARMED FORCES MEMBERS ASSIGNED TO CONGRESSIONAL LIAISON OFFICE.

House Resolution 1068, One Hundred Tenth Congress, agreed to April 15, 2008, is enacted into law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Madam Speaker, the principal purpose of this legislation is to allow the Committee on House Administration to oversee and administer a payday schedule for all staff in the House of Representatives. It does not affect pay for Members.

The House passed a similar bill in the 110th Congress. This bill gives the Committee on House Administration the ability to set the day of pay for House employees. This flexibility will allow the committee to be more responsive to the needs of our employees, many of whom have expressed their frustration about the current system. Furthermore, this bill will give us the opportunity to be more consistent with employees in the Senate, the executive branch, and most of the private sector with regard to paydays.

The committee also adopted a technical amendment to provide that staff members of congressional liaison offices assigned to the House who are on active duty in the Armed Forces will continue to be eligible to apply for membership in the House of Representatives staff exercise facility. The House passed a resolution, H. Res. 1068, in the 110th Congress which approved this policy, and the bill before us simply would enact it into permanent law.

Madam Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 1752, which will vest in the Committee on House Administration the authority to evaluate and implement best practices to improve efficiency in our payroll process.

The House Inspector General has reported that it may be of benefit to the House to transition to a bimonthly pay cycle with a lag time. Preliminary financial assessments suggest that after incurring up-front transition costs, this change may reduce overpayments over time and reduce errors by more easily distributing the burden of incorporating payment changes into the system.

If the distinguished gentlelady from California would enter into a colloquy on the subject of exactly how this authority is to be exercised, I would like to stress that the legislation before the House simply grants the Committee on House Administration the authority to change the pay cycle and does not in and of itself authorize any changes. As the gentlelady is aware, any change to our current operating status with regard to payroll would have a large impact on the daily lives of House staff. It is thus important that the committee granting this authority will act cautiously and only after soliciting and evaluating the feedback of the House community.

I understand on the majority side that you would be willing to work with us to ensure that the opinions of House staff are gathered and considered prior to any potential change in the pay cycle.

Mrs. DAVIS of California. The gentleman is correct. We would be delighted to work with him on that.

Mr. DANIEL E. LUNGREN of California. I appreciate that very much.

With that, Madam Speaker, I would urge support for this bill.

I yield back the balance of my time.

Mrs. DAVIS of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 1752, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ABSENTEE BALLOT TRACK, RECEIVE, AND CONFIRM ACT

Mrs. DAVIS of California. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2510) to amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of on-line access, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Absentee Ballot Track, Receive, and Confirm Act".

SEC. 2. REIMBURSEMENT FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS.

(a) REIMBURSEMENT.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following new part:

"PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ES- TABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BAL- LOTS

"SEC. 297. PAYMENTS TO STATES.

"(a) PAYMENTS FOR COSTS OF ESTABLISHING PROGRAM.—In accordance with this section,

the Commission shall make a payment to a State to reimburse the State for the costs incurred in establishing, if the State so chooses to establish, an absentee ballot tracking program with respect to elections for Federal office held in the State (including costs incurred prior to the date of the enactment of this part).

"(b) ABSENTEE BALLOT TRACKING PROGRAM DESCRIBED.—

"(1) PROGRAM DESCRIBED.—

"(A) IN GENERAL.—In this part, an 'absentee ballot tracking program' is a program to track and confirm the receipt of absentee ballots in an election for Federal office under which the State or local election official responsible for the receipt of voted absentee ballots in the election carries out procedures to track and confirm the receipt of such ballots, and makes information on the receipt of such ballots available to the individual who cast the ballot, by means of on-line access using the Internet site of the official's office.

"(B) INFORMATION ON WHETHER VOTE WAS COUNTED.—The information referred to under subparagraph (A) with respect to the receipt of an absentee ballot shall include information regarding whether the vote cast on the ballot was counted, and, in the case of a vote which was not counted, the reasons therefor.

"(2) USE OF TOLL-FREE TELEPHONE NUMBER BY OFFICIALS WITHOUT INTERNET SITE.—A program established by a State or local election official whose office does not have an Internet site may meet the description of a program under paragraph (1) if the official has established a toll-free telephone number that may be used by an individual who cast an absentee ballot to obtain the information on the receipt of the voted absentee ballot as provided under such paragraph.

"(c) CERTIFICATION OF COMPLIANCE AND COSTS.—

"(1) CERTIFICATION REQUIRED.—In order to receive a payment under this section, a State shall submit to the Commission a statement containing—

"(A) a certification that the State has established an absentee ballot tracking program with respect to elections for Federal office held in the State; and

"(B) a statement of the costs incurred by the State in establishing the program.

"(2) AMOUNT OF PAYMENT.—The amount of a payment made to a State under this section shall be equal to the costs incurred by the State in establishing the absentee ballot tracking program, as set forth in the statement submitted under paragraph (1), except that such amount may not exceed the product of—

"(A) the number of jurisdictions in the State which are responsible for operating the program; and

"(B) \$3,000.

"(3) LIMIT ON NUMBER OF PAYMENTS RECEIVED.—A State may not receive more than one payment under this part.

"SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—There are authorized to be appropriated to the Commission for fiscal year 2010 and each succeeding fiscal year such sums as may be necessary for payments under this part.

"(b) CONTINUING AVAILABILITY OF FUNDS.—Any amounts appropriated pursuant to the authorization under this section shall remain available until expended."

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle D of title II the following:

"PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS

"Sec. 297. Payments to States.

"Sec. 297A. Authorization of appropriations."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes. The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2510, the Absentee Ballot Track, Receive, and Confirm, or TRAC Act. I would like to thank House Administration Committee Chairman BRADY, Ranking Member LUNGREN, and Election Subcommittee Chairwoman LOFGREN for allowing this bill to come forward today. I would also like to especially thank our subcommittee's ranking member, Mr. MCCARTHY, for joining me in introducing this bill. I appreciate my California colleague's input in support of this important legislation. This is a better bill because of his efforts, and I hope that the members of our subcommittee can continue to work together across party lines because election administration need not be a partisan issue.

We introduced this bill after hearing from absentee voters that they would like to know whether their ballots were sent, whether their ballots were received, and whether their votes were actually counted. In most cases, the fears of one's mail-in ballot somehow being lost in the system are unfounded, but we all know that the worry is still there, and sometimes there is real reason for concern.

We have all heard election horror stories from people who simply did not receive a ballot they requested. Other voters have called their overwhelmed election officers and waited on hold for far too long trying to find out what happened to their ballots. And most voters never know whether their absentee ballot actually was counted. Was there a problem with their signature, they might wonder? Was the ballot damaged in the mail?

Our Nation's voters deserve electoral procedures that are transparent and that strengthen their faith in democracy. The good news is that it is possible and practical to track absentee

ballots. If voters can identify a problem early, they can work with their election offices to fix it and ensure that their votes count.

The TRAC Act is modeled on a successful piece of bipartisan California State legislation that allows voters to go online or call a phone number to easily find out whether an elections office has sent out a ballot, whether a completed ballot has arrived back at the registrar's office, and whether the registrar has counted the ballot; and if not, why not?

Absentee tracking has been a proven success in California and in several other States. In my home county of San Diego, over 98,000 voters checked their ballot status online last November using such a system.

Tracking gives voters easy access to the answers they need, and it takes a burden off the phone lines at elections offices. Absentee ballot tracking is particularly useful for our men and women in uniform serving overseas who have difficulty phoning their elections offices during regular business hours. The TRAC Act would allow the Federal Government to reimburse States for establishing absentee tracking systems. And setting up these tracking systems can be done for just a few thousand dollars in many jurisdictions. San Mateo County in California, for example, did it by simply linking their database to their Web site, and many other counties have followed that model. In these tough economic times, even the small grants we are offering States today will be especially helpful.

I ask my colleagues on both sides of the aisle to join Mr. MCCARTHY and me in supporting this effort to strengthen the democratic process and give American voters the electoral certainty they deserve.

Madam Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

I rise in support of this bill, the TRAC bill, which will encourage States to adopt measures toward the modernization of election systems.

The legitimacy of our election systems is based on the public trust that properly cast ballots are counted, and in the case of absentee ballots, reach their appropriate destination. Any time an election system fails to include properly cast ballots there is cause for concern as to the legitimacy of the outcome.

Long gone should be the days when dog-eared absentee ballots are relegated to dark and dusty corners of election offices with voters never having the certainty that their vote counted. By instituting a tracking system, States can further ensure the security of their absentee ballots. Some have said this is really promoting uniform postal progress information for elec-

tion shipments. Moreover, an absentee ballot tracking system will enable voters to act as guardians of their own vote, providing them the ability to call attention to ballots that fail to reach their destination.

An important aspect of this bill beyond the benefits of a ballot tracking system is that it is a voluntary, incentive-driven program. Whereas each State approaches its election process from a unique background and context, this voluntary program empowers the States to modernize their election systems in a manner appropriate to their particular challenges. The Committee on House Administration has held several hearings over the past year dealing with challenges to the administration of reliable and credible elections. Through the testimony of many qualified witnesses, we have come to realize that one particular subset of voters who are particularly vulnerable to those challenges is overseas military voters. My colleague on the committee, Mr. MCCARTHY, has introduced a piece of legislation which will help remedy that disservice to our men and women in uniform. And just as we take up this bill today, I am hopeful that we will soon see Mr. MCCARTHY's bill brought before this body for a vote.

It simply isn't acceptable for ballots to disappear, some might say, like wandering puppies. We owe our uniformed servicemembers better than that.

Madam Speaker, I urge support for this measure, and I yield back the balance of my time.

Mrs. DAVIS of California. I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank the gentlelady from California, and I rise in support of the Absentee Ballot TRAC Act. I commend her and Mr. MCCARTHY for crafting this commonsense measure, and I urge my colleagues to support it.

For the sake of good democracy, we must do all we can to have accessible, reliable, auditable voting. And we must do all we can to remove every reason for voters to believe that the voting system is not working well, to remove any doubt that they might have that votes are not counted as they intended.

□ 1845

Every year, some number of absentee ballots are requested by voters but not received, or delivered to voters but not returned to the election officials. The Election Assistance Commission's 2004 election administration voting survey reported that on average, only 89 percent of absentee ballots requested were returned. The 2006 Election Administration and Voting Survey reported that on average, a quarter of domestic civilian absentee ballots were rejected due to untimely receipt. And according to a survey of military and overseas

voting in 2008 conducted by the non-partisan Overseas Vote Foundation, more than 1 in 5 American voters living overseas, including military personnel, did not receive their ballots on time for them to be counted in the 2008 election.

Every such instance of nonreceipt or nondelivery must be treated as a probable instance of wrongful disenfranchisement because we can assume voters would not have requested the ballots if they did not intend to vote. And that's why I support this commonsense measure. It would reimburse States for establishing programs to track and confirm the receipt of absentee ballots and make available to the individual who cast the ballot information on the receipt of the ballot, and information about whether or not the ballot was counted. This would be done by means of on-line access using an Internet site of the official's office.

I commend this bill to my colleagues, and I thank the gentleman and the gentlelady for proposing it.

Mr. BRADY of Pennsylvania. Madam Speaker, I urge the Members to support H.R. 2510, a bill to amend the Help America Vote Act. This bipartisan bill, sponsored by Representatives SUSAN DAVIS and KEVIN MCCARTHY, and reported unanimously from the Committee on House Administration, will reimburse states for the cost of tracking and confirming absentee ballots.

More voters than ever cast their ballots by mail. Many remain anxious that their ballots may not reach election offices on time—they question whether their votes are actually counted.

H.R. 2510 provides incentives to states to develop systems allowing voters to track their ballots. Voters will be able to use the internet or a voter hotline to track whether the elections office has sent out a ballot, whether the completed ballot has arrived back at the registrar's office, whether the registrar has counted the ballot, and if not, why. Highly effective systems like these are already in place in counties in California, Washington, Virginia, Kansas and my home state of Pennsylvania.

Voters and election offices both benefit from ballot tracking technology. With voters able to track their ballots, transparency and voter confidence in America's election system will be greatly improved. Voters will be able to receive accurate and updated information on the status of their ballots and confirm whether they were counted.

Once this legislation is fully implemented, it will save costs for local governments and take the strain off election offices.

I urge all my colleagues to vote for this bipartisan legislation.

Mrs. DAVIS of California. Madam Speaker, I have no additional speakers. I urge passage of this legislation. And I yield back my remaining time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 2510.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMENDING THE CONGRESS OF LEADERS OF WORLD AND TRADITIONAL RELIGIONS

Mr. FALEOMAVAEGA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 535) commending the Congress of Leaders of World and Traditional Religions for calling upon all nations to live in peace and mutual understanding, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 535

Whereas religious leaders can be a decisive factor in maintaining peace and security in the world;

Whereas a Congress of Leaders of World and Traditional Religions was established in 2003;

Whereas the purpose of the Congress is to advance tolerance, development, and security;

Whereas the Congress provides a forum for improving understanding and mutual cooperation among religious communities from around the world;

Whereas the Congress considers interfaith dialogue one of the most important instruments for the maintenance of peace and harmony among peoples and nations;

Whereas the Congress regularly holds forums that address, among other issues, religious freedom, inter-religious dialogue, and the role of religious leaders in strengthening global security;

Whereas the world's major religions, including Buddhism, Christianity, Hinduism, Islam, Judaism, Shinto, and Taoism are represented in the Congress;

Whereas religious leaders representing more than 26 nations, including Israel, Egypt, Pakistan, Iran, Saudi Arabia, Libya, Armenia, South Korea, China, India, Thailand, the United States, Switzerland, France, Japan, and the Holy See, participate in the Congress;

Whereas a Secretariat of the Congress was established by the leaders and representatives of the world and traditional religions in 2003 as a permanent body of the interfaith dialogue;

Whereas the Secretariat of the Congress adopted resolutions to convene the second and third Congress in 2006 and 2009; and

Whereas the third Congress was held on July 1–2, 2009: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Congress of Leaders of World and Traditional Religions for calling

upon all nations to live in peace and mutual understanding; and

(2) supports freedom of religion and conscience throughout the world as a fundamental human right and as a source of stability for all countries.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Madam Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Madam Speaker, I rise today in support of House Resolution 535, commending the Congress of Leaders of World and Traditional Religions for calling upon all nations to live in peace and mutual understanding. The Congress was organized in 2003 in recognition of the growing importance of world religions in responding to emerging threats and global epidemics. The Congress is held every 3 years and seeks to foster greater dialogue and cooperation among world religions to address the serious challenge we are facing like terrorism, poverty, war, extremism, and the global collapse of financial markets.

This year I had the privilege of attending the third Congress. Approximately 77 delegations from 35 countries participated, including leading clerics and scholars representing Judaism, Islam, Christianity, Buddhism and other religious traditions. The delegation from the Vatican was led by Cardinal Jean-Louis Turan. Israel's President, Shimon Peres delivered the keynote address, and the Church of Jesus Christ of Latter-day Saints was also represented for the first time.

Because religious leaders can be a decisive factor in maintaining peace and security in the world, I encourage my colleagues to vote in favor of House Resolution 535. This resolution supports freedom of religion and conscience throughout the world as a fundamental right and as a source of stability for all countries and commends the Congress of Leaders of World and Traditional Religions for the work it is doing to advance tolerance and understanding. Again, I urge my colleagues to support this bipartisan resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, I rise in support of House Resolution 535. This resolution commends the Congress of

leaders of World and Traditional Religions and expresses support for freedom of religion as a fundamental human right and a source of stability for all countries. I support this resolution and the broader cause of promoting freedom of religion.

However, I have some concerns about this measure. Kazakhstan initiated the effort to establish the Congress of Leaders of World and Traditional Religions and its capital served as the location for the past three gatherings. However, our U.S. Department of State's report on international religious freedom, as well as a number of human rights NGOs, underscore that Kazakhstan has considerable problems with its treatment of some of its religious minority groups. Some of the reported instances of religious intolerance in Kazakhstan include police officials disrupting religious meetings in private homes, confiscation of religious literature, fines, detentions, harassment and deportation of unregistered missionaries.

It has also been reported that the government-controlled media in Kazakhstan has increased its negative coverage of what they consider non-traditional religions such as Evangelical Christians, Jehovah's Witnesses, Hare Krishnas and Scientologists, depicting those groups as dangerous sects. Although we should support the efforts of the Congress of Leaders of World and Traditional Religions, we must be careful not to inadvertently provide political legitimacy to the government of Kazakhstan in its treatment of some of its religious minorities. Furthermore, Kazakhstan will assume the chairmanship of the Organization for Security and Cooperation in Europe in 2010, and it is important that those responsible nations hold it accountable to the commitments that it has made to implement democratic reforms and to protect human rights.

Again, I would like to express my support for this resolution, although with some reservation, and I ask my colleagues to do the same.

I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 535, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING DAY OF THE AFRICAN CHILD

Mr. FALEOMAVAEGA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 550) recognizing the "Day of the African Child" on June 16, 2009, devoted to the theme of child survival and to emphasize the importance of reducing maternal, newborn, and child deaths in Africa.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 550

Whereas the "Day of the African Child" has been celebrated on June 16 each year since 1991, when it was first initiated by the Organization of African Unity;

Whereas the African Union has designated child survival as the theme of the "Day of the African Child", June 16, 2009;

Whereas the African Union Heads of State and Government decided to make child survival a theme of their 15th Ordinary Session in July 2010;

Whereas according to the United Nations Children's Fund (UNICEF), sub-Saharan Africa remains the most difficult place in the world for a child to survive;

Whereas every year in sub-Saharan Africa, 1.2 million babies die in the first month of life and roughly 1 in every 6 children fail to reach their fifth birthday, and the actual number of children under five years old dying each year is increasing;

Whereas an estimated 9 out of 10 women in sub-Saharan Africa will lose a child during their lifetime, and an estimated 700 women will die each day of pregnancy-related causes;

Whereas the top five killers of children under five in sub-Saharan Africa are preventable diseases (neonatal causes, such as respiratory infections, pneumonia, malaria, diarrhea, and HIV/AIDS) which we know how to treat and cure;

Whereas the high level of maternal and child mortality and morbidity in Africa can be attributed, according to African Union Ministers of Health, to weak health systems, a low level of skilled attendance at birth, poor health infrastructure, and inadequate financial resources;

Whereas some sub-Saharan African countries have sustained high annual rates of reduction in child mortality through strong political will, sufficient investment, and concerted action;

Whereas over the past three decades, United States international child survival and maternal health programs have helped save millions of lives in Africa and elsewhere; and

Whereas last year the G8 Summit leaders, meeting in Hokkaido, Japan, stated on July 8, 2008, "We reiterate our support to our African partners' commitment to ensure that by 2015 all children have access to basic health care (free wherever countries choose to provide this).": Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the "Day of the African Child";

(2) affirms its solidarity to address the challenge of maternal, newborn, and child mortality;

(3) salutes the health professionals and community health workers on the front lines in Africa who are extending health care and hope to families across the continent; and

(4) reaffirms the importance of United States partnership with African leaders and communities in reducing child, newborn, and maternal deaths from treatable and preventable causes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume. I certainly want to thank our senior ranking member of our House Foreign Affairs Committee, my good friend, the gentlewoman from Florida, Ms. ROS-LEHTINEN, for her support of this legislation, as well as the chairman of our Foreign Affairs Committee, the gentleman from California (Mr. BERMAN).

Madam Speaker, the Day of the African Child has been celebrated on June 16 each year since 1991 when it was first initiated by the Organization of African Unity, the precursor of the African Union. According to the United Nations Children's Fund, or UNICEF, sub-Saharan Africa remains the most difficult place in the world for a child to survive. Every year in sub-Saharan Africa, 1.2 million babies die in the first month of life. Roughly 1 in every 6 children fail to reach their fifth birthday. Despite significant overall progress in decreasing mortality rates for children under age 5, each year an estimated 9.2 million newborns and children die from preventable and treatable causes.

The top five killers of children under five include neonatal causes such as respiratory infections, pneumonia, malaria, diarrhea and HIV/AIDS. According to African Union Ministers of Health, the high level of maternal and child mortality and morbidity in Africa are attributed to weak health systems, a low level of skilled attendance at birth, poor health infrastructure, and inadequate financial resources.

Progress in reducing maternal newborn and child deaths can be achieved through increased coverage of proven solutions. Over the past three decades, U.S. international child survival and maternal health programs have helped save millions of lives in Africa and elsewhere. We join in solidarity with national leaders across Africa, UNICEF and many other humanitarian groups in marking the Day of the African Child with a continued commitment to boost child survival. I strongly support this resolution and urge my colleagues to support this measure.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, I rise in strong support of House Resolution 550, recognizing the Day of the African Child, which is observed each year on June 16. Since 1991, June 16 has served as the day to draw attention to the ongoing threats to child survival in Africa and to highlight the need to reduce newborn and child deaths in Africa. According to UNICEF, 11 million children die each year. In sub-Saharan Africa, which is the most heavily impacted region in terms of child mortality, 1.2 million babies will die in the first month of their life each year. An estimated 1 out of every 6 African children will never reach their fifth birthday.

□ 1900

Of the top 10 countries in the world with the highest rates of mortality for children under 5, nine are in Africa. Unfortunately, that figure does not significantly improve as you look further afield. Of the top 50 countries with the highest rates of child mortality, 41 are in Africa, but perhaps even more devastating than these figures is the fact that many of these deaths are preventable.

According to UNICEF, 70 percent of all child deaths are attributable to six causes, including diarrhea, malaria, neonatal infection, preterm delivery, and lack of oxygen at birth.

More than half of these could be avoided through low-tech, evidence-based, cost-effective interventions, such as vaccines, antibiotics, nutritional supplements, bed nets treated by insecticide, and improved family care practices.

Again, with strong political will, targeted investments in health systems and with concerted action to confront the underlying causes of these high rates of child mortality, many of these deaths can be averted. As the resolution indicates, Madam Speaker, United States international child survival and maternal health programs have helped save millions of lives in Africa and beyond over the past three decades.

Since 1986, the United States Agency for International Development, USAID, has provided over \$7 billion in assistance. With other international and private-sector partners, the U.S. has succeeded in reducing child deaths by 50

percent since 1990 from diseases related to diarrhea. The U.S. has provided over 100 million immunizations to children each year, and the U.S. has reduced malnutrition by 25 percent among children under the age of 5, but much more needs to be done. For this reason, I support H. Res. 550.

I reserve the balance of my time, Madam Speaker.

Mr. FALEOMAVAEGA. I yield such time as I may consume.

Madam Speaker, I want to commend the distinguished chairman of our Subcommittee on Africa and Global Health, and I would like to commend his ranking member, the gentleman from New Jersey (Mr. SMITH), not only for their leadership but for their tremendous commitment and efforts in trying to help establish programs that are helpful to the citizens of Africa.

There are approximately 500 million people who live in Africa. Recognizing the children of Africa and recognizing the tremendous health problems that they're confronted with, I think, is certainly something that our government has a moral responsibility to do, and we must do what we can to be of assistance.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am proud to yield 4 minutes to the gentleman from New Jersey (Mr. SMITH), the ranking member of the Subcommittee on Africa and Global Health.

Mr. SMITH of New Jersey. I thank my good friend, Ranking Member LEANA ROS-LEHTINEN, for her leadership, and I want to thank my good friend ENI FALEOMAVAEGA and, of course, Chairman PAYNE, who is the author of the resolution before us.

Madam Speaker, as ranking member of the subcommittee and as a cosponsor of this resolution, I share Chairman PAYNE's deep and abiding concern regarding child survival, which was the theme of this year's event.

For the record, as a Member of Congress, I've worked for most of the last 29 years on child survival initiatives. I began in the early 1980s with the four pillars of child survival and with the famous Jim Grant, the former UNICEF director, who was a passionate defender of those very low-cost interventions that could literally save lives—including vaccinations, oral rehydration therapy, growth monitoring, and breastfeeding, which can effectuate miracles in the lives of children and their families.

Madam Speaker, there is a universal recognition that our children are our Nation's most precious, vulnerable citizens who demand every protection and safeguard society can provide. In no way is this protection and assistance needed more today than on the continent of Africa.

Africa is home to just over 10 percent of the world's population; yet it ac-

counts for some 44 percent of all children who die before they reach the age of 5. There are estimates that some 4.6 million African children under 5 lose their lives each and every year. The circumstances under which a baby is born and the first few days of life outside the mother's womb are critical.

In the 2009 State of the World's Children report, the U.N. Children's Fund reports that, in 2004, the highest rates of neonatal deaths—deaths within the first 28 days after birth—occurred in West and Central Africa at the rate of some 45 per 1,000 live births. Eastern and Southern Africa also had the highest rates at 36 neonatal deaths per 1,000 live births. That compares to about 3 deaths per 1,000 live births in industrialized nations.

Even within this short window of time, there are great variations in the baby's likelihood of survival. The greatest risk is during the first day after birth when an estimated 25 to 45 percent of neonatal mortalities occur. Almost three-fourths of all neonatal deaths occur within the first week after birth.

As UNICEF points out, a baby's chance of survival is not determined at the moment of birth. The report points out "the health of mothers and newborns is intricately related, so preventing deaths requires, in many cases, implementing the same interventions." Among those interventions are adequate nutrition, prenatal care for the unborn child, antenatal care, skilled birth attendants, and access to emergency obstetric care when necessary.

Basically, we now know that we must treat expectant mothers and their unborn children as two patients to ensure the survival and the sustainable health of both. Therefore, the resolution correctly emphasizes the necessity of improving child, newborn and maternal health in order to ensure child survival in Africa.

Again, I want to thank Mr. PAYNE for introducing the resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I have no other speakers, so I yield back the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I do want to again commend my good friend from New Jersey for his most eloquent statement and for his commitment in helping our people in Africa, and I would like to commend the senior ranking member of our House Foreign Affairs Committee for her support of this legislation.

Ms. MCCOLLUM. Madam Speaker, I rise in support of H. Res. 550, a resolution recognizing the Day of the African Child.

Each year more than half a million women die in pregnancy and 9 million children die of preventable causes, half of whom are in Africa. This resolution recognizes the need to reduce maternal, newborn, and child deaths in Africa, and recognizes the Day of the African Child which is held yearly on June 16th, and the importance of the U.S. partnership with African Leaders.

At this moment millions of boys and girls across the continent of Africa are struggling to survive. In Sub-Saharan Africa roughly 1 in every 7 children fail to reach their fifth birthday—the highest rate of under-five mortality in the world—and 9 out of 10 African mothers will lose a child during their lifetime.

But the picture in Africa is not hopeless. Eritrea, Ethiopia, Malawi and Mozambique, for example, have made significant progress in child survival and have reduced their under-five mortality rates by 40 percent or more since 1990. The African Union has made child survival a theme for their 15th Ordinary Session in 2010 and the G8 Summit leaders have also made a commitment to ensure all children have access to free basic healthcare by 2015.

On June 16, 2009 I held a briefing with the Global Health Caucus and the Subcommittee on Africa and Global Health to commemorate the Day of the African Child to explore the challenges remaining and actions to improve the well being of Africa's children. I was pleased to co-host this event with Congressman PAYNE, the African Union, and several other organizations.

I urge my colleagues to support this resolution to make children and mothers in Africa and the developing world a priority.

Madam Speaker, on July 14, 2009 I had the opportunity to speak at the Center for Strategic and International Studies (CSIS) to discuss the development of a comprehensive strategy for improving the health of newborns, children, and mothers in the developing world. I would like to enter my remarks from this event into the CONGRESSIONAL RECORD.

ADVANCING MATERNAL AND CHILD HEALTH IN THE DEVELOPING WORLD

Good morning. I greatly appreciate the opportunity to be asked by CSIS to speak about global health and specifically the health needs of women and children in the world's poorest countries.

Let me start by thanking and congratulating CSIS and Steve Morrison for the ongoing commitment to elevate the importance of global health. The work here is essential to the examination of U.S. foreign policy and the health investments our country is making around the world. CSIS's global health effort is impressive and really important.

Many of you are here today because you are working to improve basic health care for women and children across the developing world. Thank you for all that you do. Your work may be to prevent needless deaths or to create opportunities for tens of millions to achieve a basic quality of life in which extreme poverty, hunger, disease, and suffering are defeated. It is all important work and we need you to keep fighting.

Let me open my remarks with a single sentence from last week's G8 Global Health Experts Report: "Women and children are among the most vulnerable groups and progress toward the MDGs related to maternal, newborn and child health remains too slow."

Let me repeat that last part again . . . "progress toward the MDGs related to maternal, newborn and child health remains too slow."

Let me rephrase that in another way, 25,000 newborns and children under-five died yesterday, are dying today, and will die tomorrow—and everyday for the foreseeable future. One thousand-five hundred mothers

will die during pregnancy or after delivery today, tomorrow, and everyday for the foreseeable future.

Is progress to end needless, preventable deaths progressing too slowly?

Of course it is. We don't need a G8 global health report to tell us this.

What the G8 should do is ask the mother and father of one of the more than nine million children who died last year if progress has been too slow. Or, they could ask the orphaned children whose mother was one of the more than half million women who die every year from a pregnancy related death.

So what are we—the richest nation and the other donor nations—doing to significantly reducing child and maternal mortality while investing in building sustainable health systems?

Unfortunately, not enough in my opinion. Taking on the challenge of achieving MDG 4 to reduce children mortality (by two-thirds) and MGD 5 to reduce maternal mortality (by three-quarters) is a goal that could be accomplished if the world community invests and acts.

The goals are doable. But the fate of millions of women and children cannot be just a talking point in a speech or a summit declaration. We need to do more than just talk about the MDGs.

With regard to maternal and child health inspiring action may be our biggest challenge. Ministries of Health in Sub-Saharan Africa and South Asia understand that women and children are dying in massive numbers in their countries. The development and global health community understand the problem. Everyone in this room understands the situation.

We don't need to wait for a miracle drug or a great technological breakthrough to deliver an essential package of interventions that can save the lives of millions of children and hundred of thousands of women every year. We are delivering those interventions today. And it is being done all around the world right now, but it does need to be scaled up and sustained.

We know skilled birth attendants are needed at all births and we know how to recruit and train them.

We know expanding access to family planning and child spacing improves the health of women and their children.

We know exclusive breast feeding, immunizations for measles, Vitamin A, and bed nets have combined to save millions of lives over the past decade.

We know the work of GAVI, the Global Fund, UNICEF and UNFPA are saving lives.

And, we know USAID has been making major contributions to maternal and child health, as well as reproductive health, for decades. Tens of millions of people are alive today because of the child health programs implemented by USAID and paid for by the American people over the past forty years. We need to celebrate this tremendous success.

All of you here today know every imaginable statistic and fact about the lack of maternal and child health care, the medical consequences, and the human cost. A lack of data is not the problem.

So let's look at maternal and child health from a different perspective. What don't we know?

This is a harder question.

Something must be missing if we know how to solve such a serious problem, save lives, and yet, children and moms are still dying needlessly.

Let me throw out a few questions for you to think about, because I am looking for answers myself.

Where is the urgency to save the lives of children and mothers?

Where is the political will to invest in the lives of children and mothers?

And does anybody know or care to know the names or the faces of those babies and women who are dying needlessly at this very moment?

These are the questions we need to answer if we are going to translate the endless reports, policy papers and strategic plans into the advocacy, inspiration, investments, and action needed to save lives.

I am looking for answers and I am looking to you to help find them.

I am one voice and vote in the House of Representatives—there are 434 other voices and votes as well. Is child or maternal survival a priority issue for Congress? We know it's not but can it be much more of a priority?

Imagine the possibility of a terrorist attack in which 5 million children were at risk, but we knew how to prevent the attack and we knew it would cost \$5 billion to save those lives. Would Congress spend the money? Of course we would—even the Blue Dogs would vote for it.

Unfortunately, the terror that strikes millions of parents who watch their children die from malnutrition or malaria is not the same terror that inspires Congress. The real sense of urgency may need to start beyond Washington, in the very countries in which women and children are dying at unacceptable rates.

For example, India and Pakistan have billions of dollars to spend on advanced military hardware including nuclear arsenals and yet tens of millions of their citizens live in abject misery and die for no reason other than they are poor.

Nigeria, a petroleum exporter, leads the African continent in the number of mothers and children dying each year. This should be a source of shame for such an African power.

Where is the urgency in India, Pakistan, or Nigeria to invest in their own citizens' lives? And, if they aren't willing to make their own children's lives a priority, how do I convince my constituents to make their kids a priority?

Clearly the lack of urgency from the very countries where women and children are dying translates directly into a lack of political will.

Since the whispers of dying moms and children are not heard by politicians in Ethiopia, Zambia, Afghanistan, or the United States, there should be no expectation that preventing these deaths will be a political priority any time soon.

For example, where is the urgency among nations of Sub-Saharan Africa to lobby Congress to save the lives of their own citizens? If Africa's presidents are not prioritizing maternal child health their ambassadors in Washington will not be knocking on Congress's door asking for increased appropriations.

No urgency translates into a lack of political will which in turn means limited resources and more needless deaths—a self-perpetuating cycle.

How will the NGO, think tank, and advocacy community help to break this cycle? I want to hear your ideas.

Here at home, is there the political will for the U.S. to be the global champion for women and children?

The Obama Administration has demonstrated the ability to understand and articulate a global health vision. There have been numerous positive statements regarding maternal child health.

The Administration's leadership would be essential for any major increase in investments for maternal child health in FY2011. But that requires the President to nominate someone to lead our nation's international development efforts. It is critical that a USAID administrator get in place as soon as possible.

How to inspire the political will—in the U.S. and around the world—is something the child and maternal health advocacy community needs to think long and hard about.

This is an area where policy, politics, and pressure need to come together to make real change.

Unless a new model of grassroots advocacy, political engagement, lobbying of Congress and the White House, and real pressure from Americans all across this country takes place—from school children to church groups to civic organizations—I am afraid maternal and child health will stagnate as an issue and we will not be successful at appropriating the increased dollars needed to save lives.

The reality we are facing is that the political and policy success of the global HIV/AIDS community has put a real squeeze on all other global health accounts.

In the House FY2010 State and Foreign Operations Appropriations bill we invested \$7.8 billion for global health with seven out of every ten dollars going to HIV prevention, treatment or care. With regard to treatment, PEPFAR has created a global health entitlement program that means a person's lifetime treatment for HIV takes priority over other health investments, like child and maternal health. The cost is not only financial, but tradeoffs are being made that can be counted in lives lost—too many lives.

As Congress goes through our own domestic health care reform all of my colleagues and I have heard first hand stories from countless constituents about their challenges accessing or affording quality health care. Those stories and the people who tell them demonstrate the real need for health care reform.

Who are the mothers and fathers and children we are willing to invest our tax dollars, our energy and our ideas for to build healthier families and communities in far away places? Unless we can make these lives real—less of a statistical abstraction—tens of millions of children and millions of mothers will continue to die.

Last week Nicholas Kristof wrote in his New York Times column that "humanitarians are abjectly ineffective at selling their causes."

He went on to say, "I also wonder if our unrelenting focus on suffering and unmet needs stirs up a cloud of negative feelings that incline people to avert their eyes and hurry by. Maybe we should emphasize the many humanitarian successes, such as falling child mortality rates since 1990—which mean that 400 children's lives are saved every hour, around the clock."

If Mr. Kristof is correct in his assessment, then we should be championing successes—every toddler who is now a teenager because of access to basic healthcare, good nutrition and clean water.

It is absolutely remarkable to know that there are circumstances in which for a few hundred dollars invested in the right place, at the right time, with the right intervention available—an illness can be prevented, an infection can be treated, a mother can deliver a child safely. Hundreds of thousands of American citizens are contributing their own money to NGOs to make a difference in the

life of a family or person they don't even know. If those Americans can be mobilized to make child and maternal health a priority for President Obama and Congress then the power of the American people and our tax dollars will save lives—millions of lives.

As we all know there are many competing development challenges that require resources and collectively contribute to making poor communities healthier, more successful, and better prepared to meet the opportunities of the future. Whether it is basic education, agriculture development, clean water, or maternal and child health, we need to make smart investments that produce results and demonstrate to the American people real improvements in real people's lives.

Let me conclude by asking for your ideas and suggestions about how to mobilize and inspire action from the American people, Congress, the White House, as well as foreign leaders to make maternal and child health a global priority. I would like the opportunity for a dialogue on what NGOs, donors and policy makers can do to energize, mobilize and communicate more effectively on this issue.

As all of you know, I am the author of H.R. 1410—The Newborn, Child, and Mother Survival Act—which authorizes the development of a U.S. strategy to reduce child and maternal mortality and implementation of the strategy by USAID.

It is a good bill, but it's not enough.

We need a campaign—a movement—in support of the millions of children and women's lives we can save if we only try.

We need action in Congress and parliaments in donor and developing countries.

We need to organize parents and children as activists.

We need to motivate and mobilize a political movement that will create the support for the resources to allow investments in interventions that will save lives, change communities, and transform our future.

I am committed to making pregnancy, child birth and a newborn's start in the world safe, healthy and a joy for every family—even the poorest of families in the poorest of countries.

We have a lot of work to do to make this vision a reality and I look forward to hearing you ideas about how we can get moving.

Mr. FALEOMAVAEGA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 550.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL

Mr. FALEOMAVAEGA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 496) recognizing the 20th anniversary of the fall of the Berlin Wall, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 496

Whereas November 9, 2009, marks the 20th anniversary of the fall of the Berlin Wall and the symbolic end of the Cold War;

Whereas the Cold War was an enduring struggle between communism and democracy throughout the second half of the 20th century;

Whereas the last United States President to speak at the Brandenburg Gate prior to the destruction of the Berlin Wall was President Ronald Reagan, who, in June 1987, stated, "General Secretary Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization: Come here to this gate! Mr. Gorbachev, open this gate! Mr. Gorbachev, tear down this wall!";

Whereas two years later, in September 1989, protests that the East Germans called the "Peaceful Revolution" broke out, with protestors at first chanting "We want out!", and then gradually changing that protest cry to "We're staying here!", demonstrating their desire for democracy in their part of Germany;

Whereas on November 9, 1989, in response to protests that had grown to include over 1,000,000 people in Berlin's Alexanderplatz, Gunter Schabowski, the communist East German Minister of Propaganda, announced that the border would be opened for "private trips abroad";

Whereas thousands of people in East Berlin immediately flooded the checkpoints at the Berlin Wall and demanded entry into West Berlin causing the overwhelmed East German Border Guards to open the border checkpoints to allow people to cross into West Berlin;

Whereas people in West Berlin enthusiastically greeted those coming across from East Berlin, dancing atop the Berlin Wall and hammering chunks out of it until a section opened through which more East Germans walked and shouted out "Freedom! Freedom! Just once, Freedom!";

Whereas over 400,000,000 people were freed from the bondage of communism at the end of the Cold War in Russia, Belarus, Ukraine, Moldova, Georgia, Azerbaijan, Armenia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, East Germany, Poland, Hungary, Czechoslovakia, Romania, Bulgaria, Latvia, Estonia, and Lithuania;

Whereas the victory of the United States in the Cold War will signify freedom from oppression for decades to come;

Whereas Berlin, Germany, will celebrate the 20th anniversary of the fall of the Berlin Wall with the "Festival of Freedom"; and

Whereas the fall of the Berlin Wall was one of the most significant events of the 20th century and symbolized the triumph of democracy over communism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 20th anniversary of the fall of the Berlin Wall;

(2) celebrates 20 years of freedom from the bondage of communism with the people of the former communist countries; and

(3) acknowledges the symbolic triumph of democracy over communism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. I yield myself such time as I may consume.

Madam Speaker, I first want to commend the senior ranking member of our House Foreign Affairs Committee and the chairman of our committee, Congressman BERMAN, for their support of this legislation, and I commend my good friend, the gentleman from Texas, as the chief sponsor of this legislation.

I rise in strong support of this resolution that recognizes the 20th anniversary of the fall of the Berlin Wall.

Twenty-two years ago, in June 1987, President Ronald Reagan spoke at the Brandenburg Gate and issued the now legendary call: "Mr. Gorbachev, tear down this wall." Just over 2 years later, the wall was torn down, chipped away by euphoric citizens from both sides of a divided country following months of peaceful protests by brave men and women across East Germany.

Unforgettable to us are all of the pictures which were broadcast around the world of East and West Berliners dancing together atop a wall that, for over a quarter century, symbolized the tension and divisiveness of the cold war.

The fall of Berlin Wall contributed to a democratic domino effect across the Warsaw Pact region. Over the next 2 years, revolution swept through Eastern Europe as Communist governments were defeated in popular elections and while exuberant citizens reclaimed their freedom and democratic liberties.

On November 9, the people of Germany will commemorate the 20th anniversary of the fall of the Berlin Wall with a Festival of Freedom. The United States will happily join with the German people in remembering the moving events of that autumn and of the democratic era they heralded.

As President Obama recently noted during his speech in Moscow, "The arc of history shows that governments which serve their own people survive and thrive; governments which serve only their own power do not."

This momentous occasion should not be used as a time for triumphalism. Rather, it provides an opportunity to celebrate the remarkable progress that has been made in achieving a Europe that is whole, free and at peace.

Indeed, the changes that have occurred in only two decades are stunning. East and West Germany have reunified into a single, strong and prosperous state. Ten countries that previously laid behind the Iron Curtain have joined the European Union and NATO, and democratic progress is slowly being achieved across the rest of the former Soviet region.

I support this resolution, and I welcome the opportunity to recognize this significant date in European history to reaffirm the strong ties between the United States and Germany and to celebrate the enduring power of democratic freedom of institutions that relate to a free people.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am very pleased to yield such time as he may consume to the gentleman from Texas (Mr. POE), the author of this measure.

Mr. POE of Texas. Madam Speaker, I thank the gentlewoman from Florida for yielding, and I thank the gentleman from American Samoa for his support of this resolution, H. Res. 496.

Madam Speaker, it started with these words: "General Secretary Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization, come here to this gate. Mr. Gorbachev, open this gate. Mr. Gorbachev, tear down this wall."

Most everyone has heard these famous words spoken by President Ronald Reagan on the day he addressed a crowd of about 45,000 people at the Brandenburg Gate in West Berlin, Germany. However, it would be 2 years later before those fateful words issued that day would actually come to pass.

It happened on the night of November 9 after hearing East German Minister of Propaganda Gunter Schabowski announce in a live statement that East German citizens now had the right to travel abroad "immediately and without delay." Thousands of East Berliners charged forward towards the border crossings. Upon arrival, they were met by guards at the checkpoints, who, due to the massive numbers of crowds of people, had no choice but to allow the East German citizens to pass through, and pass through they did. They charged to freedom through checkpoints, including the famous U.S. Checkpoint Charlie.

Once across, East Germans were greeted by their friends, the West Germans, who danced on top of the Berlin Wall in celebration while others hammered away at the wall on both sides until a section came down, at which point more East Germans walked

through and shouted, "Freedom. Freedom. Just once, freedom."

November 9, 1989, was that date. It did go down in history as an important day for world peace and for world liberty.

Madam Speaker, today, we stand here to recognize the 20th anniversary of the fall of the Berlin Wall. It continues to live in history, not just in the pages of books or in resolutions but in the hearts and minds of people all over the world who were freed that night because that wall came down. They will continue to remember and to celebrate the day that democracy, freedom of the people, triumphed over Communism—the day the Berlin Wall fell and was torn down.

And that's just the way it is.

□ 1915

Mr. FALEOMAVAEGA. Madam Speaker, that's just the way it is.

I commend my good friend from Texas for his most eloquent statement and am in support of his resolution.

I have no additional speakers at this time, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

The Berlin Wall has fallen, Germany will be reunited, the Communist regimes in East Germany and across East Europe are falling. For decades during the Cold War, to hear those words spoken was the greatest hope and the most powerful dream of millions of people living behind the Iron Curtain. Today, that hope and that dream are indeed a reality, but we ought to recall why they were so powerful for so many people in those days.

Perhaps some of us have not given thought for some time to the powerful images from the night of November 9, 1989, when thousands of people in East Berlin pushed past overwhelmed border guards at the Berlin Wall and began tearing down the concrete and barbed wire barrier. Their expression of joy as they embraced friends, family, and even strangers on the other side of that wall indeed moved us all who witnessed it.

Why were those people so desperate for freedom on that night almost 20 years ago? Well, the oppressive totalitarian aspect of Communist East Germany had been clearly articulated by the long-time leader of that regime, Walter Ulbricht, in his favorite saying, "It has to look democratic but we must have everything under our control."

So while claiming to be democratic, the Communists had, in 1961, begun to literally wall in their own citizens. That regime began constructing the Berlin Wall in the dead of night on August 12, 1961. Behind the new prison wall in Berlin and across all of East Germany, the regime's secret police worked to infiltrate every institution

and everyone's personal lives, creating an atmosphere of mistrust, oppression, and insecurity among the people in East Germany.

Under that totalitarian rule, there were at least 15 different separate definitions of who was an enemy of the state. Many living in East Berlin and East Germany were so desperate to escape to freedom that they risked their lives in those attempts. Over the years, a total of 238 people were killed while trying to escape to the West, 120 were injured, and approximately 100,000 were arrested and sent to prison for their attempts.

However, on November 9, 1989, just as the construction of the Berlin Wall in August 1961 marked the beginning of the Communist consolidation of power, so did the destruction of the Berlin Wall in November 1989 mark the beginning of the collapse of the East German Communist regime and ultimately the collapse of the Soviet Union itself.

With this resolution, we commemorate November 9, 1989, as the day when freedom so clearly broke free of oppression. We honor the brave men and women who lost their lives in the pursuit of liberty.

I urge my colleagues to support passage of this important resolution. I commend my colleague, my friend from Texas, for its introduction.

I yield back the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I have no further speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 496, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONDEMNING TERRORIST ATTACK IN INDONESIA

Mr. FALEOMAVAEGA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 675) condemning the July 17, 2009, terrorist bombings in Indonesia and expressing condolences to the people of Indonesia and the various other countries suffering casualties in the attacks.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 675

GENERAL LEAVE

Whereas, on July 17, 2009, 2 unidentified terrorists carried out twin suicide bombings at the J.W. Marriott and Ritz-Carlton hotels in the central business district of Jakarta, killing at least 7 people and wounding at least 50;

Whereas the majority of the victims of the attacks were Indonesian citizens, according to reports;

Whereas in addition to the Indonesian victims, citizens of Australia, New Zealand, and Singapore lost their lives in the attacks, and citizens of Australia, Canada, Hong Kong, India, Italy, Japan, the Netherlands, Norway, South Korea, the United Kingdom, and the United States were injured, according to reports;

Whereas this tragic bombing was the first suicide attack in Indonesia since September 2005, demonstrating the progress that the Government of Indonesia has made in combating terrorism in recent years;

Whereas Indonesia is the most populous Muslim-majority country in the world and is founded on principles of religious tolerance and moderation;

Whereas Indonesia is developing into a strong multiparty democracy, as demonstrated by its April 2009 parliamentary elections, in which 9 different parties won seats in the People's Representative Council (DPR) and voter turnout exceeded 60 percent, and its July 2009 presidential election, which was characterized as free and fair by preliminary reports;

Whereas the continued development of Indonesia's democratic norms and institutions will be critical to stemming the tide of violent extremism and therefore is in the mutual interest of the United States and Indonesia; and

Whereas the United States Congress has worked in support of Indonesian democracy through the Congressional Caucus on Indonesia and the House Democracy Assistance Commission, which has had a productive partnership with the DPR since 2006 and remains firmly committed to continuing this partnership: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms the July 17, 2009, attacks in Jakarta and all other terrorist attacks against targets in Indonesia;

(2) expresses its condolences to the people of Indonesia and the various other countries suffering casualties in the attacks;

(3) supports the efforts of the Government of Indonesia to investigate and prosecute the attacks to the fullest extent of the law, and calls upon Indonesia and its neighbors to work together to combat terrorism in Southeast Asia;

(4) expresses its confidence that Indonesia remains a reliable partner in the global struggle against terrorism and a stable destination for trade, travel, and investment; and

(5) reaffirms the long-term commitment of the United States to the strengthening of democratic institutions and the promotion of peace, prosperity, and ethnic and religious tolerance in Indonesia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of this resolution.

At this time, I would yield as much time as he could consume to the gentleman, my good friend, the chief sponsor of this resolution, to now address the Chamber, the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Thank you to the distinguished chairman of the subcommittee for his work on H. Res. 675, which I'm proud to rise in support of. It's a message of solidarity to the people of Indonesia.

I want to first thank the leadership of the Committee on Foreign Affairs and the Asia-Pacific Subcommittee, in particular, for their leadership on this issue in putting this resolution forward on behalf of the House Democracy Assistance Commission. Mr. DREIER and I have worked closely with the committee leadership and staff, as well as the leadership of the Indonesia Caucus, Mr. WEXLER and Mr. BURTON of Indiana.

A week ago last Friday, July 17, two terrorists detonated suicide bombs inside the Ritz-Carlton and Marriott Hotels in the central business district of Jakarta, killing themselves and seven others and wounding over 50. It was the first successful attack in Indonesia since 2005, and it comes at a time when the country has made substantial progress in the fight against terrorism.

The attackers appeared to have been targeting a conference of Western businessmen meeting at the Marriott and citizens of over a dozen countries, including eight Americans, who were injured in these horrific attacks. The majority of the victims were Indonesian citizens going peacefully about their daily affairs.

For my HDAC colleagues and me, these attacks hit pretty close to home because our commission had visited Jakarta just 2 weeks before to continue the partnership we have been forging with the Indonesia Parliament since 2006. We met with parliamentary leaders as well as with a number of newly elected members discussing their progress towards democratic reforms during this time of political transition in Indonesia.

In light of this productive and mutually enriching partnership, it's fitting that a delegation from the Indonesian equivalent of our House Administration Committee is visiting the House today and tomorrow for 2 days of meet-

ings arranged by the House Democracy Assistance Commission. Led by Chairwoman Indria Octavia Muaja, the delegation is here to meet with our Foreign Affairs Committee, as well as our House Administration Committee and chief administrative officer, to discuss how to implement and manage an effective human resources system in their parliament.

Now, this may not grab any headlines, but it's this type of partnership that will help build the foundations of a stable and prosperous democracy in the years ahead.

And so, Madam Speaker, we offer this resolution today to extend our condolences to our guests and all of the people of Indonesia and all of the other countries suffering casualties in these attacks, to condemn these senseless acts of terrorism in the strongest possible terms and to reaffirm our commitment to the strengthening of democratic institutions and the promotion of peace, prosperity, and tolerance in Indonesia.

I urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of House Resolution 675. The suicide bombings of the Marriott and the Ritz-Carlton Hotels in the central business district of Jakarta, Indonesia, left at least seven people dead and an estimated 50 persons wounded.

The Jakarta Marriott Hotel, of course, was the site of a previous car bomb attack in the year 2003. This was followed by suicide bombings on the resort island in Bali in 2005. The fact that no attacks occurred for the following 4 years in Indonesia until the events of July 17 is a testimony to the government and security forces of Indonesia that have proved stalwart partners in the global war on terrorism.

The Jakarta bombers have been linked to an Indonesian-based Islamic militant organization with ties to al Qaeda. It had been inactive for the past several years due to the comprehensive work of the security forces of Indonesia. The fact that it is once again able to carry out the attacks is cause for concern for us all. If JI is back today, al Qaeda could be back tomorrow.

The selection of sites in the international business district of Jakarta shows the clear intent of the perpetrators to spread fear in the international community and to disrupt commercial enterprise between Indonesia's still-expanding economy and its international business partners.

Well, the Congress has a message for these militants. We will continue to stand with Indonesia, its people, during this most difficult time. We salute the brave people of Indonesia. Together we can defeat this international scourge of

the 21st century, the hidden weapon of the suicide bomber.

I urge my colleagues to strongly support this resolution.

I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I may consume.

Again, I want to commend my good friend, the gentleman from North Carolina, Mr. PRICE, as co-Chair with our good friend and colleague, Mr. DREIER from California in this House Democracy Assistance Commission, and I do want to commend him for the tremendous job they are doing in promoting democratic principles throughout the world among countries that we give our support to.

This resolution condemns the two terrorist bombings in Indonesia on July 17, 2009, and expresses condolences to the people of Indonesia and other countries who were killed and injured by the attacks.

I want to thank my friend, Mr. PRICE, for sponsoring this important resolution that allows the House to show its strong support for Indonesia and its people after these horrific terrorist attacks in Jakarta.

Shortly before 8 a.m. in the morning on July 17, a bomb ripped through the lobby of the Marriott Hotel in Jakarta. Minutes later, a second bomb exploded in the nearby Ritz-Carlton Hotel. The twin bombings killed nine people, including the two suicide bombers and wounded over 50 others.

I would like to certainly express my condolences and sympathies to both the families who lost their loved ones in the attacks that morning and to those who were injured.

I would also like to condemn in the strongest terms possible the senseless act of violence committed against innocent people by vicious suicide terrorists. The majority of the victims were Indonesian citizens, although citizens from a number of other countries also suffered casualties.

The two bombings serves as a stark reminder to all of us that the threat of terrorism remains very real. It also reminds us that the world must continue to work together to confront violent extremists who will kill innocent people. The United States will continue to work with Indonesia and other countries to combat terrorism and to promote a common vision for a more peaceful and prosperous future for all of the world's citizens.

Madam Speaker, I urge my colleagues to support this legislation, and I also want to commend the recent presidential election in Indonesia that was held and that the President was elected by a margin of over 60 percent of the voters. Indonesia with 225 million people, the largest, most populous Muslim nation in the world has demonstrated to the world that democracy can function quite well even in a Muslim country.

And certainly we want to commend the good people of Indonesia and their leaders in achieving this degree of democracy and how they've developed their government from times past.

With that, I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield back the balance of my time.

Mr. FALEOMAVAEGA. Again, I thank my good friend, the gentlelady from Florida.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 675.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1930

RECOGNIZING THE FIFTH ANNIVERSARY OF THE U.S. DECLARATION OF GENOCIDE IN DARFUR

Mr. FALEOMAVAEGA. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 159) recognizing the fifth anniversary of the declaration by the United States Congress of genocide in Darfur, Sudan.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 159

Whereas, on July 22, 2004, the Senate of the United States and the U.S. House of Representatives passed S. Con. Res. 133 and H. Con. Res. 467, respectively, thereby declaring genocide in Darfur, Sudan;

Whereas, on September 9, 2004, then-Secretary of State Colin Powell concurred with the Congress, asserting that, "genocide has been committed in Darfur" and that "the [G]overnment of Sudan and the Janjaweed bear responsibility";

Whereas this historic determination was made in response to irrefutable evidence of a systematic campaign of ethnic cleansing launched by the Sudanese regime, characterized by the manipulation of ethnic and tribal tensions, the arming of proxy forces, aerial bombardment of civilians, destruction of irrigation systems, poisoning of wells, razing of villages, forced displacements, mass murder, abduction, looting, torture, and rape;

Whereas as a result of the Sudanese regime's genocidal campaign in Darfur, over 300,000 Darfuris have died and nearly 3,000,000 have been displaced;

Whereas the Sudanese regime employed similar tactics during its war in Southern Sudan, which lasted over 20 years and left over 2,000,000 dead and another 4,000,000 displaced;

Whereas the war in Southern Sudan ostensibly ended upon conclusion of the Comprehensive Peace Agreement for Sudan (CPA) in 2005, but the CPA has not been fully implemented and observers repeatedly have warned that it is at risk of collapse;

Whereas the declaration of genocide by the United States was intended to galvanize international attention and serve as a call to action for responsible nations, as well as the United Nations, to take effective action to deter and suppress genocide in Darfur;

Whereas despite the passage of 5 long years since the declaration of genocide by the United States Congress, the signing of the Darfur Peace Agreement (DPA) in May 2006, significant efforts on the part of some responsible nations, the heroic actions of humanitarian workers and human rights campaigners, and the deployment of a joint African Union-United Nations peacekeeping mission for Darfur (UNAMID), the deadly conflict in Darfur continues; and

Whereas the conflicts in Darfur and Southern Sudan are inextricably linked, and if the CPA fails there can be little hope for peace in Darfur: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) solemnly recognizes the fifth anniversary of the declaration by the United States Congress of genocide in Darfur, Sudan;

(2) regrets that this determination has yet to yield effective action on the part of the United Nations and other nations which maintain significant influence in Sudan, including China and certain members of the Arab League;

(3) urges the United States to work with other responsible nations to support a negotiated settlement to the conflict in Darfur and full implementation of the Comprehensive Peace Agreement (CPA) for Sudan, in accordance with the terms and timeline established therein, while implementing a more robust set of multilateral measures against those individuals who act as obstructionists to peace, including those who continue to sell arms to belligerents in Sudan;

(4) urges member states of the United Nations to provide sufficient resources to support the deployment of a fully capacitated African Union/United Nations Mission in Darfur (UNAMID), including by supplying required tactical and utility helicopters and other mission enablers; and

(5) urges the parties to the conflict in Darfur to cease their attacks upon civilians and humanitarian and peacekeeping operations, and to fully commit to finding a political solution to the crisis in Darfur without further delay.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

I would like to thank again my good friend the gentlewoman from Florida for introducing this important resolution commemorating the historic declaration by Congress of genocide in Darfur.

On this day we remember reports from Sudan of aerial bombardments of civilians; of the arming of proxy forces; of the razing of villages; of the destruction of irrigation systems and the poisoning of wells; of looting and murder and rape. Madam Speaker, 5 years later much progress has been made, but there are miles yet to go.

The United States is engaged in rigorous and comprehensive efforts to bring peace to Sudan. It is imperative that we not lose sight of the importance of supporting a Comprehensive Peace Agreement; that we do everything we can to support the national census and the upcoming elections; and that we help the displaced to return when possible.

I join my colleagues in anxious anticipation of the administration's forthcoming comprehensive strategy for Sudan and look forward to speaking this week with the President's Special Envoy to Sudan, General Scott Graton, about steps we can take to ensure that Sudan can break what has been a tragic cycle of violence in this part of the world.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on July 22, 2004, the United States Senate and the U.S. House of Representatives united to unanimously declare that the atrocities unfolding in the Darfur region of Sudan constitute genocide. Never before had the Congress made such a declaration while the atrocities were occurring. But confronted with irrefutable evidence of a systemic campaign of ethnic cleansing directed by the Sudanese regime and their proxy forces against the African tribes of Darfur, we were compelled to act.

The scene in Darfur was all too familiar. There was the manipulation of ethnic and tribal tensions, the arming of proxy forces, aerial bombardment of civilians, razing of villages, forced displacement, mass murder, abduction, looting, torture, and rape. These were the tactics Khartoum used during its bloody war in southern Sudan, which lasted over 20 years and left over 2 million people dead and another 4 million displaced. These were the tactics the Sudanese regime used to stay in power.

Recalling the horrors of the gas chambers of the Holocaust, the killing fields of Cambodia, the mass graves of Srebrenica, and the bloodied streets of Rwanda, we sought to put real meaning behind the words "never again." On September 9, 2004, then Secretary of State Colin Powell concurred with the Congress, asserting "genocide has been committed in Darfur" and that "the government of Sudan and the Janjaweed bear responsibility."

Unfortunately, others did not share our sense of urgency. Five long years have since passed, and while the situation on the ground in Darfur has changed since the year 2004, the crisis continues. The House of Representatives has passed no fewer than 34 bills and resolutions relating to Sudan since 2004, including the Comprehensive Peace for Sudan Act of 2004, the Darfur Peace and Accountability Act of 2006, and the Darfur Accountability and Divestment Act of 2008.

The United States has led efforts at the United Nations to get fully equipped, credible peacekeeping forces deployed both to Darfur and to southern Sudan. We remain the largest international donor and have contributed more than \$3 billion for humanitarian programs in Sudan and Eastern Chad since fiscal year 2004, in addition to more than \$2 billion in peacekeeping assistance since fiscal year 2008. We have sanctioned and threatened the Sudanese regime. We have helped secure peace, albeit a tenuous peace, in southern Sudan.

When I visited the camps for displaced persons in Darfur and met with leaders in southern Sudan in 2007, I promised that I would remain an advocate for peace in Sudan, and while we have pressing concerns both here at home and beyond, I have sought to keep my word.

For this reason I stand today to ask my colleagues to support House Concurrent Resolution 159. This timely resolution solemnly recognizes the fifth anniversary of the declaration by the United States Congress of genocide in Darfur, Sudan, while expressing regret that this determination has yet to yield effective action on the part of the United Nations and other nations which maintain significant influence in Sudan, including China and certain members of the Arab League.

It urges the administration to work with other responsible nations to ensure an end to the conflict in Darfur and full implementation of the Comprehensive Peace Agreement for Sudan. It urges member states of the United Nations to provide sufficient resources to support the deployment of a fully capacitated African Union/United Nations mission in Darfur, including by supplying required tactical and utility helicopters and other mission enablers.

Finally, Madam Speaker, it urges the parties to the conflict in Darfur to stop

their attacks upon civilians and humanitarian and peacekeeping operations and to fully commit to finding a political solution without further delay.

With national elections due this year and violence on the rise, the stakes could not be higher. The time for action is now.

I urge my colleagues to support this important and timely measure.

Madam Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, again I do commend the gentlewoman from Florida for her leadership, for her commitment, and for not only introducing this legislation from years past, but she has never let down in her efforts to make sure we take corrective action to address the serious needs of the people of Darfur.

Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield now 4 minutes to the gentleman from New Jersey (Mr. SMITH), the ranking member on the Subcommittee on Africa and Global Health.

Mr. SMITH of New Jersey. I want to commend our ranking member for authoring this important resolution to mark the tragic fifth anniversary of the declaration by the United States Congress that the systematic violence, killing, and displacement of millions in Darfur, Sudan constitutes genocide.

Madam Speaker, President Omar Hassan al-Bashir has proven once again that he considers the people of Darfur to be merely pawns and throwaways in a shameless game that he is playing with the international community. The gulf between his actions and his words is as wide as the callous attitude that I encountered when I met with and argued with him personally in Khartoum, and the desperate, deeply grieved look on the faces of the refugees I met in the IDP camps in Darfur, including Mujaar and Kalma camp.

During our meetings, General Bashir showed no remorse whatsoever for inflicting unspeakable pain, death, displacement, and destitution on large numbers of people. Today, as we know, over 300,000 to upwards of 450,000 Darfurees have been killed and another 3 million have been displaced from their homes. And, of course, this is in addition to some 2 million killed and 4 million displaced in southern Sudan in the aggression that immediately preceded the killings in Darfur.

For all of our efforts in this Congress, Madam Speaker, the suffering continues 5 years after that recognition that what was taking place in Darfur was indeed genocide. The signing of the Darfur Peace Agreement in May of 2006 and the deployment of a joint African Union-U.N. peacekeeping mission has not stopped the violence,

much less ushered in a long-term peace for which the people of Darfur so desperately long.

The country of Sudan is going through a critical time that will have serious implications for Darfur as well as other regions of the country. Last week the Permanent Court of Arbitration in the Hague issued a ruling with respect to the boundary dispute in Abyei, one of the major points of contention between the north and the south. National elections, which were supposed to be held this month, have been postponed until April of 2010. Although these developments do not involve Darfur directly, a resolution of the conflict in Darfur is dependent on the complete and peaceful implementation of the Comprehensive Peace Agreement between the north and south.

Over the past 5 years, Madam Speaker, and even before that, the profound bipartisan congressional concern has not diminished nor has it abated. Tomorrow the Africa Subcommittee will hold a hearing on the Comprehensive Peace Agreement. On Thursday the Tom Lantos Human Rights Commission will do likewise, and the Senate Foreign Relations Committee has slated a hearing on it on Thursday. This week we will also hear from General Scott Gration, the U.S. Special Envoy to Sudan, during which time we will hear further details about the administration's strategy in trying to mitigate and hopefully end this despicable violence in Darfur.

This is a very important resolution, Madam Speaker, and I hope the full membership of this House will support it.

Mr. FALEOMAVAEGA. Madam Speaker, I continue to reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am so pleased to yield 4 minutes to the gentleman from Kansas (Mr. MORAN), with whom I had the honor of traveling to Sudan in the year 2007.

Mr. MORAN of Kansas. I thank the gentlewoman from Florida for recognizing me and allowing me the time this evening.

Madam Speaker, it is important in life to call things what they are. Five years ago Congress did the right thing by calling what was happening in Darfur "genocide."

In 2007 I did travel with the gentlewoman from Florida and others to Darfur and saw genocide and its consequences firsthand. It sticks with me today. Malnourished children, family members mourning the loss of loved ones, people without homes, disease and despair in refugee camps. But whether or not one has been to Darfur, we know what is happening there. And those of us that have seen it have the obligation to tell the story. While calling the killing and violence "genocide" is a first and necessary step, we must

do more. Our responsibility as human beings extends beyond properly recognizing the atrocities as genocide. As witnesses to genocide, we and all nations are obligated to take every necessary step to end the loss of life.

So today I sadly rise 5 years after Congress declared genocide in Darfur knowing that peace does not yet prevail. Regrettably, we are here again, passing this resolution, to once more call on other nations to join us in taking steps to bring about lasting peace and to preserve the life of other human beings.

The time to act was long ago. And I again urge as strongly as I know how for the United Nations and countries with significant influence in Sudan, including China and certain members of the Arab League, to fully commit to helping end the atrocities in Darfur.

It is important to recognize genocide for what it is, but it is even more important that we stop genocide from taking place. The world has said "never again." The world must mean it. In visiting the Holocaust Museum here in Washington, D.C., I was reminded of an earlier genocide.

□ 1945

While there, I saw the Wall of Honor recognizing those who placed their own lives at risk to save the lives of Jews.

May we be courageous enough to deserve such recognition in a wall of honor today in stopping the genocide of today.

Mr. VAN HOLLEN. Madam Speaker, I join my colleagues today on the floor of the U.S. House of Representatives in recognition of the fifth anniversary of the declaration by the United States Congress of genocide in Darfur, Sudan.

On July 22, 2004, members of the U.S. House of Representatives and the U.S. Senate united to pay witness to irrefutable evidence that a systematic campaign of ethnic cleansing was underway in Darfur, perpetrated by the Sudanese government and characterized by forced displacements, mass murder, abduction, torture, and rape.

Five years have passed since Congress first declared this tragedy genocide. To date, over 300,000 Darfuris have lost their lives and nearly 3,000,000 have been displaced. And yet, despite the signing of the Darfur Peace Agreement in May 2006 and the deployment of a joint African Union-United Nations peacekeeping force, the deadly conflict in Darfur continues.

We therefore unite once again and we will continue doing so, until this tragedy ends; to honor the heroic efforts of dedicated humanitarian workers who put their lives at risk; to recognize the actions of responsible nations who refuse to stand idly by as innocent people suffer; and to shame those who, in the face of unspeakable horrors, choose to do nothing.

Mr. WOLF. Madam Speaker, I rise today in support of H. Con. Res. 159, recognizing the fifth anniversary of the declaration of genocide in Darfur.

An August 2008 New Republic piece said the following about Darfur: "No genocide has

ever been so thoroughly documented while it was taking place . . . in the case of the genocide in Darfur, ignorance has never been possible." Sobering words as we consider this resolution.

I have visited Sudan five times, most recently in July 2004 when I led the first congressional delegation with Senator SAM BROWNBACK to Darfur. I witnessed the nightmare with my own eyes. Over 300,000 Darfuris have died and nearly 3 million have been displaced.

We saw the same scorched earth tactics from Khartoum in the brutal 20-year civil war with the South.

Five years ago this month Congress was the first to call the atrocities in Darfur by their rightful name, genocide.

But this is not a tragedy relegated to the history books—rather Sudan today demands attention and action.

China has been complicit in this tragedy as Sudan's largest foreign investor and yet China has failed to use its influence. According to the Congressional Research Service, China reportedly imports an estimated 64 percent of Sudan's oil and China's National Petroleum Corporation is the largest shareholder (47 percent) in the two biggest oil consortiums in Sudan, Petrodar and the Greater Nile Petroleum Operating Company (GNPOC).

China also supplies weapons to the Government of Sudan. Some human rights groups accuse the Chinese government of being the principal supplier of weapons in violation of the U.N. weapons embargo on Sudan.

And yet Sudan only earned a passing reference in President Obama's remarks this week at the Strategic Economic Dialogue between the United States and China.

But perhaps most importantly, and most timely, almost six months into the Obama administration, the State Department is still conducting a "comprehensive review" of U.S.-Sudan policy.

Virtually nothing concrete has emerged. The little that has leaked out in press reports reveals an administration that appears divided at the highest levels over whether genocide is still taking place in Darfur. On an issue of this magnitude such confusion sends the wrong message.

On this, the five-year anniversary of the declaration of genocide in Darfur, I ask, what is the Obama administration's policy on Darfur?

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 159.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Madam Speaker, I object to the vote on the ground

that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 838. An act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2647. An act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2647) "An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON, (FL), Mr. NELSON (NE), Mr. BAYH, Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL (CO), Mr. HAGAN, Mr. BEGICH, Mr. BURRIS, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. GRAHAM, Mr. THUNE, Mr. MARTINEZ, Mr. WICKER, Mr. BURR, Mr. VITTER, and Ms. COLLINS, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1390. An act to authorize appropriations for fiscal year 2010 for military activities of

the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

HEALTH CARE REFORM

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, House Republicans and some Democrats have been highlighting the problems with the proposed Democrat health care bill.

The Rosenberg-Richmond Chamber of Commerce in Fort Bend County, Texas, represents over 800 businesses that have deep concerns with this massive intrusion of government-run health care. Last week they passed a resolution strongly opposing the current health care proposals.

Highlights of the resolution include: "a government plan would be an unfair competitor, with the government acting as both a team owner and the referee."

Another quote: "New taxes and fees for businesses and/or individuals that cannot afford health insurance would be dramatically counterproductive."

And one final one: "Taxation of health benefits will lead to a reduction in benefits offered by employers and will lead to higher taxes for many individuals and businesses."

Local chambers of commerce and small businesses understand better than most the problems with government-run health care. The Rosenberg-Richmond Chamber of Commerce gets it. I wish my colleagues on the other side of the aisle did.

I include in the RECORD a copy of the resolution. —

RESOLUTION IN OPPOSITION OF PROPOSED HEALTH CARE REFORM

Whereas, The United States has the world's best health care system, but it is being priced out of reach for more and more American citizens and companies. Companies struggle to find health care plans that provide adequate coverage and are still affordable, and worry about what will come next year; and

Whereas, the Rosenberg-Richmond Area Chamber of Commerce, under various names, has been working for and with local businesses to create a positive economic environment in Fort Bend County, Texas for over eighty years and is currently the voice of 800 businesses; and

Whereas, the Rosenberg-Richmond Area Chamber of Commerce recognizes that most health care coverage is provided by employers; to make it easier for employers and their employees to afford the health care coverage they need, we SUPPORT legislative action to:

Retain viable employer-sponsored health care. Employers provide voluntary health insurance to over 177 million. ERISA allows many of them the flexibility to provide uniform benefits and is the backbone of employer-provided coverage and must be preserved.

Reform the delivery system including payment and reimbursement reform to reduce costs while increasing quality and outcomes including: implementation of comprehensive strategies to boost health information technology, wellness, prevention, disease management and care coordination.

Create a more vibrant private health insurance market for individuals and small businesses.

Control soaring health care costs due to the explosive growth in medical liability awards and insurance costs through specialized health courts.

Encourage more Americans to purchase health insurance by enacting refundable tax credits for that purpose.

Encourage more Americans to save for medical expenses tax-free by expanding Health Savings Accounts and allowing those with Flexible Spending Accounts to roll over unused balances to pay for future medical expenses.

Whereas, the Rosenberg-Richmond Area Chamber of Commerce OPPOSES legislative action that will:

Create a Government-run (public) plan: A government-run plan would be an unfair competitor, with the government acting as both a team owner and the referee. Government programs shift costs to the private sector. The Lewin Group estimates 130 million people would move from private sector to public insurance. This could lead to a government-controlled single-payer system.

Create Employer Mandates: Punishing employers who cannot afford to provide health insurance coverage, including requirements to pay or play, is not the answer. Employer mandates, by their nature limit flexibility and innovation—the cornerstones of American health care.

Create Minimum Required Coverage Level: Proposing a huge Federal Employee Health Benefits Program (FEHBP)—like minimum coverage package will bankrupt employers and workers. High-end coverage like this will not appeal to the young. The minimum level of coverage should be reflective of a high-deductible health plan with coverage of preventative services.

Impose additional tax burdens individuals or businesses: The implementation of new taxes and fees for businesses and/or individuals that cannot afford health insurance would be dramatically counterproductive. Further, the taxation of health benefits will lead to a reduction in benefits offered by employers and will lead to higher taxes for many individuals and businesses: Now therefore be it *Resolved*, that the Board of Directors of the Rosenberg-Richmond Area Chamber of Commerce OPPOSES the passage of legislation that is currently proposed by the President of the United States and Congress which will create a public insurance plan and employer mandates and major tax increases including imposing an additional "surtax" on high income earners.

Adopted this 21st day of July, 2009.

LYNNE HUMPHRIES,
Chairman of the
Board
GAIL PARKER,
President/CEO.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICAN RECOVERY AND REINVESTMENT ACT HELPING RESIDENTS OF NEVADA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Madam Speaker, Nevada has been a boom State for as long as I can remember. My family has been there for 46 years, and with every passing year, more and more people moved in and more and more people flourished in a very strong economy. But when the bust came, it came with a vengeance, and I am afraid that the State of Nevada, like many other States in this country and many other countries in the world, is suffering and is in the midst of an economic crisis.

We have the highest mortgage foreclosure rate in the country in my congressional district and I have one of the highest unemployment rates. And what makes this so startling is perhaps a year ago there was virtually no unemployment in my district and in the State of Nevada.

There has been a lot of criticism about the stimulus package. It is called the Recovery Act, more commonly known as the stimulus package. People say it is not big enough. People say it is not fast enough and that it is not working. But I have to tell you, the people of Nevada have received extraordinary benefits from this stimulus package.

There was a reason that I voted for it. It provided education funding, unemployment benefits, health care benefits, tax breaks, Social Security money for my seniors, and my disabled veterans received substantial funds as well.

According to the Nevada State Treasurer, \$426 million in stimulus funds have already been paid out to people in Nevada. That doesn't include the tax cuts, the Social Security payments or the payments to our disabled veterans. Money is flowing into Nevada and is keeping many families afloat during this economic crisis, and it is an economic crisis the likes of which none of us have ever seen and none of us ever thought would happen.

But let me tell you in real terms how this stimulus package is benefiting the folks back home.

Tax cuts: The Making Work Pay tax credit. I know you recall, Madam Speaker, there was \$400 for individuals, \$800 for families. Ninety-five percent of American families and individuals are already seeing a decrease in their withholding and their paychecks. One million families in Nevada are seeing more money in their monthly paycheck because of this stimulus package at a time when this money is so desperately needed.

118,000 Nevada families are going to benefit from the Child Tax Credit expansion.

American Opportunity Tax Credit. There is a new \$2,500 tax credit that is going to help 32,000 Nevadans go to college. I know what it is like when you don't have money to go to college and you have to take out loans and grants. This is going to help kids, like me, that went to school and depended on these loans and grants.

Alternative minimum tax. 31,000 people in my district would have been slammed by the alternative minimum tax if the stimulus package had not been passed.

There is tax relief for business as well. Whether you are a large casino or a small business in the State of Nevada, we provided relief for you: cancellation of indebtedness, bonus depreciation, small business expensing. For most of us, we don't understand what that is, but for small business people and businesses in general, this is their very lifeblood, and we have saved thousands of Nevada's small businesses from going under.

Unemployment insurance. With an unemployment rate of over 12.5 percent and going higher—we haven't bottomed out yet—the very fact that we were able to provide unemployment benefits, extension of unemployment benefits and expansion, so that Nevada families that find themselves unemployed for the first time ever are going to be able to use this as a bridge to get from where they are now to where we need to be.

Health care. So many of my constituents, the very poorest of us, depend on Medicaid money. The State of Nevada had no Medicaid money. The Federal Government came in and helped the State of Nevada so that we can continue to provide health care for the poorest among us.

Education. We all talk about the importance of education and how it is the most important thing that we can provide children for their future and for the future of this country. Well, Nevada was broke. The State legislature couldn't figure out where we were going to get the money, and the Federal Government came to our rescue; \$400 million in fiscal stabilization funds.

What is that? That means that we are going to prevent teacher layoffs and other education cuts. We were restoring the money that was slashed by the Nevada Legislature, \$70 million in special education, \$70 million in disadvantaged student funding. These were so important for the people of Nevada, so important for our schoolchildren.

And when things get tough and people are laid off, the first thing they are going to need is food stamps in order to feed their families.

I know that my time is almost up, but there are three things that are so important. A \$250 one-time payment to all Social Security beneficiaries. That

is 100,000 people in Nevada that will benefit from that. Veterans, a \$250 one-time payment to disabled veterans. 18,000 veterans in Nevada will benefit from that. And infrastructure funding as well. \$200 million will be spent in Nevada on infrastructure. \$33 million are for flood control projects, and the rest is going to go to the Regional Transportation Commission to continue to improve our infrastructure, all very important.

The people of the State of Nevada need to know this, and I appreciate the fact that this body passed that legislation.

AFGHANISTAN AND THE LESSONS OF VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, last week on the House floor I mentioned a column that appeared July 19th, 2009, in the Raleigh News and Observer entitled, "From Vietnam 1959 to Afghanistan 2009." The column was written by Joseph Galloway, a military journalist and coauthor of a book on Vietnam called "We Were Soldiers Once . . . and Young."

In his column, Galloway uses the history lessons of Vietnam as a cautionary tale to President Obama as he oversees America's military involvement in Iraq and Afghanistan.

Galloway describes a time during the war in Vietnam in 1965 when Secretary of Defense Robert McNamara presented Lyndon Baines Johnson, President, with a top secret memo. It indicated that the United States had reached a decision point, with two available options. The first option was to arrange diplomatic cover and pull out of South Vietnam. The second option was to increase the number of American troops by 200,000, bringing the total to more than 500,000 Americans on the ground.

Regarding this second option, McNamara stated, "All we can possibly achieve is a military stalemate at a much higher level of violence." A couple of weeks later, Johnson assembled what he called the "wise men" for a brainstorming session on Vietnam; yet those who participated said there was no real decision of McNamara's option one.

From that time, when Johnson chose to escalate and continue the war until its conclusion 10 years later, Americans suffered 56,000 more casualties.

Madam Speaker, President Obama's administration has reached a similar decision point concerning Afghanistan. With regard to the Obama administration's escalation of troops in Afghanistan, Galloway states, "Some smart veterans of both Iraq and Afghanistan, on the ground now or just back, say that at this rate we will inevitably lose

the war in Afghanistan; that the situation on the ground now is far worse than Iraq was at its lowest point in 2006 and early 2007. They talk of a costly effort both in lives and national treasure that will stretch out past the Obama administration and maybe the two administrations after that."

In his column, Galloway advises: "Obama needs to call in the 'wise men and women' for a fish-or-cut-bait meeting. Let's hope that this time around, there's an absence of the arrogance and certainty of previous generations of advisers. Let's hope, too, that they will weigh very carefully all the costs of another decade or two of the war in Afghanistan."

Madam Speaker, after nearly 8 years of U.S. military operations in Afghanistan, the President needs to outline a clear strategy for victory. I have spoken to many in the Army and Marine Corps who say our Nation needs an end point to its war strategy.

While America's military personnel faithfully conduct their missions abroad, elected officials here in Washington should take seriously their responsibility to develop a viable long-term strategy for these operations.

Many of these servicemembers have gone to Iraq and Afghanistan more than once, and their desire to serve this Nation is greater than ever. But the stress placed on our all-volunteer force and their families cannot continue forever.

While the United States continues to devote its blood and treasure in Afghanistan, the Afghan Government has yet to purge itself of many who funnel support for the Taliban.

Our men and women in uniform deserve to have the President work with his military commanders and the Congress to develop the best strategy for achieving our goals and wrapping up our military commitment in Afghanistan.

Madam Speaker, as I do every night that I have the opportunity and privilege to speak on the floor of the House, my heart aches. I have signed over 8,000 letters to families who have lost loved ones in Afghanistan and Iraq because I regret that I voted to give the President the authority to go into Iraq.

Madam Speaker, because of that, I want to close this way. I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq.

And three times, Madam Speaker, because America needs the love of God, I close this way: God please, God please, God please continue to bless America.

□ 2000

BORDER PROTECTORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, America lost a great lawman last Thursday near Campo, California. United States Border Patrol Agent Robert Rosas was brutally murdered on July 23 by thugs illegally crossing into the United States. Agent Rosas was shot and killed at approximately 9:15 p.m. while following a group of people who had crossed the border illegally. Agent Rosas was by himself, like a lot of our agents nowadays. He radioed for backup. The group Agent Rosas was following split up before backup agents arrived to help him.

Agent Rosas was following one of the groups; but when fellow officers arrived, they found Agent Rosas outside his Border Patrol vehicle. He had been shot several times in the head and other places in the body. Agent Rosas had served with the Border Patrol for 3 years. He was only 30 years of age. He was married and had a 2-year-old son and an 11-month-old daughter. A suspect, Ernesto Parra-Valenzuela, is in Federal custody in Baja, California. He had a standard Border Patrol-issued 9 millimeter pistol tucked in his clothes when he was arrested. Four other Mexican nationals were also arrested. They were part of a violent smuggling ring, and one of the other men arrested is wanted for two homicides and a rape. Also detained were 21 illegals.

Shooting at Border Patrol agents is a drug cartel way of life. T.J. Bonner, president of the National Border Patrol Council, said that around 50 border agents a year are shot at. Others are run down by vehicles. For example, in January 2008 United States Border Patrol Agent Luis Aguilar was run down and killed by a drug smuggler in a Humvee 15 miles north of the border in California. When agents spotted a drug-laden Hummer trying to flee back to Mexico, Agent Aguilar threw down a spike strip to stop the vehicle. Witnesses said the driver of the Humvee swerved to intentionally hit Agent Aguilar, and the vehicle was traveling over 55 miles per hour. Agent Aguilar was killed. He was a 6-year veteran of the Border Patrol. He was 32 years of age, and he left behind a wife and two kids. The Humvee driver, the drug smuggler, escaped back into Mexico.

There are others who were killed by smugglers. In August of 2002, United States Park Ranger Kris Eggle was shot and killed in the line of duty at Organ Pipe Cactus National Monument in Arizona. The area has become a haven for drug and alien smuggling. The area is known as Cocaine Alley. A drug cartel hit squad fled into the United States after committing a

string of murders in Mexico. Outmanned and outgunned, Ranger Eggle never had a chance. He was 28.

Agent Rosas is the first Border Patrol agent to be shot since Ricardo Salinas and Susan Rodriguez were slain in Texas in July of 1998. The Cameron County, Texas, Sheriff's Department was investigating a report of shots fired in Rio Hondo, Texas. That's in the Rio Grande Valley. Deputies found a woman, Margarita Flores, and one of her daughters, Delia Morin, dead at their home. Her son was also shot and seriously wounded. The killer, Ernest Moore, was seen fleeing in a pickup truck; and with the help of the Border Patrol, sheriff's deputies spotted the vehicle in a driveway of a San Benito house Moore shared with his father.

The deputies and the agents were searching the home and the nearby cornfields when they heard rifle shots. Border Patrol Officers Ricardo Salinas and Susan Rodriguez were both found shot and killed. The perpetrator was also killed.

Madam Speaker, the border regions in this country have become the most lawless areas in the United States. Drug cartel thugs roam the border frontier, transporting drugs, weapons, cash, illegals and victims of sex trafficking across the border at will. The noble Border Patrol agents are outmanned, outgunned and out-financed by the drug cartels; and these outlawed drug cartels need to be captured and brought to justice.

In the meanwhile, our Border Patrol protectors need our support. We owe the brave men and women who guard the border more than gratitude for the sacrifices they make. We owe them the proper funding, manpower and support to guard not just our border but their safety as well. These agents are the first line of defense between the illegal drug smuggling cartels and the American people.

And that's just the way it is.

THE COST OF MEDICAID, MEDICARE AND THE DEMOCRATIC HEALTH CARE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Madam Speaker, we heard from CBO that the President's plan for health care could cost an extra \$1 trillion to \$2 trillion. That's on top of what we're already spending. Well, I started looking at that this year and asked my staff to help me gather the statistics. What we got from the CRS and also the Census Bureau was the estimate for the last year that we had a full year's numbers, for 2007, of how much Medicare and Medicaid cost in tax dollars.

We took the estimate from the Census Bureau of how many households

there were in America in 2007. There were 112 million households estimated. You divide the number of households in America into the amount of tax dollars spent for the year 2007, and it's over \$9,200 for every household in America being spent on Medicare and Medicaid. When you realize that every house on average is coming up with \$9,200 in order to pay for Medicare and Medicaid, what struck me is we can do so much better than this. This is atrocious. We've got seniors all over the country who are buying wraparound or surplus coverage to supplement their Medicare coverage, people on Medicaid; and that didn't even include the amount being paid for SCHIP.

So I have asked for the latest projection from the Census Bureau as of today. The Census Bureau is projecting that for right now in America there are about 117 million households in America. We were told that the President's health care bill would cost somewhere between \$1 trillion and \$2 trillion.

So I got this chart. I want to do some simple division here. We've got \$1.170 trillion because we feel like that is a conservative estimate since the President's projection would cost somewhere between \$1 trillion and \$2 trillion, and we know there are 117 million households in America. Well, let's see how much the President's plan is going to cost every household in America. It's easy if you have a good public school education like I did back in the day. We'll take that off of both sides, cancel that off of both sides, then divide 117 into \$1,170,000.

Folks, the President's plan is going to cost an additional \$10,000 for every household in America on top of the \$9,200 per household we're paying in America right now. Do you realize, Mr. Speaker, how much we could do with that kind of money? Well, that's what hit me.

So the point is we finally got back tonight the plan that I had submitted. Mr. Speaker, I am so grateful to Leg Counsel. I trash-mouthed them a little bit the last few days because they stonewalled my plan, I thought; but they pushed. They got it through. We got it tonight. For much less money, this plan will buy every household in America that has people on Medicare, Medicaid, SCHIP, it will buy them private insurance with a \$3,500 deductible and put cash money in a debit card account for their health savings account. They will for the first time in over 40 years have control of their future, control of their health care; and, by golly, they will have complete coverage. Not in America ever have they had complete coverage. This will give them control.

Then we don't have to read articles like the one in Politico about the President's plan promoting euthanasia. Will it or will it not? We don't need to go there. We don't have to go there.

POLITICAL TURMOIL IN HONDURAS

The SPEAKER pro tempore (Mr. PERRIELLO). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in support of the people of Honduras. I rise in support of Honduran democratic institutions and legal authorities who refuse to be coerced into ignoring their Constitution and the rule of law and who refuse to have their future as a democratic nation and a democratic society hijacked. For months prior to June 28, Manuel Zelaya had engaged in a systematic campaign to subvert the Honduran Constitution in order to strengthen and extend his own rule.

Last November he tried to postpone the primaries for the upcoming presidential elections. This January he tried to stuff the Honduran Supreme Court with his personal buddies. Then this March Zelaya issued an executive decree, calling for a referendum that would ultimately allow for the extension of his presidential rule, all in direct contravention of the Constitution.

The Honduran Supreme Court, the administrative courts, the attorney general, the commissioner for human rights, the Supreme Electoral Tribunal, and the Honduran National Congress all declared this referendum to be illegal; but that did not stop him. In fact, following the decision of the Organization of American States to open its doors to the Castro regime, Zelaya probably felt empowered, if not destined, to follow the tyrannical ways of the Castro brothers.

Zelaya continued to demonstrate a blatant disregard for the legislative and judicial branches of the Honduran Government and the sanctity of the Honduran Constitution. Consequently, he was charged with treason, abuse of authority and usurping of power. On June 26, the Honduran Supreme Court of Justice issued a warrant for Zelaya's arrest. While Zelaya's removal from office was in accordance with the Honduran Constitution and the rule of law, U.S. officials were among the first to rush to judgment and condemn Zelaya's removal. Joining arms with the likes of Hugo Chavez, Daniel Ortega, the Organization of American States, and the United Nations, the U.S. continues to lead the calls for Manuel Zelaya's return to power and, reportedly, for his immunity from prosecution for the political crimes with which he is charged.

The U.S. has suspended more than \$20 million in assistance to Honduras. U.S. leaders have now chosen to punish those who are working to preserve the idea of checks and balances in Honduras. They are revoking the visas of all current government officials, even members of the judicial branch. In

fact, the vice president of the supreme court has already had his visa taken away.

Sadly, the same officials who continue to call for direct engagement with the Iranian regime, irrespective of that regime's violence, torture and other actions against its own people, the same U.S. officials who recently reaffirmed Iran's so-called nuclear rights are the same ones who are now seeking to intimidate and strong-arm Hondurans into submission and very strongly into difficult humanitarian straits in the coming months.

In fact, as the U.S. increases the pressure on Honduras, the U.S. is making unilateral concessions to the regime in Syria and just eased sanctions on Damascus. This just days after the State Department submitted to Congress a report stating that Syria continues to pursue advanced missiles, and chemical, biological and nuclear weapons capabilities and continues to sponsor violent Islamic extremist groups like Hezbollah and Hamas.

We are at a critical juncture in our foreign policy. In the Western Hemisphere, the situation in Honduras has become the linchpin for the thwarting of ALBA leaders' anti-America and anti-freedom agenda.

□ 2015

Yet, the approach adopted by the U.S. is one where enemies of freedom are emboldened and strengthened while democratic institutions and allies are undermined and weakened.

Let us hope for our Nation's security interests that the U.S. will see the danger in this approach and change course before it is too late. Let us hope that the U.S. leadership will heed the words of Ronald Reagan from March, 1978 when Reagan said, "Our fundamental aim in foreign policy must be to ensure our own survival and to protect those who also share our values. Under no circumstance should we have any illusions about the intentions of those who are enemies of freedom."

Mr. Speaker, let us send a clear signal to the enemies of freedom that we will not hedge, we will not waver, that we stand with the people of Honduras and the democratic institutions as they work to preserve their democracy against enemies foreign and domestic.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Mr. Speaker, we are here to discuss the health care reform proposal that is now being discussed in Washington, D.C., and really throughout the country.

We are going to use tonight's hour of our 30-Something Working Group to

talk a little bit about what is in the bill—what is actually in the bill, not what is being said on talk radio or from some Internet site that is basing their comments and their critiques of this bill on really things that don't exist. And we want to do that.

It is interesting that tonight the 30-Something Working Group will be articulating this, and then over the course of the rest of the week and into the fall, to discuss this critical piece of legislation for the American people because one of the previous speakers was talking a little bit, and it reminded me, as I heard some of the rhetoric, they were talking about health care savings plans and all of these accounts, a couple of things came to mind.

The origination of this 30-Something Working Group was the creation of then-Minority Leader PELOSI to discuss Social Security privatization. That is how this whole thing originated 4 or 5 years ago with Congressman MEEK, and then Congresswoman WASSERMAN SCHULTZ and I, and then later on CHRIS MURPHY from Connecticut. And we were discussing all of these issues, but one of the issues was Social Security privatization.

So before we get into this bill, I think it is critical for us to remember that our friends on the other side who are now so critical of what we're trying to do here were in charge of the House, of the Senate, of the White House. They had President Bush, they controlled the Senate, they had this Chamber—Tom DeLay was running the show—and they didn't do anything for health care costs. So I think it's important that that's out there. And if they wanted to pass some kind of comprehensive health care reform, they should have done it because we are still dealing with the problems that they failed to solve when they were in. And this is a problem facing millions of Americans, millions of small businesses that we need to help address. So that's why, as we talk today, this needs to be in context.

The Social Security privatization, I mention that because, let's imagine where our country would be today if our friends on the other side had their wish and privatized Social Security. Can you imagine where this country would be today if President Bush and Tom DeLay got their wish and privatized Social Security? I know in my district we're dealing with all kinds of pension issues—Delphi salary, Delphi hourly, UAW, steelworkers have all lost their jobs, their pensions in many cases are in jeopardy. Thank God for the PBGC to help cushion the blow. But can you imagine the cost to this country if the Republicans had been able to fully implement their economic agenda? They did the tax cuts, they did most of their economic agenda, but fortunately we were able to prevent privatized Social Security. So it's im-

portant for us to realize that as we begin to debunk some of these myths.

I would just like to suggest, Mr. Speaker, as we go through this, and I have encouraged my constituents and would encourage all Members of Congress within an earshot to base their critiques on what's actually in the legislation. Don't we at least owe that to the American people? This is big. This is comprehensive. This is complex, multidimensional. Every chip you move moves another chip on the table. But we owe it to the American people to have an honest, mature discussion.

The rhetoric that is being fed to the American people is outrageous. I want to start with one, and I will go through some others and we will talk about the bill a little bit. But one of the commercials about how much it will cost—and my friend from Texas mentioned it a few minutes ago, and I would love to talk about that and the CBO scoring. But one of the things that I'm hearing from people who listen to Fox News or listen to talk radio is this plan is going to cover illegal immigrants.

How dare you drive up my health care costs. I have to lose my pension, but you're going to spend the American tax dollars covering illegal immigrants. It is clear, right here in section 246, "No Federal payment for undocumented aliens." "Nothing in this subtitle shall allow Federal payments for affordability credits on behalf of individuals who are not lawfully present in the United States." Black and white. Can we move on? Can we now move on and talk about how much health care is costing our country, that it may bankrupt our country? Section 246, "No Federal payment for undocumented aliens." Right here. So now let's have an honest discussion about what's in this bill as we start to knock down some of these.

First, the cost of doing nothing, which has happened over the last 13 or 14 years. We haven't done anything since President Clinton tried to move health insurance reform in the early nineties. We know that if we do nothing, that there will be an \$1,800 increase for a family of four every single year. That's what happens if we do nothing.

There has been a 4 percent increase in property insurance and an 11 percent increase in health insurance year in, year out; year in and year out. We can pull out boards and say it's going to cost you this and cost you that, but the biggest expense is the cost of doing nothing.

Look at this system. It's atrocious. To even call it a health care system is ridiculous because it's not. Why would you possibly be okay with a system that doesn't try to prevent sickness? Why would you be okay with a system that waits—we don't want to prevent you from getting sick, but gosh, once you do, come right into the emergency

room, we'll take care of you because we're a compassionate country. And we are a compassionate country, but let's be a smart country. Let's be a wise country. And true compassion would be not waiting until someone gets deathly sick and shows up at the emergency room. God gave us a brain, too, and he wants us to use that brain. And we are all in agreement here, as we use the gift that God has given us to use logic and process information, that if we take some of this money that we are spending in the system, and instead of waiting and being reactive and rescuing people, we spend a fraction of that money on the front end and we make sure that everyone has some preventative coverage.

This is not a Democratic idea, it's common sense. Talk to the CEOs of hospitals. I've got one in my district. He is a Republican CEO. He says, Please, TIM, whatever you do, give me the opportunity to give this person a \$20 prescription instead of having this person show up in my emergency room and costing me \$100,000. This is not brain surgery that we're trying to perform here.

And the fear tactics and the fear tactics and the fear tactics that are coming from Members of Congress, they're coming from talk radio, they're coming from Fox News about illegal immigrants are going to be covered under this plan. And as I read earlier in section 246, they're not. They're not. Section 246, "No Federal payment for undocumented aliens." "Nothing in this subtitle shall allow Federal payments for affordability credits on behalf of individuals who are not lawfully present in the United States." I'm going to say that to every single person I meet who brings it up because this debate has more to do with the well-being of all of our citizens than to try to be demagogued and try to alienate people.

You look at our plan, and it covers 97 percent. Why doesn't it cover 100 percent? Well, for the reason I just said. And it is already in law where illegal immigrants can't be covered under SCHIP, they can't be covered under Medicare, they can't be covered under Medicaid. And from the employer-based system that we already have, an employer is not allowed to hire an illegal immigrant, so how could you cover them under this plan, if you're under an employer-based system, when an employer is not allowed to hire an undocumented worker? So let's put this aside and let's have this discussion. The American people want us to have a mature discussion here. Small business owners want us to have a mature discussion.

I got a call today in my office. I periodically pick up the phone and chat with my constituents who call, and the concern was about seniors on Medicare being hurt by this plan. It's important for our seniors to recognize—our friend

said, it's \$9,200 a family. And I'm happy to pay my share because I remember when my grandparents were in their last months, weeks, years of their life, they had health care because of the Medicare program. So all of these folks who want to not have the government involved in health care, you know, tell your parents and your grandparents to give back their Medicare. Give it back. You don't want it. The government's involved in that. Give it back. No Medicare. Of course you're not going to say that. Of course you're not.

And to have this discussion—honestly, we would say we could save money in Medicare. We should. Not on the backs of our seniors, but there are a lot of overpayments, in Medicare Advantage, for example, that we can squeeze out of the system. One of the costs to Medicare is the fact that there is no previous care for a lot of people. So if you're 60 or 61 or 59, you see the date coming where you're going to be Medicare eligible and you don't have health insurance coverage or you don't have a good plan or you have a pre-existing condition in which you can't get health insurance, you have heart disease or you have cancer and it has not been in remission long enough—I had this woman come to a round table I had the other day. She had cancer. She got kicked off her plan, got cancer, and then could not get on any other health insurance plan because she had this preexisting condition. Her cancer wasn't gone for 10 years, so until it was gone for 10 years no one would pick her up. Tragic in the United States of America. But a lot of people do that. And so they wait. Instead of getting health insurance, they think, I'll be on Medicare in a few years, so I will just wait this out. And that leads to some chronic issues, chronic disease issues. That leads to, again, not preventing things from happening. Maybe cancer is spreading, maybe breast cancer, maybe cervical cancer because they failed to go and get preventative care. So they get into the Medicare program, and costs blow up because they've waited. So part of squeezing some of the fat out of Medicare is adding this element of prevention.

□ 2030

And this is what our grandparents told us growing up. An ounce of prevention is worth a pound of cure. Don't get yourself into trouble. You get in a fight, well, I was right, he was wrong. You should have not gotten in the fight, then you wouldn't have all these series of events that happened that you now have to deal with. Prevent yourself from getting in these situations.

That's what we're trying to do with this legislation. It makes a great deal of sense. Another myth that has been forwarded by our friends on the other side is the cost that CBO gave a week or two ago in their analysis that the

trillion dollars that we are saying needs to be spent in this plan is actually \$2 trillion or \$3 trillion. I don't know exactly what the exact number is from the Congressional Budget Office.

Now, this is the point I want to make. The Congressional Budget Office is nonpartisan, so they deal a blow to the Democrats and then they deal a blow to the Republicans, but, you know, we have an opportunity—they're not partisan. They've slammed everybody. But what we want to say, and what needs to be highlighted is, in the CBO analysis of the health care plan, when they factor in the cost and they try to do the long-term costs and the long-term analysis, they do not factor in prevention.

So as I mentioned with the CEO of the hospital the other day, you know, if you're not factoring in this person who shows up at the emergency room with late stage cancer, when you maybe could have given them access to an OB/GYN or a mammogram or regular prostate checks, I mean, these are the kind of things that will prevent that. So if you're just adding what if this person doesn't have health care and shows up in the emergency room and the long-term cost of that person, without factoring in the preventive side, that cost would balloon. But common sense will tell you that the prevention will lower the costs. And that's what CBO has not factored in.

So this prevention can save the system a heck of a lot of money. Now, the CBO, one of the other myths is that the CBO, or our friends are saying, Well, this is going to dry up the employer health care plan or the employer-based system. And it's going to put—everybody's going to go into the public option and they're not going to stick with their employers. And so CBO did an analysis of this. So, as I said a couple of minutes ago, CBO blasted the Democrats. We have a response to that, saying that they failed to factor in the preventative aspects of our bill. And so the next myth is that our friends are saying that this is going to destroy the employer-based system. So I'd like to read an excerpt from the CBO letter analyzing this. Over the weekend they did this.

It says there will be an increase in employer-sponsored insurance coverage. This is a quote, We estimate that about 12 million people who would not be enrolled in an employment-based plan under current law would be covered by one in 2016 largely because the mandate for individuals to be insured would increase workers' demand for insurance coverage through their employer.

So they're saying that 12 million people who would not be enrolled now would be covered by one in 2016. So an increase of the employer-based system in 2016 by 12 million, largely, because employers want to give their folks a

benefit. And under this plan, they will be negotiating with millions of other people, as opposed to, in the instance of a small business, just being out there on their own with five, 10, 15, 20 people trying to piece this whole thing together. And we'll go through the cost of doing nothing for small businesses.

It's incredible. So they see this as a real opportunity to leverage their business with others and therefore, increase the amount of people who will be covered under the employer plan.

Third-party validator, Congressional Budget Office, not always in agreement with the Democrats, says that that's just false; Medicaid coverage does not crowd out private health insurance. CBO does not anticipate a substantial shift from private insurance to Medicaid. Specifically, we estimate that about 1 million people who would otherwise have employment-based insurance or individually purchased coverage would end up enrolling in Medicaid in 2016. So very small numbers.

One of the things, too, there's been this Lewin Group's analysis about the public option and people going into the public option. CBO knocks that down. And it's good to know, I think, I'm trying to remember, I think it was United Health who, yep, the Lewin Group, who did this analysis saying everybody's going to leave employer and go to this public option. That study was funded by United Health Care and requested by the rightwing Heritage Foundation. It's been widely discredited for its flawed review of the House legislation. So it's important, again, that we base our analysis on what the facts are and what's actually in the bill.

So the CBO refuted this Lewin group estimate, quote, For several reasons, we anticipate that our estimate of the number of enrollees in the public plan would be substantially smaller than the Lewin Group's, even if we assume that all employers would have that option.

So CBO's projecting 10 to 11 million people would maybe go into the public option, a very, very small number. And it's important for us to remember that. So, again, another myth, that there's going to be a decrease in employer-based health care. Not true, CBO, nonpartisan, actually an increase of 12 million people by 2016.

Also, stated by our friends on the right, that this is going to drive people to this public option. CBO, again, nonpartisan, saying that's just not true; that that just won't happen.

One of the other things that I think's important to remember, again, doing nothing costs, will cost you or your family next year \$1,800 for a family of four, a \$1,800 increase. And that is not just next year and then it ends. As people know, it keeps going.

And so there's a business in my district, I was talking to the gentleman who owns the business. He happens to

be on both sides of the insurance industry. He's a provider, but he also has 150 people who he employs. And over the course of the last 5 years, he's had an increase, aggregate increase of, I think, 42 percent in his health care costs for his company. And then he's on the provider side, so he gets paid by insurance companies, and with a 42 percent increase on health care for his folks, but yet, he got no increase for the services that he was providing to the insurance company.

So you see again that we need reform in the system where you can't just continue to increase costs, not pay your provider, and deny coverage. And that was really one of the messages that was hammered home in our townhall—it wasn't a townhall, it was a roundtable that we had this weekend in Niles, Ohio, at Vernon's Cafe, that a lot of people are very, very concerned about this preexisting, being denied for a preexisting condition. And with all the money that we have in this system, for us, as a country, to say, Oh, no, you have cancer. You're on your own. You're not eligible for Medicare yet. You're not poor enough to be on Medicaid yet. And you've got to go out and try to get COBRA coverage or something else is completely outrageous and needs to be dealt with in this country.

And I feel like this is a moral issue for our country, for people to have to have that level of suffering that is unnecessary. There's enough suffering already with the cancer or with the issues that, the health issues that people are dealing with. We don't need to add to it. There should be a level of security within the system that we know everybody will get taken care of.

One of the issues that we have to deal with and tried to be helpful with, is this issue of cost. Now, this is a chart of our expenditures up to 2006. As you can see, the United States is in red. France, Canada, Germany and the United Kingdom are in a shade of blue. And this line here is life expectancy. So you can see that we're all pretty much in the same realm of life expectancy, give or take a year and a half, 2 years, which, if it's you, that's a very important distinction. But on the average, we're pretty much around the late seventies, early eighties.

And the cost, as you can see, of health care for Americans goes through the roof. Goes through the roof. So you can see how much we are paying per individual in 2006. It's close to almost \$7,000 a person, when France is spending a little over \$4,000 a person. And we all have the same life expectancy. What's wrong with this picture here? So, to say that we're going to let this continue, that for a family of four, \$1,800 increase next year, \$1,800 increase in 2011, another 18, these are compounding on top of one another. Play it out. We bankrupt the country.

You want to talk about small businesses being innovative, being able to compete against China, India, and all of these other countries, which is a whole other issue, but we've got to make these folks cost-competitive. And small businesses? A 129 percent increase for health insurance since 2000. Want to just keep going down that road? We know how it ends. It don't end pretty. We can just keep going.

And that's what many people on the other side of the aisle want to do, they want to say "no." They want to nitpick and make things up to try to put the kibosh on this because they know, as has been stated in a memo from a top Republican consultant, that if they destroy health care they knock the legs out and they kneecap President Obama. This is a political issue for some people, and it shouldn't be, because the people that I met with at Vernon's Cafe want change.

An independent small business person was sitting right next to me, Neil. He had to close his lawn and garden business because he couldn't withstand the health care bills that he was getting. And he was supportive of Barack Obama's plan because he couldn't sustain his business. 129 percent increase since 2000? You want to talk about a tax increase on a small business? You know what? We're going to do it again next year. We're going to put more on next year, another couple of thousand next year per employee, another couple of thousand the next year and the next year and the next year as your energy costs go up, as your health care costs go up, as manufacturing continues to decline in the United States because we don't make anything anymore. On and on and on and on.

And you know what? This is about leadership, Mr. Speaker. This is about leadership. And sometimes some people just aren't going to like you. And sometimes people are going to try to use and score political points to try to prevent progress from happening. We need to do something, Mr. Speaker. We need to do it for the people who are out there suffering. We need to do it for the people whose costs keep going up. We need to do it for small businesses who recognize that this can put them right out of business in every single way.

These small businesses, I tell you, have really gotten the shaft in this whole health care deal. They don't have much bargaining power. And I think part of the magic of this approach that we've been working on and will continue to work on over the course of the next days and weeks is to allow small businesses who now have to go out into the market and try to find something on their own, will now be playing with millions of other people, and that ability to use the buying power, the partnerships through this exchange that's being created, will reduce costs for them.

□ 2045

I mean that's common sense. If you're a small business and if you have 10 people and if you've got to go to a major insurance company and try to strike some kind of deal because you want to provide health insurance for your employees, then you're on your own.

What we're saying is let's pool everybody together and give you an opportunity to go into these different plans, but if you like the plan you've got, you can keep that, too, and that will help drive down costs for these small businesses. It will finally put them on a level playing field.

So there has been a 129 percent increase for small businesses since 2000. Their premiums are 18 percent higher for a small business than they are for a big business. So they get it on that end, too. The percent of premiums that deal with administrative costs are higher for small businesses—25 percent as opposed to 10 percent. Yes, it does make sense. They're a small business. This is a bigger business. There are going to be more administrative costs. Yet, if we allow them to join together, to pool together, then they will begin to reduce some of those costs.

This is a winner for small businesses that are already covering their employees, because they're not going to see that 8, 9, 10, 12—sometimes higher—percent increase. What's great about this plan is that there are limits. We've talked a bit about preexisting conditions. So you get into the plan, and you may be sick, and you may have cancer or heart disease or a variety of other illnesses. What this plan does is it limits and caps for catastrophic coverage. So, if you're an individual, you can't pay more than \$5,000 a year for catastrophic coverage. If you're a family, the number now is about \$10,000 a year for catastrophic coverage. That's still a lot of money, but the bottom line is it's not going to bankrupt most people.

When you look at what is happening today in the United States, half of our bankruptcies, Mr. Speaker—half—are caused by health care, by a health care crisis. Imagine this: In 2009, in the United States of America, you could have a health care crisis in your family, and you might have to file bankruptcy. Is that incredible? Are we okay with that as a country? I'm not, and I think there are millions of other people who aren't either. This is a problem that we need to solve, to share together and say, hey, wait a minute. What are the values we have in this country? Liberty and freedom. You know, there are a lot of different phrases and words we have, but what do we really believe? Our actions and our policies should be in line with those values that we have. What we're saying is that that is unacceptable.

So our friends on the other side, who had control of the House, of the Senate

and of the White House, didn't do anything about it. You want to take the small piecemeal steps? You could have taken that one. In fact, you passed a bankruptcy bill that made it worse. They passed a bankruptcy bill that made it worse. Fifty percent of bankruptcies are health care-related. Unacceptable.

If our friends on the other side found it necessary and found it in line with their values to end denial for insurance coverage due to preexisting conditions, it could have happened. They had control of the House. They had control of the Senate. They had control of the White House, but it didn't happen. So now we've got some Johnny-come-latelies with a piecemeal plan here or there which doesn't solve the overall problem. We've got to bend the cost curve here. We've got to bend it. You don't do that with piecemeal actions. You do that with bold actions that will help bend the cost curve. Ultimately, that's what we're trying to do here.

Also, there is the preventative side here. There are no copays for prevention, so there will be an incentive for us to be assured that people will go to the greatest extent possible to get preventative care.

Let me add this: We can only do so much with the system. People, average Americans, need to do a better job of keeping themselves healthy, too. It's not all us. The government is not going to do that. The insurance industry is not going to do that. Yet, if we tilt the system towards prevention, if we tilt the system to create incentives for it with doctors—and there is a component in here that gives more say to the doctors and to the patients to keep that relationship sacred between those two to make sure that the doctors get rewarded and paid based on quality, not quantity—then there will be an incentive in the system to make sure that our docs are able and willing to provide the most quality care, not having to worry about a variety of other issues. They will deal with the patient. It will be patient-centered.

Barack was at the Cleveland Clinic, which is just about an hour north of my district in Cleveland. He was at the Mayo Clinic. You hear what these top hospitals do. Every time you hear what they're doing successfully, it's patient-based, not insurance-based. You know, it's not "Some doctor has got to call somebody at the head office and ask, 'Is it okay for me to do this for the patient? Is it paid for? Is it not paid for?'" That's ridiculous. We're going to weed that out of the system and let the doctor make these decisions, not the insurance companies.

This brings me to another point—again to our friends and to right-wing talk radio, you know, which is at this point pure entertainment because I find very few facts issued out of the right-wing talk radio station as of late.

It's the issue of rationing. People are saying, "Oh, my God. This big, you know, socialist system is going to be in place." It's not true at all. This is not Canada. This is a blend of what works here in America to make sure that we can bend that cost curve. This is going to be very uniquely American, which it should be. It maintains competition. It gives choice. You can keep what you've got, but you also have these other options which you may want to choose, including a public option, which should be there, I think, to keep people honest as a component of this whole system. You're able to shop around and to get what you want or to keep what you have and have choice and help contain costs.

What our friends keep saying is the government is going to come in and ration health care. If you don't think health care is being rationed right now, you have not talked to anybody who has been breathing for the last decade. The insurance companies are rationing health care right now. As a nurse said, who was at our town hall meeting this week, The government couldn't possibly ration more than the insurance companies are. We deal with it all the time.

A person will call his Congressman or Congresswoman, and say, Hey, can you help me? My God, this insurance company denied me. I thought it was in my policy. They wouldn't let the doctor do this or that. They're not going to reimburse. They're not going to pay for this.

The insurance companies are rationing right now. They've been hiring people to knock people off the rolls. Their employment has gone up. Their coverage has gone down because of rationing by insurance companies.

What we're saying is you can't do things like deny someone coverage for a preexisting condition. There will be a basic plan. Ninety-five percent of employer plans right now already meet the standard for the basic level, but there will be a basic plan on which people will be covered.

Ultimately, as I've said before, this is going to save us a lot of money, and it's going to help bend that cost curve. Ultimately, by doing that, which we fail to, I think, sometimes incorporate into this discussion, when you insure and assure people that they will have coverage and that they will have preventative coverage and that their kids will have coverage, there will be a level of anxiety that obviously goes away, which is very helpful.

This is going to increase the level of productivity in the United States because people will be healthier. There is a tremendous investment here to make sure that our docs and our nurses have the proper incentives for student loans to go to high-risk areas and practice and make some money so that their loans don't keep them from, maybe,

wanting to be helpful in a community that they want to be helpful in. We need to make sure that we deal with the nursing shortage. It's all of these things. It will increase the level of productivity that we have because we're going to have more people who are healthy who are participating in this economy and who are contributing.

There was a story a couple of weeks back—I think it was in the Wall Street Journal—in which there was a kid—not a kid. He was probably in his twenties or early thirties. He wanted to go out and start his own business—I think it was a computer technology business—but he couldn't because the job that he held had insurance. His wife was sick with cancer, I think, but he knew, if he left and tried to get insurance for his wife, that she wouldn't be able to qualify because she would have had a pre-existing condition.

How many stories are like that all across the country where you want to leave and want to start a small business and want to create value and grow your business but can't because someone in your family may be sick? So you don't because you have to stay put. How many times does that happen?

We have, really, the gem of Youngstown, Ohio. In the Mahoney Valley, we have the business incubator, the Youngstown business incubator—a great place. Our district office is actually located on the third floor of the business incubator. Last week or 2 weeks ago, Entrepreneur Magazine said that Youngstown, Ohio, was one of the top 10 places in the country to start a business. It was really cool. They had the cover. It read, "Top 10 Places to Start a Business." In parentheses underneath, it read, "Youngstown, Ohio, anyone?"

So here we are in Youngstown, trying to convert our economy over from manufacturing steel and, just down the road in Akron, rubber. Communities like ours have started this incubator where we have all of these business-to-business software companies that are incredible companies as is the level of talent that works in this incubator. There are, I think, 300 people who work for the company. The average wage is \$58,000 a year. Companies from around the country now want to move there.

You can begin to see why we need to do this, because you want these young, bright, intelligent, creative people to feel like they can take a risk, can take a chance, can start a business without having to worry about the burden of health care. This is going to unleash a generation full of young, smart, creative people to get out in the marketplace and to create wealth for us and to hire people.

□ 2100

And especially with the green revolution coming, we're not really sure what's going to happen. There are so

many nuances to green technology with solar panels and windmills and biodiesel plants and batteries, and we don't know.

But wouldn't you want, wouldn't it be smart to say, Don't worry about health care. You're going to have to pay some. This is not going to be a free ride. There is going to be shared responsibility here. Everyone's got to do their fair share. No one's going to get on board for free. There is going to be a ticket price here and everybody is going to have to pay something.

But wouldn't you want these young people to feel secure to be able to create the next generation wealth? I know we need it. I know when you're looking at places in the Midwest like Youngstown, we need these young people to feel unleashed and let their creative juices flow as they come out of engineering schools and they want to take a chance and be in an incubator and grow a company or start a company. That's what we need here. This is what America needs right now.

And we're trying to compete, Mr. Speaker, in the United States of America with 1.3 billion people in China, 1.2 billion or 1.3 billion people in India, and we only have 300 million people.

So we're spending all this money on health care, and we're not getting anything out of it. Let's spend this wisely. Half of the money to pay for it gets squeezed out of the current system; \$500 billion of the trillion gets squeezed out of the current system. And that's young people and the Youngstown business incubator and incubators like it all over the country and young people like them all over the country. Let's fuel that fire. Let's throw some coal on it. Let's get it nice and hot. Let's let it burn. Because we don't have the same luxury that the Chinese have where if 300 million or 400 million people fall off the side of a cliff, they still have got a lot of people to contribute. We don't have that luxury.

So what we need to do is take the wealth that we have, invest it strategically in this country. And one of the biggest burdens for people to be creative and to start new businesses or for small businesses to grow is the cost of health care.

So our friends on the other side who say they're pro-business are going to allow an \$1,800 tax go on the backs of a family of four next year through inaction.

There are acts of commission and acts of omission. And there are taxes of commission and taxes of omission. And through inaction, there will be an \$1,800 tax put on the backs of families next year and small businesses next year. How can you say you're for small business development when your inaction allowed health care costs to balloon 129 percent since the year 2000? That is strangling small businesses.

Let's let them compete and pool their resources and get into the ex-

change, bend the cost curve. Let's have a uniquely American health care system. I mean, not what we got now. This is ridiculous. We're going to keep this system that we got? It stinks. It's not working. We're not okay with keeping it like it is. We want it to change. We want something different. We want it to work for the people. We want it to represent our values. We want it to unleash the creativity that the American people have.

The artists in this country in many ways are small business people. They take risks. They take chances. They go out in the public and they sell their products. They make it happen. That's an art form, and it takes a lot of courage. Let's help them. Let's not sit and turn our head, bury our head in the sand and hope problems go away. That's not what the people voted for. They didn't vote for us to stand by and watch. We're not on the sidelines. We're players in this game. We're supposed to do things. And inaction—and you can argue, Mr. Speaker, they can continue to argue inaction. Keep the government out. Don't do this, don't do that. That's bad. That's bad. No, no, no, no. That's all we've been getting here, and the American people don't want it.

We've got to go out and explain this to the American people. We've got people running around—they're so afraid of this happening, the only argument they think they have, which isn't even true, that oh my God, this is going to cover undocumented illegal immigrants. That's your health care debate in 2009 in America. That's what you're telling your small business people? That's what you're telling this country? We can't do it because it's going to cover illegal immigrants, when in section 246 it says, No Federal payment for undocumented aliens? That's all you got? That's it?

2009 in the United States of America in Congress and on right-wing talk radio, all you've got is this is going to cover illegal immigrants, when it's not even in the bill?

Come on. American people deserve better than that. This is not what they signed up for.

Running ads. We've got politicians running ads about how this is going to cover illegal immigrants. What are you talking about? Stop it. American people don't want to hear that. I mean, it's continuing—it's very consistent with what President Bush started off fear-mongering to the American people: if we can't beat them, we scare people. If we can't beat them on the merits, we try to scare people. And it's just—it's not right.

And so over the course of the next few days, weeks and months, we're going to go out and we're going to talk to the Americans. But we want to hear what they think this is, what they want, their concerns.

But I can guarantee you one thing right now. I can guarantee you one thing right now, Mr. Speaker, that there is not any level of fear that can come out of right-wing talk radio, that can come out of FOX News, that can come out of the Republican conference, that can come out of the Republican Senate conference, that can come from Karl Rove and Newt Gingrich and everyone else. There's not a level of fear that they could manufacture that will meet or be able to compete with the level of fear the American people feel under the current health care system. They can't meet it, and we are going to try to the best of our ability to alleviate that fear for the American people.

And our friends on the other side have not produced an alternative plan.

Now, as we're wrapping up here—and I'm almost done—but the Republicans have not produced an alternative. They have not produced a plan. Because their sole goal is to destroy this one.

And so, Mr. Speaker, I think it's important that we continue to ask the American people to look at the facts, look at what's in the bill. If you have questions, that's legitimate. This is a big deal. We should have a conversation about this, about what's actually in here. What's the subsidy level? What are the tax rates? Who's getting taxed in this whole deal and who is not? Who's going to get coverage, and what level of subsidy are they going to get? What's Medicaid going to look like? What's Medicare going to look like?

This bill, through the savings that we have here, fills the doughnut hole in Medicare. It fills the doughnut hole through the savings that we squeezed out of the system here. We filled the doughnut hole for the Medicare prescription drug bill so that seniors won't drop off after a certain level and not get covered again until their bill goes up to \$5,000 or so a year. That's what we're doing here.

So, Mr. Speaker, it's important that we all ask the American people during the course of this discussion to remember that our friends on the other side who had their opportunity for health care reform, had their opportunity for energy reform, controlled the House, Senate, White House, didn't do anything. Now they're coming to us saying that we're doing it wrong.

But it's important to remember that their top Republican strategists issued a memorandum to the Republicans in the House of Representatives that they have to be against health care because if they defeat health care, they defeat Barack Obama and they bring him down.

Now, when you're listening to the debate on the issues, when you hear unsubstantiated rumors, Mr. Speaker, it's important that the American people hear that and see that within the context of this memo in which the Republicans have been instructed to march

down the line of destroying Barack Obama's health care plan, you can keep the plan you have. You will have more choice. This will bend the cost curve, be uniquely American, save us money that we can reinvest so that our small businesses can compete.

Doing nothing will continue the cost curve on small business up 129 percent since the year 2000. If we do nothing, a family of four will see an \$1,800 increase in their health care bill next year, if that. And if we do nothing, people will still be denied by insurance companies who will say to them, We won't cover you because you have cancer. We won't cover you because you have heart disease. Those days need to be over.

And let's muster up the courage to communicate to the American people, to have a mature, adult discussion about health care in 2009 in the United States of America.

Since when did Americans get afraid to do big things? This is what we do. We've built transcontinental railroads, we built the interstate highway system, we make sure we lift millions of seniors out of poverty with the Medicare program. We do civil rights. We do big things in America. And this is the next great challenge for us.

And we've got to meet this challenge. Not for the sake of me going home and saying, hey, we met this challenge or Speaker PELOSI saying it or anyone else, but because this is what the American people want. This is what they want us to do.

So the next few days and weeks are going to be talking about this quality, affordable health care, health insurance reform, and we're going to do this. This is going to happen, and this is going to be another landmark achievement in the history of the United States.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLYBURN (at the request of Mr. HOYER) for today on account of attending a memorial service.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. BERKLEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. FORBES, for 5 minutes, July 29.

Mr. PAUL, for 5 minutes, July 29, 30 and 31.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on July 27, 2009 she presented to the President of the United States, for his approval, the following bills:

H.R. 2632. To amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

H.J. Res. 56. Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

H.R. 2245. To authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

H.R. 3114. To authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

ADJOURNMENT

Mr. RYAN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 29, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2840. A letter from the Secretary of the Army, Department of Defense, transmitting a request that the submission of section 213 MGVS and SAR, required by Pub. L. 110-417, be waived in the belief that the section is no longer operative; to the Committee on Armed Services.

2841. A letter from the Board of Governors, Federal Reserve System, transmitting the System's semiannual Monetary Policy Report, pursuant to Public Law 106-569; to the Committee on Financial Services.

2842. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule—Department of Energy Acquisition Regulation: Technical Amendment (RIN: 1991-AB62) received July 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2843. A letter from the Secretary, Department of Health and Human Services, trans-

mitting the Department's report on the use of funds appropriated to carry out the Medicaid Integrity Program for Fiscal Year 2008, pursuant to 42 U.S.C. 1396; to the Committee on Energy and Commerce.

2844. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Medical Use of Byproduct Material—Authorized User Clarification [NRC-2009-0098] (RIN: 3150-A159) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2845. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2846. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. RSAT-08-1742, Notice of Proposed Transfer of Major Defense Equipment, pursuant to section 3(d) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2847. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Thirty first annual Report to Congress pursuant to section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

2848. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report for the National Tropical Botanical Garden for the period from January 1, 2008 through December 31, 2008, pursuant to 36 U.S.C. 10101(b)(1)(B) Public Law 88-449, section 10(b); to the Committee on the Judiciary.

2849. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Potomac River, Between MD and VA [USCG-2008-1216] (RIN: 1625-AA09) received July 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2850. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; Herbert C. Bonner Bridge, Oregon Inlet, NC [Docket No.: USCG-2009-0489] (RIN: 1625-AA11) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2851. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; Fireworks Displays in Boothbay Harbor, South Gardiner, and Woolwich, ME [Docket No.: USCG-2009-0526] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2852. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF6-80C2B5F Turbofan Engines [Docket No.: FAA-2009-0121; Directorate Identifier 2008-NE-36-AD; Amendment 39-15958; AD 2009-14-08] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2853. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Requirements for Amateur Rocket Activities [Docket No.: FAA-2007-27390; Amendment Nos. 1-62 and

101-8] (RIN: 2120-AI88), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2854. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400 and -400F Series Airplanes Powered by Rolls-Royce RB211 Series Engines [Docket No.: FAA-2009-0556 Directorate Identifier 2009-NM-112-AD; Amendment 39-15942; AD 2009-13-03 (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2855. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, AND 1S1 Turboshaft Engines [Docket No.: FAA-2009-0544; Directorate Identifier 2009-NE-17-AD; Amendment 39-15952; AD 2009-12-51] (RIN: 2120-AA64) Received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2856. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Airplanes [Docket No.: FAA-2008-1071; Directorate Identifier 2008-NM-093-AD; Amendment 39-15951; AD 2009-14-02] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2857. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0100 Airplanes [Docket No.: FAA-2009-0198; Directorate Identifier 2008-NM-129-AD; Amendment 39-15941; AD 2009-13-02] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No.: FAA-2009-0160; Directorate Identifier 2008-NM-176-AD; Amendment 39-15947; AD 2009-13-08] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2859. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Microturbo SA Saphir 2 Model 016 Auxiliary Power Units [Docket No.: FAA-2009-0510; Directorate Identifier 2009-NE-16-AD; Amendment 39-15948; AD 2009-13-09] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2860. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca S.A. Arrius 2F Turboshaft Engines [Docket No.: FAA-2005-22039; Directorate Identifier 2005-NE-33-AD; Amendment 39-15950; AD 2009-14-01] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2861. A letter from the Branch Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Notification Requirement for Tax-Exempt Entities Not Currently Required to File [TD 9454] (RIN: 1545-BG37) received July 23, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

2862. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Qualified Plug-In Electric Vehicle Credit Under Section 30 [Notice 2009-58] received July 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2863. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Industry Director's Directive #2 Examination of IRC Section 165 Casualty Losses [LMSB-4-0309-010] received July 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2864. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Mixed Service Cost—Tier I Issue—Directive #4 Status of Phase I Cases Changed to Monitoring [LMSB-4-0509-022] received July 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2865. A letter from the Deputy Chief Counsel, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule—Revision of Enforcement Procedures [Docket No.: TSA-2009-0013] (RIN: 1652-AA62) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

2866. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at Roswell International Air Center will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

2867. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) for Calendar Year 2008", pursuant to Section 902 of the MMA; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PINGREE of Maine: Committee on Rules. House Resolution 685. Resolution providing for consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-233). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas (for himself, Mr. BRADY of Texas, and Mr. REICHERT):

H.R. 3356. A bill to amend title XVIII of the Social Security Act to clarify the use of pri-

vate contracts by Medicare beneficiaries for professional services and to allow individuals to choose to opt out of the Medicare part A benefits; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. OBNEY, and Mr. OBERSTAR):

H.R. 3357. A bill to restore sums to the Highway Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. SCHRADER, Mr. WU, Mr. BLUMENAUER, and Mr. WALDEN):

H.R. 3358. A bill to amend title 10, United States Code, to provide for the retention on active duty after demobilization of members of the reserve components of the Armed Forces following extended deployments in contingency operations or homeland defense missions, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LORETTA SANCHEZ of California (for herself and Mr. GRIJALVA):

H.R. 3359. A bill to raise achievement in international education in elementary schools and secondary schools through grants to improve teacher competency and to support programs in international education that supplement core curricula in such schools, and for other purposes; to the Committee on Education and Labor.

By Ms. MATSUI:

H.R. 3360. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOUSTANY (for himself, Mr. ROE of Tennessee, Mr. GINGREY of Georgia, Mr. FLEMING, Mr. OLSON, Mr. LINDER, Mr. REICHERT, Mr. BOOZMAN, and Mr. ALEXANDER):

H.R. 3361. A bill to provide a process for public comment and Medicare Evidence Development & Coverage Advisory Committee review of certain Medicare national coverage determinations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of North Carolina (for himself, Mr. CONYERS, Ms. LINDA T. SANCHEZ of California, and Mr. COHEN):

H.R. 3362. A bill to establish guidelines for the assertion of executive privilege, to enhance the authority of Congress to enforce subpoenas and punish for contempt, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 3363. A bill to amend the Small Business Act to improve the preference for small

business concerns owned and controlled by veterans; to the Committee on Small Business.

By Mr. FILNER:

H.R. 3364. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the South San Diego County Water Reclamation Project, and for other purposes; to the Committee on Natural Resources.

By Mr. FILNER:

H.R. 3365. A bill to provide Medicare payments to Department of Veterans Affairs medical facilities for items and services provided to Medicare-eligible veterans for non-service-connected conditions; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee:

H.R. 3366. A bill to prohibit the use of funds to promote the direct deposit of Veterans and Social Security benefits until adequate safeguards are established to prevent the attachment and garnishment of such benefits; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. BLUMENAUER, Mr. DINGELL, Mr. DAVIS of Alabama, Mr. KILDEE, Mr. PETERS, and Ms. LINDA T. SANCHEZ of California):

H.R. 3367. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for new qualified hybrid motor vehicles; to the Committee on Ways and Means.

By Ms. MARKEY of Colorado:

H.R. 3368. A bill to enhance benefits for survivors of certain former members of the Armed Forces with a history of post-traumatic stress disorder or traumatic brain injury, to enhance availability and access to mental health counseling for members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. ARCURI):

H.R. 3369. A bill to amend titles XVIII and XIX of the Social Security Act to require provider and supplier payments under Medicare and Medicaid to be made through direct deposit or electronic funds transfer (EFT) at insured depository institutions; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD:

H. Con. Res. 170. Concurrent resolution supporting the goals and ideals of the Army Community Covenant; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. BRADY of Pennsylvania, Mr. BONNER, Mr. CAPUANO, Mr. DOYLE, Mr. DREIER, Mr.

LEWIS of California, Ms. ZOE LOFGREN of California, and Mr. MICA):

H. Res. 682. A resolution honoring the memory and lasting legacy of Sally Crowe; to the Committee on House Administration.

By Mrs. McMORRIS RODGERS:

H. Res. 683. A resolution expressing the sense of the House of Representatives that the House should move forward with health care reform legislation, and costs can be contained through prevention and wellness initiatives that empower parents, families, and communities toward better health; to the Committee on Energy and Commerce.

By Ms. KILPATRICK of Michigan (for herself, Mr. MEEKS of New York, Mr. GRIJALVA, Ms. WATSON, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. SESTAK, Mr. CUMMINGS, Mr. HASTINGS of Florida, Mr. RYAN of Ohio, Mr. CAO, Ms. NORTON, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. MEEK of Florida, Mr. DAVIS of Illinois, Mr. DAVIS of Alabama, Ms. LEE of California, Ms. CORRINE BROWN of Florida, Mr. JOHNSON of Georgia, Mr. CARSON of Indiana, Mr. GRAYSON, Ms. EDWARDS of Maryland, Mr. RUSH, Mr. TOWNS, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Ms. CLARKE, Mr. BUTTERFIELD, and Mr. AL GREEN of Texas):

H. Res. 684. A resolution recognizing and honoring Howard University School of Law's 140-year legacy of social justice and its continued commitment to the training of capable and compassionate legal practitioners and scholars; to the Committee on Education and Labor.

By Mr. GRAYSON (for himself and Mr. PAUL):

H. Res. 686. A resolution recommending that the United States Constitution be taught to high school students throughout the Nation in September of their senior year; to the Committee on Education and Labor.

By Mr. ALEXANDER:

H. Res. 687. A resolution amending the Rules of the House of Representatives to provide greater transparency on earmark requests; to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TITUS (for herself, Ms. BERKLEY, and Mr. HELLER):

H. Res. 688. A resolution expressing support for the goals and ideals of the first annual National Wild Horse and Burro Adoption Day taking place on September 26, 2009; to the Committee on Natural Resources.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

136. The SPEAKER presented a memorial of the Legislature of the State of North Dakota, relative to SENATE CONCURRENT RESOLUTION NO. 4020 urging Congress to preserve exemption of hydraulic fracturing from the provisions of the Safe Drinking Water Act and to not enact legislation that removes the exemption for hydraulic fracturing; to the Committee on Energy and Commerce.

137. Also, a memorial of the Legislature of the State of North Dakota, relative to SENATE CONCURRENT RESOLUTION NO. 4003

expressing support for the development of a balanced national immigration policy and urging Congress to work to develop an immigration policy that protects and preserves the safety and interests of the United States and its citizens while also recognizing the needs of businesses to have a stable and legal supply of workers; to the Committee on the Judiciary.

138. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 63 MEMORIALIZING THE UNITED STATES CONGRESS TO ENACT LEGISLATION TO ELIMINATE THE 24-MONTH MEDICARE WAITING PERIOD FOR PARTICIPANTS ON SOCIAL SECURITY DISABILITY INSURANCE; jointly to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. TSONGAS.
H.R. 122: Mr. WITTMAN.
H.R. 155: Mr. MARIO DIAZ-BALART of Florida.
H.R. 219: Mr. SCALISE.
H.R. 233: Mr. MELANCON.
H.R. 272: Mr. MOLLOHAN.
H.R. 275: Mr. SCHRADER, Mr. INGLIS, Mr. FILNER, Mr. HOLDEN, Mr. MORAN of Kansas, and Mr. YOUNG of Alaska.
H.R. 391: Mr. MORAN of Kansas and Mr. UPTON.
H.R. 422: Mr. GRAVES.
H.R. 424: Mr. CONNOLLY of Virginia.
H.R. 503: Mr. MILLER of North Carolina and Mr. WATT.
H.R. 510: Mr. BOCCIERI, Mr. MURPHY of New York, and Mr. ALEXANDER.
H.R. 571: Mr. RUPPERSBERGER and Mr. PETRI.
H.R. 615: Mr. FORBES.
H.R. 616: Mr. RYAN of Ohio.
H.R. 621: Mr. ISRAEL, Mr. GRAVES, Mr. SIMPSON, Mrs. EMERSON, Mr. DANIEL E. LUNGREN of California, Mr. HINCHEY, Mr. POE of Texas, Mr. RUSH, Mr. UPTON, Mr. LANGEVIN, Mr. MARCHANT, Mr. ROSKAM, and Mr. MCKEON.
H.R. 622: Mr. BRADY of Texas, Mr. WEXLER, and Mr. CARSON of Indiana.
H.R. 653: Mr. THOMPSON of California.
H.R. 658: Mr. HOLDEN, Mr. CONYERS, Mr. ISRAEL, and Mr. WEINER.
H.R. 690: Mr. ROSKAM, Mr. SULLIVAN, Mr. BERRY, Mr. COLE, Mr. KLINE of Minnesota, Mr. BOOZMAN, Mr. INSLEE, Mr. DENT, Mr. GRAVES, and Mr. FRANK of Massachusetts.
H.R. 702: Mr. SESTAK.
H.R. 795: Mr. ETHERIDGE and Mr. MASSA.
H.R. 801: Mr. FATTAH.
H.R. 847: Mr. FATTAH and Mr. GONZALEZ.
H.R. 936: Mr. PRICE of North Carolina.
H.R. 940: Mr. SCALISE, Mr. CAO, Mr. MELANCON, Mr. FLEMING, Mr. CASSIDY, and Mr. BOUSTANY.
H.R. 953: Mr. SMITH of Nebraska and Mr. BOUSTANY.
H.R. 983: Mr. SOUDER.
H.R. 988: Mrs. BACHMANN, Mrs. NAPOLITANO, and Mr. MASSA.
H.R. 1054: Mr. GOHMERT, Mr. DUNCAN, Mr. WALDEN, Mr. TIAHRT, Mr. FLAKE, Mr. MCCLINTOCK, and Mr. LAMBORN.
H.R. 1074: Mr. RADANOVICH.
H. R. 1086: Mr. MANZULLO.
H.R. 1101: Mr. WU.
H.R. 1147: Mr. CARNEY, Mr. KUCINICH, and Mr. JACKSON of Illinois.

H.R. 1173: Mr. CARTER.
H.R. 1177: Mr. ROGERS of Kentucky and Mr. LATTA.
H.R. 1207: Mr. FILNER, Ms. RICHARDSON, and Mr. BOCCIERI.
H.R. 1298: Ms. SUTTON, Ms. HARMAN, and Mr. BISHOP of New York.
H.R. 1326: Ms. HARMAN.
H.R. 1346: Mr. BISHOP of New York, Mr. HEINRICH, and Mr. CARNAHAN.
H.R. 1402: Mr. BERRY.
H.R. 1410: Ms. WASSERMAN SCHULTZ.
H.R. 1425: Ms. HERSETH SANDLIN.
H.R. 1428: Mr. MILLER of Florida.
H.R. 1458: Mr. BRALEY of Iowa.
H.R. 1503: Mr. GOHMERT.
H.R. 1525: Ms. JENKINS and Mr. GRAVES.
H.R. 1526: Mr. SESTAK.
H.R. 1547: Mr. WEXLER and Mr. COBLE.
H.R. 1548: Mr. KANJORSKI and Mr. HEINRICH.
H.R. 1549: Ms. PINGREE of Maine.
H.R. 1585: Mr. TONKO.
H.R. 1597: Ms. MARKEY of Colorado.
H.R. 1616: Ms. SPEIER, Ms. MOORE of Wisconsin, and Ms. KAPTUR.
H.R. 1700: Mr. KENNEDY, Mr. KILDEE, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, Mrs. NAPOLITANO, and Mr. BERMAN.
H.R. 1739: Mr. MASSA.
H.R. 1751: Mr. ABERCROMBIE, Mr. GENE GREEN of Texas, Ms. TSONGAS, and Mrs. NAPOLITANO.
H.R. 1766: Mr. STUPAK.
H.R. 1831: Mr. SERRANO, Mr. HIMES, Mr. JOHNSON of Illinois, Mr. DUNCAN, Mr. WU, Mr. SHUSTER, Mr. DAVIS of Kentucky, Mr. AUSTRIA, and Mrs. BACHMANN.
H.R. 1835: Mr. BRIGHT.
H.R. 1894: Mr. BERMAN.
H.R. 1895: Mrs. HALVORSON.
H.R. 1974: Mr. ISSA.
H.R. 1995: Ms. BORDALLO.
H.R. 2000: Ms. SLAUGHTER, Mr. MCCOTTER, and Mr. CONYERS.
H.R. 2057: Mr. DELAHUNT, Mr. HASTINGS of Florida, Mr. MORAN of Virginia, Mr. BUTTERFIELD, and Mr. MCINTYRE.
H.R. 2214: Mr. STARK, Ms. SCHAKOWSKY, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2239: Mr. BOSWELL.
H.R. 2254: Ms. FALLIN and Mr. ISSA.
H.R. 2261: Mr. KENNEDY and Mr. GARRETT of New Jersey.
H.R. 2266: Mr. MAFFEI.
H.R. 2267: Mr. MAFFEI.
H.R. 2329: Mr. BRALEY of Iowa.
H.R. 2373: Mr. ADERHOLT.
H.R. 2381: Mr. SESTAK.
H.R. 2387: Mr. LAMBORN.
H.R. 2413: Mr. CONNOLLY of Virginia, Mr. DOGGETT, and Mr. BACHUS.
H.R. 2414: Ms. WASSERMAN SCHULTZ.
H.R. 2420: Mr. TERRY.
H.R. 2427: Mr. BISHOP of New York.
H.R. 2452: Mr. BRADY of Texas, Mr. CULBERSON, Mr. BLUNT, Mr. PETERS, Mrs. MYRICK, Mr. TURNER, and Mr. DUNCAN.
H.R. 2476: Mr. WELCH.
H.R. 2480: Mr. NADLER of New York and Ms. LINDA T. SANCHEZ of California.
H.R. 2492: Mr. MCNERNEY.
H.R. 2499: Mr. MEEK of Florida.
H.R. 2517: Ms. SPEIER.
H.R. 2523: Mr. DEFAZIO.
H.R. 2529: Mr. AL GREEN of Texas.
H.R. 2590: Mr. MASSA.
H.R. 2662: Mr. WALZ.
H.R. 2715: Mr. SMITH of Texas.

H.R. 2743: Mrs. McMORRIS RODGERS, Mr. MOLLOHAN, Mr. MILLER of North Carolina, Mr. KIRK, Mr. PRICE of North Carolina, and Mr. SALAZAR.
H.R. 2753: Mr. BOOZMAN, Mr. MINNICK, and Mr. GERLACH.
H.R. 2782: Mr. HODES.
H.R. 2840: Mr. GENE GREEN of Texas, Mr. ARCURI, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. BISHOP of New York, Mr. SERRANO, Mr. SIREN, Mr. FARR, Mr. HOLT, Ms. WASSERMAN SCHULTZ, Ms. DELAUNO, Mrs. LOWEY, Mr. PAYNE, Ms. WOOLSEY, Mr. YARMUTH, Mr. FILNER, Mr. MAFFEI, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, Mr. HARE, and Mr. COURTNEY.
H.R. 2866: Mr. ALEXANDER.
H.R. 2930: Ms. SCHAKOWSKY.
H.R. 2932: Mr. JACKSON of Illinois and Mr. GRIJALVA.
H.R. 2935: Mr. TERRY, Mr. McDERMOTT, Mr. GORDON of Tennessee, Mr. SHULER, and Mr. HONDA.
H.R. 2936: Mr. PERRIELLO.
H.R. 2942: Mr. PITTS and Mr. GARY G. MILLER of California.
H.R. 2954: Ms. BERKLEY.
H.R. 2964: Mrs. McMORRIS RODGERS.
H.R. 3001: Ms. SPEIER.
H.R. 3006: Mr. HOLT.
H.R. 3009: Mr. MELANCON, Mr. BOREN, and Mr. CHILDERS.
H.R. 3011: Mr. CARNAHAN.
H.R. 3015: Mr. SHULER.
H.R. 3042: Ms. SCHAKOWSKY, Mr. BACA, Ms. LEE of California, and Mr. SERRANO.
H.R. 3085: Mr. BACA, Mr. PASTOR of Arizona, and Mr. HEINRICH.
H.R. 3116: Ms. PINGREE of Maine.
H.R. 3165: Mr. INSLEE, Mr. DOGGETT, and Mr. ISRAEL.
H.R. 3175: Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Ms. WASSERMAN SCHULTZ, and Mr. MEEK of Florida.
H.R. 3178: Mr. MASSA and Mr. PERRIELLO.
H.R. 3189: Mr. PERRIELLO.
H.R. 3226: Mr. MILLER of Florida, Mr. BOOZMAN, and Mr. YOUNG of Alaska.
H.R. 3227: Mr. TERRY.
H.R. 3245: Mr. RUSH, Mr. ISRAEL, and Mr. SERRANO.
H.R. 3246: Mr. LIPINSKI.
H.R. 3249: Mr. SERRANO, Ms. BORDALLO, Mr. FILNER, and Mr. STARK.
H.R. 3286: Mr. MORAN of Virginia.
H.R. 3289: Mr. WITTMAN.
H.R. 3308: Mr. WITTMAN, and Mr. CALVERT.
H.R. 3309: Mr. CHAFFETZ and Mrs. BACHMANN.
H.R. 3310: Mr. HERGER and Mr. LAMBORN.
H.R. 3325: Mr. SAM JOHNSON of Texas.
H.R. 3336: Mr. MCGOVERN.
H.R. 3342: Mr. HEINRICH.
H.R. 3353: Mr. PIERLUISI.
H.J. Res. 47: Mrs. KIRKPATRICK of Arizona and Mr. SHIMKUS.
H. Con. Res. 74: Mr. HONDA, Mr. OBERSTAR, Mr. DUNCAN, and Mr. BISHOP of Georgia.
H. Con. Res. 144: Mr. RAHALL, Mr. THOMPSON of California, Mrs. NAPOLITANO, Mr. AL GREEN of Texas, and Ms. GINNY BROWN-WAITE of Florida.
H. Con. Res. 159: Mr. MORAN of Kansas and Mr. LANGEVIN.
H. Con. Res. 169: Mr. BOUSTANY, Mr. BURTON of Indiana, Mr. CASSIDY, Mrs. BACHMANN, Mr. WILSON of South Carolina, Mr. MORAN of Kansas, Mr. HARPER, Mr. SHUSTER, Mr. ROGERS of Alabama, Mr. MARCHANT, and Mr. ING-LIS.

H. Res. 6: Mr. HILL, Mr. LARSEN of Washington, Mr. DAVIS of Tennessee, Mr. EDWARDS of Texas, Mr. CARNEY, Mr. SCOTT of Georgia, Mr. TAYLOR, Ms. LINDA T. SANCHEZ of California, Mr. CUELLAR, Mr. LEWIS of Georgia, Mr. BOCCIERI, and Mr. SHIMKUS.
H. Res. 278: Mr. STARK.
H. Res. 399: Mr. SESTAK.
H. Res. 403: Mr. SESTAK.
H. Res. 408: Mr. JOHNSON of Georgia, Mr. LARSEN of Washington, Mr. REYES, Mr. SNYDER, and Mr. COURTNEY.
H. Res. 440: Mr. LOEBESACK and Mr. INGLIS.
H. Res. 445: Mr. YOUNG of Florida.
H. Res. 452: Mr. GRAYSON and Ms. WASSERMAN SCHULTZ.
H. Res. 483: Mr. SABLAN.
H. Res. 487: Mr. MCCOTTER, Mr. LEVIN, Mr. KILDEE, and Mr. BURGESS.
H. Res. 494: Mr. COURTNEY and Mrs. DAVIS of California.
H. Res. 513: Ms. GINNY BROWN-WAITE of Florida, Mr. DENT, and Mr. GONZALEZ.
H. Res. 542: Mr. LAMBORN.
H. Res. 561: Mr. HINCHEY and Mr. SERRANO.
H. Res. 562: Mr. SERRANO and Mr. HINCHEY.
H. Res. 563: Mr. HINCHEY and Mr. SERRANO.
H. Res. 581: Mrs. McMORRIS RODGERS, Mr. BISHOP of Utah, Mr. GRIFFITH, and Mr. ROONEY.
H. Res. 605: Mr. LANGEVIN.
H. Res. 615: Mr. MCHENRY, Mr. MARIO DIAZ-BALART of Florida, Mr. SCHOCK, Ms. GINNY BROWN-WAITE of Florida, and Mr. CAMPBELL.
H. Res. 619: Mr. MCHENRY and Mr. CAO.
H. Res. 659: Ms. CORRINE BROWN of Florida.
H. Res. 679: Mr. MCGOVERN, Mr. SOUDER, and Mr. GARRETT of New Jersey.
H. Res. 680: Mr. CARTER.
H. Res. 681: Mr. SMITH of Texas and Mr. KING of Iowa.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative MURTHA, or a designee, to H.R. 3326, the Department of Defense Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

61. The SPEAKER presented a petition of Board of Alderman for the City of Unionville, MO, relative to A RESOLUTION OPPOSING THE FEDERALLY-MANDATED CARBON CAP AND TRADE SYSTEM; which was referred jointly to the Committees on Energy and Commerce, Foreign Affairs, Ways and Means, Financial Services, Education and Labor, Science and Technology, Transportation and Infrastructure, Natural Resources, Oversight and Government Reform, Agriculture, and the Judiciary.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mrs. CAPITO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010.

Awarded under: RDTE

Alcan Aluminum Armor Project, Alcan Rolled Products Ravenswood, PO Box 68, Ravenswood, WV 26164

Funding will go towards developing advanced armor more resilient against attacks, providing troops in the field with better protection.

Awarded under: RDTE,A

Direct Carbon Fuel Cell, DCFC for DoD L.C.N College of Engineering/ECE Dept. 405 Fayette Pike Montgomery, WV 24136

To develop a portable power generating system with a fuel processor that is capable of extracting carbon from coal

Awarded under: RDTE,A

Project National Shield Integration Center, Mid-Atlantic Technology Research and Innovation Center, 3200 Kanawha Turnpike, Charleston, WV 25303

The purpose of the PNS program is to establish a nationally integrated system-of-systems framework that can effectively protect the nation against terrorist attacks and provide an effective collaborative system of command, control and communications that will assist any effected region of the United States to deal with the effects of natural or man-made disasters on our population and critical infrastructure.

EARMARK DECLARATION

HON. JOHN M. MCHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. MCHUGH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Fiscal Year 2010 Defense Appropriations Bill.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 3326

Account: Defense Health Program

Legal Name of Requesting Entity: Fort Drum Regional Health Planning Organization (FDRHPO)

Address of Requesting Entity: 120 Washington Street, Suite 302, Watertown, NY 13601

Provide an earmark of \$430,000 to enable the FDRHPO to hire the necessary staff and conduct the required assessments. The health care delivery model for federal beneficiaries at Fort Drum is unique as the only MEDDAC with a division and no inpatient capabilities. The model is a military-community partnership that joins the Army medical treatment facility with community providers to augment the medical treatment facilities primary care capability with specialty care and inpatient services. Through ongoing collaboration of the FDRHPO, access to quality health care will continue to improve, costs will be reduced, communication will continue to increase, additional resources will be leveraged and innovated cooperative health care arrangements and agreements will be tested.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 3326

Account: Research and Development, Air Force

Legal Name of Requesting Entity: Clarkson University and ITT

Address of Requesting Entity: Clarkson University (8 Clarkson Ave., Potsdam, NY 13699) and ITT AES (474 Phoenix Drive, Rome, NY 13441)

Provide an earmark of \$4,000,000 for Cyber Attack and Security Environment (CASE). Operating effectively in cyberspace requires a Cyber Command and Control (CC2) system to synchronize cyber attack operations, facilitate analysis of attack results including measures of effectiveness, and deconflict friendly use of cyberspace. The objective of ITT's proposed effort is to conceptualize and demonstrate the technologies necessary to systematically coordinate, plan, and execute offensive cyber campaigns; determine effects associated with an offensive cyber weapon; monitor/evaluate events that occur in cyberspace; and ultimately achieve situational awareness of cyberspace with an overall goal of achieving dominance within that critical realm. Alpha and beta testing throughout the lifecycle of this project will occur at a secure military installation in upstate New York. A significant partner in this effort is Clarkson University through its complex networks group, its biometrics group, critical electric power/large scale systems faculty, and cryptographic protocol analysis researchers, who will provide subject matter expertise and project research. The results of the CASE effort will help form a strategic partnership between AFRL Rome and Air Force's Global Cyberspace Integration Center (GCIC) located on LAFB, VA. The addition of funding in Fiscal Year 2010 for CASE will help demonstrate the technologies necessary to systematically coordinate, plan, and execute offensive cyber campaigns while maintaining defensive continuity.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 3326

Account: Research and Development, Navy
Legal Name of Requesting Entity: Trudeau Institute

Address of Requesting Entity: Trudeau Institute, 154 Algonquin Avenue, Saranac Lake, NY 12983

Provide an earmark of \$2,000,000 for the U.S. Navy Pandemic Influenza Vaccine Program: Enhancement of Influenza Vaccine Efficacy. Prevention of seasonal and pandemic influenza remains a significant unmet need for the U.S. armed forces. Influenza in active duty personnel and dependents compromises force readiness and impacts training. The funding for the proposed project will help advance the development of novel techniques for enhancing vaccine efficacy to promote Force Readiness and general health of the members of the Armed Services and their dependents.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 3326

Account: Research and Development, Army
Legal Name of Requesting Entity: Syracuse Research Corporation

Address of Requesting Entity: 7502 Round Pond Road, North Syracuse, NY 13212

Provide an earmark of \$2,000,000 for the Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar (FORESTER). U.S. Forces currently have no radar capability to detect and track activity under foliage. FORESTER is an airborne sensor system that provides standoff and persistent wide-area surveillance of dismounted troops and vehicles moving through foliage. The Phase II funding will help transition FORESTER to the User community, and apply the technology to additional platforms and U.S. border security applications, providing U.S. forces a critical new capability to detect and track activity under foliage.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 3326

Account: Research and Development, Army
Legal Name of Requesting Entity: Welch Allyn, Inc.

Address of Requesting Entity: 4341 State Street Road, Skaneateles Falls, New York 13152

Provide an earmark of \$1,000,000 for the Personal Status Monitor (Nightengale). Welch Allyn is actively working on a project to monitor the health status of a soldier, remotely communicating the data to obtain the most appropriate level of care in a forward combat environment, which is essential for medical and military strategic decision-making. The Research and Development funding for this project will allow Welch Allyn to further develop its smart sensing technologies. These technologies provide on-body sensing of physiologic parameters that can be relayed to a remote server by means of a series of wireless relay devices for notification in the case of a critical or life threatening event. Specifically, the technology consists of wearable sensors with RF communication to observation stations, doctor's offices, electronic patient records, and hospital information systems, providing anywhere, anytime access to real-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

time or archived patient information. Applications include deployment on individuals or groups of individuals who are subject to catastrophic physiologic events such as military personnel, public safety personnel and those with cardiovascular disease.

EARMARK DECLARATION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. OLSON. Madam Speaker, to provide open disclosure pursuant to Republican standards on congressionally-directed funding, I am submitting the following information regarding funding that I support included in H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman PETE OLSON

Bill Number: H.R. 3326, the Department of Defense Appropriations Act, 2010

Account: Other Procurement, Air Force

Name of Recipient: Texas Air National Guard

Address of Recipient: 147th Fighter Wing at Ellington Joint Reserve Base, Houston, TX 77034

Description of Request: \$2,000,000 in funding for the One Air Force/One Network Infrastructure. The funding would be used to upgrade the Air National Guard's core infrastructure of wired and wireless networks to the Air Force standard architecture. The resulting capability will significantly increase the readiness and agility of the Texas Air National Guard mission by ensuring network compatibility and interoperability across Air Guard, Air Reserve, and AF Active Duty bases.

Requesting Member: Congressman PETE OLSON

Bill Number: H.R. 3326, the Department of Defense Appropriations Act, 2010

Account: Research, Development, Test and Evaluation, Army

Name of Recipient: University of Texas Medical Branch at Galveston

Address of Recipient: 301 University Boulevard, Galveston, TX 77555

Description of Request: \$5,000,000 in funding for the National Biodefense Training Center. The funding would be used to train staff working within containment facilities across the nation. There is a major need for a systematic approach to biological safety level -3 and -4 (BSL-3, BSL-4) containment training to prepare personnel in the safe and secure handling of infectious pathogens.

EARMARK DECLARATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I re-

ceived as part of H.R. 3326, FY2010 Department of Defense Appropriations Act

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3326

Account: RDTE, A

Legal Name of Requesting Entity: Washington State University

Address of Requesting Entity: French Administration Building, Room 324; Pullman, WA; 99164

Description of Request: Provide \$2,000,000 to develop epigenetic biomarkers for disease in military personnel. Washington State University and the U.S. Army are focusing on the war fighter's exposure to environmental compounds utilized by the military and/or toxic materials found in war zones. The Medical Technology program element within the Department of Defense budget funds applied research required to sustain a force of healthy, medically-protected war fighters to enhance their performance in training and occupational environments.

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3326

Account: RDTE, A

Legal Name of Requesting Entity: Washington State University

Address of Requesting Entity: French Administration Building, Room 324; Pullman, WA; 99164

Description of Request: Provide \$1,500,000 for the Positron Capture and Storage project. Anti-matter positrons can be utilized in applications such as medical diagnostics (Positron Emission Tomography), defect characterization in materials, and fundamental physics research. When positrons en masse are squeezed into a single trap, the repulsion forces quickly become impossible to control. To overcome this, they will stretch a first generation trap into a tube of theoretically infinite length. The metal-coated tube walls will shield the low-density positron plasmas in each tube, thereby lowering the repulsive forces by 10,000-fold. An overall density will be achieved by miniaturization to micrometer scale. The research will benefit the U.S. Army by permitting advanced applications research into using positron energy for low earth orbit space platforms and other high altitude vehicles.

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3326

Account: RDTE, A

Legal Name of Requesting Entity: University of Washington

Address of Requesting Entity: 301 Gerberding Hall; Seattle, WA; 98195

Description of Request: Provide \$5,800,000 for the Institute for Simulation and Interprofessional Studies project. This project enables the use of simulation technologies to improve the quality of health care education and improve patient safety. This project has a regional and Department of Defense mission. This program includes more than 6,000 active clinical faculty physicians. It will work with the Madigan Army Medical Center and the VA to demonstrate how healthcare skills training can be distributed throughout an entire region. This project will develop programs for training the global

health professional workforce and leveraging these tools for the assessment and treatment of Traumatic Brain Injury and Post Traumatic Stress Disorder found in returning service personnel.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY Defense Appropriations bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3326

Account: Other Procurement, Air Force—028 Combat Training Ranges

Legal Name of Requesting Entity: Northrop Grumman Amherst Systems

Address of Requesting Entity: 1740 Wehrle Drive, Buffalo, NY 14221

Description of Request: Provide an earmark of \$1,000,000 for the Air National Guard (ANG) Joint Threat Emitter (JTE) Savannah Combat Readiness Training Centers (CRTC)

The Joint Threat Emitter (JTE) system simulates electronic combat signals and is designed to provide realistic electronic warfare training for pilots and aircrew members. The Joint Threat Emitter will replace several older, harder-to-sustain and cost prohibitive threat emitters, and is specifically designed to allow for spiral development upgrades to ensure future threats are quickly integrated into its design.

The JTE has the capability to generate six modern threats from one platform and replaces more expensive, single-threat-per-platform units, which are more costly to support and do not have the flexibility to generate modern combat environments. The JTE capabilities, including the highly lethal double digital threats, add an essential element to ANG combat training ranges. The Savannah CRTC and Townsend Range Complex currently provides inadequate pilot training for real-world missions and pilots must train far from their home bases, which is more expensive and requires considerable transit time thereby reducing the time allocated for actual training. Modernization efforts are underway; however FY10 JTE funding is inadequate to procure the stated need of two (2) JTE systems at the Townsend Range Complex.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3326

Account: Other Procurement, Navy—038 Submarine Acoustic Warfare System

Legal Name of Requesting Entity: Hydroacoustics, Inc.

Address of Requesting Entity: 999 Lehigh Station Road, Henrietta, NY 14467

Description of Request: Provide an earmark of \$2,000,000 for the Hydroacoustic Low Frequency (HLF) Sources for Trident and Virginia Class Submarines.

This project will accelerate deployment of acoustic signature protection to Trident and

Virginia class submarines operating in the Atlantic. Additionally, it will help maintain the industrial capacity to design and build low frequency acoustic sources since HAI is the sole manufacturer of HLF systems in the United States. This project will fill a critical funding gap while the Navy programs funds to sustain HLF-1 procurement.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3326

Account: Procurement, Marine Corps—010 Modification Kits

Legal Name of Requesting Entity: Carleton Technologies, Inc.

Address of Requesting Entity: 10 Cobham Drive, Orchard Park, NY 14127

Description of Request: Provide an earmark of \$1,000,000 for the Microclimate Cooling Unit (MCU) for M1 Abrams Tank.

The M1 Abrams tank was designed to combat the former Soviet Union on the fields of Europe and as such it does not have an air conditioning system. With the War on Terror taking place not in Europe, but in the extreme climate of the Middle East, tank crews have had to not only combat the enemy, but also the effects of thermal stress and heat stroke. Ambient temperatures of 125 degrees Fahrenheit can yield temperatures inside the tank approaching 150 degrees Fahrenheit.

A vehicle-mounted air conditioning system has had minimal impact because body armor and other field gear the soldiers are wearing prevent the body from being cooled. Likewise, any benefits of an air conditioning system are lost when the tank operates with its hatches open and crew exposed, as is most often the case in Iraq. The M1A1 version of the tank has no crew cooling system currently outfitted.

Use of the MCU will significantly reduce soldier thermal heat stress, greatly improve soldier alertness and performance, and reduce resultant soldier injuries and casualties. Currently soldiers have no way to cool core body temperatures in the heat of Afghanistan and Iraq operations. Some soldiers have resorted to using IV fluids in an attempt to cool core body temperatures. Use of the MCU will significantly reduce soldier thermal heat stress, greatly improve soldier alertness and performance, and reduce resultant soldier injuries and casualties. An Army medical study has demonstrated a soldier work time increase on helicopters from approx 1.0 hours without cooling to in excess of 5 hours with MCU. Similar results are found on tactical and combat vehicles.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Army—30 0603002A Medical Advanced Technology

Legal Name of Requesting Entity: Roswell Park Cancer Institute

Address of Requesting Entity: Elm & Carlton Streets, Buffalo, NY 14263

Description of Request: Provide an earmark of \$2,500,000 for the Advanced Cancer Genome Institute at Roswell Park Cancer Institute

Roswell Park Cancer Institute is seeking to develop an Advanced Cancer Genome Institute: a world-class program for the early de-

tection, prognosis and treatment of cancer and other diseases through the establishment and use of cutting-edge genomics instruments and techniques that identify new cancer-related genes and that develop new anti-cancer drugs. Through an affiliation with the National Functional Genomics Consortium (NFGC), which fosters high-level collaborations in cancer genomics and proteomics, the research will benefit cancer sufferers throughout the U.S.

The advanced genomics program at Roswell Park can provide expertise and training in the use of genomics and rapid drug development technologies for investigators from the Department of Defense and other government agencies focused on emergency health threats. In the event of emergency health threats such as pandemic or a bioterrorism attack the facilities can be adapted rapidly to help identify pathogenic agents and to develop therapeutic agents. The techniques developed by researchers to identify a gene signature and personalized treatment will be useful in addressing health threats which affect our troops and the public at large.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3326

Account: Defense Health Program—02 RDT&E Defense Health Program

Legal Name of Requesting Entity: Daemen College

Address of Requesting Entity: 4380 Main Street, Amherst, NY 14226

Description of Request: Provide an earmark of \$1,000,000 for Advanced Military Wound Healing Research and Treatment.

Applied research into acute and chronic wounds that will: Optimize wound recovery and outcomes; Develop an assay to predict wound healing; Develop an assay to predict scar formation; Integrate the new technology (assay) into treatment strategies; Develop composite wound applications to enhance wound closure.

Improving the healing of patients with acute and chronic wounds will decrease depression, increase function and independence, save limbs, and ultimately save lives. The new technologies we aim to develop can be readily adapted into military medical situations, would be suitable for military deployment in a military setting, and efficacious for use in civilian hospitals or other healthcare settings.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Air Force—2 0601103F University Research Initiatives

Legal Name of Requesting Entity: University at Buffalo

Address of Requesting Entity: 501 Capen Hall, Buffalo, NY 14260

Description of Request: Provide an earmark of \$1,000,000 for the UB Energy and Sensor Informatics Research and Translation Facility.

Increase research that will focus on energy informatics. This effort will include energy collection and storage research, nanostructured sensor materials and devices, and informatics associated with efficient and accurate use of the developed technologies. The acquired instruments will be applicable to: (i) chemical

and biological sensors for health informatics, (ii) biometrics devices for identification and homeland security, (iii) semiconductor-based photovoltaic devices (solar cells) for energy collection, (iv) nanostructured energy storage devices (batteries), and (v) thermoelectric energy collectors. The facility will enable the development of new devices for homeland security, information technology, and health sciences.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Air Force—34 0603260F Intelligence Advanced Development

Legal Name of Requesting Entity: Janya Inc.

Address of Requesting Entity: 1408 Sweet Home Road, Amherst, NY 14228

Description of Request: Provide an earmark of \$1,000,000 for the Multilingual Text Mining Platform for Intelligence Analysts.

Extending the capabilities of Semantex, a text mining platform, to languages of great interest to DoD customers (Arabic, Urdu and Farsi). Semantex is a software platform for extracting useful information from unstructured text, such as open source news, email, social media (blogs, chat etc.) as well as message traffic.

The developed platform will support DoD intelligence applications where the current technology is insufficient, providing valuable multilingual multi-source intelligence to analysts and front-line warfighters in both tactical and strategic situations, increasing their effective bandwidth when processing intelligence information.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Defense-Wide—40 OSD 0603711D8Z Joint Robotics Program/Autonomous Systems

Legal Name of Requesting Entity: Lithos Robotics Corporation

Address of Requesting Entity: 4246 Ridge Lea Road, Suite 61, Amherst, NY 14226

Description of Request: Provide an earmark of \$1,000,000 for Autonomous Control and Video Sensing for Robots.

Integrate digital radio and autonomous vehicle control system with proven Video Motion Detection for continuous visual sensing to provide surveillance and response via access to denied areas in a variety of complex situations, including EOD, expeditionary force protection in battlefields and highly flexible SOCOM needs. The system will be rugged and easy to use so it can be sent into chaotic zones to conduct surveillance, ID threats, and possibly manipulate devices for threat reduction in manual, semi-autonomous, and fully autonomous modes.

The project will result in a persistent surveillance module integrated with a digital radio system, and with a control system for unmanned ground robots. The system can be used by DoD for: 1. Standalone surveillance, force protection, and EOD; 2. Mobile, autonomous or semi-autonomous surveillance and/or force protection, and EOD

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Navy—50 0603609N Conventional Munitions

Legal Name of Requesting Entity: Veritay Technology, Inc.

Address of Requesting Entity: 4845 Millersport Highway, PO Box 305, East Amherst, NY 14051

Description of Request: Provide an earmark of \$1,000,000 for Improved Kinetic Energy Cargo Round (I-KEET).

The Improved KEET (kinetic energy, electronically timed) round project—initially funded through a Navy SBIR award and then enhanced by a Commercialization Pilot Program grant—accelerates development of a kinetic energy round and provides a non-explosive, lethal mechanism for projectiles. By using the internal propulsion mechanism found in the round to augment the kinetic energy imparted to the projectile by the gun found aboard Arleigh Burke-class destroyers, I-KEET ejects an even larger payload mass (19 lbs vice 17 lbs) in the forward direction at +760 ft/sec relative to the projectile, thereby doubling the kinetic energy and increasing the overall payload kinetic energy by 130% compared to the current round which ejects the payload from the rear. An increased dispersion technique provides a uniform dispersion pattern which increases the lethal area 2.2 times greater than the existing MK 182 round therefore the I-KEET round provides significantly improved surface ship defense against small, fast moving attack boats.

The USS *Cole* attack, hijackings of civilian ships by pirates and last year's incident where five armed Iranian patrol boats harassed three Navy warships in the Strait of Hormuz, point to the fact that a primary asymmetric challenge to surface combatants operating in a littoral environment are attacks by small, fast boats. These emerging littoral threats have refocused Navy priorities for providing global assured access and maritime dominance in shallow water and coastal areas. This, in turn, has led to requirements for technologies to counter the threat, including munitions that fit existing weapons delivery systems that provide greater lethality through payload and dispersion patterns as well as being safer to store and transport aboard ship.

I-KEET will (1) Provide greater lethality through payload and dispersion patterns than the current Mk-182 round; (2) Use kinetic energy—not high explosives—to deliver the payload thereby making the rounds considerably safer to store and transport; (3) Fit existing gun systems so no costly delivery system modifications are needed; and (4) Provide better protection against small, fast, hard to target and disable, swarm boat attacks.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Navy—27 0603216N Aviation Survivability

Legal Name of Requesting Entity: Calspan Corporation

Address of Requesting Entity: 4455 Genesee Street, Buffalo, NY 14225

Description of Request: Provide an earmark of \$1,000,000 for Military Upset Recovery Training.

This program provides a critical training function; heretofore missing from military pilot training curricula. Data from other related research indicates that even military trained pilots, currently the best trained and most experienced in this regime of flight, are unable to consistently recover from loss of control events, an unanticipated, un-commanded aircraft maneuver that left unchecked leads to a loss of control situation and potential accident without this type of specialized training. It is important to note that the current track systems (fighter/other) that both the Navy and Air Force have transitioned, streamlines the curriculum, condenses and focuses the flying training based on the type of aircraft the pilot will fly operationally, but reduces and eliminates much of the advanced handling and aerobatic maneuvers that all military pilots were required to be proficient in. Since the separate track system was implemented about 15 years ago, the current generation of medium and large military aircraft pilots has not been trained in these scenarios.

Realistic training for the very dynamic and disorienting events that lead to loss of control accidents cannot be trained in currently fielded aircraft simulators because these devices do not reproduce the critical accelerations and disorienting motions of the actual events. Training done in high performance aerobatic jet training aircraft, while helpful, does not duplicate the skill sets needed to recover a large aircraft and, in some cases, may transfer the wrong impression possibly resulting in a negative transfer-of-training effect that has been shown in itself to be dangerous. Furthermore, current flight training regimes do not address the critical training element not only how to recover from an extreme condition but, how to do so with inoperative controls due to system failure or battle damage. This training is geared towards military pilots operating a wide variety of transport, utility, and patrol aircraft. An important aspect of the upset maneuvers used in training is applicability beyond the specific events trained. The broader purpose of this training activity is to teach pilots how to evaluate a never-before-seen situation and maneuver a large transport airplane back to a safe and stable condition. In the end, the goal is to combine expanded situational awareness, knowledge, and judgment with the requisite stick and rudder skill-sets to successfully master the many flying challenges faced over a career of military operational flying.

Continuation of this development effort with operational testing and further analysis of an In-Flight Simulation based training program will support advance of training critical piloting skills in the regime of upset recovery. The initial funding has allowed the In-Flight Simulator will be programmed to exhibit representative characteristics to include relatively heavy control forces and sluggish response so as to illustrate the inherent difficulty in recovering from Jet Upsets in this class of aircraft and to conduct initial evaluations to measure pilot performance and recovery quality. Follow on funding will be used to conduct further development and testing to ensure a program will be effective when implemented into primary test and training regimes.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Navy—15 0603114N Power Projection Advanced Technology

Legal Name of Requesting Entity: Moog, Inc.

Address of Requesting Entity: Seneca and Jamison Roads, East Aurora, NY 14052

Description of Request: Provide an earmark of \$2,000,000 for the Quiet Drive Advanced Rotary Actuator.

Moog will develop an advanced actuation system, a quiet, compact electro-mechanical device, using a hypocycloidal gear train that would be an enabling technology for the U.S. Navy, Future Naval Capabilities (FNC) These actuators will provide the Navy with a performance improvement and lifecycle cost advantage compared to today's hydraulic rotary actuator in its efforts to develop the all-electric ship and submarines. These systems will automate many systems, thus keeping sailors out of harm's way. The immediate naval application will be used on submarines (such as bow planes and other structures employing actuator technology). Actuators convert energy from hydraulic, air, or electric power to achieve mechanical movement and control of heavy or remote devices. Current Navy ships have between 100 to 3,000 actuators each. At present, these actuators typically use old style hydraulic technology. Successful completion of the technology will reduce shipboard personnel and reduce repair and maintenance costs. The Department of the Navy has repeatedly stated its desire for an all electric ship. Environmental hazards associated with hydraulic systems will also be eliminated by moving to an electric actuator. Under prior funding, there has been constructed an electric motor which is currently being evaluated. The present design does not meet the strict acoustic requirements of the U.S. Navy. The company, using internal funding, will analyze the prototype, correcting these and other technical issues. Computer models are now being constructed to aid in the analysis and physical models will be built to verify the analytical conclusions. Alternate design concepts will be developed and analyzed with the best proposed as the system solution.

The military service need is well documented. In the 2007 Symposium conducted by American Society Naval Engineers/Department of Defense, the Office of Naval Research conducted a panel presentation on the need for the quiet drive technology as applied to Diagnostics and Maintenance in the all electric ship. Over the past 5 years, ONR has repeatedly stated that these actuators would provide the Navy with a performance improvement and lifecycle cost advantage compared to today's hydraulic rotary actuator in its efforts to develop the all-electric ship. Army's TARDEC also supports the work because the results will be able to be used for Advanced Electric Drives configurable to axle and wheel-end applications providing greater drive capabilities and high intelligence capabilities (current immediate use includes HUMVEEs and trucks). Existing military axle and wheel-end systems fail to provide adequate measurement and data retrieval that are needed to increase engine efficiency and torque while preventing breakdown or catastrophic event.

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. CRENSHAW. Madam Speaker, I submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: RDTE, N

Legal Name of Receiving Entity: Orion Solutions, LLC

Address of Receiving Entity: 7545 Centurion Parkway, Suite 403, Jacksonville, FL 32256

Description of Request: I have secured \$2,000,000 in funding in H.R. 3326 in the RDTE, N Account for the Low Frequency Active Towed Sonar System (LFATS) Organic ASW Capability.

The purpose of this funding would be used to support the purchase of a Low Frequency Active Towed Sonar System (LFATS) to complete demonstration of critical Anti-Submarine Warfare (ASW) advancements and improvements.

This is a valuable use of taxpayer funds because the Chief of Naval Operations (CNO) has stated that Anti-Submarine Warfare (ASW) is his number one priority. ASW is critical to defend the sea base and assure access to and within the littorals in the face of the proliferation of quiet, technologically advanced submarines in the hands of nations that might choose to deny us freedom of the seas. This program provides the potential for key advancements in the area of ASW and works towards the CNO's highest priority.

There are no matching funds required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: RDTE, N

Legal Name of Receiving Entity: Goodrich Engineered Polymer Products

Address of Receiving Entity: 6061 Goodrich Boulevard, Jacksonville, FL 32226

Description of Request: I have secured \$2,000,000 in funding in H.R. 3326 in the RDTE, N Account for the Advanced Manufacturing for Submarine Bow Domes and Rubber Boots project.

The purpose of this funding would be used to develop an out-of-autoclave (OOA) material systems and processing techniques to fabricate a submarine sonar bow dome and the associated rubber boot without the need for an autoclave.

This is a valuable use of taxpayer funds because developing advanced manufacturing techniques for submarine bow domes and boots provides a new opportunity to further drive down the cost of submarine construction. An approved out of autoclave material system will provide greater manufacturing flexibility while maintaining stringent reliability and quality requirements. Additionally, removal of the autoclave from the manufacturing process allows the fabrication of domes and rubber

boots for larger submarines like the replacement SSBN.

There are no matching funds required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: RDTE, N

Legal Name of Receiving Entity: OTO Melara North America, Inc.

Address of Receiving Entity: 1625 I St. NW., Washington, DC 20006

Description of Request: I have secured \$2,000,000 in funding in H.R. 3326 in the RDTE, N Account for the 76mm Swarbuster Capability project.

The purpose of this funding would be to integrate the highly accurate fire control information from the MK 15 Close-In Weapons Systems with the high rate of fire, medium caliber, 76mm gun on FFG-7 class ships to provide FFG-7 class ships with protection against high-speed maneuvering surface threat.

This is a valuable use of taxpayer funds because it would be used to integrate the highly accurate fire control information from the MK 15 Close-In Weapons Systems with the high rate of fire, medium caliber, 76mm gun on FFG-7 class ships to provide FFG-7 class and possibly other Navy ships with a protection against high-speed maneuvering surface threat.

There are no matching funds required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: RDTE, DW

Legal Name of Receiving Entity: L-3 Communications

Address of Receiving Entity: 13000 Route 73, Marlton, NJ 08053

Description of Request: I have secured \$1,000,000 in funding in H.R. 3326 in the RDTE, DW Account for the Low Cost Stabilized Turret project.

The purpose of this funding would be to develop a small (less than 15 lbs) Electro-Optical/Infrared (EO/IR) turret for use on low-cost expendable unmanned aerial vehicles.

This is a valuable use of taxpayer funds because the Force Protection Task Force has a requirement for a low cost autonomous surveillance of designated areas. Low Cost Stabilized Turret will provide a light weight, low cost solution for a flexible, efficient payload that is consistent with this requirement and the warfighter's needs, yet in a cost range consistent with the concept of expendable systems.

There are no matching funds required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: RDTE, A

Legal Name of Receiving Entity: University of North Florida

Address of Receiving Entity: 1 UNF Drive, Jacksonville, FL 32224

Description of Request: I have secured \$4,000,000 in funding in H.R. 3326 in the

RDTE, A Account for the Ruggedized Military Laptop Fuel Cell Power Supply project.

The purpose of this funding would be to develop, demonstrate and prototype a ruggedized Direct Methanol Fuel Cell (DMFC) powered laptop power supply.

This project is a benefit to DOD because it addresses urgent military requirements for extended-run power and offers spin-off potential for other products such as unattended ground sensors, handheld devices, GPS, and micro air vehicles. It will reduce reliance on batteries and greatly simplify supply chain for military field electronics.

There are no matching funds required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: RDTE, A

Legal Name of Receiving Entity: Nanotherapeutics

Address of Receiving Entity: 13859 Progress Boulevard, Alachua, FL 32615

Description of Request: I have secured \$2,000,000 in funding in H.R. 3326 in the RDTE, A Account for the Anti-Microbial Bone Graft Product project.

The purpose of this funding would be to evaluate the ability to expedite the healing of open tibia and femoral fractures among injured U.S. soldiers thus preventing death or further injury from infections.

This is a valuable use of taxpayer funds because it would be used to evaluate the ability to expedite the healing of open tibia and femoral fractures among injured U.S. soldiers thus preventing death or further injury from infections. According to the U.S. Army Institute of Surgical Research, open fractures account for approximately 20 percent of all combat-related injuries in soldiers. Infection presents an enormous surgical challenge and leads to considerable loss of life. And, despite meticulous treatment, these fractures cause complications that can threaten the viability of the limb and even the life of the patient.

There are no matching funds required for this project.

EARMARK DECLARATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

I received two projects in H.R. 3326.

\$3,000,000 for The Miami Project to Cure Paralysis located at 1095 NW 14th Terrace, Miami, FL 33136. These funds will be used for continued research into spinal cord injuries and their treatments as part of the Project Battlefield and Combat Related Spinal Cord Injury Research program at the University of Miami's Miller School of Medicine. These funds would be used to study the battlefield injuries of returning veterans and active military members as well as non-military patients.

\$2,000,000 for Saint Leo University located at 33701 State Road 52, P.O. Box 6665, St. Leo, FL 33574. These funds will be used to continue the tele-learning program and connect student soldiers around the Nation and at military bases around the world to the Saint Leo distance education program.

THE 2009 TRIBAL CANOE JOURNEY

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. INSLEE. Madam Speaker, it gives me great pleasure to announce that this August, the Suquamish Tribe will be hosting the annual Tribal Canoe Journey from August 3 to August 9 at the town of Suquamish on Washington State's Kitsap Peninsula. Native Americans have lived on the shores of Puget Sound for thousands of years. Canoes carved from massive cedar logs were the traditional mode of transportation for Native Americans in the Pacific Northwest. In 1851, pioneers established the city of Seattle, named for Chief Sealth of the Suquamish and Duwamish Tribes, who helped non-native settlers survive their first years in the Northwest.

As the United States expanded westward, the Suquamish and other Native American tribes struggled to preserve their culture. In 1855, the Suquamish tribe signed a treaty that ceded their ancestral lands—including much of what is now my district—and moved to a reservation west of Seattle. In 1904, Old Man House village, the home of Chief Sealth, burned to the ground and was not rebuilt. For the first time in millennia, traditional canoes no longer plied the waters of Puget Sound.

In 1989, the Suquamish tribe hosted the Paddle to Seattle, the first intertribal canoe journey in more than 100 years. During that journey, people from the Helitsuk Nation invited canoes to travel to their village in British Columbia. In 1993, twenty-eight canoes answered their challenge. Since then, canoe journeys have been held annually to celebrate the traditional Native American culture of the Northwest.

I am pleased to announce that more than 100 cedar canoes from over 90 Native American tribes are expected to make the voyage to Suquamish in August, celebrating the 20th anniversary of the Paddle to Seattle. Canoes will land near the former site of Old Man House village, where visitors will receive a traditional welcome. The Suquamish Tribe expects more than 12,000 visitors and 5,000 campers to participate in the week-long cultural celebration.

Native American tribes have long struggled to preserve their traditional culture. The 2009 Tribal Canoe Journey is part of a cultural resurgence among Native Americans in the Northwest, and I am honored to recognize its importance before Congress today.

EARMARK DECLARATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. HARPER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010:

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3326

Account: RDT&E, Defense-Wide

Project Name: Advanced, Long Endurance Unattended Ground Sensor Technologies

Recipient and Address: Mississippi State University, P.O. Box 6301, Mississippi State, Mississippi 39762

Amount: \$2,000,000

Description: A significant challenge in modern military operations is the ability to achieve and maintain real-time battlefield situational awareness. Achieving battlefield situational awareness requires the ability to robustly and persistently monitor the movements of the adversary in near real-time across a wide range of operational environments including foliage, mountainous, and urban terrain. This initiative is a follow-on effort to ongoing Mississippi State University Unattended Ground Sensor (UGS) research and development in support of the U.S. Special Operations Command (USSOCOM).

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3326

Account: Operating Forces Drug Interdiction and Counter-Drug Activities, Defense

Project Name: Regional Counter Drug Training Academy

Recipient and Address: Naval Air Station, 219 Fuller Road, Meridian, Mississippi 39309

Amount: \$1,500,000

Description: The National Guard Bureau identified a fiscal year 2009 unfunded requirement of \$24.2M for Counterdrug (CD) Schools. With appropriate funding, CD schools will be better positioned to provide counter narcotics-based training programs critical to domestic law enforcement against narcoterrorism. The RCTA Meridian budget has shown little growth since fiscal year 2000, yet the costs associated with training law enforcement officers have increased by approximately 20 percent.

EARMARK DECLARATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. BONNER. Madam Speaker, I submit the following.

Project Name: Antennas for Unmanned Aerial Vehicles

Requesting Member: Congressman JO BONNER

Bill: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: RDT&E, A

Legal Name of Requesting Entity: The University of Alabama

Address of Requesting Entity: 201 Rose Administration Building, Box 870117, Tuscaloosa, AL 35487

Description of Request: Provide an earmark of \$1,000,000 to develop miniature antenna structures capable of supporting UAV (Unmanned Aerial Vehicle) communication needs while reducing space and power requirements on communication systems. Approximately \$500,000 [or 50%] will be used on salaries; \$100,000 [or 10%] will be used for laboratory supplies and materials; \$60,000 [or 6%] will be used for equipment rental; \$40,000 [or 4%] will be used for travel; \$300,000 [or 30%] will be used for equipment. The Department of Defense will benefit from new miniature antenna technology as this project will address the unstable imaging problem that exists with current UAV cameras and research will develop antenna structures that are capable of supporting proficient UAV's communication needs in order to recognize their full potential in wartime. The project will also establish the foundation for a research group focusing on the UAV antenna and communication area that will drive future discoveries in the field. The benefit and promise offered by UAVs has drawn the attention of senior military and civilian officials due to the significant impact they will have on national security.

Project Name: Multi-Element Structured Filter Arrays for Naval Platforms

Requesting Member: Congressman JO BONNER

Bill: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: RDT&E, N

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 102 Samford Hall, Auburn, AL 36849

Description of Request: Provide an earmark of \$4,300,000 to increase the effectiveness of current and future Naval platforms by reducing the weight, volume, and parasitic energy consumption of air filtration and distribution systems used for turbine engines, instrument/electronics cooling, and next generation shipboard fuel cell auxiliary power units. Reductions in volume aid to off-set and de-bottleneck severe design constraints associated with increasing system/component crowding and associated thermal management. Assuming a ten percent administrative withholding at the Department of Defense, approximately \$3.9 million will be available for the project spent in the following manner: \$1.4 million [or 36%] will be used for Auburn University personnel; \$740,000 [or 19%] will be used for research expenses and supplies; \$590,000 [or 15%] will be used for equipment; \$390,000 [or 10%] will be used for Auburn's Tech Transition Licensee; \$195,000 [or 5%] will be used for pilot scale commercial filter fabrication; \$390,000 [or 10%] will be used for supply chain software and business model development; \$195,000 [or 5%] will be used for supply chain software IP protection and management. This project directly supports the war fighting capabilities of the entire U.S. military and a wide range of current and future combat platforms.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3326, the Department of Defense Appropriations Act, 2010. The entity to receive funding is NanoBlox, Inc., 800 Wood Street, Clarion, PA 16214, in the amount of \$2,000,000. Funding will be used for the domestic production of nanodiamond for military applications.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. AL GREEN of Texas. Madam Speaker, today I was unavoidably delayed and missed the votes on:

1. H. Res. 593—Recognizing and celebrating the 50th Anniversary of the entry of Hawaii into the Union as the 50th State
2. H.R. 1376—Waco Mammoth National Monument Establishment Act of 2009
3. H.R. 1121—Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009

I respectfully request the opportunity to record my position. Had I been present I would have voted "yea" on these votes.

IN RECOGNITION OF KEVIN LEONARD, JR. AND SHAWN LEONARD

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. MURTHA. Madam Speaker, I wish to recognize the heroic efforts of two brothers, fourteen-year-old Kevin Leonard, Jr. and twelve-year-old Shawn Leonard.

Last summer in July of 2008, while the two boys were riding bicycles near their home in Kittanning, Pennsylvania, they saw a man drowning near the Kittanning Riverfront Park. They quickly swam into the Allegheny River where they began to help the victim. Eventually, a nearby fisherman provided life jackets and the boys were able to use them to keep the man afloat while they waited for professional rescue crews to arrive.

While many their age would have been content to let others act, the selfless courage exhibited by these fine young men helped to save another's life. Their quick thinking and reaction was also invaluable as it allowed the man to stay afloat while waiting to be taken back to shore.

In honor of their life-saving effort, the two were presented outstanding citizenship awards by the Pennsylvania State Police.

Madam Speaker, I wish to conclude my remarks by congratulating the Leonard brothers for their fine act of bravery and for their awards. The selfless qualities exhibited by these two young men inspire us all to help others who are in need. I hope that their hard work will be an example for many.

SUPPORT FOR VETERANS' BILLS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. BOOZMAN. Madam Speaker, I rise before you today to express my support for several veterans' bills that are on today's legislative calendar under suspension of the rules. Before I proceed, I would first like to thank the sponsors of the legislation and the Chairman and Ranking Member of the House Veterans' Affairs Committee, Mr. FILNER and Mr. BUYER, for working together to bring this legislation before the House today. As the number of veterans returning from their deployments in the Global War on Terror increases, it is imperative that those of us on the Committee on Veterans' Affairs, and all Members of Congress, continue working to improve benefits for our veterans and ensure that they and their families receive everything that has been promised to them. I am proud to be an original Cosponsor of H.R. 3219, the "Veterans' Insurance and Health Care Improvements Act," as well as H. Res. 483, which supports the goals and ideals of Veterans of Foreign Wars Day. H.R. 3219 contains numerous measures and technical corrections to modernize many of the life insurance and health care benefits that are received by disabled and non-disabled veterans. This bill also brings overdue recognition to many World War II veterans who have yet to receive their rightful recognition and benefits compensation from the United States government, including but not limited to the Flying Tigers of WWII and the Women Airforce Service Pilots of WW II (WASPs). H. Res. 483 supports the goal and ideals of Veterans of Foreign Wars Day, September 29th. Since 1899 the VFW has been advocating and fighting for the rights and benefits of our veterans, making invaluable contributions to the national dialogue surrounding how to care for those who enable us to live in safety and peace. It is also my privilege to be a cosponsor of H.R. 1293, the "Disabled Veterans Home Improvement and Structural Alteration Grant Increase Act of 2009," which makes much needed increases in the amounts our service-connected disabled veterans can receive to make alterations to their homes that enable them and their families to live the most fulfilling lives possible. I would also like to thank, once again, Chairman FILNER and Congressman MICHAUD for their bills H.R. 2770 and H.R. 3155, respectively, both of which I supported in Committee, and which represent a step in the right direction for improving veterans' benefits and care. It is my hope that the House Committee on Veterans' Affairs will continue with its spirit of bipartisan cooperation to help our nation's veterans; a spirit that is represented in all of this legislation before us today.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3326, the Department of Defense Appropriations Act, 2010. The entity to receive funding is the Piezo Resonance Innovations, Inc., 310 Rolling Ridge Drive, Bellefonte, PA 16823, in the amount of \$500,000. Funding will be used for lightweight, battery driven and battlefield deployment ready NG feeding tube cleaner.

ON H. RES. 659, CONGRATULATING KAPPA ALPHA PSI FRATERNITY, INC. ON 98 YEARS OF SERVING LOCAL COMMUNITIES AND ENRICHING THE LIVES OF COLLEGIATE MEN THROUGHOUT THE NATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. HASTINGS of Florida. Madam Speaker, as a member of Kappa Alpha Psi Fraternity, Inc., I rise today to pay homage to my fraternity brothers. On July 17, 2009, I introduced House Resolution 659 along with Representatives JOHN CONYERS, JR., SANFORD D. BISHOP, JR., WM. LACY CLAY, and BENNIE G. THOMPSON congratulating Kappa Alpha Psi Fraternity, Inc. on 98 years of community service. Kappa Alpha Psi Fraternity, Inc. (KAPΨ) is a collegiate Greek-letter fraternity founded on January 5, 1911 by ten distinguished African-American gentlemen on the campus of Indiana University in Bloomington, Indiana. The vision of the God-fearing men was to foster leadership through fraternal brotherhood and Christian ideals.

Kappa Alpha Psi Fraternity, Inc. has been a significant contributor to our society. Through its Kappa League and National Guide Right programs, Kappa Alpha Psi has provided thousands of at-risk youth in communities throughout the Nation with role models and mentors that encourage them to make positive contributions to, and to take leadership roles in, their communities. Among so many other notable accomplishments from my brotherhood, I am honored to continue serving Kappa Alpha Psi alongside our other brothers in Congress. Each day in Congress, we strive to ensure that our brotherhood continues to exemplify achievement in every field of human endeavor.

Kappa Alpha Psi Fraternity, Inc. is celebrating its 79th Grand Chapter Meeting in Washington, DC from August 4 to 9, 2009. With anticipation of the Golden (100th) Anniversary in 2011 at Indiana University, the Washington, DC Conclave of Kappa Alpha Psi Fraternity is projected to be one of the largest and most celebrated "homecomings" within

the Kappa's conclave history. Madame Speaker, I ask that you join me in welcoming the brothers of Kappa Alpha Psi Fraternity, Inc. and, their families to our Nation's "Kapitol" for this significant occasion of unity and achievement.

I urge my colleagues to join me in support of this important resolution honoring my great fraternity Kappa Alpha Psi Fraternity, Inc.

HONORING CHEYENNE BRUGH FOR HER WORK WITH EMERGENCY ANIMAL RESCUE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. HUNTER. Madam Speaker, today I rise in recognition of Cheyenne Brugh of Ramona, CA. Cheyenne is a 13-year old young woman who has committed her time and energy to the Emergency Animal Rescue group. This non-profit organization located in my district is made up of volunteers, like Cheyenne, who are committed to rescuing and housing animals from life threatening situations. Today, I am honored to recognize this young lady for her outstanding achievements and superior quality of character.

Cheyenne is the youngest of three children and the daughter of a single, working mother. She is involved with Big Brothers and Big Sisters of America and works with her Big Sister at the Emergency Animal Rescue organization. When Cheyenne is not helping rescued animals, she continues volunteering her time at promotional events to raise money for Emergency Animal Rescue. In addition to her involvement with the rescue group, she is a hardworking and dedicated student, receiving excellent grades in school. Her dedication to such a demanding organization while balancing schoolwork is truly remarkable.

Along with all of her achievements, Cheyenne took the Large Animal Rescue course in California to further expand her knowledge of animal rescue. This rigorous 2-day training program teaches ways to extract animals from multiple dangerous and life threatening situations. At 12 years old, she was awarded the certification for Large Animal Rescue by the California State Fire Marshal, making her the youngest person to ever receive these qualifications.

Madam Speaker, this is an extraordinary young lady whose actions and accomplishments directly reflect the type of person she is and will be. Individuals like Cheyenne, who volunteer their time, are at the heart of this great nation. The next time there is a wildfire in Southern California, you can rest assured that Cheyenne will be there rescuing animals. Her selfless dedication to saving animals' lives at such a young age is something we can all emulate. Cheyenne, thank you for your incredible work, you are an inspiration to us all.

HONORING THE LIFE OF FRAN GREENSPAN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. ISRAEL. Madam Speaker, I rise today to pay tribute to the life of Fran Greenspan. If we are lucky in our lives, we will have come across someone who inspires us to be better citizens, someone who we hold out as a role model for our children, someone who makes it her life's work to improve the community in which she lives. Thankfully, there are hundreds of students in a town I represent who can say that their lives were touched by Fran Greenspan.

For over twenty years, Fran has been involved in the education of students in the Half Hollow Hills School District. After she gave up teaching to raise her family, she joined the Parent Teacher Association, then the district's school board and ultimately became the district's President. She was a passionate advocate for child safety, expansion of the district's gifted students program and improvement in the drug and alcohol awareness programs. Her list of accomplishments is lengthy, but does not fully express the measure of her impact because woven into each one is a caring and warmth unique to Fran. For example, she founded and hosted a small program in the district for families with working parents who left for work before the start of the school day that needed a place for their children. At the elementary school each morning, Fran served those kids breakfast. For years, The Breakfast Club eased the burden on working families, and each child that passed through it became one of Fran's children. In this and a thousand other ways, the community came to know and cherish Fran Greenspan. In honor of her years of dedication and service, the district's central administrative building now bears her name. Her memory is an inspiration to all who work there that we can in our own lives make the lives of others better through community service and an unending kindness.

HONORING THE LIFE OF JOHN "JACK" WHITE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. WOLF. Madam Speaker, I rise to share with our colleagues today the recent passing of John Thomas "Jack" White II. He died on June 7, 2009, at the age of 84.

Jack had a long history of service to the Virginia congressional delegation, starting out as a legislative assistant to my Republican predecessor in the 10th District, Congressman Joel Broyhill. He later worked for Congressmen Richard Poff and Stan Parris, and Senators William Scott, Harry Byrd, Sr., and John Warner, all of Virginia.

I would like to share an obituary for Jack that ran in the Alexandria Gazette Packet on June 18:

[From the Alexandria Gazette Packet, June 18, 2009]

JOHN THOMAS WHITE, II, 84, DIES

John Thomas "Jack" White, II, 84, a longtime senior congressional aide, died June 7, 2009 in the early morning hours at his home in Alexandria.

He had congestive heart failure.

Mr. White was born in New Orleans and grew up in Baltimore, Port Townsend, Wash., Norfolk, Va., and Staten Island, N.Y., traveling around the country with his father, Dr. Harry F. White, a physician in the United States Public Health Service. His family roots in this area are deep, going back to the 1600s in both Virginia and Maryland's Eastern Shore, both of which he was deeply fond.

He graduated from Curtis High School, on Staten Island, in 1942 and enrolled at the University of Virginia, in Charlottesville. He enlisted in the Navy V-12 officer training program there and under an accelerated wartime curriculum, was able to complete one year of medical school before being assigned to midshipmen's school at Princeton and Columbia Universities and being commissioned as an ensign, USNR, in 1945. He trained in destroyers and was en route to his ship in the Pacific when World War II ended.

Completing his Navy service in 1946, Mr. White returned to the University of Virginia, receiving his bachelor's degree in 1947. He then took a position as a detailer with Schenley Pharmaceuticals, working in the Washington, D.C., metropolitan area. The family has lived in Alexandria near Mt. Vernon since 1947. In 1959, he became legislative assistant to Congressman Joel T. Broyhill, representing the 10th Congressional District in Northern Virginia, commencing a career on Capitol Hill that would last for some 40 years. Mr. White would become a legislative and/or administrative assistant to Congressmen Richard H. Poff, and Hon. Stan Parris as well as to Senators William Scott, Harry Flood Byrd, Sr. and Sen. John Warner, successively, all respected members of the Virginia delegation.

After leaving the Hill on Jan 31, 2000, he worked for Newport News Shipbuilding and Dry Dock, Newport News, Va., then a subsidiary of Tenneco, Inc. now Northrop Grumman. Among other accomplishments, helped that firm acquire major contracts for submarines and a nuclear aircraft carrier.

Mr. White was a passionate historian, antique collector and saved several antebellum properties by restoring them—several in Church Hill Richmond Va., and one in Milton Del.

Mr. White is survived by his wife, Betty Parker White, of Alexandria and Milton Del.; four children, Ann Wallis White of Annapolis, Md., Elizabeth Parker White of Alexandria, John Thomas White, III of Arlington, Va. and Mathews County, Va., Margaret Sewell White of Halifax, Nova Scotia; a brother, Col. William V.H. White, USMC (Ret) of Nokesville, Va.; four grand-children; and his loyal companion Labrador retriever, "Scout." In lieu of flowers, the family requests donations be made to Labrador Retriever Rescue—www.Lab-Rescue.com or www.LabMed.org or an animal welfare organization of their choice. He took great pleasure in his grandchildren and the Labradors in his life. There will be a private memorial at Christ Church in Old Town Alexandria, and a ceremony at the family plot in Norfolk, Va.

CONGRATULATING DAN HOLMAN

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. KING of New York. Madam Speaker, I rise today to express best wishes and congratulations to my good friend Dan Holman on his upcoming marriage to Tina Loh on September 19, 2009. Considering Dan's respect for tradition, it is especially fitting that the wedding will be celebrated in St. Patrick's Cathedral on Fifth Avenue in Manhattan. I first met Dan when he was a student at the Notre Dame Law School during the same time my son and daughter were attending Notre Dame. Dan has had an outstanding career as a knowledgeable and respected attorney and is a fervent believer in America's values and beliefs. He is a true patriot. I wish Dan and Tina many years of health and happiness.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3326, the Department of Defense Appropriations Act, 2010. The entity to receive funding is KCF Technologies, 112 West Foster Avenue, State College, PA 16801, in the amount of \$2,000,000. Funding will be used for self-powered prosthetic limb technology.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3326, Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3326

Account: RDTE,A

Legal Name of Requesting Entity: University of Arkansas

Address of Requesting Entity: University of Arkansas—Fayetteville, 119 Ozark Hall, Fayetteville, AR 72701

Description of Request: It is my understanding that the funding would be used for the continuation of research and development of nanoscale bio-sensors at the University of Arkansas.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3326

Account: RDTE,A

Legal Name of Requesting Entity: University of Arkansas

Address of Requesting Entity: University of Arkansas—Fayetteville, 119 Ozark Hall, Fayetteville, AR 72701

Description of Request: It is my understanding that the funding would be used to the development of high power, portable terahertz sensing and imaging technology for the hostage stand-off, detection of landmines, and concealed weapons screening.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—the Department of Defense Appropriations Act, 2010.

Request as named in the report: Electrically Charged Mesh Defense Net Troop Protection System

Requesting Member: ROBERT ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Army

Legal Name of Requesting Entity: Victory Solutions, Inc.

Address of Requesting Entity: 4900 Corporate Drive, Suite A, Huntsville, AL, 35805.

Description of Request: \$7,500,000. The funding would be used for "D-NET" a Defense Net Troop Protection System designed to intercept and negate the serious insurgent and terrorist threat tactics employing Rocket Propelled Grenades (RPG), mortars, and small rocket munitions encountered by U.S. Combat Forces. This product could help save warfighters' lives in hostile territories such as Afghanistan and Iraq through an innovative and low-cost system of defending vehicles against enemy attacks by further testing and prototype development of a system which has passed all tests so far and gotten favorable government program manager review, and which was developed with input from troops in the field. The spending plan for this Phase II of the program, to total \$7,500,000, is: Prototype Production and Field Test & Evaluation Program for integration and operational development. Further develop the D-Net technology based on Phase I R&D Tests to a Technology Readiness Level (TRL) worthy of deploying a limited quantity of "Field Prototypes" to Theatre for field and operations test and evaluation.

FY2010 Task A: D-Net "Field Prototypes" (\$3.5M). Deliver to Army Logistics: 100 "Field Prototypes" of the D-Net Static Troop Protection System for Theatre Deployment on military asset vehicle for field testing (Procurement of Prototypes delivered to Military. Develop, Build, Assemble, Kit Packaging within military requirements like HAZMAT etc, Deliver and Ship to War Zone to fill purchase for Field Test Program) (\$3.5M, or \$35K/unit).

Task B: Field Test Program, data collection and refinement (\$1.075M). Send science and

engineering teams to Theatre for collection of field data from Field Prototypes deployed (Data collection material \$125K, OCONUS Labor \$425K), interact with operating community for feedback, return to lab and refine the technology for better performance and utility (Re-engineer labor \$225K). Requires OCONUS travel (\$300K).

Task C: Threat Characterization (\$350K). Analyze and Perform trade Studies on Threat variants commonly engaged in Theatre scenarios. Engineering and analysis labor (\$350K).

Task D: Net Optimization & Continued R&D (\$1.3M); Range Test Net Materials (\$250K); Government Provided Range Test Facilities & Government Provided Threats for Tests (\$500K); Parametric Studies/ Validation Labor/ Salaries Engineering (\$250K) and Manufacturing labor (\$250K), Travel (\$50K).

Task E: Continue Launcher Development (\$870K). Ground and Aerial Launcher Design and Development R&D and Fabrication Material (\$320K); Testing (\$150K); Labor for Engineering, Integration and Manufacturing for Platform Depot Requirements (\$400K).

Task F: Integration to Systems & Platforms (\$405K). Design and Integration Trade Studies, COTS Sensor Integration Analysis and Labor (\$250K); Material (\$75K), Travel to Platform Project Offices (\$80K).

Request as named in the report: Marine Corps MK 1077 Flatracks

Requesting Member: ROBERT ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Army

Legal Name of Requesting Entity: SUMMA Technology, Inc.

Address of Requesting Entity: headquartered at 140 Sparkman Drive, Huntsville, AL 35805. The manufacturing facility is in Cullman, Alabama.

Description of Request: \$3,000,000. The funding would be used for the MK1077 Flatrack. This is a revolutionary material handling system that provides the Marines with expedited logistical support while achieving significant manpower and equipment reductions. These racks and the containers they work with can be used to transport ammunition or other supplies in and out of areas quickly, thus greatly reducing the warfighter's exposure to danger. This is a continuation of a multi-year procurement program, and the recipient company has a proven record of meeting the strict, structural requirements for this item. The USMC has a requirement for 3,500 MK1077 Flatrack units of which 1,000 units have been acquired to date. \$3,000,000 will provide approximately 347 additional units, bringing the inventory up to 1,347.

Request as named in the report: Waterside Wide Area Tactical Coverage and Homing

Requesting Member: ROBERT ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Army

Legal Name of Requesting Entity: Miltec Corporation

Address of Requesting Entity: Miltec Corporation, located at 21232 Hwy 431 Guntersville, AL 35976

Description of Request: \$4,000,000. The funding would be used for development and

integration of systems for the final test and demonstration of the WaterWATCH affordable underwater monitoring capability. Most waterfront facilities are unprotected due to cost considerations. Finalization of this product would make available a security system which installations at military bases and other critical infrastructure locations (such as nuclear power plants near waterways) could afford. WaterWATCH integrates many currently available components through the development of new software and the testing of these systems. Approximately \$60,000 would be needed for travel, approximately \$150,000 for hardware, and the rest for labor (software development and testing).

Request as named in the report: Protective Self-Decontaminating Surfaces

Requesting Member: ROBERT ADERHOLT

Bill Number: H.R. 3326—The Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Defense-Wide

Legal Name of Requesting Entity: Ventana Research Corp. (VRC) & Kappler, Inc., and Kappler, Inc.

Address of Requesting Entity: VRC at 2702 South 4th Avenue, South Tucson, AZ 85713-4816; and Kappler at 115 Grimes Drive, Guntersville, AL 35976-9364

Description of Request: \$2,000,000. The funding would be used for Prototype field validation tests of VRC-Kappler Chemical Biohazard Protective systems, lab tests of bacterial infections, diseases and contaminated human remains pouches (CHRP); to field and live test nerve gas and radiological agents (in order to design the suit to withstand such an attack by a hostile nation). Present decontamination processes are labor intensive and require lengthy downtimes. Field-tested prototypes of this fabric demonstrate cost-effective Chemical Biohazard protection for military personnel and civilian populations. Applications could be military, for homeland security, or for dangerous medical and rescue operations. The spending plan is Personnel: \$620,000; Materials: \$80,000; Equipment: \$120,000; travel: \$25,000; Govt Agency partnerships: Oversight and testing work: DTRA/CBT: \$90,000; AFRL/Tyndall AFB: \$250,000; USA NSRDEC: \$90,000; Preproduction, Live Agents Tests, \$825,000.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the H.R. 3326, Department of Defense Appropriations Act, FY2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010

Account: RDT&E, Army account

Legal Name of Requesting Entity: St. Thomas University

Address of Requesting Entity: 16401 NW 37th Avenue, Miami Gardens, FL 33054

Description of Request: I am proud to have secured \$1,500,000 for the Neuroscience Research Consortium to Study Spinal Cord Injury at St. Thomas University. St. Thomas University supports the study of central nervous system regeneration following traumatic spinal cord injury (SCI) to benefit the rehabilitation of soldiers returning from Iraq and Afghanistan with these injuries. To carry out this research, St. Thomas University proposes the continued establishment of a research consortium in a partnership with researchers at the Spinal Cord Repair Laboratory at the University of Pittsburgh in Pennsylvania, who will translate the results of this research to a clinical setting. An important aspect of the consortium is that minority science students will be trained in research procedures. There is a documented lack of participation of minorities in the sciences, particularly the Neurosciences. On a national level, a National Science Foundation report by the Division of Science Resources Statistics reported in 2001 that only 5.7% of doctoral degrees in math and science were awarded to minority students.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010

Account: RDT&E, Defense-Wide account

Legal Name of Requesting Entity: Barry University

Address of Requesting Entity: 11300 NE 2nd Avenue, Miami Shores, FL 33161

Description of Request: I am proud to have secured \$2,600,000 to fund Phase II of the Institute for Collaborative Sciences Research which is intended to create a state-of-the-art research infrastructure through new laboratory and teaching space in health care and physical sciences programs. The focus of the Institute will be to prepare minority leaders for future work in healthcare professions while facilitating important research that has a direct benefit on minority populations in my South Florida community. Barry University is one of the largest independent universities in Florida. The university boasts a student body that is more than 60% minority and 42% are the first in their family to attend college.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010

Account: RDT&E, Army account

Legal Name of Requesting Entity: University of Miami Ryder Trauma Center/William Lehman Injury Research Center

Address of Requesting Entity: 1800 NW 10th Avenue, Miami, FL 33136

Description of Request: I am proud to have secured \$4,000,000 for the Army Trauma Training Center (ATTC) at the Ryder Trauma Center situated in the University of Miami/Jackson Memorial Medical Center. The ATTC has functioned as the national training center for U.S. Army Forward Surgical Teams (FSTs) since 2001. Monthly, the ATTC conducts 14-day training program for deploying FSTs in order to improve clinical skills and teamwork. The resources of the Ryder Trauma Center

and the William Lehman Injury Research Center present a unique opportunity to develop and evaluate new and innovative diagnostic and treatment tools and point-of-care information systems to maximize the care of injured soldiers. The Ryder Trauma Center is developing diagnostics and devices to help the medic on the battlefield determine which casualties require immediate resuscitation and to enhance the capability of first-responders to effectively treat casualties as close to the geographic location and time of the injury as possible. Since January 2001, the Army Trauma Training Center, in conjunction with the Ryder Trauma Center, has trained over 33 forward surgical teams and more than 650 Army personnel in active duty and reserve components—two-thirds of all forward surgical teams in the U.S. Army—supporting over 75,000 combat troops.

IN RECOGNITION OF IRAQI KURDISH ELECTION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. WILSON of South Carolina. Madam Speaker, on Saturday, July 25th Iraqi Kurds went to the polls to elect a new Parliament. The election was a success garnering nearly 80 percent participation from eligible voters. This was an important benchmark for the people of Iraq's Kurdistan Region as they continue to build a democracy both in their own region and Iraq as a whole.

Congratulations to the people of the Kurdish Region for their courage and determination to promote democracy within a federated Iraq.

I commend and congratulate Kurdish regional President Massoud Barzani on his reelection. President Barzani's leadership will be vital as the local Kurdish population works with their fellow countrymen in Baghdad to resolve certain outstanding issues including oil production and revenue-sharing as well as territory disputes.

Moving forward, I know that the people of Iraqi Kurdistan will work together with the United States to bring peace and prosperity to that region and to the nation of Iraq.

CELEBRATING THE 150TH ANNIVERSARY OF THE SAM SCHLOSS LODGE

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. COHEN. Madam Speaker, I rise today to celebrate the 150th anniversary of the Sam Schloss Lodge of B'nai B'rith in Memphis, Tennessee.

Sam Schloss Lodge is one of the oldest B'nai B'rith lodges in the country and has the largest membership of any original Lodge. B'nai B'rith's mission is to engage in community service and promote Jewish rights.

The lodge is involved in multiple service organizations in the Memphis area, including the

Harwood Center for Developmentally Delayed Children and the Jewish Family Service of Memphis. The Lodge's most successful service project is the "Care Bear" project, which collects stuffed animals from the community and distributes them to abused and neglected children.

I want to congratulate all of the members of the Sam Schloss Lodge, including President Leon Hellman for this tremendous milestone.

JARED MONTI: AMERICAN HERO

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. FRANK of Massachusetts. Madam Speaker, one of the saddest and most important parts of our job is to attend funerals for the extraordinary young men and women of our districts who have lost their lives in the service of our country. A few years ago I attended such a funeral in the town of Raynham, Massachusetts, where I heard about a particularly impressive young man, Sgt. Jared C. Monti—of the U.S. Army, who died in Afghanistan in a valiant effort to save his comrades. I was struck then by the impact this young man had had on virtually everyone who knew him, and the magnitude of our loss as a community was clear. Last week we learned that he has been awarded the Medal of Honor for the bravery of this effort to save others.

Madam Speaker, to his family and others who loved and were warmed by this young man, the conferring of this award is, as his father said, "very, very bittersweet." They relive now the pain they felt when they learned of his death, but they now have the knowledge that I hope will be comforting at some level at some point that the rest of the world now knows what a wonderful man he was, and the pride they felt in his accomplishments now become a matter in which our whole country takes pride.

Madam Speaker, to the family and friends of Jared Monti, I again extend my deepest condolences, and to his memory I extend the salute that is the least we as a grateful nation can do for a young man who quite literally gave his life in defense of others, and I ask that the article about Sgt. Monti from the Taunton Daily Gazette be printed here, so that his example can be widely understood and appreciated.

[From the Taunton Daily Gazette, July 27, 2009]

DEPARTMENT OF DEFENSE REPORT DETAILS
RAYNHAM SOLDIER'S HEROISM
(By Jessica Scarpati)

RAYNHAM—On Sept. 17, President Barack Obama will present Army Sgt. 1st Class Jared C. Monti's parents, Paul and Janet, with the Medal of Honor, the nation's highest military award. Only five Medals of Honor have been bestowed, all posthumously, for service in Iraq and Afghanistan.

The final act of courage by the Raynham man is retold through a Department of Defense report and interviews with his family:

Evening fell, but the desert sun had cooked the earth Army Staff Sgt. Jared C. Monti

traipsed with his soldiers and their 70-pound packs.

Even at dusk, the air still boiled in the northeastern mountains of Afghanistan and sweat streamed down Monti's muscular 5-foot-5 frame.

They were out of water. They radioed for more.

North of where he stood on the plateau, Monti, 30, could see the enemy compound he and the 15 other soldiers in his group were sent to scout out June 21, 2006.

In his 12-year military career, the Raynham soldier had been lauded by superiors in his military records for his "endless potential" and "uncompromising courage."

That day would be no different, except that Monti's final act of bravery—running into a combat zone to save a wounded comrade—would end with the ultimate sacrifice.

Monti, a member of the elite 10th Mountain Division, was on his second tour in Afghanistan and that day was part of an advance scouting group—sent ahead of a larger force pushing into a valley in the Nuristan province, his father said.

More troops were coming behind them to rid the valley of Taliban insurgents.

Staff Sgt. Patrick L. Lybert, 28, of Wisconsin, finished filling his water bottle and was lying down behind a stone wall with another soldier, according to the military report.

Monti slid down and sat behind a nearby rock and chatted with two other soldiers. A third group collected behind another rock wall.

No one heard the clicks and rumbles of the grenade launcher above them 50 meters away.

The blasts began.

The first rocket-propelled grenade exploded on their plateau, followed by a hurricane of bullets from assault rifles and machine guns coming from in front of and behind them.

The group ran to the rock where Monti sat, hesitating to return fire. There were allies—possibly American soldiers—in that direction.

He grabbed the radio and shouted back to the command center. They were under attack and needed air support.

They couldn't climb down from the plateau—the way down was too steep. It would kill them.

Behind Monti, one of his soldiers, a private, screamed. He was shot in the back and his wrist was gashed open—probably by a grenade fragment.

The private, whose name the Department of Defense redacted in the report, crawled toward the group with Monti. He was bleeding and disoriented. Another soldier put pressure on the wrist wound while someone yelled for the medic.

Lybert leaned over the stone wall and fired back at the insurgents and rockets exploded around them.

"You couldn't see anything but muzzle flashes and pops through the trees," said one staff sergeant, who was not identified in the report.

Monti was firing back, positioning the men and shouting in the radio, doing what he did best—commanding everything at once.

He was their expert at calling in air attacks to precise locations, which was what they needed—now.

Everyone was there except for Pvt. Brian Bradbury, a 22-year-old from Missouri. He had to still be farther up—he hadn't made it behind the rocks.

Monti and the soldiers shouted his name. The explosions drowned them out.

Lybert rose again from behind the rock to fire. He was shot. One bullet in his face. He collapsed.

Someone yelled that Lybert wasn't moving. Blood was pooling beneath his body.

They continued firing, trying to ward off the insurgents closing in on their team from the east and west.

Bradbury was still nowhere to be found.

Monti called for his men to cover him. He would not let the young private remain out there alone.

Seconds passed. Bullets blasted the plateau.

Monti dropped back. He turned back into the fire.

Grenades exploded.

Monti screamed.

"Help me!" he shouted.

Bradbury had been wounded when a grenade landed nearby earlier, injuring his arm and shoulder.

Another grenade had hit Monti as he dashed across the ridge to Bradbury, severely wounding his arm, leg and midsection.

He was 20 meters from his team. He screamed in pain. They fired at the insurgents as a fellow sergeant tried to dash toward him.

The sergeant ducked as more explosions came. He was 10 yards away.

He heard Monti gasp his last words.

"Tell my family I love them," he said.

HONORING SHANNON PARKS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. BOOZMAN. Madam Speaker, I would like to recognize the initiative and achievement of Shannon Parks from Rogers, Arkansas. Shannon is a recipient of the Congressional Award Bronze Medal.

The Congressional Award Program recognizes excellence and service among young Americans who are challenged to set goals and carry through in public service, personal development and physical fitness and expedition or exploration.

Shannon diligently worked completing her volunteer hours through two different avenues, choosing to volunteer with children because she aspires to become an elementary teacher. She volunteered at the Boys and Girls Club in Rogers, Arkansas, and then she started to help kids learn at the Benton County School of the Arts.

She improved her personal development by learning to fence and practicing at her local fencing club. She completed physical fitness goals by lifting weights, running, and dancing. She also planned a family outing that included camping and rock climbing over a weekend.

Shannon has worked very hard for this award, and it is refreshing to see that young Americans in my district and all across the country are working so hard to improve themselves and their communities.

I want to thank Shannon for her efforts and encourage her to keep working towards her goals.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mrs. MCCARTHY of New York. Madam Speaker, yesterday, I missed three votes. Had I been present, I would have voted as follows.

Rollcall No. 647, on the Motion to Suspend the Rules and Agree to H. Res. 593, as Amended, I would have voted "yea."

Rollcall No. 648, on the Motion to Suspend the Rules and Pass H.R. 1376, as Amended, I would have voted "yea."

Rollcall No. 649, on the Motion to Suspend the Rules and Pass H.R. 1121, as Amended, I would have voted "yea."

**HONORING THE ROCK SCHOOL FOR
DANCE EDUCATION, AN ADMIRER
PHILADELPHIA, PA ORGANIZA-
TION**

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. ANDREWS. Madam Speaker, I rise today to honor the Rock School for Dance Education of Philadelphia, PA. The Rock School helps its students succeed academically as well as artistically. For many years, the Rock School has helped prepare students both in the performing arts world and the educational world.

Initially called the School of Pennsylvania Ballet, the Rock School changed its name in 1992 to become an independent institution. During this time, the school became one of the nation's top-five pre-professional training programs. Its reputation continues to grow as it attracts more international students while acquiring exceptional faculty and great successes from its alumni.

The Rock School engages and enriches local communities through its comprehensive outreach programs. More than 10,000 inner city children and their families take part in the School's outreach program annually. The Rock School and its Rock Reach program create positive opportunities for inner city children to participate in productive, stimulating activities. Rock School serves the Philadelphia and Camden community by teaching dance lessons and making dance facilities accessible to local citizens. The Rock Reach program, directed by Sarah Cooper, brings dance to life for Philadelphia and Camden students. Dancers from the school perform at local schools, teach dance lessons, and open their faculties up to the local community.

In addition, the Rock School awards over \$500,000 in academic scholarships annually. The scholarships are given to talented students who need financial assistance. Scholarship students attend a pre-professional dance training program while also giving outstanding college-preparatory classes. These students dedicate themselves to dance, and the discipline they learn while dancing carries on in everything they do for the rest of their lives.

Madam Speaker, the Rock School for Dance Education instills a quality of thought and action that enriches its students' lives and the local community. I hope to see the school continue along this path of success for years to come. It is an honor to pay tribute to such a fine institution.

**HONORING THE LIFE OF MARINE
SERGEANT MICHAEL WAYNE
HEEDE, JR.**

HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the life of Marine Sergeant Michael Wayne Heede, Jr. who died honorably serving his country in Afghanistan as a part of Operation Enduring Freedom.

Sergeant Heede enlisted in the Marine Corps in September of 2005, shortly after his high school graduation. A veteran of the Iraq war and on his third tour of duty, he served as a Combat Engineer. Sergeant Heede was assigned under the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force at Marine Corps Base Camp Pendleton, California.

In July of 2009 at the age of 22, Sergeant Heede was killed in action while supporting combat operations in the Helmand province of southern Afghanistan. During his military career, Sergeant Heede was awarded the Combat Action Ribbon, Navy Unit Commendation Medal, National Defense Service Medal, and the Global War on Terrorism Service Medal, among others.

I commend Sergeant Heede for the dedication and devotion to preserving the freedom of our nation. His commitment and bravery gives his mother, Mrs. Gloria Crothers of Edgewood, Maryland and his widow, Mrs. Brittany Heede of Southport, North Carolina great pride.

Madam Speaker, I ask that you join with me today to honor the life of Marine Sergeant Michael Wayne Heede, Jr. The distinguished service Sergeant Heede has shown to our country will forever reverberate in our memories. It gives me great pride to honor one of our nation's fallen heroes.

**TRIBUTE TO THE MOST REVEREND
JOSEPH R. CISTONE**

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. CAMP. Madam Speaker, I rise today to pay tribute to The Most Reverend Joseph R. Cistone on his installation as the sixth bishop of the Diocese of Saginaw.

A lifelong resident of Philadelphia, Bishop Cistone knew he wanted to be a priest from an early age. His life's calling has now led him to mid-Michigan as the new leader of more than 130,000 Catholics in the 11-county diocese.

Without question, this is a region in transition; one hit especially hard by worldwide economic downturn severely impacting this long-time manufacturing community. We look to our faith now more than ever to carry us through these difficult times and strengthen us during hardship.

In the midst of these challenges, we are thankful His Holiness Pope Benedict XVI led Bishop Cistone to Saginaw as a powerful sign that we are not alone in this journey. We believe Bishop Cistone has been led to Saginaw to richly bless us with his talents in our time of greatest need.

As members of the community of believers in the diocese, we offer our prayers and congratulations to Bishop Cistone as he starts his ministry in mid-Michigan. We pray for his family, especially his parents and brothers today as their son and brother takes on a new role in the Church. We also pray for his new family, the people of the Diocese of Saginaw. We hope that Bishop Cistone's example of faith in God will inspire not just Catholics but people of all faiths and even non-religious backgrounds to seek the Lord.

For the many Catholics I represent in Michigan's Fourth Congressional District, may God lead and guide Bishop Cistone and the Saginaw Diocese to do His will.

**IN SUPPORT OF FAMILIES
AFFECTED BY OVARIAN CANCER**

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. MARCHANT. Madam Speaker, I rise today to express my support for women and families affected by ovarian cancer. Ovarian cancer is recognized as one of the nation's deadliest cancers. The five-year survival rate for ovarian cancer patients is 46 percent, while the ten-year survival rate is calculated to be as low as 39 percent. In 2009, it is estimated that more than 21,550 women will be diagnosed with ovarian cancer and 14,600 will die of the disease.

However, there is hope. If ovarian cancer is treated before it has spread outside the ovary, the five-year survival rate is an outstanding 93 percent.

Unfortunately, due to the lack of an effective early detection test, less than 20 percent of cases are found early enough to treat. Survival rates vary greatly depending on the stage of ovarian cancer at diagnosis. Women diagnosed at an early stage have a dramatically higher five-year survival rate than those diagnosed at a late stage. Since there are currently no effective screening tools for ovarian cancer, raising patient and health care provider awareness is crucial and the only way to help women recognize potential warning signs that can extend and improve their lives.

To this end, I urge my colleagues and their staff to join me in recognizing September as National Ovarian Cancer Awareness Month. This is an important time during which the ovarian cancer community will be helping to increase awareness of the disease and its symptoms, as well as support research to improve treatments and the development of a

desperately needed screening test. September 4th is recognized as "Teal Day", a day on which everyone is encouraged to wear teal to raise awareness of ovarian cancer and its symptoms, much like pink is worn to do the same for breast cancer. Teal Day is an excellent opportunity to increase public knowledge about this disease.

I commend the Ovarian Cancer National Alliance and other groups like it for their unwavering commitment to make women aware of ovarian cancer symptoms and for their advocacy on behalf of women and families touched by this devastating disease. More must be done to identify ovarian cancer at its earliest and most treatable stage.

DEMOCRATS' GOVERNMENT INTRUSION INTO PRIVATE HEALTH CARE

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. McKEON. Madam Speaker, I rise in opposition to the Democrats' government takeover of our Nation's health care system. This new vision of health care in America is not something the American people can embrace. A bill allowing for government intrusion into the most private matters of our lives can never be justified. Let me share a couple of examples:

Imagine you are 65 years old and you go in for your annual checkup. You are in fine health and you are expecting to hear that everything is fine. Instead, your doctor is required by unelected government bureaucrats to tell you of the proper way to wind down your life and enter hospice care. You may be in perfect health, but the government entered your conversation with you and your doctor and determined that you should really be preparing for the end of your life. This is just one single intrusion on page 424 of this thousand-page bill.

Another example of government intrusion? How about the millions of seniors who may lose their choice of coverage when the government steps in and pares back the Medicare Advantage program? The \$162 billion in cuts proposed by the Democrat majority will result in the loss of health care choices for rural Californians in my district. That's just another government intrusion on page 331 of this 1,000-plus-page bill.

Madam Speaker, this bill injects government into all of our private health care decisions, and drives the deficit up by trillions of dollars, passing on mountains of debt and a ruined health care system to our children and grandchildren. Let's take the time to read this bill and give the American people the opportunity to learn how much this is going to impact their lives every day.

ENHANCED EDUCATION AND TRAINING FOR PROVIDERS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. KENNEDY. Madam Speaker, the America's Affordable Health Choices Act of 2009 vitally enhances the provision of mental health care in our nation. Perhaps most importantly, the legislation includes mental health and substance-use disorders benefits in the essential benefits package. It is because of the precedent set by the mental health parity law, fortifying the civil rights of those with mental illnesses, which lead to the clear recognition by the bill that optimal health cannot be achieved without the inclusion of mental health and substance-use disorder services. I am pleased to have worked with the Committees to have accomplished this victory.

This bill also bolsters the provision of primary care in our country, and in particular prevention. However, if mental health and substance-use disorders are to be included as an essential benefit, we need to be sure that our Nation's physicians, both primary care doctors and specialists, have the behavioral health training and education necessary for them to meet these new provisions. Current medical education, and in particular continuing medical education, does not include enough behavioral health components for physicians to adequately meet the mental health needs of their patients. Substance-use disorder education in particular is rarely offered as a separate component of education, leading medical school graduates with a lack of confidence in their skills to screen, assess, or provide the needed interventions to their patients, according to the 2005 National Academy of Sciences' Institute of Medicine (IOM) Improving the Quality of Health Care for Mental and Substance-Use Conditions report. This report also found that even in preventative medicine, most substance-use education focused solely on tobacco.

The recommendations from this report were so essential for the health of our Nation that I developed legislation based on them—the Improving the Quality of Mental and Substance Use Health Care Act. These issues are now more pertinent than ever as we craft a reform of the current system which will greatly increase the access to mental health care for Americans. Sadly, a recent study showed that barely a third of Americans with mental illness get proper treatment, and that most people who do get care obtain it through their care from primary care physicians. Yet about two-thirds of U.S. primary care physicians reported in 2004–05 that they could not get outpatient mental health services for their patients—a rate that was at least twice as high as for other services, according to the Commonwealth Fund. It is more crucial now than ever that physicians receive the proper behavioral health training—we cannot increase access without arming our workforce with the tools needed to meet this challenge. I therefore respectfully ask the Committees' and my colleagues to ensure that this essential education and training is included in the workforce and education enhancements sections of this bill.

EARMARK DECLARATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. PETRI. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, Department of Defense Appropriations Act, 2010:

Requesting Member: Hon. THOMAS E. PETRI
Bill Number: H.R. 3326

Account: Department of Defense: Operations and Maintenance, Army (OM, A)

Legal Name of Requesting Entity: Department of Defense

Address of Requesting Entity: 1400 Defense Pentagon, Washington, DC 20301–1400

Description of Request: The \$4,500,000 appropriation will be used by the Department of Defense to purchase Light Weight Tactical Utility Vehicles. This vehicle will be manufactured at John Deere Horicon Works in Horicon, Wisconsin. The Light Weight Tactical Utility Vehicle, better known as the M-Gator, is a rugged, air-droppable, highly mobile diesel-powered tactical vehicle to expedite casualty evacuation and resupply activities. They have been heavily utilized during Operation Iraqi Freedom and Operation Enduring Freedom. The M-Gator has proven to be a key asset to our troops around the world in support of the Global War on Terror and provides a unique capability that does not exist in the Army equipment inventory. M-Gators fill critical equipment shortages in Infantry, Aviation, Military Police, Combat and Field Service Hospitals, Special Operations, and other Combat Support and Combat Service Support units. The M-Gator enjoys an enviable reputation because of its ruggedness, load-carrying capability, and reliability.

EARMARK DECLARATION

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mrs. BONO MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Requesting Member: MARY BONO MACK
Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Entity Requesting: California State University, San Bernardino, 5500 University Parkway, San Bernardino, CA 92407

Description of Earmark: \$100,000 is provided for California State University, San Bernardino, to equip a nursing lab in its Health Sciences building at the Palm Desert campus. The need for nursing and health science education has been voiced throughout the

Coachella Valley. The Palm Desert Campus of California State University, San Bernardino has responded by establishing new health sciences programs, including a R.N. to B.S.N. that enrolls registered nurses currently working in local hospitals and enables them to upgrade their skills, preparing them for more responsible roles in local hospitals. I am asking for appropriated funds to help outfit the simulation lab (sim lab) of the Health Sciences Building, which will provide the necessary real-life experience needed by nursing students. The sim lab would help the University deal with the decline in clinical placements sites through the use of human patient simulation. The sim lab provides a computer-model-driven, full-sized human patient simulator that delivers true-to-life experiences.

Spending Plan: With local and state funding, a new Health Science Building is being constructed to house traditional classrooms and computer labs, science labs, as well as specialized labs for nursing, including a hospital-like simulation lab with projected completion by end of FY09. California State University provides both the programming and staff, and it will be responsible for future expansion as needed.

Project Budget Breakout: Human Patient Simulator Base Unit—\$259,835; Pediatric Human Patient Simulator Base Unit—\$262,400; Second Human Patient Simulator Base Unit—\$227,835; Equipment for lab to support mannequins (computers, replacement equipment, etc. Mannequins are run on Apple Mac G4's.)—\$150,930; Clinical Simulation programs scenarios—\$35,000; Eight Stryker Bed Secure 2 Beds (or Hillrohm equivalent) with monitoring equipment @ \$6,000/ea—\$48,000; Eight portable crash carts (Intermetro Industries or equivalent) @ \$2,000/ea—\$16,000; Total: \$1,000,000

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Entity Requesting: Eisenhower Medical Center, 39000 Bob Hope Drive, Rancho Mirage, CA 92270

Description of Earmark: \$350,000 is provided for Eisenhower Medical Center to meet the needs of a growing medically underserved community in need of health care services in the fast-growing East Coachella Valley. Eisenhower Medical Center is developing a health center in La Quinta, California to address this need. The first phase will house an academically affiliated physician group, an imaging center, a radiation oncology center, a breast and bone screening satellite, Express Clinic, a satellite lab and pharmacy, and prevention and wellness programs. This center will combine conventional medicine and cutting edge technologies with preventative practices. This will ensure that the Health Center in La Quinta will serve as the focal point for integrative health, wellness education and treatment, addressing more than the management of disease, but the pursuits of optimal health in the Coachella Valley. This clinic will also provide much needed job opportunities for the east valley. A study conducted as recently as 2006 showed that the Coachella Valley is 100 primary care physicians short of meeting the cur-

rent demand. The Health Center is designed to provide an additional 15 primary care physicians and 80 to 100 health care professionals in the first four years and will provide services to a population of 80,000 to 100,000 people. Eisenhower Medical Center, a not-for-profit organization, exists to serve the changing health care needs of our region by providing excellence in patient care with supportive education and research and therefore believes community education and health are of utmost importance.

Spending Plan: EMC is committed to meeting the rapidly growing, critical community needs of the East Valley and to provide the best cancer treatment services to the communities with the new Health Center in LaQuinta.

Construction: \$45,000,000; Equipment/Furnishings/Fixtures: \$6,000,000; Total: \$51,000,000

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Entity Requesting: Riverside Community College District, 4800 Magnolia Avenue, Riverside, CA 92506-1299

Description of Earmark: \$150,000 is provided for Riverside Community College District to equip their Allied Health Sciences Program. A lack of skilled workers, advances in medical science, and an aging healthcare workforce are producing a national and regional shortage of allied healthcare professionals such as Physician Assistants, Laboratory Technicians, Paramedics, and Physical Therapists. To begin filling the shortage, RCCD seeks to expand existing Allied Health Sciences Program and Funds would be used to purchase equipment for this program, enabling RCCD to graduate 300 percent more medical professionals over five years. RCCD's Allied Health Sciences program has been recognized as the best program in California in terms of graduating allied health services professionals, topping USC and Stanford in a recent competition. RCCD serves a region which is severely medically underserved. The Inland Empire has the state's lowest number of physicians per 100,000, with a projected shortfall of 1,140 physicians by 2015. This ratio also holds for allied health service professionals, making the Inland Empire one of the most medically underserved areas in the nation. Cutting-edge equipment at the Allied Health Sciences program will increase the effectiveness and efficiency of training efforts through close interaction, exchange and collaboration within and between various disciplines. Further, a program equipped with the latest technology will also attract more high-quality students and new faculty.

Spending Plan: The State of California recently awarded RCCD \$495,000 for equipment purchases. RCCD will undertake a private fundraising effort to raise the delta between \$1.25 million, the State funds, and any federal appropriations. These efforts will be similar to those which netted \$100,000 per year over five years from Tri-Dental to establish and grow RCCD's Dental Hygienist program. While the acute need for such workers will spur private donations from professional organizations, federal funds will allow the program to fill the worker shortage more quickly.

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Entity Requesting: University of California—Riverside, 900 University Ave., Riverside, CA 92521

Description of Earmark: \$3,400,000 is provided for University of California—Riverside for the UC Riverside School of Medicine. The planned School of Medicine at the University of California, Riverside (UCR) will address the severe physician shortage in Inland Southern California by training a diverse physician workforce. The UCR medical school will also respond to 21st century health care needs by incorporating advances in medical education, science and technology for the benefit of the population of Inland Southern California. The medical school at UCR is being built on the strong foundation already established by the campus' joint medical education program with the University of California Los Angeles School of Medicine. This partnership of more than 30 years has produced more than 700 practicing physicians. UCR is uniquely positioned to launch its own four-year School of Medicine. The campus lies in the heart of Southern California's Inland Empire, one of the most rapidly growing regions in the nation.

The first incoming class of 50 medical students is projected to enroll in the UCR School of Medicine in fall 2012. Concurrently, the medical school will launch residency programs to offer the required training for postgraduate medical students to achieve board certification. Enrollment will ramp up gradually to a total of 400 medical students, 160 residents and 160 graduate students. With the regional physician shortfall forecast to be as high as 53 percent by 2015, the Inland Empire faces a health care challenge of crisis proportions. Since physicians tend to practice near where they complete their residencies, building a medical school in the region is an effective means of mitigating some of the area's physician shortfall. The regional focus of the medical school's research and clinical enterprises will address the poor health outcomes for many residents of Riverside and San Bernardino counties.

Spending Plan: Health Sciences Building construction (financing + campus funds): \$39,689,000; Health Science Building 1st/2nd fl. fit-out, vivarium (funding unidentified): 10,311,000; Anatomy Lab Renovation (this request): 2,500,000; Biomedical Sciences Renovation (this request): 2,975,000; PRIME Telemedicine (state general obligation bond funding): 5,000,000; TOTAL COST: \$60,475,000

OCCASION OF UNITED STATES
ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT
CHANGE OF COMMAND AND RETIREMENT OF COLONEL PAUL
GROSSKRUGER

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. MEEK of Florida. Madam Speaker, I would like to take this opportunity to recognize

the service and contributions of Colonel Paul Grosskruger of the United States Army Corps of Engineers—Jacksonville District as he passes Command to Colonel Pantano and prepares to retire from military service. He has had a long and admirable career, worthy of distinction and worthy of our gratitude.

Colonel Grosskruger assumed command of the Jacksonville District on July 25, 2006 and it has been my distinct pleasure to work closely with him for these past several years. Most notably, I have worked with Colonel Grosskruger on the Merrill-Stevens Expansion Project and was also fortunate to assist the U.S. Army Corps of Engineers as they completed the restoration of Virginia Key Beach. Each time, Colonel Grosskruger impressed us with his clarity, candor and fairness. Colonel Andrew Pantano has large new responsibilities to fill, but from reading his resume and noting his experiences, I am confident that he will be more than up to the task.

Below is a brief biographical sketch of Colonel Grosskruger's long and distinguished career. We have come to expect nothing less than great things of this career officer and we look forward to hearing from Colonel Grosskruger again, though as a private citizen. I know that many members of Florida's delegation join me in wishing him the best as he enters this new stage of life and we have every confidence that Colonel Pantano will continue the U.S. Army Corps of Engineers—Jacksonville District's fine tradition.

Born and raised in eastern Iowa, Colonel Grosskruger was commissioned into the Corps of Engineers upon graduation from the United States Military Academy in 1983. Colonel Grosskruger is a graduate of the U.S. Army Engineer Basic and Advance Courses, the Combined Arms and Services Staff School, the U.S. Army Command and General Staff College, and the U.S. Army War College. He holds a Bachelor of Science degree in engineering mechanics from the United States Military Academy and a Master of Science degree in civil engineering from Iowa State University. He is a registered professional engineer in both the Commonwealth of Virginia and the State of Florida.

His assignments include platoon leader, battalion S2 officer and company executive officer in the 317th Engineer Battalion, Eschborn, Germany; company commander and battalion S4 officer in the 82d Engineer Battalion, Bamberg, Germany; company commander of the 535th Engineer Company (Combat Support Equipment), Grafenwoehr, Germany; project officer and deputy resident engineer in the Omaha Engineer District, U.S. Army Corps of Engineers, Colorado Springs, Colorado; battalion executive officer, 317th Engineer Battalion, Fort Benning, Georgia; group operations officer, 36th Engineer Group, Fort Benning, Georgia; Instructor, U.S. Army Command and General Staff College, Fort Leavenworth, Kansas; Chief of Engineer Operations and Assistant Corps Engineer, V Corps, Heidelberg, Germany; Commander of the 94th Engineer Combat Battalion, Vilseck, Germany, where he planned and conducted operations in support of Operation Iraqi Freedom. His prior assignment was as the Chief of Staff of the U.S. Army Engineer School, Fort Leonard Wood, Missouri. Colonel Grosskruger's

awards include the Bronze Star, the Meritorious Service Medal (seventh award); the Army Commendation Medal (three awards and the "V" device); the Joint Commendation Medal; the Army Achievement Medal (fifth award); the NATO Medal; the Joint Meritorious Unit award; and the Humanitarian Service Medal. He has earned medals from Nicaragua and Poland. He has the U.S. and German parachutist badge and the air assault badge. His battalion earned the Presidential Unit Citation for service with the 3d Infantry Division during Operation Iraqi Freedom.

I would be remiss if I did not also take this opportunity to thank Colonel Grosskruger's wife and family for their support and dedication. It is a well known fact that the hardest job in the military is that of the military spouse; our service men and women would not be able to do what our country asks of them without the backbone of a loving family. Claudia Grosskruger is to be commended as much as Colonel Grosskruger for their work in service to this country and for their efforts in raising Jerry, 20 and Jennifer, 18.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. AKIN. Madam Speaker, on rollcall No. 649, H.R. 1121, the Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009, had I been present, I would have voted "yea."

On rollcall No. 648, H.R. 1376, the Waco Mammoth National Monument Establishment Act of 2009, had I been present, I would have voted "yea."

On rollcall No. 647, H. Res. 593—Recognizing and celebrating the 50th Anniversary of the entry of Hawaii into the Union as the 50th State, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. PENCE. Madam Speaker, I rise to state that I was unavoidably detained and unable to vote on rollcall votes 644, 645, and 646. Had I been present, I would have voted "aye" on Nos. 644 and 645, and "nay" on No. 646.

PERSONAL EXPLANATION

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Ms. KILROY. Madam Speaker, on the legislative day of Monday, July 27, 2009, I was unable to cast votes on a number of rollcall votes. Had I been present, I would have voted "yea" on rollcall votes 647, 648, and 649.

HONORING THE LIFE OF JOHN T. FINLEY

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Ms. MCCOLLUM. Madam Speaker, I rise today to pay tribute to the distinguished life of John T. Finley, retired Ramsey County District Judge and lifelong public servant. Judge Finley passed away unexpectedly in June at the age of 69, while visiting his daughter and grandchildren. While our community has lost a beloved civic leader, we celebrate John's legacy of compassion, fairness, and service to others.

On the judicial bench, John's steadfast impartiality and willingness to take on tough cases earned him the respect and admiration of his colleagues. No matter how politically charged or publicly scrutinized the case, John approached each one with a fair and impartial mind. He was, in this regard, an exemplary judge.

John's public service began when he was elected as a Ramsey County commissioner in 1970, only one year after graduating from William Mitchell College of Law in St. Paul. He would become the longest-serving member of the Ramsey County Board of Commissioners before being elected as a judge in 1996. His vision and leadership helped to craft a comprehensive transportation plan for the region that includes light rail transit. His advocacy for investments in parks and recreation helped to put Ramsey County on the map as one of the most livable communities in America.

Whether serving on the board or the bench, John's love for the community was remarkable. He was a proud native and lifelong resident of St. Paul, and he lived to serve its people. His sense of duty and honor are irreplaceable, and his leadership will be sorely missed.

Madam Speaker, please join me in this tribute to former Ramsey County Judge John T. Finley.

HONORING MR. AND MRS. DICK RIDINGER, COMMENDABLE ARMY VETERANS AND ADMIRER WOODBURY, NJ COMMUNITY CITIZENS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. ANDREWS. Madam Speaker, I rise today to honor Mr. Dick and Mrs. Tommie Ridinger, residents of Woodbury, NJ for the past five decades. Dick and Tommie are 86 and 89 years old respectively, and have been married for the past 61 years. They met each other in Southern France while serving in the United States military during World War II.

Mr. Ridinger was a second lieutenant and Mrs. Ridinger was a nurse on the front lines in Marseilles, France. Mr. Ridinger is a short man, and when he was young he was self-conscious about his height. During combat in France, an enemy soldier fired a bullet at him.

It skimmed off the top of his helmet, just barely missing his forehead. Never again has Mr. Ridinger complained about his height.

At another point, Nazis attacked a house while Mr. Ridinger's platoon was inside. While seeking shelter inside a closet, he found a French book. The book contained a poem titled, in English, "I Know Something Good About You." From that day forth, he embraced the teachings of the book and modeled his life philosophy after it.

In Marseilles, France, Mrs. Ridinger aided wounded soldiers on the front lines back to health. When the war ended, Tommie returned home to New Jersey with Dick. Tommie was a nurse at Redbank and Oakview elementary schools for over 20 years.

After the war, Mr. Ridinger served as a teacher, vice principal and a high school football coach at Paulsboro and Collingswood High Schools. His success led to his induction into the High School Coaches Hall of Fame in Canton, OH.

Madam Speaker, Mr. and Mrs. Ridinger have served their country in extraordinary ways. Assisting our country both in World War II and in their community for decades, they deserve tremendous recognition for their service. I congratulate Mr. and Mrs. Ridinger and wish them best of luck.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. SMITH of Washington. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, July 27, 2009.

Had I been present, I would have voted "yes" on rollcall vote No. 647 (On the motion to suspend the rules and agree to H. Res. 593, as Amended), "yes" on rollcall vote No. 648 (On the motion to suspend the rules and pass H.R. 1376), "yes" on rollcall vote No. 649 (On the motion to suspend the rules and pass H.R. 1121).

HONORING MR. HAROLD MIKELL

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. BOYD. Madam Speaker, I rise today to recognize a long-time employee, a trusted advisor, and a good friend of mine, Mr. Harold Mikell. Over the course of his career, which has spanned six decades, Harold has tirelessly worked for the people of Florida—both at the Florida Division of Forestry and as my Agriculture and Natural Resource liaison in North Florida.

Following his service in the United States Navy during World War II, Harold joined the Florida Division of Forestry as an Apprentice Forester. Over his 41 years with the Division, Harold rose through the ranks and distinguished himself as an expert in Fire Control.

Harold retired as Director of the Division in 1991, but his retirement proved to be short

lived. In 1993, Harold accepted a position with my predecessor, Congressman Pete Peterson, to serve as his Agriculture liaison in the North Florida community, a role that Harold continued when I was elected to Congress in 1996.

The people of Florida truly owe Harold Mikell a debt of gratitude for his tireless commitment to our great state, and I look forward to his continued friendship, expertise, and counsel.

RECOGNIZING WILLIAM JP BANKS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the long and distinguished career of Chicago Alderman William JP Banks. On August 31, 2009, Alderman William JP Banks will retire from his career in public service after 26 years.

Born in the Galewood-Montclare community, Alderman Banks graduated from DePaul University and the DePaul University College of Law, never straying far from his Chicago roots and the city he went on to serve for so long. He and his wife, Shirley, have lived in and have raised their two children, Lisa and Joseph, in this same community.

In 1983, Mr. Banks won a seat in the City Council and has since become the highest ranking Italian-American in the Council's history. Throughout his illustrious career in public service, Alderman Banks has stood out as the Chairman of the City Council's Committee on Zoning, where he created an incentive program that has generated more than \$12 million for affordable housing developments in neighborhoods throughout the city. Additionally, he has authored and co-sponsored hundreds of legislative initiatives benefitting the people of Chicago that promote responsible government, support our troops and improve law enforcement.

Mr. Banks' role in the community did not stop in his office. It would be impossible to list all of Mr. Banks' involvements with community organizations, but a select few show his wide-reaching involvement with all members of his community. For example, he is an active member of the Galewood-Montclare Community Organization, the North Austin Business Association, the Polish National Alliance, and the Fraternal Order of Police, and is a Board Member of the Chicago Shriner's Hospital.

One can judge a public servant's work by his community support, and looking at Alderman Banks' accolades, one can see how invaluable he has been to his constituents. He has received more than 600 awards from Youth Sports Activities and Educational programs throughout the city, a Friends of Downtown award, and numerous Person of the Year awards from organizations throughout Chicago.

Madam Speaker, I congratulate and thank William Banks for his lengthy and influential career and his many outstanding contributions to the city of Chicago. I wish him the best of luck and continued happiness in his retirement and all his future endeavors.

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy on earmarks, to the best of my knowledge the requests I have detailed below are (1) not directed to an entity or program that will be named after a sitting Member of Congress; and (2) not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on projects I requested and that were included in the Department of Defense Appropriations Act, 2010 (H.R. 3326).

Account: Research, Development, Test & Evaluation, Army

Project Name: Brain Safety Net

Legal Name and Address of Requesting Entity: University of Oregon, 103 Johnson Hall, Eugene, OR 97403

Project Location: Eugene, Oregon

Description of Project: H.R. 3326 appropriates \$3,000,000 for the Brain Safety Net project. According to the requesting entity, the appropriated funds for this project will be used to help develop and optimize evidence-based treatments of soldiers and civilians suffering from amputations, traumatic brain injuries (TBI) and neurological disorders such as epilepsy. According to the requester, this will be a valuable use of taxpayer funds because it has the potential to improve the lives of many Oregonians including veterans injured during service in Iraq and Afghanistan. An individual's ability to effectively use a prosthetic device or manage the consequences of a traumatic brain injury means a higher quality of life and better opportunities for employment.

Account: Research, Development, Test & Evaluation, Army

Project Name: ONAMI Miniaturized Tactical Energy Systems Development

Legal Name and Address of Requesting Entity: Oregon State University/University of Oregon/Portland State University/Oregon Nanosciences and Microtechnologies Institute, Oregon State University, Corvallis, OR 97331

Project Location: Corvallis, OR; Eugene, OR; Portland, OR; Corvallis, OR

Description of Project: H.R. 3326 appropriates \$2,500,000 for ONAMI Miniaturized Tactical Energy Systems Development. According to the requesting entity, the appropriated funds for this project will be used to support the development of miniaturized tactical energy systems for a wide range of military and subsequent commercial applications. According to the requesting entity, this will be a valuable use of taxpayer funds because Miniature Tactical Energy Systems address the growing problems of providing portable power (for tri-generation: electricity, heating and cooling) for forward-deployed Army forces.

Account: Research, Development, Test & Evaluation, Navy

Project Name: ONAMI Nanoelectronics, Nanometrology and Nanobiotechnology Initiative

Legal Name and Address of Requesting Entity: Portland State University; Oregon State University; University of Oregon; Oregon Nanosciences and Microtechnologies Institute, Portland State University, Portland, OR 97207
 Project Location: Portland, OR; Corvallis, OR; Eugene, OR; Corvallis, OR

Description of Project: H.R. 3326 appropriates \$2,500,000 for the ONAMI Nanoelectronics, Nanometrology and Nanobiotechnology (N31) Initiative. According to the requesting entity, this project would support collaborative research to generate new applications such as nanoelectronic devices to address the end of Moore's Law scaling, advanced solar cells, nanoscale chemical imaging for catalysis improvements in areas such as bioremediation and ethanol production, nanoscale biosensors for point-of-care health management, and biological cell imaging and measurement capabilities. According to the requesting entity, this will be a valuable use of taxpayer funds because nanoelectronics and nanomaterial-based sensors (electrical, magnetic, optical, thermal, biochemical) are critical developments for high-performance electronics and battle theater intelligence, but cannot be successfully deployed without commensurate advances in measurement and materials characterization methods (imaging, chemical analysis) at the nanometer scale.

Account: Research, Development, Test & Evaluation, Defense-Wide

Project Name: Northwest Manufacturing Initiative

Legal Name and Address of Requesting Entity: Manufacturing 21 Coalition, 1100 SW 6th Avenue, Suite 1425, Portland, OR 97204

Project Location: Portland, Oregon

Description of Project: H.R. 3326 appropriates \$2,500,000 for the Northwest Manufacturing Initiative. According to the requesting entity, funds for this project would improve the performance of manufacturing companies and the products they create as part of the defense logistics pipeline. According to the requester, this will be a valuable use of taxpayer funds because it is part of a long-term investment strategy designed by industry leaders to concentrate federal, state, public and private resources to serve the needs of the Department of Defense by building the capacity of an entire region's manufacturing cluster to respond to immediate and long-term national needs.

Account: Research, Development, Test & Evaluation, Air Force

Project Name: ONAMI Safer Nanomaterials and Nanomanufacturing

Legal Name and Address of Requesting Entity: University of Oregon/Oregon State University/Portland State University/Oregon Nanosciences and Microtechnologies Institute, University of Oregon, Eugene, OR 97403

Project Location: Eugene, OR; Corvallis, OR; Portland, OR; Corvallis, OR

Description of Project: H.R. 3326 appropriates \$2,000,000 for ONAMI Safer Nanomaterials and Nanomanufacturing. According to the requesting entity, this project would use proactive strategies to develop nanomaterials and nanomanufacturing methods which are inherently safer and not detrimental to the environment or health; this directly impacts the Department of Defense's need for high-per-

formance materials. According to the requester, this will be a valuable use of taxpayer funds because the application of this research facilitates application of nanomaterials and manufacturing in important defense technologies including energy production and storage, nanoelectronics and nanophotonics, medical diagnostics and therapeutics, drinking water purification and environmental monitoring and remediation systems. Additionally, nanomaterials are the key to higher performance aircraft structural materials, coatings, fuel systems and electronics.

—PERSONAL EXPLANATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. BROWN of South Carolina. Madam Speaker, on Monday, July 27, 2009, I was unable to make votes due to weather delays impacting my flight into Washington, DC. Below please find my personal explanation for the three rollcall votes I missed that day.

Rollcall Number:	Had I been present, I would have voted:
647—Recognizing and celebrating the 50th anniversary of the entry of Hawaii into the Union as the 50th State	yea.
648—Waco Mammoth National Monument Establishment Act of 2009	no.
649—Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009	yea.

—EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 3326, the Fiscal Year 2010 Department of Defense Appropriations Bill.

Requesting Member: Rep. JO ANN EMERSON
 Bill Number: H.R. 3326
 Account: RDTE, A

Requesting Entity: Missouri University of Science and Technology

Address of Requesting Entity: 1870 Miner Circle, Rolla, Missouri 65409

Description of Request: Provide an earmark of \$3,000,000 to research materials that will lead to advances in the storage and generation of power. To maintain a strong national defense, our nation must develop new devices from innovative polymer-based materials that have lower-power requirements, greater strength, lighter weight, higher sensitivity, and robustness to operate under extreme conditions. The research will provide materials that will lead to important advances in the generation and storage of power. The power generation systems would have advantages for military use over current systems in terms of weight, flexibility, and functionality.

Requesting Member: Rep. JO ANN EMERSON

Bill Number: H.R. 3326

Account: RDTE, A

Requesting Entity: Missouri University of Science and Technology

Address of Requesting Entity: 1870 Miner Circle, Rolla, Missouri 65409

Description of Request: Provide an earmark of \$3,000,000 to complete a project to develop high performance alloy materials and advanced manufacturing of steel castings for new light weight and robotic weapon systems. This program would enhance defense component capabilities at a reduced cost. The program would also augment war fighter capability by increasing the mobility and reliability of weapons systems.

Requesting Member: Rep. JO ANN EMERSON

Bill Number: H.R. 3326

Account: RDTE, A

Requesting Entity: Missouri University of Science and Technology

Address of Requesting Entity: 1870 Miner Circle, Rolla, Missouri 65409

Description of Request: Provide an earmark of \$6,000,000 to develop new, low-cost, sensors and an integrating network methodology for geospatial localization and tracking of explosive related threats and precursor materials using spatially distributed, multimodal sensors. This effort is consistent with the U.S. Army goals of assured mobility and force protection.

Requesting Member: Rep. JO ANN EMERSON

Bill Number: H.R. 3326

Account: RDTE, AF

Requesting Entity: Missouri University of Science and Technology

Address of Requesting Entity: 1870 Miner Circle, Rolla, Missouri 65409

Description of Request: Provide an earmark of \$3,000,000 to develop fiber reinforced ultra-high temperature materials for hypersonic flight vehicles. Ultra-high temperature materials are imperative for the leading and trailing edges, and control surfaces, of future hypersonic vehicles. The proposed project would greatly advance the material selection and design capability for military systems projected to operate in the extreme environments associated with hypersonic flight. Success of this project would enable the United States to uphold its position of world leadership in these critical technology areas.

—EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding a request for funding I made of the House Appropriations Committee for inclusion in H.R. 3326, the Defense Appropriations bill for Fiscal Year 2010.

Specifically, all of the projects are included in Title IV, Research, Development, Test and Evaluation (RDTE).

RDTE, ARMY

Highly Integrated Lethality Systems Development. \$4 million. The entity to receive funding is the U.S. Army at Picatinny Arsenal,

Picatinny, New Jersey 07806. The Department of Defense has a clear requirement to close the capabilities gap identified by various military users including Remotely Operated Weapon Systems, Joint Services Small Arms, Program (JSSAP), and Future Force Warrior (FFW) to improve precision through coordination of technical and tactical fire control. The application of Coordinated Lethality will make all weapons and munitions products developed and supported by the Armaments Research Development Engineering Center (ARDEC) at Picatinny Arsenal more valuable to the warfighter. This program will help the U.S. Army to achieve success on the battlefield of the future, increasing combat power by networking sensors, decision makers, and shooters to achieve shared awareness, increased speed of command, higher tempo of operations, greater lethality, increased survivability, and a degree of self-synchronization.

Advanced Technologies, Energy and Manufacturing Science. \$7 million. The entity to receive this funding is the U.S. Army at Picatinny Arsenal, Picatinny, New Jersey, 07806. This effort will identify solutions to meet a wide array of diverse challenges including Energetics & Insensitive Munitions (IM) development, Directed Energy & Laser Vulnerability of Weapons and Munition Systems, armaments power and energy, and advanced materials manufacturing processes. These technologies are the underpinnings for the evolutionary improvement and revolutionary invention of weapon systems for the Army's Future Force. They also will significantly improve Army capabilities by providing lighter weight, stronger and more durable materiel that will improve the readiness and performance of soldiers and their weapons systems and enhance battlefield survivability and sustainability. This program helps the Army to meet the urgent need to develop and field a breadth of innovative technology solutions to the joint warfighter with a focus on the lethality and survivability demands for munitions and armaments.

Developmental Mission Integration. \$7 million. The entity to receive this funding is the U.S. Army at Picatinny Arsenal, Picatinny, New Jersey 07806. This program responds to the critical need for the U.S. Army Armament Research Development and Engineering Center (ARDEC) to have the capability and flexibility to "bridge the gap" between its armaments research activities and Current Force requirements through a dedicated effort to mature, update, prototype and "spin out" armament and munitions technologies needed by the warfighter in the near term (6 to 12 months). This program helps the Army develop, demonstrate and transition critical armaments, munitions and logistics technologies needed by Army Brigade Combat Teams and Special Forces prior to (i.e. reset periods) and during deployment.

Reliability and Affordability Enhancement for Precision Guided Munitions. \$6 million. The entity to receive this funding is the U.S. Army at Picatinny Arsenal, Picatinny, New Jersey, 07806. Reliable precision guided munitions provide distinct advantages against a range of targets, where their use reduces risks to U.S. forces and can save U.S. lives. These weapons can also reduce unintended harm to civilians during combat, by producing less collat-

eral damage to civilians and civilian infrastructure than unitary weapons. This program will meet the Army's urgent need to develop and provide a breadth of innovative technology solutions for joint warfighter with a focus on precision, safety, lethality and survivability demands for munitions and armaments.

Armaments Academy. \$3 million. The entity to receive this funding is the U.S. Army at Picatinny Arsenal, Picatinny, New Jersey, 07806. This program would establish an "Armaments Academy" at Picatinny Arsenal that is recognized formally as the Department of Defense's executive agent for training and certifying armament engineers and scientists for all services. This academy would develop an exceptional workforce of employees with multiple and integrated skill sets, capable of adapting quickly to DoD's changing armament mission. In the process, the Academy would ensure a sustainable talent pool for the growth and development of DoD's armament development community, accelerate developing new incoming DoD armament Scientists & Engineers

(S&E) increasing productivity and value to DoD and the Warfighter.

Joint Munitions and Lethality Mission Integration. \$2 million. The entity to receive this funding is the U.S. Army at Picatinny Arsenal, Picatinny, New Jersey, 07806. The Joint Munitions & Lethality Life Cycle Management Command (JM&L LCMC) was established to support the Army's overarching goal of transforming into a more lethal and agile force. This program will assist the integration and transition of research, development and engineering (RDE) technologies into Program Executive Office (PEO)/Program Manager (PM) systems. This effort will allow the JM&L to integrate critical munitions and lethality missions across all stages of the life cycle (R&D, Production, Sustainment and Demilitarization) to more efficiently and economically support the joint warfighter.

Rapid Insertion of Developmental Technology. \$2 million. The entity to receive this funding is the Stevens Institute of Technology at Castle Point on Hudson, Hoboken, NJ 07030. Continued operations in Iraq and Afghanistan have necessitated the rapid development, qualification and fielding of newly developed military technologies that enhance lethality, situational awareness, and warfighter effectiveness and survivability. There exist opportunities to rapidly field developmental technologies through spiral development into existing and future systems. This ongoing program will address five areas of need for rapid development: Intelligent Armor Systems; Micro-ElectroMechanical Systems (MEMS) for Weapons Applications; Intelligent and Precision Weapon Systems; Manufacturing Sciences Modeling & Simulation and Microchemical Platforms for Nanoenergetic Materials and Critical Defense Chemicals. This funding will be used to enhance the Army's ability to accelerate the fielding of new systems and technology that are crucial to the success of ongoing military operations.

GreenArmaments/Rangesafe. \$2 million. The entity to receive this funding is the Stevens Institute of Technology at Castle Point on Hudson, Hoboken, NJ 07030. During current and ongoing training and test operations the

Army expends millions of rounds of ammunition containing heavy metals such as lead, tungsten and depleted uranium. This program is developing innovative technologies to reduce the environmental impact of Army armaments, munitions and operations on natural resources. All ongoing projects are aimed at directly supporting the Army's Environmental Requirements and Technology Assessment (AERTA), to allow the Army to maintain its training and test and production facilities at the top operational level enabling their continued use to ensure war-fighting readiness.

Armament Systems Engineering—ASEI2. \$2 million. The entity to receive this funding is the Stevens Institute of Technology at Castle Point on Hudson, Hoboken, NJ 07030. The dynamically changing mission requirements in numerous and diverse points of engagement for the Army can only be met by efficient, accelerated and affordable development, integration and fielding of new capabilities and systems. This ongoing program is developing and implementing new methods and practices in systems architecture, system engineering methodologies and tools, systems integration and prototyping, modeling and simulation capabilities for complex and intelligent systems, and network system engineering.

Nano Advanced Cluster Energetics. \$2 million. The entity to receive this funding is the New Jersey Institute of Technology at University Heights, Newark, New Jersey 07102-1982. Advanced Cluster Energetics (ACE) combines simple, established particulate coating and handling processes to achieve net shape manufacturing of energetic products with "perfect" composition uniformity, dramatically higher energy density and an order of magnitude smaller process cost. The Nano Advanced Cluster Energetics program (v-ACE) seeks to extend ACE technology to incorporate nano-scale components that will result in performance gains even greater than those already demonstrated at the micro-level. There currently is no existing technology that can process nano-particulates at production scale. Nano ACE benefits will touch all aspects of manufacturing and performance of military munitions: 50 percent manufacturing cost reduction; insensitive munitions through encapsulated uniform compositions munitions products of superior packing density in the same volume leading to greater performance and a reduced logistics tail.

Lightweight Packaging System for Enhancing Combat Munitions Logistics. \$2 million. The entity to receive this funding is Frontier Performance Polymers, Picatinny Innovation Center, Picatinny, New Jersey, 07806. The Army and Marines have learned in Iraq and Afghanistan that current ammunition packaging is too heavy and bulky. This program is initially focusing on developing advanced multifunctional lightweight materials, cost-effective fabrication processes and optimized packaging systems for 120mm mortar ammunition. Research has already resulted in a reduction of 30 percent in system weight and 20 percent in system cost. There has also been success with increased shipping capacity, greater portability by one soldier, ease of access to ammunition and reduced loading, assembling and packing costs. Acceleration of

this advanced material and fabrication capability for the production of the lightweight munitions packaging systems will ultimately enhance force readiness, reduce the logistics footprint, increase handling and supply efficiency, enhance safety and improve a soldier's mobility, agility and survivability, especially at the time of additional U.S. troop deployments to Afghanistan.

Ink-based Desktop Electronic Materials. \$2 million. The entity to receive funding for this project to Honeywell Corporation, headquartered at 101 Columbia Road, Morristown, New Jersey 07962. Today's Army has a demonstrated need for low-production volume, short-use life and quickly-deployable electronics that enable field-based circuit design, implementation and repair. Ink-based printable electronics technology is faster and less expensive than traditional manufacturing processes and will allow electronic materials to be printed in the field much closer to the user. This program is developing specialized inks that are capable of fabricating electronics that would be printed on a desktop printer and then incorporated into communication technologies such as laptop computers, mobile phones, Radio Frequency Identification (RFID) tags, displays, antennae, radar, etc.

RDTE, AIR FORCE

M-PACT Pure Air Generator (PAG). \$2 million. The entity to receive funding for this project is Marotta Scientific Controls, 78 Boonton Avenue, Montville, New Jersey 07045. This is a request is for Air Force RDT&E to develop an enhanced Small Diameter Bomb (SDB) Alternate Compressor System to be used in missile seeker cooling and pneumatic weapons ejection and designed to meet the specific operational requirements of the Small Diameter bomb. As a direct follow-on to current funding, enhancements are needed to improve the reliability of the system, ensuring higher performance and lower cost to the Air Force for the system over the product life cycle.

Large Area APVT Materials Development for High Powered devices. \$2 million. The entity to receive funding for this project is II-VI Corporation, 20 Chapin Road, Suite 1005, Pine Brook, NJ 07058. This project is developing a domestic technology and manufacturing base for large area (100mm diameter), high quality silicon carbide (SiC) materials. These materials are needed for highly energy efficient, high frequency, and high power applications for the Department of Defense which has specific future mission requirements for solid state power substations, all-electric and hybrid vehicles (Air Force, Army and Navy), and next generation radar devices (Air Force and Navy), all of which will rely upon devices manufactured with Silicon Carbide (SiC).

RDTE, NAVY

Advanced Fuel Filtration (AFF) System. \$1.5 million. The entity to receive funding is Filtration Solutions, 432 Sand Shore Road, Unit 8, Hackettstown, NJ 07840. This program seeks to finalize a system that was developed under the Navy SBIR program for the replacement of the DDG shipboard centrifugal fuel oil purifier. This equipment will save \$25 million per year for the Navy from maintenance and operation cost after it is fully implemented to the DDG-51 and CG-47 class ships.

PERSONAL EXPLANATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. BISHOP of New York. Madam Speaker, on July 27, 2009, I was unavoidably detained en route to the Capitol from New York. Due to my absence, had I been here, I would have voted in the following manner: rollcall No. 647, I would have voted aye; rollcall No. 648, I would have voted aye; rollcall No. 649, I would have voted "aye."

100TH ANNUAL PIKE COUNTY FAIR

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mrs. SCHMIDT. Madam Speaker, I rise today to recognize the start of the 100th annual Pike County Fair. In the mid-nineteenth century, 89 farmers, including former Congressman John Van Meter, formed the Pike County Agricultural Society. Unfortunately, the demands of the Civil War caused the dissolution of the society. But, on March 21, 1907, forty-three subscribers—local farmers and businessmen, purchased the initial stock of the Pike County Fair Board.

The first fair opened August 14th in conjunction with an opening on the Ohio Valley Racing Association circuit. The main attraction of the inaugural fair was harness racing. 10,000 people attended the three day fair. A harness racing track remains on the premises of the Pike County Fairgrounds, but races are now held a few days before the fair's opening. For three years, between 1954 and 1956, the fair did not occur due to a land lease disagreement. In 1957 the fair resumed after the signing of a new agreement and the construction of a new grandstand and horse barn.

The Pike County Fair continues to be a great event for all of the citizens of Pike County. Children for over 100 years have gained valuable tools for a successful life in agriculture as a result of their participation in the Pike County Fair.

Madam Speaker, I ask you to join me in congratulating the Pike County Fair Board for this momentous occasion and wish them continued success in the future.

PUTTING PATIENTS FIRST, NOT GOVERNMENT BUREAUCRATS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. MARCHANT. Madam Speaker, Americans need health care reform, but we do not need a super expensive and inefficient government plan that will saddle our children with massive debts. With unemployment at 9.5 percent, its highest level in a quarter century, now is not the time to enact employer mandates that will lead to fewer jobs and rationed care.

I am opposed to government run health care. Over \$60 billion is lost annually to health care fraud; just think of how much more money will be lost to waste, fraud, and abuse under a massive government takeover.

I stand in support of the Patients Choice Act sponsored by Congressman PAUL RYAN. This bill gives every American the opportunity to choose the health care plan that best meets their individual needs—and it ensures that our constituents will receive the same standard benefits as their Member of Congress.

Rather than allowing Washington bureaucrats to come between a patient and their doctor, the Patients Choice Act puts individuals in control. I am proud to co-sponsor the Patients Choice Act.

EARMARK DECLARATION

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Ms. FALLIN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, "The Department of Defense Appropriations Act of 2010."

Title of Project: Advanced Autonomous Robotic Inspections for Aging Aircraft

Amount of Project: \$2,000,000

Account: Air Force, Operations & Maintenance

Project Recipient: Veracity Technology Solutions, LLC, 2701 Liberty Parkway, Suite 311, Midwest City, OK 73001

At my request, \$2,000,000 was included in H.R. 3326, for Veracity Solutions in Midwest City, OK, to implement a fully automated autonomous robotic vehicle that has the capability to inspect for corrosion, as well as crack detection around fasteners for the KC-135 aircraft. Current inspection methods are both antiquated and time consuming, which has increased maintenance downtime and unnecessary refurbishment. A state-of-the-art non-destructive inspection system and training, which decreases maintenance costs and improves safety, will have the ability to detect corrosion and cracking on the KC-135 wing skins (and other aging aircraft). This system will allow for condition assessment of aircraft structures, as well as continuous assessment through the historical comparison of previous and present inspection results.

Specifically, the funding will be used for the technical personnel, facilities, and equipment required to develop an integrated system that includes a medical grade ultrasonic inspection system, an advanced impedance plane analysis eddy current unit, and an autonomous inspection vehicle that will allow engineers and depot crews to accurately and instantly identify defects and that are currently undetectable with traditional nondestructive inspection methods. The end product will provide a permanent record of the structural member which can be stored on the network for future comparison.

Title of Project: Joint Fires and Effects Trainer System Enhancements

Amount of Project: \$2,500,000

Account: Army, Research, Development, Test & Evaluation

Project Recipient: Creative Technologies, 6255 West Sunset Boulevard, Suite 716, Los Angeles, CA

At my request, \$2,500,000 was included in H.R. 3326 to provide upgrades to the Joint Fires and Effects Trainer System (JFETS) located at Fort Sill, Oklahoma. The current immersive simulation training capability suffers from one significant drawback—the one-to-one instructor/student requirement. The funding provided for this project would increase the ability for this program to upgrade the voice recognition technology of JFETS and allow a single instructor to manage nine concurrent calls for fire training sessions in the Open Terrain module simultaneously and improve efficiency by 800 percent. Additionally, the project will develop an interactive application to drill soldiers in the five essential elements of accurate predictive fires to prepare them before they train in the immersive environment and reinforce the training before they deploy.

Title of Project: Weapons of Mass Destruction Multi-Sensor Response and Infrastructure Project System

Amount of Project: \$2,000,000

Account:

Project Recipient: Triarii Scientific, LLC, 7118 South Colombia Place, Tulsa, OK 74136

At my request, \$2,000,000 was included in H.R. 3326 for Triarii Scientific of Tulsa, Oklahoma to provide funding to enhance and improve the Oklahoma National Guard's (OKNG) 63rd Weapons of Mass Destruction (WMD) Civil Support Team's (CST) ability to prevent and respond to terrorist attacks. The OKNG-CST requires next generation capability that improves their ability to respond to WMD-related threats while systematically identifying truly critical vulnerabilities; thus, render state and national infrastructures less exposed.

This funding will be used to upgrade existing CST equipment to a fully integrated and mobile system that combines communications, sensors, vulnerability and engineering assessments of critical infrastructure facilities via the Homeland Defense Operational Planning System (HOPS), and a command and control suite.

The upgraded mobile system will provide complete command and control abilities, interoperable wireless communications, a suite of Acoustic, Biological, Radiological, Nuclear, Explosives (ACBRN-E) and Command, Control, Communications, Computers and Cyber for Intelligence, Surveillance and Reconnaissance (C5ISR) sensors. All system integration, test, certification, infrastructure and vulnerability assessments will be executed in conjunction with the Oklahoma State University Multispectral Laboratories (OSU-UML) and Lawrence Livermore National Laboratories (LLNL) with operational testing overseen by the Joint Interoperability Test Command (ETC).

EARMARK DECLARATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. MORAN of Kansas. Madam Speaker, pursuant to the Republican Leadership stand-

ards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3326

Agency/Account: Department of Defense

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS 66506

Description of Project: I have secured \$3,500,000 for the recently established Unmanned Aerial Systems (UAS) Mission Planning and Operation Center at Kansas State University at Salina, KS. The funding will be used to centralize UAS efforts in one location and continue the Center's collaboration with military, government and business to train UAS pilots, develop UAS technology, and create rules for safe integration of UAS aircraft into the national airspace system. The Center works in partnership with the Kansas National Guard to train Guard personnel by utilizing restricted airspace at nearby Smoky Hill Air National Guard Range. Better utilizing UAS assets will provide valuable real-time data, such as locating tornado victims, for Guard and other first responders to improve homeland security and disaster response. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3326

Agency/Account: Department of Defense

Legal Name of Requesting Entity: Saline County Road and Bridge Department

Address of Requesting Entity: 3424 Airport Road, Salina, KS 67401

Description of Project: I have secured \$1,000,000 for Saline County road improvements to better allow the transportation of military personnel and equipment to Smoky Hill Air National Guard Range near Salina, KS. Smoky Hill Range is remotely located and is accessible mainly via county roads. Currently, road conditions are poor and at times nearly impassible between the Range and the other facilities that make up the Kansas National Guard's Great Plains Joint Regional Training Center, as well as to major interstate highways connecting the Range to Fort Riley, KS. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. H.R. 3326, Department of Defense and Related Agencies Appropriations Act, 2010 contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 3326

Account: Research, Development, Test And Evaluation, Army—Medical Technology

Legal Name Requesting Entity: Department of Orthopedic Surgery, University of Tennessee College of Medicine Chattanooga

Address: 975 East Third Street, Chattanooga, TN 37403

Description of Request: The University of Tennessee College of Medicine Chattanooga requested funding for its work with artificial bone implants and grafts for American soldiers, airmen, sailors and marines who have lost limbs in combat. This research will greatly enhance the lives of injured service members giving them more independence and allow them to live more productive and fulfilling lives.

Distribution of funding:

Yearly Staffing, 37%;

Consultative Services, 9%;

Scientific Material, 54%.

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 3326

Account: Other Procurement, Army—Training Devices, Nonsystem

Legal Name Requesting Entity: Tennessee Army National Guard

Address: Houston Barracks 3041 Sidco Drive, Nashville, TN 37204

Description of Request: The Tennessee National Guard requested funding to purchase and maintain Combined Arms Virtual Trainers to better prepare service members for deployments to Iraq and Afghanistan. This equipment replicates virtual battlefields and allows Army National Guard soldiers to train as they will fight. Allowing Combined Arms Training within a virtual environment will save lives on the real battlefield

Distribution of funding:

Equipment, Software, & Maintenance, 100%.

EARMARK DECLARATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. PAUL. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I obtained as part of H.R. 3183, the Education and Transportation bills

(1) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3326

Account: DOD/RDTE, A

Legal Name of Requesting Entity: U.S. DoD

Address of Requesting Entity: 504 Scott Street, Fort Detrick, MD 21702

Description of Request: \$4,200,000 For Testing of safety of vanadium. Protecting the health of servicemen and civilian workers.

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy

on earmarks, to the best of my knowledge the requests I have detailed below are (1) not directed to an entity or program that will be named after a sitting Member of Congress; and (2) not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on projects I requested and that were included in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010 (H.R. 3293).

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Project Name: County of Hood River, OR for facilities and equipment

Legal Name and Address of Requesting Entity: Hood River County, 601 State Street, Hood River, Oregon 97031

Project Location: Hood River County, Oregon

Description of Project: H.R. 3293 appropriates \$150,000 for the County of Hood River, OR for facilities and equipment. According to the requesting entity, the appropriated funds for this project will be used to build a health care facility that integrates public health, migrant health, mental health and primary care. According to the requester, this will be a valuable use of taxpayer funds because it would bring health care services to a community that currently has no medical or dental providers.

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Project Name: Oregon Institute of Technology, Klamath Falls, OR for purchase of equipment

Legal Name and Address of Requesting Entity: Oregon Institute of Technology, 3201 Campus Drive, Klamath Falls, Oregon 97601

Project Location: Klamath Falls, Oregon and Portland, Oregon

Description of Project: H.R. 3293 appropriates \$250,000 for the Oregon Institute of Technology, Klamath Falls, OR for purchase of equipment. According to the requesting entity, the appropriated funds for this project will be used to purchase clinical laboratory science equipment for use at the existing clinical lab science program in Portland and the new program on the Klamath Falls campus. According to Oregon Institute of Technology, this will be a valuable use of taxpayer funds because expanding this program will help meet the projected need for clinical lab scientists in the next decade.

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Project Name: Oregon Institute of Technology, Klamath Falls, OR for purchase of equipment

Legal Name and Address of Requesting Entity: Oregon Institute of Technology, 3201 Campus Drive, Klamath Falls, Oregon 97601

Project Location: Klamath Falls, Oregon

Description of Project: H.R. 3293 appropriates \$100,000 for the Oregon Institute of Technology, Klamath Falls, OR for purchase

of equipment. According to the requesting entity, the appropriated funds for this project will be used to incorporate medical imaging archiving systems into the curriculum of five different medical imaging programs. According to Oregon Institute of Technology, this will be a valuable use of taxpayer funds because in order to facilitate the adoption and utilization of electronic medical records (EMRs), it is necessary to educate students in health professions programs on all aspects of EMRs, including Picture Archiving and Communication Systems (PACS). These funds will provide future workers the ability to fully maximize the potential of EMRs.

Account: Employment and Training Administration (ETA)—Training & Employment Services (TES)

Project Name: Columbia Gorge Community College, The Dalles, OR to develop a renewable energy training program, including purchase of equipment

Legal Name and Address of Requesting Entity: Columbia Gorge Community College, 400 East Scenic Drive, The Dalles, Oregon 97058

Project Location: The Dalles, Oregon

Description of Project: H.R. 3293 appropriates \$350,000 for the Columbia Gorge Community College, The Dalles, OR to maintain and expand a renewable energy training program, including purchase of equipment. According to the requesting entity, the appropriated funds for this project will be used to expand the program to ensure relevance to changing industry demands and continue to meet the regional demand for wind turbine technicians. According to Columbia Gorge Community College, this will be a valuable use of taxpayer funds because funds would produce a skilled labor force for a growing industry while also reducing national dependence on imported oil.

RECOGNIZING READING IS FUNDAMENTAL

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to recognize and honor the outstanding impact that the Chicago area Reading Is Fundamental (RIF) Program has had in promoting literacy and bringing together families and communities throughout the Chicagoland area.

Since its formation in 1972, Reading Is Fundamental in Chicago has fought passionately and effectively to combat illiteracy in inner city neighborhoods, and its efforts have been met with both enthusiasm and success. Utilizing an extensive network that now includes 82 Chicago Public Schools, RIF in Chicago has distributed over 3 and a half million books to inner city children, including over 199,000 in the last school year alone. In doing so, the organization has been instrumental in raising awareness of the burden of illiteracy, and has brought together formerly disparate groups and communities to combat a problem that affects us all.

Recognizing that illiteracy is so often symptomatic of poverty, RIF in Chicago has fo-

cused its resources on the city's most impoverished and underserved areas—communities in which books and literacy resources are a luxury rather than a right. And through the implementation of groundbreaking initiatives such as "Project Open Book," "Adolescents-at Risk," and the "Young Women's Zine Project," RIF in Chicago has empowered children throughout the Chicagoland area, helped to strengthen inner city communities, and has taken great strides towards the goal of making education a right of every individual, regardless of one's socioeconomic status.

Madam Speaker, in a day and age in which illiteracy can pose a significant barrier to success in the professional world, I commend the extraordinary efforts and success of the Reading Is Fundamental Program in Chicago. In working to eradicate illiteracy in Chicago's inner-city neighborhoods, Reading Is Fundamental in Chicago has emerged as a unifying force in the same neighborhoods, bringing together families and strengthening communities. Once again, I applaud the organization's important work and thank them for over 37 years of service to Chicago's children.

HONORING JOHN JOHNSON OF
JOHN'S FRIENDLY MARKET, AN
HONORABLE MAN AND AN AD-
MIRER NEW JERSEY CITIZEN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. ANDREWS. Madam Speaker, I rise today to recognize John Johnson of John's Friendly Market. John has served the local residents of Haddon Heights, New Jersey for over 50 years. He has continuously provided customers with fresh food and convenience store items. Recently, John celebrated his 90th birthday and this milestone deserves acknowledgment.

When customers of John's Friendly Market walk in the front door, they know two things for sure: that their hunger will be satisfied by the delicious food that the market provides and that they will see a friendly man sitting behind the counter waiting to take their order. Customers not only love the food at John's, but they love knowing John will brighten their day.

The residents of Haddon Heights, New Jersey consider John a celebrity. His kindness is legendary. For instance, John opened up his store for a family after he had closed, simply because their dog was sick and the vet recommended a meat only diet. People gather at John's to shop for groceries, to fill their stomachs, and to take a break from their fast paced lives. John's Friendly Market is an integral part of the Haddon Heights community.

Madam Speaker, John Johnson's service to New Jersey's First Congressional District should not go unrecognized. I want to personally thank John Johnson for the food he provides, the service he performs, and the lives he has touched.

HONORING DR. GAYNELL SIMPSON

IN DEFENSE OF RENTERS

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Dr. Gaynell Simpson, recipient of the 2009 Hartford Faculty Scholar in Geriatric Social Work. Dr. Simpson, Assistant Professor and Gerontology Coordinator at Morgan State University, is one of nine distinguished scholars selected to receive funding to pursue a research project focused on evaluating and improving the field of geriatric social work. Specifically, Dr. Simpson's research project will concentrate on the influence of social resources on health outcomes among African American grandmothers with multiple caregiving roles.

Dr. Simpson earned her Bachelor's of Social Work and Master's of Social Work from the University of Missouri-Columbia in 1993 and 1994, respectively. Her research interest in gerontological research evolved from her dissertation, *Availability of Social Support Resources among African American Grandmother Caregivers*. This novel exposition revealed that most grandmothers provide supplementary care for a dependent elder and/or disabled adult child. Since the completion of her dissertation in 2002, Dr. Simpson has diligently continued to contribute to the body of gerontological literature through publications including, but not limited to, the *Journal of Gerontological Social Work*; *African American Research Perspectives*, and *American Journal of Public Health*.

Not only has Dr. Simpson made significant scholarly achievements, she has also made a profound impact through community-based, participatory activities with the Baltimore City Commission on Aging and Retirement Education on Senior Health Education Forum. Dr. Simpson is an avid leader as she serves as the Gerontology Coordinator and Chair of both the Multidisciplinary Urban Gerontology Advisory Board and the Bi-Annual Gerontology Conference at Morgan State University. Her active participation in three competitive training institutes further attests to her commitment in the geriatric social work field.

The Gerontological Society of America administers the Hartford Faculty Scholars Program. The Society is a national organization of professionals in the field of aging and is dedicated to the promotion of scientific study. Dr. Simpson's work is an exemplary display of her dedication to scientific study in geriatrics.

Madam Speaker, I ask that you join with me today to honor Dr. Gaynell Simpson on this memorable occasion. Her demonstrated leadership, accomplishments, and continued efforts to enhance her research, has made a positive difference in field of geriatric social work.

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. FRANK of Massachusetts. Madam Speaker, the House Financial Services Committee last week voted out by a large margin a bill to improve the way in which people who rent are treated under our Section 8 Voucher Program.

Madam Speaker, I believe that one of the contributing causes to the housing crisis that led to the economic crisis we now face was an insufficient recognition of the importance of decent rental housing, and the consequent push of people who were not economically suited to the task into homeownership. On July 5th, in the New York Daily News, former New York Mayor Ed Koch and a former aide of his, Robert Weiner, wrote an excellent article about the importance of this program. We are not yet finished with trying to improve the way in which renters are treated by federal policies, and this very thoughtful article by Ed Koch and Robert Weiner reminds us of how important it is to continue that job.

[From the Daily News, July 5, 2009]

RENTERS ACROSS AMERICA NEED MORE HELP FROM CONGRESS

(By Ed Koch and Robert Weiner)

While the recent anti-foreclosure bill signed by President Obama is of assistance to the homeowners affected by the current financial meltdown, the bill and its \$13.6 billion of housing recovery money have ignored the nearly one-third of American households who rent, including more than 2 million households in New York City.

All these people also have a dream of having and staying in a home—and they also need help from Congress, on the double. Over the course of the last generation, things have gotten progressively worse for renters—and the deep recession has added insult to injury.

When Congress passed the Housing and Community Development Act in 1974, the law included a goal of closing the gap between the rising cost of housing and the slower rate of increase in wages. The Koch Amendment to that bill—which established that a family should pay no more than 15%–20% of their income in federally assisted housing, and that a voucher (we now call this a Section 8 voucher)—would cover the difference. After a compromise with the Senate, the cap was set at 25%.

Over the years, the successful program has been whittled away by special interest groups and misdirected priorities. In 1983, the percentage of a family's income that could go towards rent was increased to 30%. That may sound like a small but necessary increase given federal budgetary constraints. However, many families that get Section 8 are paying upwards of 40% and 50% of their income because they cannot find an apartment that meets the established rent cap.

It's not just the size of the individual voucher that's the problem; it is the overall scope of the program. The federal Department of Housing and Urban Development estimates that 3 million families will receive aid under Section 8 this year. The number of individuals in need is far greater. The New York City Housing Authority reports there are 127,825 New York families on the wait list.

Their hopes for affordable housing are dependent on the chance that their number is picked out of a hat.

The Federal Housing Administration advocates that a family should spend no more than 30% of their income on housing. In 2006, according to the U.S. Census Bureau, more than half of renters exceeded this guideline, with almost a quarter of renters spending more than 50%. The situation is particularly dire in New York, where nearly one in three New Yorkers use half of their income on rent.

It shouldn't surprise us that one very immediate consequence of all this is homelessness. New York City alone, there has been a 65% increase in the use of homeless shelters since 1998 and a 23% increase since 2002. Even at these record numbers—36,218 were in shelters as of May 31—a shelter, though a wonderful resource, is not a permanent home, and shelters only house a tiny fraction of the homeless. While a virtually immeasurable number, the New York City Coalition for the Homeless believes homelessness this decade is "the greatest since the Great Depression."

In Congress, Reps. Maxine Waters (D-Cal.) and Barney Frank (D-Mass.), the chairs of the House Housing Subcommittee and the full Financial Services Committee, are moving forward with Section 8 housing reform after the July 4 recess. The White House and Congress can help the third of Americans who rent by going back to the guidelines set by the Housing Act of 1974—increasing the availability of Section 8 housing vouchers, assuring that families pay no more than 30% of their income on housing and using the rent limit as a model for other low income housing. This would not be a bailout for renters, but a return to the protection needed to enable people to pay their rent and remain in their homes.

Congress must make sure that all citizens, including renters, who are often the poorest Americans, have roofs over their head. That's not too much to ask in America.

Koch is a former mayor of New York City and member of Congress. Weiner was legislative assistant to Koch.

EARMARK DECLARATION**HON. ROY BLUNT**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. BLUNT. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, The Defense Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman ROY BLUNT

Priority Name: Command & Control Service Level Management (C2SLM)

Authorized Amount: \$4 million

Account: Global Command And Control System

Legal Name of Requesting Entity: Accenture National Security Services

Address of Requesting Entity: 407 S Pennsylvania Ave # 201, Joplin, MO 64801

Description of Request: C2SLM addresses the articulated needs by the warfighter in both the short and long-term to deliver critical information across a low-bandwidth enterprise while providing the ability to manage services.

It will be able to be deployed on top of legacy C2 systems, as well as the envisioned C2 systems of the future. In addition, this technology is being explored to provide the Secretary of the Air Force with the ability to finally integrate command and control data with financial data.

The ability to distribute services and manage them for the entire military enterprise is critical to achieving today's and tomorrow's mission. C2SLM, while leveraging the work done by the Network-Centric Enterprise Services (NCES) program, views the enterprise from the warfighters' perspective, not the networking perspective. C2SLM pushes the military enterprises capability to the edges and to the warfighter. C2SLM will enable our military to respond to the agility of our opponent by building agility and flexibility into our technology. C2SLM has been selected by the Pentagon to be the early pathfinder for the A-Staff, which will lead to use by non-AOC command and control for COCOMs and NAFs.

Priority Name: Lithium Ion Storage Advancement for Aircraft Applications

Authorized Amount: \$2.5 million

Account: Force Protection Applied Research

Legal Name of Requesting Entity: EaglePicher Technologies

Address of Requesting Entity: 1215 W B St, Joplin, MO 64801

Description of Request: This funding will be used toward continued advancement in Lithium Ion storage. Protection of Li-Ion power systems is absolutely necessary on all current chemistries to prevent catastrophic failures due to over charge, over discharge and temperature excursions. In conjunction with the necessary safety aspects of the power system, a management function is necessary to achieve maximum performance. Maximum performance is achieved by monitoring individual cell voltages, temperature and currents and using this information to control each cell's charging based on environments. By managing the system at the cell level, premature power system degradation and failure can be greatly reduced. This translates into reduced maintenance costs, increased battery life, increased performance and overall increased safety. The use of taxpayer funds is justified because the results from advancements in overall safety and chemistry not only provide safety for aircraft applications but can also be transitioned to the commercial, industrial, military as well as consumer product industries. The next generation of energy storage can be achieved. In addition, by leveraging the results from efforts on current projects, advancements toward new technologies can be realized sooner. These batteries have significant weight and power density advantages over legacy technologies that are currently in use.

Priority Name: Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence

Authorized Amount: \$5 million

Account: Aerospace Technology Dev/Demo

Legal Name of Requesting Entity: Missouri State University/Quinetic North America

Address of Requesting Entity: 901 S National Ave, Springfield, MO 65804

Description of Request: This funding will be used toward a revolutionary approach to the realization of truly load bearing antenna ar-

rays. In addition to load bearing antennas, the DF hardware will be structurally integrated such that weight is minimized. DF algorithms have been developed and modifications for the severe conditions in Afghanistan will be used as a baseline. The use of taxpayer funds is justified because this new, affordable, antenna platform will significantly increase the DF capabilities of the Zephyr platform. This will enable rapid deployment and affordable assets in theater, adding significantly to the nation's assets.

Priority Name: Self-Decontaminating Polymer System for Chemical and Biological Weapons Systems

Authorized Amount: \$3.5 million

Account: Chemical And Biological Defense Program

Legal Name of Requesting Entity: Missouri State University/Lumimove d/b/a Crosslink

Address of Requesting Entity: 524 N Boonville, Springfield, MO 65806

Description of Request: This funding will be used to continue development of an on-demand, self-generating and self-renewing polymer-based decontamination system that produces, in real time, activated hydrogen peroxide for the destruction of chemical and biological warfare agents on fabrics for collective and individual protection applications. Hydrogen peroxide is known to be an effective broad spectrum decontamination agent for both chemical and biological warfare agents. The system will interface with state-of-the-art chemical and biological stand-off sensors currently deployed in theater and will react to signals generated by such sensors to initiate the production of the activated hydrogen peroxide. Such a system will reduce the logistic burden associated with maintaining product stores in theater and the continuous monitoring of the product due to loss of effectiveness.

EARMARK DECLARATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: U.S. Representative JUDY BIGGERT

Bill Number: H.R. 3326

Account: RDTE,A

Legal Name of Requesting Entity: Argonne National Laboratory

Address of Requesting Entity: 9700 South Cass Avenue, Argonne, IL 60439

Description of Remarks: Provide an earmark of \$5,000,000 for Argonne National Lab, which is collaborating with the Commonwealth of Kentucky in an industrial consortium to advance battery materials and manufacturing. The main objective is to make breakthroughs in new battery materials and electro-chemistry critically needed to move forward to practical, competitive transportation solutions and for efficient storage of electricity generated from distributed renewable energy sources.

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. CAO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3266—the Defense Appropriations Act, 2010:

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 3266—the Defense Appropriations Act, 2010, for Space and Naval Warfare Systems Center Atlantic Office in New Orleans. This is in the "OP,N" account in the amount of \$7,500,000.—This funding would sustain critical joint Navy/university information systems research and technology transfer, in partnership with the University of New Orleans and local IT companies recovering from the aftermath of Hurricane Katrina. Funding will update the current operations environment at the SSC/ITC, which is now becoming obsolete and needs to be refreshed with a more up-to-date computer environment. This is a good use of taxpayer dollars because, due to the aging equipment, major failure of one or several components is imminent, putting the Data Center at risk for a catastrophic failure, including loss or damage of millions of dollars in IT equipment.

EARMARK DECLARATION

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally-directed project funding, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Defense Appropriations bill.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Defense Appropriations Bill

Account: Information Technology Development

Legal Name of Requesting Entity: Space & Naval Warfare Systems Command (SPAWAR)
Address of Requesting Entity: 2251 Lakeshore Drive, New Orleans, LA 70145

Description of Request: I have secured \$2,500,000 for Space & Naval Warfare Systems Command (SPAWAR). It will fund a 3D modeling simulation which will allow NASA and DOD to model their manufacturing and testing complexes, facilities, and processes prior to deployment. Modeling prior to development reduces initial costs and minimizes ongoing production. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Defense Appropriations Bill

Account: Enterprise Information Technology
 Legal Name of Requesting Entity: Space & Naval Warfare Systems Command (SPAWAR)
 Address of Requesting Entity: 2251 Lakeshore Drive, New Orleans, LA 70145

Description of Request: I have secured \$7,500,000 for Space & Naval Warfare Systems Command (SPAWAR). The funds will be used for sustaining critical joint Navy/University information systems research and technology transfer in partnership with the University of New Orleans and local small businesses and industry. Funding will update the current operations environment at the Space and Naval Warfare Systems Center. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Defense Appropriations Bill

Account: Special Operating Forces Underwater Systems

Legal Name of Requesting Entity: Space & Naval Warfare Systems Command (SPAWAR)

Address of Requesting Entity: Naval Special Warfare, San Diego, CA 92135

Description of Request: I have secured \$1,000,000 for Space & Naval Warfare Systems Command (SPAWAR). It will fund a new generation submersible, capable of conducting insertion & extraction of Special Operation Forces personnel and/or their payloads. Technology services would be headquartered in Mandeville, Louisiana. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: U.S. Representative JUDY BIGGERT

Bill Number: H.R. 3326

Account: OM, AF

Legal Name of Requesting Entity: Chemring Scot Inc.

Address of Requesting Entity: 2525 Curtiss Street, Downers Grove, IL 60515

Description of Remarks: Provide an earmark of \$2,000,000 for Chemring Scot Inc. for the procurement of Joint Aircrew Combined System Testers (JCAST). The JCAST is a self-contained, portable tester, eliminating the need for multiple pieces of equipment to test aircrew flight equipment.

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am submitting this statement.

Requesting Member: Congressman BILL SHUSTER (PA-9)

Bill Number: H.R. 3326—Department of Defense Appropriations Act, FY 2010

DEFENSE APPROPRIATIONS PROJECTS

Project Name: Cadmium Emissions Reduction—Letterkenny Army Depot

Account: RDTE, A

Legal Name of Requesting Entity: Mountain Research, LLC

Address of Requesting Entity: 825 25th Street, Altoona, PA 16601

Description of Request/Justification of Federal Funding: \$1,000,000 for Cadmium Emissions Reduction—Letterkenny Army Depot

This project is a valuable use of taxpayer funds because this work will help Letterkenny Army Depot conduct environmental management activities in an environmentally and fiscally sound, sustainable manner.

Letterkenny's unique mission, which includes manufacturing, depot level maintenance, and demilitarization, presents significant challenges to maintaining operations while achieving aggressive sustainability targets and goals. Specifically, this project will assist in addressing federal and state regulatory issues associated with the reduction of cadmium levels in waste water affluent outflows. This technology implementation will also serve as a demonstration site to facilitate horizontal technology transfer to surrounding Pennsylvania military installations, other Army depots, and installations across the Department of Defense.

Project Name: Defense Support for Civil Authorities for Key Resource Protection

Account: RDTE, A

Legal Name of Requesting Entity: L. Robert Kimball & Associates

Address of Requesting Entity: 615 West Highland Avenue, Ebensburg, PA 15931

Description of Request/Justification of Federal Funding: \$1,000,000 for Defense Support for Civil Authorities for Key Resource Protection

The Defense Support for Civil Authorities (DSCA) for Key Resource Protection—South Central, PA project is part of efforts led by U.S. Army ARDEC at Picatinny, New Jersey combining and harmonizing a number of Homeland Defense and Homeland Security programs under the umbrella of Project National Shield (PNS). The National Infrastructure Protection Plan (NIPP) mandates a coordinated approach to Critical Infrastructure and Key Resources (CIKR) protection roles and responsibilities for federal, state, local, tribal, and private sector security partners. The ability to sense, detect and respond to threats to CIKR will require regional communication and information sharing capabilities. The fundamental geospatial data needed to manage CIKR risk and establish the framework for assessing consequences, vulnerability, and threat infor-

mation is available in jurisdictions across the country. Not available, however, are Enterprise Geographic Information Systems (EGIS) that span political jurisdictions, regions or states and can produce the comprehensive, systematic, and rational assessment of national or sector risk.

South Central Pennsylvania houses a major freight transportation hub (CSX railway) and Army weapons depot (Letterkenny) within miles of each other. This proposal will establish EGIS in South Central PA to advance NIPP objectives. Response-specific intelligence will provide emergency responders and homeland defense personnel with essential situational awareness information required to protect critical infrastructure.

This project is a valuable use of taxpayer funds because it meets a critical Army need to improve Homeland Defense and Civil Support missions while also providing enhanced capabilities to local constituencies in the communications and networking side of emergency response. Specifically, the program represents the actual full deployment of a critical network that will allow local Emergency Management personnel and first responders to communicate as well as provide for a tie in to the Army's Emergency Operations Center at Picatinny Arsenal.

Project Name: Nurse Education Center of Excellence for Remote and Medically Under-served Populations

Account: RDTE, A

Legal Name of Requesting Entity: Saint Francis University

Address of Requesting Entity: 117 Evergreen Drive, Loretto, PA 15940

Description of Request/Justification of Federal Funding:

\$2,000,000 for Nurse Education Center of Excellence for Remote and Medically Under-served Populations (CERMUSA)

This project will allow CERMUSA to collaborate with clinical partners and other key Army stakeholders to develop and implement a multi-pronged strategy to address the core issues impacting the military's ability to maintain the supply of active duty registered nurses.

This project is a valuable use of taxpayer funds because these strategies will serve to address the shortages of registered nurses as well as nurse educators and will, as a final outcome, function as a core strategy for recruitment and retention.

Currently, the Army has approximately 59,000 enlisted personnel serving as medics in a variety of theatres, including Iraq and Afghanistan. These medics are promising nursing students because of their affinity for treating and managing injured warriors. Despite the formal training supplied by the Army and the vast life support skills they acquire, they possess no diploma or certification to practice healthcare in civilian institutions. Many medics pursue a career in healthcare once leaving active duty. On the sheer basis of volume alone, this group of active duty personnel presents a very clear opportunity upon which to build a source of bachelors prepared registered nurses to meet the ongoing recruitment needs of the Army. In addition, this group has already had some preparation and has demonstrated affinity for the type of work which

Army nurses are prepared to address. In light of this opportunity, an online Bachelor of Science curriculum will be developed with the intent of allowing progression of the Army medic toward degree completion. The ultimate goal of this project will be qualification for, and entry into, the Army Nurse Corps. Following development of the initial program, additional educational tracks could be developed. Areas for consideration would include a nurse practitioner program with a concentration in neurology/mental health or a Clinical Nurse Specialist program with an emphasis in TBI/PTSD. Both options would result in the preparation of advanced practice nurses who would help meet the needs of returning warriors.

Project Name: Rural Health Center of Excellence for Remote and Medically Underserved Populations

Account: RDTE, A

Legal Name of Requesting Entity: Saint Francis University

Address of Requesting Entity: 117 Evergreen Drive, Loretto, PA 15940

Description of Request/Justification of Federal Funding:

\$2,000,000 for Rural Health Center of Excellence for Remote and Medically Underserved Populations (CERMUSA)

CERMUSA performs applied military research in telehealth, distance learning, and telerehabilitation to benefit individuals, healthcare facilities, and educational entities in rural and remote regions. This research is carried out at minimal cost via strategic partnerships with military, healthcare, business, and other governmental areas. All of CERMUSA's research efforts are conducted using commercial off-the-shelf (COTS) technologies, making these projects both sustainable and replicable in a cost-effective manner. CERMUSA disseminates the results of this research via publication, presentation, and live demonstrations of technology solutions in action. CERMUSA, under the direction of the U.S. Army, serves as a technology test bed readily available to the Armed Forces for test and evaluation of both military-spec and commercially available hardware and software.

This project is a valuable use of taxpayer dollars because, as an asset of the United States Army Medical Research and Materiel Command, CERMUSA provides direct service to DOD by performing constant analysis of current trends in computing and communications. CERMUSA's main area of operations, central Pennsylvania, strongly approximates many of the same communications and technology difficulties experienced by America's Armed Services throughout the world, including difficult terrain, extreme weather conditions, and a lack of reliable communications architectures. By overcoming these difficulties with readily-available commodity technologies, often combined in unique or novel ways, CERMUSA provides viable alternatives to often costly (and proprietary) military-spec hardware and software.

PROJECT NAME: VOICE RECOGNITION AND CROSS PLATFORM SPEECH INTERFACE SYSTEM

Account: RDTE, A

Legal Name of Requesting Entity: Szanca Solutions, Inc.

Address of Requesting Entity: 100 East Pitt Street, Bedford, PA 15522

Description of Request/Justification of Federal Funding:

\$2,500,000 for Voice Recognition and Cross Platform Speech Interface System

It is my understanding that this project will provide voice activation to legacy command and control systems to improve the ease of use, accuracy, and timeliness of the systems. The project will continue the work done to bring speech controlled operations and in addition provide a cross-platform solution that can be integrated to a wide variety of military systems. Doing so will dramatically increase the functionality and useful life of legacy systems while decreasing training costs and increasing operational speed.

This project is a valuable use of taxpayer funds because many of the Army's current command and control systems require a series of complicated keyboard entries to operate, making the systems slower to operate and prone to errors in stressful environments. This can result in delays providing commanders with critical information and in executing mission critical fire missions. This program will focus on solutions to those issues, allow quicker access to tactical information, and increase the speed in which targets can be fired.

PROJECT NAME: ALC LOGISTICS INTEGRATION ENVIRONMENT

Account: RDTE, AF

Legal Name of Requesting Entity: IS2 Technologies, Inc.

Address of Requesting Entity: 3018 Pleasant Valley Blvd., Altoona, PA 16602

Description of Request/Justification of Federal Funding:

\$1,000,000 for ALC Logistics Integration Environment

It is my understanding that this project will develop a Logistics Integration Environment using COTS software that facilitates pulling together teams of people to optimize battlefield readiness and improve the availability of aircraft and associated subsystems.

This project is a valuable use of taxpayer funds because the Air Force Logistics Centers lack an integrated data environment for service, repair, and overall logistics.

Development and deployment of the Logistics Information Environment would:

Develop and implement a collaborative logistics management solution that would provide a single source of data for the maintainers, supply and battlefield environments

Provide optimized predictive logistics modeling for critical supportability factors such as spare parts, maintenance schedules, and survivability under fire

Capture aircraft performance information that may be used to drive further improvements in survivability

Allow for real-time collaboration across the R&D, acquisition, logistics, and warfighter communities

Reduce costs by reducing the time required to research and collect the engineering and logistics data necessary to support unplanned/unscheduled depot-level maintenance requirements

Benefits to our warfighting capability would be:

Mission readiness: Improve the readiness of rapidly deployed aircraft

Cost Avoidance: Minimize the cost and complexity of the aircraft logistics footprint

Innovation: Allow for accelerated innovation to aircraft and subsystems, continuously improving their operational performance and survivability

Additional benefits would include composite data that can be used to formalize and distribute Interactive Electric Technical Manuals (IETM) and dynamic work cards for maintenance planning and instructions.

EXPRESSING SUPPORT FOR FREEDOM IN HONDURAS

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. MACK. Madam Speaker, I rise today to support freedom and democracy in Honduras.

On June 28th, the Honduran people spoke clearly and broke the chains of tyranny. In following both the letter and the spirit of their constitution, the Honduran government and their supreme court issued an arrest order, removed Mr. Manuel Zelaya as president, and then exiled him and the threat he posed from the country.

We have heard several conflicting stories on what happened, how it happened, and who did what.

This past weekend I led a congressional delegation to Honduras to get a first hand account of what had happened. I met with the United States Ambassador to Honduras, Hugo Llorens. I also met with President Roberto Micheletti, the members of the Supreme Court of Honduras, members of the Honduran Congress, civil society groups, Honduran and American businessmen, human rights groups, and the United States military.

After meeting with these men and women, I stand here today and affirm to you that what happened in Honduras was not a coup. But more importantly Madam Speaker, the people of Honduras have said this was not a coup. The Supreme Court of Honduras has said this was not a coup. The Honduran Congress has said this was not a coup. The Attorney General of Honduras has said this is not a coup.

However, let's look at who actually has called this a coup. It is the thugocrats of Latin America: the caudillos who answer to the Venezuelan regime.

Regrettably, President Obama and Secretary of State Hillary Clinton also joined this rush to judgment in calling it a coup.

Madam Speaker, I would like to share with you what I heard while in Honduras. From the President of the Supreme Court we heard the following: "The military in Honduras does not give us orders. We, the Supreme Court of Honduras, give the military orders."

From members of the Honduran Congress: "We voted, Congressman Mack. We voted so that Mr. Zelaya was no longer the President of Honduras. Why is America not recognizing our vote?"

When I met with President Micheletti, we read the Honduran Constitution. If my colleagues have not read Article 239 of the Honduran Constitution, I urge them to do so. Article 239 could not be clearer. It is as if the

people in Honduras in 1982, the year they passed their Constitution, saw the threat that Mr. Zelaya posed coming over the horizon and made sure that the people of Honduras were protected.

President Micheletti also urged that the United States treat the people of Honduras and their decisions with respect. Honduras has been a great ally of ours, and there is growing indignation toward the Obama Administration's recklessness in siding with thugs and dictators like Fidel Castro, Venezuela's Hugo Chavez, and Mr. Zelaya.

Madam Speaker, make no mistake: former President Zelaya violated the Constitution. He broke the law. And when I asked Ambassador's Lloren's team what should be done about Mr. Zelaya and the fact that he violated not only the Constitution of Honduras, but countless laws, their answer was something similar to this: "... everyone breaks the law. Because everyone broke the law, Mr. Zelaya's violations should be forgotten and forgiven. And in order to get a political solution, we should support reinstating him."

I cannot tell you how discomfoting it was to hear this.

The Administration recently pulled the visa of a Supreme Court Justice and the visas of other high-ranking Honduran officials solely because it did not agree with what they did. Then, to add insult to injury, Ambassador Lloren's team tells me that Mr. Zelaya should be returned because everyone breaks laws? That is not responsible. More importantly, that is not how you promote freedom in Latin America.

Madam Speaker, the Honduran people, in their fight for freedom from the tyranny of Manuel Zelaya, have earned our support and deserve to have the United States stand with them as they seek freedom and democracy for their country. I look forward to returning to Tegucigalpa on January 27, 2010, the date that the new president of Honduras will be sworn in and see the streets of Tegucigalpa filled with joy as they celebrate their renewed freedom and prosperity.

PERSONAL EXPLANATION

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. COURTNEY. Madam Speaker, on Monday, July 27, 2009, I was returning from a congressional delegation to Iraq and Israel and regrettably missed three recorded votes. Had I been present, I would have voted as follows:

On rollcall No. 647, on the motion to suspend the rules and agree to H. Res. 593, Recognizing and celebrating the 50th anniversary of the entry of Hawaii into the Union as the 50th State, I would have voted "yea";

On rollcall No. 648, on the motion to suspend the rules and agree to H.R. 1376, the Waco Mammoth National Monument Establishment Act of 2009, I would have voted "yea";

On rollcall No. 649, on the motion to suspend the rules and agree to H.R. 1121, the

Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009, I would have voted "yea."

EARMARK DECLARATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: U.S. Representative JUDY BIGGERT

Bill Number: H.R. 3326

Account: RDTE, DW

Legal Name of Requesting Entity: Advanced Diamond Technologies, Inc.

Address of Requesting Entity: 429 B Weber Road No. 286, Romeoville, IL 60446

Description of Remarks: Provide an earmark of \$2,500,000 for the development of wearable diamond-based MEMS biosensors for real-time detection of weaponized pathogens in Romeoville, Will County, IL.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Ms. GRANGER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I, Kay Granger, submit the following information regarding earmarks I received as part of H.R. 3326, the Defense Appropriations Act for fiscal year 2010.

For the priority titled "Army National Guard UH-60 Rewiring Program" which received \$10 million in H.R. 3326, Army Utility Helicopter Mods account, the legal name and address of the receiving entity is InterConnect Wiring, 5024 West Vickery Blvd, Fort Worth, TX 76107. The UH-60 rewiring program is a vital recapitalization of critical aviation assets within the Army National Guard. Replacing Kapton insulation used in aircraft wiring harnesses during modification, work order and retrofit is a key component. After many years of use, Kapton insulation becomes old and brittle and can lead to wet or dry arcing. Arcing can lead to intermittent or catastrophic failures. The only solution for this potential problem is to replace the wiring harnesses with new wiring harnesses. The rewiring of aging UH-60 aircraft will ensure a single, standardized aircraft configuration, reduce extensive maintenance time requirements needed to isolate electrical malfunctions, and enhance operational safety due to the age of the wire within these aircraft.

For the priority titled "Nautilus: Multi-Mission Unmanned Surface Vessel" which received \$2.5 million in H.R. 3326, Navy Force Protection Applied Research account, the legal name and address of the receiving entity is Elbit Systems of America, 4700 Marine Creek Park-

way, Fort Worth, TX 76179. This priority makes the 77 ft Sea Lion stealthy, semi-submersible craft into an unmanned surface combat craft with multiple sensors and weapons, operated from a Remote Control Station. The mission modules will have full range of flexibility to include E/O IR, LASER Designation/Range Finder, data links and satellite communications, electronic warfare package, stabilized remotely controlled gun, short/medium range missiles, disposable UAVs and non-lethal weapons. Nautilus represents a major step in the introduction of large scale, fully weaponized unmanned surface vehicles into the US Navy. Investment in this priority will enable achieving operational capabilities comparable with those of much larger and complex platforms, but without the risk to personnel/naval assets and at a much lower operational cost.

For the priority titled "Remote Aiming and Sighting Optical Retrofit (RASOR)" which received \$3.8 million in H.R. 3326, Marine Corps Ground Combat/Supporting Arms Systems account, the legal name and address of the receiving entity is L-3 Electro-Optical Systems Division, 3414 Herrman Drive, Garland, TX 75041. RASOR will significantly extend the service life of the currently fielded AN/PVS-14 NVD, while accelerating the fielding of next generation mission essential imaging technology. It also provides a very affordable path for image fusion technology mandated by combat developers that will enable future improvements in tactics, techniques, and procedures. At the same time, RASOR will allow the Marine to maintain positive control (both hands on the weapon) and fully operate the weapon in a stand-off fashion with increased safety, mobility, and agility, while reducing the combat load. By presenting and fusing the imagery from each sensor, the user will be able to see around corners without being exposed to enemy fire and remotely view weapon sight imagery. Situational awareness will be dramatically improved as well as the ability to detect, recognize, identify, and accurately engage targets. Overall, RASOR will significantly increase the user's survivability and mission effectiveness.

For the priority titled "Recovery, Recycle, and Reuse (R3) of DOE Metals for DoD Applications" which received \$2.4 million in H.R. 3326, Army Weapons and Munitions Advanced Technology account, the legal name and address of the receiving entity is e-PEAK INC, 311 Diamond Oaks Drive, Weatherford, TX 76087. R3 provides an efficient, low cost method of obtaining lightweight specialty metals that are used in advanced armors, vehicles, and weapon systems. It provides technologies that allow for the safe, secure, and environmentally sound recovery and reuse of more than one million tons of discarded metals currently stockpiled at DOE facilities.

For the priority titled "Vision Integrating Strategies in Ophthalmology and Neurochemistry (VISION)" which received \$4 million in H.R. 3326, Army Research, Development, Test And Evaluation account, the legal name and address of the receiving entity is University of North Texas Health Science Center, 3500 Camp Bowie Blvd, Fort Worth, TX 76107. The research performed by the VISION team will target the various causes and

effects of visual damage resulting from both ocular injuries and eye exposure to the elements during combat operations. This research will be used to develop compounds and novel therapeutic strategies to more quickly return an injured warfighter to his unit. More significantly, the goal is to have the Services be able to equip warfighters and combat medical personnel with therapy solutions that can be (1) administered preventatively, (2) self-administered or (3) easily deployed and administered in the field. This will enable the effective delivery of therapies that take advantage of the narrow time window that eye injuries have for most effective treatment once damage has occurred. In addition, the development of effective treatments for these conditions could save the U.S. government hundreds of millions of dollars annually in preservation of combat readiness, improvement of the visual performance of re-enlisting soldiers and in reduction of long-term health care related costs.

For the priority titled "Flashlight Soldier-to-Soldier Combat Identification System (FSCIS)" which received \$4.5 million in H.R. 3326, SOCOM Special Operations Technology Development, the legal name and address of the receiving entity is ATR Electronics, 109 Ridgmont Ave, San Antonio, TX 78209. Friendly Fire (FF) is a serious problem for the U.S. military and its coalition partners. FF incidents occur frequently and cause unnecessary death and injury, and it weakens the resolve of some coalition partners. Per capita, U.S. FF casualties increased 300 percent during the 2003 Iraq invasion phase compared to 1991 Desert Storm. Efforts to reduce FF casualties through doctrine, training, and Blue Force Tracking have not succeeded. The Flashlight Soldier-to-Soldier Combat Identification System (FSCIS) RDT&E priority develops 13-prototype M4 rifle mounted/body worn radio communication devices that immediately identify friendly soldiers and equipment at the point of engagement. Follow-on Flashlight antennas can be mounted on vehicle platforms (tanks, etc.) and aircraft to create a single-system Combat ID capability that can be integrated into advanced communications systems. Congress provided \$2M in FY 2008 and \$5.6M in FY 2009 RDT&E funding. USSOCOM is the FSCIS sponsor.

For the priority titled "Field Deployable Hologram Production System" which received \$4.5 million in H.R. 3326, Army Military Engineering Advanced Technology, the legal name and address of the receiving entity is Zebra Imaging, 9801 Metric Boulevard, Suite 200 Austin, TX 78759. The Field Deployable Hologram Production System is needed by DOD to reduce the time now required to provide 3D imagery to deployed combat forces in Iraq and Afghanistan for intelligence and operation planning.

For the priority titled "Mobile, Oxygen, Ventilation, and External (MOVES)" which received \$3.4 million in H.R. 3326, Navy Medical Development account, the legal name and address of the receiving entity is SVTronics, 3465 Technology Drive, Plano, TX 75074. MOVES will provide critical life-saving capabilities to combat casualties in the field, and significantly reduce logistical costs and hazards. The MOVES anesthetic module will also elimi-

nate the waste, work hazards, and need for additional training associated with anesthetic delivery technology currently used in field hospitals.

For the priority titled "Mobile Firing Range" which received \$1.5 million in H.R. 3326, Army Training Devices, Nonsystem account, the legal name and address of the receiving entity is Texas Army National Guard, PO Box 5218, Austin, TX 78763. Currently there is no opportunity to fire weapons for training or qualification without traveling to a certified range on a military installation. The TXANG Guard currently does not have access to any indoor ranges that can be used to fire the M16/M4 which is the current armament for 90 percent of the soldiers within the Texas Army National Guard. The Mobile Firing Range will allow soldiers to train with their assigned weapons at home station. The value added is soldiers can train more than once a year during their annual qualification. The ability to have mobile ranges allows them to be collocated as needed to support deploying unit needs. This system is a training and force multiplier due to the negation of travel and lodging, and staging needed when conducting this training on a military facility.

For the priority titled "Intelligent Energy Control Systems" which received \$3 million in H.R. 3326, Army Electronics And Electronic Devices account, the legal name and address of the receiving entity is Williams Pyro, 200 Greenleaf Street, Fort Worth, TX 76707. This priority fully supports the Army Science and Technology Master Plan which requires focus on Logistic technologies that reduce logistics demand and technologies that reduce demand for consumables such as fuel and enhance the nation's assurance of sufficient energy for Army missions. Additionally, this is a follow on Priority to a Phase II award for the Small Business Innovative Research.

For the priority titled "NSW Protective Combat Uniform" which received \$2.5 million in H.R. 3326, Special Operations Forces Operational Enhancements account, the legal name and address of the receiving entity is Naval Special Warfare Development Group, 1636 Regulus Ave, Virginia Beach, VA 23461. This is an unfunded priority for the community. The use of the Protective Combat Uniform will reduce the detectability of SEALs by enemy forces. The textiles used in the PCU ensemble address signature reduction against visual and near-infrared sensors.

For the priority titled "Women In Military Service For America Memorial Foundation" which received \$2 million in H.R. 3326, Administration And Servicewide Activities account, the legal name and address of the receiving entity is Women In Military Service For America Memorial Foundation, 200 N Glebe Rd Ste 400, Arlington, VA 22203. The purpose of this funding is to bridge the difference between operating and maintenance expenses and the funds raised by the Women's Memorial Foundation to pay those expenses so that the Memorial and the Foundation can continue in operation. Without this funding, it will be impossible for the Foundation to stay in operation and keep the Women's Memorial open as one of the Mall's major Memorials. The Foundation is the only place in the country solely dedicated to researching and making

available to DoD and Veterans Affairs officials, other government agencies, various organizations, and other interested persons, information about the history and achievements of military women. It is a source of strong, positive female role models for young boys and girls. About 200,000 people from around the world visit the Memorial each year and some 2.0 million have visited it to date. The Memorial has been designated as a "Safe Haven" in the event of a catastrophe in the District of Columbia or Northern Virginia as well as a site potentially being used as a command post by Homeland Security in the event of a disaster in this same area. The Memorial and the Foundation with its unique archive and collection of artifacts is one of the Nation's treasures and must be kept in operation.

For the priority titled "Portable Sensor for Toxic Gas Detection" which received \$2.6 million in H.R. 3326, Army Missile Technology account, the legal name and address of the receiving entity is General Atomics, 3550 General Atomics Ct., San Diego, CA 92121. The Portable Sensor for Toxic Gas Detection priority will save lives and tax dollars by delivering to the soldier on the battlefield a single, hand-held detector that can sense any combination of several toxic chemical weapon vapors in less than harmful concentrations. Currently, a separate team is dedicated to sensing and reporting deadly concentrations of chemical weapons on the battlefield. This was an acceptable model in battles past. The asymmetric tactics of today's enemy demand a more prevalent and protective sensor capability for our men and women in the urban warfare environment. This priority will deliver that needed capability required today and in the future.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010:

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3326, the Department of Defense Appropriations Act, 2010

Account: 35 0603513N Shipboard System Component Development

Legal Name of Requesting Entity: Eaton Corporation

Address of Requesting Entity: 1000 Cherrington Parkway; Moon Twp., 15009

Amount: \$600,000

Description of Request: Funding will be used to develop a new 100 amp breaker that will complete a family of current limiting AQB circuit breakers used in electrical distribution systems onboard Navy combatant vessels. The new breaker will save size and weight, will eliminate the need for current limiting fuses, and will enhance both the survivability of the electrical system and the survivability of

the ship's mission. The Navy presently uses current limiting electronic trip AQB circuit breakers in its electrical distribution systems at the 250 amp, 400 amp and 800 amp frame sizes. Missing from this family is a 100 amp frame size breaker. The new 100 amp AQB current limiting breaker will eliminate the need to use current limiting fuses and fuse bases. This will save about 30% space and weight. Circuit breakers can be re-closed after clearing a fault condition in the electrical system instead of the present situation wherein fuse units must be physically replaced. This enhances the survivability of the electrical system, which therefore enhances the survivability of the ship's mission. There are also logistic support savings. The funding will be used to militarize and shock harden an existing COTS commercial circuit breaker and to perform Navy QPL qualification testing.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported. The High-Shock 100 Amp Current Limiting Circuit Breaker appropriation is of particular interest to my district and importance.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3326, the Department of Defense Appropriations Act, 2010 D

Account: 50 0603734A Military Engineering Advanced Technology

Legal Name of Requesting Entity: PPG

Address of Requesting Entity: 4325 Rosanna Drive; Allison Park, PA 15101

Amount: \$2,000,000

Description of Request: The objective of this program is to leverage nanotechnology to develop low cost multifunctional materials to be used to effectively treat and purify water for potable supply or return of wastewater. Water conservation and the demand for clean drinking water have and will continue to increase globally and many parts of the world are under stress in the ability to supply potable water to the masses. Water transportation is a significant logistical burden in the deployment of forces in the global war on terror.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported. Nanotechnology for Potable Water and Waste Treatment appropriation is of particular interest to my district and importance.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3326, the Department of Defense Appropriations Act, 2010

Account: 16 0603123N Force Protection Advanced Technology

Legal Name of Requesting Entity: Curtiss-Wright

Address of Requesting Entity: 291 Westec Drive; Mt. Pleasant, PA 15666

Amount: \$3,600,000

Description of Request: The Navy has unique requirements for high power density, low weight, low distortion and noise, high efficiency, high reliability, and reduced maintenance on its next generation electric drive ships. The service has been funding develop-

ment of various propulsion motors for years, and has recognized the value of concurrently supporting development of the required motor drive to maximize system effectiveness. This project would support development of an advanced motor drive technology that is projected to improve system power density by a factor of 3 to 5 and reduce weight by a factor of 3 over commercially available drive systems; and reduce system losses approximately 2-3%. High Power Density Motor Drive technology is based on proven power conversion techniques that have been used for several decades in icebreaker and cruise ship propulsion systems. Integration with complementary Navy motor development efforts will open up considerable advantage on the design of a complete Navy "system", optimized for high demands of propulsion. This combination of motor drive with ongoing motor technology development will support all Navy requirements and enable usage of solid-state power electronic motor drives throughout the Navy combatant fleet. Requested FY10 funding would support design completion, manufacture and subscale proof of concept demonstrations of a ship-worthy propulsion motor drive system.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The High Power Density Motor Drive appropriation is of particular interest to my district and importance.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3326, the Department of Defense Appropriations Act, 2010

Account: 35 0603513N Shipboard System Component Development

Legal Name of Requesting Entity: Converteam Inc.

Address of Requesting Entity: 610 Epsilon Drive; Pittsburgh, PA 15238

Amount: \$2,000,000

Description of Request: The Integrated Power System Converter (IPSC) forms the heart of the Navy initiated Integrated Power System (IPS) concept, and this development will provide significant advantages in size, weight and cost reduction across all IPS equipment. In addition, this system will significantly simplify the insertion of advanced weapons. The IPSC consists of power electronics configured to control the performance of ship propulsion motors, ship service distribution and high power weapons or sensors. Additional funding is required in 2010 to construct and test a relevant scale prototype, thereby increasing the Technology Readiness Level that is required for insertion into a Navy Acquisition program.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Integrated Power System Converter (IPSC) appropriation is of particular interest to my district and importance.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3326, the Department of Defense Appropriations Act, 2010

Account: 172 0708045A End Item Industrial Preparedness Activities

Legal Name of Requesting Entity: National Center for Defense Manufacturing and Machining (NCDMM)

Address of Requesting Entity: 1600 Technology Way; LaTrobe, PA 15650

Amount: \$2,000,000

Description of Request: NCDMM was established in 2003 to address the DoD need for manufacturing expertise to reduce overall defense program costs (initial development and sustainability costs). NCDMM identifies specific defense manufacturing operations for improvement and implements more modern technology, resulting in reduced costs, shorter lead times and/or enhanced quality of manufactured components. While working with government facilities and large defense companies, outsourcing opportunities arise which are directed to the NCDMM Manufacturing Consortium, consisting primarily of local shops in Western Pennsylvania. Funding will cover four primary core activities including: 1) support of the Manufacturing Consortium and the VOICE program, which receives no other funding; 2) supplement training programs, which benefit local shops and the U.S. industrial base in general; 3) provide for overhead and management of the organization; and 4) remaining funding will be directed to the NCDMM annual Project Call that enables NCDMM to find new opportunities and engage with new DoD customers.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The National Center for Defense Manufacturing and Machining appropriation is of particular interest to my district and importance to my constituents.

EARMARK DECLARATION

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. MCCARTHY of California. Madam Speaker, pursuant to the Republican Leadership guidelines on earmarks, I am submitting the following information regarding earmarks I requested that were included as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Navy (Marine Corps)

Legal Name of Requesting Entity: California Polytechnic State University

Address of Requesting Entity: 1 Grand Avenue, San Luis Obispo, CA 93407

Description of Request: \$3.5 million was included for the California Central Coast Research Partnership to continue existing projects and undertake new projects in specific research focus areas in conjunction with

Office of Naval Research priorities, including power & energy; operational environments; maritime domain awareness; information analysis and communication; Naval warrior performance and protection; survivability and self-defense; and platform mobility. This project is expected to support research for the Department of Defense, while supporting Cal Poly's science and engineering faculty and students.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Navy

Legal Name of Requesting Entity: Electronic Warfare Associates, Inc

Address of Requesting Entity: 400 West Reeves Street; Ridgecrest, California 93555

Description of Request: \$2 million is included for the Navy Advanced Threat Simulator (NATS) to develop an advanced threat simulator to support development and testing of new electronic warfare systems that will operate against the latest threat surface-to-air missile systems currently being deployed in potentially hostile areas of the world. This project is expected to result in a more robust self-defense capability for our Naval aviators, upgrade China Lake's testing and training ranges, and continue to support local jobs in Ridgecrest.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Navy

Legal Name of Requesting Entity: Advatech Pacific, Incorporated

Address of Requesting Entity: 2015 Park Avenue, Suite 8, Redlands, California 92373

Description of Request: \$2 million is included for the Flow Path Analysis Tool (FPAT), to continue development of a state-of-the-art ramjet/scramjet analysis tool for military (Army, Navy, and Air Force) and NASA applications. FPAT is expected to save millions of dollars by evaluating feasibility, predicting performance, and eliminating non-viable or too costly design concepts without having to actually build them (or scale models of them) for testing.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Navy

Legal Name of Requesting Entity: AAI Corporation

Address of Requesting Entity: 124 Industry Lane, Hunt Valley, Maryland 21030.

Description of Request: \$2 million is included for the Next Generation Electronic

Warfare Simulator (NGEWS), to provide simulation support for the EA-18G's advanced Electronics Surveillance Measure capability. The F/A-18 Advanced Weapons Lab at China Lake, California is expected to use this capability to more efficiently complete their mission of testing the EA-18G and save money by optimizing lab testing rather than flight testing.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Air Force

Legal Name of Requesting Entity: Aerojet-General Corporation

Address of Requesting Entity: PO Box 13222, Sacramento, CA 95813-6000

Description of Request: \$1.5 million is included for Test Stand 2-A technical improvements to be used for technical improvements to test stand connections or interfaces at the Air Force Research Laboratory's Propulsion Directorate at Edwards Air Force Base, allowing testing of next generation launch technologies while lowering the cost of putting payloads into orbit. This test stand is a national asset, and these modifications will help to ensure thorough testing of the next generation of re-usable launch vehicles that leverage advanced domestic propulsion technology.